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Estate of Police Shooting Victim Terence Crutcher Files Reply Brief In Appeal of Dismissal of Civil Rights Lawsuit

Firm News | December 23, 2024

On Friday, December 20, Gibson Dunn and Solomon Simmons Law filed a reply brief in the appeal of a dismissed civil rights lawsuit. The case arises out of the death of Terence Crutcher, who was unarmed and had his hands raised, when he was shot and killed by a Tulsa police officer in 2016. On September 16, 2016, Officer Betty Shelby approached Mr. Crutcher as he was walking down the street and then violently escalated the encounter to deadly force within minutes. Mr. Crutcher's killing is captured on video—which was released shortly after his death following public outrage. At the time he was killed, Mr. Crutcher's hands were raised, he had no weapon, and he was not under arrest. The Tulsa County District Attorney charged the officer with first-degree manslaughter, but she was acquitted after trial in May 2017. Mr. Crutcher's Estate brought a civil rights lawsuit against the officer and the City of Tulsa in June 2017, but the lower court granted the officer qualified immunity and dismissed the Estate's claims against the City for unconstitutional police practices. Those rulings are now on appeal. The reply brief responds to several arguments made by Officer Shelby and the City of Tulsa. It notes that the Court cannot set aside the devastating video evidence showing that Officer Shelby needlessly pursued and killed an unarmed man who had his arms raised in the air. The brief further notes that any disputes about how to interpret the video of Mr. Crutcher's killing should be resolved at trial by the jury. The reply brief also explains that the Estate has made sufficient allegations showing a widespread, unconstitutional culture and practice at the Tulsa Police Department of "shoot first, ask questions later." For example, the complaint includes statistics showing that Black Tulsans are stopped, cited, arrested, jailed, and subjected to excessive force at disproportionate rates. Between 2012 and 2016 (when Mr. Cruther was killed), Black Tulsans were arrested twice as often as any other race in the City of Tulsa. The filing of the reply brief means that this case is fully briefed and ready to be heard by the Tenth Circuit Court of Appeals. Oral argument is expected to be held early next year. Karin Portlock, partner at Gibson Dunn, stated: "We look forward to presenting the Estate's case to the Tenth Circuit. Terence Crutcher had his hands raised and posed no threat to anyone when Officer Shelby shot and killed him. Qualified immunity should not have been granted, and this case should proceed to trial. We are honored to represent the Crutcher family in their continued pursuit of justice for Terence Crutcher's unjust killing." Damario Solomon-Simmons of Solomon Simmons Law also stated: "While I am confident that after watching the video of an unarmed, non-threatening Terence being shot while his hands were in the air, the Tenth Circuit will reverse the district court's unjust dismissal of our case, we remain heartbroken that Terence's unnecessary and unconstitutional shooting took him away from his loving family and community. Today, as I have for the last eight years as their lead counsel and decades-long family friend, I stand with the Crutcher family to remember Terence, and look forward to the Tenth Circuit allowing us the chance to hold the City of Tulsa and Officer Betty Shelby accountable for his death."

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