

## Sammy Yatim shooting witness felt responsibility to share video

James Forcillo's lawyer says footage created 'trial by YouTube'

[CBC News](#) Posted: Jan 26, 2016 5:00 AM ET Last Updated: Jan 26, 2016 5:56 AM ET

The Toronto man who recorded Sammy Yatim being fatally shot aboard an empty streetcar says he's glad his video helped convict the police officer who pulled the trigger.

On July 26, 2013, Martin Baron was walking home with his teenage son when he saw several police officers surrounding a stopped streetcar. He started recording and moments later was shocked to see a police officer — Const. James Forcillo, 32, who was found guilty Monday of attempted murder — fire nine bullets in two separate volleys, eight of which hit 18-year-old Yatim.

- [James Forcillo guilty of attempted murder in streetcar shooting of Sammy Yatim](#)
- [Forcillo attempted murder verdict explained](#)

"I just watched someone's son get killed," Baron recalled thinking at the time.

"We just couldn't believe what we saw."

*'I think it's a little bit strange to say you didn't get a fair trial because people saw what you did.' - Martin Baron, witness who recorded video of shooting*

Baron said he believes the jury's decision to find Forcillo guilty of attempted murder, but not second-degree murder, is the right one.

In the wake of the decision, both the defence lawyer and the lawyer representing Yatim's family in a civil case discussed the role Baron's video played.

Peter Brauti, Forcillo's lawyer, told reporters that his client was at a disadvantage because his trial started as a "trial by YouTube."

Brauti, who is seeking a stay of proceedings in the case, said he's concerned the video swayed the jury in this case. He said the video was shared long before Forcillo was able to give his side of what happened the night he was called to Dundas Street after reports that Yatim had exposed himself and was brandishing a knife aboard the streetcar.

Baron, who was [called as a witness](#) at Forcillo's trial last November, dismissed that idea on Monday night, saying, "I think it's a little bit strange to say you didn't get a fair trial because people saw what you did."

Julian Falconer, the lawyer representing the Yatims, also criticized the idea that Baron's video was prejudicial, saying it enabled everyone to see what happened and to make their own assessment of the threat Yatim posed.

"The role of video evidence is absolutely crucial," Falconer said during an interview on CBC News Network.

## Responsibility to act

Baron said the day after he posted the video he was interviewed by Ontario's Special Investigations Unit, which investigates all incidents involving serious injury, death or sexual assault involving police officers.

'If the opportunity to be a good citizen lands in your lap you have to take it. You have to act.' -  
*Martin Baron*

Baron said investigators told him his video — one of several that captured the incident — was important because it captured the audio of the incident.

Baron's video has been [viewed more than 680,000 times](#). He said he hesitated to post it, worrying he'd be perceived as an activist, or an attention-seeker, but eventually decided he had a responsibility to make public the footage of the incident.

"If the opportunity to be a good citizen lands in your lap you have to take it. You have to act," he said.

"In the end I think it was the right thing to do and I'm glad I did."

Baron said he hopes Toronto police will re-evaluate how they deal with people in crisis in the wake of the trial and that officers will have alternatives to lethal force so this kind of thing doesn't happen again.

---

### Explore CBC

CBC Home

TV

Radio

News

Sports

Music

Arts

Kids

Local

Documentaries

Comedy

Books

Parents

Aboriginal

Weather

CBC Connects

Digital Archives

Games

Contests

Site Map