

Business

Ex-Blue Bell CEO's Charges in Fatal Listeria Outbreak Tossed

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July 15, 2020, 6:00 PM CDT

Updated on July 15, 2020, 6:45 PM CDT



Blue Bell Ice Cream *Photographer: Jamie Squire/Getty Images*

A federal judge dismissed felony charges against Blue Bell Creameries' former chief executive officer over a fatal 2015 outbreak of listeria linked to tainted ice cream.

Paul Kruse was charged in May with seven counts of wire fraud and conspiracy for allegedly instructing employees to hide the outbreak. Kruse, who retired three years ago, faced more than 100 years in prison had he been convicted. He denied wrongdoing.

Blue Bell issued a product recall, pleaded guilty to two misdemeanor counts of selling tainted ice cream and agreed to pay a \$19.3 million fine.

U.S. District Judge Robert Pitman in Austin, Texas, said on Wednesday that the government had improperly brought felony charges against Kruse without obtaining a grand jury indictment. The charging instrument prosecutors used, known as a criminal information, was legally insufficient to support a felony trial without a waiver from Kruse, Pitman ruled.

Chris Flood, Kruse's lawyer, said the U.S. had tried unsuccessfully for five years to get a grand jury to indict his client. Flood said prosecutors told Pitman they would continue to seek an indictment. He said a five-year statute of limitations may bar them.

Mollie Timmons, a spokeswoman for the Justice Department, declined to comment on the dismissal.

(Updates with last paragraph)

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