



PRESS ADVISORY

Officer Receives Conditional Discharge for Assault on Mohawk Man

July 3, 2024

Today, Justice Patrick Hurley of the Ontario Superior Court of Justice released his sentencing decision in the assault case against Belleville Police Service Constable Jeffrey Smith. Constable Smith was convicted of the assault of Mario Baptiste Jr., an Indigenous man from Tyendinaga Mohawk Territory.

Constable Smith, along with Constable Fyke of the Belleville Police Service, were both charged with assault causing bodily harm on Mario Baptiste Jr. during a takedown of Mr. Baptiste at a Taco Bell restaurant in Belleville on November 15, 2019. During the altercation Mr. Baptiste was forcibly removed from his table at the restaurant, taken to the ground, and restrained. During the restraint, Mr. Baptiste lost consciousness and was rushed to the hospital. As a result of the altercation, Mr. Baptiste sustained injuries, including but not limited to, finger fractures, rib fractures, and extensive bruising.

On December 20, 2023, Justice Hurley found Constable Smith guilty of assault and dismissed the charges against Constable Fyke. The Crown is appealing the acquittal of Constable Fyke and the acquittal of Constable Smith for the charge of assault causing bodily harm.

Justice Hurley ordered a conditional discharge for Constable Smith, with a 12-month probationary period. Constable Smith will continue as a Belleville Police Service officer. He remains subject to police disciplinary hearings in this matter.

Legal Counsel for Mr. Baptiste, Asha James of Falconers LLP said:

“Mr. Baptiste and his family are of course disappointed by the decision of Justice Hurley. Police are placed in positions of trust. They have the power to use force against ordinary citizens. However, when that force is used unlawfully, the community expects that police are held to account for their conduct. Mr. Smith gets to continue to be a police officer with the Belleville Police Service and Mr. Baptiste, who did nothing wrong that day, is afraid for his safety and won’t come into Belleville unaccompanied. Where is the justice in that?”

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