

**TESTIMONY**

**OF**

**LISA KADER**

DIRECT EXAMINATION  
(OUT OF THE PRESENCE OF THE JURY)

BY MR. FEAZELL:

Q Your name is Lisa Kader?

A Yes, sir.

O Okay. Now, Lisa, I'm going to ask you a few questions, and then afterwhile, you may have to answer some more questions in front of the jury, okay?

A Okay.

Q Lisa, did you live in Waco in the summer of 1982?

A Yes, sir.

Q And during that time, did you have an occasion to meet a man named David Wayne Spence?

A Yes, sir.

O And do you see David Spence in the courtroom?

A Yes, sir.

O Is he the one sitting there in the grey suit between the two lawyers?

A Uh-huh.

Q Okay. Lisa, during the summer of 1982, were you raped by David Spence?

A Yes, sir.

O Now, I don't believe that was ever taken to trial or anything, was it?

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A No, sir.

Q You didn't call the police about the rape?

A No, sir.

Q Why didn't you?

A I was scared.

Q Scared of who? Scared of who?

A David Spence.

Q Okay. Did you later tell the police about the rape?

A Yes, sir.

Q And about when was it that you told the police?

A About August -- about in the middle of August. I don't remember the correct date. I just remember it was some-time in August.

Q All right. And when was it, thereabout, that you were raped by David Spence?

A On a Saturday. I don't remember the date.

Q Was it also in August?

A Yes, sir.

Q Early August?

A Yeah.

Q Okay.

MR. FEAZELL: Pass the witness, Judge.

CROSS EXAMINATION  
(OUT OF THE PRESENCE OF THE JURY)

BY MR. HUNT:

Q Lisa, how old are you?

A I'm 19.

Q How old were you at the time of this alleged rape?

A Seventeen.

Q Okay. And where is it supposed to have happened?

A At his house.

Q Where was that?

A It was close to the Methodist Home.

Q It was his house?

A Yeah. I think it was.

Q Do you know what street it was?

A No.

Q Okay. Was there anybody else there?

A No.

Q Just you and David?

A Yes, sir.

Q Okay. Did you talk to the police about it?

A Right after it happened?

Q Uh-huh.

A No.

Q Did you ever talk to the police about it?

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2 A Yeah. I talked to the detective later.

3 Q Which detective did you talk to?

4 A Detective Dennis Baier and...

5 Q Salinas? Maybe Salinas?

6 A No. It was another guy.

7 Q Do you remember what his name was?

8 A Sims. Simmons.

9 Q Simons?

10 A Yes.

11 Q Okay. When did you talk to Baier and Simons?

12 A About maybe a couple of weeks after it happened.

13 Q Okay. That's the first time you told any police officer  
14 about it?

15 A Yes, sir.

16 Q Did you tell anybody else about it before that?

17 A Yes, sir. I told my other girl friend that night.

18 Q Okay. Who was the girl friend?

19 A Faye Pearson.

20 Q Okay. After you told Baier and Simons, what was done  
21 about it?

22 A Well, nothing.

23 Q Why?

24 A I don't know. I just wanted to forget about it.

25 Q Did you tell them you just wanted to forget about it?

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2 A Uh-huh. Because I didn't want to start no trouble, and  
3 I was scared. I didn't want anybody coming looking for  
4 me, or anything. So, I just kept my mouth shut.

5 Q Did you keep your mouth? Or what did you tell them about  
6 it?

7 A What? The detectives?

8 Q Yeah.

9 A I just told them that we went out and --

10 MR. FEAZELL: Your Honor, I'm going to object  
11 to the witness, at this time, having to go into every-  
12 thing that she told the detectives. It's enough that  
13 there was an outcry.

14 THE COURT: I overrule the objection.

15 BY MR. HUNT:

16 Q What did you tell the detectives about it?

17 A I just told them the truth.

18 Q Which was what?

19 A Which was that I got sexually abused.

20 Q You got sexually abused?

21 A Uh-huh.

22 Q Okay. Now, explain to the Court what you're talking  
23 about, when you say you got "sexually abused".

24 A Well, I was made to have sex.

25 Q Tell me how David Spence made you have sex.

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A Well --

MR. BUTLER: Judge, I'm going to object to her having to preview the testimony for the Defense attorney on the admissibility.

MR. HUNT: Your Honor, there's no way I can question her without her having to answer these questions. I can't prove this up without her answering these questions.

THE COURT: I overrule the objection.

MR. HUNT: Thank you, Your Honor.

BY MR. HUNT:

Q Lisa, you can go ahead and answer my question.

A I was just scared. And I --

Q Why were you scared?

A Why was I scared?

Q Yes.

A Because he was talking -- he wasn't acting like the same guy that I had known at the store.

Q Okay. How long had you known him?

A Huh?

Q How long had you known him?

A I had just seen him a couple of times at the store.

Q Okay. And what do you mean, "He wasn't acting like the same guy"?

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A He just wasn't. He was acting like a completely different person.

Q Well, how was he acting like a completely different person?

A He was talking real different.

Q Like how?

A Well, he was saying -- he used the name "Chilly."

Q Okay.

A And he said "Chilly" don't hurt you, if you don't hurt me. And he was just talking, "Chilly" will be good to you, if you will be good to "Chilly." And he just had a real weird look in his eyes. He wasn't the same guy that I knew.

Q Okay. Up to that time, you had had sex with numerous people, is that correct?

A No.

MR. BUTLER: Objection, Your Honor. That's outside the scope.

THE COURT: Sustained.

BY MR. HUNT:

Q Had you ever had sex with any --

MR. BUTLER: Objection, Your Honor. That's not relevant.

THE COURT: Sustained.



BY MR. HUNT:

Q Tell me how it was that David -- you said David Spence scared you. Tell me what he said that scared you?

A Well, he talked about "The Reaper." And I didn't understand what "The Repeater" was.

Q Okay. What did he tell you about "The Reaper"?

A He just said, "Don't fear 'The Reaper'." And I figured it had something to do with the devil.

Q Okay. I won't -- what I'm looking for, Lisa, is, I want you to tell me what David did that made you so scared that you had sex with him?

A Well, for one thing, he had a knife.

Q Okay. What did he do with the knife?

A He just barely touched me on my chest.

Q Did he say he was going to kill you?

A No, sir.

Q Did he say he was going to cut you?

A I can't remember.

Q Okay. When did he produce the knife? Was that before or after ya'll had sex?

A Before.

Q Okay. Were you still clothed? Did you still have your clothes on?

A I had my shirt up.

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2 Q Okay. Now, had he raised your shirt, or had you raised  
3 your shirt?

4 A He raised.

5 Q Okay. Now, tell me how you happened to be there at  
6 David Spence's house?

7 A Well, we were just -- after we had left another location,  
8 we just went to his house.

9 Q Okay. Where were you on the other location? Where was  
10 that?

11 A Cameron Park.

12 Q What were you doing in Cameron Park?

13 A Just sitting and talking and drinking.

14 Q Smoking any pot?

15 A No, sir.

16 Q No drugs at all, is that correct?

17 A Not that I can remember.

18 Q Okay. What made you decide to go to David's house?

19 A I didn't decide anything, we just went there.

20 Q Okay. Didn't talk about it before?

21 A Not that I can remember. I remember us just showing up  
22 there.

23 Q Okay. Before you went there, did you understand that  
24 probably the two of you were going to make it together?

25 A I had no idea that we were going to be doing anything.

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Q Okay. So, you just went with David Spence, is that right?

A Well, it was me, David, and this couple in the back seat.

Q Okay. Who was the couple in the back seat?

A Faye and Robert Coleman.

Q Okay. Then, all four of you go in the house?

A Yes, sir.

Q Okay. What is the next thing that happened, when the four of you went in the house?

A We sat down for a little bit and drank a few beers. And, then, the two of them went in the bedroom.

Q Okay. "The two of them" meaning Faye and Robert Coleman?

A Yes, sir.

Q Okay. What were they doing in the bedroom?

A Having sex.

