



Citizen  
Waco, Texas  
MAY 19 1987

## Fezell Trial To Be In Austin

By CAMELIA FOSTER

Judge James R. Nowlin of the U.S. Federal Western District of Texas ruled Monday in the United States of America versus Victor Fred Fezell case on three motions.

He denied the motion to suppress filed by the defense and the motion to dismiss on the grounds of prosecutorial misconduct and a motion for change of venue to Waco.

The rulings leave the way open for the trial to begin Tuesday May 26 in Austin.

On Friday, McLennan County District Attorney Vic Fezell filed on his own behalf statement of expenses with the court in Austin saying it would cost him \$861 to defend himself in Waco versus \$75,687 if the trial were held in Austin. The major expenditure for the trial in Austin being the expenses and fees charged by Bill Dear, a private investigator.

Dear, who lives in DeSoto but has a firm in Austin would not charge Fezell if the trial were held in Waco but would if it is held in Austin. His fee and expenses were estimated to be \$55,950. This would include a courier for running things between Waco and Austin and an assistant investigator to help with organizing the witnesses and subpoenas.

On the stand in Austin during the

pre-trial hearing held last week, Dear told the court he had been working for Fezell for the past 6 to 8 weeks at no charge. His normal charge per day is \$1,000.

Fezell, in his statement, estimated the trial would last about six weeks. Judge Nowlin said last week he expected it to last three weeks.

Fezell also said he expected to call between 40 to 100 witnesses during the trial depending upon the nature of the government's case. "A conservative estimate would be 60 witnesses," Fezell stated in the filing before the court.

He contended the majority of the witnesses live in the Waco area, thus lessening the costs of the subpoenas, meals, travel and lodging.

Another item he listed for expenses was long distance phone calls need to schedule attendance of witnesses.

Fezell contended the government has been afforded the assistance of the Austin and San Antonio U. S. Attorney's Offices, the Austin and Waco FBI Offices and the Texas Department of Public Safety in prosecuting this case.

The DA charged under a 10 count indictment of mail fraud and racketeering also said in his expense statement that local attorneys have

volunteered their assistance at no charge for research and office support services if the case is held in Waco. He estimated the costs for the same services in Austin would be \$1,500.

Fezell filed his statement Friday.

Unconfirmed rumors are circulating that six local attorneys will plead before Judge Nowlin in Austin this week for their part in the Fezell case. The pleadings are expected to be held in secrecy.

Other documents filed last week include a subpoena issued by the U.S. Government for certified copies of Certificates of the death of Richard Bowers, date of death Oct. 16, 1986 and Virginia Shookman, date of death between January 5, 1987 and March 5, 1987.

Richard Bowers died on October 16, 1986 from a gunshot to side of the chest. His body was found in the backyard of his home at 1200 Kellum. Justice of the Peace John Cabaness ruled the death a homicide.

No one has been arrested in the case.

Mrs. Shookman died of a myocardial infraction at Hillcrest Baptist Medical Center. She resided at Rt. 1, Box 237, China Spring and is survived by her husband Wayne Shookman.