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Lawyer for man shot by police calls for probe

A man shot by two Freeport police officers was unarmed, his attorney said Friday as he called on the Nassau district attorney's office to conduct a full investigation of the incident.

Police fired nine rounds at Frantz Byer, 21, during a July 14 foot chase on Leonard Avenue, after, they say, Byer pointed a .22-caliber revolver at two officers.

Byer, of 98 Harris Ave., Freeport, was hit five times in

the lower back and thighs and is in guarded but stable condition under police watch at Nassau University Medical Center in East Meadow. He has been charged with attempted assault and criminal use of a firearm, police said.

His attorney, Frederick K. Brewington of Hempstead, disputed police accounts. Brewington said Byer, who was with a friend during the 1 a.m. shooting, was carrying a bottle, according

to witnesses. Nor is Byer a member of a gang, as police have claimed, Brewington said.

"We are asking that all witnesses be examined and examined carefully," Brewington said. "For police to come out and smear his name is abusive."

He called on District Attorney Kathleen Rice to immediately empanel a grand jury to investigate the shooting. Eric Phillips, a spokesman for the district attorney's office, said an independent

investigation is customary and declined to comment further.

Court records show that Byer pleaded guilty in 2004 to disorderly conduct after being charged with criminal possession of stolen property and various traffic violations. In 2005 he was charged with assault and pleaded guilty to harassment.

Det. Sgt. Anthony Repalone, a spokesman for Nassau police, said forensic evidence shows that the gun Freeport

police say Byer was carrying was struck by a bullet and found lying next to him. He said the officers, whom he declined to identify, acted in accordance with their training.

Byer filed a complaint against the Freeport Police Department in March of 2006, alleging unfair treatment. In a statement, Byer wrote that police twisted his arm behind his back near his home after he refused their request to speak with him.