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## Ex-Gas Trader Wants Indictment Thrown Out

HOUSTON - A natural gas trader who pleaded guilty last year to filing false natural gas price data is asking a judge to throw out his indictment.

Jerry Futch, charged with four counts of reporting false natural gas trades to industry publications in November 2004, pleaded guilty to one count in June 2005. He faces a maximum of five years in prison.

On Monday, Futch was scheduled to be sentenced before U.S. District Court Judge David Hittner. But over the weekend, Futch's attorney filed papers asking the court to dismiss the charge, saying his rights to due process and counsel were violated.

Futch's attorney, Philip Hilder, argues in the filing that Futch was denied his right to due process. In the filing, Hilder said that Futch was not made aware he was likely under criminal investigation and that the statements he gave in a civil investigation by commodity regulators could be used in the criminal case, the Houston Chronicle reported in its Tuesday editions.

Hilder's filing also claims law firm Baker Botts should have notified Futch that there was a conflict of interest when it continued to represent both he and his employer, Reliant Energy, after Reliant entered into a cooperation agreement with commodity regulators in November 2003.

Baker Botts partner Mark Robeck said in a written statement that the company met its legal and ethical obligations, the newspaper reported.

"Mr. Futch was kept informed at all times that Baker Botts represented Reliant, and that what he told us could be provided to the government," Robeck said.

In a response filed Monday, the government said Futch's claim he was surprised he was under a criminal investigation "is completely unsupported."

Futch is among a dozen former Houston-based natural gas traders charged criminally with reporting false trading data.

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