

Defendant's testimony contradicted in trial

By TOMMY WITHERSPOON 3/14/91
Tribune-Herald staff writer

Former Dallas television reporter Charles Duncan once told state officials that a joint city, state and federal investigation of Vic Feazell began after he prepared a 10-part series on Feazell, contrary to his testimony Wednesday as a defendant in a multimillion libel suit.

Feazell, McLennan County's controversial former district attorney, is seeking \$52 million in damages in his suit against Duncan, a former reporter for WFAA-TV, and the Belo Broadcasting Co., which owns the station.

Feazell claims Duncan's series about

the way his office handled cases, which aired on Channel 8 beginning in June 1985, was designed to ruin his reputation and filled with malicious distortions and lies to fit Duncan's preconceived story line.

Duncan and Belo attorneys have claimed that Duncan merely followed up on news tips and reported fairly on the actions of a public official who was accustomed to the glare of media spotlights. Duncan, whose contract with Channel 8 was not renewed in 1989, is now a private investigator in Dallas.

In an application letter to the state board that licenses private investigators,

Duncan wrote that "after I began my investigation, a joint federal-state-city investigation began, resulting in the indictment of the DA."

Feazell, who resigned office in September 1988 to enter private practice in Waco, was acquitted on federal bribery and racketeering charges in June 1987, after a six-week trial in Austin.

Gary Richardson, Feazell's attorney, has said he will prove the official federal investigation into allegations that Feazell was accepting bribes to dismiss cases began in June 1985, two months after Duncan says Department of Public Safety officer Ron Boyter and former po-

lice legal adviser Bill Johnston leaked news tips to him during a meeting at a Waco motel room.

Duncan, whose testimony could continue for several more days, spent much of Wednesday denying claims by Richardson that he was a pawn in a conspiracy by angry and embarrassed law enforcement officials who wanted to discredit Feazell for his role in unraveling the bogus murder confessions of Henry Lee Lucas during a McLennan County grand jury session in April 1985.

Duncan said his 10-part series was

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Defendant's

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based on an ongoing federal investigation that certain attorneys were charging unusually high fees to clients whose driving while intoxicated cases were dismissed by Feazell's office.

Richardson showed a tape of Duncan's first segment to the 19th State District Court jury. Duncan led off the piece by saying that the FBI was investigating Feazell and half a dozen defense attorneys.

Duncan said he was told of the federal investigation, which he claims started in the fall of 1984, by McLennan County Court-at-Law Judge David Hodges, Boyter and Johnston, who is now an assistant U.S. attorney in Waco. Richardson, however, told the jury that he would introduce an FBI document that shows the investigation of Feazell did not start until June 30, 1985.

Richardson also said that Boyter denied in a deposition that he told Duncan about the federal investigation at their April 1985 meeting because no investigation was being conducted at that time.

Former Waco Police Chief Larry Scott, who had a stormy professional relationship with Feazell, invited Feazell to speak at the police academy graduation ceremo-

ny in January 1985, Richardson told the jury. Former City Manager David Smith introduced Feazell at the banquet and complimented him on his performance in office, he said.

"Don't you think that if Larry Scott knew that Vic Feazell was being investigated in January 1985, he never would have asked him to speak at the graduation, where David Smith introduced him as the best DA Waco has ever had?" Richardson asked.

Duncan answered that he was unsure what Scott knew.

Duncan admitted that viewers of his first episode could have gotten the impression Feazell was taking bribes to dismiss cases, but he acknowledged that he never determined if Feazell or his staff had anything to do with high fees being charged by certain attorneys or if Feazell ever profited from those fees.

Richardson also got Duncan to acknowledge that he did not familiarize himself with the workings of Feazell's office and did not accept an invitation by a Feazell assistant to do so.

"Mr. Duncan, don't you think if you are going to take potshots at a DA's office, it's important to learn all you can about the operation of that office?"

Duncan denied that he took "potshots" at Feazell and said he stands by his reports.