

# Fezell, state both confident as trial goes on

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AUSTIN — Four Waco attorneys who allegedly paid illegal campaign contributions to Vic Fezell for his influence over criminal cases will testify this week as prosecutors wind down their case against the McLennan County district attorney.

Assistant U.S. Attorney Jack Frels, who called 54 witnesses during the first two weeks of Fezell's trial, said he expects to call 11-16 more witnesses. He predicted Friday he would rest his case by Thursday, depending on the extent of cross-examination by Fezell's attorney, Gary Richardson of Tulsa, Okla.

U.S. District Judge James Nowlin told jurors before recessing for the weekend the court will not convene Friday.

Much of the government's case so far has been methodical and tedious, with Frels introducing jurors to the basics of the criminal justice system and the district attorney's office.

"I've been pleased with the way everything has gone," Frels said Friday. "We have been able to get in every bit of evidence that we have wanted to so far."

Fezell and Richardson said Friday they, too, are pleased — but puzzled — with the proceedings.

Please see FEAZELL, Page 10A

TRIBUNE-HERALD SUNDAY, JUNE 7, 1987

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□ From Page 1A

"I don't think we have been damaged yet," Richardson said. "As a matter of fact, I feel like they have been putting on our case."

Richardson said when the government concludes its case, he will call 40-60 witnesses in Fezell's defense, which he thinks will last 1½ weeks.

Many of the government's witnesses against Fezell were on his list to testify for the 35-year-old district attorney, Richardson said.

"I am puzzled by the type of case they are putting on," Richardson said. "They are witnesses who definitely, in my opinion, benefited our case."

Fezell, who has smiled, shaken his head at testimony he has called lies and waved to courtroom spectators throughout the trial, said he remains confident of acquittal.

"Somebody asked me when we were going to put on our case, and I said, 'How can you tell the difference?'" Fezell said. "They tried to beat me at the polls and couldn't do it. They know they can't convict me, so now they are trying to bore me to death."

Frels said testimony from Waco attorney Don Hall will "bring everything together" for the prose-

cution, which Frels has said will prove Fezell assembled an "inner circle of greed" among selected attorneys in a conspiracy to increase legal fees and pay bribes in criminal cases.

Fezell is charged in a 10-count federal indictment with accepting illegal payments to influence his handling of cases; failing to report campaign contributions accurately; and mailing falsified case disposition reports to law enforcement agencies.

Waco attorney Dick Clark testified Monday he paid Fezell \$4,000 in unreported 1984 campaign contributions as Fezell considered the fate of five of Clark's clients. Clark was granted total immunity from federal prosecution for tax violations in exchange for his testimony.

Waco law partners Ron Moody and Ken Crow, who will testify against Fezell this week, pleaded guilty to misdemeanor tax evasion charges at the conclusion of the trial's first week. They have not been sentenced, but the government agreed not to prosecute them for tax violations in 1982, 1983, 1984 and 1985 in exchange for their testimony.

Moody and Crow handled none of the criminal cases, mostly driving while intoxicated arrests, in

which Fezell is charged with taking bribes. Frels declined comment Friday on their involvement in the alleged conspiracy.

Much of last week's testimony was from clients of Hall and Dick Kettler, with whom Fezell shared law offices before winning election in 1983. As of late Friday, details of Hall's and Kettler's "arrangement" with the government had not been made public.

Richardson has said the attorneys were having tax problems before the investigation began, adding the government "cut them a deal" to testify against Fezell.

"I heard they were going to give Oliver North immunity if he will come in here and pull their rears out of the fire," Fezell said Friday.

During his cross-examination of witnesses, including former and current Fezell assistants, Richardson tried to show that many of the DWI cases that Fezell allegedly dismissed for bribes were not solid cases to begin with and, in all likelihood, would have been dismissed or reduced anyway.

Two of Fezell's current assistants testified last week they handled two of the cases and never spoke to Fezell about them.

Representatives from five McLennan County financial institutions where Fezell had accounts also are expected to testify this week, Frels said.

Fezell said he will testify on his own behalf, adding that he is "looking forward to cross-examining Jack Frels."