

# Just Like Chris Rock's CB4: N.J. Prisoner Fighting Systemic Injustice on Physical Impossibility (State of N.J. v. Clark)

*An African-American man serves a lengthy prison sentence after seemingly being forced at gun point to carry over \$130,000 in stolen iPhones out of AT&T store*

TRENTON, NEW JERSEY, USA, May 16, 2023 /EINPresswire.com/ -- In 1993, the actor and comedian Chris Rock starred in a pop culture flick called CB4, where he plays a (pretend) gangster rapper that is forced by real street thugs to ride along with them to rob a record store. Recently the New Jersey Superior Appellate Division heard a criminal appeal on a case matter of a real life situation that resulted in an African-American man who had no criminal history of theft or robbery, or guns and violence, to be charged and sentenced to almost twenty years of imprisonment for first degree armed-robbery.

The case of State of New Jersey v. Anthony Clark (State v. Clark, Dkt. No. A-0926-20, at \*50, N.J.

Sup. App. Div. Feb. 21, 2023) resulted in the appellate division to rule that, despite 'the robbery being his first violent crime,' and Clark not possessing any firearms in the robbery, he was an accomplice who carried over \$130,000 in iPhones out of [the AT&T store](#).

## CLARK'S APPEAL

The appellate court's opinion described a robbery with four masked gunmen. Three were caught after the robbery and received plea deals that came with a shorter sentence of imprisonment than Clark who went to trial. The court acknowledged that Clark 'was not a career violent felon



who had previously confessed to committing multiple armed robberies' as Clark's co-defendants McLaughlin and Mitchell.

#### HOW THE CHRIS ROCK MOVIE IS SIMILAR

The 90s movie CB4 [contains a scene](#) where Chris Rock's character MC Gusto is kidnapped by Charlie Murphy's character Gusto. Murphy's character and another masked man expose MC Gusto on video camera during a record store robbery due to him not wearing a ski mask. This scene shows [the real] Gusto coercing MC Gusto at gunpoint to rob a music store with him and another masked gunman. Similar to the real life incident involving Anthony Clark, the fictitious character MC Gusto is unmasked, at no time possesses a weapon, and shows no intent to willfully commit a robbery.

#### WHAT THE SUPREME COURT SAYS

Prior to the State v. Clark case, the Supreme Court of New Jersey ruled on a similar situation in [State v. Williams, 199 N.J. 1 \(2008\)](#). The court declared that the defendant, Williams was convicted of armed robbery after he and another man entered a store and demanded money from the clerk. The clerk gave the men money, and they fled. The defendant was later arrested and charged with armed robbery. At trial, Williams argued that he was not guilty because he was physically unable to use the gun that the other man was carrying. The court agreed, and the defendant's conviction was overturned.

Clark's trial case raised a defense of duress. But the jury refused to accept this as a reliable defense. Hence, the question of law or fact on physical impossibility as to how a man could carry 300 hundred mobile phone kits and perpetrate force and violence on store employees was never mentioned by Monmouth County's prosecutor, Clark's public defender, or the Monmouth County Superior Court.

#### PHYSICAL IMPOSSIBILITY

The iPhone that was on the market during the time the robbery occurred weighed around half a kilogram inside of the box. The appellate court acknowledged the fact that there was \$130,000 in stolen iPhones involved with Clark's criminal prosecution. The video footage from the AT&T store robbery shows Clark moving around 300 iPhones. This is over 300 pounds in goods.

The same robbery video shows one of the masked gunmen forcing Clark at gunpoint to fill the bags with iPhones, while the other gunmen hold the AT&T store staff under duress.

## OTHER SIMILIAR CASES

The Supreme Court of New Jersey encountered this question of law or fact a few other times before *State v. Williams*. *State v. Jones*, 178 N.J. 19 (2003), and *State v. Smith*, 167 N.J. 1 (2001), both resulted in reversals due to the fact the it was not possible for the defendants to be guilty of first-degree armed robbery in such an instance.

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