

Attorney general seeking to revoke Const. James Forcillo's bail

Ministry of the Attorney General has applied to revoke the bail of the Toronto officer convicted in the shooting death of Sammy Yatim

A Toronto cop convicted of attempted murder has been arrested for allegedly breaching bail. Const. James Forcillo is accused of breaching house arrest conditions. (The Canadian Press)

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The attorney general is seeking to revoke the bail of the Toronto police officer convicted of attempted murder in the fatal shooting of Sammy Yatim on board a TTC streetcar.

A notice of application was filed at the Ontario Court of Appeal on Thursday, one day after James Forcillo was arrested and charged with breaching his bail conditions. He remains in custody.

“We are aware that the Crown has applied for revocation based on the alleged breach,” defence lawyer Michael Lacy wrote in an email.

“A date has not yet been set to deal with that application. We are in the process of reviewing the information file and the allegation, which will inform our next step.”

Lacy would not confirm whether a bail hearing on the alleged breach scheduled for Friday would go ahead in a North York courthouse.

The attorney general is asking the Appeal Court to revoke the judicial interim release order made Sept. 28 by Justice David Doherty. No date has been scheduled for that hearing.



Const. James Forcillo has been divorced and is planning to remarry. (ANDREW FRANCIS WALLACE / TORONTO STAR FILE PHOTO)

Forcillo is appealing his attempted murder conviction, as well as the six-year prison sentence handed down. The next phase of the appeal is expected to be heard in court in the new year.

Forcillo was granted an extension of his bail in late September. The conditions of the new bail included keeping the peace, being on good behaviour, remaining in Ontario and providing his passport to the SIU.

Forcillo is also required to have no contact with Yatim's family, including his father, mother Sahar Bahadi and sister Sarah Yatim. He is also prohibited from possessing any weapons.

He was arrested before going to court to change his address to the apartment of his new fiancée. Court documents filed in advance of that cancelled hearing detail a change in personal circumstances — a divorce, followed by a pending remarriage.

A source with knowledge of the alleged breach says Forcillo was arrested after he was found at his fiancée's home, counter to [his bail conditions](#).

Those conditions had included that he continue to live with his ex-wife, surety and mother of his two children, Irina Ratushnyak.

In an affidavit filed with the court, the officer's new fiancée — a Los Angeles woman who moved to Toronto permanently last month — says she met Forcillo 15 years ago when they were both attending East Los Angeles College.

The old friends had lost touch, but became reacquainted in January, when Forcillo was on the verge of separating with his now ex-wife and surety, Irina Ratushnyak, according to the documents.

When Forcillo and Ratushnyak divorced in July, Sara Balderrama and the officer got engaged. She is now renting an apartment on Bathurst St. and put Forcillo and his children on the tenancy agreement, "in the event that the court grants the variation to the bail he is seeking," the affidavit states.

Forcillo had been seeking to have Balderrama named as a surety, in addition to Ratushnyak and her parents.

"Irina and I maintain a good relationship and continue to parent our children together. However, it has been very difficult to reside together since our separation, as we are unable to move on with our lives," Forcillo wrote in his affidavit in support of the bail condition change.

In her own affidavit, Ratushnyak, Forcillo's ex-wife, states that she has also started a new relationship and supports having Forcillo move in with his new fiancée. She has a positive relationship with Balderrama, though she says in her affidavit, "we are not close."

According to court documents filed Wednesday, Forcillo's alleged breaches are failing to: reside with his surety at his Vaughan address; notify Ontario's police watchdog, the Special Investigations Unit, of any change in address; and remain in his residence at all times except under special circumstances, such as a medical emergency.

"When you're under house arrest, you better not be in someone else's house," Julian Falconer, lawyer for Yatim's mother Sahar Bahadi, said in an interview Thursday.

Sahar Bahadi, Yatim's mother, says she feels better knowing that Forcillo is behind bars.

"I trust in God and I trust in justice," she told the Star on Thursday. "Now I believe that this is the start of his punishment."