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UNITED STATES GRAND JURY
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN THE MATTER OF THE INVESTIGATION OF
MCLENNAN COUNTY DISTRICT ATTORNEY

TESTIMONY OF LARRY GOINS

BE IT REMEMBERED that on the 15th day of July, A.D., 1985, at 9:30 A.M., in the United States Courthouse, Austin, Texas, the United States Grand Jury 84-2 convened, there being 18 Grand Jurors present, at which time the following proceedings were had and adduced as hereinafter set forth:

APPEARANCES

JAN PATTERSON: Assistant United States Attorney
1000 American Plaza Building
Austin, Texas 78701

1 FOREMAN OF THE GRAND JURY: Sir,
2 if you'll raise your right hand, I'll swear you in.
3 Do you solemnly swear that you will true answer
4 make to such questions that may be propounded to
5 you by the Grand Jury or under its direction so
6 help you God?

7 THE WITNESS: Yes, sir.

8 FOREMAN OF THE GRAND JURY: Please
9 be seated and state your name for the court
10 reporter.

11 THE WITNESS: Larry Goins.

12 QUESTIONS BY MS. PATTERSON:

13 Q. Mr. Goins, I'll ask you to keep your
14 voice up so that the Grand Jurors throughout the
15 room can hear your testimony. As you know, you're
16 appearing before a Federal Grand Jury which is
17 investigating violations of Federal law.

18 And all of the Grand Jurors in the
19 room are sworn to secrecy; and this testimony will
20 not leave this room, Mr. Goins. And in addition,
21 the only person in the room who is not a member of
22 the Grand Jury is the Grand Jury reporter to your
23 left who is also sworn to secrecy.

24 Now, Mr. Goins, my name is Jan
25 Patterson. I'm an Assistant United States Attorney

1 and we have previously met; is that correct?

2 A. Yes, ma'am.

3 Q. And as you know, you have a right to
4 refuse to answer any question before the Grand Jury
5 if an answer might tend to incriminate you. Do you
6 understand that?

7 A. Yes, ma'am.

8 Q. And anything you do say can be used
9 against you in a later court of law. Do you
10 understand that?

11 A. Yes, ma'am.

12 Q. And if at any time you would like to
13 consult with a lawyer or to have that lawyer
14 present outside the Grand Jury room today, you are
15 entitled to do so. Do you understand that?

16 A. Yes, ma'am, I do.

17 Q. If at any time you would like to request
18 an adjournment to consult with a lawyer or to have
19 a lawyer present in the courthouse, you are
20 certainly entitled to do that. Do you understand
21 that?

22 A. Yes, ma'am.

23 Q. Now, the most important thing, Mr. Goins,
24 is that you are appearing before a Federal Grand
25 Jury which is investigating violations of Federal

1 law; and it is imperative that you tell the truth
2 before the Grand Jury; and if you deliberately
3 mislead or lie to the Grand Jury, you can be
4 indicted for perjury. Do you understand that?

5 A. Yes, ma'am, I do.

6 Q. And you understand what perjury is, do
7 you not?

8 A. Yes, ma'am.

9 Q. Now, Mr. Goins, how are you employed?

10 A. I have a monument company in Hewitt,
11 Texas.

12 Q. And where is Hewitt?

13 A. It's about four miles outside of Waco.

14 Q. And are you appearing here today
15 pursuant to a Federal Grand Jury subpoena?

16 A. Yes, ma'am, I am.

17 Q. Do you have any agreement whatsoever
18 with the United States Government in connection
19 with your appearance today?

20 A. No, ma'am.

21 Q. Mr. Goins, do you know an individual
22 named Vic Feazell?

23 A. Yes, ma'am, I do.

24 Q. Who is Vic Feazell?

25 A. He's the district attorney for the City

1 of Waco.

