

CP24

Bail conditions relaxed on Toronto cop, brother accused of beating teen

Miller's lawyers 'disappointed' by relaxed bail



Lawyers for Dafonte Miller say they are disappointed that Michael and Christian Theriault's bail conditions have been relaxed.

Defence secures relaxed bail conditions for cop



Lawyers for a Toronto police officer and his brother accused of assaulting a Whitby teen secured relaxed bail conditions for them Wednesday.

Chris Herhalt, CP24.com

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Bail conditions concerning alcohol consumption, travel and a curfew were removed from a Toronto cop and his brother accused of severely beating a Whitby man.

The conditions were removed when they made a brief appearance in an Oshawa courtroom Wednesday.

Const. Michael Theriault, who was off-duty at the time, and his brother Christian Theriault are accused of confronting 19-year-old Dafonte Miller while he walked on a residential street in Whitby on Dec. 28, 2016.

PHOTOS



Images of Dafonte Miller after he was brutally beaten by an off-duty Toronto police officer in Whitby in December of 2016.



Authorities have said Miller was walking with friends when two men standing inside a garage of a nearby home confronted them.

One of Miller's lawyers, Julian Falconer, said that one of the men identified himself as a police officer and when Miller declined to answer his questions, the officer and another man, later identified as the officer's brother, chased Miller.

The pair are accused of beating Miller severely, damaging his eye so badly it will eventually have to be surgically removed.

None of the charges have been proven in court.

The brothers were charged last month with aggravated assault, assault with a weapon and public mischief.

Christian Theriault's lawyer, Michael Lacey, told CP24 the defence sought to modify the bail conditions, but he refused to say why.

Michael Theriault's lawyer, David Butt, said it is extremely important that the case against his client not be tried in the media.

"It's very difficult for a lot of members of the public to understand that the presumption of justice means to suspend judgment and wait until a court has spoken."

A lawyer representing Miller, Asha James, said she and her client were "disappointed" that bail was relaxed, and pointed out that the Theriault brothers now have less restrictive bail conditions than what was imposed on Miller when he was first charged in relation to the incident.

The charges against Miller have since been dropped.

"We're disappointed given the kind of restrictive conditions that Dafonte was under with respect to him having a curfew and non-consumption of alcohol and things of that nature and we were hoping that the conditions for P.C. Theriault and his brother would kind of be restrictive and be something to allow the public to have confidence in the justice system and how this matter proceeds."

The Special Investigations Unit – a provincial agency that steps in when civilians are seriously injured or killed while in the presence of police -- was only notified of the incident in April by Falconer, and not by Toronto or Durham Regional police as is protocol.

It was also revealed that the brothers' father works in the Toronto police professional standards section, a unit that would have been involved in any internal probe into allegations of misconduct against Const. Michael Theriault.

Last week, Toronto police asked Waterloo Regional Police to conduct an independent investigation into how the service handled the news that one of its officers was involved in an off-duty incident.

Durham Regional Police is also performing an administrative review.

On Wednesday, a judge consented to remove the 10 p.m. to 6 a.m. curfew condition on both men, as well as an alcohol consumption ban. They will also now be allowed to leave Ontario whenever they wish.

Both men must not contact Miller or members of his family, nor the Durham Regional Police officers who investigated the incident. Both men must tell the SIU if they move. They are forbidden to own weapons.

Toronto police have previously said that Miller has been suspended with pay pending the investigation.

Lawyers for the Crown and the accused are scheduled to return to court in Oshawa on Aug. 10.

