

**United States Department of Justice**

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November 28, 2005

**FOR IMMEDIATE RELEASE**

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**TENNESSEE MAN SENTENCED TO MORE THAN  
74 YEARS FOR ATTEMPTED MURDER OF ATF AGENT**

James R. Dedrick, Acting United States Attorney for the Eastern District of Tennessee, and ATF Special Agent in Charge James Cavanaugh of the ATF Nashville Field Division, announced that TERRY PENNEY, 56, of Soddy-Daisy, was sentenced today by U.S. District Judge R. Allan Edgar to 895 months imprisonment. Penney was convicted earlier this year of attempting to murder ATF Special Agent Paris Gillette, and numerous other narcotics and firearms offenses. Upon sentencing Mr. Penney, Judge Edgar cited the need to provide general deterrence and the protection of law enforcement officers as factors considered in the sentence.

Mr. Dedrick stated that he is "extremely pleased with the performance of Assistant United States Attorneys Steven S. Neff and Christopher D. Poole and the investigative agencies involved in this case: the Soddy-Daisy Police Department, the Hamilton County Sheriff's Department, the Tennessee Bureau of Investigation, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives. This sentence should send a strong message to drug and violent crime offenders that this type

of conduct will not be tolerated.”

ATF Special Agent in Charge James Cavanaugh of the ATF Nashville Field Division stated, “This is a sentence that all in the criminal underworld should pay close attention to. The shooting of an ATF Special Agent, during the course of trafficking of narcotics will result in a bleak and sorry future life. Surrender was an option for Terry Penny, an option he didn’t exercise, now he is out of options.”

In addition to the 895-month sentence, Mr. Penney was ordered to pay a \$25,000 fine and was sentenced to a 5-year term of supervised release should he ever be release from prison. Mr. Penney’s sentence, however, is non-parolable and Mr. Penney is expected to spend the remainder of life in federal prison.

Mr. Penney was convicted after a week-long trial encompassing Mr. Penney’s illegal narcotics and firearms activities from the late 1990’s through January 13, 2004, when he opened fire on law enforcement officers attempting to execute a search warrant at his home. Special Agent Gillette narrowly survived the shooting, losing his left eye and nearly losing his right eye, and still has shotgun pellets lodged in his brain from the blast.

Investigators of the Soddy-Daisy Police Department, Hamilton County Sheriff’s Department, the Tennessee Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms & Explosives utilized a Confidential Informant (“CI”) beginning in September of 2003, to investigate Penney and others involved in illegal narcotics trafficking. The investigation continued through January 13, 2004, when Penney brokered a marijuana transaction with the CI that brought William “Cotton” North from Kentucky to Penney’s residence on Dayton Pike in Soddy-Daisy to purchase 50 pounds of marijuana.

Upon North showing the CI \$35,000 in U.S. currency he had brought to purchase the marijuana, investigators moved in and executed an anticipatory search warrant at the residence. The Hamilton County Sheriff's Department Narcotics and Special Operations Division formed the core of the entry team, with officers of the Soddy-Daisy Police Department securing the perimeter of the property. After repeatedly knocking and announcing without any response from Penney, the entry team attempted to breach the front door of the residence but were unable to do so because of a barricade Penney had placed at the entrance.

Attempting to gain visual contact with the defendant, ATF Special Agent Gillette broke out a pane of glass at the front entry. Penney immediately shot Agent Gillette in the face with a 12 gauge shotgun from a distance of approximately 15 feet. Hamilton County Sheriff's Department SWAT Commander Mark King was also hit in the face with bullet fragments from the blast, but was able to continue in the operation and joined other officers at the back of the residence. Agent Gillette was pulled from the area and was air-lifted to Erlanger Hospital.

Hamilton County Sheriff's Department Investigator Marty Dunn entered the doorway into the rear of the defendant's trailer and made eye contact with Penney, instructing him to put down his gun. Penney turned and fired directly at Dunn, hitting him in the face and in his ballistic vest. Recognizing the voice of Soddy-Daisy Police Department Detective Mike Sneed, Penney finally began talking to the officers. Sneed and Dunn entered the residence and were eventually able to take Penney into custody, after telling him three more times each to disarm himself.

Penney was then taken to the Hamilton County Sheriff's Department Annex and was interviewed by FBI Special Agent Jim Melia, who described the defendant as being calm and seemingly unaffected by the shootings. In fact, Agent Melia testified at trial that Penney requested and received 4 Krystal hamburgers without cheese during the interview and ate while being interviewed.

The 15 charges Penney was convicted of include of conspiracies to distribute more than 5 kilograms of cocaine and more than 100 kilograms of marijuana; attempting to possess more than 5 kilograms of cocaine and attempting to possess and distribute marijuana; being a felon in possession of firearms (17 on one occasion, 5 on the other), possession of a firearm with an obliterated serial number; using and possessing firearms in furtherance of drug trafficking crimes and crimes of violence; firing a weapon into a group of two or more persons in furtherance of a drug trafficking crime; and attempting to kill an officer of the United States.

This case was investigated jointly by the Soddy-Daisy Police Department, led by Detective Mike Sneed; investigators of the Narcotics and Special Operations Division of the Hamilton County Sheriff's Department, including Detectives Marty Dunn, Mark King and Lt. Tommy Farmer; the Tennessee Bureau of Investigation; Special Agent Jim Melia of the Federal Bureau of Investigation; and Special Agent Paris Gillette of the Bureau of Alcohol, Tobacco, Firearms and Explosives. The case was prosecuted by Assistant United States Attorneys Steven S. Neff and Christopher D. Poole.

For further information please contact James R. Dedrick, Acting United States Attorney or Steven S. Neff, Assistant United States Attorney.