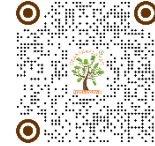


Original Article

THEY PROTECTED THE KILLERS AND EXPELLED THE FATHER": JUDICIAL BEHAVIOR, STRUCTURAL IMPUNITY, AND PROPHETIC TESTIMONY IN THE MARCO AURÉLIO CÁRDENAS ACOSTA CASE

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ABSTRACT

This article presents a qualitative behavioral analysis of the judicial hearing held on July 9, 2025, at the Foro Criminal da Barra Funda, São Paulo, Brazil, in criminal proceedings arising from the police killing of medical student Marco Aurélio Cárdenas Acosta (22), shot at point-blank range by Military Police officers on November 20, 2024. Using a first-person chronicle published by the author — a physician with 35 years of clinical practice and a dual doctorate — as a primary behavioral document, the study applies the concept of "prospective behavioral documentation": the proposition that observable conduct by judicial actors in a single critical encounter can function as a valid indicator of subsequent institutional behavior. Close reading of the chronicle, cross-validated against events documented over the following eighteen months, identifies four recurring patterns: judicial emotional detachment; prosecutorial ambivalence; trained affective neutralization by the accused officers; and systematic protection of perpetrators through procedural formalism. All patterns were confirmed: three denials of preventive detention, prosecutorial reversal, paralysis of two superior courts, and — most revealingly — a restraining order petition filed by the accused officers against the victim's father. In February 2026, a split decision committed the officers to trial by jury while keeping both free. The case is analyzed as an instance of what O'Donnell (1993) termed "brown areas" of democratic governance, and as evidence that first-person testimony by bereaved family members with analytical training may constitute a valid category of primary evidence in judicial accountability research.

Keywords: Police Violence, Judicial Behavior, Structural Impunity, Victim Testimony, Brazil, Accountability

INTRODUCTION

On the night of November 20, 2024, Marco Aurélio Cárdenas Acosta, a 22-year-old medical student at Universidade Anhembi Morumbi, was shot at point-blank range by Military Police officer Guilherme Augusto Macedo in the Vila Mariana neighborhood of São Paulo, Brazil [Agência Brasil \(2026\)](#), [CNN Brasil \(2026\)](#). He had been kicked in the abdomen by Military Police officer Bruno Carvalho do Prado, and when he reflexively raised his arm, he was shot. He died on the surgical table three hours later at Hospital Ipiranga. He was the author's son. The final report of São Paulo's Homicide and Personal Protection Department (DHPP) concluded that the use of a firearm "did not prove legitimate," since "the victim was visibly unarmed and presented no attitude that could represent a risk of death or injury to the police unit or to third parties" [Folha de S.Paulo. \(2026\)](#). Officer Macedo acknowledged in

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testimony that he had left his taser — the non-lethal containment weapon — in the vehicle, opting directly for his firearm [Estadão \(2026\)](#).

A detail of particular legal significance, documented in body camera footage and detailed in the case records, fundamentally alters the official narrative: before any contact between Marco Aurélio and the police vehicle, the officers had already spotted him from behind and initiated planning for a violent approach. The recorded conversation between the two officers in that prior moment reveals that both recognized he was not a criminal — associating him erroneously as being "from the favela Mario Cardim" based on a transitory territorial association [Dias \(2025\)](#), [Folha de S.Paulo. \(2026\)](#). The contact with the car mirror was a pretext for a violence already decided. This distinction between reaction and premeditation is legally central and institutionally ignored. [Figure 1](#).

The case generated national and international attention. President Luiz Inácio Lula da Silva signed Decree No. 12,341, published in the Official Gazette on December 24, 2024, regulating the use of force by public security agents and establishing that firearms must be used only as a "last resort measure" — enacted in the wake of a series of police violence cases including Marco Aurélio's killing [Carta Capital \(2024\)](#), [Poder360 \(2024\)](#), even the journalist Josias de Souza suggests an essential relationship with the crime against the young medical student [Souza \(2024\)](#).

Figure 1



Figure 1 Marco Aurélio in His Daily Boarding School Serving the Humblest Communities on the Outskirts of São Paulo (November 2024). He was Only One Year Away from Graduating as a Doctor.

