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Bronx teen smashed into hookah bar window by NYPD sergeant wants cop tossed from force

BY JOHN MARZULLI / NEW YORK DAILY NEWS / Tuesday, January 5, 2016, 7:43 PM

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Attorney Sanford Rubenstein, joined by Javier Payne's sister and mother, filed a \$25 million lawsuit against the sergeant and the city.

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On the eve of testifying at a police tribunal, the teen who nearly died after he was smashed into the window of a Bronx hookah bar by an NYPD sergeant said his assailant should be booted from the force.


Javier Payne, 15, is scheduled to appear Wednesday in the NYPD trial room at One Police Plaza where Sgt. Eliezer Pabon is charged with using "unjustified force" against the handcuffed boy on May 17, 2014.

"What he did to me wasn't right and he could do it again," Payne told The Daily News. "I feel he should lose his job."

The Bronx district attorney declined to press criminal charges against the sergeant because a glazier claimed the window was defective, but the Civilian Complaint Review Board found that the sergeant used excessive force.

The incident occurred after Payne and a 13-year-old pal were arrested for punching a man in the face after asking him for a cigarette.

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HANDOUT

Javier Payne, was critical condition after his head was shoved through a plate glass window of a hookah bar by an NYPD cop.

A surveillance camera at Hookah Spot on Arthur Ave. captured the action as Pabon rushed at the handcuffed youth facing the window, and in a clearly unprovoked action, struck the teen with his left arm.

VIDEO SHOWS TEEN BEING THROWN INTO GLASS WINDOW BY NYPD COP

Payne slammed up against the window which exploded on impact.

"This department trial will determine how the NYPD polices itself," said lawyer Sanford Rubenstein, who has filed a \$25 million lawsuit against the sergeant and the city.



ENIO ALVAREZ/NEW YORK DAILY NEWS

Sgt. Eliezer Pabon used excessive force, the Civilian Complaint Review Board found, when he pushed then-14-year-old Javier Payne through a window.

Payne, now a 9th grader at Health Opportunity High School in Manhattan, underwent emergency surgery to remove pieces of glass from his chest.

The teen said he is self-conscious and embarrassed by the scar on his chest.



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"I get sharp pains in my chest sometimes because of the way I move my arm," he said.

Pabon's lawyer declined to comment.

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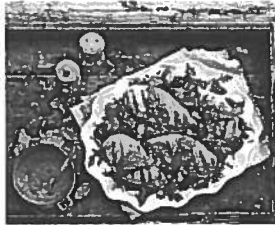
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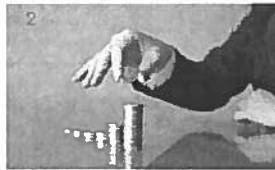


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