Q Okay. And what did you and David do while they were having sex?

A Well, he was being real -- well, aggressive.

Q David was being aggressive?

A Yeah.

Q What do you mean by that?

A Just bothering me.

Q Well, what do you mean by that?

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A Well, trying to get down in my pants and everything.

Q What were you doing?

A I was trying to fight it.

Q Okay.

A Because I was scared.

Q Did you holler?

A Well, not real loud. But I told him to leave me alone.

Q Okay. What did he do?

A He just said, "You be good to 'Chilly' and 'Chilly' will be good to you."

Q Okay.

A And kept on talking about "Chilly." And I kept on saying -- well, I would accidentally say "David," and he would get real -- say, "Don't call me 'David,' call me 'Chilly'. Don't you ever forget it."

Q Okay.

A And I go, "Okay."

Q Okay. Tell me what you did to resist him?

A Well, I just kept on scooting back and saying, "Would you please leave me alone." And I was just scared. I was real scared. And I didn't know -- I figured the best way to handle it was just to not get too paranoid or too upset.

Q What did Robert Coleman and Faye do? Did you cry out, so

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2 they could hear you?

3 A I went in there and I tried to tell them that he was  
4 acting strange. But they said, "Leave us alone," you  
5 know. And I go, "Okay."

6 Q Because they were having sex?

7 A Yeah.

8 Q So, apparently, you were able to get away from David? I  
9 mean, he wasn't grabbing ahold of you? You were able to  
10 walk in there, isn't that right?

11 A Yes, sir.

12 Q Okay. And, then, you went back to David. And what  
13 happened then?

14 A Well, he started biting on my chest area.

15 Q Okay. Did he bit you enough to make you bleed?

16 A He bit me enough to leave a mark.

17 Q For how long?

18 A A couple of weeks.

19 Q Okay. While he was doing what? What else was he doing?

20 A Had his hand down my pants.

21 Q Okay. What were you doing, during that time?

22 A I was just scared and trying to fight him, and I didn't  
23 know what to do. I had never been in that position  
24 before.

25 Q Were you hitting him?

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2 A Was I hitting him?

3 Q Uh-huh.

4 A I was scared to do anything, really.

5 Q Okay. But he didn't have a knife out, or anything, at  
6 that time?

7 A No.

8 Q Okay. Apparently, Robert Coleman and Faye didn't hear  
9 anything going on, is that right?

10 A Well, they got up and -- no, they didn't hear anything  
11 going on.

12 Q Okay.

13 A But they got up and they left immediately.

14 Q When did they leave?

15 A After they had sex.

16 Q Okay. And, then, you and David went in the bedroom?

17 A No. I tried to stop Faye from leaving. And she said,  
18 "Aw, I'll be right back." And they just went out the  
19 door.

20 Q So, she, apparently, didn't see any kind of a terrible  
21 threat, is that correct? She wasn't scared, was she?  
22 She didn't -- you didn't say, go tell the police?

23 A She didn't really care, at the time.

24 Q Okay.

25 A They were too busy going and getting another joint, so

1 they could get back.

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3 Q Okay. "Another joint." So, that, they had been smoking  
4 marijuana, is that correct?

5 A Well, they went to get it. I didn't see them smoking it.

6 Q Okay. Then you and David went in the bedroom?

7 A No. Then after that, I was really scared. And then --

8 Q Let me ask you this, Lisa, you didn't leave with Faye,  
9 did you?

10 A No, sir.

11 Q Okay.

12 A I was told not to.

13 Q You stayed there. You were told not to?

14 A Uh-huh.

15 Q Was any threat made to you?

16 A Yes.

17 Q What was the threat?

18 A I felt threatened.

19 Q You felt threatened. What did David say to you?

20 A He said I had better not go with Faye, to stay here with  
21 "Chilly."

22 Q Okay. And, so, you stayed there with "Chilly," is that  
23 correct?

24 A Yes, sir.

25 Q Okay. Then, how did you and David wind up in the bedroom?

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A I was scared into it.

O You were scared into it?

A Yes.

O Did David say, I'm going to slit your throat, if you don't go in there and have sex with me or something?

A No. He didn't. Earlier that night he had made remarks of going in the woods and stuff.

Q Of going in the woods?

A Uh-huh.

Q What does that mean?

A Well, I had thought about the killings, and I didn't want to go.

Q You didn't want to go?

A And he told me not to be afraid to die.

Q Okay. All right. So, you implied -- you received that as a threat, is that what you're saying?

A Yes.

Q Okay. So, you didn't go with Faye, and sometime after that, you and David had sex. Where were you when you had sex?

A In the bedroom.

Q Okay. How did you get in the bedroom? Did you walk back there?

A No. Actually, right before that, was whenever he was --



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He had the knife.

Q Okay.

A And he was playing with my chest.

Q Okay. And what did he say when he was playing with your chest, Lisa?

A He said, "You be good to 'Chilly' and 'Chilly' will be good to you."

Q Okay. Is that all he said?

A Yes. And I felt threatened and I felt scared.

Q Okay. What was he doing, when you said, "playing with" your "chest," you were talking about?

A He had a knife. And he had stuck a knife in the door. And, then, he started messing with my chest with another knife. And I felt like, if I didn't -- I was scared. I felt like if I didn't do anything, I would get killed.

Q Okay. What do you mean he was "messing with" your "chest"?

A He was just barely touching me with it. He wasn't poking me or anything with it.

Q Okay. What kind of knife was that?

A It was a kitchen knife.

Q A butter knife?

A A steak knife.

Q A steak knife?

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2 A Yeah.

3 Q Okay. How did you happen to get in the bedroom?

4 A I felt threatened, so I felt like I had to go in there.

5 Q Okay.

6 A Or else I was going to get hurt.

7 Q Did he grab you by the hand and drag you in there? Or

8 did the two of you walk in hand-in-hand? Or did you just

9 walk in there?

10 A I don't really remember, sir.

11 Q Okay.

12 A But I remember I felt threatened.

13 Q Okay.

14 A And I remember being made to have sex with him.

15 Q Okay. And how did he make you have sex with him?

16 A He hit me and called me a "bitch" and a "cunt" and a

17 "slut".

18 Q Okay. When did he do that?

19 A When we were having sex.

20 Q While you were having sex, he did that?

21 A Uh-huh.

22 Q What did he do before you were having sex?

23 A Before?

24 Q Yeah.

25 A He was scaring me and talking all kinds of crazy stuff

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about "Chilly."

Q What did he say?

A "You be good to 'Chilly' and 'Chilly' will be good to you. You cooperate."

Q Okay. Is that his word, "cooperate"?

A Yes, sir.

Q Or did he use a different word?

A I felt threatened.

Q Okay. You felt threatened?

A Because of "Chilly," and the way he was acting.

Q Okay. Then ya'll started having sex, and while you were having sex, he started slapping you and calling you names, is that right?

A Yes, sir.

Q But it was while you were having sex?

A Yes, sir. I was scared.

Q Where was the knife, during this time?

A The knife?

Q Uh-huh. Was it still in the door?

A There was a knife -- I don't remember what he did with the knife that he was playing with my chest with.

Q Okay. And what do you think he did with it?

A I figured that he still had it with him in the bedroom.

Q Well, did he have his clothes on, or something?

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2 A He took them off.

3 Q Well, then, how did you figure he had the knife, if he  
4 didn't have any clothes on?

5 A Because I had thought that he had had it in his pocket --  
6 back pocket.

7 Q Okay.

8 A He put it in his back pocket.

9 Q He had a back pocket, without having any clothes on?

10 A No. Before he took his clothes off, I thought he had  
11 put it back in his back pocket.

12 Q Oh, okay. So, then, ya'll went in the bedroom and  
13 started having sex. And during the time you were having  
14 sex, he started slapping you and calling you names, is  
15 that correct?

16 A Yes, sir.

17 Q Okay. And after you were finished having sex, what  
18 happened?

19 A Faye and Robert showed up. And I asked him if I could  
20 get my clothes on, and he said, "Yes. You was good to  
21 'Chilly,' so 'Chilly' ain't going to hurt you."