Cardinal Archbishop Dom Odilo Scherer, the highest authority of the Catholic Church in Brazil, received the parents in a private audience and blessed them. The family brought the case to the UN Human Rights Council in Geneva [Thurmann \(2025\)](#). In December 2025, Universidade Anhembi Morumbi granted a posthumous medical degree to Marco Aurélio during its Medicine graduation ceremony; his parents received the diploma to a standing ovation [Dauer \(2025\)](#), [Estadão \(2026\)](#). [Figure 2](#) A delegation of mothers of police violence victims and the author was received by four Federal Prosecutors and the Human Rights Commission of the Chamber of Deputies in Brasília on December 2, 2025 — an event not covered by major media outlets [Gazzeta Paulista \(2025\)](#).

Despite all of this, both officers remained free and in active service for over eighteen months [Dias \(2025\)](#). Four requests for preventive detention were denied. The Superior Court of Justice (STJ) and the Supreme Court (STF) remained paralyzed for seven months without issuing a single ruling. The National Council of Justice (CNJ) archived a disciplinary complaint without investigation. The very prosecutor who had initially requested detention reversed his position, actively facilitating the fourth denial. Only on February 23, 2026, did the São Paulo Court of Justice commit both officers to trial by jury — while keeping both free [CNN Brasil \(2026\)](#), [Folha de S.Paulo. \(2026\)](#).

Figure 2

Figure 2 Parents and Siblings Receive from Anhembi-Morumbi University the Medical Diploma of Marco Aurelio Delivered Posthumously in an Official Graduation Ceremony of the Class of Doctors (November 27, 2025)

This article focuses on a singular documentary artifact: the chronicle written by the author three days after the judicial hearing of July 9, 2025 (Duarte, 2025) and published in the *Gazzeta Paulista* [Acosta Navarro \(2025\)](#).

Its central thesis is that this document functions as what we term "involuntary clinical documentation": the account of a physician-scientist who, in narrating his grief, produced a behavioral diagnosis that subsequent months would confirm with systematic precision.

METHOD

This study employs a qualitative single-case design [Stake \(1995\)](#) in which the primary analytical instrument is a first-person chronicle published in the *Gazzeta Paulista* on July 14, 2025 [Acosta Navarro \(2025\)](#). The chronicle was written by the author three days after attending the judicial hearing of July 9, 2025, in his capacity as a witness and as the father of the victim. It was not produced for research purposes; its research value was recognized retrospectively.

The methodological contribution of this study lies in the proposition of "prospective behavioral documentation" as an analytical category: the claim that observable conduct by judicial actors in a single critical encounter — when documented by a trained observer immediately after the event — can function as a valid indicator of subsequent institutional behavior. This proposition is tested through cross-validation: each behavioral pattern identified in the chronicle is matched against independently documented events occurring in the eighteen months that followed.

The author's dual position — as both observer and direct subject of the events analyzed — constitutes a structural limitation that must be addressed explicitly. The tradition of reflexive social science [Bourdieu, and Wacquant \(1992\)](#) and critical autoethnography (Ellis et al., 2011) does not treat this positionality as disqualifying, but as an epistemic condition requiring transparency and explicit objectification. Three strategies were adopted to address this limitation. First, all factual claims are verifiable through independent sources, cited throughout the text. No factually relevant assertion relies exclusively on the author's account. Second, the behavioral analysis is built from specific, dated observations contained in the published chronicle — a public document that predates the elaboration of this article. The document precedes the thesis; the thesis emerges from the document. Third, prospective validation is based entirely on events documented by external sources — public judicial rulings, journalism from multiple outlets, communications from human rights organizations. The researcher does not control these events; they occurred independently of his interpretation.

A further limitation of scope must be acknowledged: this article analyzes a single case, in a single court, in a single Brazilian state. Generalizing the patterns identified to the Brazilian judicial system as a whole requires caution. What the case provides is not a representative sample, but what [Stake \(1995\)](#) terms a "critical case" — an instance in which conditions are sufficiently extreme and documented to render visible what in ordinary cases would remain opaque. The density of available documentation — body cameras, public rulings, national and international media coverage, records from international human rights bodies — transforms the

limitation of singularity into an analytical advantage: rarely has a single case of Brazilian police violence been so exhaustively documented.

