

Fezell claims to be target of drug frame-up by police

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McLennan County District Attorney Vic Fezell is investigating reports that the Waco police chief and two detectives promised leniency to a three-time convicted felon if he would plant evidence in the district attorney's car to link Fezell to narcotics trafficking.

Fezell said he has two taped telephone conversations between the jail inmate and a police detective, as well as a videotape of the inmate's 90-minute polygraph session, that prove police officials solicited the ex-convict to set up Fezell and testify against him after Fezell's arrest by Waco police.

Police Chief Larry Scott denied meeting with the inmate, saying Fezell's accusation had no merit.

Fezell said the inmate, a 31-year-old Mexia

native who has been in the county jail since April on a variety of charges, has served as a confidential informant on drug cases for the police department.

His name is being withheld for his protection, Fezell said.

The inmate, who described himself on the videotape as "nothing but a hot-check writer," told polygraph operator Wayne Baker of Plano during the Nov. 20 session that he met with Scott, Sgt. Bob Fortune and Det. Bob Fuller in the Waco Police Department's Special Crime Unit in late June or early July.

The reported frame-up was discussed at that meeting, he said.

The inmate passed three lie detector tests during the session, Baker said.

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Fezell alleges police frame-up

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On Monday, Fezell told Waco City Manager John D. Harrison of the allegations. He demanded that Scott, Fortune and Fuller take polygraph tests or resign.

Harrison, who told Fezell he would take the matter under advisement for a few days, sent a letter to Fezell late Tuesday afternoon that asked him to turn over "whatever evidence of wrongdoing which you may have" to Waco City Attorney Earl Bracken Jr.

If Bracken thinks the evidence is enough to substantiate the allegations, the letter states, he will submit the evidence to the Texas Rangers "as an outside and neutral investigative agency."

Harrison said Texas Ranger Capt. Bob Mitchell has agreed to assist in the investigation.

Scott said Tuesday night that no meeting with the inmate occurred, and added, "There is just not any merit to it, period."

Scott declined comment when asked if he will submit to a polygraph test as Fezell has requested. When told that the inmate reportedly has passed three polygraphs, Scott said, "If he passed one, I don't know why they gave him two more. That should say something about the reliability there."

Fezell's office on Dec. 21 dismissed a case of delivery of a controlled substance against the inmate, and Scott said, "It certainly wasn't us who had the case dismissed."

Fezell said the case was dismissed after the alleged conspiracy between the inmate and Fuller came to light. Fezell said his office tried to get the inmate out of jail to cooperate in the set-up, but the inmate had warrants on him from at least seven other counties, preventing his release.

Fortune also denied the reported meeting with the inmate, Scott and Fuller. He denied the allegations and declined further comment.

Fuller said Tuesday he had no comment "at the present time."

Fezell, who called Harrison's response "unacceptable," said asking the Texas Rangers to investigate the allegations is "like asking the fox to guard the henhouse." Fezell blames the Texas Rangers for helping instigate federal charges against him. He was acquitted in June of federal bribery and racketeering charges.

Fezell said he made the allegations public because he has been followed sporadically since Dec. 21 and fears for his and his family's safety.

In the polygraph session, the inmate said that Fuller described in his alleged meeting with Scott and Fortune how police officials would buy chemicals and furnish money to him to buy chemicals. Fuller said they would concoct records showing that Fezell supplied money and chemicals to manufacture drugs, the inmate told Baker.

Fuller said they could place Fezell under surveillance and when he went inside a restaurant to eat, the inmate was to plant the ledger and chemicals in Fezell's car, go inside and wait for police to come in and arrest Fezell and the inmate.

After a search of the car, the chemicals and ledger would be found and the inmate would testify that he and Fezell were there to conduct a drug transaction, he told the polygraph operator.

The inmate told Baker that he was arrested in April in Ellis County on a Waco police warrant. When he was brought to McLennan County, he told Sheriff Jack Harwell that he could supply infor-

mation concerning the unsolved February murder of a 32-year-old Waco man who was found shot in the head in the trunk of his car.

"So you were working on your own deal?" Baker asked the inmate in the videotape. "Sure," the man said with a laugh.

The inmate said on the videotape that Harwell contacted Fuller, who arranged for the inmate to take a polygraph examination about the homicide. The test, was "inconclusive," but Fuller said he would arrange for another one, the inmate said.

In May or June, the man said Fuller checked him out of the county jail to take another polygraph test. He said Fuller seemed to "push" the conversation and asked him if he thought Fezell was connected to drug labs. The inmate said he told Fuller that the only things he had heard about Fezell being linked to drug trafficking were "rumors on the streets" or from members of the Waco Police Department.

In a taped phone conversation with Fuller on Nov. 23, the inmate, who initiated the conversations about Fezell, asked Fuller about "that deal with Vic. What are we gonna be able to do with that?"

Fuller responded, "With who?" and the man said, "With Vic."

"Well, you know, I'm still trying to get you out, but they're not going for it," Fuller told him.

When asked Tuesday night what he thought of the tapes Fezell played for him, Harrison said that is for someone else to determine.

"I'm not going to judge that. The allegation was there, but because of the briefness of the situation, I wouldn't summarily dismiss it, but I wouldn't endorse it," Harrison said.

Staff writers Todd Pratt and Drew Parma also contributed to this story.