

Grand jury investigates misconduct charges

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Eight witnesses, including McLennan County Commissioner Vince Incardona and a sheriff's deputy, testified Wednesday before a special session of the McLennan County grand jury summoned to investigate official misconduct charges levied against Sheriff Jack Harwell and other sheriff's department officials.

Thirty-two people were subpoenaed to appear before the grand jury, and testimony is expected to continue at least through Thursday, said Luis

Vallejo, a special prosecutor from the Texas attorney general's office.

Vallejo, who was accompanied to Waco by Mike Feary, an attorney general's office investigator, was asked by McLennan County District Attorney Vic Fezell to preside over the investigation to avoid "any appearance of a cover-up or partiality to either side" by the district attorney's office.

The probe stems from allegations made against Harwell and other sheriff's department officials by Leon Hughes, president of the Texas Taxpayers' Association.

Stating "the public has a right to know," Hughes, 59, called a news conference less than two weeks before Harwell's election victory over challenger Rex Phillips to claim that Harwell and his deputies have misused county funds and property.

Citing at least seven specific "violations of the public trust," Hughes assembled 21 witnesses, including the chief of the West Police Department, jail employees, deputies, former sheriff's department employees, a bail bondsman and horse trainers, who are expected to testify Thursday or

Friday, if necessary.

Hughes claims that Harwell used a county car and gasoline to attend horse races; that the sheriff approved the use of department vehicles for personal matters; that he misused the county's helicopter and airplane; that he removed food from the McLennan County Jail for his own use; and used county workers and equipment to restore a 1952 Chevrolet at the county garage.

Grand jury members also are expected to investigate claims by Hughes that Chief Deputy Dan Weyen-

berg purchased an automatic weapon from a convicted felon and misused the county helicopter and airplane.

Hughes spent about three hours in the grand jury chambers Wednesday, but before he began his testimony, he said that several witnesses have received life-threatening calls for appearing as grand jury witnesses.

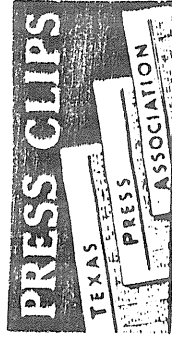
Vallejo, who declined comment on the evidence presented Wednesday, would neither confirm nor deny the alleged threats against witnesses, but said "(the attorney general's) office is always concerned when a grand jury

witness is threatened and will pursue the matter."

Deputy David Boyens, 30, was expected to testify Wednesday that he saw food being taken from the county jail for use at a fund-raising barbecue for the sheriff.

He said Wednesday that he is "convinced" that he was removed from his duties as a county jail booking officer and intoxilyzer operator on the 4 p.m. to midnight shift and placed on the midnight to 8 a.m. shift as a reprisal

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for his grand jury testimony.

Harwell, who before the election labeled the allegations "desperation politics," declined comment Wednesday and said he was not

aware that Boyens was transferred to another shift or the origin of the reported threats against the witnesses.

The sheriff said he will issue a statement concerning the allegations "after it is all said and done."