

Demonstrators protest outside hearing for brothers charged in beating of Dafonte Miller

The brothers did not appear in court Thursday, where a brief hearing was held to arrange pre-trial hearing dates.

By [WENDY GILLIS](#) News reporter
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Carrying signs saying “We are here for Dafonte,” demonstrators protested outside an Oshawa courthouse Thursday before a brief hearing for the Toronto police officer and his brother charged with assaulting the Black teen.

“(Toronto police) Chief Saunders is saying this is not a cover-up. But this is a clear definition of what is wrong with policing in Ontario,” said Rodney Diverlus, a member of Black Lives Matter Toronto and one of about two dozen protestors.

Const. Michael Theriault, 25, and his brother, Christian Theriault, 21, are [charged with aggravated assault, assault with a weapon and public mischief](#) in relation to the alleged beating of Dafonte Miller on a Whitby street in December.

The brothers — whose father John Theriault is a longtime Toronto police officer currently assigned to the professional standards unit — did not appear in court Thursday, where a brief hearing was held to arrange pre-trial hearing dates.

Read more: [SIU investigation into Toronto officer charged with assault will not be available at trial, judge rules](#)

Currently out on bail, the brothers were ordered to appear in person at a court date later this month.



Protestors demonstrate outside an Oshawa courthouse Thursday. (WENDY GILLIS / TORONTO STAR) | ORDER THIS PHOTO

Miller, 19, was seriously injured on Dec. 28, 2016 after an early morning encounter with the Theriaults on a residential Whitby street. His injuries included a broken orbital bone, broken nose, a fractured wrist and damage to an eye that's so severe it will have to be surgically removed.



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The high-profile case has raised questions about the conduct of the off-duty cop and his brother, as well as the response by Toronto police and Durham Regional Police. Durham police was called in to investigate on the night of the incident and charged Miller, not the Theriaults, with assault and other charges that were later dropped.

In spite of a provincial law requiring police to contact the Special Investigations Unit (SIU) immediately after incidents where civilians were seriously injured in interactions with officers, the police watchdog was not informed of Miller's injuries until four months later — and only then by Miller's lawyer, Julian Falconer.

Once the SIU learned of Miller's injuries, the watchdog launched an investigation that resulted in charges against the Theriault brothers in July.

The SIU typically does not investigate incidents involving off-duty officers, but will take on a case if the off-duty cop identifies himself as a police officer during an occurrence that leads to serious injury, death or allegations of sexual assault.

Saunders told reporters last month that Toronto police determined they would not contact the SIU because they understood that Michael Theriault had not identified himself as a police officer during the incident. Meanwhile, Durham police have said they did not contact the SIU because it was Toronto police's role to contact the SIU as the employer.



Michael Theriault (right) and his brother Christian Theriault are charged with aggravated assault, assault with a weapon and public mischief in relation to the alleged beating of Dafonte Miller on a Whitby street in December. (CARLOS OSORIO)

Falconer, Miller's lawyer, told a press conference at Queen's Park last month that he believes there was a "deliberate and intentional effort on the part of police authorities to conceal a crime by one of their

own.” He alleges there were attempts by the Theriaults’ father to conceal his sons’ alleged crimes.

Saunders has strongly denied allegations of a cover-up, saying his officers acted in “good faith.”

Outside court Thursday, protestor Ravyn Wingz accused the Theriaults of “taking the law into their own hands.”

“We will not rest until justice is put upon these officers,” Wingz said, before the group headed into the courthouse.

According to Falconer’s summary of the incident, which has not been tested in court, Miller and his friends were walking down the street when they were confronted by the Theriaults, who had been sitting in the garage of their home nearby. Michael Theriault, who was off-duty, identified himself as a police officer and asked what the young men were doing.

When Miller and his friends did not reply and kept walking, the Theriaults chased after them and caught up to Miller and proceeded to punch him, kick him, beat him with a metal pipe and strike him in the face, according to Falconer.

Durham police were called to the scene, where Michael Theriault told officers he and his brother had heard noises coming from a car in their driveway, and saw Miller and one of his friends running away from the car, according to Falconer. Michael Theriault told Durham police that change used for grocery money was missing from the car, the lawyer said.

Miller was charged with theft under \$5,000, assault with a weapon and possession of a small amount of marijuana. The charges were later withdrawn by the Crown.

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