2 Q. And have you met him personally? Do you
3 know him personally?

4 A. I have met him on occasions, yes, ma'am.

5 Q. And do you recall approximately when you
6 met him and what were the circumstances or where
7 you met him?

8 A. It was at the time that I was doing some
9 campaigning for him and I had met him at a dinner,
10 at a plate lunch.

11 Q. Do you recall approximately in what year
12 that was?

13 A. No, ma'am, I don't.

14 Q. Did you assist him in his campaign for
15 district attorney?

16 A. Yes, ma'am.

17 Q. Now, did there come a time, Mr. Goins,
18 when you were arrested for driving while
19 intoxicated?

20 A. Yes, ma'am, I was.

21 Q. And when was that?

22 A. It was somewhere around May a year ago.

23 Q. And --

24 A. I'm not for sure about the month; but it
25 was a year, you know, somewhere in there. I think

1 it was May a year ago.

2 Q. All right. And did you spend the night
3 in jail?

4 A. I got out about 12:30 that following
5 evening, that night.

6 Q. You were bonded out; is that correct?

7 A. Yes, ma'am.

8 Q. Did there come a time following your
9 arrest when you had a conversation with Vic Feazell?

10 A. Yes, ma'am, I did.

11 Q. And what was that conversation?

12 A. I was -- I had called him for him to
13 call me back -- at that time my office was out of
14 the home -- and which he did. And, you know, I had
15 told him what happened; and he said for me to go to
16 an attorney named Dick Kettler.

17 Q. And what did he say about whether the
18 case could be handled or what might happen to the
19 case?

20 A. At the time on the phone?

21 Q. Yes, uh-huh.

22 A. He just told me to go to that attorney.

23 Q. Did he also tell you that if you have
24 some money that it could be handled?

25 A. It was something to that effect, but he

1 didn't say how much.

2 Q. He didn't mention a figure, but he did
3 mention --

4 A. Yes, ma'am.

5 Q. -- money and something could be taken
6 care of by Dick Kettler; is that correct?

7 A. I think his exact words, you know --
8 during the conversation I can't remember every word,
9 but that Dick Kettler could take care of it.

10 Q. And did there come a time when you met
11 with Kettler?

12 A. Yes, ma'am, I did.

13 Q. And was that in the days following your
14 arrest when you met with Dick Kettler?

15 A. Yes, ma'am.

16 Q. And is Dick Kettler an attorney in Waco?

17 A. Yes, ma'am.

18 Q. And what was the conversation that you
19 had with Dick Kettler?

20 A. Well, when we first started talking, he
21 asked me how it occurred and if I did take the
22 Breathalyzer; and I said no. And he said -- his
23 exact words -- after I have thought about it, his
24 exact words was that for five -- you know, "For a
25 500-dollar retainer we can go to court with it."

1 And I told him that that's not
2 what I wanted. I asked him how much it would cost
3 just to take care of it, and then his figure was
4 \$2500.

5 Q. And what did he say about what he could
6 do for \$2500?

7 A. He could get it dismissed totally.

8 Q. And what were his words when he talked
9 about getting the case dismissed?

10 A. Well, when I asked him, you know, for
11 \$2500 if it was a sure thing, how could he do it,
12 he either said he used to work for the DA's office
13 or he was affiliated with it. But I don't know for
14 sure that he did or not.

15 Q. And did he tell you that he could
16 guarantee the dismissal?

17 A. Yes, ma'am, he did.

18 Q. And was that an exact word that he used,
19 the word "guarantee"?

20 A. Yes, ma'am, for the \$2500.

21 Q. And what did he tell you about his
22 friendship with the district attorney Vic Feazell?

23 A. Well, he did say that he knew Vic
24 Feazell and he had handled several cases before
25 this one and this one wasn't that much to it. He

1 either said he was affiliated with the DA's office
2 or used to work for the DA's office; but he did
3 know Vic Feazell, yes.

4 Q. And did there come a time during that
5 meeting when you offered to pay Dick Kettler?

6 A. Yes, ma'am.

7 Q. And did you offer to pay him the \$2500?

8 A. Yeah, I offered to pay him the \$2500
9 that day when he could guarantee me a dismissal.

10 Q. And what did Dick Kettler say?

11 A. He didn't want the whole 2500 at one
12 time, that he would go ahead and take the \$2500
13 right then but he couldn't write me a receipt for
14 the 2500. I said, "Well, I'm not going to give you
15 the 2500 then."

