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Broadcast Two, ¶¶ 7-12: The reported facts concerning the case of Larry Ortega were obtained from his offense report and court records. Duncan Aff. ¶ 41 & Ex. 25.

- [7] Champion karate instructor, Larry Ortega of Waco, says he's a long-time personal friend and karate instructor to one of Feazell's key prosecutors, Pat Murphy.
- [8] [Larry Ortega:] "I was a good friend of his and also he knew me personally and he seen me every day. He seen me training and I would teach him every day. Whatever he know, I'd be there, by his side, teaching him everything he wanted to know about self defense and . . ."
- [9] When Ortega was arrested two years ago on drug charges a special prosecutor was never called in. Murphy personally handled the case. He refused to prosecute Ortega.
- [10] [Duncan:] "The whole thing was just forgotten about."
- [11] [Mr. Ortega:] "Yes."
- [12] Murphy has not returned our phone calls.

While Duncan states in Affidavit that he obtained the "fact that Pat Murphy personally handled the case from court records and the offense report" — the documents in evidence for summary judgment purposes [Duncan Aff. Ex 25] do not bear out this contention.

NOTE POSSIBLE PITFALL:

The case disposition sheet is signed by Murphy. and was produced pursuant to discovery.

hydrant. An intoxilizer test revealed a high .18%. .10% is legally drunk. No special prosecutor was requested by the District Attorney. Three weeks after Feazell took office, police were told no charges would be filed. The clerk, who is now an assistant attorney general, says the day after he was arrested he hired Feazell's law partner, Dick Kettler, and the case was dropped."

I was initially told about this case relating to Bill Conover by Mr. Johnston and Mr. Boyter in our first meeting. They told me that, at his victory party, Mr. Feazell told everyone to have a good time, and that if you get pulled over for DWI he would take care of it. WFAA used a brief clip of videotape from Mr. Feazell's 1982 victory party in order to introduce the report on Mr. Conover's case. I obtained the factual information on defendant Bill Conover's case directly from court records, and I confirmed the facts related above with Mr. Conover in two recorded conversations. A true and correct copy of the audiotape of those conversations with Mr. Conover is attached hereto as Exhibit 24. I also asked Andy Shuval, Executive Director of the Prosecutor Council of the State of Texas, about whether this specific case should have been handled by a special prosecutor rather than by Mr. Feazell personally, and he confirmed that a special prosecutor should have been appointed.

41. Further in Part 2, I state,

"Champion karate instructor, Larry Ortega of Waco, says he's a long-time personal friend and karate instructor to one of Feazell's key prosecutors, Pat Murphy."

"When Ortega was arrested two years ago on drug charges a

special prosecutor was never called in. Murphy personally handled the case. He refused to prosecute Ortega."

I obtained this information, including that fact that Pat Murphy personally handled the case, from court records and the Offense Report filed against Mr. Ortega by the Waco Police Department. A true and correct copy of that Offense Report is attached hereto as Exhibit 25. I verified the facts reported in the quoted segment with Larry Ortega in an on-camera interview, most of which was incorporated in the broadcast:

Ortega: I was a good friend of his [Mr. Murphy's] and also he knew me personally and he seen me every day. He seen me training and I would teach him every day. Whatever he know, I'd be there, by his side, teaching him everything he wanted to know about self defense and --

Duncan: The whole thing was just forgotten about.

Ortega: Yes.

A true and correct copy of the videotape of that conversation with Mr. Ortega is attached hereto as Exhibit 26.

42. Next in Part 2, I state,

"Another prosecutor in Feazell's office, Deanna Fitzgerald, personally handles many cases defended by Mexia lawyer Benji Reed. Court officials say Reed often doesn't show up for court appearances and warrants are issued for the arrest of his clients. But court officials say Ms. Fitzgerald cancels the warrants and dismisses the cases for Reed. Ms. Fitzgerald and Reed are first cousins. The prosecutor says she handles her cousin's cases like she would treat cases for any other lawyer. Reed says he sees nothing wrong with the arrangement."

WACO POLICE DEPT.

