

# Fezell gets funds for office space

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McLennan County District Attorney Vic Fezell is in desperate need of more office space, and he can thank the Texas Legislature and drug pushers for providing the funds to get it.

Since January 1984, Fezell's office and McLennan County law enforcement agencies have seized about \$90,000 from drug dealers, part of which is being used to lease an office for a two-man special crimes unit, a branch of the district attorney's office.

The special investigative team, composed of Assistant District Attorney Ned Butler and deputy Truman Simons, has established an office away from the courthouse to enable them to conduct investigations and plan trial strategies away from Fezell's cramped and busy courthouse annex office.

Similarly to the way it created incentives for district attorneys to pursue reimbursement on hot checks by allowing prosecutors to supplement their office budgets with check collection fees, the Legislature allows prosecutors to use forfeited drug money for criminal investigations.

Fezell's office must file forfeiture petitions within 30 days after money is seized in drug raids or other drug-related arrests, he said. After the case has been disposed of, 54th State District Judge George Allen signs a judgment order, which turns the money over to the district attorney's office.

In cases made by other law enforcement agencies, Fezell, through an "informal agreement," usually splits the forfeited amount with that department. In cases made by the special crimes unit, Fezell's office keeps the entire amount, as it did in April 1984 when \$40,000 was confiscated during an undercover drug operation in East Waco.

Of the \$90,000 forfeited in eight seizures since last January, his office collected about \$67,200 and released about \$20,000 to cooperating agencies, Fezell said.

In addition to the cash seized, drug raids also have netted two vans, a motor-

cycle and several firearms, he said.

One of the vans was turned over to the Waco Police Department Drug Enforcement Unit and one is being used by the McLennan County Sheriff's Department.

The Legislature allows district attorneys to use the funds for a variety of reasons as long as it pertains to criminal investigations, but does not require strict accountability for how the funds are spent.

Fezell said that since Allen signs the forfeiture petitions, he ultimately supervises the amount of money seized and how it is used.

Allen, however, said he is not responsi-

ble for supervising the use of the funds, adding that Fezell is limited only by state statutes.

County Auditor Weldon Wells and County Treasurer Odessa Wells said none of the funds from forfeited cash is handled in their offices.

The Legislature intentionally gave prosecutors control over the funds because some investigations need to remain confidential and free from budget restraints placed on them by county commissioners and the Open Records Act, Fezell said.

Defense attorneys in the capital murder trials of David Wayne Spence and Muneer Mohammad Deeb were able to learn the names and telephone numbers of state witnesses by combing through records in the county auditor's office, Fezell said.

The special crimes unit office, which has been leased since January for \$852 a month, also allows investigators to interview witnesses and confidential informants without risking exposing their identities during courthouse inter-  
said the action was cleared through the commissioners' court. Commissioners Vince Incardona and Wayne Davis said they did not know about the office. Commissioner Jim Lewis, who is aware of the office, could not be reached for comment.

views. Fezell asked that the location of the office not be disclosed for "security purposes."

"We don't need for all the drug pushers in town to know what we are trying to do to catch them. We are concerned about the safety of some of the people who work with us," Fezell said.

Fezell said the office also provides him and his assistants more space to spread out materials while working on capital murder trial strategies without fear of defense attorneys wandering into the office.

But while Fezell said the funds enable his staff to battle crime more effectively, some county officials feel that the money should be channeled through the county's general fund or possible use in other areas, despite what the law allows.

"I think all monies appropriated by any office in the county should be approved by the commissioners' court," said County Judge Stanley Rentz.

Rentz and Commissioner Don Cantrell were aware that Fezell has leased another office away from the courthouse, but Rentz

There are five attorneys in Fezell's misdemeanor section sharing two offices, and Fezell said he unsuccessfully has asked Rentz to provide him with more office space.

"The law specifies that the money be used for criminal investigations," Fezell said. "Another purpose for the fund, and the reason the Legislature set it up, is for ... sensitive investigations, so we don't have to go to the county judge and beg for money with the probability of being turned down for political reasons. When it comes to fighting crime, it shouldn't have to be subjected to good ol' boy politics."

Fezell said that some county officials, including Rentz, are opposed to the fund "either because of politics or they haven't taken the time to inform themselves of the good work this office is doing."

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