



Staff photo — Rod Aydelotte

Vic Feazell (center) prepares to enter federal court for day one of his trial

Judge questions relevance, legality of Feazell defense

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AUSTIN — U.S. District Judge James Nowlin on Tuesday limited the mention of Henry Lee Lucas during the federal trial of McLennan County District Attorney Vic Feazell.

Nowlin also questioned the legality and relevance of Feazell's defense in his racketeering and mail fraud trial, which began Tuesday. Feazell maintains the charges are retaliatory.

Before a federal jury of seven men and five women and three alternate jurors were selected, Nowlin granted a government motion requiring Feazell's attorney to seek the judge's approval before mentioning

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Lucas, once considered one of the worst mass murderers in history.

"Is that a legal defense?" Nowlin asked Feazell's attorney, Gary Richardson of Tulsa, Okla. "What relevance does this Lucas matter have in the defense? All the defense would be is that he made law enforcement people mad at him.

"I have some trouble with the defense of retaliation. Generally speaking, to bring out the Lucas matter to answer the charges in the indictment — my position is it is not relevant," Nowlin said.

Richardson told Nowlin during the brief hearing that Feazell's claim of

being the target of a federal witch hunt after a McLennan County grand jury discredited many of Lucas' murder confessions is the "heart of the defense."

"Judge, are you telling this defendant he can't use his strongest defense?" Richardson asked.

But later, Richardson said the judge's ruling will not "cripple" his case. He indicated that he will make the Lucas investigation and the resulting embarrassment to law enforcement agencies a relevant issue in Feazell's trial.

Feazell, 35, is on trial in Austin on charges he accepted bribes to dismiss criminal cases and sent fraudulent case disposition reports to law

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enforcement agencies. He is charged in a 10-count indictment with two counts of racketeering and eight counts of mail fraud.

The judge has given an hour for opening statements to both Richardson and Assistant U.S. Attorney Jack Frels. Statements are scheduled to begin at 8 a.m. today.

During jury selection Tuesday, Frels read the indictment to pro-

spective jurors and a list of at least 76 potential witnesses against Feazell.

The list included Waco attorneys Don Hall, Dick Kettler, Dick Clark, Ron Moody and Ken Crow; at least 14 of Feazell's former and current assistant prosecutors; FBI and Department of Public Safety agents; elected county officials; representatives from county financial institutions; and defendants whose cases were dismissed after reportedly paying bribes to Fea-

zell or inflated legal fees to their attorneys.

Richardson read a list of potential witnesses that included Janet Kettler, wife of attorney Dick Kettler; Jerome Sobel, a Waco pharmacist; Attorney General Jim Mattox; Lucas; Lucas' friend, Clementine Schroeder; Feazell's former attorney, Jeff Kearney of Fort Worth; and Feazell.

Nowlin said Tuesday the trial should last from three to four weeks.