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# Waco lawyer offers testimony against Feazell in bribery trial

AUSTIN (AP) — A Waco lawyer testified Wednesday that his law firm's business prospered after an agreement was made with District Attorney Vic Feazell to share fees on cases dismissed.

"Our business seemed to continue to increase," said Dick Kettler, who appeared as a government witness in Feazell's racketeering and bribery trial.

Kettler said Tuesday that he and his partner, Don Hall, made an agreement with the McLennan County prosecutor in May 1984 that Feazell would get one-third of the legal fees paid for cases that Feazell "handled."

Feazell, 35, who is still district attorney, is being tried in U.S. District Court on charges he accepted bribes or illegal campaign contributions in exchange for his influence over criminal cases.

Feazell has denied the charges.

Kettler said Wednesday he never actually saw Feazell receive any money but he and Hall talked frequently about amounts to give Feazell for help in certain cases.

Under questioning Wednesday, Kettler said he had a written agreement with the government to plead guilty to a felony charge of tax evasion in return for his testimony. He said his attorney was still negotiating with U.S. attorneys over the punishment.

The jury heard an hour-long tape recording Wednesday made in Kettler's office on Sept. 12, 1986 of a conversation between him and Feazell. The district attorney did not know the recording was being made. Most of the conversation concerned

the grand jury investigation in Austin into Feazell's office.

At one point in the tape, which was arranged by the FBI, Kettler told Feazell: "I don't know of anything that can connect you and us."

He was asked what he meant.

"At that time I did not know they had any records to connect Don Hall and me making payments to Feazell," Kettler replied.

At another point in the tape, Feazell reminded Kettler that "you have the privilege."

Kettler said this meant "I didn't have to divulge anything between me and my attorney."

Kettler said when the agreement was made with Feazell in May 1984, the firm's standard fee for handling DWI or drug cases was \$200 to \$300 if the client wanted to plead guilty or accept a probated term.

If there was a chance the DWI charge might be dismissed for lack of evidence or decreased to public intoxication, the fee would be \$1,500 to \$2,000, Kettler said. But after the agreement with Feazell, he said, the fee in such cases was increased to \$3,000-\$3,500.

"Feazell's share was generally one-third," Kettler said. "Hall would tell me how much money to get out of the office safe, and I would give that amount to him. I did not ever see Hall give the money to Feazell."

Kettler was questioned about a number of individual cases.

In one case, a client was charged with delivery of drugs while still on probation from another charge.

"We agreed to pay one-third of the \$6,500 in cash minus 20 percent we would have to pay for income tax," Kettler said. "Feazell was paid."