16 Q. He advised you that he did not want to
17 write a receipt for the full \$2500?

18 A. At that time, yes, ma'am, but he would
19 hold it in escrow for me and take so much out per
20 week. But he couldn't give me a receipt for the
21 full 2500, so I didn't give it to him.

22 Q. And what manner of payment did you and
23 Dick Kettler decide upon?

24 A. \$500 a week until the \$2500 was paid.

25 Q. And was that in cash?

1 A. Yes, ma'am.

2 Q. And did you get a receipt for each of
3 the 500-dollar payments?

4 A. Yes, ma'am.

5 Q. Do you have those with you today?

6 A. No, ma'am, I don't.

7 Q. And on the Fridays when you were to make
8 the 500-dollar payments, did you receive telephone
9 calls from his office as reminders?

10 A. Yeah. Well, at the time my wife did, to
11 bring the money in.

12 Q. And did you make the payments totaling
13 \$2500?

14 A. Yes, ma'am.

15 Q. Did you also have a discussion with Mr.
16 Kettler about the suspension of your license?

17 A. Yes, ma'am, I did.

18 Q. And what was that conversation?

19 A. He said there was nothing to worry about,
20 that he could take care of it but if I got anything
21 from DPS to bring it straight to him and don't
22 delay with the paper work.

23 Q. And did there come a time when you
24 received a notice from the Department of Public
25 Safety about the revocation of your license?

1 A. Yes, ma'am.

2 Q. And did you have a conversation with
3 Dick Kettler about it?

4 A. Yes, ma'am. It was -- I had called him
5 on the phone when I received it. And I took it in
6 that evening; and, you know, we discussed it again.
7 And I said, "Well, the letter says my license are
8 gone for 90 days" -- yeah -- "because I didn't take
9 the Breathalyzer test."

10 And he said, "I told you I can
11 handle it. Just let me have the paper."

12 And I gave him the paper.

13 Q. And did you ever go to a hearing or have
14 your license revoked?

15 A. No, ma'am.

16 Q. In fact, did you ever go to court at all
17 in connection with your charges?

18 A. No, ma'am.

19 Q. Now, did there come a time when Dick
20 Kettler asked you to come into his office to sign a
21 document?

22 A. Yes, ma'am.

23 Q. And did he explain to you what that
24 document was?

25 A. No, ma'am, not at the time.

1 Q. And do you know now what that document
2 was?

3 A. Yeah. After asking questions I do, yeah.

4 Q. And after asking the question of whom?

5 A. Several people at the time, you know, to
6 find out what I was signing.

7 Q. Dick Kettler never explained to you what
8 it was?

9 A. No, ma'am.

10 Q. And what was that document you signed
11 that you now know what it was?

12 A. I'm not 100 percent sure, but I'm 75
13 percent sure that it was a speedy trial document.
14 But I didn't read it in that office that day, so I
15 can't say 100 percent sure.

16 Q. Did Dick Kettler explain it to you?

17 A. The paper?

18 Q. Yes.

19 A. That day that I signed it?

20 Q. Yes.

21 A. No, ma'am.

22 Q. Did he just tell you that it was
23 something you had to sign for the case?

24 A. Yes, ma'am, it was just a formality. So
25 I just signed it and went on.

1 Q. Do you recall what the document looked
2 like or whether you signed --

3 A. I signed in the middle, and I signed at
4 the bottom. And it was typed, I guess, from a
5 quarter of the top of the page to a quarter of
6 the -- it looked like two paragraphs actually.

7 Q. Do you recall whether it was a usual
8 size page or a legal size page?

9 A. It was a long page.

10 Q. Am I correct, Mr. Goins, that you never
11 went to any court appearance in connection with
12 either your DWI or in connection with the license
13 revocation proceeding?

