



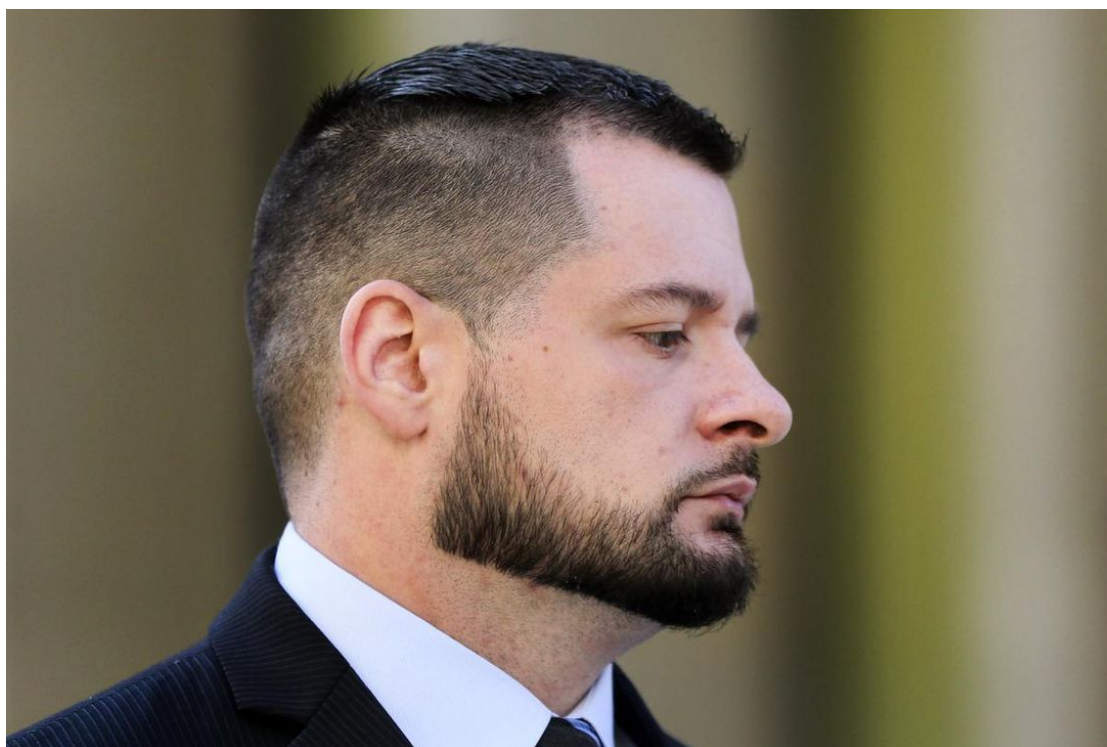
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Toronto cop who shot Sammy Yatim pleads guilty to perjury over false affidavit

By **BETSY POWELL** Court Reporter
Thu., May 31, 2018

A Toronto judge has added six months onto James Forcillo's six-year prison sentence after he pleaded guilty Thursday to perjury and admitted he lied on a sworn affidavit filed in court.

On Nov. 17, 2017, while on bail from his attempted murder conviction and sentence for the shooting of Sammy Yatim, Forcillo filed an application at the Court of Appeal seeking to vary the terms of his recognizance to permit him to reside at a different address, and with a different surety.



Toronto police Const. James Forcillo will now be taken to the federal penitentiary system and will be eligible to apply for full parole after serving one third of his now six-year, six-month sentence. (ANDREW FRANCIS WALLACE / TORONTO STAR FILE PHOTO)

As part of the application, he relied on a sworn affidavit where he attested that he had fully complied with the conditions of his release by residing with his ex-wife and two daughters throughout the proceedings against him.

Except Forcillo jumped the gun and moved into an apartment with his new girlfriend days before the application was heard in court.

On Thursday, wearing a black T-shirt, trousers and a thick black beard, Forcillo, 35, asked the judge to consider that he was on bail for four years and was “incredibly careful” not to violate any of his conditions. He was grim-faced but advanced his position forcefully.

Forcillo said his marriage was in trouble “before all of this happened,” and living under house arrest made it a “toxic environment.” The couple was arguing all the time, making it difficult for the children, he told a nearly empty courtroom.

He was trying to “alleviate that” by seeking a bail variation, and he did “everything possible” to try to get consent by adding a surety, and an additional \$20,000.

The Crown, however, refused, which is why arguments were set to be heard in the Court of Appeal.

“I take full responsibility, my error. I should not have moved out before the variation was agreed to or argued in court,” Forcillo told the judge.

“That was a mistake on my part, but it was an unliveable situation and it was affecting the children on a daily basis and I did what I had to do and I was wrong ... and I apologize to the court.”

