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# **Const. James Forcillo loses appeal of** attempted murder conviction in Sammy Yatim shooting

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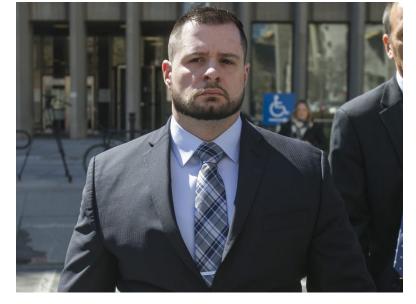


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Toronto Police Const. James Forcillo leaves the courthouse at 361 University Ave. in Toronto on May 16, 2016. Ernest Doroszuk/Toronto Sun

TORONTO — A Toronto Police officer who was convicted of attempted murder in the shooting death of a troubled teen has lost his appeal of his conviction.

In July 2013, Const. James Forcillo fired two separate volleys at Sammy Yatim, an 18-year-old who had consumed ecstasy and was wielding a small knife on an empty streetcar.

Court heard the first round of shots was the one that killed him.

Yatim's killing set off a wave of public outrage and protests after a video of the shooting went viral.

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Forcillo was convicted of attempted murder related to the second volley, but was acquitted of the more serious charge of second-degree murder.

He was sentenced to six years behind bars, a year more than the mandatory minimum.

Forcillo had asked the appeal court to substitute a not-guilty verdict or order a new trial due to evidence the judge excluded from trial.

The defence has argued Superior Court Justice Edward Then was wrong to exclude cellphone and expert evidence about the possibility of "suicide by cop."



Sammy Yatim

They say the judge should have declared a mistrial because excluding that evidence prevented the defence from countering the narrative put forward by prosecutors, which painted Yatim as a young man in crisis.

Court documents show Forcillo's lawyers had intended to argue the crisis was such that it could not be de-escalated.

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### Robert Jarrett · Western University

Interesting contrast between how Forcillo "handled" the confrontation and that of the recent confrontation between another cop and the van driver on Yonge Street. I the literally got away with murder.

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### Wayne Thompson · Brock University

the cop who handeled the van did not follow procedure as stated by his chief. The cop asked the chief what would have happeend to him if he did and fired. H follow procedure putting lives at risk because of this case where the officer did and was sent to prison. Thats scary, police not following procedure out of fear c

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#### **Enrico Palazzo**

Wayne Thompson Nonsense. If a cop can apprehend a criminal with out killing them and putting further civillians lives in danger then he did the right thing. The the streetcar was contained and the situation was in control, There was no need for death by a one man firing squad...

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### Wayne Thompson · Brock University

as the appeal states this Forcillo is the only officer in the history of the Common wealth to have been justified in killing a man but sent to jail for trying to kill that same r same incident. The absurdity is beyond reason. This should be over turned

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### Pete Wal

Thank God we have smartphones or this Toronto cop would be getting away with muder and still on the job. How many criminals do we still have on the Toronto force? than we all think.

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### John Lee

Who is paying for this high price legal help? We know Forcillo is broke.

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**Branden Townsend** · Iindependent Learning Centre

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### John Lee

Branden Townsend

Not sure about that.

I think McCormack said last year they were not paying anymore.

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Weep not over one less, make that two punk tough-guy wannabes on the streets.

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