

A True and Correct Copy

of the

Trial Testimony of

DOROTHY MILES

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

MR. BUTLER: We have nothing further, Your Honor.

THE COURT: All right. You may step down, sir.
May this witness be excused?

MR. HUNT: Yes.

THE COURT: You may be excused. You're free to
go. Thank you, sir.

Call your next witness.

MR. FEAZELL: Your Honor, the State calls Mrs.
Dorothy Miles.

THE COURT: Mrs. Miles, if you will just come
right around here. Have you already been sworn, ma'am?

THE WITNESS: Yes, sir.

THE COURT: All right. Just have a seat.

DOROTHY MILES,
a witness called by the State, having been duly sworn to tell
the truth, testified on her oath as follows, to-wit:

DIRECT EXAMINATION

By Mr. Feazell:

Q Mrs. Miles, will you state your name for the record.

A Dorothy May Miles.

Q All right, Mrs. Miles. This lady sitting here between us
will be taking down every word that we say. So I would ask
you for all the answers to be out in words instead of with
head nods or something like that. Okay?

1 A Yes, sir.
2
3 Q And, an Mrs. Miles, I need for you to talk loud enough so
4 that the last folks over here on the jury can hear you.
5 All right?
6 A Yes, sir.
7 Q Mrs. Miles, do you live in Waco?
8 A Yes, sir.
9 Q And were you living here during the summer months of 1982?
10 A Yes, sir.
11 Q Okay. Mrs. Miles, I'm going to ask you if you know a man
12 by the name of David Wayne Spence?
13 A Yes, sir.
14 Q How long have you known David Spence?
15 A Since about '76 -- '77.
16 Q Okay. How did you meet David Spence?
17 A He used to live down the street from me.
18 Q Did you get to know him pretty well?
19 A Yes, sir. I think so.
20 Q Okay. Besides David, did you get to know a lot of the kids
21 in the neighborhood pretty good?
22 A Yes, sir. They all come around to my house.
23 Q They'd all come around to your house. A bunch of them
24 liked you, didn't they?
25 A Yes, sir.
Q As a matter of fact, a lot of them have a nickname for you;

1 is that right?
2
3 A Yes, sir.
4 Q What do they call you?
5 A They call me "Mom."
6 Q "Mom." Did David also call you Mom?
7 A He's always called me Mom.
8 Q Always. Mrs. Miles, do you see David Spence in the
9 courtroom?
10 A Yes, sir.
11 Q Would you point him out for the jury, please.
12 A This gentleman right here.
13 Q Okay. And is David --
14 Your Honor, may the record reflect that Mrs. Miles has
15 pointed out the defendant?
16 THE COURT: The record will so reflect.
17 Q Does David appear the same as the last time you saw him?
18 A No, sir. He doesn't.
19 Q How is he different?
20 A He looks a lot different.
21 Q Okay.
22 A He's clean shaven, and his hair is cut short.
23 Q But you know he's still the same fellow that you know as
24 David?
25 A Yes, sir.
Q All right. Did you have occasion, Mrs. Miles, to see David

1 some during the summer of 1982?
2
3 A Yes, sir.
4 Q Do you know a fellow by the name of -- by the name of
5 Gilbert Melendez?
6 A I don't know him personally, but he's been to my house
7 twice with David.
8 Q Okay. So you've seen him before.
9 A Yes, sir.
10 Q Is that during the summer of 1982?
11 A Yes, sir.
12 Q Can you remember about when, Mrs. Miles?
13 A Oh, around July and August.
14 Q So David was with Gilbert during July of or August of 1982
15 that you saw?
16 A I believe so.
17 Q All right. Did anybody else come over to your house with
18 David besides Gilbert?
19 A There was a girl and boy that he brought over there, but I
20 don't remember who they were.
21 Q Okay. Ma'am, you have a couple of daughters, don't you?
22 A I have three daughters.
23 Q Two that live at home?
24 A Yes, sir.
25 Q What are their names?
A Weida Kay Keys, and Linda Louise Holland.

