

STATE

War of words in Waco

Fezell claims inmate told to plant narcotics evidence in DA's car

WACO (AP) — McLennan County District Attorney Vic Fezell said Wednesday he 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 in a news conference he has two taped telephone

conversations between the 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, "There is just not any merit to it, period."

The claims by Fezell are only the latest in a series of controversies in which the district attorney has been involved.

In June, Fezell was acquitted of federal bribery and racketeering charges, which he claimed were the result of a vendetta against him by the Texas Rangers.

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.

Fezell declined to identify the inmate, saying it was for the man's protection.

The inmate told polygraph operator Wayne Baker of Plano during the Nov. 20 session that he met with Scott, Sgt. Bob Fortune and Detective Bob Fuller at the police department in June or July where framing Fezell was discussed.

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

Fezell said he plans to turn his evidence over to the state attorney general's office. He was not satisfied with the response he got from City Manager John Harrison, who asked Fezell to turn over his evidence to the Waco city attorney.

If the city attorney thinks there is sufficient evidence, it will be submitted to the Texas Rangers, Harrison said.

Fezell said asking the Texas Rangers to investigate the allegations is "like asking the fox to guard the henhouse."

The district attorney blames the Texas Rangers for helping instigate federal charges against him, because he embarrassed them by showing that convicted murderer Henry Lee Lucas could not have committed all the murders to which he confessed. Lucas later recanted on confessions to most of the murders the Texas Rangers had considered cleared.

Along with Scott, Fortune also denied the reported meeting with the inmate and denied all the allegations. Fuller, contacted by the Waco Tribune-Herald which reported on Fezell's claims Tuesday, said he had no comment for now.

"I'm not too concerned about something that didn't happen," Scott said. "It is just more irritating than anything else. I am not surprised at anything that comes out of the McLennan County district attorney's office."

Scott declined comment when asked if he would take a polygraph test.

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. He said his office tried to get the inmate out of jail to cooperate in the setup, but the inmate had warrants on him from at least seven other counties, preventing his release.

In the polygraph session, the inmate claimed Fuller described in his 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.

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.



Fezell