22 Q Okay. Now, did you get your clothes on?

23 A As quick as I could.

24 Q Okay. And, then, what happened?

25 A And, then, I went and made my way toward the car, and

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2 he tried to stop me.

3 Q Okay. Then what happened? How did he try to stop you?

4 A By saying he wanted to take me off somewhere, and he  
5 didn't want to take me back to the home unit.

6 Q Okay.

7 A Because he wanted to take me off. And I don't know. He  
8 didn't want to take me back, and he wanted to take me  
9 off somewhere far away. And it was scaring me. And I  
10 said, "Please, just take me home, I just want to go home."

11 Q Okay. Did he take you home?

12 A We stopped at the Amarillo Club.

13 Q Okay. What happened at the Amarillo Club?

14 A He just ran in and ran out.

15 Q Okay.

16 A And while he was in there, I tried to tell Faye and  
17 Robert how he was acting. And Robert was saying, "Just  
18 play your cards right and he won't hurt you."

19 Q Okay.

20 A So, that's what I did.

21 Q Okay. Then, did he take you back home?

22 A And, then, after that, yes, he did.

23 Q Okay. When did you tell Faye? Is it Faye that you told?

24 A Uh-huh.

25 Q And when did you tell her what happened?

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A That night.

Q Okay.

A And she didn't seem to care. And she just said, "Well, that mother fucker." And I said, "Well, do you think I should say anything? And she said, "Hell, no. You had better not, he'll come looking for your ass and he'll kill you, he's crazy."

Q Okay. So, you didn't tell any houseparents, or anything like that?

A No, sir.

Q Finally, a couple of weeks later you told the police, and the police didn't do anything about it?

A Yes. They did something about it. They wanted me to write a statement. And, so, that I did. And I didn't press any charges.

Q Did you tell them --

A Because I just didn't want any -- I just wanted to forget about it, and I just didn't want anybody to hurt me.

MR. HUNT: Your Honor, at this time, we would ask for the statement of the witness that was given to the policeman.

MR. FEAZELL: Your Honor, she didn't give a statement. She talked to the police and the police took some notes.

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2 THE WITNESS: Yes.

3 THE COURT: Did you give a written statement,  
4 or did you just talk to them and they took some notes?

5 THE WITNESS: I just talked to them and they  
6 took notes.

7 THE COURT: All right.

8 MR. HUNT: That's all the questions we have.

9 THE COURT: Did you have any other questions?

10 REDIRECT EXAMINATION  
11 (OUT OF THE PRESENCE OF THE JURY)

12 BY MR. FEAZELL:

13 Q Lisa, were you scared and were you crying?

14 A Yes, sir.

15 Q Did he slap you and pull your hair?

16 A Yes, sir.

17 Q Did he tell you to go into the bedroom?

18 A Yes, sir.

19 Q How did he tell you that?

20 A He said, "'Chilly' wants you to go in the bedroom. If  
21 you be good to 'Chilly,' 'Chilly' will be good to you."

22 Q Were you afraid?

23 A Yes, sir.

24 Q Why didn't you try to run out, or anything like that?

25 A Because I was afraid. I was afraid he would grab me and

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kill me.

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Q Okay. Why didn't you tell Faye and Robert when they were leaving what was going on?

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A Because I was afraid he would kill all of us.

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Q Okay. You were that scared of him?

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A Yes. I was.

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Q Okay.

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MR. FEAZELL: That's all, Judge.

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MR. HUNT: We don't have any other questions.

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But we would object to any of the testimony, based on the fact that it is not rape, as rape is defined by the statute, based on either one of the first two grounds. And that is, that there is no evidence that David Spence compelled her to participate by force. There is evidence that there was force used during the act of sex, but not prior to. There's no evidence of any force that was used that might overcome such earnest resistance that might reasonably be expected under the circumstances.

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So, we would object to that as any -- any introduction of any of this prior bad act of the Defendant.

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THE COURT: I overrule the objection.

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MR. HUNT: Your Honor, we would also object to any testimony of this nature, because it is violative of

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1 Defendant's rights to a presumption of innocence of the  
2 bad acts alleged, his right to be informed of the  
3 charges against him, and his right to confront witnesses,  
4 based on the Sixth and Fourteenth Amendments of the  
5 U. S. Constitution.

6 THE COURT: All right, sir.

7 And I overrule your objection.

8 Ask the jury to come back in.

9 (Whereupon, the jury was returned to  
10 the courtroom, and the trial con-  
11 tinued in the presence and hearing of  
the jury as follows, to-wit:

12 THE COURT: All right, go ahead.

13 MR. HUNT: Your Honor, prior to the questioning  
14 beginning by the State, the Defense will move to, first  
15 of all, exclude the testimony of this witness.

16 And, secondly, we're going to object to any of  
17 the questions asked and responses made, based on the  
18 fact that the questions and responses are going to vio-  
19 late the Defendant's right to a presumption of innocence  
20 of the bad act alleged by this witness, his right to be  
21 informed of the charges against him, and his right to  
22 confront witnesses, based on the Sixth and Fourteenth  
23 Amendments of the Constitution.

24 The Defendant would also urge the Court that  
25 this is violative of his due -- of the Due Process Clause

1 of the Fourteenth Amendment, in that it surprises the  
2 Defendant, that this witness is going to come forth, and  
3 violate his right to an impartial jury, as guaranteed to  
4 him by the Sixth and Fourteenth Amendments of the United  
5 States Constitution, in that he has not had an oppor-  
6 tunity to interrogate the jurors as to their prejudices  
7 or biases pertaining to the alleged acts of the Defendant,  
8 and of which evidence is now attempting to be presented.

9 We would urge the Court, on those bases, to  
10 exclude this testimony, and if the Court refuses to  
11 exclude this testimony, we would ask for a running bill  
12 on those bases.

13 THE COURT: All right.

14 I overrule your objections. I will grant you  
15 a running bill.

16 MR. HUNT: Your Honor, I would like to add to  
17 that fact, that none of this -- the Defendant was not  
18 given notice of any of these acts in the indictment that  
19 has been filed against him. And ask that that be  
20 included in the running bill.

21 THE COURT: All right, sir.

22 So granted.

23 MR. HUNT: Thank you, Your Honor.

24 THE COURT: Go ahead and ask your questions.

25 You have already been sworn.

FURTHER REDIRECT EXAMINATION

BY MR. FEAZELL:

Q He said, you're already under oath, and you remember that.

A Okay.

Q Okay. Now, I need for you to speak up loud enough so that everybody on this jury can hear you. All right?

A Okay.

Q I'm going to need for you to talk louder than that.

A Okay.

Q And address your remarks to the jury. Will you state your name, please?

A Lisa Janette Kader.

Q How old are you, Lisa?

A Nineteen.

Q Lisa, did you live in Waco, Texas, during the summer of 1982?

A Yes, sir.

Q And where were you living?

A At the Methodist Home.

Q You were a resident of the Methodist Children's Home during the summer of 1982?

A Yes.

Q Lisa, during the summer of 1982, did you have an occasion

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to meet a man by the name of David Wayne Spence?

A Yes, sir.

Q Did you know him well, or had you just seen him casually?

A Seen him casually.

Q Where was it that you saw him?

A At Rainbow's Drive-In.

Q Did you see him there very often?

A No, sir. Just -- well, yes, sir. He hung around there quite frequently.

Q Okay. And would you go over there to buy Cokes and cigarettes and things like that?

A Yes, sir.

Q Did you ever talk with David Spence over at the Rainbow store?

A No, sir.

Q Did you have an occasion to talk with David Spence later in the summer?

A Yes, sir.

Q Was that on a Saturday night sometime in early August?

A Yes, sir.

Q Tell the jury how you first came in contact with David Spence on that Saturday night?

A By a friend.

Q Okay. And what do you mean by "a friend"?

