

Special Agent  
September 24, 2014  
10:10 a.m.

Special Agent \_\_\_\_\_ = SA  
\_\_\_\_\_, DOJ =  
\_\_\_\_\_, AUSA = AUSA

SA \_\_\_\_\_ Today is September 24<sup>th</sup> it's 10:10 a.m. This is Special Agent  
I'm here with ah DOJ trial Attorney \_\_\_\_\_, AUSA  
and we here to interview you could please say your name sir.

SA \_\_\_\_\_ Okay.

: \_\_\_\_\_ Okay, so \_\_\_\_\_ like I said before um, we have gone over my name  
is \_\_\_\_\_ and I am a prosecutor with the Civil Rights Division of the  
Department of Justice and \_\_\_\_\_ is a prosecutor here um, federal  
prosecutor based here in St. Louis. So we are working on this  
investigation with the FBI and because we know that you gave an  
interview with the county police but we didn't get a chance to meet  
you. So, that's why we wanted you to come in okay?

: \_\_\_\_\_ Okay.

: \_\_\_\_\_ Um, and so all your answers have to be out loud because we are being  
recorded but if you nod your head or shake your head I will just. Um,  
and I am sure you know this and I have um, no doubt that you would do  
any different but we just have to let everybody know that if tell some  
kind of false hood or lie or embellish or exaggerate um, it is a crime to  
make a false statements to federal agents we want you to know that.

: \_\_\_\_\_ I understand.

Okay, um and we are trying to get what you know versus what you  
assume so if there is a distinction in what you are telling us and  
something is you assumed it we what to know what you assumed  
versus...our focus is on what you yourself know and heard and saw that  
day.

Okay.

Um, it's natural that you've heard other things and we may ask you  
about that as well but in terms of your own observations it's important  
not to guess and if your guessing to let us know.

: Alright.

: Okay, um, if I ask a question or any of us ask a question that seems confusing let us know because if you answer we are going to assume you understood.

: Okay. Uh huh.

Okay and I know here in the FBI and you came in through security we want to make sure you know it is voluntary so if at any point you had enough and you want to leave you let us know.

: Okay.

'Cause we are not gonna force you and make you stay here alright?

: Okay, no problem.

: Okay, um, do you have any questions for us before we?

: No.

Okay.

SA : Just real quick, I'm sorry. I wanna make sure I have your name spelled right can you spell it for me?

SA : Okay great thank you.

So you spoke to um, county police back on August 12<sup>th</sup> do you remember speaking to them?

Yes.

: Okay, so we are I'm not gonna go through the whole um, account with you because I know that you are, you already gave that you are going to the state grand jury tomorrow is that right?

: Right.

So I don't want make your rehash the whole thing.

Okay.

: Um, and I are the federal prosecutors not the state prosecutors so we won't have the opportunity to see you tomorrow so that's why um, we have listened to your recorded statement we have read the transcript but we just have some specific questions that don't jump out of the recording 'cause we can't see you.

Okay.

Okay so that is really what we want to focus on.

Alright.

: Um, so there were certain things that um you talking about um, and you when you're talking about you said like do this or do that. Do this and do that doesn't come across in a recording and it probably it obviously won't come across in this recording but in the beginning when you saw the a, the tussle in the car...

: Uh huh.

: ...can you describe for me or show me what you actually saw Michael Brown doing what you saw the police officer doing.

: Well actually as I stated to them from my porch I could only see from the passenger side.

Okay.

I don't know if he had grabbed him or what but you could see them tussling in the car because they were moving around.

: When you say he grabbed him who are you saying...

I don't know if he grabbed him or not.

: I know when you say he who is he?

The police officer.

: Okay.

Okay, 'cause he was walking toward everything when say something to him he must have said something to him and he was approaching that truck then we saw the tussling.

Let me ask you when you said he must of said something to him you mean...

: I think the officer said something to him because Michael started walking towards the truck.

: Okay so that's what I was going to ask you what made you said first when you say he I'm trying to figure out which he you mean.

: Okay I-I-I will make sure I distinguish between the two.

: And then when you said you used the expression he must of said something that's one of those assumptions which is totally fine for you to say that I just want you to explain to us why you are making that assumption.

: Well, I am assuming he said it because he was approaching the car. I mean if the officer tells me to stop and come here I am going there.

: Okay.

Okay I am gonna approach you I want to talk to you I want to find out what is going on.

And that is fine that makes sense.

But uh, we could-I could see them tussling you know and after that is when the first shot rang out.

: Let me ask you just about the tussling more specifically I know you said from what your vantage point was can you describe um, from your vantage point what Michael Brown's position was what his?

