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Jury nips NYPD dog-bite suit

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D.J. THE DOG is in the clear.

The NYPD police dog was only doing his job when he tore into two burglary suspects hiding from Brooklyn cops in 2004, a Manhattan Federal Court jury ruled yesterday.

The jurors rejected the suspects' claims that cops had pinned them facedown when D.J.'s handler, Officer Lawrence Zacarese, ordered the German shepherd to "get" them.

William Byrant, 19, was bitten on the right leg. Emmanuel Blake, 22, said he was bitten on the face, neck and both arms.

Cops said the suspects were struggling to get away when they were bitten. The two had been hiding in an air ventilation shaft of a maintenance garage at the Marcus Garvey Houses in Brownsville, police said.

"We are pleased that in returning a defense verdict on all claims, the jury recognized that there was no excessive force, no assault and no battery in this case and that the three officers acted properly," said Frances Sand, a lawyer for the city.

The lawyer for Blake and Bryant said they will appeal.

"The police are using K-9s to accomplish tasks that could be accomplished in much less harmful ways," said defense attorney Andrew Stoll.

Stoll acknowledged his clients were not sympathetic since testimony at the trial suggested they had broken into the maintenance garage.

The two claimed they were only hanging out in the garage, and the burglary charges were later dropped. But Bryant was convicted of grand larceny on an unrelated case last year — a fact which jurors were told.

Before trial, Judge Barbara Jones tossed out Stoll's claims that the use of a properly trained police dog could be considered deadly force. Only excessive force claims were considered by the jury.

City attorneys said it was one of the few dog-bite lawsuits filed against the city in recent memory.

D.J. is now retired.

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