

# Fezell suit gets judge

**A former Austin judge is named to preside over the \$44 million libel case.**

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A former state district judge from Austin has been appointed to preside over a \$44 million libel suit filed by McLennan County District Attorney Vic Fezell against Waco Police Chief Larry Scott, a Dallas television reporter and the television station's parent company.

Judge James Myers, former 126th State District judge from Travis County, will hear the suit as a replacement for 19th State District Judge Bill Logue of Waco, who recused himself.

Logue said Friday he sent a letter to James Clawson of Belton, presiding judge of the 3rd Judicial District, asking permission to remove himself from the case. Logue said Clawson called him Thursday to inform him of his decision.

"It is a lawsuit involving the police chief and the district attorney," Logue said. "It is just a matter that needed to be heard by a judge not sitting in Waco. I apprised the other district judges in Waco of this and they agreed with my decision."

Fezell filed the suit against Scott, A.H. Belo Corp. and WFAA-TV reporter Charles Duncan in June 1986 after the station aired Duncan's 11-part series that questioned Fezell's handling of criminal cases.

Scott was named in the suit because information he reportedly furnished to Duncan for the reports was "false, malicious and had no basis in fact," Fezell's attorney, Gary Richardson, has said.

Scott filed a counterclaim against Fezell in July 1987, claiming that Fezell, who repeatedly has asked for Scott's resignation, has interfered "maliciously" with Scott's ability to do his job, said Charles McGregor, Scott's attorney.

Recent accusations by Fezell that Scott and two police detectives conspired to solicit Ronald Eugene Dempsey, a three-time convicted felon, to plant drugs in Fezell's car are "right in line" with Scott's counterclaim,

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McGregor said Friday.

Scott, Sgt. Bob Fortune and Det. Robert Fuller have said Fezell's allegations have no merit.

McGregor filed motions last week to take depositions from Dempsey, Fuller and Fortune concerning the charges to help in his defense of the libel suit. Fezell has agreed to furnish notes, tapes and other materials concerning Dempsey and the alleged wrongdoing by police officials by the first of next week, McGregor said.

Fezell and Richardson spent Tuesday and Wednesday in Dallas reviewing documents and tapes from WFAA-TV and taking a deposition from Duncan.

Fezell said a date tentatively has been set for Feb. 29 to continue Duncan's deposition in Dallas.

No trial date has been set in the libel suit, Logue said.