He was outside the car door.

: Okay.

: Outside the truck door he was in one of those big a, 4X4s not that 4X4s, SUVs.

: Right .

Ah, he was on the outside an officer was still in the truck.

: And how was Michael Brown's body like, what was...

: He was like-he was li...his head was I could see the top of his head he had a hat on.

: Okay.

: I could see the top of his head and then he dropped down and he had disappeared for a minute. The next time I saw his head was when I heard the shot that's when he popped up.

: Okay.

: Okay.

: Were you able to see from your vantage point whether his Michael Brown's body was bent into the, bent over onto the window.

From my vantage point I could say clearly he was not inside that truck. He-he would, partially maybe his head was right at the officer's head.

: Okay.

But, so far his body being in it, no I don't think I couldn't say for 100 percent accuracy that his body wasn't in it but I am more sure it wasn't

Okay, so you don't know for sure?

: No.

What about his hands?

They were inside.

: (U) so, his hands were inside and just correct me if I-if I say this wrong. Michael Brown's hands were inside the car?

: I believe so.

Okay you couldn't tell if any part of his like shoulders or anything were in it is that fair?

No-no.

: No, you couldn't tell or no, they weren't.

I couldn't tell.

: Okay, and could you tell and you said his head disappeared from view so um, do you not know whether his head...could you tell whether any part of his head went inside the car?

: No.

No, it didn't or no you can't tell?

No, I can't tell.

: Okay, fair enough. Um, and then where you able to see any movements that the police officer was making in the car?

: I could see him jerking around.

Okay.

: I could see his body; I could see his torso I could see from maybe like the shoulders up and jostling around like they moving back and forth like this it was just like there some kind of tug of war or something was going on okay.

: And just because the recording won't pick up what you are doing you are kind of leaning back and forth in the car.

: Right they kind of rocking back and forth um, like they were in some type of struggle.

: Okay.

Okay, that-that we could clearly see that they was strugglin' but I could not tell how much of his body was in the truck I'm not certain how much was in the truck.

Okay, when you say...that was fair.

You're referring to Michael Brown?

: Huh?

: how much of Michael Brown's body was in the truck.

: How much of Michael Brown's body was in the truck.

The officer was in the truck at the time?

: The officer was in the truck.

: And when you are saying what we saw when you say we who are you referring too?

Um, some other family who were on the porch with me.

: Okay that's your brother and your sister in-law?

Yes.

: Um, and was there too?

: Yes.

: Okay, and so um, once the shot rang out and Michael Brown started running how-how soon after did the police officer get out of the vehicle

A matter of seconds.

: Okay was it instantly or was there a slight pause?

It was like a slight pause I say within two or three seconds he was coming out.

: Okay.

: As Michael was running away the other gentleman Mike went one way the other gentleman went the opposite direction.

The other gentleman meaning Michael Browns friend?

Michael Brown's Friend.

Do you not know his name?

No, I don't-I don't know him. Uh, I've seen Michael Brown in the neighborhood he passed me because myself and the other lady we always sit out. Ah, I'm collecting social securities and she is retired. We just sit out and your know we talk he just walks around and I've seen him walk passed 'cause he has a friend who stays in apartment who's just beyond me and he would always come by and say hey ya know, how you doing sir how you doing ma'ma you know how you all doing you know everything else. That's the only contact I has with him other times I may have seen him at the stores in the neighborhood.

: Okay and we a veering off a little but just-just so I don't forget to ask you said he has a friend that leaves near you Michael Brown has a friend that lives in the apartment complex.

I have no idea about that gentleman.

: Oh, I thought you just...

Oh Michael Brown that has a friend that stays out there not the one that was with him I know nothing about.

: I understand that let me just ask you the friend that Michael Brown sees stays with or knows in the apartment complex do you know that friends name?

It's a female um, or fiancé no I don't.

Okay, do you know in which building she lives in?

SA

Here is a map if that helps.

I believe its let me get the address I think it is I think so.

Okay, do you know which level?

No, um, 'cause she was on third floor I think she moved down I'm not sure.

: Okay.

Okay I can't say for certain.

: Okay so back to what we were just talking about so, the friend that Michael Brown was with that day we will just refer to him as the friend would that be easier?

Okay.

Okay, so and when you said Michael Brown took off running there was a pause when the police officer chased what was that friend doing?

After he ran he disappeared we couldn't see him we don't know where we had thought he ran around to the side of the building but someone was saying that, and other people were saying ah, from other interviews that I've heard and read that he was actually behind the other police truck that was there. He ran behind this other car.

: Okay, so not, let's not go on based on what you heard or read afterward.