1  
2 A Faye Pearson set me up with him on a date.  
3 Q Okay. And who was Faye Pearson?  
4 A She was my roommate.  
5 Q At the Methodist Home?  
6 A Yes, sir.  
7 Q Was Faye Pearson also going out on a date?  
8 A Uh-huh.  
9 Q And who was she going out with?  
10 A Robert Coleman.  
11 Q Was this to be, then, a double date?  
12 A Yes, sir.  
13 Q Of sorts. Do you know whether or not Mr. Spence had been  
14 approved as a date out at the Methodist Home?  
15 A He was not approved.  
16 Q Okay. So, how is it that you came to go out with him  
17 that night?  
18 A Well, we said we was going out with Robert.  
19 Q "We" meaning you and Faye?  
20 A Yes, sir.  
21 Q Who did ya'll tell that you were going out with Robert?  
22 A Homeparents.  
23 Q The houseparents?  
24 A Yes, sir.  
25 Q So what happened? Did they come and pick you up?

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2 A Yes, sir.

3 Q Okay. How did they come to pick you up?

4 A David was driving, and he came and picked us up.

5 Q Did David come inside to get you?

6 A No, sir.

7 Q Wait outside?

8 A Uh-huh.

9 Q Okay. And, so, the way I see it, you and Robert and  
10 Faye then walked out to the car?

11 A That is correct.

12 Q What happened after ya'll got in the car, Lisa?

13 A We went and got some beer.

14 Q Went and bought some beer?

15 A Uh-huh.

16 Q Do you remember where?

17 A At Conaco.

18 Q Okay. Who bought it? Do you remember?

19 A Robert and David.

20 Q Okay.

21 A Went in and got it.

22 Q And David was still driving?

23 A Yes, sir.

24 Q Where were you sitting in the car?

25 A On the passenger's side.

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2 Q In the front?  
3 A Yes, sir.  
4 Q With David?  
5 A Yes, sir.  
6 Q The other two in the back?  
7 A Yes, sir.  
8 Q What happened after the beer was bought?  
9 A Well, he was scaring me by the way he was driving.  
10 Q Who, David?  
11 A Yes, sir.  
12 Q How was he driving?  
13 A Like a drunk driver, just running all over the road. And  
14 we almost -- we could have gotten killed, by the way he  
15 was driving.  
16 Q Okay. So, you started out a little bit scared from the  
17 way he was driving. Where did ya'll drive to?  
18 A Cameron Park.  
19 Q Where in Cameron Park did you go?  
20 A Where the band usually plays music, that.  
21 Q What did you do when you got to Cameron Park?  
22 A We -- Faye and Robert got out of the car and they went  
23 and sat on the benches where the bands play. And we --  
24 Q How far is that, Lisa, from where the car was?  
25 A Just a few feet.

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Q Not too far?

A No, sir.

Q Shouting distance?

A Yes, sir.

Q But could people sitting on the bench overhear what was being said at the car?

A No, sir.

Q It was further than that?

A Yes, sir.

Q Okay. Tell the jury about what time it was, if you can remember.

A It was around 7:30.

Q Okay. Starting to get a little bit dusk?

A Yes, sir.

Q All right. So, Faye and Robert went to the benches and sat down. What happened? What did you do?

A He told me to bend over and get him a beer.

Q Okay. Ya'll were still at the car?

A Yes, sir.

Q Who told you to bend over and get him a beer?

A "Chilly."

Q Now, you say "Chilly." Who are you talking about when you say "Chilly"?

A David.



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Q Now, why do you call him "Chilly"?

A Because he wanted to be called "Chilly."

Q Did he tell you to call him "Chilly"?

A Yes, sir.

Q Lisa, do you see David Spence in the courtroom today?

A Yes, sir.

Q Will you point at him, please?

A (Indicating.)

Q All right.

MR. FEAZELL: Your Honor, may the record reflect that Ms. Kader has identified the Defendant?

THE COURT: The record will so reflect.

BY MR. FEAZELL:

Q How was it that he told you to call him "Chilly"?

A He said, "My name is not David, it's 'Chilly'." And I had always known him as David, and "Chilly" was new to me.

Q You mean you knew his name was David?

A Uh-huh.

Q But I believe you said you hadn't really talked to him before?

A No. I hadn't. But, you know, I had heard his name was David, and that's who I was told I was going out with. But he told me, "Don't call me David, call me 'Chilly'."

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2 Q Okay. Then what?

3 A And, then, after that, we got out of the car.

4 Q Okay. Were you still in the car when he said, "Get me a  
5 beer."?

6 A Uh-huh.

7 Q How did he tell you to get him a beer?

8 A He said, "'Chilly' wants a beer."

9 Q And what did you do?

10 A Well, I bent over and got him a beer, and he hit me.

11 Q He hit you?

12 A Yes.

13 Q How come?

14 A From behind. Well, just joking, I guess.

15 Q You mean he hit you on the rear?

16 A Yes.

17 Q Okay. What did you do?

18 A I just went and I got him a beer and I gave it to him.

19 Q Okay. But, I mean, when he hit you on the rear end, did  
20 you do anything?

21 A I just -- well, I was a little bit tipsy, at the time,  
22 and I just kind of hesitated.

23 Q And went ahead and gave him the beer.

24 A Yes, sir.

25 Q All right. So, you were drinking too?

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2 A Uh-huh.

3 Q And how old were you?

4 A Seventeen.

5 Q Okay. What else happened there at Cameron Park?

6 A Well, he wanted to go take me out in the woods -- take a  
7 stroll out in the woods.8 Q Now, you say he wanted to take a stroll out in the woods.  
9 How do you know that?

10 A Because he asked me.

11 Q How did he ask you?

12 A He said, "Do you want to go out in the woods with  
13 'Chilly'?" And I said, "No. Because of what happened  
14 to my friends."

15 Q What friends were you talking about?

16 A Ken and Jill.

17 Q You knew them?

18 A Yes, sir.

19 Q Okay. "No. Because of what happened to my friends."  
20 What happened when you said that?21 A He said, "'Chilly' won't hurt you. Don't be afraid to  
22 die, or don't fear 'The Reaper'."

23 Q "Don't fear 'The Reaper'"?

24 A Yes, sir.

25 Q Did you know what he meant by the word "Reaper"?

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2 A No, sir. I heard it on a song, that's it.

3 Q Okay. But he told you, "Don't be afraid to die."?

4 A Yes, sir.

5 Q Okay. Well, what happened, Lisa?

6 A I got scared.

7 Q Well, and what did you do?

8 A Well, then, I started saying to myself, oh, Lord, what  
9 going to happen next? And, then, I was having my doubt  
10 about what was going to happen.

11 Q Uh-huh.

12 A And I kept on asking him what "The Reaper" meant? And  
13 he said he wouldn't tell me. So, I just kept on asking  
14 about it. And he never did tell me what it meant.

15 Q Was it getting darker, at that time?

16 A Yes, sir.

17 Q Did David have on sunglasses, or not?

18 A Yes. He had on sunglasses.

19 Q Did anything come up about the sunglasses?

20 A Yeah. I told him to take them off.

21 Q How come?

22 A Because I wanted to see his eyes.

23 Q All right. Did he take them off?

24 A Yes, sir. Well, he resisted, at first, and said, "'Chilly'  
25 don't want you to see his eyes."

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2 Q Okay. But you got him to take them off?

3 A Uh-huh.

4 Q Okay. What happened after that?

5 A Well, after that, I started getting scared and being nice  
6 to him.

7 Q What do you mean, "being nice to him"?

8 A Well, just being as nice as I could.

9 Q Well, what do you mean by that?

10 A By not getting paranoid, scared and showing that I was  
11 scared.

12 Q You mean you didn't run from him, or didn't scream, or  
13 anything?

14 A No, sir.

15 Q You were friendly to him?

16 A Yes, sir.

17 Q Did you make any sexual advances toward him?

18 A No, sir.

19 Q Did he make any toward you, at that time?

20 A Yes, sir.

21 Q What did he do?

22 A Kissed me.

23 Q And what did you do?

24 A Went along with it.

25 Q What do you mean?

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A Well, I kissed him back.

Q How come?

