

11-20-85

Feazell denies ties to burglary suspect

By DARRELL DUNN
Tribune-Herald staff writer

Assistant U.S. Attorney Jan Patterson has obtained custody of 21-year-old Clyde Kelly Jr., the suspected leader of a ring that Waco police believe was involved in as many as 125 burglaries in 1984 and 1985.

McLennan County District Attorney Vic Feazell said he believes Kelly is being questioned by Ms. Patterson about a possible connection between Feazell and Kelly. Ms. Patterson has been leading a federal grand jury in Austin that re-

portedly is investigating impropriety in Feazell's office.

Kelly was removed from the McLennan County Jail Friday by the Waco Police Department. Capt. Dan Weyenberg of the McLennan County Sheriff's Department said Ms. Patterson later served him with a writ giving her custody of Kelly.

Weyenberg said Ms. Patterson declined to specify where Kelly was being held, for what period of time he would be questioned by federal authorities, or if he would be returned to McLennan County

Jail.

Weyenberg said Ms. Patterson told him Kelly was being questioned in a gun case unrelated to two McLennan County burglaries for which Kelly has been indicted.

Ms. Patterson would not comment about Kelly on Tuesday when she was reached at her Waco office.

The Austin grand jury is believed to have spent part of the past eight months considering allegations of misconduct in Feazell's office. In July, Ms. Patterson told the *Tribune-Herald* the federal in-

vestigation of Feazell had been going on for months.

"They're going to try and make this ol' two-legged dog trot," Feazell said Tuesday from his office in the courthouse annex. "As far as I know, I've never laid eyes on Mr. Kelly.

"I've never committed any burglaries. I've never asked anyone to commit a burglary for me. I wrote a letter to the grand jury in Austin requesting that I be allowed to appear before them voluntari-

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Feazell says he's done nothing wrong

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ly, without counsel, to answer any questions they may have. I've done nothing illegal. I have nothing to hide."

Feazell said he sent the letter by an overnight delivery service on Monday and had not received a response by Tuesday afternoon.

"Do they want me so bad that they're going to offer some felon federal protection and money to go down to the grand jury and lie about me?" Feazell asked.

"I'm just glad that Henry Lee Lucas isn't confessing to any more crimes. They'd have him down there before that grand jury telling them he and I participated in necrophilia," Feazell said.

Feazell maintains the federal probe of his office is in retaliation for a McLennan County grand jury investigation that he and Texas Attorney General Jim Mattox initiated to examine confessions made by Lucas while the drifter was cooperating with the Texas Rangers Homicide Task Force.

Doug Henager, Kelly's court-appointed lawyer in the two burglary cases for which he has been indicted, said Tuesday he had not been informed that federal authorities took custody of Kelly and did not know why Kelly was being ques-

tioned without benefit of counsel.

"My client is not in the jail and hasn't been, apparently, since Friday," Henager said. "I've been calling around trying to find where he is, and I can't get any information."

Henager said Kelly's sister went to the McLennan County jail Sunday night for regular visitation and was informed that Kelly was not being held there. He said she then called the Waco Police Department and was told he was not in custody.

"If it has anything to do with the cases I'm representing him on, I feel I ought to know something. I don't know if he's being interrogated voluntarily or involuntarily. Or even if he is being interrogated," Henager said.

"Kelly's a state prisoner. We've got state charges pending against him, and they come sashaying in here and take him," Feazell said. "They didn't even tell (Henager) they were going to question him."

Shortly after Kelly's arrest in June, officials of the Waco Police Department called a news conference to announce that they believed Kelly was the ringleader of a group of four men and three teen-agers involved in more than 125 burglaries in 1984 and 1985.

Kelly posted \$30,000 bond on June 26 and was released from the

county jail. Police did not believe Kelly could make bond. When he did, they filed a second burglary charge but were unable to locate him.

THURSDAY

Nov. 21, 1985

Scott gives no news on Kelly

By DARRELL DUNN

Tribune-Herald staff writer

Waco Police Chief Larry Scott declined to comment Wednesday on why assistant U.S. Attorney Jan Patterson has taken custody of Clyde Kelly Jr., who police say was involved in nearly 100 area burglaries.

McLennan County District Attorney Vic Feazell said he believes a federal grand jury in Austin, which has been investigating Feazell's office, is considering allegations that Kelly burglarized offices of Waco lawyers on orders from Feazell.

The district attorney denied he was involved in any type of burglary.

Ms. Patterson gained custody of Kelly when she presented Capt. Dan Weyenberg of the McLennan County Sheriff's Department with a writ Friday. Kelly, 21, was once described as Waco's most wanted fugitive.

"I'm not going to discuss it," Scott said Wednesday when asked why Ms. Patterson had taken custody of Kelly.

Ms. Patterson is leading an Austin-based federal grand jury investigation of Feazell. The district attorney claims the investigation is retaliatory because of his criticism of the Texas Rangers Homicide Task Force's work with convicted murderer Henry Lee Lucas.

Ms. Patterson has declined to comment about Kelly or the grand jury investigation of Feazell, and asked Tuesday that all questions be directed to U.S. Attorney Helen Eversberg of San Antonio. Ms. Eversberg did not return *Tribune-Herald* telephone calls Wednesday.