10

1 Q And were they living at home with you during the summer of
2 1982?
3
4 A Yes, sir.
5 Q Is your memory of the summer of 1982 pretty good?
6 A I think so.
7 Q You can place a lot of the dates in '82 by the fact that
8 you were hospitalized during that summer, weren't you?
9 A Yes, sir.
10 Q Do you remember when you went in the hospital, Mrs. Miles?
11 A On June the 9th.
12 Q June the 9th. And when did you get out?
13 A June 23rd.
14 Q So you were in for quite a while?
15 A Yes, sir.
16 Q What were you in the hospital for?
17 A Infectious hepatitis.
18 Q Right after you got out of the hospital, did you see David?
19 A Yes, sir.
20 Q And how did you come to see David then?
21 A He came by the house to see how I was doing.
22 Q All right. Did ya'll make any plans to see each other in
23 the near future?
24 A Yes, sir. If I was feeling better, we were going to have a
25 4th of July cookout. And I asked David if he would like to
come and join our family.

1 Q So the cookout would have been at your house, and you
2 invited David.
3 A Yes, sir.
4 Q But did you have the cookout?
5 A No, sir. I was still too weak and too sick.
6 Q After you got well from the hepatitis, did you start seeing
7 David over at your house pretty regular?
8 A When David was over at my house just about every weekend.
9 Q Just about every weekend?
10 A Yes, sir.
11 Q Mrs. Miles, why was it, if you know, that David would come
12 over to your house with such frequency?
13 A Well, David and I have always talked and we've always been
14 pretty close.
15 Q You kind of like David?
16 A I think the world of David.
17 Q Okay. Ma'am, do you remember a weekend during mid-July
18 when your daughters, Weida Kay and Linda, wanted to go to
19 the lake?
20 A Yes, sir.
21 Q Do you remember what weekend that was?
22 A It was the weekend after those children were killed.
23 Q Is that how you remember it?
24 A Yes, sir. Because I was scared for them to go out there.
25 Q What did you tell them?

1 A I asked them not to go, but they said they had their
2 boyfriends with them. And there were six of them together,
3 so they figured they'd be safe.
4
5 Q So you went ahead and let them go, but you were worried
6 about them?
7 A Yes, sir.
8 Q As any mother would be.
9 Mrs. Miles, that weekend did you see David Spence?
10 A Yes, sir.
11 Q When did you first see David that weekend? Was it
12 Saturday, or did he come over Friday?
13 A He came over Friday night.
14 Q Friday night. And what was he there for Friday night?
15 A He asked me could he bunk on the livingroom floor.
16 A How come?
17 Q He said he didn't have any place to stay that night.
18 Q Okay. So that would have been Friday the 15th?
19 A About the 16th.
20 Q Okay. 15th or 16th, somewhere in there. 16th. All right.
21 Had your daughters already left for the lake when David
22 came over?
23 A Yes, sir. It was late when David came.
24 Q And did he in fact spend the night?
25 A Yes, sir. He slept on the living room floor.
Q Did anything happen the next morning that you remember?

1 A When I got up David asked me, "Mom, if I go get the stuff
2 to fix breakfast with, will you cook breakfast for me?"
3 And I said sure.
4
5 Q So did he go get the stuff for breakfast?
6 A Yes. He did.
7 Q And did you fix it for him?
8 A Yes, I did.
9 Q What did he do do after he ate breakfast?
10 A We went in the living room and talked for a little while
11 and watched TV. And he seemed very nervous.
12 Q How was David acting when he was over there that weekend
13 Mrs. Miles?
14 A He just seemed kind of depressed and nervous.
15 Q Okay. Did he appear to have anything on his mind?
16 A Yes, sir. He seemed like he was kind of deep in thought.
17 Q Now, you say you've known David for a long time. Was that
18 a little bit different for David?
19 A David was usually jolly and carefree. But he seemed real
20 tense and real worried about something.
21 Q Did you ask him what was bothering him, Mrs. Miles?
22 A Yes, sir. And he just said that he was uptight from lack
23 of sleep.
24 Q Uptight from lack of sleep. Okay. How long did he stay
25 that day?
A He left about 2:00 or 3:00 that afternoon.

1 Q Before he left, did you notice anything about his behavior,
2 the way he was acting?
3
4 A Yes, sir. Whenever he would hear a car come down the
5 street, he would get up and look out the window or out the
6 door.
7 Q Get up and look every time he heard a car?
8 A Yes, sir.
9 Q Just casually get up, or was he jumpy and jittery about it?
10 A Well, he was kind of nervous.
11 Q Describe for the jury as best you can how it was he would
12 react to the sounds of the cars.
13 A Well, when he was sitting over here in the corner by the
14 living room window, he could hear a car coming down the
15 road, and he would raise up and he would look out the
16 window like that. (Indication.) And then when he was
17 sitting by me over in this chair by the couch, he would
18 raise up and look out the window to see if the car stopped
19 out front.
20 Q To see if the car had stopped?
21 A Yes, sir.
22 Q Do you know whether he was expecting anybody or anything
23 like that?
24 A No, sir.
25 Q Okay. Had you ever been seen him acting quite like that
before in all those weekends he had spent at your house?