A Because I figured I'd -- I was scared and I was a little tipsy, at the time.

Q Why didn't you call for Faye and Robert?

A Because they looked busy, at the time.

Q Well, any other reason?

A Yes. I was scared to do anything, really, except just keep my mouth shut.

Q Tell the jury, Lisa, as best you can, at that particular time, why you were so scared?

A Because he wanted me to go out in the woods, and started talking about "The Reaper," and "don't be afraid to die," and all of this stuff. And, plus, he wasn't acting himself.

Q Did he ask you to get him another beer?

A Yes, sir.

Q And was this before you got scared, or after?

A This was --

Q Kind of in between?

A Yes, sir. Kind of in between.

Q Now, the second beer he asked for, did you tell him anything?

A I said I wasn't his maid.

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2 Q Okay. So, you kind of resisted him there, told him you  
3 weren't his maid. What did he say to you?

4 A He said, "Get 'Chilly' a beer."

5 Q Uh-huh. Anything else?

6 A He said, "You be nice to 'Chilly'."

7 Q Okay. What happened after that, Lisa?

8 A Well, after that, Faye and Robert made their way back to  
9 the car.

10 Q Okay. And before Faye and Robert made their way back to  
11 the car, did you ever accidentally call him David?

12 A Yes, sir.

13 Q What happened when you accidentally called him David?

14 A Well, he got mad.

15 Q How mad did he get?

16 A He just said, "My name is not David, it's 'Chilly.'"

17 Q Is that how he said it?

18 A He said, "My name is not David, it's 'Chilly.' This  
19 ain't David, this is 'Chilly' you're talking to."

20 Q Okay. By the way he said it, did it scare you?

21 A Yes, sir.

22 Q Did he tell you anything about "Chilly"?

23 A No, sir. Not that I can remember.

24 Q Okay. Did he ask you if you were afraid of him?

25 A No, sir.

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2 O Okay. What happened when Faye and Robert started coming  
3 back?

4 A Then Faye and Robert came back and they got in the car.  
5 And it was getting to be nighttime by then.

6 Q Well, did he --

7 A Well, before that, I went over there and I talked to  
8 Faye.

9 Q Oh, you left the car and went over to the bench where  
10 Faye was?

11 A Uh-huh.

12 O Okay. What for?

13 A Just to get away.

14 Q Get away from "Chilly"?

15 A Yes, sir.

16 Q Okay. Did you tell Faye what was going on?

17 A I tried to, but she didn't seem to care.

18 Q Okay. What do you mean, you "tried to"?

19 A Well, I just was saying, he's acting strange, and he  
20 ain't acting like the same person I knew.

21 Q Uh-huh. Well, was she concerned?

22 A Or that I had seen. No. She said, oh, he -- she  
23 cussed a lot. And she just said, oh, he's an asshole,  
24 or something.

25 Q Okay. So, she wasn't too concerned about it?



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2 A No.

3 Q What happened when Faye and Robert got back to the car?

4 A We went over to this house.

5 Q Okay. Who was driving, David, still?

6 A Yes, sir.

7 Q Okay. Whose idea was it to go to the house?

8 A Not mine. It was David's.

9 Q Okay. So, he took all four of you to the house?

10 A Yes, sir.

11 Q Do you remember where the house was?

12 A It was pretty close to the store and the Methodist Home.

13 Q So, pretty close to the Rainbow Drive-In and pretty  
14 close to the Methodist Home?

15 A Uh-huh.

16 Q Did you go into the house?

17 A Yes, sir.

18 Q All four of you?

19 A Yes, sir.

20 Q Was there anybody else at home?

21 A No, sir.

22 Q What did Faye and Robert do when you got inside the  
23 house?

24 A Well, we all sat for a little bit, and then they went  
25 in the bedroom.

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2 Q You all sat. Where did you sit?

3 A On the couch. And Faye and Robert kind of looked like  
4 they didn't want to sit and talk for too long.

5 Q You mean they were kind of romantic with each other?

6 A Yes, sir.

7 O Now, when you went out on the date -- when you were first  
8 told you were going to go out on a date with David  
9 Spence -- did you expect that you were going to be going  
10 to bed with him?

11 A No, sir.

12 Q Had you planned on going to bed with him?

13 A No, sir.

14 O Had the topic even come up between you and Faye?

15 A No, sir.

16 O Did she tell you what kind of date it was going to be?

17 A She just said we were going to go out partying.

18 Q Okay. And "partying" means to go out and do some drink-  
19 ing?

20 A Yes, sir.

21 Q Okay. So, they were feeling romantic toward each other  
22 and they went into the bedroom, is that what you're  
23 saying?

24 A Yes, sir.

25 Q Did they close the door?

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2 A It was a curtain.

3 Q Curtain. And what happened with you and David while  
4 ya'll were there in the living room? What happened next?

5 A He started being aggressive.

6 Q What do you mean by "aggressive"?

7 A Started talking about "Chilly" again.

8 Q Well, what did he say about "Chilly"?

9 A He said, "'Chilly' won't hurt you. And you be nice to  
10 'Chilly' and 'Chilly' won't hurt you."

11 Q Was he talking soft like that?

12 A No.

13 Q Well, tell the jury how he was talking?

14 A He was saying, "'Chilly' won't hurt you. And you be nice  
15 to 'Chilly' and 'Chilly' will be nice to you."

16 Q Well, was he talking soft and sweet? Or were you  
17 scared?

18 A I was scared.

19 Q Why were you scared?

20 A Because he had a kind of crazy tone to his voice.

21 Q What did his face look like?

22 A Mean.

23 Q His eyes?

24 A Evil.

25 Q You were scared?

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A Yes, sir.

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Q Now, what do you mean? You said he was talking weird and you said he got aggressive. How did he get aggressive?

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A He started putting his hands all over me and putting his hands down my pants and biting me on the chest.

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Q Well, what were you doing, Lisa?

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MR. HUNT: Excuse me, Mr. Feazell.

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Your Honor, at this time, I'm going to re-urge my objections, not waiving the running bill. But I would like to add to the running bill a motion for mistrial, based on the witness' responses to the preceding question and to the foregoing anticipated responses. I would ask that you include in my running bill a motion for mistrial, on that basis.

17

THE COURT: All right, sir. I'll do that.

18

MR. HUNT: Thank you, Your Honor.

19

Will you rule on that?

20

THE COURT: I'll overrule that objection.

21

MR. HUNT: Thank you, Your Honor.

22

BY MR. FEAZELL:

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Q Lisa, while he was putting his hands down your pants and squeezing on you, what were you doing?

A I was telling him to leave me alone.

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2 Q Well, how were you telling him to leave you alone?

3 A I kept saying, "Leave me alone. Can't we just sit here  
4 and talk? I mean, we don't have to do this." And he  
5 kept on saying, "You be good to 'Chilly'." And I was  
6 getting scared.

7 Q Getting more scared?

8 A Yes.

9 Q Were you crying?

10 A I felt like it.

11 Q Okay.

12 A I started to cry.

13 Q Why didn't you call out for Lisa and Robert?

14 A Faye and Robert?

15 Q Faye and Robert. I'm sorry, Lisa.

16 A Well, I was afraid, if I called and panicked or anything,  
17 that he would go crazy,

18 Q You mean he was acting so weird, to the point you were  
19 afraid he might go crazy and hurt you?

20 A Yes, sir.

21 Q Why were you feeling like that?

22 A Because of a remark he had made earlier about going in  
23 the woods, and "Don't be afraid to die," and "Don't fear  
24 'The Reaper'," and all of this. And it was just coming  
25 together, and I was --

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2 O Was he still talking real rough to you?  
3 A Yes, sir.  
4 O Okay. Well, what happened after he started trying to  
5 stick -- started sticking his hand in your pants and  
6 started squeezing you?  
7 A What happened?  
8 O Yes, ma'am.  
9 A Well, I told him to leave me alone, and he just kept on  
10 and on. And, then, he started biting me.  
11 O Where did he bite you?  
12 A On my chest.  
13 O Now, was your shirt up?  
14 A Yes, sir.  
15 O How did your shirt get up?  
16 A He pulled it up.  
17 Q Did you try to pull it back down?  
18 A Yes, sir.  
19 Q Were ya'll on the couch, at that time?  
20 A Yes, sir.  
21 Q Where -- show the jury exactly where he bit you?  
22 A He bit me right here.  
23 Q Stand up, so the jury can see, please.  
24 A He bit me right here.  
25 O Anywhere else?

