

NEWS

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Newark Man Sentenced to 36 Months in Prison for Illegal Possession and Sale of a Machine Gun

(More)

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NEWARK – A Newark man was sentenced to 36 months in federal prison today for illegally possessing and selling a machine gun, U.S. Attorney Paul J. Fishman announced.

U.S. District Judge Joseph A. Greenaway, Jr., also ordered Rashan Clark, 30, to serve two years of supervised release upon the completion of his prison term.

Clark pleaded guilty before Judge Greenaway on June 30, 2009, to Count One of a seven-count federal Indictment, which was returned on May 5, 2009, that charged him and his brother, Cory Melvin, with possessing and selling a 9mm machine gun. Judge Greenaway continued the defendant's release on a \$150,000 bond pending his surrender to officials with the U.S. Bureau of Prisons, on a date to be determined by prison authorities.

At his plea hearing, Clark admitted that on Sept. 18, 2008, he and Melvin, 34, of Newark, sold a Sten, Mark III, 9mm machine gun to another individual.

According to a criminal Complaint, which was signed on Jan. 28, 2009, that charged both Clark and Melvin, a confidential source ("CS-1") placed a recorded phone call to Melvin and allegedly arranged for the purchase of a machine gun on Sept. 18, 2008. CS-1 was driven to the prearranged meeting in Newark by an undercover officer. Upon arriving at the meeting location, CS-1 and the undercover officer were allegedly instructed by Melvin and Clark to follow them to a residence in Newark, according to the Complaint.

When they arrived at the residence, CS-1 entered the residence along with Melvin and Clark. Melvin and Clark then retrieved three firearms and a military flak jacket from different areas of a bedroom. After retrieving the firearms, Clark explained how the machine gun operated.

CS-1 purchased the military flak jacket and three firearms, a Smith and Wesson 9mm semiautomatic pistol with two magazines, a Colt Python .357 caliber revolver and the 9mm machine gun with four magazines, for \$4,000.

Clarke and Melvin were arrested by Special Agents with the ATF on Feb. 5, 2009.

Melvin pleaded guilty on Aug. 19, to all seven counts contained in the Indictment, which charged him with conspiracy, illegal transfer of a machine gun, dealing in firearms without a license and four counts of possession of a firearm by a previously convicted felon. Melvin is scheduled to be sentenced on Dec. 14.

In determining the actual sentence, Judge Greenaway consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in

determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Fishman credited Special Agents of the ATF, under the direction of Special Agent in Charge Matthew W. Horace, with the investigation leading to the guilty plea.

The government is represented by Assistant U.S. Attorney James T. Kitchen of the U.S. Attorney's Office Criminal Division in Trenton.

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Defense Attorney: Laurie Fierro, Esq. Kinnelon