

Bristol County District Attorney's Office
C. Samuel Sutter
District Attorney

Press Release
March 26, 2008

District Attorney Sam Sutter announced that Ernest Marshall, 23, of 495 Summer St., #2, New Bedford, was convicted today of illegal firearm charges. Mr. Marshall will serve a total of four years in the House of Corrections.

Marshall was convicted today during a jury-waived trial in front of New Bedford District Court Judge Joseph Macy. Marshall was found guilty of carrying a firearm without a license, carrying a loaded firearm, and possession of marijuana. Judge Macy sentenced Mr. Marshall to serve 18 months in jail for the carrying an illegal firearm charge and then sentenced Mr. Marshall to serve an additional 30 months in jail on the carrying a loaded firearm charge.

Mr. Marshall was initially ordered held without bail during a dangerousness hearing in mid-November of 2007. The consecutive jail sentences recommendation and the dangerousness hearing are both part of District Attorney Sutter's recently-implemented new policies regarding illegal guns in Bristol County. The District Attorney has instructed his prosecutors to request a dangerousness hearing anytime a defendant is charged with an illegal gun crime and a felony. He has also instructed his prosecutors to argue for consecutive jail or prison sentences whenever possible in illegal firearm cases.

The case was prosecuted by Assistant Attorney General Matthew Silvia, who works for the District Attorney's Office through a Project Safe Neighborhoods Grant.

On October 31, 2007, Detective Sgt. Victor Mendes of the New Bedford Police Department received information regarding a potential shooting that would be taking place that night in the Ruth Street, Ashley Street, and Roosevelt Street areas. As a result of this information, he along with other detectives set up moving surveillance in this general area.

Around 9:00pm, his attention was drawn to four males all dressed in black hooded sweatshirts, with the hoods over their heads, walking at a fast pace easterly on Cove Street from Viall Street toward Ashley and Roosevelt streets. He paid particular attention to the fact that 3 of these males were walking approximately 10 to 15 feet ahead of the fourth male. When a New Bedford Police uniform and marked cruiser drove by this group, all four individuals looked away as to avoid eye contact with the officer.

These males were continued to be watched by Sgt. Mendes until they stopped directly in front of 9 Roosevelt St. This address is very familiar to Sgt. Mendes from prior narcotics investigations, which resulted in numerous arrests in the past. While these males remained in front of this address, another New Bedford Police marked uniform cruiser drove down Roosevelt Street heading towards the group. As a result of seeing this police cruiser approaching them, two of the four males in the group, including the defendant, went into the driveway of 9 Roosevelt St., while the other two remained on the sidewalk. At this time, Sgt. Mendes saw the defendant and the other male reaching and fixing their clothing around their waistband, and saw the defendant tucking his hand down his waistline.

Based on the call he had received, the time and location of this incident in a high crime area and the suspicious behavior of the group, he requested that one of his undercover detective cruisers approach this group. Detectives approached the group in an unmarked but known police surveillance vehicle with neither lights nor sirens on. Upon seeing this car approach, all four individuals fled into the driveway of 9 Roosevelt St. and started fleeing through the yards of residences on Roosevelt Street.

As detectives approached the two men, one fled west through the driveway of 17 Ashley St., while the defendant tossed an object that struck the side of the residence at 19 Ashley Street. The defendant was ordered to the ground at that point, placed in handcuffs, and the item the defendant had thrown was revealed to be a loaded .38 special revolver. The gun was fully loaded with 5 rounds, and also recovered from the area was a bag of marijuana.

Contacts:

Gregg Miliote
Director of Communications
508-961-1835
774-292-9576--after hours

Lisa Rowell
Media Assistant
508-961-1808
508-326-2217—after hours