

OPINION: New Bedford's BREATHE!: "Why We BREATHE! For Malcolm"

On May 17th, 2012, 15-year-old Malcolm Gracia was racially profiled, mislabeled, and had his life stolen in 27 short seconds following an unconstitutional stop by New Bedford Police Gang Unit officers Paul Fonseca, Trevor Sylvia, Tyson Barnes, David Brown, and Brian Safioleas. Detective David Brown violated Malcolm's civil rights when he illegally attempted to stop Malcolm as he was walking to a corner store. The police admit Malcolm had committed no crime and was not a suspect of a crime. They claim they wanted to conduct a "meet and greet" to identify him after seeing him shake hands with a friend. The New Bedford police did not have reasonable suspicion let alone probable cause. Bristol County Superior Court Judge Thomas McGuire deemed the stop, search and seizure illegal.

As Malcolm attempted to exercise his constitutional right to not to talk to the police he was physically assaulted by Detective Tyson Barnes, when Barnes drove Malcolm into a building. After Malcolm was assaulted by Barnes he managed to escape and attempted to run. Yet, tragically he was shot in the back by Detective Trevor Sylvia, tased by Detective Paul Fonseca, and then fatally shot through the head by Fonseca. This public execution of a child was unnecessary and traumatized an entire community including children.

The Bristol County District Attorney's official report claimed Malcolm grabbed Detective Barnes, removed a knife, and stabbed Barnes multiple times in the abdomen. New Bedford Mayor Jon Mitchell also claimed that Barnes had life threatening injuries including a nearly pierced lung. However, RI hospital records revealed Barnes was cleared to go home within a few

hours after being treated for 1 centimeter superficial abrasion. Photo evidence from the Rhode Island Hospital reveal no visible life threatening stab wounds and no injury to his abdomen. Officer Barnes was not wearing a vest and his white muscle shirt had no blood on it and no holes in it consistent with being stabbed multiple times. Barnes' RI medical records also note that Barnes admitted that he had been taking prednisone, Percocet, and valium for a "back injury". Barnes claimed he stopped taking the drugs the day before. Barnes' toxicology screen revealed benzodiazepine and opiates in his system. Barnes failed to provide proof of prescriptions.

The district attorney's report also alleged that after "stabbing" Barnes that Malcolm ran towards Detective Trevor Sylvia with the knife in hand and was within a few feet when he was shot in the chest by Detective Sylvia. However the autopsy shows that Malcolm was shot in the back by Detective Sylvia and forensic evidence reveals that Sylvia's shell casings were found 45', 35', 19' feet behind Malcolm.

Detective Fonseca claims that Malcolm after being shot three times attempted to get up with the knife still in his hand. Fonseca in his statement to Massachusetts State Trooper Dolan then stated he thought about going up to Malcolm and tapping him with his baton. Disgracefully, Fonseca instead chose to use lethal force and fatally shot Malcolm through the side of the head. Fonseca's shell casings were found 17 to 20 feet away from Malcolm.

The criminal acts of New Bedford police officers Tyson Barnes, David Brown, Paul Fonsceca, Brian Safioleas, and Trevor Sylvia represent a threat to public safety requiring immediate attention. Elected officials, media, community organizations, and the citizens in New Bedford can no longer claim ignorance on this matter. Ignorance certainly is not innocence. We are demanding action by our publicly elected officials. If they choose inaction, we will have no choice but to continue taking further actions. We will not cease until justice is served!

BREATHE FOR MALCOLM



SAT OCT 24TH AT 12 NOON

MAGNET PARK BASKETBALL COURT - UNITED FRONT (TEMPLE LANDING)
CORNER OF MIDDLE & CEDAR STREET NEW BEDFORD MA

COMMUNITY MARCH DEMANDS

FIRE OFFICERS BARNES - BROWN - FONSECA - SYLVIA - SAFIOLEAS

CHARGE ALL OFFICERS FOR FILING FALSE POLICE REPORTS

CHARGE SYLVIA & FONSECA FOR MURDER OF MALCOLM

AN INDEPENDENT CIVILIAN REVIEW BOARD WITH SUBPOENA POWER

END THE HIGH ENERGY PATROL INITIATIVE

BREATHE! is a New Bedford grassroots movement that seeks to strategically create change in the policies and practices that have upheld institutional racism, state violence, and injustice. We seek to bring awareness and to educate local residents and organizations on the issues that

disproportionately impact people of color and their basic human rights.