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## Another Enron barge trial set for February

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Yes, Houston, we could have more Enron trials.

A judge set February retrial dates Friday for two defendants in a case involving the alleged sham sale of a Nigerian barge.

The two defendants are ex-Merrill Lynch executives Daniel Bayly and Robert Furst.

Houston already has hosted five Enron-related trials beginning in 2002. A federal prosecutor told a judge in a hearing Friday that the government still plans to retry some cases that have been overturned by appellate courts.

Senior U.S. District Judge Ewing Werlein asked a prosecutor whether the Enron cases were still "burning" cases for the Department of Justice given the change in administrations and the passing years.

"Yes, the DOJ is still pursuing the cases," said Patrick Stokes, a federal fraud prosecutor from Washington, D.C.

"This has a long history at this point. Young lawyers like you probably weren't born yet," the judge joked with the prosecutor.

Stokes said the Justice Department has dissolved

its Enron Task Force, which had three directors over the years since Enron imploded in scandal in 2001. He said fraud prosecutors are handling the cases, which are in various stages of appeal or possible retrial.

Stokes said the lawyers for Bayly and Furst, whose 2004 convictions were overturned, have approached the government about "alternative" ways to end the case — which would likely mean some kind of plea deal. Bayly, Furst and their lawyers declined comment Friday.

The case centered on Enron's 1999 sale to Merrill Lynch of power plant barges off Nigeria, allowing Enron to book higher year-end earnings. Prosecutors said the sale was a disguised loan and that Enron executives promised to resell or buy back the barges within six months.

The defendants countered that the sale was legitimate.

The convictions of Bayly and Furst were overturned in 2006. A codefendant, James Brown, is still in the appeals process.

In addition to this case, one or more of the defendants accused of crimes over activities in Enron's broadband division could be retried.

Imprisoned former Enron Chief Executive Jeff Skilling is seeking a new trial and has asked the U.S. Supreme Court to hear his appeal on his 2006 conviction.

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