

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

Press Release
Nov. 17th, 2007

During the first 10 months of District Attorney Sam Sutter's tenure, gun violence has been sharply reduced throughout Bristol County. While some credit for that has to go to the excellent work being done by our region's mayors and police departments, another key reason for the decline in gun violence is the precedent setting policy District Attorney Sutter instituted the day after he was sworn into office in January.

District Attorney Sutter's office has held 74 dangerousness hearings for defendants charged with possessing an illegal gun and a felony this year.

Sutter will be in New Bedford District Court Monday morning to personally represent the commonwealth in its landmark 75th illegal firearm-related dangerousness hearing.

Monday's case is against Emmanuel Jacques, who was arrested by New Bedford Police Tuesday night.

Jacques is charged with four counts of possessing a firearm without an FID card, and one count each of improper storage of a firearm, use of a firearm in a felony, distribution of cocaine and distribution of marijuana.

Jacques, 36, of 984 Sharon St., New Bedford, was the target of a search warrant executed outside his home Tuesday around 9:30 p.m.

As a result of the search, New Bedford Police seized a loaded .32 caliber firearm, 14 rounds of .38 caliber ammunition, seven rounds of .45 caliber ammunition, five rounds of .32 caliber ammunition, 29 grams of marijuana, 2.7 grams of cocaine, \$138 in cash and drug packaging materials.

Thanks to a dramatically different approach to combating the most pressing public safety issue facing Bristol County, gun violence has been sharply reduced this year.

Since Sutter took office in early January, "shots fired" calls documented by local police departments have been on the decline across Bristol County.

During the first 10 months of the year in New Bedford, "shots fired" calls have declined by 36 percent compared to last year. New Bedford has also seen a massive 59 percent reduction in the number of shooting victims during that same 10 month time span.

Murders in New Bedford have also declined from five in the first 10 months of 2006 to just one during the first 10 months of 2007.

A similar decline in gun violence is also being seen in Fall River, where "shots fired" calls have dropped from 132 during the first 10 months of 2006 to 76 thus far in 2007.

Those numbers represent a 43 percent decrease in "shots fired" calls.

And in Taunton, police have documented a 20 percent decrease in "shots fired" calls during the first 10 months of 2007.

Since Sutter personally set the precedent in January with the successful use of the Dangerousness Statute in the case of Commonwealth versus Nestor Hernandez, Sutter's office has triumphed in 54 of the 70 illegal firearm-related dangerousness hearings in district courts around the county, amounting to a 78 percent success rate. Four other illegal firearm-related dangerousness hearings-which will bring the total number of

hearings held up to 74—are scheduled to take place in Taunton and New Bedford early Monday.

Judges across the county have agreed that Sutter’s interpretation of the statute is valid. In fact, Sutter’s use of the Dangerousness Statute to hold illegal gun users prior to trial has also been validated by a single justice of the Supreme Judicial Court, who this summer denied an appeal of one of the successful illegal firearm-related dangerousness hearings. In that decision, SJC Justice Roderick Ireland denied the appeal without even granting a hearing, reaffirming a lower court’s ruling that no legitimate reason exists for owning an illegal gun other than to potentially use it against another person.

The state’s Dangerousness Statute allows for a defendant who is deemed by the court to be a danger to the community to be held without bail for 90 days, while Sutter’s team of prosecutors prepare for trial.

Sutter has also made it office policy to never plea bargain on illegal gun cases and has instructed his prosecutors to tell the defendant he or she must serve the minimum-mandatory sentence on the gun charge or go to trial and potentially be subject to an even stiffer penalty if convicted.

Sutter said the Emmanuel Jacques dangerousness hearing will also illustrate his policy on the toxic combination of illegal guns and drug dealing.

Unlike the policy of the previous administration, when Bristol County prosecutors would recommend concurrent prison sentences on gun and drug dealing charges, Sutter has instituted a policy that directs his assistant district attorneys to insist upon consecutive sentences whenever a defendant is convicted of illegal gun and drug dealing charges. Although judges do not always agree with the consecutive sentence recommendations, Sutter has made it a point to continue making the argument, and has succeeded on a number of occasions.

“I have said over and over again that a new approach was needed to combat the rising tide of gun violence in our county, our commonwealth and our nation,” Sutter said.

“After much discussion and thought, I decided late last year that utilizing the state’s dangerousness statute was an effective way to keep the most dangerous defendants off our streets while my prosecutors quickly prepared for their trial. Although there was no guarantee that the judges would accept our legal argument, I felt strongly that we could make the case that anyone using an illegal firearm was inherently dangerous to the public. I am very pleased that my decision has been validated by the courts and that this has become the major reason why gun violence is decreasing in Bristol County”

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