

# Bellaire officer panicked in Tolan shooting, prosecutors say

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**Published 5:30 am, Wednesday, May 5, 2010**

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Photo: James Nielsen, Chronicle

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Bellaire Police Department Sgt. Jeffrey Cotton seen outside the courtroom Monday, denies allegations that his actions were racially motivated.

Prosecutors and defense lawyers agreed Wednesday that [Jeff Cotton](#), a 10-year Bellaire police veteran, shot an unarmed man in his parents' driveway the last morning of 2008, but disagreed about how the events leading up to the shooting should have been handled.

In opening arguments of Cotton's trial, [Clint Greenwood](#), an assistant Harris County district attorney, told jurors they would hear "disturbing" facts of Bellaire police officers disregarding basic safety procedures before shooting [Robert](#)

Tolan, then 23, in the chest.

Tolan, an aspiring professional baseball player, spent three weeks in the hospital because of the bullet, which is lodged in his liver where it will remain for the rest of his life, prosecutors said.

“They got in over their head and panicked,” Greenwood said of the officers.

Cotton's attorney, [Paul Aman](#), said Cotton fired three shots at Tolan because “he believed he was about to be shot by an auto theft suspect.”

## Astros in the World Series

Cotton, 40, is charged with aggravated assault by a public servant.

“He acted exactly as he was trained to do,” Aman said of Cotton.

The first witness of the trial, Bellaire officer [John Edwards](#), said he wanted to arrest Tolan and his cousin after running their SUV's license plate incorrectly. The mistake led him to wrongly believe the vehicle had been stolen.

Tolan and his cousin arrived at Tolan's home, where he lived with his parents, around 2 a.m. on Dec. 31, 2008.

Tolan was leaving work and the two stopped at a fast-food restaurant on the way home. After he saw them make a “quick” turn, Edwards followed as they parked on the street, he said.

Edwards told jurors he entered the wrong license plate while driving by the two men, who were parked and rummaging in the back seat of the black Nissan sport utility vehicle.

Moments later, the license plate number he ran—with one number wrong—came back as stolen. The stolen vehicle also was a black Nissan with four doors. It was one model year off from Tolan's sport utility vehicle.

## Chaotic scene

Edwards circled back to see Tolan and his cousin walking up the driveway to their house with a brown paper bag. Testimony showed the bag contained a bottle of vodka and a soda. Edwards said he got out of his patrol car, gun drawn, and told the two to lie down on the pavement.

The police officer testified that both men shouted profanity, disagreeing with him.

Tolan's parents then emerged from the house and yelled profanely at the two men to listen to Edwards.

“The scene was in no way under control,” Edwards testified.

Greenwood told the jury that seconds later, Cotton arrived and ended up “manhandling” Tolan's mother as the two officers panicked.

Aman told jurors that as Tolan and his family protested that the car was theirs and the two men lived there, Tolan's mother told Cotton, “Take your hands off of me!” Tolan then said, “Get your hands off of my mother!” Aman said.

As Cotton tried to move the woman, Tolan rose from the ground. Cotton fired three times, hitting him in the chest once.

Edwards testified Tolan “appeared to be charging or rushing” Cotton.

## Racial profiling alleged

Jurors also saw a 17-minute video of Edwards explaining to officials what happened, filmed hours after shooting.

The shooting sparked complaints of racial profiling against Cotton and the [Bellaire Police Department](#). Cotton is white, Tolan is black. Cotton has denied Tolan's race affected his actions.

Two of the jury's nine women are black. The other three jurors are white men.

Tolan and his family are suing Cotton and the City of Bellaire on accusations of racial profiling. Their attorney, [Geoffrey Berg](#), said the lawsuit has been on hold as the family waits to see what happens in Cotton's case.

Cotton, free on \$20,000 bond, remains on administrative leave with pay pending the outcome of the trial in state District Judge [Mary Lou Keel](#)'s court.

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