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2 A Right here.

3 Q You mean on the nipple on that breast?

4 A Yes, sir.

5 Q How hard did he bite you, Lisa?

6 A Hard.

7 Q Real hard?

8 A Yes, sir.

9 Q Did it hurt?

10 A Yes. It did.

11 Q Did it leave marks?

12 A Right here it left a mark.

13 Q What did the mark look like that was left up there?

14 A It was red for a long time.

15 Q For how long?

16 A A couple of weeks.

17 Q The mark was still on you for two weeks later?

18 A Yes, sir. When the detectives talked to me, it was  
19 still there.

20 Q And how much longer was it after this happened that the  
21 detectives talked to you?

22 A It was two weeks. About two weeks.

23 Q About two weeks later. Did you show the mark to the  
24 detectives?

25 A Yes, sir.

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Q Who were the detectives? Do you remember?

A Detective Dennis Baier and Simons. Detective Simons.

Q Truman Simons?

A Truman Simons.

Q Okay. Did it leave any little teeth marks around your nipple?

A Yes.

Q Did they hurt?

A Yes. They did.

Q And how long did those marks stay around your nipple, Lisa?

A For a couple of weeks. Well, this one right here stayed longer than these.

Q Okay. So, the one on your shoulder stayed longer than two weeks?

A Uh-huh.

Q And the one on the nipple about two weeks?

A Uh-huh.

Q When he bit you on your shoulder and on your nipple, did you cry?

A -Yes, sir.

Q What did you do?

A I just cried and told him to leave me alone.

Q Did Faye and Robert hear you?



1  
2 A No.  
3 Q What did you do next?  
4 A Well, I got up and I went in the bedroom.  
5 Q You got up. Did he let you up?  
6 A Well, he resisted, at first. But I finally got away and  
7 I went in there and --  
8 Q What do you mean, you "finally got away"? Do you mean  
9 you kind of ran from him?  
10 A Yeah. Kind of jerked away.  
11 Q Got off the couch?  
12 A Yes, sir.  
13 Q Went into the bedroom?  
14 A Yes, sir.  
15 Q What did you see in the bedroom?  
16 A They were having sex.  
17 Q And what happened? What did you do?  
18 A I told -- well, I told Faye that he was acting strange.  
19 Q Did you tell her that he bit you?  
20 A No, sir.  
21 Q Why not?  
22 A I was too scared.  
23 Q So, what happened?  
24 A So, they just ignored me and they said, "All right. Well,  
25 we will be in there in a minute."

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Q And what did you do?

A Well, I didn't want to bother them any more, so I backed off.

Q You mean you went back in the living room?

A No. Went and got a beer.

Q Where from?

A From the bedroom.

O The bedroom they were in?

A Uh-huh.

O Then what?

A And, then --

O What did you get the beer for?

A For me.

Q For you?

A Yes, sir.

Q How come?

A Well, because everybody else was drinking, I figured that I would drink, too.

Q All right. Were you still scared?

A Yes, sir.

Q Well, what did you do after you picked up that beer?

A I drank it.

Q Where? In the living room, or in the bedroom?

A In the living room.

1

2 Q What was David Spence doing?

3 A Well, he was sitting there and talking about "Chilly".

4 Q Sitting by you, or across from you, or what?

5 A Sitting by me.

6 Q Talking about "Chilly." What was he saying about  
7 "Chilly".

8 A He was saying 'Chilly' -- I know I accidentally called  
9 him David. And he said, "Don't call me David. Remember,  
10 my name is 'Chilly'." And he kept on phrasing "Chilly"  
11 and I was still curious about what "Chilly" meant.

12 Q Did you ever find out?

13 A No.

14 Q That night?

15 A (Shaking head.)

16 Q Okay. Well, what was he saying about "Chilly," Lisa?

17 A He was just saying, "You be good to 'Chilly,' 'Chilly'  
18 will be good to you."

19 Q Did he ever say anything about hurting you, at that time?

20 A No, sir.

21 Q Okay. Well, how long did you sit there on the couch with  
22 him?

23 A Faye and Robert came in there, finally, and I was  
24 relieved. And then she said, "We'll be right back."

25 Q Okay. So, while ya'll were sitting on the couch, you had

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2 your clothes on, right?

3 A Yes, sir.

4 Q Were you and David kissing, or making love, or anything  
5 like that?

6 A No, sir.

7 Q You just wanted to stay away from him?

8 A Yes, sir.

9 Q Well, what happened when Faye and Robert came out of the  
10 bedroom?

11 A Well, they went out the door and they said --

12 Q Went out what door?

13 A The front door.

14 Q You mean they walked through the living room toward the  
15 front door?

16 A Yes, sir.

17 Q Then what?

18 A They said, "We'll be right back."

19 Q Did you try to stop them?

20 A Well, I said, "Faye." And she said, "I'll be right back,  
21 I'm going to get a joint."

22 Q "A joint"?

23 A Yes, sir.

24 Q You mean a marijuana cigarette?

25 A Uh-huh.

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2 Q What did you do to try to stop them?

3 A I just said, "Faye." And she said, "We'll be right  
4 back. We'll only be gone a few minutes."

5 Q Why didn't you go out with them, Lisa?

6 A Because I was too scared.

7 Q Well, did anybody tell you you had to stay there at the  
8 house? Did David tell you?

9 A Yes. He said he wanted me to stay there.

10 Q How did he tell you that?

11 A He said, "Stay here with 'Chilly.'"

12 Q Well, didn't Robert and Faye think it was kind of weird  
13 that he was doing all of this "Chilly" talk?

14 A Apparently, they didn't care. They was too busy wanting  
15 to get out and get a joint and come back and...

16 Q Okay. So, he said, you stay here with "Chilly." Any-  
17 thing else?

18 A Yes, sir.

19 Q What?

20 A We were on the floor.

21 Q No. I mean when Faye and Robert was walking out.

22 A No, sir.

23 Q Okay. Why didn't you just run out with them?

24 A I was too scared. I just wanted to play my cards right  
25 and get the hell out of there.

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2 Q Okay. What were you scared of, Lisa? Were you scared  
3 he still might try to kill all of you?

4 A Yes, sir.

5 Q Were you scared of making him mad?

6 A Yes, sir.

7 Q Why didn't you tell Faye, Faye, I'm scared?

8 A I tried to, they just didn't listen.

9 Q Okay.

10 A They was too busy trying to get out the door.

11 Q Okay. So, they got out the door. Then what happened,  
12 Lisa?

13 A And then we ended up on the floor.

14 Q How did you end up on the floor? Don't leave anything  
15 out. How did you end up on the floor?

16 A He wanted me to get on the floor.

17 Q Well, how did he tell you he wanted you to get on the  
18 floor?

19 A He said, "Lay down on the floor."

20 Q Well, why did you do it?

21 A Because I was scared. I just wanted to do what he said,  
22 play my cards right, and get the hell out of there and  
23 go home alive.

24 Q Did you want to have sex with him?

25 A No, sir. I didn't.

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2 Q Okay. Did he say anything about ya'll being alone?

3 A He looked glad that we were alone. Then that's when he  
4 started -- he put a knife in the door.

5 Q He put a knife in the door. What do you mean?

6 A To lock it.

7 Q Where did he get the knife from?

8 A The kitchen.

9 O Okay. Now, how did he put a knife in the door to lock  
10 the door? Explain to the jury what you're talking about?

11 A He just slid it in there and locked the door.

12 Q You mean there was some kind of clasp or something on the  
13 inside of the door?

14 A Yes, sir.

15 Q And he dropped it down in the clasp?

16 A Yes, sir.

17 Q Okay. Did you ask him if he was going to hurt you, or  
18 ask him not to hurt you, or anything like that?

19 A I told him not to hurt me.

20 Q And what did he say to you?

21 A He said, "'Chilly' won't hurt you, if you be good to  
22 'Chilly'."

23 Q "'Chilly' won't hurt you, if you be good to 'Chilly'."  
24 Is that what he said?

25 A Yes, sir.

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2 Q What did you take that to mean, Lisa?

