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Fezell Can't Use Lucas Investigation

AUSTIN (AP) — McLennan County District Attorney Vic Fezell can't use his investigation into Henry Lee Lucas' murder confessions as a defense in his trial on bribery charges unless it directly relates to the case, a judge ruled Tuesday.

The district attorney, whose trial began Tuesday, has claimed that the charges brought against him were sparked by his inquiry into Lucas' mass-murder confessions, which were later recanted.

After a jury of 12, plus three alternates, was chosen, the trial recessed until Wednesday morning when attorneys for both sides planned to give their opening statements.

Fezell, 35, was indicted last year by a federal grand jury that alleged he accepted money in exchange for his influence on pending criminal cases.

Most of Tuesday was spent selecting 12 jurors and three alternates.

Jack Frels, assistant U.S. attorney, asked U.S. District Judge James Nowlin to prohibit references to the Lucas probe from the trial. Fezell has alleged that his inquiry into the Lucas case sparked the investigation that led to the charges he now faces.

Gary Richardson, Fezell's attorney, said they planned to use the Lucas probe as part of their defense.

"Generally speaking in my view, these matters about Lucas are not relevant unless they are needed to impeach a witness," U.S. District Judge James Nowlin ruled as the trial began. He said the issue would have to be directly related to the indictment to be admitted.

Fezell denies the charges, claiming the 10-count federal indictment was an effort by the Texas Department of Public Safety to retaliate against him for his investigation into murder confessions made by Lucas.

Lucas once claimed responsibility for more than 300 slayings nationwide, but he later recanted and said the claims were a hoax to discredit law enforcement officers.

A McLennan County grand jury investigated Lucas' confessions and declined to indict Lucas in any of three Waco-area killings to which he once confessed.