

# Toronto cop, father of 2 men accused of assaulting Dafonte Miller, connected to case: police report

Dafonte Miller was accused of stealing money from John Theriault, court documents say

By Amara McLaughlin, CBC News



Const. Michael Theriault, a member of the Toronto Police Service, has been charged with aggravated assault, assault with a weapon and public mischief. (Submitted by Joseph Briggs)

'It was not a cover-up': Police chief faces mounting questions over Dafonte Miller case

Confidential report leaves 'unanswered questions' about Dafonte Miller case, Mayor Tory says

Toronto police officer charged after man, 19, blinded in left eye in beating

Internal probe of Dafonte Miller case to be conducted by Waterloo Regional Police, chief Saunders says

While a young man awaits surgery to remove an eye injured during an alleged assault by an off-duty Toronto police officer and his brother last year, a CBC Toronto investigation into the

controversial case has uncovered allegations that the man had stolen money from the brothers' father — who is also a Toronto police officer.

Those allegations appear in the original Durham police report.

In addition to the injured eye, Dafonte Miller suffered a broken nose, jaw and wrist in the cold early morning hours of Dec. 28, 2016.

The 19-year-old, his lawyer Julian Falconer alleges, was chased down and beaten repeatedly with a steel pipe by Michael Theriault, an off-duty Toronto police constable, and his brother Christian Theriault, a civilian, shortly before 3 a.m. in a suburban Whitby, Ont. neighbourhood.



Dafonte Miller, 19, is shown before and after an alleged attack with a steel pipe in the early morning hours of Dec. 28, 2016. (Leisa Lewis)

While Miller's case has taken multiple twists and turns, it is now being probed by the province's police watchdog, the Special Investigations Unit (SIU), and is the subject of a Durham Regional Police Service internal review.

Miller was accused of stealing money from John Theriault: court documents

Falconer, in a previous interview with CBC Toronto, said Miller and two friends were walking down Erickson Drive, headed to the home of another friend, when two men — later identified as the Theriault brothers — confronted them.

Court documents obtained by CBC Toronto from Falconer last Wednesday reveal the original report filed by a Durham Regional Police Service (DRPS) officer, who responded to the 911 call made during the incident.

Miller was given medical assistance and officers "interviewed multiple people, evidence was collected and photographs were taken as part of our investigation," according to DRPS Chief Paul Martin's statement released on Friday.

'It was not a cover-up': Police chief faces mounting questions over Dafonte Miller case

Durham police to review handling of Dafonte Miller case

Miller initially faced five charges — including theft under \$5,000, two counts of assault with a weapon, possession of a weapon and marijuana-related possession.

'My number one concern that has been conspicuous by its total silence is: What role did the father of the two brothers play?' - Julian Falconer, lawyer

All the charges, however, were withdrawn following a pretrial hearing on May 5, but according to the initial police report, it was alleged Miller had stolen money from John Theriault.

It is not clear in the report how Miller was alleged to have obtained the cash or its connection to the father of the brothers.

Reports have also alleged a car was broken into the night of the incident.

Asha James, one of Miller's lawyers, told reporters outside a Oshawa courthouse on Friday that Miller and his friends were not stealing from parked vehicles prior to the assault.

"Dafonte denies the allegations," James said. She stated her client claims he was "in no way even close to these gentleman's vehicles."

James added the young man was simply walking down the sidewalk with his friends.

Who is John Theriault?

The father of the brothers, John Theriault, is a veteran detective who has been with Toronto police for more than 30 years and currently works in the force's Professional Standards Unit, Falconer said.

'That division, that Christian and Michael Theriault's father belongs to and works for, is the division responsible for calling the SIU.' - Desmond Cole, activist

"My number one concern that has been conspicuous by its total silence is: What role did the father of the two brothers play?" Falconer told CBC Toronto. "I would like to know what communications, if any, that John Theriault had with Durham Regional Police — did he contact them that night, or the day after, or the day after that in relation to the investigation?"



'My number one concern that has been conspicuous by its total silence is: What role did the father of the two brothers play?' Dafonte Miller's lawyer, Julian Falconer, told CBC Toronto. (Martin Trainor/CBC)

Activist and freelance journalist, Desmond Cole, echoed Falconer's concern on Thursday.

"That division, that Christian and Michael Theriault's father belongs to and works for, is the division responsible for calling the SIU," Cole said.

CBC Toronto reached out to John Theriault by email for comment, but has not yet received a response.

Theriault brothers face 3 charges: SIU

His sons have been charged with aggravated assault, assault with a weapon and public mischief in connection with the alleged beating of Miller.

Toronto police officer charged after man, 19, beaten and blinded in left eye

2nd man charged in assault investigation involving Toronto police officer

The SIU has alleged the Theriault brothers "acted together" and will be tried at the same time.

The pair were in court Friday dealing with issues related to their bail.

They are expected to next appear in an Oshawa courtroom on Aug. 10.