3 A In other words, if I would do right -- if I would do  
4 what he says, he won't hurt me.

5 Q What happened next?

6 A Then he had another knife.

7 Q He had another knife?

8 A Yes, sir.

9 Q What did that knife look like?

10 A It was just a kitchen knife.

11 Q Like a butter knife or like a steak knife?

12 A Like a steak knife.

13 Q Something you could cut meat with?

14 A Yes, sir.

15 Q What did he do with that knife, Lisa?

16 A He started rubbing it against my chest.

17 Q Was your shirt off or on?

18 A It was up.

19 Q He pulled it up?

20 A Yes, sir.

21 Q And this was when you were on the floor in the living  
22 room?

23 A Yes, sir.

24 Q Tell the jury what you mean by "rubbing it on your  
25 chest."



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2 A He was just rubbing it around and rubbing it on my  
3 stomach.

4 Q You mean the handle, or the point, or the blade? What  
5 part?

6 A The point.

7 Q Did he bite you any more?

8 A Yes, sir.

9 Q Is that when he bit you on the nipple?

10 A Yes, sir.

11 Q Did he say anything about whether he would hurt you or  
12 not?

13 A He just kept on saying, you be good to me -- "Be good to  
14 'Chilly' and 'Chilly' will be good to you, 'Chilly' won't  
15 hurt you."

16 Q Did you start crying, Lisa?

17 A Yes, sir.

18 Q And were you scared, at that time?

19 A Yes, sir.

20 Q Were you hurting anywhere?

21 A My chest was hurting me.

22 Q Did you have any idea what was fixing to happen to you?

23 A I didn't know.

24 Q Was he holding the handle of the knife while he drug the  
25 point across your chest?

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2 A Yes, sir.

3 Q Was he saying or doing anything weird then?

4 A He just started talking crazy.

5 Q What happened after that, Lisa?

6 A Then after that, we went into the bedroom.

7 Q Now, you say, "We went into the bedroom." Why did you  
8 go in the bedroom?

9 A Because I was scared.

10 Q Did he make you go in the bedroom?

11 A I felt threatened. Yes.

12 Q How did he make you go in the bedroom? Did he say any-  
13 thing?

14 A Yes. He took me and put me in the bedroom.

15 Q What did he say to you?

16 A He said, "Be good to 'Chilly'."

17 Q Did you go into the bedroom willingly or unwillingly?

18 A I was scared, so I guess it was unwillingly. I felt like  
19 my life would be threatened, if I didn't go.

20 Q Were you afraid he might kill you with that knife, if  
21 you didn't do what he said?

22 A Yes, sir.

23 Q You were still scared and crying?

24 A Yes, sir.

25 Q Did you get undressed?

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A Yes, sir.

Q Why did you get undressed? Let me ask you this, did he tell you to get undressed?

A Yes, sir.

Q How did he tell you to get undressed?

A He said, "Get undressed for 'Chilly.'"

Q "Get undressed for 'Chilly.'" Did you try to resist, try to fight?

A Yes, sir.

Q You did? And what happened?

A I was scared. I didn't know what to do. I just felt like I should play my cards right.

Q Did you try to resist him, though, at that time?

A Yes, sir.

Q And what did he do?

A He called me names.

Q What did he call you?

A "Bitch" and "cunt" and "slut." And kept on saying, "Fuck me good, bitch," and stuff like that.

Q And that was before he had you on the bed?

A That was when he had me on the bed.

Q Okay. How did he get you on the bed, Lisa?

A He made me get on the bed.

Q How?

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A He pulled me.

Q He pulled you on the bed?

A Uh-huh.

Q Did he take his clothes off?

A Yes, sir.

Q Did you see what he did with the knife?

A No, sir. It was still in his back pocket, so I presumed.  
I knew it was close by, I just didn't know where.

Q So, you knew it was close enough he could certainly get  
to it, if he wanted to?

A Yes, sir.

Q And he is a pretty good bit bigger than you, too, isn't  
he?

A Yes, sir.

Q Did he slap you any?

A Yes, sir.

Q How many times did he slap you?

A A bunch of times.

Q It hurt, didn't it?

A Yes, sir. It did.

Q Did he pull your hair?

A Yes, sir.

Q Did he force you to have sex with him?

A Yes, sir.

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2 MR. HUNT: Your Honor, at this time, I'm going  
3 to re-urge all of the foregoing objections, without  
4 waiving the running bill. And I would like to add to  
5 the running bill a motion for a postponement, in order  
6 for us to come up with witnesses who can refute this  
7 young lady's story.

8 THE COURT: Overruled.

9 MR. HUNT: Could I add the motion for postpone-  
10 ment to the other motions, Your Honor, and make that a  
11 part of the running bill?

12 THE COURT: At this time.

13 MR. HUNT: Thank you, Your Honor.

14 BY MR. FEAZELL:

15 Q My question was, Lisa, did he force you to have sex with  
16 him?

17 A Yes, sir.

18 Q Did he force you to have oral sex with him?

19 A Yes, sir.

20 Q And was he pulling your hair while he did that?

21 A Yes, sir. He was.

22 Q Was he still calling you names?

23 A Yes, sir.

24 Q Did he bite you some more in the bedroom?

25 A He bit me all through the time.

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2 Q So, he bit you more than just those two times?

3 A Yes, sir.

4 Q But it was two places that left the bad marks?

5 A Right.

6 Q Lisa, do you know whether or not David Spence ejaculated  
7 while he was having sex with you? And by "ejaculated,"  
8 I mean came to a climax.

9 A Yes. He did.

10 Q Did he ejaculate inside of you, Lisa?

11 A No.

12 Q You will have to say the answer for the Court Reporter.

13 A What?

14 Q You will have to say the answer for the Court Reporter.

15 A He ejaculated outside of me.

16 Q Okay. You saw him do it?

17 A Yes.

18 Q Did he just pull out real quick and ejaculate, or did he  
19 do something else?

20 A He masturbated himself.

21 Q What did he do after he got through masturbating himself  
22 there in front of you?

23 A He left me alone.

24 Q What do you mean, "left you alone"? You mean he left  
25 the room?

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A No. And, then, I asked him if I could put on my clothes,  
because --

Q Well, wait a minute. You said he left you alone. What  
do you mean "he left you alone"?

A He just -- he didn't force me any more.

Q What did he do? Just laid there?

A Yes, sir.

Q What did he do while he was laying there?

A He ejaculated on himself.

Q On himself. And, then, just laid there?

A Yes, sir.

Q What did you do, Lisa?

A I wanted to get the hell out of there.

Q Were you still scared?

A Yes, sir.

Q Still crying?

A Yes, sir. I was pretty shook up.

Q So, you said you asked him if you could get dressed then.  
What did he say to you?

A He says, "Yes, sir. You did good for 'Chilly.'"

Q Okay. Now, wait a minute. Tell the jury what he said  
to you. Now, I want the jury to be able to hear this.  
What did he say to you?

A "Yes, sir. You did good for 'Chilly.'"

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Q Anything else?

A No, sir.

Q Did he say anything then about hurting you?

A He said, "You did good for 'Chilly,' so 'Chilly' ain't  
going to hurt you."

Q What happened after that, Lisa?

A Faye and Robert came in just in time --

Q Just in time for what?

A I was scared. I was glad they came in.

Q Had you got your clothes on yet?

A Yes, sir.

Q Did you get dressed pretty fast when he told you you  
could get dressed?

A Yes, sir. I did.

Q Do you have any idea how Faye and Robert got in, since  
that knife was in the door?

