

Fezell's testimony angered

Ex-DA tells jurors he seeks \$63.5 million

By TOMMY WITHERSPOON
Tribune-Herald staff writer

Vic Fezell, whose testimony Thursday was peppered with tears, anger and defiance, told a jury hearing his libel suit against a Dallas television station that he is seeking \$63.5 million in damages.

The former McLennan County district attorney said a 1985 10-part television series by former Channel 8 investigative reporter Charles Duncan ruined his political ambitions, damaged his wage-earning capacity and harmed his personal life.

Preliminary court filings had indicated that Fezell was seeking \$52 million in the libel suit. However, Thursday was the first time during the five-week trial that he specified monetary damage claims.

McElhaney showed Fezell a ruling from U.S. District Judge James Nowlin of Austin, who presided over Fezell's criminal trial, in which the judge ruled that the prosecution against Fezell was not motivated by retaliation for his role in uncovering the Lucas confessions hoax.

Fezell countered that the judge did not have access to as much evidence as the jury hearing the libel trial has heard because he and Richardson uncovered more of the alleged conspiracy during the

Fezell, who began his testimony late Wednesday afternoon, said he is seeking \$2 million for damage to his law practice; \$500,000 for derailment of his political career and aspirations; \$3 million for how the series affected his personal life; \$11 million for damage to his reputation and "standing in the community"; \$6 million for humiliation and mental suffering; and \$41 million in punitive damages.

Fezell is seeking \$1 million in punitive damages from Duncan and \$40 million from the A.H. Belo Broadcasting Co., which owns WFAA-TV in Dallas.

Duncan's series focused on Fezell's prosecution record and a reported FBI investigation into allegations that Fezell was taking bribes from a handful of Waco lawyers for favorable treatment of their clients.

Fezell testified that Duncan's erroneous and malicious episodes paved the way for the FBI to open an official investigation, which ultimately led to his indictment in September 1986 on federal bribery

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and racketeering charges. A federal jury in Austin acquitted Fezell after a six-week trial in 1987.

Duncan proved a willing tool for spiteful law enforcement officers eager to seek revenge against Fezell for his role in exposing bogus murder confessions by Henry Lee Lucas, Fezell claims.

Fezell said as each Duncan segment aired, the mounting pressures on him and his family, increased news media attention and snubs from some of his friends and courthouse officials who believed what they saw on television created an intense sense of humiliation.

"It got to the point where I was too embarrassed to go outside"

Fezell told a story about taking his son, Greg, to a local health club after several of Duncan's episodes had run. After signing in as a member and going inside, he realized he had forgotten towels. By the time he returned to the front counter, someone had written "Crook" beside his name, which his son saw.

As he described the incident, his voice cracked and his eyes welled with tears, as they did on at least four occasions during his emotional testimony Thursday.

Before Fezell's attorney, Gary Richardson, passed Fezell for cross-examination, he played a 25-minute photographic essay set to music that recorded Fezell's life. The stirring tape, which was played at an appreciation dinner for Fezell in September 1984 attended by 2,500 people, included tributes to Fezell by then Gov.

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al Jim Mattox, Baylor football coach Grant Teaff and Bob Thomas, chief justice of the 10th Court of Appeals in Waco.

As the tape played, at least three women on the jury dabbed at tears.

During cross-examination from Belo attorney John McElhaney, which will continue this morning, Fezell agreed that Duncan's series was not nearly as specific in its allegations as the federal indictment, which charged him with 14 counts of bribery.

McElhaney charged that much of Fezell's public reputation was formed by the federal indictment and by publicity about his subsequent probated suspension of his law license for two years.

The local state bar grievance committee disciplined Fezell after four Waco lawyers testified at his criminal trial that they

their clients. He also was disciplined for calling Judge George Allen a "liar."

Waco lawyers Don Hall, Dick Kettler, Ron Moody and Ken Crow also were disciplined by the bar association and were placed on misdemeanor probation for failure to pay income tax.

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