

Police Officer Is Charged in Shooting of Texas Man

 nytimes.com /2009/04/07/us/07texas.html

By JAMES C. MCKINLEY
Jr.

4/6/2009

HOUSTON — A Harris County grand jury indicted a police sergeant Monday in the shooting of a young man outside his home on [New Year's Eve](#). The case has attracted widespread attention because the victim's family accused the police of racial profiling.

Sgt. Jeffrey Cotton, a 39-year-old veteran in the Bellaire Police Department, was charged with aggravated assault by a public servant in the shooting of Robert Tolan, a 23-year-old waiter. The sergeant is white, and Mr. Tolan is black. Mr. Tolan, who was shot in his driveway while his parents looked on, survived, though a bullet pierced his right lung and lodged in his liver.

Just before the shooting, Sergeant Cotton and another officer had forced Mr. Tolan and his cousin to lie face down on the ground at gunpoint after they had gotten out of their car. The officers believed the car had been stolen, but it turned out to belong to Mr. Tolan, who is the son of [Bobby Tolan](#), a former major league baseball player, and aspires to be a baseball player.

“The Tolans are the only African-American family on the block,” said a lawyer for the family, Geoffrey Berg. “Bellaire engages in racial profiling, and this is the logical result of that policy.”

The Bellaire city manager, Bernie Satterwhite, rejected that assertion.

“There is nothing about the indictment or any investigation which even suggests that race played any role in the stop or Sergeant Cotton's actions when he arrived as a backup officer,” Mr. Satterwhite said, reading a [prepared statement](#).

David Donahue, a member of Sergeant Cotton's legal team, said the officer had fired only after Mr. Tolan leaped up and attacked him. “He felt he was in immediate danger,” he said.

As the Tolan family recounts the story, Mr. Tolan and his cousin obeyed an order from the first officer on the scene, John Edwards, to lay on the ground. As Sergeant Cotton arrived in a second patrol car, Bobby Tolan and his wife, Marion, came out of the house in their pajamas.

Mrs. Tolan tried to tell Sergeant Cotton that the police had made a mistake — that it was her son's car, Mr. Berg said. The sergeant grabbed her by the arm and threw her against a garage door, the family says. As Robbie Tolan tried to rise to defend his mother, Sergeant Cotton fired at least three times, hitting him once in the chest, Mr. Berg said.