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Ex-neighbor: Spence was 'depressed'

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A Waco woman called "Mom" by capital murder defendant David Wayne Spence testified Wednesday that Spence became nervous and depressed shortly after the bodies of three teen-agers were discovered near Lake Waco and confessed to her that he thought he had killed someone.

Dorothy Miles, a former neighbor of Spence who has known him for eight years, said Spence's behavior changed drastically after the bodies of Jill Montgomery, Raylene Rice and Kenneth Franks were found at Speepleville Park on July 14, 1982.

Spence, 25, is on trial in 54th State District Court in the death of Miss Montgomery. He also faces capital murder charges in the

Woman testifies on mood change

deaths of the other teens.

Mrs. Miles, who said she "thinks the world of David," said Spence would visit her practically every weekend while they were neighbors. On the weekend following the Lake Waco slayings, Mrs. Miles said that Spence acted depressed and appeared to be "deep in thought."

"He seemed very nervous," Mrs. Miles said. "He was usually jolly and carefree, but he was very tense. He said he was just uptight from lack of sleep, but whenever he would hear a car come down the street, he would jump up and look out the window to see if it

was going to stop in front of the house. I had never seen him act like that before."

Spence returned to Mrs. Miles' residence during the last week of July, she said, and again, "was not acting like himself." She said that when she asked him what was wrong, he said that he was in trouble and had done something bad.

Spence visited again during the second week of August, and was "very, very down in the dumps," Mrs. Miles said. She said his drinking increased and "he looked real bad to me."

"I asked him what was wrong, and he said

he had done something bad. He said, 'I think I killed somebody,' and I said, 'Don't you think you would know if you killed somebody or not?' But he told me to drop it, so I did. It made me feel sick to my stomach," Mrs. Miles said.

On two occasions, Mrs. Miles said that Spence was accompanied to her residence by Gilbert Melendez, another of the four defendants charged in the triple homicides.

Melendez's brother, Anthony, 25, pleaded guilty last week to two counts of murder in the deaths of Miss Montgomery and Franks and was assessed two life prison terms. He is expected to testify against Spence, court officials have indicated.

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Former neighbor recalls Spence mood change

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During a visit in early September, Mrs. Miles said that Spence admitted that he had "cut somebody." When she asked him if that person were dead, Spence said that he did not know.

Under cross-examination from court-appointed defense attorney Russ Hunt, Mrs. Miles confirmed that Spence had gotten into trouble before for assaulting someone with a knife, and said it had nothing to do with the lake killings.

Spence is serving a 90-year prison term for a March 1983 aggravated sexual assault conviction. He was convicted of forcing an 18-year-old Waco man at knifepoint to have sexual relations with Gilbert Melendez in September 1982.

Melendez, 29, was sentenced to seven years in prison after pleading guilty to the sexual assault.

Spence's aggravated sexual assault conviction will not be admissible during his capital murder trial because it is being appealed and does not count as a final conviction.

District Attorney Vic Feazell asked Mrs. Miles, whose voice trembled throughout much of her testimony, why she testified against Spence, and she said, "Because I care about David very much. I do love him and I want to tell the truth."

In other testimony Wednesday, Regina Rosenbaum testified that Spence bragged about tying up two girls and raping them in late July 1982.

She said that she and three men met Spence at a store and the group went back to Spence's apartment to drink beer and to talk.

She said the topic of conversation soon shifted to women and Spence told of how he and some friends were flirting with "two chicks." He said the girls got mad at the men, so to "teach them a lesson," the men tied the girls up and raped them, Ms. Rosenbaum said.

"It's not every day that you hear somebody talk about raping somebody," Ms. Rosenbaum told defense attorney Hayes Fuller when asked if Spence might have been engaging in "man talk."

"It would take a pretty wild imagination to make up something like that," she said.

Also Wednesday, Cynthia Bernal and her former husband, Ray Payne, testified that they were awakened about 3 a.m. one morning in August 1982 by a frantic Spence, who was upset that a girl named Gail (Gail Beth Bramlett) had been found dead near Axtell.

Prosecutors have stated that they intend to prove that Muneer Mohammad Deeb, nicknamed "Lucky," hired Spence to kill Gayle Kelly, Deeb's former girlfriend who closely resembles Miss Montgomery.

Payne testified that Spence woke them up and accused Deeb of killing the girl he called Gail the way he claimed Deeb had killed the triple homicide victims.

"Spence said, 'Lucky did it again. Just like he killed Jill and them at the lake,'" Payne said.

Payne, who worked with Spence at Burke Aluminum Products, said he heard Deeb and Spence arguing the following day because Spence had accused Deeb of involvement in the Lake Waco slayings and in Miss Bramlett's death.

In other testimony, Todd Childers and Clifford Oliver testified that they went to Spence's residence at the Northwood Apartments about 1:30 a.m. on July 14, 1982, and Spence appeared to be asleep. When they asked him what he had done earlier in the evening, he told them that he had been out at the lake.

Both men testified that Spence appeared calm and that neither saw bloodstains or evidence of foul play at his apartment.