

Protest planned after Bellaire shooting verdict

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HOUSTON --

Minority leaders have planned a protest Wednesday after a jury found a Bellaire police sergeant who shot an unarmed man not guilty of assault. Quaneil X and other African American leaders say they plan to protest out the Bellaire Police Department at 4pm.

On Tuesday, a jury found Bellaire Police Sergeant Jeffrey Cotton not guilty of aggravated assault, but that does not mean they believe he acted reasonably or professionally when he shot Robert Tolan.

It was a case that has sparked allegations of racism in the Bellaire Police Department, and if convicted, Cotton could have gotten life in prison. Instead, a jury decided Cotton did nothing wrong the night he shot an unarmed man in his front yard.

After the verdict was read, Cotton turned to his attorney and said, "Thank you."

Members of the Tolan family rushed out of the courtroom and someone in that group was overheard saying, "You've got to be kidding me."

However, it was the day Sgt. Cotton says he's been waiting more than a year and a half for.

"I'm glad that it's over. And I just want to go back to work," said Cotton as he was leaving the courtroom Tuesday evening.

It took the jury almost four hours to find that Cotton was justified in shooting Robert Tolan, an unarmed man who he thought was a car thief. Cotton insisted from the very beginning it was self-defense. He believed Tolan was about to shoot him.

"Jeff Cotton immediately said, 'What were you reaching for?' To me that went immediately to his state of mind indicating he believed he was reaching for something," said Cotton's attorney Paul Aman.

The incident happened in the early morning hours of December 31, 2008, in front of Robert Tolan's Bellaire home. During the trial, Cotton testified he was devastated when he learned Tolan was unarmed, but because of Tolan's movements, Cotton's attorney says the police sergeant felt he had no other choice.

"Is he happy he was shot? Of course not. He feels terrible about it," said Aman.

While the jury found Cotton not guilty of any criminal wrongdoing, today's decision has nothing to do with the pending federal civil lawsuit against Cotton that alleges racial profiling. We spoke with Tolan's civil attorney who believes that his client was targeted by Bellaire police because of the color of his skin.

"I was a little surprised. While certainly we respect the jury, we also respectfully disagree. This is in my view a terrible message to send to the county, the state and the nation that one of the most dangerous things you can do in Bellaire is be a black man," said Tolan attorney Geoffrey Berg.

Cotton is limited to what he can say because of that pending federal civil lawsuit. He did say he hopes to return to work sometime soon, although it's unclear when that will be.

The Tolan family released a statement saying, "We are obviously disappointed that the jury did not convict Jeffrey

Cotton. Cotton's criminal trial was only the first step in seeing that some measure of justice is done in Bellaire. The city has not changed its policy of racial profiling."

It goes on to say that with the federal civil lawsuit, the fight, "now moves to federal court. We remain hopeful that our family may still find justice."

City of Bellaire responds to verdict

The City of Bellaire released a statement after the verdict which read in part, "As the Jury's finding demonstrates, and consistent with the Bellaire Police Department's own investigations, Sgt. Cotton acted in accordance with standard police training and responded appropriately to the threat posed by Robbie Tolan during the early morning call for assistance."

On Tuesday evening at Bellaire City Hall, Mayor Cindy Siegel and the Assistant Chief of the Bellaire Police Department both refused to talk because they are named in the federal civil lawsuit filed on behalf of the Tolan family. The lawsuit, which also names Sgt. Cotton, was filed in May 2009.

The attorney representing the City of Bellaire in that lawsuit said today's verdict should put to rest any claims of racial profiling in the Bellaire Police Department. He says he anticipates evidence of racial profiling as alleged by some groups.

"There are allegations, but ultimately when you look at the statistics compiled by the police department... you find that there are not a significant number of complaints and there are not really any sustained complaints which demonstrate any relationship between race and the way the police department operates," said attorney Bill Helfand. "This is a professional, well-trained police department, and while that may serve somebody's lawsuit, it just isn't a fact."

We did ask him whether or not Sgt. Cotton will be eligible to return to the force and he said that Cotton is eligible. He says the chief is currently looking at that, but no date has been set when or if he would return to the Bellaire Police Department.

Closing arguments in high-profile case

The circumstances surrounding this high-profile case have generated a lot of public interest, so as you can imagine there was not an empty seat inside the courtroom Tuesday morning as closing arguments got underway.

In their closing statements, defense attorneys tried to convince the jury that the shooting was justified and that Sergeant Jeffrey Cotton shot Bellaire resident Robert Tolan in self-defense because he believed Tolan was an auto theft suspect who was about to shoot him. They argued that Cotton relied on police procedures and his training to handle the already tense situation outside the Tolans' Bellaire home on December 31, 2008.

On Monday, the jury heard from a Houston police officer who responded to the scene that morning. He said Cotton told him he shot Tolan because he thought Tolan was a suspected car thief and he saw him reach for his waistband, and grab something that appeared to be shiny.

However, in Cotton's testimony last week, the sergeant never said he saw Tolan grab something shiny. It turned out, Tolan was unarmed and his SUV was not stolen. On Monday, the defense called a "use of force expert", who felt that what Cotton did was justified.

Prosecutors claimed Sgt. Cotton and Officer Edwards, who initially stopped Tolan and his cousin in the SUV, were under pressure by the Bellaire Police Department and Bellaire city officials to "catch crooks" after a recent rash of car burglaries in Bellaire. Prosecutors also argued that Cotton panicked and struggled to get his story straight. They claim Cotton came up with three different versions of what happened.

Had he been convicted of the charge of aggravated assault by a public servant, Cotton could have spent anywhere from five years to life in prison.