

LAW SUIT

Fezell libel trial testimony enters 4th week

By TOMMY WITHERSPOON
Tribune-Herald staff writer

The trial of a multimillion-dollar libel suit filed by Vic Fezell against a former Dallas television reporter begins its fourth week today in Waco's 15th State District Court.

Fezell, McLennan County's controversial and flamboyant former district attorney, is seeking \$52 million from former Channel 8 reporter Charles Duncan and the Belo Broadcasting Co., which owns WFAA-TV in Dallas.

Duncan spent 10 days on the witness stand defending his 10-part series about the operation of Fezell's office that began airing in June 1985.

Fezell's attorney, Gary Richardson, expects to call 15 to 20 more witnesses and said the trial could last another two weeks. Richardson said he is pleased with the way it has gone so far.

"I don't even think fantastic can describe it. It is going great," Richardson said.

Fezell also said he is confident at this point in the trial.

"We have been trying for five years to get these people into court. I'm very happy that we are finally here and getting to tell our side of the story," Fezell said.

Belo attorneys John McElhaney and Tom Leatherbury said their trial strategy depends a great deal on what Richardson and Fezell do, adding that they can't pre-

dict how many witnesses they will call.

Richardson told the jury of nine women and three men that "not one witness" will support many of the aspects that Duncan aired in his series. That prediction so far has held up, with two officers denying that they told Duncan certain statements that he attributed to them.

Ron Boyter, a Department of Public Safety officer who led the criminal investigation into allegations that Fezell accepted bribes to dismiss cases, denied that he told Duncan in April 1985 that the FBI was investigating Fezell in the fall of 1984.

Boyter and Bill Johnston, former Waco

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police legal adviser, met with Duncan in a Waco motel room April 24, 1985, to give him much of the fodder for his series. Duncan said in the first episode that the FBI was investigating Fezell and six or more Waco attorneys who were charging high fees to get cases dismissed.

Boyter said the FBI did not enter the investigation until months later, so he could not have told Duncan that they were investigating Fezell in April 1985.

Waco police officer Donnie Tidmore, the fourth trial witness, also disputed Duncan's testimony that some information about defendants that aired on the series had come from him. Tidmore acknowledged that he talked to Duncan but denied several things that Duncan said had come from him or said they were erroneously reported.

Duncan, 55, a Hillsboro native, had worked for Channel 8 about 12 years. He is now a private investigator in Dallas.

Fezell, who resigned as district attorney in September 1988, is in private practice in Waco.