A They banged on the door.

Q Who let them in?

A David.

Q Okay. Well, what happened when Faye and Robert came in?

A I demanded to leave.

Q Were you still crying?

A They could tell I had been crying.

Q Okay. And what did they do?

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A They looked scared, too.

Q They looked scared, too. Do you think they had figured out something might be going on?

A Yes, sir.

Q What happened after that?

A We all got in the car.

Q Got in the car. You mean David's car? Because David had taken you there in his car, right?

A Yes, sir.

Q David was dressed and David was driving?

A Yes, sir.

Q Okay. And what happened?

A We rode to the Amarillo Club.

Q You rode to the Amarillo Club. What's the Amarillo Club?

A It's a pool hall.

Q Okay. What happened there?

A He got out of the car.

Q Just him?

A Uh-huh.

Q Did you know ya'll were going to the Amarillo Club?

A No, sir. I didn't know what was going to happen. I didn't know what was going to happen next.

Q You were still scared?

A Yes, sir.

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2 ing, I said, "Where does 'Chilly' come from?" And Robert  
3 just said, "Aw, man, that's just some old nickname. Just  
4 play your cards right. I don't know what's wrong with  
5 him, but whatever you do, don't panic."

6 Q "Don't panic." And, then, about that time, David came  
7 out?

8 A Yes, sir.

9 Q Did he say anything else to you before he took you back  
10 to the Methodist Home?

11 A He started getting real quiet.

12 Q Okay.

13 A He did say that he didn't want to take me back.

14 Q That he did not want to take you back?

15 A Yes, sir.

16 Q What did he say?

17 A He said he wanted to take me somewhere far away. And I  
18 wanted to go back home. I didn't know if he was going  
19 to take me. He kept on saying, "Well, I'm not going to  
20 take you back, because I want you to go with me." And I  
21 kept on saying, and Robert kept on saying, "Man, just  
22 take the girl home. Just take the girl home." And, so,  
23 he did.

24 Q He took you back to the Methodist Home?

25 A Yes, sir.

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2 Q What happened when you got back to the Methodist Home?

3 A I just -- me and Faye got out of the car as quick as we  
4 could. In fact, Faye looked scared.

5 Q Okay. So, Faye finally figured out something was going  
6 on?

7 A Yes, sir.

8 Q When you got inside the Methodist Home, did you tell  
9 Faye what had happened?

10 A Yes, sir.

11 Q And was it two weeks after that that you showed the bite  
12 marks to the detectives?

13 A Yes, sir.

14 Q Did you ever file charges on David Spence for that?

15 A No, sir.

16 Q Why not?

17 A Because I was afraid that he would come looking for me,  
18 or there would be some kind of trouble. I just wanted to  
19 put it in the past and just forget about it.

20 Q So, you did not file charges and go on with prosecution?

21 A Right. I just wanted to keep my mouth shut and forget  
22 about it.

23 Q Lisa, were you afraid for your life?

24 A Yes. I was.

25 Q Were you afraid he might come after you?

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A Yes, sir.

Q Did you see David Spence again after that?

A Yes, sir.

Q When was that?

A The next day.

Q The very next day?

A (Nodding head.)

Q Where did you see him?

A At Shook's Gas Station across the street from the  
Methodist Home.

Q At Shook's. Now, that's not the Rainbow, is it?

A No, sir.

Q What were you doing at Shook's?

A Going to get cigarettes and beer. Or cigarettes and a  
Coke.

Q Cigarettes and a Coke?

A Uh-huh.

Q Okay. So, you went to Shook's then, instead of going to  
Rainbow?

A Yes, sir.

Q Afraid you might run into David at the Rainbow?

A Yes, sir.

Q But you ran into him at Shook's, anyway?

A Yes, sir.

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Q What did he say to you there?

A He was back to normal again.

Q What did he say to you?

A He just apologized and said, "Hey, I'm sorry about last night and everything." And he was acting like himself.

Q How did he say it? I mean, did he just walk up to you and say, "Hey, I'm sorry about last night."?

A Yes, sir. And I just -- I said, "Okay." I said, "Just forget about it." And I just went home.

Q Are you still afraid of David Spence?

A Yes, sir.

Q All right.

MR. FEAZELL: We'll pass the witness, Judge.

CROSS EXAMINATION

BY MR. HUNT:

Q Lisa, when was the first time after this happened that you told anybody about it?

A Two weeks.

Q You didn't tell anybody for two weeks about it?

A Yes. I told Faye.

Q When did you tell Faye?

A That night.

Q What did Faye say?

A She just said, "That sounds like that son of a bitch."

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She didn't know him that good. She knew him about as good as me.

Q Okay. Then it was two weeks after that, you talked to the police?

A Yes, sir.

Q And you talked to Truman and you talked to Dennis Baier?

A Yes, sir. I did.

Q Gave them a full statement, just like you told the jury, is that right?

A That's right.

Q And they didn't arrest David for rape, or anything like that, did they?

A No, sir.

Q Where are Robert and Faye now?

A I don't know. I haven't seen them in two years.

Q Okay. Now, you said that David said bad things to you, called you bad names, slapped you, pulled your hair. That was while you were in the process of sexual intercourse, is that correct?

A Yes, sir.

Q He hadn't done that before you started having sexual intercourse, had he?

A No, sir.

Q And while you were having sexual intercourse, you said

David and you were both naked, is that correct?

A He didn't have his pants off all the way.

Q Where were his pants?

A He had them to his knees.

Q Okay. And the knife was closed. Was it the kind of a knife that can close, or what kind of knife was it?

A It was a kitchen knife, like I said before.

Q And you thought it was, maybe, stuck in his back pocket?

A Yes, sir.

Q And you didn't see it?

A I wasn't really looking. I was just -- I was crying, I was too busy being scared.

Q So, you don't know where the knife was, at that time, is that correct?

A Well, I knew it was pretty close, because he had just threatened me with it before. Or he had just, not threatened me, but he had just rubbed it against my chest.

Q Okay. While he rubbed it against your chest, he didn't threaten you, he didn't say any verbal threats, did he?

A Like he was going to kill me, or anything?

Q Yeah.

A No.

Q Didn't say anything about killing the kids at the lake,

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2 or anything like that, did he?

3 A No, sir.

4 Q Okay.

5 MR. HUNT: We'll pass the witness, Your Honor.

6 THE COURT: Any other questions?

7 MR. FEAZELL: Yes.

8 FURTHER REDIRECT EXAMINATION

9 BY MR. FEAZELL:

10 Q Lisa, when you talked to those detectives two weeks  
11 later, were you made aware, at that time, that David  
12 Spence was already in jail?

13 A Yes, sir.

14 MR. FEAZELL: That's all, Judge.

15 MR. HUNT: We don't have any other questions,  
16 Your Honor.

17 THE COURT: All right.

18 Ladies and Gentlemen of the Jury, it's 12:20.  
19 I think we will recess, and we will stand recessed until  
20 1:45. That will give you about an hour and 15 or 20  
21 minutes.

22 If you would, keep in mind the instructions I  
23 have given you before. You all know them well, that you  
24 will not discuss any aspect of the case with anyone, nor  
25 will you allow them to discuss it with you. You will not



gather any evidence outside the courtroom, or read any accounts, or watch any on TV, or listen to any on the radio. All of the other instructions I have given you.

You're excused until 1:45.

If everyone will remain seated and let the jury clear the courtroom.

MR. HUNT: Your Honor, if I could say one thing before the jury leaves, and that is, I would like to re-urge all of the prior objections, at this time.

THE COURT: All right.

And they're overruled.

MR. HUNT: Thank you, Your Honor.

THE COURT: All right, sir.

You're excused.

(Whereupon, a recess was had, following which, out of the presence and hearing of the jury, the following proceedings were had, to-wit:

THE COURT: All right, now, I want the record to reflect that we're outside the presence and hearing of the jury.

And the State has a witness they wish to call, Cindy Pack, is that correct?

MR. FEAZELL: Yes, Judge.

THE COURT: All right, ma'am, if you will raise