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In Depth

Lucas case termed 'circus-like'

Investigations bring accusations, countercharges from strange factions

By Joe Old
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When he signed on to defend accused murderer Henry Lee Lucas, Tulsa attorney Gary Richardson said the case would be a "circus" if it ever went to trial.

The circus, however, has long since begun. Lucas, 49, contributed to the circus atmosphere with his borrowed three-piece burgundy suit, his bright yellow shirt and his antics during a recent pretrial hearing before District Judge Brunson Moore.

Accused of the ax murder and rape of Librada Apodaca, 72, in May 1983 in her Lower Valley home, the man once thought to be the nation's deadliest serial killer fired his flashy attorney during the hearing. Lucas is currently in the El Paso County Detention Facility without legal representation.

Also, flamboyant private investigator Jay J. Armes walked off the job after taking offense when Moore would not let him sit at the defense table during the Jan. 21-22 hearing and would not grant him access to the district attorney's files pertaining to the case in the DA's office, even with Richardson present.

Moore, who has indicated the trial will probably be delayed beyond the previously scheduled March 3 starting date, said Friday he had two or three local attorneys in mind to appoint to the Lucas case, and Monday or Tuesday would hold a hearing — in the jail if necessary — to find out what Lucas intends to do about an attorney.

The hitch is that Lucas suggested in a letter to Moore last week that McLennan County District Attorney Vic Feazell might help him find a lawyer. Lucas once confessed to hundreds of murders committed while drifting across the country, but later recanted his confessions.

Feazell, who claims he helped "blow the top off the Lucas confession fraud," said Tuesday he had talked to Lucas and would "mention it to a few people" that Lucas needed a lawyer.

Feazell also said that because of the moral issues involved in the Lucas case, he felt no compunction about giving Lucas "practical advice, common sense advice and spiritual advice."

That suggestion raised some eyebrows in the El Paso district attorney's office. First Attorney Bill Moody said the Code of Criminal Procedure says no district attorney in Texas can "be of counsel adversely to the state in any case in any court."

Noting that the code does not specifically define "counsel," Moody questioned whether Feazell could ethically be involved in a search for an attorney for Lucas.

Prosecutors are frequently asked to recommend attorneys to defendants and are not allowed to do it, Moody said.

"I think it's getting pretty close," he said of Feazell's comments that he would mention Lucas' need of an attorney to people. "I don't know if it's gone over the line."

"By going out and getting legal counsel for Lucas, he is taking a position that is adverse to the state," Moody said. "If Feazell violates the rules of ethics, we might file a grievance against him."

These are among the latest in a whole series of circus-like events that have swirled around Lucas since his arrest in June 1983 on weapons charges in Montague County, Texas, after which he pleaded guilty to the murder of an 80-year-old woman from Stoneburg, Texas, and began confessing to hundreds of other murders.

Once convicted of murdering his mother, Lucas also received nine more convictions, including one for the 1979 capital murder of an unidentified hitchhiker near Georgetown, Texas, in 1979. He is under the death sentence for that murder.

Last year, an investigative series in the Dallas Times Herald, a grand jury investigation in McLennan County from April to July of 1985 and an investigation by Texas Attorney General Jim Mattox's office have led to the widespread belief that Lucas is a fraud.



Bill Moody

Henry Lee Lucas

Jim Mattox

Herald Post graphics by Erik A. Jensen

Henry Lee Lucas case in brief

Henry Lee Lucas, 49, is accused of the ax murder and rape of a 72-year-old woman in the Lower Valley.

After his arrest in East Texas in 1983, Lucas confessed to hundreds of murders, but later recanted his statements. He claims now he was fed the facts by investigators.

Last week he fired Tulsa attorney Gary Richardson, claiming he had no money with which to pay the former federal prosecutor.

Attorney General Jim Mattox has accused investigators — especially the Texas Rangers task force — with "sloppy police work" for believing Lucas' false confessions. Mattox promises a report that will show Lucas could not have committed many of the crimes he

once confessed.

Because he fired his attorney, Lucas may not be able to go trial as scheduled March 3. District Judge Brunson Moore, who is handling the Lucas case, said he will have a hearing next week to get Lucas another attorney.

Lucas claims McLennan County District Attorney Vic Feazell is going to help him get a lawyer. Feazell denies giving legal advice to Lucas but admits giving him "practical advice, common sense advice and spiritual advice."

The El Paso district attorney's office believes its evidence against Lucas is strong.

Commissioner Mary Haynes publicly, and others privately, have questioned whether the county should spend the money — possibly half a million dollars — in efforts to convict a known fraud, especially since Lucas already has a death sentence hanging over him.

District Attorney Steve Simmons, however, has taken the position that anyone committing a crime in his jurisdiction can expect to be prosecuted.

Moreover, some officials say privately they doubt the earlier death sentence on Lucas will stand up on appeal. This case is also seen by some as the best existing case against Lucas and an opportunity to vindicate investigators who were accused of "sloppy police work" by Mattox.

Other oddities in this case include:

Richardson, the former U.S. Attorney for the eastern district of Oklahoma, is under investigation by the Oklahoma Bar Association, following charges by Oklahoma House Speaker Dan Draper that Richardson "knowingly used perjured testimony" in prosecuting Draper and the former House majority leader in a federal conspiracy and mail fraud case in 1983.

Richardson once had to abandon a proposed contract with Lucas for the book rights to Lucas' life in exchange for defending Lucas because it proved to be illegal in Texas.

He tried to get Moore to appoint a local attorney to do the research in the case but Moore declined, saying it looked as though Richardson wanted someone else to do the work so he could come in and try the case.

After Moore refused to let Richardson quit because Lucas could not pay him, Lucas fired Richardson, leaving the judge no alternative but to let him withdraw. Richardson said he will continue to handle the "overall strategy" of defending Lucas.

Mattox and Col. Jim Adams, director of the

Texas Department of Public Safety, have been blasting at each other for months over the quality of the police work in the Lucas investigation.

Feazell, who cooperated with Mattox in a McLennan County grand jury investigation, has filed a complaint with the U.S. Department of Justice charging Adams with directing a conspiracy to deprive Feazell of his civil rights.

The conspiracy, Feazell contends, was a result of his efforts to show Lucas a fraud. It also led to a federal grand jury investigation of allegations that Feazell and other attorneys in his office may have taken money from DWI suspects who paid to have their cases dropped.

John Foster, an Austin attorney from the firm that represented Feazell before the grand jury, said no complaint was ever filed against Feazell.

On Tuesday at a news conference in Austin, Mattox renewed charges that the Texas Rangers task force, which came into being after Lucas was arrested in East Texas in 1983, attributed crimes to Lucas that he could not have committed, thus causing other law enforcement agencies to delay their investigations.

"It's obvious that a great miscarriage of justice took place and brought about a level of disrespect for our criminal justice system," Mattox said.

He promised that a report soon to be released by his office will show that Lucas could not have killed all the people he once confessed to killing in a nationwide crime spree.

Adams, however, claims the two of the Texas Rangers in the Lucas affair has been grossly misunderstood. The task force was not in existence to make Lucas a scapegoat for law enforcement officers who from 1970 to 1980 were told that Lucas "furnished both true and false information" all of which had to be checked