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## Sammy Yatim was 'acting tough' but calmed while talking with driver, witness testifies

Const. James Forcillo was "agitated and aggressive," testifies Duff Campbell, who'd been a passenger on the streetcar where Yatim, 18, was shot.

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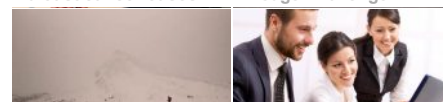


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Warning: Graphic content. Audio and video exhibits played at the trial for Const. James Forcillo showing the night Sammy Yatim was shot on a Dundas streetcar.

By: Alysha Hasham Staff Reporter, Published on Wed Nov 04 2015

Some of what eyewitnesses testified they saw and heard the night Sammy Yatim was shot dead on an empty Dundas streetcar by Const. James Forcillo does not match up with the multiple videos and audio recordings of the shooting, the jury heard Wednesday.

The discrepancies — such as that Yatim did not move at all before he was shot, when the videos show him taking a step — can be attributed to the “stressful, traumatic” situation the witnesses found themselves in, Forcillo’s lawyer Peter Brauti suggested. They had an “honest but mistaken belief” about what happened, he said.

Brauti is expected to argue that Forcillo made the same “honest mistake” when he thought he saw Yatim getting up holding the knife after being shot three times.

“In extremely stressful situations, people’s perceptions will often differ from reality,” Brauti said in his opening address to the jury a couple of weeks ago.

The videos from within the streetcar show that after Yatim is shot, he collapses onto his back. The Crown has said he does not get up or even raise his shoulders off the ground before or after Forcillo shoots six more times. The jury has heard that one of the first three bullets fired severed Yatim’s spine, rendering him paralyzed from the chest down.



Sammy Yatim holds a knife out toward passengers fleeing a streetcar in July 2013, as seen on a security video shown at Const. James Forcillo's trial.

Forcillo has pleaded not guilty to both second-degree murder and attempted murder, arguing that the shooting was justified and in self-defence.

On Wednesday the jury heard from two witnesses who had been on the streetcar with Yatim on the night of July 26, 2013.

One was Duff Campbell, who was sitting near the front and was one of the last passengers to get off the streetcar as Yatim walked towards the front of the streetcar with a four-inch switchblade in his outstretched hand.

Campbell said he heard Yatim say, under his breath, “You think you can kill me.”

He was acting tough — like Clint Eastwood in a movie, Campbell testified. “He looked like he was not having a very good night.”

At one point, Yatim “flicked” the knife towards him, Campbell said. He testified that he did not see Yatim strike or lunge towards any of the passengers as they fled.

Campbell remained close to the streetcar after he exited and observed that Yatim became more relaxed as he spoke with the streetcar driver.

When the police arrived on the scene, he heard Forcillo command Yatim to drop the knife.

Brauti pointed out that Campbell described Forcillo as “pretty calm and focused” in his interview with the SIU. Campbell responded that Forcillo seemed “agitated and aggressive” rather than calm, but that he appeared less “frantic” than another officer at the scene.

Campbell testified that before the shots were fired, he heard Forcillo say: “Take one step towards me and I’ll f---in’ pop you.”

According to an audio recording played to the jury, Forcillo says: “You take one step in this direction and (unclear) shoot you. I’m telling you right now.”

The jury also heard from Martin Baron, an architect who walking home from dinner with his wife and son when they saw the stopped streetcar. Baron made one of two cellphone videos that were put online shortly after the shooting and have been played to the jury.

The trial resumes Tuesday.

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