

Toronto police officer found guilty of assaulting G20 protester Adam Nobody

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The Globe and Mail



Adam Nobody poses in Queen's Park on November 29th, 2010, on the exact spot where he claims he was arrested and then repeatedly beaten by police on Saturday, June 26th, 2010, during the G20 protests, in Toronto. (Ian Willms/The Globe and Mail)

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A Toronto constable has been found guilty of assault with a weapon after he struck a man with a baton while he was pinned to the ground by several officers during the G20 protests.

Constable Babak Andalib-Goortani was convicted in Ontario Court of Justice Thursday in the high-profile case of protester Adam Nobody, whose arrest was captured on video while he was kicked, punched and struck in the face with a knee.

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G20 protesters Devon Ridge, left, and Brian Jeffrey, centre left, and Alicia Ridge face journalists as they hold a news conference outside Toronto Police Headquarters on Wednesday, August 1, 2012 The Canadian Press

“Hopefully this helps vindicate the 1,100 people that were arrested and forced upon that day, including myself,” Mr. Nobody said outside the court.

“It’s just a great feeling after three years. ..Justice is served and officers, you know, they can’t get away with stuff like this. They can’t attack citizens and it just feels really great right now. I’m elated.”

Earlier in May, another officer, Constable Glenn Weddell, who faced allegations that he shoved and hit a protester during the G20, was found not guilty of aggravated assault and assault with a weapon.

In Const. Andalib-Goortani’s case, he had acknowledged in testimony that he struck Mr. Nobody in the legs during the melee.

"The resistance offered by Mr. Nobody was minimal ... A police officer is not entitled to use unlimited force to effect arrest," Justice Louise Botham said Thursday in a 10-page decision.

“I do not believe ... that any of the blows struck by the defendant were proportionate or necessary and I am satisfied beyond a reasonable doubt that the force used by the defendant was not necessary to control Adam Nobody or to assist in his arrest," the judge said.

The video evidence was “limited but cogent,” the judge said.

The 33-year-old Const. Andalib-Goortani had testified that he used his telescopic baton because he saw that Mr. Nobody was resisting the other officers, who were having trouble controlling

him. At the same time, the constable said he didn't see how many punches and kicks were administered by his colleagues.

The judge noted that contradiction.

"His explanation that he was responding to Adam Nobody's resistance is nothing more than an after-the-fact attempt to justify his blows."

The constable was part of a mobile squad called to deal with protesters on the lawn of Queen's Park, in the early evening of June 26, 2010.

Mr. Nobody, a 30-year-old stage manager, testified that he was just a curious observer who biked to the scene, carrying a backpack and a bottle filled with water and rye whisky. The police ordered the crowd to move back and the bottle was knocked out of his hand. He challenged the officers but ultimately left, returning later with beer and a piece of bristol board to make a sign.

In an agreed statement of facts filed at the trial, the Crown said that there were reasonable and probable grounds to arrest Mr. Nobody. The defence also tried to discredit Mr. Nobody by pointing out that on the day before the incident he had posted on his Facebook page an allusion to the G20 and an explosion.

Under defence cross-examination during the trial, Mr. Nobody acknowledged that a guilty verdict would help a civil lawsuit he and his family have filed against the Toronto Police.

However, the judge said in her ruling, that even with all that evidence and the fact that he was "clearly verbally confrontational ... the reality is that this case does not stand or fall on Adam Nobody's testimony."

The fact that he was struck by police was conceded since it was captured on video, Justice Botham said. "If a police officer uses more force than is necessary in the execution of his duties then that use of force amounts to an assault."

The judge also said she was surprised by the testimony of three officers, Inspector Brian O'Connor, Inspector Gerald Cashman and Sergeant Jeffrey Alderdice, who had "vivid recollection" of Mr. Nobody as a troublemaker when their notes made no mention of him.

"I am less persuaded as to the reliability of some of the observations that the officers claim to have made," Justice Botham wrote.

She also said it was curious that Const. Andalib-Goortani wasn't wearing his name tag or a badge number on him the day of the protests.

Mike McCormack, president of the Toronto Police Association, says the constable is "very crushed by this decision."

“We’re going to have counsel go over it [the verdict] and then if there are grounds for appeal we’ll be taking that avenue.”

Mr. Nobody initially was charged with obstruction of justice and assaulting a peace officer but both charges were withdrawn three months after the incident.

With a file from Canadian Press