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News / Crime

Forcillo guilty of attempted murder in shooting death of Sammy Yatim

WARNING: Video below contains graphic content. Toronto police officer found not guilty of second-degree murder and manslaughter after firing two volleys of shots at knife-wielding 18-year-old in empty streetcar.



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Warning: Graphic content. Toronto police officer James Forcillo found not guilty of second-degree murder and manslaughter after firing two volleys of shots at knife-wielding 18-year-old Sammy Yatim in empty streetcar.

By: **Alyshah Hasham** Staff Reporter, Published on Mon Jan 25 2016

Const. James Forcillo has been found guilty of attempted murder in the 2013 shooting death of Sammy Yatim. Forcillo was found not guilty of second-degree murder and manslaughter.

Forcillo's sentencing and motions will be heard May 16 to 27.

Meanwhile, the police officer will be suspended with pay because he has been found guilty of a crime, according to Toronto police chief Mark Saunders.

Defence lawyer Peter Brauti said his legal team will launch a constitutional challenge to the minimum sentence for attempted murder with a firearm.

Forcillo, 32, fatally shot Yatim three times while the 18-year-old, armed with a switchblade, stood at the front of an empty, stopped streetcar. Five-and-a-half seconds after Yatim collapsed onto the floor of the streetcar, Forcillo fired six more shots, striking Yatim's lower body five times.

The charge of attempted murder related to the second volley of shots, which were fired while Yatim was lying on the floor of the streetcar.



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 Const. James Forcillo, left, is accused of second-degree murder and attempted murder in the 2013 shooting of 18-year-old Sammy Yatim, right.

The entire incident was captured on video, which was played during the trial.

After the verdicts, Yatim's mother, Sahar Bahadi, said she would like to be "part of the discussion to change the police training policies when dealing with people in crisis so this painful incident does not repeat again.

"Sami was a young man who had his whole future ahead of him. Because of what the police did, we lost him forever. Nothing in this world will compensate me for the loss of my son, nor will anything bring him back to me, but I would like, for the sake of this great country, that the police remain a source of confidence, security and respect for all people."

Forcillo remained stoic, but grew increasingly red-faced, as the verdicts were read early this afternoon. His wife moved to stand with him as soon as she was allowed.

Julian Falconer, civil lawyer for Yatim's mother, said police decision-making was so "out of whack" that officer safety was viewed as more important even if someone was only holding a pencil in their hand.



NATHAN DENETTE/CANADIAN PRESS

Const. James Forcillo, right, arrives for his verdict at court.

He said that despite the Toronto Police Service maintaining that they had implemented [recommendations by retired Supreme Court Justice Frank Iacobucci](#), the training remained the same.

However, he added that the days where an officer went to trial when a person in crisis



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was harmed and “literally enjoyed immunity” were over.

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Following the verdicts, Justice Edward Then adjourned the court until 2:30 p.m.

Before the break, Brauti told the court he expects to file a motion to stay the charges. This will likely be heard in mid-March.

Meanwhile, Forcillo remains free on bail.

The Crown did not make any statements about bail for Forcillo before the court adjourned.

A conviction for attempted murder carries a minimum prison sentence of four years.

Yatim was likely dead before another officer Tasered him, the trial heard.

Forcillo had pleaded not guilty to charges of second-degree murder and attempted murder.

He argued that he was acting in self-defence both times he fired because Yatim posed an imminent threat to his safety and the safety of those around him.

Warning: graphic content

Warning: Graphic content. TTC surveillance video showing the shooting of Sammy Yatim by Const. James Forcillo.



MICHELLE SIU/THE CANADIAN PRESS

Sahar Bahadi, the mother of Sammy Yatim, arrives at the Toronto courthouse to hear the verdict.

RELATED: [Sammy Yatim shooting](#)

Forcillo argued his use of lethal force as a police officer arresting someone committing an illegal act was justified because he had reasonable grounds to believe his life and the lives of others were at risk.

The jury heard weeks of testimony about Yatim's appearance and behaviour before and after he got on the Dundas streetcar, heading west. Passenger Bridgette McGregor told the jury Yatim slashed his knife at her neck, although he did not injure her, and this sparked the panicked exodus of passengers from the streetcar.

"I need people to know Yatim was dangerous," she said. "He was going to kill me."

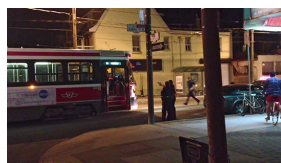
Witnesses described Yatim's erratic behaviour. He exposed himself as he walked behind fleeing passengers, knife in hand. The TTC driver testified he had a conversation with Yatim, in which the teen asked for a phone to call his father.

But the judge warned the jury that evidence from before Forcillo arrived at the scene could only be used as context for the following 50-second confrontation, not to establish Yatim's state of mind at the time he was shot. The jury could use it to consider whether Yatim was in a state of crisis, and, as the judge later added, to provide some circumstantial evidence of his facial expressions and body language that might help the jury in assessing what Forcillo said he observed Yatim doing later.

Timeline

July 27, 2013

Shooting



Just after midnight, Sammy Yatim, 18, is shot dead on an empty Dundas St. streetcar by Const. James Forcillo. Police arrived moments after Yatim exposed himself and brandished a small knife, sending passengers fleeing. In a bystander video shot after police arrived, Forcillo can be seen firing his gun; nine shots are heard. A second officer then Tasers Yatim. The Special Investigation Unit steps in to probe Yatim's death.



Characterizing the step Yatim took before he was shot was a key issue during the trial.

Seconds before, Forcillo had issued an ultimatum to Yatim: "Come a step closer and I'll shoot!"

The Crown repeatedly argued the step was a slow movement forward of 50 centimetres, taking Yatim back to a spot on the streetcar where he'd been standing moments before, not a lunge or charge. Prosecutor Milan Rupic told the jury, it was Yatim's mocking attitude and failure to obey Forcillo's commands that caused Forcillo to shoot him, even though Yatim posed no imminent threat and made no move to actually get off the streetcar.

The defence position was that Yatim got himself shot.

Forcillo said the step, coupled with Yatim's "aggressive" body language and apparent state of excited delirium, led him to believe Yatim was going to attack.

"(Yatim) was in a fight till the end," Forcillo told the jury.

Forcillo said that, even after Yatim collapsed onto his back after three shots were fired, the youth picked up his knife and appeared to sit up at a 45-degree angle, renewing the attack.

LIVE Forcillo verdict

LIVE

David Bateman

@davidwbateman

51m

Lawyer Julian Falconer says police decision-making is so "out of whack", officer safety trumps someone with a pencil in their hand #Forcillo

Wendy Gillis

@wendygillis

59m

Cont'd: "But I would like, for sake of this great country, for police to remain a source of confidence, security & respect for all people."

Wendy Gillis

@wendygillis

1h

Powerful words from #SammyYatim's mom: "Nothing in this world will compensate me for the loss of my son, nor will anything bring him back."

betsy powell

@powellbetsy

1h

That, he said, was what prompted him to fire the second volley of six shots, five striking Yatim's lower body.

However, the videos clearly show Yatim never sat up — and the pathologist testified that a bullet to the spine had paralyzed him.

The defence argued Forcillo had an honest, but mistaken perception due to stress and life-threatening circumstances, and called a psychologist to testify about police officers experiencing similar situations.

The Crown maintained Forcillo was lying to justify shooting Yatim who was no imminent threat as he lay on his back on the streetcar.

The trial began in mid-October, lasting more than two months with a break at the end of December.

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