

Broadcast Three, ¶¶ 2-3: Information on case disposition, including Speedy Trial Act dismissals, was obtained from court records. Duncan Aff. ¶ 49.

- [2] That was two months ago. Now McLennan County District Attorney Vic Feazell won't talk with us on camera about his prosecution record or any other subject. Feazell claims he has one of the best records of prosecuting DWI cases that he's filed. However, court records show an average of more than 100 DWI suspects arrested each year in McLennan County are never filed on. In comparison, the Dallas County DA files charges against all DWI suspects. The same thing is true in Harris County. A similar policy is followed in Bell, Lubbock, Kaufman, and other counties.
- [3] In a spot check of several dozen DWI cases, we found 25 in which Feazell's office allowed the speedy trial act to run, eliminating prosecution. Some of these arrests involve high intoxicilizer results.

* Duncan cites no documents to base his claim of privilege on fair accounts of governmental proceedings.

~~_____~~ this is evident from cases such as Rickard and Nichols, et all.

Key word is allowed, which documents do not show.

records on DWI prosecutions. Attached hereto as Exhibit 30 is a true and correct copy of the list of the questions I directed Ms. Gregg to ask in the survey. I also obtained information on how other counties prosecute DWI suspects from Marinelle Timmons, a state director for Mothers Against Drunk Drivers.

48. In conjunction with the survey of DWI procedures in McLennan and other Texas counties, I learned from Mr. Feazell and others that in McLennan County there was a "screening" procedure under which the district attorney's office would determine that some cases should be prosecuted and others should be dismissed or not filed. We did not find such a procedure in other counties; rather, district attorneys in the surveyed counties told us that all DWI suspects were filed on in those counties.

49. I obtained the information on at least 25 prosecutions in which the Speedy Trial Act was allowed to run from court records. Law enforcement officials, including Chief Scott, Captain Pringle, Bill Johnston, and several police officers, and Waco City Manager David Smith, told me that letting the Speedy Trial Act run on so many cases was unusual and that a large number of DWI cases were never prosecuted.

50. I next report in Part 3,

"Mothers Against Drunk Drivers are upset with what they call lazy prosecution of DWI cases in McLennan County. The DWI arrest of a 46-year old Waco man personally handled by Feazell was the third drunk driving arrest for the suspect. He received probation on the other two. While the third case was pending with Feazell, the man was arrested a fourth