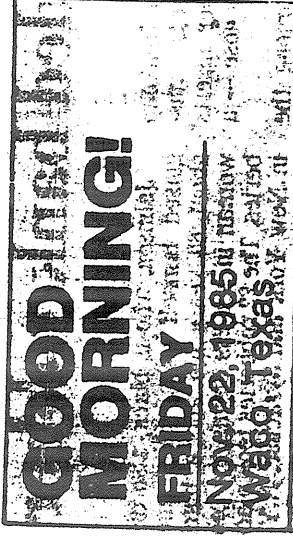
Weyenberg said Ms. Patterson told him Friday she was questioning Kelly in a "gun case" unrelated to the two burglary indictments for which he was being held in jail.

Feazell said Tuesday he mailed a letter to the foreman of the Austin grand jury Monday, offering to answer any questions that the grand jury might want to ask. He said as of Wednesday, he had received no response.

Waco police say Kelly was the leader of a group of adults and teenagers involved in more than 125 residential and business burglaries in 1984 and 1985.

Until Friday, Kelly had been in McLennan County Jail since July when the Crawford school superintendent captured Kelly and another burglary suspect near his residence and held them at gunpoint until police arrived.

Kelly was the subject of an intensive search and was named as the police department's most wanted fugitive in its Crime Stoppers most wanted list.



Kelly switches lawyers

□ Kelly indicted for burglary
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By DARRELL DUNN

Tribune-Herald staff writer

Clyde Kelly Jr., the Waco burglary suspect who was taken into federal custody Nov. 15, has hired attorney Rod Goble, relieving Doug Henager of his court-appointed duties.

Goble said Thursday that Kelly is being questioned about "gun charges," adding that he could not comment on whether federal authorities also are investigating a relationship between Kelly's alleged burglary ring and McLennan County District Attorney Vic Feazell.

Assistant U.S. Attorney Jan Paterson took custody of Kelly on Nov. 15 when she served the McLennan County Sheriff's Department with a writ. Waco police claim Kelly, 21, led a ring of burglars responsible for more than 125 residential and business burglaries in 1984 and 1985.

Feazell said he believes Ms. Paterson — who is leading a federal grand jury probe of Feazell in Austin — is attempting to establish a link between him and the burglary ring, including allegations that Feazell ordered Kelly to burglarize the offices of certain Waco attorneys.

"As far as I know, I've never laid eyes on Mr. Kelly. I've never committed any burglaries. I've never asked anyone to commit a burglary for me," Feazell told the *Tribune-Herald*.

Kelly's whereabouts have been in question since Ms. Paterson took custody. Henager was not informed of the change in attorneys until Wednesday night.

"I have been retained to represent Kelly in the federal investigation as well as the state cases," Goble said Thursday.

Goble said he knows where Kelly is being held, but "I don't feel I should say where." He said Kelly

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Kelly being questioned about weapons charges

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would be made available for disposition of state cases, but he said he did not know if Kelly would ever be returned to McLennan County custody.

"I don't think it has been determined," Goble said.

He said he could not discuss whether federal authorities have offered Kelly immunity or any deals for his cooperation.

Goble previously represented Lake Waco triple murder co-defendant Gilbert Melendez, Waco policeman Mark Kennedy and Department of Public Safety intelligence officer Ron Boyter.

"That's typical," Feazell said Thursday when informed that Goble had been retained to represent Kelly.

A McLennan County grand jury on Thursday indicted Kelly for burglary of habitation. Kelly now has been indicted on three separate burglary charges.

Goble said he did not know "the details" of the gun case federal authorities are questioning Kelly about, and would not say whether Kelly was being asked about Feazell.

"I just really can't comment on that," Goble said.

Goble said Kelly was referred to him by another attorney. Goble said he took over representing Kelly in federal matters on Nov. 15, and took over representing Kelly on the three McLennan County burglary indictments Wednesday.

Ms. Patterson has declined to comment on the Kelly situation. Waco Police Chief Larry Scott also has declined comment.

Henager said Thursday he spoke with Goble on the telephone Wednesday night, and Goble informed him that he would be representing Kelly.

Henager said Goble told him

federal authorities are questioning Kelly about a weapons case, "but he didn't go into any detail."

Henager, who was not notified when Kelly was removed from the McLennan County Jail, was concerned that his client might be undergoing questioning without benefit of counsel.

"I'm off the case as it stands now," Henager said. "If it's (Kelly's) choice, that's fine."

Goble and Dick Kettler were appointed by the court to represent Melendez, who pleaded guilty to two murder charges in the Lake Waco triple murder case. Melendez was sentenced to two concurrent life prison terms.

Goble represented Kennedy when he was indicted by a McLennan County grand jury on assault charges in connection with the June 22 arrest of a Waco man. Feazell had argued for a delay of the Kennedy case so that he could handle it himself in November. Feazell's request was denied, and eventually charges against Kennedy were dismissed after the alleged victim had to be committed to a mental institution.

During the Henry Lee Lucas grand jury probe in McLennan County, Goble represented Boyter when Boyter was called to testify. Although Boyter said he had no direct association with Lucas, he declined to comment when asked if he had been involved in a DPS investigation of Feazell.

Feazell claims DPS Director Jim Adams ordered an investigation of Feazell in retaliation for the Lucas probe that raised questions about Lucas' confessions to hundreds of murders while participating with the Texas Rangers homicide Task Force.

Adams has denied the DPS was involved in a retaliatory investigation but will not confirm or deny he ordered an investigation of Feazell.