1 A No, sir.
2
3 Q After he left at 3:00 did you continue to see him at other
4 times throughout the summer?
5 A Yes. David came by quite frequently.
6 Q Okay. Did you have occasion, Mrs. Miles, to see David, oh,
7 let's talk about mid-week, sometime the last week of July.
8 A Yes, sir.
9 Q Okay. And that was not a weekend; that was sometime during
10 the middle of the week; is that right?
11 A Yes, sir.
12 Q How did you come to see David then?
13 A He came over to the house, and he asked me could he spend
14 the night again on the floor. And I said I guess so. And
15 he brought his cooler of beer in.
16 Q He had a cooler of beer with him?
17 A Yes, sir.
18 Q How was he acting that time?
19 A Well, he was still nervous and just strange. He wasn't
20 David.
21 Q Strange? Acting strange?
22 A Seemed like he was troubled.
23 Q Troubled.
24 A Depressed about something.
25 Q Were you starting to get worried about him, Mrs. Miles?
A Well, I was wondering what was wrong with him because he

1 just wasn't acting right.
2
3 Q You were wondering what was wrong. Did you say anything to
4 him?
5 A I asked him what was the matter with him. And he said that
6 he was kind of in trouble, that he had done something. And
7 I said, "What did you do?".
8 Q Okay. So you asked him what was wrong, and he said what?
9 A He said he was kind of in trouble, that he had done
10 something.
11 Q That he had done something?
12 A Yes, sir.
13 Q Did he give you any indication of what he had done?
14 A No. When I asked him what he had done, he just said he had
15 done something, just forget it.
16 Q Forget it?
17 A Yes, sir.
18 Q So did you drop the subject then, Mrs. Miles?
19 A I didn't say nothing else to him about it.
20 Q What did you feel about that situation that day?
21 A Well, like I said, David seemed like he was awful troubled,
22 and I felt like I might want to tell me something.
23 Q But he never did?
24 A He never did come out and say anything.
25 Q All right. After that he continued coming over to your
house on the weekends?

1 A Yes, sir.
2
3 Q Was he still acting different?
4 A He never did act right again.
5 Q Never acted right again?
6 A No, sir.
7 Q I'm going ask you, ma'am, about sometime mid-week again
8 because he usually came on the weekend, right?
9 A Yes, sir.
10 Q He came during mid-week again the second week of August; is
11 that right?
12 A Yes, sir.
13 Q How was he acting when he came over then?
14 A He was very, very down in the dumps that night.
15 Q Depressed?
16 A Yes.
17 Q Kind of moody?
18 A Yes. He wouldn't talk very much.
19 Q Wouldn't talk much. Were you concerned about him, ma'am?
20 A Yes. Because he had another cooler of beer with him, and
21 he would just sit there in the floor and look at the T.V.
22 He just look real, real bad to me.
23 Q Did you feel like you needed to talk to him again?
24 A Well, I asked him.
25 Q What did you ask him, Mrs. Miles?
A I asked him what was wrong with him, and he said that --

1 Q What did he say?
2
3 A He said that he had done something bad.
4 Q Okay. And did you ask him what?
5 A I asked him, I said, "David, what have you done now?"
6 And he said, "I think I killed somebody."
7 Q "I think I killed somebody."
8 A And I asked him, "Well, David, don't you know whether you
9 killed somebody or not?"
10 Q Uh-huh.
11 A And he said, "Just drop it."
12 Q Just drop it. Did you drop it, Mrs. Miles?
13 A Yes. I did.
14 Q Why did you just drop it?
15 A Because it made me feel kind of sick, what he had said.
16 Q And you knew David pretty well, huh?
17 A I think I know him pretty well.
18 Q Okay. Did you see him some more during the summer after
19 that?
20 A Yes, sir.
21 Q Were you still worried about him?
22 A Yes, sir.
23 Q I'm going to ask you to think about a time in early
24 September. Did you see him again in early September late
25 at night?
A Yes. I did.

