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Fezell asks immunity against counterclaim

By **TOMMY WITHERSPOON**
Tribune-Herald staff writer

McLennan County District Attorney Vic Fezell claims that as an elected official and the original plaintiff in a libel suit, he is entitled to "quasi-judicial immunity" from counterclaim charges filed against him by Waco Police Chief Larry Scott.

In a response filed Friday to Scott's counterclaim, Fezell said he is immune from Scott's claims because he is the original plaintiff in the lawsuit that was the basis for Scott's counterclaims.

Fezell filed a libel suit in June 1986 against Scott, Dallas television station WFAA and WFAA reporter Charles Duncan after the station aired an 11-part series by Duncan that questioned Fezell's handling of criminal cases.

Fezell's attorney, Gary Richardson, said Scott was named in the suit because information he reportedly furnished Duncan for the

reports was "false, malicious and had no basis in fact."

Scott filed his counterclaim against Fezell July 6 alleging that Fezell is attempting to keep Scott from fulfilling his contractual obligations to the city by demanding Scott's resignation.

The day after Fezell was acquitted in June by a federal jury in Austin on bribery and racketeering charges, he asked for Scott's resignation and questioned Scott's philosophy about effective law enforcement.

In his answer to Scott's counterclaim, Fezell also claims that his statements against Scott were made in the course of his duties as district attorney, therefore making them immune from liability.

Fezell said he also is immune from damages because statements he made are protected under his First Amendment rights to free speech.