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Pathologist testifies in trial

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A pathologist with the Dallas County Medical Examiner's office said Tuesday that 17-year-old Jill Montgomery could have lived as long as an hour before succumbing to the effects of multiple stab wounds on the night that she, Raylene Rice and Kenneth Franks were abducted from Lake Waco's Koehne Park.

Dr. Mary Gilliland, who performed autopsies on the victims on July 15, 1982, was among eight witnesses, including an emotional Nancy Shaw, Miss Montgomery's mother, who testified in 54th State District Court during the second day of testimony in the capital murder trial of David Wayne Spence.

Spence, 25, is charged with three counts of capital murder in the Lake Waco triple slaying but is being tried first for Miss Montgomery's death.



David Spence

Dr. Gilliland told a jury of eight women and four men that none of the 14 stab wounds to Miss Montgomery's chest or the slashing cut to her throat caused immediate death, and added that the Waxahachie resident probably lost consciousness minutes after the initial attack.

Dr. Gilliland said that nine of the chest wounds penetrated Miss Montgomery's heart and lungs, and that other injuries found on the body included two hand wounds, termed "defensive injuries" by the doctor.

McLennan County District Attorney Vic Feazell told jurors Monday that the state will produce evidence to indicate that the victims were tortured, and he said the female victims were bitten and sexually assaulted.

But pathologists at the Dallas institute did not discover the bite marks during the performance of the autopsies, Dr. Gilliland said. It was not until Assistant District Attorney Ned Butler pointed out the teeth marks on the necks and chests of the victims in January 1984 that Dallas pathologists verified the

wounds comprising "a collection of injuries" contained bite marks, she said.

Prosecutors are expected next week to link those bite marks with teeth samples taken from Spence through the testimony of a forensic dental specialist from New Mexico.

Mrs. Shaw told jurors that her daughter became a resident of the Waco Methodist Home because Miss Montgomery suffered from a "form of dyslexia" and wanted to take advantage of the home's special programs designed to improve reading skills.

She said the learning disability made it difficult for Miss Montgomery to pass her studies at Waxahachie schools and she soon lost interest in school and became a truant.

But after a year in the Methodist Home program, her grades improved and she was looking forward to returning home for her senior year at Waxahachie High School, Mrs. Shaw said.

While at the Waco facility, Miss Montgomery met and fell in love with Franks, also a resident of the home, said Mrs. Shaw, who was overcome by emotion several times during her testimony.

Also Tuesday, Sidney Smith, a construction worker, said he and his brother-in-law, Joseph Chambers, were on their way to a new fishing spot at Lake Waco about 5 p.m. on July 14, 1982, when they drove up on Franks' body, dumped near a dirt road at Speegleville Park.

Smith said he and Chambers thought the body was someone's idea of a practical joke at first but soon realized that they had discovered a homicide victim.

Franks was bound, gagged and had been stabbed 19 times in the chest and once in the neck, autopsy reports revealed. After discovering the body, Smith and Chambers notified McLennan County Deputy Constable Gene Thorpe, who lived at the entrance of the park.

Thorpe followed the men to the scene and notified law enforcement officials, who arrived about 20 minutes later to begin what would turn out to be an 18-month investigation.

Spence, Muneer Mohammad Deeb, 25, Gilbert Melendez, 29, and Anthony Melendez, 25, each were indicted in the slayings in November.

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ber 1983. The younger Melendez brother pleaded guilty last week to two counts of murder in the deaths of Miss Montgomery and Franks and was assessed two concurrent life prison terms in a plea-bargain arrangement. He is expected to testify against Spence.

In other testimony, Waco police officer Brian Reynolds, the first officer on the scene after Thorpe reported the crime, Waco police Sgt. Bob Fortune and Justice of the Peace Joe Johnson described the procedures they undertook after authorities were notified that the bodies had been discovered.

Prosecutors introduced aerial photographs and drawings of Koehne and Speegleville parks and passed among the jury grisly photographs of the teen-agers' bodies.

During cross-examination from court-appointed defense attorneys Russ Hunt and Hayes Fuller, the officers were asked to describe in great detail their actions and other procedures taken by law enforcement officials at the crime scene.