



Staff photo — Steven D. Reece

Vic Fezell (left) and other attorneys prepare for a hearing Thursday in a libel suit against a Dallas TV station.

## Scott dismissed from Fezell libel suit

By TOMMY WITHERSPOON  
Tribune-Herald staff writer

A judge dismissed former Waco Police Chief Larry Scott Thursday as a defendant in a \$44 million libel suit filed by former McLennan County District Attorney Vic Fezell against Scott, a Dallas television station, its parent company and an ex-reporter.

Agreeing with attorneys for Scott that comments made by the former chief to reporter Charles Duncan did not libel Fezell, visiting judge James Myers of Austin granted a motion for summary judgment after a hearing in Waco's 19th State District Court.

Attorneys for Duncan, WFAA-TV and

the A.H. Belo Corp. also asked Myers to dismiss the libel suit against their clients. The judge said he will rule on that request by Monday.

Fezell, who resigned as district attorney in September 1988, told Myers that a jury should decide the suit because Duncan lied, maliciously misrepresented the truth and omitted critical information in a 10-part series about Fezell that aired on Channel 8 from June to August 1985.

Fezell had alleged that information Scott provided Duncan for his broadcast was "false, malicious and had no basis in fact."

At the hearing, however, Fezell said only two comments attributed to Scott by

Duncan were defamatory. He added, though, that Scott was a key player in what Fezell has called a conspiracy to discredit him by local, state and federal authorities working in cooperation with Duncan.

The judge told Fezell he was "really reaching" in his interpretation that Scott libeled him when he told Duncan that Fezell never complained to him about the quality of cases presented to Fezell's office by Waco police officers.

Scott, who was relieved of police command March 26, has filed a counter suit against Fezell, alleging that the former district attorney repeatedly interfered

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