1 Q About what time of the night?
2
3 A He came over to the house about 11:00 or 11:30.
4 Q 11:00 or 11:30. Came and knocked on the door?
5 A Yes, sir.
6 Q Did you let him in?
7 A Yes, I did.
8 Q Who was at the house?
9 Q Weida and Steve Perry and myself.
10 Q Okay. And David came on in?
11 A Yes, sir. He did.
12 Q Did the three of you talk with the David?
13 A In the kitchen, yes, sir.
14 Q And David talked with ya'll?
15 A Yes, he did.
16 Q What did David say to you that night?
17 A He said again that he had done something bad, and he was
18 asked, "What did you do?" and he said, "I've cut
19 somebody."
20 Q Cut somebody?
21 A Yes, sir.
22 Q Are you sure that's what he said, the word "cut"?
23 A Yes, sir.
24 Q How did ya'll react to that?
25 A Well, we asked if they were alive or dead, and he said he
didn't know.

1 Q Alive or dead, and he said he didn't know?
2 A Yes, sir.
3 Q What did you do then, Mrs. Miles?
4 A He made the remark, "But I bet he don't bug me anymore."
5 Q Okay. Was he still acting strange in your opinion?
6 A Yes, he was.
7 Q Had he been drinking that night?
8 A Yes, sir.
9 Q Now, you had seen David drinking a lot?
10 A David drank more during that summer than I've ever known
11 him to drink as long as I've been around him.
12 Q Even though he was drinking, did he know what he was
13 saying?
14 A Seemed to me like he pretty well knew what he was saying.
15 Q How did it make you feel when he said that about cutting
16 somebody?
17 A Just makes me kind of feel sick at my stomach.
18 Q And that's partly because you still care about David, don't
19 you?
20 A I care about David very much.
21 Q Why are you here testifying, Mrs. Miles?
22 A Because I do love David.
23 Q And is it because you just want to tell the truth?
24 A Yes, sir.
25

MR. FEAZELL: I believe that's all, Your Honor.

1 Q Alive or dead, and he said he didn't know?
2 A Yes, sir.
3 Q What did you do then, Mrs. Miles?
4 A He made the remark, "But I bet he don't bug me anymore."
5 Q Okay. Was he still acting strange in your opinion?
6 A Yes, he was.
7 Q Had he been drinking that night?
8 A Yes, sir.
9 Q Now, you had seen David drinking a lot?
10 A David drank more during that summer than I've ever known
11 him to drink as long as I've been around him.
12 Q Even though he was drinking, did he know what he was
13 saying?
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15 Q How did it make you feel when he said that about cutting
16 somebody?
17 A Just makes me kind of feel sick at my stomach.
18 Q And that's partly because you still care about David, don't
19 you?
20 A I care about David very much.
21 Q Why are you here testifying, Mrs. Miles?
22 A Because I do love David.
23 Q And is it because you just want to tell the truth?
24 A Yes, sir.
25

MR. FEAZELL: I believe that's all, Your Honor.

1
2 MR. HUNT: Your Honor, there is a couple of
3 matters I want to take up before the Court out of the
4 presence of the jury before we take this witness on cross.

5 THE COURT: Excuse me just a minute.

6 (Whereupon a the following proceedings were had
7 (out of the presence and the hearing of the
8 (jury in the Court's chambers:

9 MR. HUNT: Your Honor, at this time out of
10 presence of the jury, I'm going to object to the fact that
11 the State has opened up an extraneous offense, and that is
12 the offense that has to do with the Pack boy. They know
13 exactly what the timing of the sequence was.
14 When David went over to this lady's house, it was after he
15 had done something for which he has already been arrested
16 and tried, and that case is pending, and that's the
17 aggravated sexual abuse case of Darwin Pack.
18 We couldn't object to that in front of the jury because we
19 couldn't bring to the attention of jury that David has
20 already convicted of that crime, although the conviction is
21 not final. We would object to it on that basis. And at
22 this point without explaining the other conviction, there
23 is nothing that we can do. We're going to object to the
24 introduction of an extraneous offense by the State at this
25 time.

MR. FEAZELL: If I may respond, Your Honor.

THE COURT: All right.

1
2 MR. FEAZELL: Mrs. Miles testified that in July,
3 far long before the Darvin Pack thing -- to be honest with
4 you, I don't remember exactly what date, but it was
5 sometime in September or late August. But this was in July
6 she testified.

