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Man shot by cops on gun trial

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A Freeport man shot in the back by police officers went on trial yesterday in Mineola.

Frantz Byer, 22, of Freeport, is charged with weapons possession and menacing police.

Byer pointed a revolver at Freeport police Officer Timothy Nolan after he and Officer Kenneth Endo responded to a 1 a.m. phone call from a resident on July 14, 2007, prosecutor Daniel Looney said in his opening statement in Nassau County Court.

But Byer's attorney, Frederick Brewington of Hempstead, said his client was carrying a bottle of Jack Daniels whiskey and not a gun.

"Someone put a gun there, someone in charge of the scene, but not Frantz Byer," Brewington said. "They're trying to make it that his DNA was on the gun before he got shot."

The person who called Freeport police reported that a man with what appeared to be a gun was with

a group of men on Leonard Avenue, authorities said.

When the officers responded, Byer ran, Looney said. As the officers chased Byer, he pointed a handgun at Nolan, Looney said. Nolan and Endo then shot Byer repeatedly. He had back wounds and a colon injury and lost a kidney.

"He was shot twice in the back," Looney said.

Looney said tests on pieces of a .22-caliber revolver found at the scene contained DNA from Byer and an unidentified second man.

Looney said it appeared the impact of a bullet from one of the officers' pistols shattered the revolver into pieces.

After crime lab examination of the shattered gun, Looney said, "It becomes very clear that on July 14, 2007, Frantz Byer did have a loaded handgun."

In court, Brewington said the police shot Byer six times in the back.



Frantz Byer, shot by Freeport police

But outside court Brewington said he meant the police shot Byer in the back of his body — twice in the back, twice in his buttocks, once in a thigh and once in a hip.

Brewington also questioned how Byer's DNA got on the revolver.

Det. Roger O'Hara of the Nassau police department's crime scene section said he identified evidence and put it in plastic containers — including revolver pieces, gun cartridges and a whiskey bottle.

Brewington quizzed O'Hara about his collection methods and asked whether he relied on evidence that another detective identified.

"It was Det. [Timothy] Slevin who spoke to you and told you the items he was interested in, right?" Brewington asked.

O'Hara said he did not use Slevin's information "to the exclusion of anything else."