



Staff photo — Steve Earley

294 P-1  
Gary Richardson (from left), Vic Feazell and Bill Dear, a private investigator working with Feazell, leave court after the jury recessed without reaching a verdict.

# Feazell awaiting verdict

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AUSTIN — For trial attorneys accustomed to controlling testimony, the presentation of evidence and the flow of their cases, waiting for jurors to reach a verdict can create one of the most frustrating and helpless feelings imaginable.

McLennan County District Attorney Vic Feazell has been there. He has

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sweated out verdicts in capital murder trials and million-dollar civil cases.

But now he is the defendant, facing 40

years in prison and a \$500,000 fine.

The federal court jury of seven men and five women will return at 8 a.m. Monday to continue deliberations in Feazell's five-week bribery and conspiracy trial. Jurors deliberated about three hours Friday before recessing for the weekend.

In between hugs Friday from friends

Please see FEAZELL, Page 10A

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□ From Page 1A

and staff members who told him they are praying for him, the 36-year-old district attorney said he "naturally" is nervous but was going to try to relax.

"I am going to the movies," Feazell said Friday. "I am going to see *The Untouchables* and root for Al Capone."

Feazell's disdain for federal authorities who have investigated him for 18 months is obvious. His feelings were made clearer during his three days on the witness stand last week when he said, his voice cracking, that he still cannot believe "my country" would launch what Feazell has called a retaliatory investigation against him.

Feazell's courtroom nemesis, Assistant U.S. Attorney Jack Frels, also has strong feelings about the case — and Feazell — but said he is careful to keep them in check during the trial to maintain his concentration.

"He's part of my profession. He took money. Of course I have strong feelings about him, but I can't get personal," Frels said. "You just can't get personal."

"There is no place in my life for someone like that. He is a member of law enforcement and I have no

sympathy whatsoever for somebody like that, but if you let it get to you personally, it can really break your concentration, and you have to concentrate every minute you are in there."

Frels said he planned to play tennis with his teen-age daughters over the weekend break and try to rest. He said Friday he felt helpless waiting for the jury.

"At first, it is a big letdown. You feel helpless because you don't have any control over the situation," Frels said. "But part of this job is the highs are so high and the lows are so low, and this is one of those lows-are-so-low times."

When asked if he would have done anything differently during the lengthy trial, Frels said he would have wrapped up his case two days earlier, referring to a Wednesday Supreme Court decision that limited the scope of the mail fraud statute.

The high court's ruling forced U.S. District Judge James Nowlin to throw out eight mail fraud counts in the 10-count indictment against Feazell and was a "significant blow," as Frels said, to the government's case.

The Supreme Court ruled 7-2 that the 115-year-old mail fraud law could not be used to prosecute

people for defrauding "individuals, the people or the government of intangible rights, such as the right to have public officials perform their duties honestly."

Feazell had been charged with mailing fraudulent case disposition reports to law enforcement agencies. The jury is considering charges he conspired to take about \$19,000 in bribes from Waco defense attorneys.

Feazell's attorney, Gary Richardson, called the uncanny timeliness of the decision "divine intervention."

Richardson said the only thing he would have done differently would have been to talk more about Henry Lee Lucas and Feazell's contention that he was retaliated against for investigating Lucas' bogus murder confessions and embarrassing law enforcement officials.

Nowlin, saying the U.S. 5th Circuit Court of Appeals does not recognize prosecutorial retaliation as a defense, limited Feazell's references to Lucas or the April 1985 McLennan County grand jury that cleared Lucas in three unsolved murders to which he had confessed.

"I feel good. I felt like I was getting good vibes from the jury,"

Richardson, a former U.S. attorney in Oklahoma, said shortly after his jury summation Friday morning. "Most juries take from four to seven hours regardless of what the verdict is. There were a lot of witnesses, but when you boil it all down, there were only 12 or 15 key witnesses."

Frels called 65 witnesses and Richardson called 19.

When asked if he and Feazell will pursue criminal or civil proceedings against anyone on Feazell's enemy list if he is acquitted, Richardson said he doesn't think so.

"If Vic is fortunate enough to be acquitted, I think he has learned a lot from this and will spend time doing constructive things. He has learned that you have to use more strategy in fighting things when you have small artillery. Vic has probably been more open and flamboyant in his approach to handling some very tough situations than he should have been. I think he will use more finesse.

"I think he will continue to be a hard-charging DA because that is his style. But one of these deals will take a little wind out of your sails. I don't care who you are," Richardson said.