

# Toronto Const. James Forcillo, convicted in Sammy Yatim streetcar shooting, to argue for house arrest

Toronto police officer was found guilty of attempted murder in death of Sammy Yatim

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Const. James Forcillo, who is out on bail, had pleaded not guilty to the charges he faced in Yatim's death. (Chris Young/Canadian Press)

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A police officer found guilty of attempted murder in the death of a teen on an empty streetcar will be back in a Toronto courtroom today, where his lawyers are expected to begin the process of seeking a sentence of house arrest.

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Const. James Forcillo has filed a constitutional challenge to the mandatory minimum sentence of four or five years that he faces in the shooting death of 18-year-old Sammy Yatim.

Forcillo was acquitted of second-degree murder in Yatim's death in January, but a jury found the officer guilty of attempted murder for continuing to fire after the dying teen had fallen to the floor.

Forcillo's lawyers are arguing that certain sections of the Criminal Code involving the mandatory minimum sentence for attempted murder are unconstitutional and weren't meant to deal with cases like Forcillo's.

Today's appearance is expected to be brief, with Forcillo's lawyer seeking more time to prepare for submissions set for Wednesday.

Yatim's July 2013 death, which was captured on cellphone video that went viral, triggered public outrage and prompted Toronto's police chief to launch a review of officers' use of force and their response to emotionally disturbed people.

Forcillo, who is out on bail, had pleaded not guilty to the charges he faced in Yatim's death.

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