



U.S. Department of Justice

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FORMER ATF SPECIAL AGENT PLEADS GUILTY TO DRUG CONSPIRACY

Little Rock – Jane W. Duke, United States Attorney for the Eastern District of Arkansas; James E. Finch, Special Agent in Charge, Federal Bureau of Investigation (FBI), Oklahoma City Division; and Wayne D. Beaman, Special Agent in Charge, Department of Justice - Office of the Inspector General, Dallas Field Office, announced today the guilty plea of Brandon Jay McFadden, a former special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”). McFadden, age 34, of Lubbock, Texas, was indicted by a grand jury for the Northern District of Oklahoma on April 7, 2010. The four-count indictment charged McFadden with conspiracy to distribute methamphetamine, cocaine, and marijuana; possessing methamphetamine with intent to distribute; possessing a firearm during a drug trafficking offense; and money laundering.

Under the terms of a plea agreement reached with the United States, McFadden entered a plea of guilty to conspiring to distribute more than 50 grams of methamphetamine. McFadden also acknowledged that he abused his position of trust with ATF in order to facilitate his drug trafficking offenses. In addition, McFadden admitted that he and Tulsa Police Department Officer Jeff Henderson fabricated a drug transaction in 2007 involving Larry and Larita Barnes. During today’s proceedings, McFadden acknowledged that in 2007 he was involved in the referral of a case for prosecution to the United States Attorney’s Office for the Northern District of Oklahoma involving the Barneses. The case, which was subsequently indicted and for which the Barneses were both convicted, was based solely on the fabricated drug transaction. As a result of an on-going public corruption investigation, the Barneses’ convictions were set aside last summer and both were released from prison. McFadden admitted that the drug transaction for which the Barnes were convicted and about which McFadden, Henderson and another individual all testified in federal court never happened.

The statutory penalties for the offense of conviction are not less than five years and not more than 40 years imprisonment and a fine of not more than \$2 million. Additionally, pursuant to the plea agreement, McFadden agreed to forfeit a Chevrolet Silverado truck that he purchased in 2008 with drug proceeds.

“When any law enforcement officer betrays the oath to protect; serve; and uphold the law, he tarnishes the badge of all law enforcement, violates the trust of the people and therefore should be prosecuted to the fullest extent of the very laws he has broken,” said Finch.

“The Office of the Inspector General is committed to vigorously investigating and referring for prosecution any Department of Justice law enforcement officers who engage in criminal behavior,” Beaman said. “McFadden’s actions victimized the individuals who were falsely accused and also violated the public trust that had been placed in him as a law enforcement officer.”

At the conclusion of today’s hearing, United States Magistrate Judge Frank H. McCarthy entered an order continuing McFadden’s current bond status. Sentencing was set for July 28, 2010 at 2:30 p.m. before United States District Judge James H. Payne.

This case was investigated by agents of the Federal Bureau of Investigation and the Department of Justice - Office of the Inspector General. The United States Attorney’s Office for the Eastern District of Arkansas was appointed by the Department of Justice to handle this matter upon the recusal of the United States Attorney’s Office for the Northern District of Oklahoma. The case is being prosecuted by United States Attorney Jane Duke, Assistant United States Attorney Patrick Harris, and Assistant United States Attorney Patricia Harris.

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