

Episode 7

The broadcast states "A 24 year old man, attempting to escape police at this Waco parking lot, backed over an officer with his car." This is a misstatement of the facts known to Duncan as the police report states "Mr. Montgomery then put the car in reverse, backing up knocking me to the pavement there and then proceeded to look over his shoulder and also keep backing up, west out of the parking lot on to Forrest St., where he then hit two other vehicles and there was also several other people on the parking lot in the direction that he was backing."

The broadcast clearly gives a false and misleading statement by saying that the defendant backed over the officer with the car. The date of this offense was 8-9-82.

The broadcast then states, "Four days later he assaulted another policeman. The suspect got a probated sentence, recommended by the D.A. in one case, and was not indicted on the other assault". The report of case disposition, which was in the possession of Mr. Duncan, is initialed by DG, Dennis Green, Mr. Montgomery did plead no lo contendere and received 3 years probation and a \$446.29 fine, the defendant was granted the three years probation from the bench in the 54th. District Court, the Judge presiding was Judge Allen, however in the broadcast the statement, "and was not indicted on the other assault", although correct on its face is clearly misleading and evidence of the preconceived story line of Mr. Duncan as Mr. Duncan clearly knew that Vic Feazell did not take office until January of 1983, Duncan states that the suspect was not indicted so he clearly knew that Montgomery was not indicted, Duncan conveniently leaves out material facts that he was well aware of, that Mr. Montgomery was no billed by a Grand Jury on October 12, 1982, three months before Vic Feazell took office in 1983. Duncan had in his possession the Montgomery file containing the Report of Case Disposition enclosed herein as exhibit number () signed by former District Attorney, Felipe Reyna.

It is clear that Duncan's words, "Backed over an officer with his car" lead the viewer to believe that indeed a policeman was seriously hurt by Mr. Montgomery, while the police report shows that the incident did not happen and no policeman even went to seek medical assistance resulting from the incident.

In the Affidavit of Charles Duncan concerning episode 7 he states "This information was verified from Mary Crook, the officer in question. Mr. Duncan leaves the false impression that officer Crook was involved in the previous episode concerning the assault by Harold Montgomery with the car in the parking lot. Officer Kuykendall was the Officer in that incident and Mr. Duncan has made no mention of interviewing Officer Kuykendall.