OFFENSE REPORT

1. Victim or Complainant (Last Name First) OFFICER PRESLEY Address 721 N. 4TH Res. Phone 756-6161

2. Place of Employment or School SAME Bus. Phone _____ Race _____ Sex _____ Age/DOB _____ Height _____ Weight _____ Hair _____ Eyes _____

3. Offense or Incident POSS. CONT. SUB., TO WIT; MARIHUANA 0/4oz, U/51bs 230

4. Time/Date Reported 11:45P/4-15-83 Time/Date Occurred 11:45P/4-15-83 Location of Offense (Address) 714 S. 20TH Describe Location PVT. RESIDENCE

5. Reporting Person's Name SAME Address _____ Res. Phone _____ Bus. Phone _____

6. Describe What Happened (MO, etc.)
 MEMBERS OF THE WACO DRUG ENFORCEMENT UNIT, ALONG WITH DPS NARCOTICS AGENT, EXECUTED A SEARCH WARRANT AT THE ABOVE LISTED LOCATION. UPON EXECUTION OF THE SEARCH WARRANT, A QTY OF CONTROL SUBSTANCE WAS SEIZED AND ONE ARREST WAS MADE.

7. Qty. Description (Size, Color, Model, Style, Material, Condition, Serial No.) Value Stolen Value Rev.

8. Abandoned Used in Offense Parked at PD Year Make Model Name Body Type Color(s)
 Stolen Stored Vict's Veh Towed Canc
 Lic. Yr-State-Number V.I.N. Identifying Marks-Condition-Missing Parts
 Owner Address Est. Value

9. Arr. Want Canc Name (Last, First Middle) Address
 Witn. Susp. Wrnt/Arr. No. ORTEGA, LARRY 714 S. 20TH; WACO
 Race Sex Age/DOB Height Weight Hair Eyes Clothing-Distinctive Marks-Other
H/M 3-27-63/20 5'6" 140-145 BLK BRN

10. Arr. Want Canc Name (Last, First, Middle) Address
 Witn. Susp. Wrnt/Arr. No.
 Race Sex Age/DOB Height Weight Hair Eyes Clothing-Distinctive Marks-Other

11. Arr. Want Canc. Name (Last, First, Middle) Address
 Witn. Susp. Wrnt/Arr. No.
 Race Sex Age/DOB Height Weight Hair Eyes Clothing-Distinctive Marks-Other

Summary of Investigation, Officer's Opinion, Background to case, etc.
 At 11:45P/4-15-83, Members of the Waco Drug Enforcement Unit, along with a DPS Narcotics Agent executed a search warrant at 714 S. 20th; Waco McLennan County, TX. Members of the Drug Enforcement Unit present were DET. PRESLEY, SGT. TIDMORE, SGT. STRICKLAND, DET. THOMPSON, DET. KIRK. Also present was DPS Narcotic agent BENNETT. Also present was from the patrol division, OFFICER RHUDY & OFFICER DIETERICH. The residence was entered at 11:45P by the above mentioned officers. Once inside the residence, the occupants of the residence were given their miranda warnings, at approx. 11:50P. After a search of the residence was completed, a qty of control substance, being a green leafy substance, believed to be marihuana, was found in a rear bedroom, belonging to LARRY ORTEGA, subject listed above. The search warrant was obtained by me at 10:P/4-15-83, warrant was signed by Judge JOE JOHNSON. The narcotic seized will be taken to the DPS Lab in Waco for analysis on the next available date. LARRY ORTEGA was arrested and taken to city jail, where he was booked and a form 6 was made. Investigation continues at this time.
 EME: 5:35A/4-16-83

Reporting Officer No. Assisting Officer(s) Time/Date Dictated
PRESLEY 318 SGT. TIDMORE/THOMPSON/KIRK 2:05A/4-16-83

EXHIBIT
25

Excep. Cl.