7 If I can respond here just a minute.

8 THE COURT: Go ahead.

9 MR. FEAZELL: She said David came over and said,
10 "I think I've killed somebody," and he started talking
11 about doing something bad in July. Then in August, "I think
12 I've killed somebody." Then again in September. He just
13 kept hinting and hinting.

14 Now, it may have been after the Darvin Pack thing. I'll
15 have to look. But it's not for the State to have to figure
16 out who the defendant is talking about cutting, whether it
17 is Darvin Pack or Kenneth Franks. Because he was talking
18 about "I think I killed somebody." And Mr. Spence well
19 knows that he had not killed Darvin Pack, because he
20 threatened Darvin Pack; he said, "Don't go to the police."
21 Then on the deal, the last thing she talked about, the
22 thing they're objecting to, he was asked, "Well, is he dead
23 or alive, the person you cut?" And the defendant allegedly
24 said, "I don't know." Well, he knew well that Darvin Pack
25 was alive.

The State contends, Your Honor, he was still talking about

1 the lake murders and Kenneth Franks.

2
3 MR. HUNT: Your Honor, all of this should have
4 been brought up before the Court before the jury was
5 present. There was no way that we could notice that.
6 Mr. Feazell well knows that the business about cutting
7 someone, the last remark was made right around the time of
8 the Darwin Pack incident. We're not talking about and
9 we're not objecting to the business of "I think I killed
10 someone." We're talking about the cutting that should have
11 been brought up before the Court outside the presence of
12 the jury, and that's what we're objecting to. They have
13 introduced an extraneous offense. We can do nothing except
14 bring in the extraneous offense at this time because they
15 forced us to do it.

16 MR. FEAZELL: That's not true, Your Honor.
17 Because of Mrs. Miles' testimony concerning, well, is he
18 dead or alive, I don't know. And the record on the Darwin
19 Pack trial will show that he threatened Darwin Pack when he
20 left, and said, "Don't call the police or Gilbert, or one of
21 us will take the rap, and other one will come back and kill
22 you."

23 THE COURT: Does anybody know what the alleged
24 date in the indictment was on the other case?

25 MR. FULLER: It was Labor Day weekend, Your
Honor.

1 MR. BUTLER: I think it was September the 8th.

2
3 MR. FULLER: He was arrested September the 9th.
4 It would have been Labor Day weekend.

5 MR. HUNT: About September the 6th. The early
6 part of September, which she testified to on the cutting
7 incident.

8 MR. BUTLER: In her mind it was still the same
9 transaction he was talking about earlier. And his
10 statement, "I do not know if the man was dead or alive,"
11 clearly differentiates and separates it from the Darvin
12 Pack offense.

13 MR. FEAZELL: Your Honor, the lady told me at the
14 time that she thought Mr. Spence was talking about some
15 Mexican man who had been found in a ditch with his throat
16 cut. And I did not want to go into that. Now, I can if
17 you want to, because that could help explain it.

18 MR. HUNT: In any way, shape, or form we're
19 objecting to the introduction of an extraneous offense,
20 whether it's a Mexican man, whether it's Pack, whoever it
21 is.

22 MR. FEAZELL: But it is not an extraneous
23 offense. It's an admission by this man. And if he's gone
24 around hurting so many people that it's hard to keep them
25 straight, that's not our problem, if he's making these
admissions about killing and hurting and cutting people,

1 and not distinguishing who they are.
2

3 MR. BUTLER: May it please the Court, there is
4 certainly nothing before this jury to differentiate any of
5 those statements he made from all being part of the same
6 transaction. There is absolutely nothing to show that it's
7 anything more than what we offered it for, and that is
8 admissions made concerning the lake murders.

9 MR. HUNT: Your Honor, that's what I'm objecting
10 to. He has introduced an extraneous offense. The only way
11 that we can explain it is to prove up the extraneous
12 offense ourselves in order to keep the jury from assuming
13 that what this all pertains to is the lake murders.
14 They've introduced the extraneous offense through this
15 woman. There is no way we could have been warned about it.
16 Consequently, the only thing we can do is going into the
17 explanation of an extraneous offense to explain this
18 statement. And if we don't explain it, then the jury is
19 going to assume that David Spence was talking about the
20 lake murders when it didn't pertain to the lake murders.
21 That's our objection.

