

FRIDAY, MARCH 29, 1991

2nd police officer refutes TV reports

By TOMMY WITHERSPOON
Tribune-Herald staff writer

A Waco drug agent on Thursday became the second police officer to deny information former Dallas television reporter Charles Duncan attributed to him in 1985 stories about Vic Feazell.

Waco officer Donnie Tidmore said he did not tell Duncan that two drug defendants predicted on the night of their arrests that their sentences would be probated and that their attorneys' fees would be \$12,000.

Duncan reported in Part 6 of his series that the defendants "accurately" predicted their sentences and attorneys' fees on the night of their arrests.

Tidmore was the fourth witness Feazell called in the libel trial. The former McLennan County district attorney is seeking \$52 million from Duncan and the Belo Broadcasting Co., which owns WFAA-TV in Dallas.

In a taped telephone interview with Duncan, one of the defendants told the former reporter that he did not predict his four-year probated sentence or what his fee would be. The defendant said his attorney charged him \$4,000 — not \$12,000 as Duncan reported — and that he knew that defendants rarely get sent to prison on a first offense for cocaine possession.

Duncan said he was unable to contact the second defendant he talked about in Part 6 of his series.

Feazell claims Duncan's 10-part series, which aired on Channel 8 beginning in June 1985, was designed to discredit him. Feazell said he angered state police officials by convening a McLennan County grand jury in April 1985 to investigate murder confessions made by Henry Lee Lucas.

The grand jury cleared Lucas in three unsolved McLennan County homicides to which he had confessed, prompting other police agencies to question the validity of Lucas' 600 confessions and the ac-

tions of the Texas Ranger Task Force that had custody of him.

Feazell has claimed that Duncan served as a willing tool of vengeful law enforcement officers who sought to smear his credibility.

Duncan, now a private investigator in Dallas, has countered that his series was factual and balanced. He said he based it on court records and interviews with credible sources familiar with the controversial public figure.

Tidmore said he talked to Duncan about some cases he had worked on. However, Tidmore disputed other facts in Duncan's sixth episode that Duncan attributed to Tidmore and his colleague, Dean Priddy.

Duncan, who was on the stand for 10 days, testified that Department of Public Safety investigator Ron Boyter told him the FBI had been investigating Feazell for about five months by April 24, 1985, when Duncan met in a Waco motel room with Boyter and Bill Johnston, former legal advisor to Waco police.

On Wednesday, Boyter denied telling Duncan about the FBI investigation. He said federal agents and the U.S. attorney's office didn't become involved in the investigation until months later. Boyter concluded his testimony Thursday morning.

In other testimony Thursday, David Deaconson, a former assistant district attorney under Feazell, said that he, Feazell and former Feazell first assistant Deanna Fitzgerald met with Duncan in Feazell's office on May 17, 1985, and offered to give him any court records or case disposition reports that he was interested in seeing to assist him in his research.

He said Duncan declined their offer, saying that he merely was checking into generalized rumors at that point and didn't have specific cases in mind.