PRIORITY
WACO POLICE DEPT

CONTINUATION/FOLLOW-UP
REPORT

1. Time/Date Dictated
10:04a 4/19,

2. Case Number
83-04-12697

Offense or Incident

4. Location

5. Date Offense Reported

POSS. OF CONTROL. SUB. TO WIT MARIH 0/5oz U/5lbs 714 S. 20th Waco

4/15/83

Victim or Complainant (Last Name First)

Address

OFFICER PRESLEY

721 N. 4th

PROPERTY

7. Qty.	Description (Size, Color, Model, Style, Material, Condition, Serial No.)	Value Stolen	Value Rcv.

PERSONS

8. <input type="checkbox"/> Arr. <input type="checkbox"/> Want <input type="checkbox"/> Canc	Name (Last, First, Middle)	Address
<input type="checkbox"/> Witr. <input type="checkbox"/> Susp. Wrrnt/Arr. No.		
Race Sex Age/DOB Height Weight Hair Eyes	Clothing-Distinctive Marks-Other	
9. <input type="checkbox"/> Arr. <input type="checkbox"/> Want <input type="checkbox"/> Canc	Name (Last, First, Middle)	Address
<input type="checkbox"/> Witr. <input type="checkbox"/> Susp. Wrrnt/Arr. No.		
Race Sex Age/DOB Height Weight Hair Eyes	Clothing-Distinctive Marks-Other	

VEHICLE

10. <input type="checkbox"/> Abandoned <input type="checkbox"/> Used in Offense <input type="checkbox"/> Parked at PD	Year	Make	Model Name	Body Type	Color(s)
<input type="checkbox"/> Stolen <input type="checkbox"/> Stored <input type="checkbox"/> Vict's Veh <input type="checkbox"/> Towed <input type="checkbox"/> Canc	Identifying Marks-Condition-Missing Parts				
Lic. Yr-State-Number	V.I.N.	Address			Est. Value
Owner					

Officers pulled up to the residence of 714 S.20th as we saw subject, Larry Ortega and another W/F getting into his vehicle, which was parked on the right hand side of the residence, by the alley, apparently to leave. Myself and officer Thompson identified ourselves to Mr. Ortega and the W/F. The W/F being Rocksann Donahoo, W/F dob/1-31-65, 5'5, 110lbs, bro/hair, blu/eyes, address/2833 Madison Drive, Waco apt. C.

Once we secured Ms. Donahoo and Larry Ortega, we took them back into the residence where other officers had already entered at approx. the sametime as we were securing Mr. Ortega and Ms. Donahoo.

After officers had entered the residence, it should be noted that there were several H/Fs, several H/Ms and also several children in the residence at the time that search warrant was executed. As soon as it was practical the H/Fs and the children at the residence were allowed to go across the street to a relative's house, as they were not directly involved in the incident per say. Miranda warnings were given to all subjects present, immediately after entry at approx. 11:50p 4/15/83. The Miranda warnings were read by Sgt. Strickland at this time all persons in the residence were present, including Larry Ortega, Ms. Donahoo and all other subject present at the residence.

During the execution of the search, Det. Kirk acted as the bookkeeper and made note of all evidence and where the evidence was found. Sgt. Tidmore was in charge of the photographs and did picture all evidence found also all the suspects in the residence at the time the search warrant was executed.

During the search of the residence, the following items were found;

- exhibit 1 flowered pillow case, found in the bottom dresser drawer of the back left bed room. pillow case was found by Agent Bennett, DPS, seized by me.
- exhibit 1A 1 large baggie of green leafy substance, found in inside exhibit 1 by Agent Bennett and seized by me.
- exhibit 1B another large baggie of green leafy substance found inside exhibit 1 by Agent Bennett and seized by me.

cont. zlh

11. <input type="checkbox"/> Unfounded <input type="checkbox"/> Suspended	12. Officer Making Report	Badge	Reviewed By	Date	CLERK	Clerk	Sergeant
<input type="checkbox"/> Cl. by Arr. <input type="checkbox"/> Excep. Cl.	PRESLEY	318					

3. Offense or Incident

POSS. OF CONTROL. SUB. TO WIT MARIH 0/5oz U/51bs 714 S. 20th Waco

4. Location

5. Date Offense Reported
4/15/83

6. Victim or Complainant (Last Name First)

OFFICER PRESLEY 721 N. 4th

Address

7. Qty. Description (Size, Color, Model, Style, Material, Condition, Serial No.)

Value Stolen

Value Rcv.

