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Hall elaborates on 11 payments made to Feazell

By TOMMY WITHERSPOON
 Tribune-Herald staff writer

AUSTIN — Waco attorney Don Hall spent his second day on the witness stand Tuesday, recounting 11 illegal payments totaling \$15,360 that he said he gave Vic Feazell.

Under questioning from Assistant U.S. Attorney Jack Frels, Hall said he and his law partner, Dick Kettler, gave the McLennan County district attorney a third of their legal fees in cases Feazell personally dismissed or reduced from May 29, 1984, to April 10, 1985.

Feazell, 36, is charged in a 10-count federal indictment with accepting just more than \$19,000 in illicit payments from defense attorneys for leniency for their clients.

He is also charged with mailing fraudulent case disposition reports to law enforcement agencies and failing to accurately report his campaign contributions.

Hall said he and Kettler stopped giving Feazell a third of their fees in April 1985 because they were beginning to feel "boxed in" by the federal investigation of Feazell.

Hall testified Tuesday that he has agreed to plead guilty to one misdemeanor tax evasion charge in exchange for his testimony against Feazell. He said no date has been set for his plea. In return for his testimony, the government has granted him immunity from prosecution for tax violations in 1983 and 1984, he said.

Also, Hall said, government prosecutors have agreed to assist him in retaining his health insurance from the state bar association because his "very bad" health has rendered him otherwise uninsurable.

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Hall elaborates on Feazell payments

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Frels passed Hall as a witness about 5:30 p.m. Tuesday. Feazell's attorney, Gary Richardson, will begin his cross-examination of Hall this morning.

Hall said that each time he made an illegal payment to Feazell, he would make a copy of an envelope on which he had written the cash amount and the words, "Campaign contribution to Vic Feazell" on the outside. He said he later destroyed the original envelopes.

He said Feazell instructed him not to deliver the payments in an envelope, so Hall "contrived" the method of copying the envelopes for his records so they would appear as campaign contributions in case the payments were uncovered.

Hall told Frels he could not remember when or where any of the cash payments were given to Feazell.

When asked if the payments had anything to do with campaign contributions to Feazell, Hall said, "Absolutely not."

"The payments related to bribes paid to Mr. Feazell in relation to certain favors done by his office and himself," Hall said.

On Tuesday, Frels completed a case-by-case review began Monday of the 14 defendants in whose cases Hall says he paid Feazell bribes. All but three of the defendants have testified. Two of them are dead and one could not be located.

The other five cases alleged in the indictment were clients of Waco attorney Dick Clark, who testified June 1. Feazell's trial entered its fourth week on Monday.

In some cases, Hall said, he and Kettler would pay Feazell a certain amount after a specific case had been dismissed. On other occasions, Hall said, he and Kettler would let cash fees from clients accumulate and then give Feazell a third of the total.

The bribes ranged from \$200 for a partial payment on one client to \$4,500 for payments in

cases involving six clients, Hall said.

Hall said Feazell paid him about \$12,500 in legal fees in 1984 after Richard Bowers was charged in two drug possession cases. Hall said the money came from \$48,600 police confiscated when they arrested Bowers. Feazell's office filed a civil action to gain control of the \$48,600.

Hall testified he split the money with Kettler and Feazell.

Hall said that he, Feazell, Bowers and Waco bail bondsman Dell Butler met in Feazell's office on Aug. 2, 1984, to "pay the balance" of Butler's and Hall's fees. They used the confiscated funds, he said.

Hall said Feazell paid him \$6,051, which represented the balance of his legal fee from Bowers, and then gave Butler an unknown amount for his services.

"All I know is that it was a lot of green money and Mr. Feazell was counting it all out from behind his desk," Hall said. "I kept the cash at the time it was given to me by Mr. Feazell and later split it with Mr. Feazell."

Two months later, Hall received \$6,500 and a Smith & Wesson .357-caliber pistol from a court-ordered forfeiture arrangement that netted the state \$42,139.10. The money went into the district attorney's office special crimes unit, as the law allows, and Feazell paid Hall the \$6,500 from the crime unit's checking account, Hall said.

Hall said he never saw the gun, which was confiscated from Bowers as part of the forfeiture arrangement. Bowers was killed in front of his residence in October 1986. Waco police have said his death was drug-related.

Feazell has said that he bought the gun for \$50 from Hall.

The gun later was recovered by federal agents during a Sept. 17, 1986, search of Feazell's bedroom closet, a FBI agent has testified.

"I told Mr. Kettler that since we were going

to have to deposit the check, we were going to have to pay taxes on it and, consequently, we didn't feel that Mr. Feazell's share should be as large as usual," Hall said.

Feazell was given \$1,600 on Nov. 5, 1984, Hall said. The figure represented an amount "less our tax liability," or about 20 percent less than the third Feazell was accustomed to getting, Hall said.

In several of the cases reviewed Tuesday, Hall said he told Feazell that he could command "an accelerated fee" from the clients and Feazell eventually would dismiss the cases each time.

Hall said after the federal investigation of Feazell and the attorneys was made public, Feazell often would give him "pep talks" in an attempt to keep him from testifying against him.

"He would say, 'Hang in there,' 'Let's don't let them get us' and 'We are going to be all right if you don't say anything,'" Hall said.

In a July 1986 conversation with Hall, Feazell told him that Feazell could "account tax-wise" for the illegal payments if he had to by saying he got a large settlement in a civil lawsuit before and just after he became district attorney, Hall said.

In a conversation with Hall on Sept. 12, 1986, Feazell asked Hall how much money he "was out" through lost clients, attorney's fees and travel expenses because of the federal investigation, Hall said. Hall told him about \$17,500.

"He told me that if I couldn't afford my attorney, that Gary Richardson would represent me. He told me that when he beat this case, he was going to practice law in Dallas with Mr. Richardson and would make enough money in his new practice to reimburse me," Hall said.

When asked why Feazell wanted Hall to employ Richardson, Hall said, "I assumed that he wanted me to use the same lawyer that he had so he would know what I was up to," Hall said.