

BY DENIS SLATTERY
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THE REV. Al Sharpton on Saturday defended the 14-year-old boy allegedly thrown through a plate-glass window by an NYPD sergeant, insisting any crimes the kid committed didn't warrant such violence.

"Two wrongs don't make a right," Sharpton said at the National Action Network's headquarters in Harlem. "We cannot have a city where policemen come and shove handcuffed children through windowpanes."

The victim, Javier Payne, appeared groggy as he sat in a wheelchair beside Sharpton and sported a thick white bandage across his forehead. At one point he lifted his white T-shirt, revealing a gash in his left side closed by 50 staples.

"This is unbelievable," Sharpton said. "This is because he talked smart to a cop."

The brutal encounter began May 17 when Javier and a 13-year-old friend were arrested in the Belmont section of the Bronx after allegedly assaulting a 39-year-old man they had asked for a cigarette.

The teens were handcuffed, and Javier began talking trash to Sgt. Eliezer Pabon of the 48th Precinct, sources said.

Surveillance video captured Pabon shoving Javier from behind, causing him to crash through the window of the Hookah Spot on Arthur Ave., according to sources.

Union investigators determined the window was already damaged before it shattered, said Edward Mullins, president of the Sergeants Benevolent Association.

"There was a hole with a spider web of cracks around the hole," Mullins told The Daily News. "It wasn't structurally sound."

Mullins denied the sergeant shoved or pushed the boy into the window, although he acknowledged he hasn't seen the video.

"The sergeant is going to fully defended and the truth will come out," he said.

Pabon was stripped of his gun and badge Friday, a police spokesman said.

Payne, an eighth-grader who weighs only 89 pounds, underwent emergency surgery at Jacobi Medical Center and was in intensive care for four days.

"This is a difficult time," said his sister Christina Payne, her voice cracking. "I'm very upset and I just want justice for my brother, for these cops to be brought to justice."

Sharpton said the family wasn't making excuses for Javier's alleged misdeeds.

"If he and his friend had done anything that was out of order they should be dealt with and litigated by law — not brutalized based on anger and lack of training."

Christina said her little brother was like other kids.

"He likes sports," Christina said. "Football. Basketball."

"But he is not into diving through windowpanes!" Sharpton added.

The Bronx district attorney's office is considering whether to bring criminal charges against Pabon, sources said. **With John Marzulli**



Javier Payne, joined by the Rev. Al Sharpton and mom Cherita Payne, shows off his wounds after cop allegedly shoved him through a plate-glass window. Lawyer Sanford Rubenstein (r.) is also at teenager's side.

Justice shatter

Rev. Al backs kid bashed by cop