Right-right, so I didn't see him.

: So I just want to know so you so just tell us initially you saw him with Michael Brown correct we are talking about the friend?

Right-right.

: Um, during the-the tussle that you describe where was the friend?

Practically on the sidewalk.

: Okay what was the friend doing do-do you remember?

Just standing there watching what was going on between the officer and Michael.

And from your advantage point when Michael Brown took off running what did the friend do?

He ran the opposite way.

: Okay, and did you see him again?

No.

: Okay um, so when the police officer took off running after Michael Brown can you describe were you able to see his gun?

Let me stop you.

Sure.

He did take off running after Michael.

: Okay.

Excuse me I am have spasm in my leg. Okay, see this is not...this is not showing me anything.

: Okay there is a...

SA This one...I just switched if you don't like this map I will go with this one.

Alright.

: So we are looking at the a...

You are looking okay now this is way in the back I can't tell which one is which right here.

If this doesn't help you then-then you can just draw on a blank piece of paper.

SA : This is Clarion here you go with Canfield west.

Coming from West Florissant.

SA : Uh huh.

: Coming around okay. There is a, this is the last driveway.

SA : Okay.

: This is one right here, okay. This driveway right here okay his friend went toward West Florissant, Michael ran toward the first driveway which is located where the memorial is on the post. The officer got out the truck came around to the back of the truck...

: Okay.

: ... assumed his position like this.

: And you are showing the gun was the gun out in front of you?

: The gun was out like this he had his hand out he was in his position and he told him after the shot he got out Michael when he got shot he ran. By the time he got to the edge of the driveway after he crossed the sidewalk he got on the back part of the driveway he stopped. Michael stopped he was looking at himself to whether to see where he was hit he was doing this but he had stopped. The officer at that time really had come around to the back when Michael had his back turned to him he told him stop but he had already stopped. Michael turned around to face him and he had his hands shoulder high just a little bit about his shoulders but they were out away from his body.

: Okay let me just stop you and back you up a little se...a little bit. So you're saying when the officer got the vehicle you said he ran around his car and stopped and did not chase after Michael.

: No.

: Um, and when Michael was running away um, the officer was not shooting at him is that correct?

: No, he didn't shoot then.

: Okay.

: He had already fired one shot but when he came around to the back and assumed the position and he yelled at him to stop which Michael had already stopped. When Michael turned around he told him again stop.

: Okay.

Michael took a step off-off the side walk soon as his foot hit the street the officer let loose wham, wham, wham.

Okay and so you are making gunshot sounds.

Right.

: So that initial shot though occurred inside the vehicle correct?

Correct.

: Okay,so you are saying the next time any shots were fired was when Michael Brown was facing the officer is that correct?

Correct.

: Um, and that was after the officers had stopped.

Right

: Um, and then he didn't shoot until Michael Brown made a movement.

Made a movement.

: And the movement was toward the officer correct?

Right, he took a step to the street like he was it looked like he was, you know, he was giving up 'cause that's what we was saying we was there he's giving up he's giving up.

: Okay.

We are looking at him he is giving up but then as soon as he stepped on that street he got his foot in the street he fired three shots.

: Alright, let me ask you about when he had his hands up um, you had described previously that was he was standing with his as you said he hands up around where his shoulders were and that his palms were facing him is that correct?

No, they were like this, palms were facing the officer they were like this when he...okay he's the officer I turn around and I did like this he did like this.

Okay and you are showing you palms are out.

: Right-right.

: Okay just so that I can understand um, from my understanding when you were-when you previously interviewed by the county police you described that he kinda stopped and like looked down to his right.

When he stopped at the stairwell yes he does kind of look at himself when got stepped off he was still like this but he had his hands up he was trying to see where he was (UI) still tryin' to find out where he was shot to me.

: How do you...and tell me what makes you say that.

: Because he looked down to his side.

: Okay, and you said his right side.

Yeah, he was looking down on this side like that. Yeah, he was looking on his right side so and then he took a step out and he had his hands up and as soon as he took that step and got to the street, maybe about for him he was a big guy mmm he could have made it about three steps.

: Let me ask you this when he-when he-when he's running and he stops by that driveway and based on your vantage point, you-you think that he stopped 'cause he was-he was looking at to see where he was shot.

Yes.

: Okay um, so when he did that at that moment he stopped where were his hands initially?

Like this he had them up like this.

Okay, 'cause right...

...he took them away from his body to see he was like looking.

Alright. Alright. So that's a little bit different then what you-what you...

No, I told I said when he stopped he was looking he was like this. His hands were not steady like this but he had 'em up to look at...'cause he was a big guy he had to look and see what was up.

