

CHECK OUT OUR LIVE AND INTERACTIVE SCREEN

CP24 NOW

Const. James Forcillo arrested for breaching bail terms: SIU

Forcillo allegedly found at new address: Lawyer



Peter Brauti, a lawyer for Const. James Forcillo, explains allegations that Forcillo violated his bail conditions.

Cop accused in Yatim death back in police custody



Const. James Forcillo has been arrested for allegedly breaching his bail conditions, the SIU says.



Joshua Freeman, CP24.com

Published Wednesday, November 15, 2017 10:35AM EST

Last Updated Wednesday, November 15, 2017 2:22PM EST

The officer convicted of attempted murder in the 2013 shooting death of 18-year-old Sammy Yatim is back in custody after being arrested for allegedly breaching the terms of his bail.

Constable James Forcillo was arrested by Toronto police at around 7:30 a.m. this morning and his arrest was announced by the Special Investigations Unit. He made a brief court appearance shortly after 11 a.m. before being remanded into custody.

In 2016, Forcillo was sentenced to six years in prison for attempted murder in connection with a second volley of shots fired at Yatim on board a Dundas streetcar after the teen was already down.



Const. James Forcillo arrives at court in Toronto on Monday, Jan. 25, 2016. THE CANADIAN PRESS/Nathan Denette



A photo of Sammy Yatim is held by one of the teen's friends at a Toronto courthouse after the sentencing of Const. James Forcillo in Toronto on Thursday, July 28, 2016. THE CANADIAN PRESS/Michelle Siu

The officer was acquitted of second-degree murder in connection with the first volley of shots.

Pending his appeal, Forcillo was under strict bail conditions that stated he had to reside with his now ex-wife at their home in Vaughan at all times, except for medical emergencies, court appearances, and other strict circumstances.

According to Peter Brauti, one of Forcillo's lawyers, the alleged breach stems from Forcillo's effort to move to a new residence because of his divorce.

"His bail conditions were that he had to reside with his wife, which is now his ex-wife, which is obviously an uncomfortable situation for everyone," Brauti told CP24.

"Efforts were being made to change his residence and in fact we had a motion before the court for this coming Thursday and what happened is as a result of checking on the new address to see if it was suitable, Officer Forcillo was allegedly present at the address and shouldn't have been."

Forcillo's bail was set to expire in October of this year, but it was recently extended to April of 2018 because of his ongoing appeal.

Lawyers for Forcillo have asked the appeal court to substitute a not-guilty verdict or order a new trial.

He is also seeking a declaration that the mandatory minimum sentence for attempted murder is unconstitutional, and wants to be granted a suspended sentence. Barring that, he wants his sentence reduced to the minimum five years.

Brauti said that he expects Forcillo will be granted bail again, but that it will depend on the evidence about the alleged breach of his conditions.

“I would expect he’ll be granted bail again as a result of this. That’s what any normal person would get under these circumstances, they would get bail reissued. I expect that he will,” Brauti said.

“But at the same time, if those allegations are proven, he was offside of the conditions. I’m not saying he was because they’re just allegations and we haven’t fully looked at all the circumstances yet.”

Ed Upenieks, a lawyer for the Yatim family, said the alleged breach shows a lack of respect for the system.

“It calls into question his respect for the legal system and for the bail conditions,” Upenieks said.

Forcillo is expected to make his next court appearance Friday morning.

He remains suspended without pay pending his appeal.