14 A. No, ma'am, I did not.

15 Q. Do you know whether Mr. Kettler ever
16 went to court for you?

17 A. No, ma'am, I do not know.

18 Q. But he never advised you of any
19 appearance that he made in your behalf in court,
20 did he?

21 A. No, ma'am.

22 Q. Did there come a time when you learned
23 that your license, in fact, would not be suspended?

24 A. Well, after I took the letter -- you
25 know, took that back to him, I guess it was -- I

1 don't know the exact date or whatever, but I did
2 receive a letter from him with a probationary
3 period attached to it.

4 Q. And did that provide that you -- that it
5 would not be revoked if you didn't have any further
6 traffic violations within a certain period of time?

7 A. Yes, ma'am.

8 Q. Now, Mr. Goins, did there come a time
9 when you ran into Vic Feazell and had a
10 conversation with him?

11 A. Yes, ma'am.

12 Q. And what was that conversation?

13 A. It was just how are you doing and this
14 and that, and the word was said -- you know, he did
15 say that if I run into anybody that had any extra
16 money or loose change in their pocket to send them
17 to Dick Kettler.

18 Q. And if that person had a similar problem
19 to yours, you should send them to Dick Kettler?

20 A. Yes, ma'am.

21 Q. Mr. Goins, did there come a time when
22 you were contacted by the Federal Bureau of
23 Investigation?

24 A. Yes, ma'am.

25 Q. Following that contact -- I gather that

1 was by Agent Zane; is that correct?

2 A. Yes, ma'am.

3 Q. Did you have a conversation with Vic
4 Feazell about Dick Kettler?

5 A. Yes, ma'am.

6 Q. What was that conversation?

7 A. It was just I told him the first time
8 that they had come by the office, and he said that
9 I needed to be in Dick Kettler's office the next
10 day.

11 Q. And were you in Dick Kettler's office
12 the next morning? Did you meet with him?

13 A. Yes, ma'am.

14 Q. And did you have a conversation with
15 Dick Kettler about the investigation?

16 A. Yes, ma'am, I did.

17 Q. And what was that conversation?

18 A. It was just the fact, you know, if they
19 wanted to talk to me that I had to talk -- I didn't
20 have to talk to them. You know, it was my
21 constitutional right not to talk to them and as far
22 as he was concerned about the case there wasn't
23 anything wrong with it. He represented it for
24 attorney's fees and got it dismissed. But he did
25 say -- I told him -- I said, "Well, Mr. Zane and

1 them is asking questions, you know; and I don't
2 know if they went over the full detail. They may
3 come back or whatever."

4 And he said, "Just try to avoid
5 the money part and say as least as you can say and
6 let everybody else do the questioning."

7 Q. Mr. Goins, did there come a time when
8 you received a subpoena to appear before the Grand
9 Jury today?

10 A. Yes, ma'am.

11 Q. And was that sometime last week?

12 A. Yes, ma'am.

13 Q. Am I correct that you received that from
14 Agent Zane and Ron Boyter?

15 A. Yes, ma'am.

16 Q. And did there come a time following
17 their visit to your office that you received a
18 telephone call?

19 A. Yes, ma'am.

20 Q. And was it a male voice that you heard?

21 A. Yes, ma'am, it was.

22 Q. And what was that conversation or what
23 was that -- what did you hear on the telephone?

24 A. The last time that they was there it
25 wasn't 10 or 15 minutes after they had got in the

1 car and left somebody had just called on the -- I
2 think it was the second line -- and said that,
3 "You're talking to the wrong people and you're
4 going to get -- if you keep talking to them, you're
5 going to get yourself in more trouble than you ever
6 realized," or something like that. And I asked
7 them who it was, and they just hung up.

8 Q. Mr. Goins, was there also an occasion
9 when Vic Feazell mentioned the name of another
10 lawyer who would also handle cases?

11 A. The only two that I think -- I don't
12 know what occasion, but the only other attorney
13 that comes to mind was Fanning which I don't know
14 him.

15 Q. You don't know whether Fanning is a
16 first name or a last name?

17 A. I believe it's the last name.

18 Q. But you don't know the first name of
19 that lawyer; is that correct?

20 A. No, ma'am, I do not.

21 Q. And he's not an individual who you know
22 at all; is that correct?

23 A. No, I never -- as far as I know, I've
24 never met the man.

25 MS. PATTERSON: I will ask the

1 foreman to excuse you temporarily, Mr. Goins; and
2 if you'll wait right outside the door, we'll see if
3 there are any questions.

