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Sammy Yatim: Toronto cop guilty of attempted murder in streetcar shooting

By [Will Campbell and Adam Miller](#) Global News

TORONTO – A jury has found Toronto police officer James Forcillo guilty of attempted murder in the fatal shooting of Sammy Yatim on an empty streetcar in July 2013. He was found not guilty on a charge of second-degree murder.

There were muted gasps in the packed courtroom Monday as the verdict was read out. Both Yatim's mother and Const. Forcillo's wife sat in the front row and several police officers were also present.

Forcillo's lawyer Peter Brauti said his client is considering trying to have the proceedings stayed – which would disentitle the state to a conviction because of an abuse of process.

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“We say the abuse of process is Const. Forcillo substantially followed the police training he was given and so if the state gave him that training, they should not be entitled to a conviction in the matter,” Brauti said.

“Obviously (Forcillo) is disappointed but he understands that this is far from over,” Brauti told reporters. “This is phase one.”

Brauti complained his client faced a “trial by YouTube,” saying the quick dissemination of the shooting video on social media likely turned some jurors against Forcillo.

The head of the union representing police in the city said it's concerned about the verdict's impact on officers.

“It sends a chilling message to our members and that's going to be a challenge for our frontline members to deal with this issue,” said union president Mike McCormack.

The attempted murder verdict carries a minimum possible sentence of four years. Forcillo will remain out on bail.

Forcillo's case will be back in court in mid-May, when Brauti will argue for the stay of proceedings.

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Yatim's mother Sahar Bahadi said after the verdict that "for me, it's the first step."

"I would now 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," Bahadi said.

"Nothing in this world will compensate me for my loss of my son, nor will anything bring him back to me. But I would like for the sake of this great country for the police to remain a source of confidence, security and respect for all people."

The family has [filed a multi-million dollar lawsuit over the shooting](#).

Lawyer Julian Falconer, who is representing the family, told reporters the verdict marks a "sea change" for police accountability.

The guilty verdict "is a message loud and clear that the old days where a police officer went to trial in the shooting death of a mentally ill and emotionally disturbed person and literally enjoyed an immunity at the end of the trial – those days are gone."

Toronto Police Chief Mark Saunders declined to comment on the verdict, but said Forcillo will remain suspended with pay pending the outcome of any possible challenges by his legal team and the sentencing hearing.

Saunders said police have in recent years made "significant strides" in how officers handle those in distress with de-escalation tactics and other measures, and will continue to do so.

"We're not stopping there. We're looking for anything we can utilize for zero harm, zero death when dealing with people in crisis," he said.

READ MORE: [Timeline: key dates in the Sammy Yatim streetcar shooting case](#)

In a controversial case that prompted a review of police procedures, use of force and police response to emotionally disturbed people, the verdict over the killing of 18-year-old Yatim was reached after a more than three-month trial.

Cellphone video shot at the scene gave jurors and the public a firsthand look as Forcillo confronted Yatim on the Dundas Street West streetcar on the night of July 27.

Forcillo fired nine bullets at Yatim after the teenager brandished a knife in front of fleeing passengers. The video also shows police using a taser on Yatim as he lies, barely moving on the floor of the streetcar.

The public outrage over the incident – hundreds of people took to the streets of downtown Toronto to protest what they called police brutality – prompted the city's police chief to launch a review of officers' use of force and their response to emotionally disturbed people.

Crown prosecutors argued Forcillo's actions weren't necessary or reasonable, but his lawyer contended the officer's actions were justified and carried out in self-defence.

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The jury heard that on a night in July 2013, Yatim had taken the drug ecstasy before boarding a streetcar where he pulled out a small knife, sparking a panicked exodus.

Videos and audio played at the trial showed that Forcillo arrived on the scene, yelled repeatedly at Yatim to drop the knife, and after a 50-second confrontation fired nine bullets at the teen in two separate volleys.

The second-degree murder charge against Forcillo related to the shots he fired in the first volley, while the attempted murder charge pertained to the second volley. Forcillo pleaded not guilty to both charges.

Toronto criminal lawyer Boris Bytensky, speaking to media outside the courtroom, said the mixed ruling shows the jury believed Forcillo's first volley of shots was legal.

"Their verdict clearly sends a signal that he acted lawfully with the first shots," he said.

The fact Forcillo was an armed law enforcement officer – and not a civilian – may be used by his lawyer to challenge the sentence, lawyer Ari Goldkind told Global News.

"It's a very different story than an average person with a gun unlawfully."

On the second-degree murder charge, jurors were told they have to consider whether Forcillo had reasonable grounds to believe lethal force was necessary to protect himself or others from death or grievous bodily harm.

Forcillo had been a police officer for three years when he came face-to-face with Yatim. He has been out on bail since being charged in August 2013.

With files from Steve Morales, Caryn Lieberman, Rebecca Joseph and The Canadian Press