Ex-BP Engineer Calls Feds' Claims 'Farcical'

MICHAEL KUNZELMAN, Associated Press

NEW ORLEANS (AP) — A former BP engineer charged with deleting text messages about the company's response to its 2010 oil spill in the Gulf of Mexico claims federal prosecutors have tacked on "farcical" allegations that he also deleted dozens of voicemails to stymie a grand jury probe of the disaster.

A court filing Wednesday by Kurt Mix's defense attorneys asks a judge to bar prosecutors from making any references at trial to nearly 350 voicemails that couldn't be recovered from Mix's phone.

Mix's lawyers also want copies of transcripts for the grand jury proceedings that produced a new indictment against their client on March 20. The new indictment added allegations that Mix deleted about 40 voicemails from a supervisor and roughly 15 voicemails from a BP contractor.

Stroz Friedberg LLC inspected Mix's phone for the Justice Department but only could recover a handful of 346 voicemails that callers left between April 20, 2010 — the date of BP's deadly Deepwater Horizon rig explosion — and Aug. 20, 2011.

"Stroz Friedberg's report demonstrates the farcical nature of the newly-minted allegation that Kurt Mix 'corruptly' deleted voicemails from his iPhone," Mix's lawyers wrote. "Stroz Friedberg's findings not only reveal a complete absence of evidence for the new voicemail-related allegations, but also illuminate the distinct possibility that the original and superseding indictments against Mix were the products of a structurally defective grand jury proceeding."

Mix's attorneys accuse prosecutors of drafting the new indictment to imply "something nefarious" about the alleged voicemail deletions.

"The superseding indictment not only fails to mention that AT&T — and not Kurt Mix — might have been responsible for as many as 253 of the 346 voicemail deletions, but it also misleadingly suggests through use of the passive voice ("were deleted") that Kurt Mix was the culprit behind those deletions," they wrote.

Mix, a resident of Katy, Texas, pleaded not guilty last May to two counts of obstruction of justice. The original indictment charged him with deliberately deleting more than 200 text messages to and from the supervisor and more than 100 to and from the contractor. Neither the supervisor nor the contractor is named.

Mix doesn't face any new counts in the superseding indictment.

Prosecutors claim he deleted the messages to prevent them from being used in a grand jury's probe of the spill.

U.S. District Judge Stanwood Duval Jr. is scheduled to preside over a jury trial for Mix, starting on June 10.

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