A note on what the author's proximity to the subject offers, beyond the limitations it imposes: in 35 years of intensive medicine — ICUs, ambulances, emergency rooms — the author developed a capacity for clinical behavioral observation that an external researcher would have been unlikely to exercise in that courtroom context. The gaze that perceived the "dissociated look" of the officers, registered the temperature of the prosecutor's voice, noticed the judge's avoidance of eye contact — is the gaze of someone who has spent decades observing human beings under conditions of extreme stress and suffering. This is not a justification for bias. It is a recognition that proximity, methodologically treated, can constitute a form of access that distance does not offer.

RESULTS AND DISCUSSION

THE CHRONICLE: FOUR ACTORS, FOUR BEHAVIORAL PATTERNS

THE JUDGE: DETACHMENT AND EXPULSION

The chronicle documents with physical precision the layout of the courtroom: the magistrate positioned behind two separate computer screens, making visual contact with the witness impossible. "I doubted she was listening directly to me," the author records. The deposition is then interrupted at the prosecutor's request, and the victim's father is forced to "ask and insist" with the judge to continue narrating his son's death. The hearing closes before the author has related half of what he needed to say. At the end, the magistrate orders his expulsion from the building — while the accused remain inside, under institutional protection.

The author's observation about the judge's gaze is not trivial. As a physician, he writes: "We doctors, throughout our lives, always look at the patient's face in any condition that afflicts or threatens life. In 35 years of career I dedicated myself to relieving illness and even saving the lives of people of every social class or profession, including police officers and magistrates, working in ambulances, intensive care units, emergency rooms, and shock units." The absence of that gaze was registered by someone who knows exactly what it means.

THE PROSECUTOR: STRUCTURAL COLD

The chronicle documents that prosecutor Estefano Kvastek Kummer asked his first question "directly and coldly," without any word of solidarity or acknowledgment of the loss. He then requested that the judge interrupt the deposition. The author had prior experience with this prosecutor, who had refused to include in the case files evidence of insult, xenophobia, torture, and failure to render assistance by the officers and military firefighters — who, according to widely reported body camera footage, laughed while commenting on Marco Aurélio's suffering as he was being transported by ambulance (Conectas Direitos Humanos, 2025). The coldness observed in July 2025 was the mature expression of a pattern established from the beginning of the proceedings.

THE MILITARY POLICE OFFICERS: DISSOCIATED GAZE, INSTITUTIONAL POSTURE

The most clinically precise passage in the chronicle is the description of the two accused officers, uniformed and wearing berets, positioned at the back of the room, beside the judge:

"From time to time I looked at the faces of these two assassins and observed that they had a challenging and immutable gaze, as if they were not present, as if nothing mattered or frightened them. A look dissociated from reality that I thought pathological. Not the slightest expression of regret or feeling; it was an expression of self-sufficiency, which even made my deposition more difficult. An attitude probably well-learned at the Military Police Academies."

The author uses diagnostic language — "dissociated from reality," "pathological" — while simultaneously offering an institutional explanation: this is not individual spontaneity, but corporate formation (Sinhoretto, 2014). The capacity to sit in a room where the father of the young man you killed narrates his son's death, without displaying any recognizable affect, is not a natural human response. It is the product of a specific institutional pedagogy. This observation anticipated not merely an attitude, but a legal strategy.

PROSPECTIVE CONFIRMATION: EIGHTEEN MONTHS OF EVIDENCE

THE JUDGE: THREE DENIALS, ZERO ACCOUNTABILITY

After the July hearing, the magistrate issued one more denial of preventive detention. The third in October 2025, were issued after the public release of widely reported body camera footage [CNN Brasil \(2025\)](#), [G1 \(2025\)](#), documenting: (1) the officers categorizing Marco Aurélio as being "from the favela" by transitory territorial association; (2) an officer referring to the victim in surgery as "arrogant"; (3) Officer Macedo falsifying the narrative to colleagues immediately after the shooting, directly contradicted by the footage itself; (4) a military firefighter saying "he deserves to suffer" with laughter as Marco Aurélio was transported by ambulance. The judge determined that none of this constituted sufficient social dangerousness for preventive detention. [Figure 3. A](#)

disciplinary complaint filed with the CNJ against the magistrate in March 2025 was archived without investigation — the institution formally responsible for judicial disciplinary oversight refused to examine the conduct of a judge in a case of national and international significance.

Figure 3



Figure 3 Judge Luciana Scorza Denies Preventive Detention of the Military Police for the third time in the Face of New Evidence of Guilt and Participation of other Members in the Murder of the Young MARCO Aurélio CNN Brasil (2025).

