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Fezell witness tells of ²⁹⁴ 'Abnormal' dismissal rate

AUSTIN (AP) — A judge and Department of Public Safety official say they began noticing improprieties in cases handled by McLennan County District Attorney Vic Fezell as early as 1983.

Those statements came Thursday during the third day of testimony in the federal bribery trial of the indicted district attorney.

Former DPS Capt. Edwin Pringle testified that reports on the outcome of cases normally are not sent to his desk. But one day in December 1983, several reports were delivered to him and he noticed an "abnormal" number of the cases had been dismissed.

The reports, called dispositions, are sent by the district attorney's office to the law enforcement agency that made the arrest.

Pringle said the dismissals prompted him to order an officer to review all drunken driving cases filed in McLennan County between Jan. 1, 1983, and December 1984, Pringle said.

Pringle, who retired in 1985, said he left copies of the reports in a file, but they are now missing.

Fezell has been accused of accepting bribes from defense lawyers in exchange for leniency or dismissals of cases against their clients.

State District Judge David Hodges, who noted that Texas law requires that judges approve case dismissals, said during 1984, he noticed "a lot of dismissals occurring for the same attorneys."

Hodges said his court routinely signed 20 to 40 dismissals a day.

"Then I began to notice there was a huge percentage of cases being dismissed" for certain attorneys, Hodges said.

During opening testimony Wednesday, an assistant U.S. attorney alleged Fezell worked with a network of lawyers to carry out his scheme.

Fezell has denied the charges, claiming they are an attempt by DPS to get revenge because he exposed the Henry Lee Lucas scandal. Lucas confessed to hundreds of murders nationwide, but later recanted claiming he carried out the hoax to embarrass law enforcement officials.

A former Fezell assistant said the district attorney often took away cases he was handling.

"I was concerned some, but he was district attorney," said William Johnston, a former McLennan County assistant district attorney.

Johnston said he finally left the position because of the concern and was hired as a lawyer for the Waco Police Department. In September 1984, Johnston said the department began an investigation of Fezell's office.

"The object of the inquiry was that it appeared something was happening with cases being filed with the district attorney's office. By something happening, I mean cases not being prosecuted," Johnston said.

Testimony was scheduled to resume today.