

Texas Officer Is Acquitted in Shooting

 [nytimes.com /2010/05/12/us/12houston.html](https://www.nytimes.com/2010/05/12/us/12houston.html)

By JAMES C. MCKINLEY
Jr.

5/11/2010

HOUSTON — A jury on Tuesday acquitted a white police officer accused of shooting a young black man in a case that attracted widespread attention in Texas because the victim's family accused the police of racial profiling.

A defense lawyer for the officer, Sgt. Jeffrey Cotton, a 39-year-old veteran in the Bellaire Police Department, had argued that the sergeant felt his life was in danger when he shot Robert Tolan, a 23-year-old waiter, in the driveway of the young man's family home. The jury agreed that the shooting was justified.

"We are very happy with the verdict," said the defense lawyer, Paul Amman. "We believe we presented a good case, and Jeff was never guilty of these charges."

Sergeant Cotton and another officer forced Mr. Tolan and his cousin to lie face down on the ground at gunpoint after the young men had gotten out of their car in front of Mr. Tolan's house. The officers mistakenly believed that the car had been stolen and that Mr. Tolan had a weapon. Mr. Tolan survived the shooting, though a bullet punctured his lung and lodged in his liver.

Mr. Tolan, the son of Bobby Tolan, a former Major League Baseball player, watched stone-faced as the verdict was read and then left the court with the rest of his family, declining requests to be interviewed.

Outside the courtroom, Sergeant Cotton said: "I'm glad it's over. I just want to go back to work."

The Tolan family has also sued Sergeant Cotton, charging him with racial discrimination. That suit is pending.

The shooting created a storm of controversy last year, as black leaders and lawyers for the Tolan family said Sergeant Cotton's actions were part of a pattern of discrimination in Bellaire, an affluent town largely surrounded by Houston.

The Bellaire Police Department has been accused of stopping black and Hispanic motorists that pass through the city more often than it stops whites, an accusation the city strongly denies.

During closing arguments on Tuesday, the prosecutor, Clint Greenwood, argued that Sergeant Cotton had given three versions of the shooting, once saying he saw something shiny in Mr. Tolan's hand and then later retracting that statement.

"An unarmed kid was shot by the Bellaire police, and you know what? He wasn't doing anything illegal," Mr. Greenwood told the jury. "It's a tragedy of errors, not a comedy of errors, a tragedy."