THE PROSECUTOR: FROM ACCUSATION TO ABANDONMENT

In October 2025, faced with the new footage and a new detention request for both officers, the same prosecutor who had requested detention in January 2025 declined to ratify the request. Instead, he argued that the video did not justify imprisonment and that the PM Internal Affairs measures were appropriate. The prosecutor became, in practice, an auxiliary of the defense Wood (2025). The coldness and minimization observed in July were the precursor signal of this reversal — the chronicle had registered the institutional temperature seven months before its definitive expression. Figure 4.

Figure 4

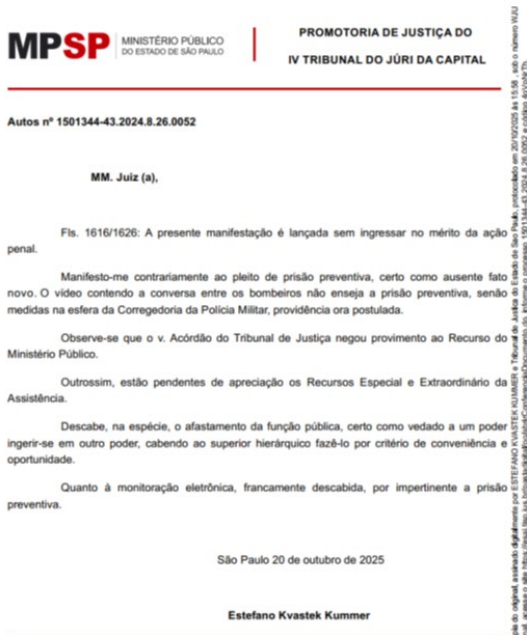


Figure 4 Prosecutor's Opinion Backing Down from his Request for the Arrest of the Military Polices who Murdered Student Marco Aurelio Leading the third Denial from the Judge

THE RESTRAINING ORDER: INSTITUTIONAL ROLE INVERSION

Approximately one month after the July hearing, major media reported the most revealing episode of the entire proceedings: officers Guilherme Macedo and Bruno do Prado, accompanied by their attorney João Carlos Campanini, filed a restraining order petition with the same judge Scorza — against the author of this article, the father of the young man they killed. The episode, which generated public embarrassment for the military police corporation and was widely discussed on social media, is not an aberration [Silva and Gama \(2025\)](#). It is the most transparent expression of the institutional logic documented in this article. [Figure 5](#).

The system that found no grounds to detain two officers who killed an unarmed young man recorded on camera was convened to extend its protective umbrella to shield those same officers from the bereaved father. The accused become the protected; the bereaved becomes the threat. We propose to call this phenomenon "institutional role inversion in extremis": the complete reversal of the victim-perpetrator axis within the formal legal system. Its possibility was inscribed in the architecture of the July hearing — the officers beside the judge, an armed third officer posted near the father, the father expelled from the building while the accused remained inside. The "dissociated look" clinically diagnosed in July was the behavioral precondition for this legal strategy. The chronicle captured the seed; the following months documented the plant.

THE TRIAL COMMITMENT: ONE STEP FORWARD, IMPUNITY ONGOING

In the final submissions phase, the family's assistant prosecution attorneys requested both the commitment of the officers to trial by jury and the imposition of preventive detention. On February 23, 2026, judge Luiza Torggler Silva granted the first request and denied the second: she committed officers Guilherme Augusto Macedo and Bruno Carvalho do Prado to trial by jury for aggravated homicide — base motive and use of a method that impeded the victim's defense — but kept both free [CNN Brasil \(2026\)](#), [Folha de S.Paulo. \(2026\)](#), [Estadão \(2026\)](#).

Figure 5



Figure 5 Headlines Scandalizing the Denunciation of the Military Police Against the father of the Young Marco Aurelio Murdered by Themselves (G1, July, 2025).

This split decision is itself a synthesis of the pattern this article documents. The proceedings advanced in what became legally untenable to deny — commitment to trial, given a charge of aggravated homicide with extensive audiovisual evidence. But it preserved intact the central element of institutional protection: the accused officers' freedom. After 540 days, the Military Police officers who killed Marco Aurélio remain free, awaiting trial with no date set, and immediate impunity persists.