22 MR. FEAZELL: But, Your Honor, Mr. Hunt is
23 assuming that it was an extraneous offense that Mr. Spence
24 was talking about. He said, "I don't know if the person is
25 dead or alive." The evidence clearly showed from Pack that
he knew the boy was alive. And Mr. Hunt is just assuming

1 that Spence was talking to Mrs. Miles about the extraneous
2 offense.

3 MR. FULLER: The point is, Your Honor, there was
4 a motion in limine to cover all this and to have all these
5 explanations and discuss it outside the presence of the
6 jury. That has now been made impossible by this action and
7 direct violation of the Court's order.
8

9 MR. FEAZELL: It is not.

10 MR. BUTLER: It is not a direct violation of the
11 Court's order. There is no evidence whatsoever that it is
12 an extraneous offense. As a matter of fact, the evidence
13 is quite the contrary.

14 THE COURT: All right. Well, in reference to the
15 defense's objection, I overrule the objection. Anything
16 else?

17 MR. HUNT: No.

18 THE COURT: All right, sir.

19 (Whereupon the above referred to parties
20 (returned to their respective places in the
21 (Courtroom where the trial continued as follows:

22 CROSS-EXAMINATION

23 By Mr. Hunt:

24 Q Mrs. Miles, I always start out by saying I've just got a
25 few questions, and everybody always proves me wrong. Maybe
I'll have more than a few. Okay?

A Okay.

1
2 Q We have not met before. I'm Russell Hunt. Of course, I'm
3 one of David's attorneys. I want to ask you some of the
4 questions about some of the your testimony.

5 First of all, you said that it was sometime in the summer
6 of 1982 around July or August that you had seen David and
7 Gilbert, or that David and Gilbert Melendez had been in
8 your house together; is that correct?

9 A Yes, sir.

10 Q Okay. I want to try to put it in relation to some other
11 things if I can.

12 THE COURT: Just a minute before you ask her any
13 questions.

14 MR. HUNT: Yes, sir.

15 THE COURT: Is there any witnesses in the
16 courtroom? Is there anyone in the courtroom who's been
17 subpoenaed to testify in this case? All right. Excuse me.

18 MR. FULLER: Mrs. Quicksall, Your Honor.

19 MR. FEAZELL: Is Mrs. Quicksall in the room?

20 THE COURT: Mrs. Quicksall.

21 (Whereupon a counsel for the State and the
22 Defense and Mrs. Quicksall approached the bench
23 where a conversation was had out of the hearing
24 of the reporter.

25 THE COURT: Go ahead.

By Mr. Hunt:

1
2 Q Okay. Mrs. Miles, what I was trying to do is orient the
3 jury so that they would know when David and Gilbert were
4 together. And I thought maybe an easy way to do that would
5 be if we could orient them relative to David's birthday.
6 Okay? Do you remember David's birthday, July 18th? Does
7 that sound familiar to you?
8 A I knew it was in July, but I didn't know the date.
9 Q Okay. Can you tell me whether or not David and Gilbert
10 were together at your house before or after your birthday
11 or after David's birthday in July of '82?
12 A It was after.
13 Q So it was sometime after July the 18th; is that correct?
14 A Yes, sir.
15 Q Now, from abnout May until about let's say at least the
16 first part of July and sometime after that David and
17 Christy were together; is that correct?
18 A As far as I know.
19 Q Okay. They were living together; is that right?
20 A I think so.
21 Q Okay. They had a relatively stormy relationship, though;
22 is that correct?
23 A Yes, sir.
24 Q Fought a lot?
25 A Yes, sir.
Q When Christy left David, David was very upset; is that

1 correct?
2
3 A Yes, sir.
4 Q Okay. Now, after Christy left, David made a lot of
5 statements and did an awful lot of drinking. Is that a
6 fair statement?
7 A I don't know whether it's in relation to Christy leaving
8 him or not, but I know he started drinking a lot.
9 Q Okay. A lot heavier than he normally drank, and David
10 usually drank a lot; is that a fair statement?
11 A Yes, sir.
12 Q And during the time that David was drinking a lot, David
13 also, like anybody who drank and got drunk, made a lot very
14 extreme statements; isn't that correct?
15 A Not generally to me.
16 Q Okay. Would he to other people like your daughters? Were
17 your daughters around him when he had been drinking a lot?
18 A He was around all of us, as far as that goes.
19 Q Okay.
20 A But he would talk to Weida and he would talk to me.
21 Q Okay. Would he -- where would David normally do his
22 drinking? Somewhere else?
23 A If he would come over to the house and he had been
24 drinking, he would bring his beer with him. And I told him
25 he could drink there as long as he didn't get rowdy.
Q Okay. But sometime around -- sometime after his birthday,

1 let's say -- well, again, I don't want to put words in
2 your mouth relative to the date. I need to know what the
3 dates were.

