

Ex-BP Engineer Convicted On Single Obstruction Charge

Michael Kunzelman, Associated Press



NEW ORLEANS (AP) — A former BP drilling engineer was convicted Wednesday of deleting text messages from his cellphone to obstruct a federal investigation of the company's massive 2010 oil spill in the Gulf of Mexico.

He was found guilty on one charge and acquitted of a second charge.

A federal jury deliberated for more than nine hours over three days before reaching the verdict on Kurt Mix's case. The count of obstruction of justice carries a maximum sentence of 20 years in prison and a \$250,000 fine.

Mix will be released on his present bond, and sentencing is scheduled for March 26.

Mix hugged his friends and family members in the courtroom before leaving the courthouse hurriedly.

"I'm only going to speak through counsel," he said to a reporter trying to ask him a question.

Trailing behind her brother in the courthouse lobby, Bridget Mix called the verdict "just unbelievable."

"You can't wrap your head around any of it," she said.

Prosecutors argued that the 52-year-old engineer from Katy, Texas, was [trying to destroy evidence](#) [1] when he deleted hundreds of text messages to and from a supervisor and a BP contractor. An indictment also accused Mix of deleting two voicemails from the same two people.

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Mix's lawyers said their client didn't hide anything. He preserved other records containing the same information contained in the deleted messages, they told jurors.

"We remain as convinced as ever of Kurt Mix's innocence," defense attorney Joan McPhee said after the verdict. "We intend to continue to fight to ensure that justice is done in this case."

Juror Scott Galliano, 49, of Luling said: "It was just a very tough decision."

Mix, who didn't testify at his two-week trial, was one of four current or former BP employees charged with crimes related to the spill. His case was the first to be tried.

The April 20, 2010, blowout of BP PLC's Macondo well triggered an explosion that killed 11 workers on the Deepwater Horizon drilling rig and spawned the nation's worst offshore oil spill. Millions of gallons of oil spewed into the Gulf while the company scrambled for weeks to seal the well.

Mix was on a team of experts who worked on BP's unsuccessful attempt to stop the gusher using a technique called "top kill." He had access to internal data about how much oil was flowing from the blown-out well.

On May 26, 2010, the day that top kill began, Mix estimated in a text to a supervisor that more than 630,000 gallons of oil per day were spilling — three times BP's public estimate of 210,000 gallons daily and a rate far greater than what top kill could handle.

That text was in a string of messages that Mix exchanged with his supervisor, Jonathan Sprague, before deleting it in October 2010. Investigators couldn't recover 17 of the messages in the string.

In August 2011, Mix also deleted a string of text messages that he exchanged with BP contractor Wilson Arabie. Several weeks earlier, federal authorities issued a subpoena to BP for copies of Mix's correspondence. The same count that charges Mix with intentionally deleting those messages also says Mix deleted a voicemail from Arabie and a voicemail from Sprague.

Galliano, the juror, said he and the other members of the panel were left wondering why Sprague didn't testify.

"We thought he was one of the key characters," he said.

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