

# Fezell hearing to offer clues to tone of trial

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Monday will see another major skirmish in the trial of McLennan County District Attorney Vic Fezell in an Austin federal court.

The long-awaited trial is scheduled to begin May 26 before U.S. District Judge James Nowlin.

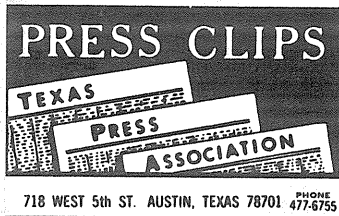
Monday's pretrial hearing will settle important issues that should give some indication of what kind of trial will take place, and what direction Fezell's defense might take.

Fezell was indicted on federal charges of racketeering and mail fraud in September. According to the indictment, Fezell accepted bribes offered by defense attorneys to influence his handling of criminal cases referred to his office by various state and local law enforcement agencies.

Fezell has long said the indictment is retaliation for his investigation of confessed mass murderer Henry Lee Lucas. Lucas was nobilled by a McLennan County grand jury after confessing to three homicides in the county. Lucas later recanted hundreds of confessions that cleared up unsolved murder cases across the nation.

Among the motions filed by Fezell's attorney, Gary Richardson, for Nowlin to consider

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## Nowlin to hear Fezell motions

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during this week's hearing are:

- A motion to dismiss charges against Fezell because of prosecutorial misconduct on the part of Assistant U.S. Attorney Jan Patterson. In a ruling issued last week, Nowlin limited evidence in this motion to the question of retaliation by U.S. officials because of Fezell's investigation of Lucas.

Lucas will be brought in from his prison cell at the Ellis I unit near Huntsville for testimony, Fezell said. Fezell also said he would present evidence on a "laundry list" of actions by federal offi-

cial, including wiretaps and mail tampering, to support the misconduct motion.

- A motion to suppress the search warrant used to seize items from Fezell's residence, office and car when he was arrested in September. Fezell said he will argue the warrant was overly broad.

- A motion to have the trial moved to Waco from Austin. Fezell said during previous conferences with the judge that the expense of lodging for witnesses, himself and his attorney might force the court to appoint an attorney to defend him.

Fezell said he had obtained subpoenas for 55 people to appear at the pretrial hearing in Austin, including Lucas; 54th State District Court Judge George Allen; Waco Police Chief Larry Scott; Department of Public Safety agent Ron Boyter; McLennan County Constable Bill Donaldson; and a former investigator for Fezell's office, George Merilian.

Government attorneys have subpoenaed newspaper articles and television footage about Fezell from most Waco media outlets, including the *Tribune-Herald*.

The hearing is expected to last at least two days.