

BRIEFLY

**Remains tentatively
ID'd as Waco man**

A spokesman for the Clackamas County Sheriff's Department in Oregon said Monday that they have tentatively identified the remains of a former Waco resident.

Searchers Sunday found a skull and lower jaw in the foothills of the Mount Hood National Forest.

Deputy John Turner said authorities believe they are the remains of Don Ray Nutley, 47, a former Lacy-Lakeview resident who apparently left for the Northwest in the fall of 1990, hoping for a new start.

Authorities had been looking for Nutley's remains since John J. Fautenberry, 27, made a statement concerning Nutley's disappearance. In addition to the remains, a receipt was found with Nutley's signature, Turner said.

Fautenberry has been charged with four murders.

Turner said authorities now believe Nutley was killed in mid-November after he agreed to go target-shooting at Mount Hood.

Construction on I-35

Motorists travelling south on Interstate 35 through the construction project in Waco will encounter closed lanes and ramps today, weather permitting.

Southbound interstate traffic will be restricted to one lane and the Valley Mills Drive exit ramp will be closed at about 8:30 a.m. All lanes should be open by 4:30 p.m.

Southbound motorists who normally exit at Valley Mills Drive should use the Fourth Street exit and continue south along the frontage road.

Teachers endorse candidates

The Waco Classroom Teachers Association endorsed three candidates for the Waco Independent School District Board of Trustees during a press conference Monday.

Receiving endorsements were Terry Irwin, at-large; Jimmy McCluskey, District 1; and Billy R. Barrett, District 2.

Nancy Lynch, president, said the association is concerned about the issues of school discipline and teacher salaries. She said the association looked for candidates with a willingness to listen and the ability to work with teachers.

Feazell says he could have had more

By TOMMY WITHERSPOON
Tribune-Herald staff writer

Former McLennan County District Attorney Vic Feazell's \$58 million libel verdict could have been higher, several jurors said. All he had to do was ask.

At least eight of the jurors who returned the record libel verdict Friday after hearing six weeks of testimony attended a post-trial victory celebration thrown by Feazell at a Waco hotel. Many told Feazell and others present that they would have returned a judgment of \$100 million against WFAA-TV, Channel 8, and former reporter Charles Duncan if Feazell had sought that much.

"Several of them expressed that if we had asked for that much, we would have gotten it, because they said they had never seen anything as egregious as what Duncan put on the air," Fezell said. "We had a very good, common-sense jury."

That was good news to Waco attorney George Shaffer, who has a \$3 million libel suit against Duncan pending and is set for trial in the fall.

After Fezell's verdict came in, Shaffer emerged from the McLennan

Verdict heartens other libel plaintiffs

County Courthouse thrusting his fist into the air and shouting "yes, yes." He knew the magnitude of the verdict placed him in a much more attractive position with his own suit.

And the same might be said for former Fezell staffers John Ben Sutter and Pat Murphy and Waco print shop owner Mike Stanley. Each also has a libel suit stemming from the series pending against Duncan and Belo Broadcasting Co., which owns WFAA-TV.

Visiting judge James Meyers of Austin, who presided over Fezell's libel trial, conducted a scheduling conference Friday in Shaffer's case while the jury in Fezell's trial deliberated. Shaffer, like Fezell, is represented by Tulsa, Okla., attorney Gary Richardson.

Meyers set a tentative trial date for Nov. 12 in Shaffer's suit against Belo and set deadlines for pretrial matters.

Duncan, who is now a private investigator in Dallas, singled Shaffer out in the

first of 10 episodes Duncan produced about Fezell in June 1985. Duncan said in his series that the FBI began investigating Fezell in the fall of 1984, contrary to trial evidence that indicated it was not until June 1985.

Duncan quoted Shaffer as telling his client that they would have to put any deal with the district attorney's office on hold because "the heat is on."

Shaffer denies making the statement or anything similar and says his business suffered as a result of Duncan's allegations that he engaged in payoffs to prosecutors.

"By name, I was mentioned only in episode one," Shaffer said. "But in others, they kept referring to that handful of defense attorneys who were obtaining dismissals from the district attorney's office. I think it is a fair statement that the average viewer, since they saw me in episode one, would infer that I was in that category."

It is harder for a public figure, like Fezell, to prove he had been libeled than for a non-public figure, like Shaffer. That and other factors could make Shaffer reconsider his damage claims, he said.

"I have to rethink my original position. If I can watch a verdict of \$58 million be returned, I need to rethink my position," he said.

Meanwhile, Fezell is waiting for Belo officials to make the next move. Belo has 30 days to file a motion for new trial, but Fezell is confident the verdict will withstand appellate scrutiny, despite predictions by some that the award will be set aside or significantly reduced.

Dallas attorney John McElhaney, who with Tom Leatherbury represented Duncan and Belo at the Waco trial, deferred comment Monday to Belo general counsel Mike McCarthy. McCarthy also declined comment about what next step Belo might take as company officials contemplate an appeal.

"If I were a stockholder of A.B. Belo right now, I'd be very concerned," Fezell said Monday.

Roofing company expands

Brazos moving to new location

By JANA COLLIER
Tribune-Herald business editor

Brazos Roofing International Inc. is moving to a new location and is more than doubling its size.

The 17-year-old Waco roofing and sheet-metal business is leaving its facility at 207 Tennessee Ave. and is moving to 715 Jewell Drive in the Waco industrial district.

J.D. Martin said he founded the business in 1974 in a 2,500-square-foot building.

