

Computer files on Lucas vanished, witness says

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Criminal records concerning Henry Lee Lucas were purged from national crime computer files after McLennan County officials told a state police investigator they planned to investigate Lucas' questionable confessions, a deputy testified Thursday.

Truman Simons of the McLennan County Sheriff's Department opened 17th-day testimony in a \$52 million libel suit former McLennan County District Attorney Vic Feazell is bringing against former Channel 8 television reporter Charles Duncan and the Belo Broadcasting Co., which owns WFAA-TV in Dallas. Feazell claims the 10-part series Duncan did in 1985 was filled with malicious distortions.

Duncan and WFAA-TV officials have defended his series as factual, balanced reporting about a public figure performing his governmental duties.

Simons testified that he thought he was close to arresting a suspect after a prostitute was found in dead in Bellmead. Then Lucas, once considered the nation's most prolific mass murderer, confessed to the killing and two more McLennan County murders in December 1984.

In April 1985, Feazell and former Attorney General Jim Mattox conducted a McLennan County grand jury session, and Lucas was acquitted of all three homicides.

The Waco grand jury session and subsequent police and media investigations determined that Lucas, who had once confessed to more than 600 murders, had

pulled off a major hoax, possibly with the assistance of the Texas Rangers task force in Georgetown.

Feazell claims that law enforcement officials, embarrassed by the Lucas revelations, used Duncan to conduct a smear campaign to discredit Feazell.

His federal bribery and racketeering indictment in 1986 also was a result of the Lucas grand jury, Feazell contends. He was cleared of those charges after a six-week trial in Austin in 1987.

Once Lucas confessed, Simons' suspect, who had agreed to take a polygraph test, became uncooperative, the deputy said.

Simons said he went to then-District Attorney Feazell with his belief that Lucas did not kill the woman, adding that Feazell told him to try to pinpoint where

Lucas was when the McLennan County homicides occurred.

However, when Simons tried to obtain Lucas' criminal-history records from the National Crime Information Center computer files, there was no record of Lucas at all, he said.

After that failed, Simons typed in Lucas' driver's license number and date of birth and found him among national traffic records.

Simons said he knew Lucas had been in Texas, Florida and Maryland, and a check of traffic records in those states showed several violations, including a violation of a dog leash law.

By comparing those records with dates of murders cleared through the Texas

Please see SIMONS, Page 2C

SIMONS

□ From Page 1C

Rangers task force, Simons said he was able to prove that Lucas could not have committed at least 30 murders nationwide to which he had confessed.

Simons said he and former prosecutor Ned Butler showed their findings to Department of Public Safety investigator Ron Boyter in December 1984. Boyter, who testified earlier in the trial that he led the criminal investigation of Feazell, told them not to take the information to DPS officials because they would "sweep it under the rug," Simons said.

A few days later, Simons learned that Lucas had been to other states and tried again to call up his traffic records on the computer. Those records had been cleared out, Simons said, adding that he thought it was very suspicious.

In other testimony Thursday, Waco attorneys John Faulkner and Billy Barrett testified that they both got late-night, harass-

ing phone calls in July 1985 from someone who identified himself as Charles Duncan.

Faulkner said the caller, who sounded like Duncan, told him that he was asking questions about Feazell and told him that former Waco Police Chief Larry Scott and former City Manager David Smith told him to call. Before he hung up, the caller asked Faulkner how he liked the first six segments about Feazell.

"I told him, 'You sound like a pimp to me,'" Faulkner said.

He said he told Smith and Scott about the call the next day. They were the only people he told except Feazell's wife, Berni. A few days later he got a letter from Duncan which denied making the call, he said.

In cross-examination, Belo attorney Tom Leatherbury asked both men if they were aware that former Feazell administrative assistant John Ben Sutter had once called the father of a Duncan source and posed as a representative from Channel 8. Both men said the caller was not Sutter.