

Feazell says report part of 'smear'

By DARRELL DUNN
And PAUL CARR
Tribune-Herald Staff Writers

District Attorney Vic Feazell said Friday night a Dallas television newscast questioning the handling of drunken driving cases in McLennan County is part of a "smear campaign" initiated against him by federal authorities and the Texas Department of Public Safety.

WFAA-TV (Channel 8) Friday aired the first of a reported series of stories dealing with Feazell. The station said it had learned the FBI was probing Feazell and "a half-dozen defense attorneys in Waco, looking into how they handle DWI cases."

It said the federal investigation centers on reports that DWI suspects in the county got cases dropped after paying "about \$3,000 to any one of a handful of Waco defense lawyers." The station said defense lawyers normally charge about \$600 to handle first-offense DWI cases.

"The whole thing has upset me," Feazell said shortly after the 6 p.m. newscast. "It's an obvious smear campaign. The timing is very suspect. I believe that Charles Duncan (Channel 8 reporter) is doing the dirty work for some of

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the big boys in Austin."

When asked if by "big boys" Feazell meant federal authorities and the DPS, he said, "I sure do." Repeated efforts to reach Duncan by telephone in Dallas failed Friday night.

The *Tribune-Herald* on June 1 carried a story about reports in Waco that the FBI was investigating Feazell but did not specify the nature of a probe. At the time, Feazell attributed the reports to "rumors feeding on rumors."

Friday night, Duncan mentioned six separate DWI cases in his TV report. He named four Waco attorneys who allegedly charged between \$1,300 and \$3,500 to get DWI cases dropped.

In one case, Duncan said, an unnamed McLennan County probation officer was clocked at 95 mph while driving on a highway near Waco four months ago. The probation officer allegedly registered a 0.15 on the intoxilizer, which measures blood alcohol level. That figure is above the legally intoxicated level of 0.10. Duncan quoted Feazell as saying the case was dismissed because the probation officer's supervisor described him as "an outstanding employee."

In another case cited, a woman was said to have told Duncan she paid \$3,000 to an attorney to have her son's DWI case dropped, and the case allegedly was allowed to

die without prosecution.

Duncan said that an unnamed Waco court official said a lawyer requested a three-month delay on a DWI case, saying Feazell was going to dismiss the case, "but the heat is on and we need some time."

Feazell said Friday night he would prefer to wait until after the Channel 8 series has been completed before responding to specific allegations. But he said, "I don't tell lawyers what to charge."

Feazell said numerous DWI cases have been dismissed because his office failed to prosecute before the Speedy Trial Act date expired. But he said he believes his total DWI conviction rate is higher than those in either Tarrant or Dallas counties.

"It's common with district attorneys all over the state to sometimes hold a file for six months to a year, and say, 'If you don't get in more trouble, then the charges will be dropped,'" he said. "I think at times justice needs to be tempered with mercy."

Feazell said he believes the Channel 8 source for much of its information was a former assistant prosecutor in his office. "I have found from a source at UPI that Channel 8's informant is a former investigator of mine that I had to fire for inappropriate conduct," he said.

He thinks Duncan may have

been responsible for initiating the FBI probe, Feazell said.

"The rumors about the FBI did not start until after Charles Duncan hit town. The people who've called me and said they've been contacted by the FBI, it's very interesting that they were contacted in the very exact order that Charles Duncan had contacted them. It sounds like Duncan may have gone to the FBI, not that he learned there was an FBI investigation," he said.

Only one of the four attorneys named in the newscast, Don Hall, could be reached for comment Friday night.

He said he did not see the newscast and could not comment without seeing the segment. Although he said he had heard through the media of an FBI investigation surrounding Feazell, he said he has not heard that he was supposed to be included in that investigation.

Hall said that his charges vary on DWI cases depending on the amount of time and effort he has to expend.

"It depends on what I'm able to accomplish. If I can find a technical problem or a factual problem and get the case dismissed, well, of course, my fee would be higher than taking someone over and working out some kind of plea bargain. It'd be based on the amount of time and work I'd put into the case."

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