4 FOREMAN OF THE GRAND JURY: Mr.
5 Goins, you may be temporarily excused. Please wait
6 for just a moment in case we need you back.

7 (At this time the witness left the
8 Grand Jury room, and upon his return the following
9 proceedings were had:)

10 FOREMAN OF THE GRAND JURY: Go
11 ahead and have a seat. I'll remind you you're
12 still under oath.

13 QUESTIONS BY MS. PATTERSON:

14 Q. Mr. Goins, just a few more questions.
15 With respect to the call you received after the
16 subpoena was served on you, did you recognize the
17 voice? Was it someone you knew?

18 A. No, ma'am.

19 Q. And would you describe yourself as an
20 active campaign worker for Vic Feazell?

21 A. Well, I handed out some cards and, you
22 know, knocked on some doors. Not really what you
23 could really say real active, no.

24 Q. But he knew you as one of his campaign
25 workers; is that correct?

1 A. Yes, ma'am.

2 Q. Did you ever ask Dick Kettler where the
3 \$2500 went or did he ever tell you what happened to
4 the \$2500 that you gave him for your case?

5 A. No, ma'am.

6 Q. Did you ever get any document showing
7 that your charges had been dropped or dismissed?

8 A. The only document that I ever got was,
9 you know, that one that I was telling you about
10 that I didn't -- that they didn't take my driver's
11 license and I was on probation for --

12 Q. The only document you ever received was
13 the license revocation document?

14 A. Uh-huh.

15 Q. And did you also get a copy of the piece
16 of paper you signed in two places or --

17 A. No, ma'am, I never did get a copy of
18 that.

19 Q. And would you repeat, Mr. Goins, the
20 initial conversation you had with Mr. Feazell after
21 you had been arrested.

22 A. The first conversation I had after I --

23 Q. Yes, the very first conversation.

24 A. That, you know, I proceeded to tell him
25 that I got charged with DWI. He said, "Don't worry

1 about it."

2 And we talked a few more minutes
3 and he told me to go to -- it might take a little --
4 I don't know exactly how he said it; but he said it
5 might take a little bit more than I'm used to
6 paying but, you know, Dick Kettler could get me out
7 of it if I'd go see him.

8 Q. And finally, Mr. Goins, have you been
9 coerced into testifying before the Grand Jury
10 today?

11 A. No, ma'am.

12 Q. Have you been pressured in any way by
13 the agents, the FBI, or by me?

14 A. No, ma'am.

15 Q. And are you appearing here voluntarily
16 today with the exception that you received a
17 subpoena?

18 A. Yes, ma'am.

19 Q. And do you have any complaints at all
20 about the way you were treated?

21 A. No, ma'am.

22 MS. PATTERSON: I'll ask the
23 foreman to excuse you, Mr. Goins.

24 FOREMAN OF THE GRAND JURY: Thank
25 you very much, Mr. Goins. You may now be excused.

1 We appreciate your testimony.

2 (Witness excused)

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1 STATE OF TEXAS)

2 COUNTY OF TRAVIS)

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4 I, SHERRI K. SANTMAN, a Certified
5 Shorthand Reporter and Notary Public in and for the
6 County of Travis, State of Texas, having been duly
7 sworn in as Grand Jury Reporter, hereby certify
8 that the foregoing pages constitute a full, true,
9 and correct transcript of a portion of the
10 proceedings had and testimony adduced in the
11 foregoing cause at the time and place as heretofore
12 set forth, that the interrogatories and answers
13 thereto by the witness were taken down by me in
14 shorthand and thereafter reduced to typewriting
15 under my direction.

16 AS WITNESS MY HAND AND SEAL OF
17 OFFICE, this the 30th day of July, 1985.

18
19
20
21 SHERRI K. SANTMAN, Notary Public
in and for Travis County, Texas