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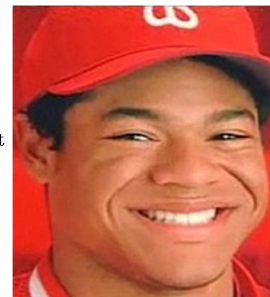
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On Monday, April 5, 2014, the United States Supreme Court [announced](#) that the excessive force lawsuit filed by Washington Nationals baseball player, Robbie Tolan, was improperly dismissed by the United States Court of Appeals for the Fifth Circuit. In reaching this conclusion, the Supreme Court agreed with arguments presented by the NAACP Legal Defense & Educational Fund, Inc. (LDF) in the [amicus brief](#) it filed in support of Mr. Tolan's appeal. Specifically, the Supreme Court concluded that the lower court improperly failed to consider the evidence supporting Mr. Tolan's excessive force claim and recognized that, contrary to the decision below, "[t]he witnesses on both sides come to this case with their own perceptions, recollections, and even potential biases."

Robbie Tolan was shot by a police officer in the driveway of his parents' home after being mistakenly suspected of driving a stolen car. He filed a civil lawsuit against the Bellaire, Texas, Police Department in federal court, alleging excessive force. The District Court granted the Police Department's Motion for Summary Judgment and the United States Court of Appeals for the Fifth Circuit affirmed. Mr. Tolan filed a petition for certiorari to the U.S. Supreme Court and LDF filed an amicus brief in support of this request for review.



In its brief, LDF argued that the circumstances of Mr. Tolan's shooting were tainted by indicia of racial bias, and these facts were not properly taken into account by the circuit court in its review of the evidence. LDF also asserted that the lower courts' assessment of the officer's conduct should not have ignored the influence of subconscious stereotypes which falsely associate race with criminality, aggression, and violence, and it detailed the science of implicit bias to show how it may have influenced the officer's hyperaggressive behavior (the shooting took place 30-seconds after he arrived on the scene) as well as an evaluation of its "reasonableness."



In reversing the lower courts' decisions, the Supreme Court agreed with LDF that the Fifth Circuit improperly failed to take into account the relevant evidence supporting Mr. Tolan's version of the events. And, echoing LDF's arguments, the Supreme Court acknowledged and credited the relevance of potential bias in a court's evaluation of the reasonableness of a police officer's conduct in a racially charged shooting case.

The case will return to the lower courts for an evaluation of the police officer's entitlement to qualified immunity based on a proper review of all of the relevant evidence.

Jenner Block represented LDF in this amicus brief.

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