Crown attorney Peter Scrutton and defence lawyer Bryan Badali agreed a six-month sentence was appropriate but differed on whether it should be served concurrently or consecutively.

Scrutton argued it should be added onto the sentence Forcillo is already serving because a concurrent sentence would amount to no punishment for a serious crime.

Badali told the judge that as a police officer, Forcillo is already serving “a significantly harsher” sentence since most inmates since all of it will be served in protective custody.

As well, the ramifications of a perjury conviction, on top of the attempted murder conviction, will “hound” him for the rest of his life.

“It’s not like he is not being punished if his sentences run concurrently,” Badali said.

Ontario Court Justice Sandra Bacchus took about an hour to consider the arguments and case law.

She returned to court and said Forcillo's guilty plea and the fact he had no other history of non-compliance were mitigating factors.

But Bacchus said she was imposing the six-month sentence consecutively to send a message of deterrence and denunciation to those who would mislead the courts.

"Mr. Forcillo flagrantly breached his recognizance, he did so in a calculated fashion by setting himself up in an apartment in a situation ... which was easier for him," before it was not by the court, Bacchus said.

She acknowledged the stress he was under, but said many, if not most people under stringent bail face difficulty and stress and manage to comply with the terms.

"The nature of the offence of perjury ... strikes at the heart of the administration of justice," the judge said.

By filing a false affidavit Forcillo sought to "manipulate" Ontario's top court, she continued.

"Our system of justice relies on the truth. The serious nature of those who would subvert the truth in their representations to the court is underscored by the fact the maximum sentence for perjury is 14 years."

The Crown withdrew the remaining counts of breach and attempt to obstruct justice.

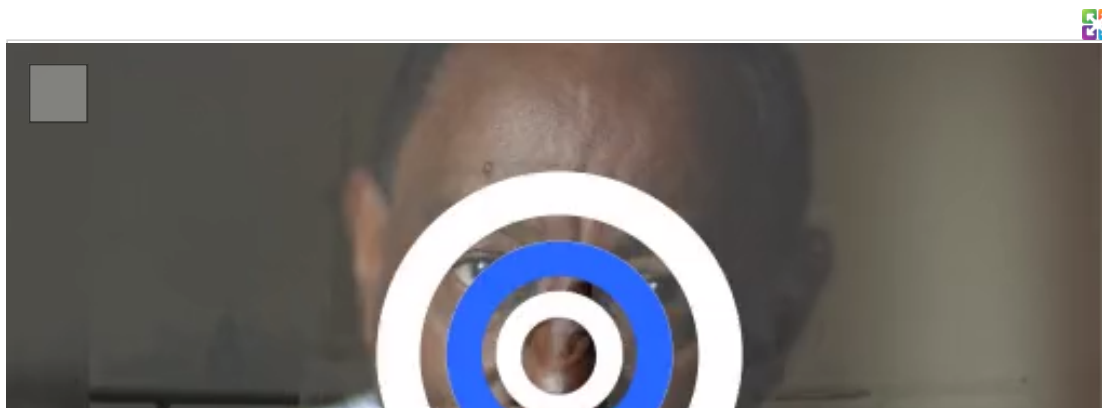
Teen Sammy Yatim was shot dead on a Toronto streetcar in 2013 by Forcillo, who fired two distinct volleys of gunfire. In 2016 he was acquitted by a jury of second-degree murder for the first volley but found guilty of attempted murder for the second volley, which he fired while Yatim lay dying on the floor of the streetcar.

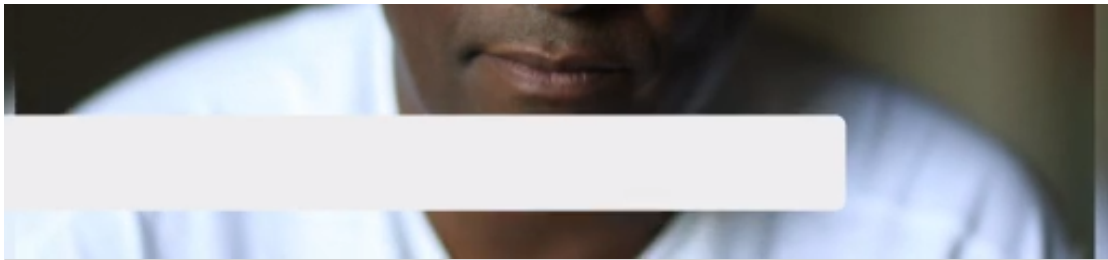
Forcillo has been suspended from the Toronto Police Service without pay since July 29, 2016.

He has been serving his sentence in the provincial jail system waiting for a decision in his appeal, which he lost.

Forcillo will now be taken to the federal penitentiary system and will be eligible to apply for full parole after serving one third of his now six-year, six-month sentence.

He has been in custody since his arrest in November.





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