

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

'2, 3 more blows, my son could have been dead,' mother of Dafonte Miller says

By Lorenda Reddekopp, [CBC News](#) Posted: Jul 18, 2017 9:50 AM ET Last Updated: Jul 18, 2017 11:18 AM ET



Dafonte Miller, 19, is shown before and after an alleged attack with a steel pipe just before 3 a.m. ET on Dec. 28.

(Photos courtesy of Leisa Lewis)



**Lorenda Reddekopp**

Reporter, CBC Toronto

Lorenda covers a huge range of issues, from national and international news to quirky Toronto stories. Lorenda grew up in small-town Saskatchewan and spent three years reporting from Guatemala. She is now a downtowner who walks everywhere—except when she's salsa dancing, which is what you're likely to find her doing when she's off the air.

A Toronto police officer has been charged and is suspended with pay in connection with an attack on a 19-year-old man that left him with broken bones and a serious eye injury last December in Whitby, Ont.

Ontario's Special Investigations Unit (SIU) charged Const. Michael Theriault on Tuesday with aggravated assault, assault with a weapon and public mischief. Theriault was off duty at the time of the alleged attack on Dafonte Miller.

The police constable is now suspended with pay, a Toronto police spokesperson confirmed.

Miller is traumatized and awaiting surgery to remove his eye, his mother, Leisa Lewis, said in a joint CBC Toronto/Toronto Star exclusive.

Miller was allegedly hit repeatedly with a steel pipe just before 3 a.m. ET on Dec. 28.

According to his lawyer, Miller and two friends were walking down Erickson Drive in Whitby, headed to the home of another friend, when two men tried to confront them and began chasing them with a pipe. Miller's friends managed to escape, but he was not so fortunate.

The CBC has not confirmed whether anyone else is facing charges

Miller's family said his left eye was so damaged that it will have to be surgically removed. He also suffered a broken nose, jaw and wrist.

According to the SIU, Theriault was arrested on Tuesday and was subsequently released. He is required to appear before the Ontario Court of Justice in Oshawa on Aug. 10.

Lewis feels the severity of her son's injuries warrants a more serious charge.

"To me, it's like attempted murder," Lewis said, fighting back tears.

One horrific thought keeps running through her mind.

"Two, three more blows, my son could have been dead," she explained. "I can't get that thought out of my head."

## **'I can see the pain in my child'**

Initially, it was Miller who faced multiple charges: theft under \$5,000, two counts of assault with a weapon, possession of a weapon and possession related to marijuana. According to Miller's lawyer, the Crown withdrew those charges May 5 after a pretrial hearing.

Lewis can't believe that she and her family had to spend months travelling to court appearances to defend Miller in a case in which he was the one injured, at a particularly difficult time for the family as they struggled to care for Miller, first in hospital and later at home.



Leisa Lewis says she now feels unsafe and fears for the well-being of her other children. (Martin Trainor/CBC)

She says the attack robbed her of her outgoing son, who used to love playing basketball, writing rap songs and making people laugh. Now, she says, he's a different person, wounded far beyond the physical injuries.

"He will just sit in the chair staring [blankly] for a long time," Lewis explains. She says he has trouble sleeping and only now, months after the alleged beating, is he starting to get his appetite back.

"I can see the pain in my child. I can see it."

## **Lawyer blames race for the alleged attack**

Miller's lawyer, Julian Falconer, says his client is too traumatized to be interviewed.

Falconer believes the attack was racially motivated.

"The major facts are as follows: my client is black. And he's a black young male."



Dafonte Miller's left eye was badly injured in the beating. He's currently waiting for a surgery date to have the eye removed. (Courtesy of Leisa Lewis)

Falconer has a long history of representing clients who have claimed mistreatment by police. But he's shocked by the violence of the alleged attack, calling it "one of the most vicious, senseless excesses of force I have ever seen by a police officer."

"From my client's point of view, he was jumped," Falconer says. "This is the stuff you read about from an era gone by in the deep south in the U.S."

## **Case shows 'systemic failings' by police: Falconer**

Falconer says the way police handled this case points to much larger systemic problems.

Falconer says Miller frantically banged on the door of a home on Erickson Drive that night, looking for help, and the homeowner witnessed part of the alleged beating. But Falconer says Durham Regional Police never even contacted that person to do an interview.

Falconer also wonders about other aspects of the investigation, given that the incident happened just before 3 a.m. and the police officer was not on the job.

"What did they do to ascertain the sobriety of the two individuals involved in the altercation?" he said, when asked if he thinks the officer could have been drunk.



Dafonte Miller's family wants justice. His sister, Lataijah Lewis, 17, mother Leisa Lewis and step-father Kamicaya Pearce hope those involved in the alleged assault will be held responsible for their actions. (Martin Trainor/CBC)

"What was the nature and extent of their investigation of those two individuals? Did they simply accept their accounts at face value in the middle of the night?"

Falconer also can't believe police never contacted the SUI, which investigates all cases of serious injury or death involving police in Ontario.

He says it was his office that alerted the SIU to the case on April 11, less than a month before the charges against Miller were withdrawn.

**'Go back to making plans and dreaming'**

Falconer doesn't feel Toronto police should have allowed Theriault to continue working as an officer in 42 Division, given the serious allegations.

To him, this isn't about one "rogue bad apple" on the force but what he calls "systemic failings" by both police services involved to deal with the officer.

"That's what tells us we have a much bigger problem," says Falconer.

Lewis says she's not angry with police, but disappointed, given the allegations.



High-profile lawyer Julian Falconer called the alleged incident 'one of the most vicious, senseless excesses of force I have ever seen by a police officer.' (Martin Trainor/CBC)

"I just hope that my son gets justice for what happened to him," she said. "Then he can heal and go back to being my fun-loving kid that I had, go back to making plans and dreaming."

The incident has made her fear for her other children, afraid to let them out of her sight even though they're teenagers.

"I actually see a police officer driving down the street and my heart — dun-dun-dun-dun," she says, mimicking the sound of a racing heartbeat.

"Before, I used to feel comfortable seeing a police officer or police car, I used to feel safe. Now I don't feel safe."

