

Feazell takes case to Legislature for state's right to jury trial

By LAYLAN COPELIN
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AUSTIN — McLennan County District Attorney Vic Feazell, disappointed with the anti-crime bills passed by the Legislature, traveled to Austin Tuesday to argue for one more.

"This may be our last chance (to get a good bill)," said Feazell.

The measure, passed by the House but pending in the Senate, would give prosecutors the right to request a jury trial in a criminal case. Currently, only the defendant has a right to request a trial by jury.

"If a prosecutor finds himself in a court with a liberal judge, we ought to be able to demand a jury trial," he added.

Feazell said defense attorneys request jury trials when they face conservative judges. Some defendants turn down a plea bargain to take their chances with a jury, he added.

"But once they're convicted, they go to a judge (for punishment) if they think he'll be easier on them. It's a form of forum shopping," Feazell said.

The district attorney said he thought defendants would be more willing to plea bargain if prosecutors are allowed to request a jury trial, especially in drunk driving cases.

But Feazell said he was disappointed with anti-drunken driving measures passed by the Legislature so far.

He said his first impression was that the new law is not as tough as advertised. "It's not that much better. It's more show than anything else," he said.

Feazell cited two examples: a second conviction under the old law was a felony, while the new law makes it a misdemeanor; also, the three-day mandatory jail sentence provision is misleading, since a person arrested before midnight can serve three days in one hour because of the way jail time is computed.

A person booked before midnight is credited with serving a full day, the district attorney. After midnight, he is credited with his second day. For every two days served, an inmate is credited with a third day.

Feazell also was disappointed with changes in the habitual offender law.

Under the old law, a criminal convicted of three felonies is automatically sentenced to life imprisonment. The Legislature approved giving juries a choice of sentencing an habitual criminal from 20 years to life.



McLennan DA Vic Feazell disappointed with anti-crime bills