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ATF AGENT INDICTED ON MULTIPLE FELONY CHARGES INVOLVING THEFT, FRAUD AND FIREARMS VIOLATIONS

Clifford Dean Posey Charged In Twenty Count Indictment

RICHMOND, VIRGINIA -- A special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives has been charged in a twenty count indictment with a variety of federal crimes that allegedly occurred in the course of his official duties.

In an indictment returned under seal on Tuesday, the grand jury has charged Clifford Dean Posey, 43, of Chesapeake, Va. with six counts of wire fraud, six counts of embezzlement, two counts of possessing stolen firearms, four counts of making false statements and two counts of money laundering. The indictment was unsealed earlier today following Posey's arrest and initial court appearance.

According to the indictment, as part of his duties Posey came into possession of various items of property that were under his control, including but not limited to firearms, cigarettes, tobacco products and United States currency.

Beginning no later than 2007, Posey began falsifying documents relating to firearms under his custody and control in order to embezzle and convert them to his own use. On one occasion included in the indictment, Posey advertised for sale firearms he had come into custody of by virtue of his employment.

The indictment charges that during 2010 the defendant assisted in the investigation of illegal cigarette trafficking. Posey obtained the access code to a storage unit containing cigarettes intended for use in undercover tobacco investigations. The defendant later contacted two potential targets of the investigation and offered to undercut the negotiated ATF price, an action the defendant was not authorized to take and one he failed to disclose to ATF, as pursuant to protocol.

Beginning in July 2010 Posey was the lead case agent in an undercover tobacco investigation and, in that capacity, was entrusted with the custody and control of cigarettes and other tobacco products. The indictment alleges that on four separate occasions from September 4 through November 19, 2010, Posey sold cigarettes in his control by virtue of his employment,

retained the proceeds and failed to report the transactions to the ATF or any other law enforcement officers working on the investigation.

The indictment also alleges that Posey falsely submitted receipt and release reports to the ATF regarding firearms. The defendant claimed in the reports that several stolen firearms were either released to the rightful owner or destroyed, when in fact the defendant had taken possession of those firearms.

The investigation of the case was conducted by the Department of Justice Office of the Inspector General, with the assistance of the ATF and the City of Hampton Police Department. Assistant United States Attorney Joseph Mott is prosecuting the case for the United States. This case is being handled by the United States Attorney's Office for the Western District of Virginia as a recusal matter from the United States Attorney's Office for the Eastern District of Virginia.

A Grand Jury indictment is only a charge and not evidence of guilt. The defendant is entitled to a fair trial with the burden on the government to prove guilt beyond a reasonable doubt.

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