

Former WFAA journalist grilled for libel testimony

By TOMMY WITHERSPOON
Tribune-Herald staff writer

Former Channel 8 television reporter Charles Duncan spent a second full day on the witness stand Thursday, defending his 1985 10-part series about Vic Feazell and the operation of the former McLennan County district attorney's office.

Feazell, who claims Duncan libeled him in the series, is seeking \$52 million in his suit against Duncan and the Belo Broadcasting Co., which owns WFAA-TV in Dallas.

Duncan continually fended off claims by Feazell's attorney, Gary Richardson, that Duncan's "catch words," sloppy investigative techniques, blatant omissions and inaccuracies in the series left viewers with the clear impression that Feazell accepted bribes from a select circle of attorneys to dismiss criminal cases.

A federal jury in Austin acquitted Feazell on bribery and racketeering charges in June 1987 after a six-week trial. As he told the Austin jury, Richardson has said during the four-day trial in Waco's 19th State District Court that he intends to prove Duncan's series and the federal investigation were spawned after Feazell humiliated law-enforcement officers by questioning the murder confessions of Henry Lee Lucas.

Lucas' confession spree began to unwind after Feazell spearheaded a McLennan County grand jury session in April 1985 that cleared Lucas in three McLennan County homicides to which he had confessed.

Subsequently, many of Lucas' confessions and the Texas Ranger Task Force that had custody of him were called into question when it became evident Lucas would have had to be in two places at once in some instances.

Richardson on Thursday played a recording of a telephone conversation between Duncan and McLennan County probation officer Henry Mendez that Duncan taped on May 10, 1985. Feazell has said he dismissed a driving-while-intoxicated case against Mendez after his supervisor and Sheriff's Capt. Dan Weyenberg praised his job skills and asked for leniency to avoid ruining his career.

Mendez's case was one for which Feazell was indicted for reportedly accepting a bribe. Duncan said in his report that Mendez paid Waco attorney Don Hall \$3,500 "to work out a deal."

In their phone conversation, Mendez asked Duncan how he obtained a copy of his court records because they had been expunged from

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courthouse and law enforcement files.

Duncan testified that he got Mendez's records about a month earlier from Department of Public Safety Capt. Ed Pringle after filing a Texas Open Records Act request.

Duncan said Wednesday that he first came to Waco on April 24, 1985, when DPS investigator Ron Boyter and former Waco police legal adviser Bill Johnston provided Duncan with news tips and case numbers of questionable DWI dismissals during a meeting at a Waco motel room.

A Waco judge ordered the record of Mendez's DWI arrest purged from court and police files on March 19, 1985, according to documents introduced by Richardson. That prompted Richardson to ask Duncan if DPS officials, whom he has said wanted to discredit Feazell because of the Lucas grand jury, didn't really supply him with the expunged record.

Payoff implications

"Did you have any reasonable basis to imply that Henry Mendez was involved in any payoffs to Vic Feazell?" Richardson asked.

Duncan said yes because Mendez had paid Hall \$3,500 to "get a

deal worked out."

Richardson asked Duncan why he never took Mendez up on his offer to interview him in Waco if he thought he could provide him with some critical information for his series. Duncan said that "something came up" that negated his need to talk to him in person.

Another example of a suspicious DWI dismissal cited by Duncan in his first episode was the case of Douglas Roller, who Duncan said hired Waco attorney Dick Clark to represent him for \$3,000 "with the understanding the case would be stricken from" his record.

In an effort to substantiate the fee, Duncan called Roller's mother, Dorothy Roller, who told him she gave her son \$3,000 and that Clark demanded cash and refused to give her son a receipt for the fee. Duncan reported that the case was allowed to "die without prosecution."

Richardson asked Duncan why he didn't contact Roller, who had worked at the same job for a number of years and was easy to find, or even ask his mother how to contact him.

Richardson introduced into evidence a copy of a DPS report filed by investigator Boyter that said that when he and FBI agent Bob Zane interviewed Roller on June 11, 1985, four days before Duncan's series aired, Roller said he had "shopped around" for attorneys and determined Clark's fees were

among the lowest.

Roller told Boyter and Zane that he paid Clark either \$2,000 or \$2,500 and that he got a receipt but probably lost it.

At the bottom of the report under a heading marked "undocumented information," Boyter wrote what Roller's mother had told Duncan. Richardson said it sounded like he and the investigators were exchanging their information.

Duncan said he doesn't remember talking to them, but he could have.

Catch words

"There is nothing sinister about hiring a lawyer is there?" Richardson asked Duncan. "Yet you used little catch words like 'cases taken care of' to imply that these people paid money to these lawyers to bribe Vic Feazell. No one ever told you that money paid to lawyers was used to bribe Vic Feazell did they?"

Duncan said no.

"And in fact, in a number of cases, the same action resulted, that is cases were dismissed, and some people didn't even have a lawyer. But you didn't go into that, did you?" Richardson asked.

Duncan answered no.

"Yet you are going to tell us that you gave the people of McLennan County a balanced story, aren't you?"

"Yes I am," Duncan said.