

# Will New Bedford ever know the truth about what happened to Malcolm Gracia?

The City of New Bedford has reached a settlement agreement with the family of Malcolm Gracia. You can read the City of New Bedford's response [here](#).

The following was submitted by attorney Donald A Brisson and attorney Kerry Garde Souza:

"Will New Bedford ever know the truth about what happened to Malcolm Gracia?"

Yes, they will.

Today the Superior Court lifted the protective order that kept us silent.

We are silent no more. The City of New Bedford has settled with the family of 15-year-old Malcolm Gracia.

Malcolm's family agreed to this settlement because it allows them to publicly present the evidence that shows that Malcolm did not thrust a hooked knife into Detective Barnes. The City of New Bedford and the former Bristol County District Attorney, Clifford "Sam" Sutter, fed the public a distorted view of the evidence. We intend to correct that distortion by presenting the public with the factual, physical, forensic, video and photographic evidence of what actually happened to Malcolm. The City of New Bedford and the late Chief of Police, David Provencher, enabled, empowered and encouraged the kind of conduct that led to the shooting death of Malcolm, by its "High Energy Patrol Initiative" and "Meet and Greet" directives. They were the grand architects of the events that led to the death of Malcolm and the false narrative that

followed.

Malcolm was targeted by the Gang Unit solely because they did not know him and that he engaged in an elaborate handshake. He committed no crime. Malcolm is first encountered by Detective Brown, when Brown attempts to "guide" him to a car, Malcolm runs away. Malcolm has not committed a crime, nor is he suspected of committing a crime. Detective Barnes ran Malcolm down. Barnes "immediately grabbed his shoulders and drove him back into like ... the building area," according to his partner Brown. Barnes had no legal right to grab Malcolm and no legal right to drive him into a building. A Superior Court judge ruled that "even on the defendants' version of the facts, the stop would be unlawful."

Barnes arrived at Rhode Island Hospital at 9:31 p.m. on May 17th and approximately seven hours later his discharge orders were written. The evidence will dispute the narrative that Detective Barnes was stabbed. The evidence will dispute the narrative that Malcolm was advancing on Detective Silvia when he was shot three times in the back. Silvia alleges that he was within five to seven feet of him when he shot him. Silvia's shell casings were found 45', 35' and 19' from where Malcolm was shot. The evidence will dispute the narrative that Malcolm was tazed before he was shot three times in the back. Detective Fonseca's tazer indicated that it was deployed between the 3rd and 4th shots fired at Malcolm. After Malcolm is tazed he is then shot one time in the side of his head, during the 4th, 5th or 6th shots fired at him.

All of the detectives were interviewed, with their attorney present, between four and eight days after the death of Malcolm. Malcolm's sister, Christina, was interviewed by law enforcement on the same evening of his death at St. Luke's Hospital hours after giving birth to her daughter. While Malcolm laid downstairs in the same hospital, her request to see and identify her brother was denied.

On May 16, 2020, the eve of the eight-year-anniversary of Malcolm's death, a presentation of the evidence will be displayed at a location and time to be determined. Malcolm's family welcomes the public, the media, the Mayor of New Bedford, the Chief of Police, any member of the New Bedford police department, the Mass. State Police, and the Bristol County District Attorney's Office to the presentation of the evidence. The truth still exists; the truth still matters, and the truth will be told."