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# Fezell says case files disturbed

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McLennan County District Attorney Vic Fezell says he has had to "reconstruct" much of the case to be used in trying the second defendant in the 1985 murder of West resident Melodie Bolton because federal agents who searched his office disturbed his files.

Federal agents searched Fezell's office and home on Sept. 17, following his arrest on federal racketeering charges. The agents seized tapes and files for use in preparing the case against Fezell.

Fezell is set to stand trial Feb. 2 in Austin.

The trial of Ernest Ray Moore is set to be heard in Judge W.T. McDonald Jr.'s 85th State District Court in Bryan.

McDonald presided over the second capital murder trial of David Wayne Spence in September and October 1985. Spence was found guilty of the murder of Kenneth Franks, one of three teenagers found slain at Lake Waco's Speegleville Park in July 1982.

Moore's trial was moved to Bryan on a change of venue approved by 54th State District Judge George Allen after a hearing in October.

Moore, 22, and Clifton Eugene Belyeu, 29, both of Cleburne, were arrested Dec. 10, about 12 hours

after Mrs. Bolton was discovered dead in the bedroom of her West home.

In August, a 54th State District Court jury in Waco found Belyeu guilty of capital murder for his participation in the shooting and stabbing death of Mrs. Bolton. Belyeu was sentenced to die.

No trial date has been set for Moore, although Fezell said he expects it to be next summer.

"Right now, I'm having to reconstruct a lot of the Bolton case that turned up missing after the FBI search," Fezell said.

According to Fezell, agents disturbed files he had prepared for the Moore murder, and he has had to get new statements "either through new interviews with witnesses or by getting with the sheriff's office to find what copies they have."

FBI agent Bob Zane could not be reached for comment Tuesday.

Fezell said that although the search of his office has forced him to spend additional time to prepare for the Moore trial, it could be beneficial.

"It's an opportunity for me to refresh myself on some of the testimony. A lot of it is things I would have had to have done later anyway. I'm not going to trial on a case I haven't looked at for six or eight months," he said.