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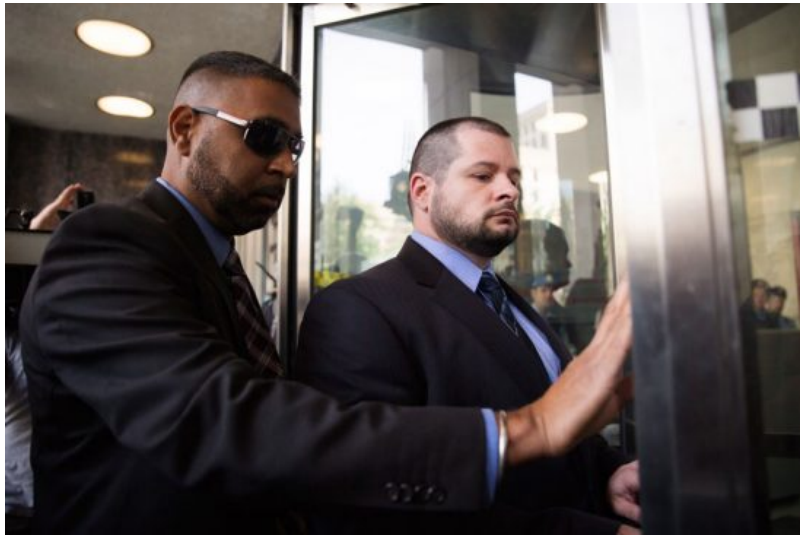
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News / Toronto

James Forcillo granted bail as he appeals Sammy Yatim shooting conviction

The Toronto police officer spent last night in jail after being sentenced to six years in prison for conviction of attempted murder in shooting of Sammy Yatim.

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THE CANADIAN PRESS

Constable James Forcillo arrives at a Toronto courthouse on Thursday, July 28, 2016.

By: Staff Torstar News Service Published on Fri Jul 29 2016

Const. James Forcillo has been granted bail while he appeals his conviction and sentence in the 2013 shooting death of [Sammy Yatim](#).

Justice Eileen Gillese's decision was released to counsel by email this morning.

"The Appellant's release, pending the determination of his appeal, poses no risk to the public as there is no risk that he would commit further offences," Gillese wrote.

"For the reasons given, despite the seriousness of the offence for which the Appellant stands convicted, in my view, fully informed members of the community will objectively understand and accept that it is not contrary to the public interest that he be released."

Gillese wrote that she is "in the courthouse and available to sign the release order," but it was not immediately clear when Forcillo would be released, or from where.

He had been taken into custody Thursday after being sentenced to six years in prison.

Lawyers for the defence and Crown will have a teleconference with the judge before Nov. 9 for discussions about scheduling his appeal hearing, which is expected to happen next spring.

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Forcillo's bail conditions for his release Friday are the same as they were prior to Thursday's sentencing hearing. He will be under house arrest with the same sureties, including his wife.

In a four-month trial that ended in January, a jury acquitted Forcillo of second-degree murder for firing a lethal volley of shots at Yatim, but convicted him of attempted murder for firing a second set of shots at the teen as he lay dying.

Following Thursday's sentencing, Forcillo's legal team went immediately to the Ontario Court of Appeal to request bail for their client.

Lawyer Michael Lacy told the court that the jury verdicts are a "logical absurdity" and the conviction should be reviewed.

The Crown opposed the bail application, arguing the enforcement of the sentence in such a serious case is where the public interest lies. The Crown conceded that Forcillo is not a flight risk and is not a danger to the public.

The now-suspended Toronto police officer spent last night in custody. He is the only police officer in Canada to have been convicted and sentenced for attempted murder, according to his lawyers.

Forcillo and his partner were the first officers to arrive at the scene after police received a call in July 2013 about a young man with a knife on a streetcar.

At the end of a minute-long standoff that lasted less than a minute and captured on security and bystander videos, Forcillo shot Yatim three times, paused for five seconds, then shot him again six times.

The first set of shots struck Yatim in his spine, paralyzing him, in his arm and, fatally, in his heart. Of the second volley, five out of six shots struck Yatim's lower body as he lay dying on the floor of the streetcar.

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