

NEWS

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Newark Man Pleads Guilty to Illegal Possession And Sale of a Machine Gun

(More)

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NEWARK – A Newark man pleaded guilty today for illegally possessing and selling a machine gun, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

Rashan Clark, 30, pleaded guilty before U.S. District Judge Joseph A. Greenaway, Jr., to Count One of a federal Indictment, which was returned on May 5, 2009, that charges 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 sentencing, which is scheduled Oct. 26.

Clarke and Melvin, 33, of Newark, were arrested by Special Agents with the ATF on Feb. 5, 2009. Melvin remains in federal custody pending trial.

At his plea hearing, Clark admitted that on Sept. 18, 2008, he and Melvin 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. The Complaint alleges that 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.

According to the Complaint, 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.

The charge to which Clark pleaded guilty carries a maximum statutory penalty of 10 years in prison and a fine of \$250,000.

In determining an actual sentence, Judge Greenaway will consult 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.

Marra 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