

DiManno: New tape backs up protester's beating allegation

Sat Dec 11 2010



By **Rosie DiManno** Columnist

When he is finally allowed up off the ground after being stomped and pummeled by cops, Adam Nobody appears to have suffered no significant facial injuries — at least none that show.

There isn't any blood, nary evidence of wounds, and the nose — which Nobody suspects was snapped during that pile-on melee — is exactly where it's supposed to be.

The outward evidence is fairly clear on a piece of footage given to the *Star* this week.

Those images — a handcuffed Nobody being led out of camera range by uniformed officers, in the process of being arrested last June 26, not a drop of blood on him — support the 27-year-old's formal complaint that he was immediately afterwards subjected to another vicious beating by a couple of plainclothes detectives behind two parked police vans.

After this second purported assault, Nobody's face was left bloodied, he says, his cheekbone shattered.

Within a week, he would undergo surgery to repair the damage.

Over the 31 hours that Nobody spent in custody — including about 13 hours when officers accompanied him to Toronto East General Hospital, where he underwent a CAT scan while still bound at the wrists and ankles — he was never out of police sight. He was their responsibility.

The SIU was told about the two plainclothes officers on July 9 when Nobody sent another videotape to them, with an accompanying email in which he states: "(A)t 1.24 of this video if you pause it you will see two males standing beside each other. One of them is in the white shirt with long hair and plaid shorts, the other guy standing beside him is the moustached man from my report taken by you, he has the green police band on his arm.

“These are the two men that brought me between the Paddy-wagons and repeatedly kicked me in the face. The one in the white shirt is the one that was standing on my face after they stopped kicking me, the moustached man was searching my bag at the time.”

The SIU won't reveal the names of these two subject officers. But the *Star* has been told that one of them is Det. Const. Todd Story — the same person who alleged that Nobody assaulted *him* on June 27, according to the charge sheet. Nobody was already in custody on June 27.

“The charges were trumped up,” says Nobody's lawyer, Julian Falconer.

They were also withdrawn in October.

To be clear, the new video does not show Nobody being assaulted behind the vans, as he claims. No evidence has yet surfaced of the beating he's described. That is commonly the case when any victim of crime calls the cops to report an assault. Indisputable evidence isn't the standard of proof for laying charges in the civilian world.

What this week's *Star*-obtained video footage suggests is that something severe did happen to Nobody between the time he was led away in handcuffs and, a few hours later, transported to the Eastern Ave. temporary jail.

There should be pictures showing the state of Nobody's face since, as he told the *Star*, he was photographed by the two plainclothes officers before they placed him in the van and, later, by others upon arrival at the jail.

The SIU has identified the two plainclothes officers. Neither has yet been charged.

On Nov. 25, the SIU announced it had completed six separate investigations into injuries sustained by a half dozen men during the G20 Summit in Toronto. These males had all received their injuries on June 26 but at various locations in the downtown area.

In the Nobody case specifically — and eight witness officers were interviewed — the SIU concluded his injuries were sustained during the initial tackling by officers in riot gear, some striking with their batons.

Director Ian Scott: “In my view, there are no reasonable grounds to believe that any identifiable officer committed a criminal offense in relation to the injuries received by the complainant. The complaint involves two allegations of assault by police officers occurring in quick succession. The first relates to the conduct of the officers at the original arrest scene.”

Nobody's injuries, Scott continued, were consistent with one of the bushwhacking officers who can be seen in a separate YouTube video — the now famous footage shot by web designer John Bridge that Police Chief Bill Blair argued had been doctored — hitting Nobody with a closed fist in the upper area of either his body or head.

Although Scott determined “these closed fist strikes appear to be an excessive use of force,” he was unable to identify the officer; thus, no charges.

Regarding the second alleged incident, Scott said the evidence (never explained) indicated Nobody already had bruises when he was turned over to the plainclothes officers. There was no corroborating evidence to support Nobody's insistence he'd been beaten — kicked in the head — behind the vans.

“Had the complainant been kicked repeatedly in the head, I would have thought he would have received more severe injuries than the ones documented in the medical records and photographs. The fact that the injuries appear to be more consistent with the force used during the arrest makes it even less likely that there was a subsequent assault.”

They don't believe Nobody. The investigation has since been reopened but still appears to be focused on the first incident, the take-down.

The *Star's* videotape is the first known evidence of how Nobody looked at that point.

When contacted by the *Star* yesterday, SIU spokesman Frank Phillips said the agency did not have this piece of footage and so Scott was never in a position to draw inferences about Nobody's injuries as suggested by images of him walking away from the original tackle.

“We didn't have this other tape. Since then, we've received a lot more information from the public and the media. That may change things.”

The SIU met with the University of Toronto student who made the tape obtained by the *Star* this week. “When the director sees this tape, he may very well decide that Nobody received his facial injuries later,” said Phillips.

In an interview with the *Star* last night, Nobody was sticking to his original accusations about the plainclothes officers.

“My cheek was already swelling when they got me. But they definitely put the boot to me.”

Actually, he believes they were wearing running shoes. And they became angry when, after demanding he give his name, he obliged and said: “Nobody.”

“The one guy, the blond guy, threw me down. He was grinding my face into the ground. He was holding me down with his foot on the back of my head, while the other one went through my backpack. Then he started kicking me too.

“I was in handcuffs already and they kept kicking me in the head, harder and harder.

“It wasn’t until they put me in the van that I even realized my eye was bleeding.”

Not one beating but two.

And no charges.



© Copyright Toronto Star 1996-2010 Terms & Conditions Privacy Policy