

Toronto Constable James Forcillo arrested for allegedly breaching bail terms



James Forcillo leaves University Courts in Toronto on May 18, 2016.

FRED LUM/THE GLOBE AND MAIL

PAOLA LORIGGIO
TORONTO
THE CANADIAN PRESS
3 HOURS AGO

A Toronto police officer convicted of attempted murder in the fatal shooting of a teen on a streetcar four years ago has been charged with breaching his bail conditions.

Ontario's police watchdog said Const. James Forcillo is accused of breaching the conditions related to his house arrest, but gave no other details about the case.

Toronto police, who made the arrest, said the officer was set to appear in court Wednesday. Forcillo's lawyers could not immediately be reached for comment.

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Forcillo had his bail conditions extended in late September, a day before he was set to appeal his conviction in the 2013 death of Sammy Yatim.

Yatim's killing set off a wave of public outrage and protests after a video of the shooting went viral. The judge overseeing Forcillo's trial called the video "powerful evidence" that what the officer said happened that night did not actually occur.

Forcillo was found guilty last year of attempted murder but was acquitted of the more serious charge of second-degree murder for shooting 18-year-old Yatim multiple times. He was sentenced to six years behind bars, a year more than the mandatory minimum.

He has since asked the appeal court to substitute a not-guilty verdict or order a new trial in his case, arguing Then was wrong to exclude evidence meant to suggest Yatim was trying to commit "suicide by cop," where a person behaves threateningly in order to trigger a lethal response from law enforcement.

Forcillo's lawyers have also alleged Then erred in instructing jurors to view the two volleys of bullets fired by Forcillo as separate incidents, and to consider the charge of attempted murder.

They argue that opened the door for a compromise verdict, where jurors find someone guilty of a lesser charge rather than convicting of a more serious one or acquitting them entirely.

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Forcillo 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.

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