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April 11, 1983

Mr. Truman Simons
Sheriff's Department
219 N. 6th St.
Waco, Texas 76701

Re: David Wayne Spence

Dear Mr. Simons:

On the evening of April 7, 1983, I interviewed David Wayne Spence in a neuropsychiatric evaluation. He was informed that anything he said might be used against him in a court of law. He was cooperative and the one long session seemed adequate to relate this report. I appreciate the background information you gave me in an unbiased fashion prior to my seeing him and I feel we have given this man a fair evaluation. Even if the evidence available indicates that he did commit murder, he did not confess this to me. However, lying and possibly murdering would be characteristic of this man's personality structure. Diagnostically, he has a disorder of conscience, known as being a "psychopath". If he committed the alleged crime, he would be, in both psychiatric and legal senses, responsible for his actions.

I am quite sure that this man is not psychotic or "crazy". All of his symptoms and signs, which I will detail later, are those of a person with very little development of conscience, but no defect in reality testing. In other words, he is a criminal type, not a lunatic.

Mr. Spence has a pathetic and lifelong history of indulging in immediate gratification of his impulses. You have documented elsewhere his criminal history and I will not reiterate that here. He complains to me of difficulty in self control of behavior, particularly when under the influence of alcohol and drugs. He said at different times during the interview, "I am not crazy" and "I am an alcoholic". On the one hand, he recalls that

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when he drinks he becomes a different person who at times beats up his girlfriend, ruined his house, and repeatedly banged his own pick-up truck with a hatchet; on the other hand, he claims, "I don't remember if I killed those kids." He says he had been drinking almost all of the time for two weeks prior to the alleged murders.

Throughout his life, he seems to have been extremely self-centered, irresponsible, incapable of loyalty, and uncaring about others. For example, I asked him four separate times in succession if he was concerned about the murderer of the victims still being on the street and possibly killing other innocent people. Each time he responded only with the thought that he might be punished. He could not seem to grasp the significance to other people even with my repeated emphasis.

Mr. Spence, in giving his own past history, casually defended his having lied about a matter simply because it was convenient and to his advantage. This seems to have been his attitude about many things.

He admitted to becoming excited by sadistic behavior most particularly with his recent girlfriend. He also stated at several times during the interview that he had "cut" a man in a crime for which he has previously been convicted. His attitude seemed to convey no remorse, nor even concern that he might have done something wrong.

For a while, Mr. Spence seemed to be trying to tell me that he had life-long problems of a severe psychiatric nature. Actually he described a series of what he called "superstitions" which were actually obsessions, phobias, and rituals. These are extremely common mechanisms, and even if they are true as he describes them, they in no way indicate the presence of a severe psychosis or in any way would excuse his behavior, either what he admits or what he is suspected of doing. He eventually seemed to drop his line of reasoning and fell into a pattern of repeatedly stating that he was not guilty of the alleged crime, though he implied that he could have done it, as he is being told he may have, but he doesn't remember it.

Again, I see no evidence of any psychiatric disorder of a type which even might have made him unaccountable for the alleged murders. If there is sufficient evidence to convict him, I

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cannot imagine any plea of "insanity" having any validity whatsoever. If he did commit the crimes, he may well have been drunk and remember very little. Or on the other hand, he may have been drunk and be lying now.

Respectfully yours,



James W. Jolliff, M.D.

JWJ/ja