



ATF News

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ATF ARRESTS TWO ELKINS, WVA., MEN OF AIDING AND ABETTING STRAW PURCHASES OF FIREARMS

ELKINS, W.Va. — Special Agent in Charge Paul J. Vido of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) announced that Terry Phillips, age 57, and Robert P. Smith, age 50, were arrested today on federal charges of aiding and abetting the sale and delivery of a handgun to a person who was not a resident of West Virginia.

This three-month long federal investigation culminated in the arrest of Phillips and Smith and the execution of a federal search warrant at the "T&S Loans," a pawnshop and a federal firearms licensee (FFL) located at 201 Davis Avenue in Elkins.

During the investigation, ATF special agents acting in an undercover capacity conducted a straw purchase of two firearms, a .38 caliber revolver and a 12 gauge shotgun from Phillips and Smith. One of the undercover agents informed Phillips and Smith that he was from Pennsylvania and paid for and purchased the firearms. Phillips and Smith allowed the other undercover agent, who was a West Virginia resident, to complete the ATF 4473 Firearms Transaction Record. A "straw purchase" is any purchase of a firearm where the buyer is not eligible to own the purchased firearm according to the law and therefore purchases the firearm through a proxy buyer.

Phillips and Smith were arrested for their alleged violations of the Title 18 U.S. Code Section 922 (b) (3) and 2 – the unlawfully selling and delivering a firearm, other than a shotgun or rifle, to an undercover special agent with the ATF, who he, as the licensee, knew and had reasonable cause to believe was not a resident of West Virginia and aiding and abetting this crime. The charge in the criminal complaint carries a maximum exposure of 10 years imprisonment and a fine of \$250,000.

Vido, who is responsible for overseeing ATF operations in the Northern District of West Virginia, said, "ATF's mission is to reduce violent crime and protect the public and in this case we did just that. These arrests were a result of quality criminal investigative techniques."

Vido went on to say, that, "allowing straw purchases of firearms is a serious issue in our country and it appears this team prevented a firearms dealer from continuing to circumvent the law and potentially stopped firearms from falling into the hands of criminals."

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The case will be prosecuted by Assistant U.S. Attorney Shawn Angus Morgan. The case was investigated by the ATF Wheeling Field Office in partnership with the West Virginia State Police.

ATF is the federal law enforcement agency with the unique responsibility of protecting the public and reducing violent crime. ATF has the jurisdiction for investigating violations of federal laws and regulations relating to alcohol and tobacco diversion, firearms, explosives and arson. More information on ATF and its programs is at www.atf.gov.

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