PROPERTY

8. Arr. Want Canc

Name (Last, First, Middle)

Address

Witn. Susp. Wrnt/Arr. No.

Race Sex Age/DOB Height Weight Hair Eyes Clothing-Distinctive Marks-Other

PERSONS

9. Arr. Want Canc

Name (Last, First, Middle)

Address

Witn. Susp. Wrnt/Arr. No.

Race Sex Age/DOB Height Weight Hair Eyes Clothing-Distinctive Marks-Other

VEHICLE

10. Abandoned Used in Offense Parked at PD

Year Make

Model Name

Body Type

Color(s)

Stolen Stored Vict's Veh Towed Canc

Lic. Yr-State-Number

V.I.N.

Identifying Marks-Condition-Missing Parts

Owner

Address

Est. Value

page 2

exhibit 2 copy of a W2 form in the name of Larry Ortega, 714 S. 20th, Waco, TX, found in the top dresser drawer, the same dresser in the back bedroom by Agent Bennett and seized by me.

exhibit 3 one photograph of 2 H/Ms subjects, one subject being Pete Ortega Jr, showing use of narcotics, this photograph will be found in a briefcase behind the water heater in the storage closet by Sgt. Strickland and seized by me.

exhibit 4 1 plastic K Mart bag found in the back bedroom closet by Agent Bennett seized by me.

exhibit 4A 1 brown paper bag found inside of exhibit 4 by Agent Bennett, seized by me.

exhibit 4B stems and seeds, small amount of green leafy substances, found inside exhibit 4A by agent Bennett and seized by me.

The following exhibits will be taken to the DPS NARCOTICS LAB for analysis at the next available date: exhibit 1; exhibit 1A; exhibit 1B; exhibit 4B. All other exhibits will be transferred to the DA office along with this case.

After exhibits were found and search was completed, and also due to the fact that Miranda warnin had already been read, I did ask remaining subjects in the house, being Pete Ortega Jr and Larry Ortega who resided in the rear bedroom where the narcotics were found. Larry Ortega did indicate to me that this was his bedroom. He had earlier indicated to me that he was a karate instructor being a black belt in karate and I did take note that the bedroom in which the narcotics were found had various karate belts and pictures and a karate uniform hanging on the wall.

Once the search of the residence was completed, Larry Ortega was arrested and was taken to city jail where he was booked. Form 6 was made. Pete Ortega Jr. due to the fact that he was not in immediate possession of the substances was released at that time.

The search warrant will be returned to Judge Joe Johnson this date along with the inventory of items which were taken from the house. Also a copy of the search warrant was provided for Larry Ortega along with a copy of the inventory of items that were taken from the house.

end of report zlh 11:10a 4/19/83

11. Unfounded Suspended
 Cl. by Arr. Excep. Cl.

12. Officer Making Report

PRESLEY

Badge

318

Reviewed By

Date

INDEX

Clerk

Sergeant

STATE OF TEXAS
COUNTY OF McLENNAN

I, John Cabaniss

Justice of

the Peace, Precinct No. 1, Place 1, of McLennan County, Texas, do hereby certify that
Larry Ortega

appeared before me at 10:52 A.M.,

on the 16th day of April, 19 83 at the

City Jail in McLennan County, Texas, and at that time I warned the said
Larry Ortega

of the accusation against him/her

in clear language and of the affidavit, if any, filed in support of such accusation; that he/she had the right to retain counsel; that he/she had the right to remain silent; that he/she had the right to have an attorney present during any interview with peace officers or attorneys representing the State; that he/she had the right to terminate the interview at any time; that he/she had the right to request the appointment of counsel if he/she is indigent and cannot afford counsel; that he/she had the right to have an examining trial; that he/she is not required to make any statement and that any statement made by him/her may be used against him/her; that I gave him/her a reasonable time and opportunity to consult counsel.

I also warned Larry Ortega

of his right not to take a polygraph examination, and that if the polygraph test is undertaken, it can be terminated at any time.

In witness whereof I have subscribed my name this the 16th day of
April, 19 83

Poss. Mar. 0/4ozs, -5lbs.

Bond 5,000

John Cabaniss

Justice of the Peace
Precinct 1, Place 1
McLennan County, Texas