

Investigator contradicts Duncan's testimony

By TOMMY WITHERSPOON
Tribune-Herald staff writer

A police investigator on Wednesday denied telling former Dallas television reporter Charles Duncan in April 1985 that the FBI had been investigating Vic Feazell since the fall of 1984.



Boyter

Ronald E. Boyter, a lead Department of Public Safety investigator

into allegations that the former McLennan County district attorney took bribes to dismiss criminal cases, disputed testimony from Duncan, a former investigative reporter for Channel 8.

Duncan wrapped up 10 days of testimony Wednesday defending his 10-part, June 1985 series about Feazell against the former DA's libel charges.

Duncan led off his series on WFAA-TV saying the FBI was investigating Feazell and several Waco attorneys who charged high fees to clients whose cases got dismissed.

Feazell is seeking \$52 million

from Duncan and the Belo Broadcasting Co., which owns the television station.

Feazell and his attorney, Gary Richardson, have alleged that Duncan's series was rife with malicious inaccuracies. They claim that Duncan, in effect, acted as the tool of law-enforcement officers hoping to get even with Feazell for exposing Henry Lee Lucas' murder confession as a hoax.

Duncan and Belo attorneys Tom Leatherbury and John McElhaney have said that Duncan's series was nothing more than accurate, fair reporting on the actions of a controversial public figure who wants

to "kill the messenger."

Boyter, only the second witness of the 12-day trial, was the first prosecution witness at Feazell's bribery and racketeering trial in Austin in 1987. Feazell was acquitted after a six-week trial, after which several jurors said they thought Feazell had been "framed."

Boyter acknowledged that he and Bill Johnston, former legal adviser to Waco police, gave Duncan news tips about cases that Feazell's office had not prosecuted during an April 24, 1985, meeting

Please see FEAZELL, Page 9A

FEAZELL

From Page 1A

at a Waco motel.

However, he said that neither he nor Johnston, now an assistant U.S. attorney, told Duncan that the FBI had been investigating Feazell since fall 1984, as Duncan has testified.

Boyter said he had a "very open and friendly" relationship with Feazell and his staff until December 1984, when former prosecutor Ned Butler told him of Feazell's plans for a grand-jury investigation of Lucas' murder confessions in three McLennan County homicides.

McLennan County Sheriff's Deputy Truman Simons had developed a strong suspect in a Bellmead murder case and had him set to take a polygraph test when Lucas confessed to the Bellmead killing, Boyter said. Simons' suspect would not cooperate in the investigation

Lucas' confession to the Bellmead case and an investigation by a team of Dallas newspaper reporters into Lucas' confessions convinced Feazell and others to look into the confession spree a little more closely, Richardson said.

Boyter testified that he told Butler not to tell then-DPS chief Jim Adams of the impending grand-jury investigation because he would "sweep it under the rug." He told Butler to take it instead to former Attorney General Jim Mattox.

Boyter said he then reported Feazell's plans to his DPS supervisors and to Texas Ranger Bob Prince, a longtime Boyter friend and a member of the Texas Ranger task force that supervised Lucas and granted access to other law-enforcement agencies seeking to interview him.

The same day that Boyter told Adams of the Lucas grand jury plans — Jan. 3, 1985 — Adams assigned Boyter full-time to checking allegations that a handful of Waco attorneys were charging high fees to get cases dropped by

Boyter wrote in a Jan. 14, 1985, memo to his DPS supervisors that federal prosecutors were aware of the allegations, but they had told him not enough evidence was available at that time to warrant a federal investigation.

DPS and federal officials have denied that their investigation of Feazell had anything to do with the McLennan County grand jury that investigated the Lucas' confessions in April 1985, clearing him in the killings and launching the frenzy that shot holes in most of Lucas' 600 murder confessions.

Duncan, too, has denied that his series was tied to Feazell's involvement in the Lucas grand jury or that he was on a mission to destroy Feazell, as Richardson continually charged.

In other testimony Wednesday, Richardson played a taped telephone conversation between Duncan and former Waco City Manager David Smith. Duncan tried to convince Smith to go on camera to talk about Feazell and to release

Smith told him that the city's attorney had advised him and other city leaders not to be taped by Channel 8, and said, "If this thing doesn't come to a good head, or a good conclusion, we still got to deal with him."

Duncan told Smith later in the conversation that, "Of course, I think our part in this is going to have an overall effect, whether the feds are successful or not.

"I think at least the public will know all the details of what's going on. I mean in a very clear-cut manner. I mean we are going to lay it out over five or six or seven different nights, different segments. And in that amount of time you can certainly tell a lot about the story. And I think the public is going to be well aware of, without any doubt. Even some of his closest friends, who may not be aware of what's going on, will have a clear-cut idea of what the problems are," Duncan told Smith.

Smith and former Waco Police Chief Larry Scott both appeared in

Investigation

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THURSDAY

March 28, 1991
Waco, Texas

25 CENTS

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