



**U.S. Department of Justice  
U.S. Attorney's Office  
Western District of Texas**

**Johnny Sutton, U.S. Attorney**

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**FOR IMMEDIATE RELEASE**

May 24, 2006

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**FEDERAL GRAND JURY RETURNS SUPERSEDING INDICTMENT AGAINST  
BORDER PATROL AGENT FOR FRAUDULENT FIREARM PURCHASE AND POSSESSING  
UNREGISTERED FIREARMS**

**U.S. Attorney Johnny Sutton** announced today that a federal grand jury in Del Rio, Texas, returned a seven-count superseding indictment charging Border Patrol agent Franklin L. Sherren, III, with firearms offenses.

The grand jury charged Sherren with possession of a machine gun, making a false statement during firearms purchase, disposing of firearm to prohibited person and four counts of possession of an unregistered firearm.

The indictment alleges that on November 10, 2005, Sherren purchased a Walther .40 caliber pistol and ammunition from licensed firearm dealer in Del Rio. During the transaction, Sherren falsely claimed on ATF Form 4473 that he was the actual buyer of the firearm. However, Sherren "straw purchased" the firearm. After making the purchase, he gave the firearm and the ammunition to Ismael Maltos Romo, an individual he knew was an alien admitted into the United States under a non-immigrant visa.

The indictment also alleges that on April 7, 2006, Sherren was in possession of three firearms and a silencer that were not registered in the National Firearms Registration and Transfer Record. Agents with the Bureau of Alcohol, Tobacco and Firearms and United States Immigration and Customs Enforcement together with deputy United States Marshals executed a search warrant at the defendant's residence where they recovered the silencer; a machine gun (a RPB Industries, Model M10, 9mm caliber pistol); a short-barreled 12-gauge shotgun (N.R. Davis and Sons, Model Expert) without a serial number; and, a short-barreled 20-gauge shotgun (W.P. Bingham Company, Model XLCR).

On December 21, 2005, a federal grand jury returned an indictment against Sherren charging him with the alleged offenses concerning the firearm purchase on November 10, 2005. On January 3, 2006, Sherren was released on bond pending trial and was instructed by United States Magistrate Judge Dennis Green to refrain from possessing a firearm, destructive device, or other dangerous weapon. Today's indictment adds to the original indictment charges stemming from the firearms recovered during the search warrant.

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Sherren has remained in federal custody since his arrest on April 7, 2006, for violating the terms of his pretrial release. Jury selection and trial has yet to be scheduled. Upon conviction, Sherren faces up to ten years in federal prison and a maximum \$250,000 fine per count.

This case is being investigated by the Bureau of Alcohol, Tobacco, Firearms and Explosives together with the Department of Homeland Security - Office of Inspector General and the United States Marshals Service. Assistant United States Attorney Robert J. Brady, Jr., is prosecuting this case for the government.

An indictment is a formal accusation of criminal conduct, not evidence of guilt. The defendant is presumed innocent unless and until convicted through due process of law.

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