

'Mom' Tells Jury "I Cut Someone," Spence Says

By CAMELIA FOSTER

Word that a surprise witness was going to testify in the David Wayne Spence capital murder case Wednesday afternoon spread through the courthouse that morning and 54th District courtroom was almost filled when Dorothy Mae Miles took the stand.

Mrs. Miles a former neighbor of Spence, who he called 'mom', said he was a current visitor in her home during the summer of 1982, when the defendant is alleged to have killed three teenagers in a case of murder-for-hire.

"David came to my house late on Friday (after the killings) wanting to

sleep on my living room floor, the next morning he was very nervous and depressed and he appeared to be deep in thought," Mrs. Miles said. "This was not like David, I thought the world of him, he was usually jolly and carefree."

"He kept looking out the window every time a car went down the street, like he was waiting for it to stop," she told a quiet courtroom.

"The last week in July he came over to spend the night again, he was still nervous and acting strange," the mother of two daughters said, "I asked him what was wrong, he replied, "I'm kinda in trouble, done something,

just forget it."

He kept coming over but 'never acted right again.' She told the jury, in answer to questions from District Attorney Vic Feazell.

"He was very down in the dumps, wouldn't talk and he looked real bad to me," Mrs. Miles said.

In answer to my questions, he said, "I have done something bad, I think I killed somebody, then he told me to drop it, I did, because it made me kinda sick."

"In September he told me again he had done something bad, he said, 'I cut somebody.'" I asked if they were alive or dead and he said he did not know.

David was still drinking,

and he drank more that summer than I ever seen him drink before.

Asked by Feazell why she was testifying Mrs. Mills said "I love David and I want to tell the truth."

Mrs. Miles was trembling and dabbing at her eyes throughout her testimony.

Under cross examination by court-appointed attorney for Spence, Russ Hunt, asked Mrs. Miles if it was true that David went to jail in September for cutting someone that had nothing to do with the lake murders, she responded yes.

Spence was found guilty in 1983 of sexually assaulting a male teenager and was sentenced to 90

years in the penitentiary. The case is now on appeal.

Hunt also questioned Mrs. Miles about David's girlfriend Christie who had left him and if he had not started drinking a lot and making strange statements. She answered yes.

Spence is on trial for the murder of Jill Montgomery, a 17 year-old Waxahachie resident.

He has also been indicted in the deaths of Raylene Rice of Waxahachie and Kenneth Franks of Waco.

Feazell in an opening statement to the jury Monday morning said the state would prove that Spence and others charged with the deaths, Anthony

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Spence Says-"Deeb Did It"

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Melendez and his brother Gilbert Melendez were hired by Muneer Moham-med Deeb to kill a Gayle Kelly but instead killed Miss Montgomery, who looked like Miss Kelly in- stead and Rice and Franks, on July 13, 1982. Deeb is facing the same charges.

Regina Rosenbaum, a 20 year-old expectant mother testified that Spence had said in her presence one night in his Northwood apartment that he and some friends had been harassing some girls at the lake and when they got mad, had tied them up and raped them.

Both Mrs. Miles and Ms. Rosenbaum testified they had seen Spence with Gilbert Melendez that summer.

Cynthia Bernal and Ray Payne testified they were awakened from sleep at their Northwood apart- ment about 3 p.m. on August, 1982 by Spence rining their doorbell.

Payne said he was a foreman at Burke's Aluminum at 1501 Herring and David was working there at the time.

Payne said when Spence came in he said, "Lucky did it again."

"He was very upset, ac- ting different and said "he did it at the lake, he killed again. Lucky had killed Gail Beth like Jill and the kids at the lake."

Spence had heard on the radio about a young woman named Gail whose body had been found in Axtell.

After we got to work Spence went across the street to see Deeb, at the Rainbow Drive In, Payne testified.

Later Deeb came to the shop and I couldn't hear what they were saying because of a running motor, but after Deeb left I asked Spence what was going on.

"Spence had accused Deeb of killing this Beth in Axtell and the kids at the lake," Payne said.

"I heard Deeb tell Spen- ce to keep his mouth shut," Payne told the jury. "They were arguing and it was pretty serious."

On Tuesday Dallas pathologist, Dr. Mary Gilliland testified Jim Mon- gomery had been stabbed with a sharp instrument 14 times on her left breast and had two long cutting wounds on her neck. Nine of the wounds on her chest penetrated into the chest cavity and lung. An autopsy revealed that she was a

healthy young woman and that she has sustained a blunt injury to her vagina, a forcible penetration although there was no semen.

Dr. Gilliland said the death had apparently oc- curred sometime in the late evening prior to the day of discovery on July 14, because of the ants and maggots present on the body.

"None of the wounds were instantly fatal, she could have lived up to one hour after the stabbing but a person in her condition would have been uncon- scious," Dr. Gilliland said.

The Dallas Forensic Lab employee, said she had also studied Forensic Or- dontology, a study of bite marks, and after viewing the picture of Jill again in January, 1984, said there appeared to be three bite marks on the body of the victim, one on her back, one on the back of the right shoulder and one on the left breast nipple. The nip- ple was bitten off.

The state is expected to bring an orthodontologist specialist from Albuquerque next week to testify that the bite marks were made by Spence.

Nancy Shaw, mother of Jill, testified on Tuesday that her daughter was in the Methodist home because she suffered from a form of dyslexia and was taking advantage of the home's special program in that field. Mrs. Shaw said her daughter had improved her school grades and was preparing to enter her senior-year at Waxahachie high school.

Mrs. Shaw has been present in the courtroom, since the trial began Mon- day. The case is expected to take another three weeks.