4 When did David start acting more upset or start changing,
5 start acting upset? Give me a good date for that. It was
6 after the weekend, or it was -- the earliest that you saw
7 it was the weekend after the murders; is that correct?

8 A The weekend that I cooked breakfast for him.

9 Q Okay. Did you see him earlier that week that you can
10 remember?

11 A He may have come by sometime that afternoon, you know, in
12 the afternoon when he got off work.

13 Q Okay. At that time he was working where? Burke's
14 Aluminum?

15 A I don't know. He just said that he was working.

16 Q Okay. In the two or three days prior to that, was David
17 acting in way unusual if you can recall? Prior to that
18 weekend?

19 A Well, I don't think I saw David until that weekend that
20 week.

21 Q Okay. Do you remember when you had seen him prior to that?

22 A It would have probably been the weekend before.

23 Q David usually came over on the weekend rather than
24 mid-week?

25 A Yes, sir.

1 Q Okay. But that weekend is the first time that you saw him
2 acting strange, troubled?
3 A That he didn't act like David.
4 Q Okay. And he said, the best I can recall you said was,
5 that he was kind of in trouble, he had done something?
6 A Yes, sir.
7 Q He didn't give you any further explanation than that?
8 A No, sir. When I asked him, he just said, "I done
9 something. Forget it."
10 Q Okay. I think you also said that sometime in early
11 September he told you that he said, "I cut somebody." Is
12 that correct?
13 A Yes, sir.
14 Q Okay. Now, you're aware that David was arrested for an
15 offense in which he did cut somebody; is that correct?
16 A Yes, sir.
17 Q In early September?
18 A Yes, sir.
19 Q And in fact David went to jail for that offense, didn't he?
20 A Yes.
21 Q And remained in jail for that offense for sometime after
22 that; isn't that correct?
23 A Yes, sir.
24 Q And you're also aware that that person that he was jailed
25 for cutting, that case had nothing to do with the lake

1 murders; isn't that correct?
2

3 A Yes, sir.

4 Q Okay. And he did in fact go to jail for cutting somebody,
5 and it had nothing to do with the lake murders; isn't that
6 right?

7 A That's right.

8 Q Okay.

9 MR. HUNT: I'll pass the witness, Your Honor.

10 -----
11 REDIRECT EXAMINATION

12 By Mr. Feazell:

13 Q Mrs. Miles, you are also aware that that person that got
14 cut was not dead; is that true?

15 A I don't think he died.

16 Q David didn't kill him?

17 A No, sir.

18 Q Okay. And I believe you said it was the second week of
19 August mid-week that David came to your house, right?

20 A Yes, sir.

21 Q One of those other times. Was that the time, ma'am, he
22 told you he thought he had killed somebody?

23 A Yes, sir.

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

25 Q Well, do you know when it was that the cutting that Mr.
Hunt's talking about, do you know when that was? Have you

1 got any idea? Or not?

2 A Well --

3 Q If you don't, that's okay.

4 A I just know when David was at the house talking about it.

5 Q Talking about cutting somebody?

6 A Uh-huh.

7 Q And that's the somebody you asked is he dead or alive?

8 A Yes, sir.

9 Q And he said I don't know?

10 A Yes, sir.

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

12 MR. HUNT: We don't have any other questions, but
13 we will have questions later.

14 THE COURT: Ma'am, you can step down at this
15 time. And I will excuse you from the courtroom at this
16 time. They have indicated there may be some questions
17 later on. If you will leave a phone number or something so
18 the District Attorney could call you so that you can be
19 contacted, because I'm excusing you from the subpoena.

20 THE WITNESS: Thank you.

21 THE COURT: All right.

22 MR. FEAZELL: Thank you, Mrs. Miles.

23 MR. HUNT: Thank you, Mrs. Miles.

24 THE WITNESS: Thank you.

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