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Clerk, U. S. District Court
Western District of Texas

By Bob Willie
Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. A-86-CR-94
)	
VICTOR FRED FEAZELL,)	
)	
Defendant.)	

DEFENDANT'S OFFER OF PROOF OF WITNESSES
PAUL GATELY AND DEANNA FITZGERALD

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above entitled and numbered cause and would show this Honorable Court that if the witness Paul Gately would have been allowed to answer the question concerning Judge David Hodges and a computer printout given to Paul Gately by Judge David Hodges, a witness for the Government in its case in chief, Mr. Gately's testimony would have been as follows:

"That in late March or early April, 1985, Judge David Hodges, Judge of the McLennan County Court at Law #1, gave to the witness, Paul Gately, a computer printout generated by the McLennan County Court Coordinator computer. The printout was on green and white lined paper and was a list of misdemeanor cases dismissed and to be dismissed. Each case specified, in addition to other information, the defense attorney who represented each individual defendant. Mr. Gately was at the time a television reporter for KXXV-TV, Channel 25, Waco, Texas. Mr. Gately became aware that copies or duplicate originals of the computer printout were given or made available to other members of the news media as well as other people.

Mr. Gately is definite that the printout was given to him by Judge Hodges in 1985 and can pin-point the approximate date by other events which occurred in his life at or near that time.

Mr. Gately would further testify that he took the printout and tried to find a correlation between dismissals and certain defense attorneys, as he had been instructed to do by Judge Hodges. Mr. Gately was not able to ascertain any such correlation.

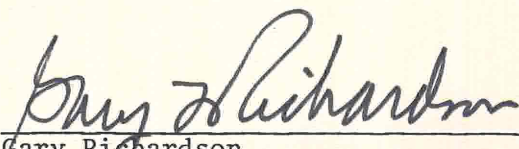
Mr. Gately states that the printout was a recent printout containing information on cases up to and including March, 1985."

Mr. Gately's testimony can be corroborated, point by point, independently by another News Reporter not yet called as a witness by the defense due to this Court's ruling.

Mr. Gately's testimony can be corroborated in part by the testimony of Deanna Fitzgerald. Ms. Fitzgerald was not asked any questions on this issue due to this Court's prior ruling on Mr. Gately's testimony and due to communication between the Court and Defense counsel at bench conferences on June 18th, and 19th, 1987.

If Ms. Fitzgerald's testimony had been allowed on this issue, her testimony would have been that she has knowledge that the computer printouts mentioned by Judge David Hodges in his testimony for the Government were given by Hodges to Ron Boyter in the Spring of 1985, and not 1984 as testified to by Hodges.

Respectfully Submitted,



Gary Richardson
Attorney for Defendant