

# Woman says killer raped her

## Witnesses called in punishment phase of trial

Associated Press

WACO — A 19-year-old woman testified Thursday in the punishment phase of David Wayne Spence's capital murder trial that she was bitten and raped by the convicted killer after he threatened her with a knife.

The Waco woman and three city police officers were called to the stand by prosecutors, who asked jurors to recommend that Spence be sentenced to die for the slaying of a 17-year-old girl.

Spence, 25, was found guilty of capital murder Tuesday after jurors deliberated two hours. He had been accused in the stabbing death of Jill Montgomery, a Waxahachie girl whose mutilated body was found next to two other slain teen-agers on July 14, 1982.

Still pending against Spence were murder charges for the slayings of Raylene Rice, 17, also of Waxahachie, and Kenneth Franks, 18, of Waco.

Spence faces life in prison or death by injection.

Prosecutors said they will attempt to call Waco psychiatrist James Jolliff to the stand Friday morning.

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*"He said, 'You be good to Chili, and Chili will be good to you.'"*

*—rape victim*

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Spence and Gilbert Melendez in September 1982.

The man testified that Spence cut him on the arms and the legs with a knife and forced him to have sexual

relations with Melendez. He also said Spence threatened him with a knife.

Dr. Clay Griffith, a Dallas forensic psychiatrist who said he had never examined Spence, was called to testify. District Attorney Vic Feazell reviewed Spence's past record and detailed the events of the lake murders. He told Griffith about the sexual abuse record and asked Griffith to formulate an opinion.

Griffith said the details fit an "anti-social personality of a severe type" and said that type of personality was limited to a few people.

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Spence was assessed a 90-year prison term in March 1983 after being convicted of aggravated sexual abuse in the assault on the 19-year-old man. Melendez, 29, also a defendant in the Lake Waco killings pleaded guilty to the sexual abuse charge and was sentenced to seven years in prison.

Prosecutors during the two-week trial called witnesses who testified that bite marks found on the bodies of Montgomery and Rice matched Spence's dental pattern.

In the punishment phase's first day, the Waco woman said she was raped in a city park in August 1982 by Spence, who insisted she call him "Chili," his street name.

"He said, 'You be good to Chili, and Chili will be good to you,'" she testified. She said she did not report the rape for about two weeks because she was afraid of retribution.

Out of the presence of jurors, Dr. James Jolliff, a Waco psychiatrist who interviewed Spence in April of 1983, said Spence asked him whether he thought he had a split personality and whether he thought he was an alcoholic. Judge George