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Legal observers criticize Umar Zameer's prosecution as 'tactically, ethically, legally and judgmentally ridiculous'

"They put this guy through Hell on no evidence," said John Struthers, a former president of the Criminal Lawyers' Association.

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Umar Zameer, kneeling, is seen here with Toronto police Const. Antonio Correa soon after his arrest. 

By **Jacques Gallant** Courts and Justice Reporter

When a Toronto judge released Umar Zameer on bail in September 2021, she used one word more than a dozen times to describe the strength of the Crown's case for murder.

Weak.

The Crown's theory — that Zameer, a man with no criminal record who was out with his pregnant wife and young son would suddenly decide to intentionally kill Toronto police Const. Jeffrey Northrup by running him over — “runs contrary to logic and common sense,” Justice Jill Copeland wrote in her bail decision.

Despite Copeland's assessment, the Crown continued to prosecute the murder charge.

Later, at Zameer's trial, Justice Anne Molloy, too, expressed serious concerns with the evidence the Crown was putting before the jury — including police witnesses who were contradicted by video evidence and the Crown's own expert.

And yet, prosecutors pushed to the end, asking the jury to convict the 34-year-old Zameer of first-degree murder.

Ultimately, on Sunday, Zameer's jury rejected that request and [acquitted him of all charges](#) in a result that has left a chorus of legal observers asking: what was the point in prosecuting a case that's now being described as a “black eye” on the justice system?



Umar Zameer speaks to the media after being acquitted by the jury

A jury has acquitted Umar Zameer in the death of Toronto police Const. Jeffrey Northrup, accepting that what happened in the parking garage below Nathan Phillips Square early July 2, 2021 was a...

The choice to continue the murder prosecution raises serious questions about the Crown's judgment, said John Struthers, a former president of the Criminal Lawyers' Association.

Crown attorneys have full discretion over which charges to pursue or withdraw, and given that they're required to continuously assess the strength of their case, they did not need to take the murder charge to trial, he noted.

"They put this guy through Hell on no evidence," he said.

"It was tactically, ethically, legally and judgmentally ridiculous."

Prosecutors rarely indicate why they decide to pursue or withdraw charges but are required by Crown policy to ensure that there remains a reasonable prospect of conviction, and that the prosecution is in the public interest.

Zameer's lawyer, Nader Hasan, said Monday that by following the evidence and the law, the charges "ought to have been dropped much, much earlier.

"But we know the reality of what happens when the victim is a police officer, a different mindset in the justice system creeps in, both on the part of the police and the Crown attorney's office, for reasons that might not be entirely focused on reasonable prospect of conviction."

In a brief written statement on Sunday, Crown attorney Michael Cantlon — the head of one of Toronto's four Crown offices, who prosecuted the case alongside long-time Crown attorney Karen Simone — said that the circumstances surrounding Northrup's death "warranted a trial to determine accountability."

Defence lawyer Alison Craig says she believes the evidence for a murder charge was so weak it failed to even meet that low threshold, echoing Struthers' opinion that the prosecution's relationship with Toronto police may have had a role in the decision to prosecute.

"You want to keep them happy. That's the only reason I can possibly think of," she said.

Craig described the prosecution as "horrifying" and devastating for the Zameer family, but also for the family of Const. Northrup, a [beloved veteran member of the downtown 52 Division's major crimes unit](#).

Had there been an honest assessment of the evidence from the start, "they could have probably started healing and grieving," she said.

The Crown had other options than a trial "to determine accountability that didn't require somebody being thrown in jail and branded a murderer when the evidence didn't support it," said Daniel Brown, another former president of the Criminal Lawyers' Association, noting the possibility for an inquest or internal investigation.

"This whole case is a black eye on the justice system, notwithstanding the outcome."

Toronto police announced Monday that it has asked the OPP to conduct [an independent review regarding officer testimony and conduct](#) due to the concerns raised by Molloy during the trial.

To be convicted of murder, the Crown needs to prove that an accused person intended to kill or cause serious injury that they knew was likely to cause death. Normally, first-degree murder is the charge when a killing is planned and deliberate, but the Criminal Code says the murder of a police officer in the line of duty is automatically first-degree, regardless if it was planned and deliberate. (First-degree murder carries an automatic life sentence with no chance at parole for 25 years.)

But to have a case for murder where the victim is a cop, the Crown still needs to prove intent to kill; it was entirely within the Crown's discretion to pursue a lesser offence instead, or to withdraw all charges.

Given his seniority, Cantlon could have made some of those decisions himself, Brown noted. Copeland found in her bail decision, for instance, that the Crown had "a reasonably strong case for manslaughter ... But it is not an overwhelming case."

Struthers said if Cantlon did make the decision to press on with murder, "he should resign."

Criminal defence lawyer Michael Coristine, who previously served as a senior Crown attorney, said it would have been tough to make the "extreme" decision not to proceed with a trial where a police officer had been killed.

Like Brown, he wonders if perhaps there should be a higher threshold for the Crown to pursue charges. He said far too often, criticism is levelled at the trial Crown attorneys when it's the attorney general's office that should answer for any shortcomings. (A spokesperson for Attorney General Doug Downey simply said Monday that prosecution decisions "are made without political input.")

It's certainly not unheard of for the Crown to withdraw charges in high-profile cases involving a death. Just last month, the Crown withdrew charges of manslaughter, aggravated assault and reckless discharge of a firearm against three OPP officers [who killed 18-month-old Jameson Shapiro](#) while shooting at his armed father in Kawartha Lakes in 2020. Prosecutors determined there was no longer a reasonable prospect of conviction.

And defence lawyer Monte MacGregor suggested Zameer's case should be contrasted with how the prosecution dealt with Michael Bryant in 2010. The former Ontario attorney general faced one count of criminal negligence causing death and one of dangerous operation of a motor vehicle causing death after a confrontation on Bloor St. W. with 33-year-old cyclist Darcy Allan Sheppard. A prosecutor dropped the charges before trial, saying, "We can't prove the case."

MacGregor and other defence lawyers also underscored the systemic problem of police officers lying in court, something the defence alleged happened in Zameer's case — "It happens every goddamn day," MacGregor said.

"What would have happened if there wasn't video completely disproving what these three officers said?" MacGregor said. "This guy would be in an entirely different boat."

With files from Betsy Powell



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