It is essential to note that judge Torggler Silva, responsible for the commitment ruling, is a different magistrate from judge Luciana Menezes Scorza, whose behavior is analyzed in this article. Judge Scorza presided over the hearings, denied preventive

detention three consecutive times — including after the release of body camera footage — and ordered the father's expulsion from the courthouse. It was she who was the subject of the CNJ disciplinary complaint, archived without investigation. The February 2026 ruling was only possible because a different magistrate evaluated the merits of the accusation. This distinction is not a procedural detail: it is evidence that judge Scorza's behavior was a specific institutional choice, not an inevitable consequence of the case. Where judge Torggler Silva found grounds to commit for aggravated homicide, judge Scorza repeatedly found reasons to protect the accused. Both judges, however, reached the same conclusion regarding the officers' freedom — revealing that the protection of the accused officers' liberty is not the idiosyncrasy of one magistrate, but a systemic posture of the São Paulo judiciary in this case.

THEORETICAL DISCUSSION: PROCEDURAL FORMALISM AS IMPUNITY ARCHITECTURE

Each of the detention denials was technically grounded: first-time offenders, fixed residence, absence of demonstrable social dangerousness. Procedural formalism converted a point-blank execution documented on camera into a litigation in which formal requirements were satisfied while the material protection of the perpetrators advanced systematically. This is what [Pinheiro \(1996\)](#) called "democracies without citizenship": the formal instruments of democratic legality functioning as a delivery mechanism for substantive inequality.

For Brazilian criminology, this case documents something that the literature has long theorized but rarely demonstrates with this documentary and media density: impunity is not a system failure. It is the system's functioning. It is the product of an institutional architecture that [O'Donnell \(1993\)](#) termed "brown areas" — regions where democratic institutions formally exist, but where the rule of law is selectively suspended in favor of those holding coercive power. The [Brazilian Public Security Forum \(2025\)](#) recorded a 61% increase in police lethality in São Paulo during the period analyzed — a structural context in which the Marco Aurélio case is not an exception, but a paradigm.

The restraining order episode crystallizes what this article terms "institutional role inversion in extremis." This concept extends [O'Donnell \(1993\)](#) framework in a specific direction: it is not merely that the law fails to protect the victim, but that the law is actively inverted — formally mobilized to protect perpetrators from the bereaved. The possibility of this inversion was not accidental; it was inscribed in the structural asymmetry documented in the July 2025 chronicle. The chronicle captured it in behavioral embryo; eighteen months of subsequent events confirmed it in full expression.

CONCLUSION

The July 2025 chronicle proved to be a document of uncommon analytical value: the involuntary clinical record of a physician-scientist who, in narrating his grief, produced a behavioral diagnosis that subsequent months confirmed with precision. Each pattern identified — the magistrate's averted gaze, the prosecutor's coldness, the officers' dissociated look, the father's expulsion — found its institutional confirmation: four denials, prosecutorial abandonment, paralysis of superior courts, the killers' restraining order against the bereaved father. The February 2026 commitment to jury trial is a procedural advance — not a correction of the impunity architecture this article documents.

For research on police violence and judicial accountability in Brazil, this case suggests that first-person testimony by bereaved family members — particularly when elaborated by observers with analytical training — may constitute a valid category of primary evidence deserving of more rigorous methodological engagement by the legal and criminological academy. The "involuntary clinical documentation" concept proposed here offers a framework for that engagement: it identifies the conditions under which proximity becomes an epistemological asset rather than merely a liability, and proposes cross-validation against independently documented events as the methodological safeguard.

Marco Aurélio Cárdenas Acosta was born on October 14, 2002, seven months premature and weighing 1.2 kg, spending his first month of life in a neonatal ICU. He had decided to specialize in Neonatology — to honor a debt he felt to life and to God. Figure 5. He was killed on November 20, 2024, before he could honor it. The institutions that should have honored it in his absence chose otherwise. This article is part of the permanent record of that choice.

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Conflict of Interest: The author declares a conflict of interest: he is the father of the victim analyzed in this study. This condition was addressed with explicit methodological transparency throughout the manuscript, within the framework of reflexive social science [Bourdieu, and Wacquant \(1992\)](#). All factual claims are verifiable through independently cited sources.

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Ethical Statement: This research analyzes a documented criminal case and publicly available records. No primary data collection involving human subjects was conducted beyond the author's own testimony and observations. No institutional ethics review was required.

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