So he was like moving his arms up and away.

Moving his arms to see what was going on.

: And you-you have your palms sorta facing you like down like he's checking out his own...

He is checking out his own body.

: Okay.

But when he turned to face the officer he was like this he had up palms facing the officer like okay you got me 'cause he had already told him to stop.

: Alright let me just back track a little bit I'm sorry I am being so nit picky. When he was checking out his body were you able see anything on him?

No, I couldn't tell huh uh.

: Was there anything that stood out to you or nothing?

: Nothing stood out to me.

: Okay.

You know.

: Um, and so when he turned around ah, and took that step that's when you are showing us that he had his palms out.

Right. Uh huh.

: And so right after that when the officer started um, started shooting um, what did-what did Michael Brown do?

After he fired that first rou-that first volley he hit him he started staggering he first kind of went back like pow from the impact.

: Okay.

He stepped back and then he started staggering and he was looking at the officer and as he brought his head up he looked down like oh God I've been shot and he looked up to the officer and he was looking at him and he was staggering like we was trying to stay on his feet and myself and my family was telling him stop dude stop-stop-stop.

: You were actually were you actually saying that out loud, stop? Were you yelling?

We were saying he couldn't hear us from the you know from where we live.

: I know but, I know that he couldn't hear you but were yelling it in hopes that he would here you?

Hoping that he would here us but he was staggering and we could see that he was staggering and he took about I don't know three or four more steps but as he was taking his steps forward at that time the officer took a few steps back he was still in his spot when Michael took the other steps and he was staggering trying he body was like. Can I stand up please?

: Yeah.

SA Yeah absolutely.

Okay, when he was standing up he was shot he was leaning like this but his head was like this.

: So you are showing...

He was standing up staggering he was trying to stay up on his feet...

: Okay.

... like this and that's when we were yelling at him man stop-stop-stop 'cause my sister in-law said, she said oh God he is getting ready to kill him he is getting ready to kill him and then no sooner he said that no sooner than those words came out of their mouth he was going down it looks like he was going down and he let off four more shots wham, wham, wham, wham.

: Okay, and when the-when the-when the officer was shooting that is when the officer was coming toward him is that correct?

Right but he was not charging him he was defenseless hands up he was trying to stay on his feet and you could see that his knees was beginning to buckle and he was going down. When he shot him as he was going down he hit face first splat.

: Okay, where is his arms when he fell to the ground? And you're showing his arms at either side of his head?

They didn't when his body hit when I ran, I ran up there his arm one was like I can't exactly tell on the body, but one was like this when he hit down I guess they moved when he hit the ground but he was dead on the way down.

: And when you, I know can you picture where his arms were on the ground?

Probably like...

: I don't want to guess if you don't know I just want to know ...

I know I can't for sure.

: Alright.

I am trying to picture it but tell you the truth I didn't really want to see it you know because when, it was that when-when got, ran up there and I saw who it was I'm like oh my God I just saw him earlier this morning.

: Alright so let me ask you about that in a second but let me just clarify, so you saw two additional, two volleys of shots after that first one correct?

Right.

: And each time the officer was firing Michael Brown was coming toward him?

Yes.

: Okay and at no time did Michael Brown say anything correct?

I could not tell or hear if he did say anything.

: You didn't hear him yell um, don't shoot?

No, I didn't.

: But you were able to hear the officer say stop?

Oh yeah he was very-he was very loud .

: Um, you didn't hear Michael Brown say anything like okay, okay , okay?

No, I didn't hear that.

: Okay 'cause...

I'm...listen I'm dealing with two very excited and this is the first time s seen anything like that and is right here arararar.

: You are saying talking in your ear.

Right.

But I just wanna be clear. You were able to hear the officer?

Yeah, oh yeah.

: And you-you didn't hear anything from Michael Brown?

No.

Um, and you didn't from your vantage point you didn't see his mouth moving as though he was saying anything is that right?

My eyes was really focused on the officer because when he started moving staggering forward I wanted to see what he was getting ready to do because everybody was like he getting ready to kill him.

: Okay.

So, I wanted to see what he was getting ready to do but Michael was staggering you could see him clearly staggering you know and then when he started like he was going down he fired again and that's when they said oh my God they just killed him.

Okay, I just want to be clear you just said when this was all happening your-your attention shifted to the officer correct?

I could still see Michael but I wanted to see what he was gonna do I had both of them in the line of sight.

Okay is it fair to say that Michael was more just based on what how you were describing it in the visual you just gave me is it fair to say that Michael was more in your peripheral vision at that point.

Both of them.

: They are both in your vision.

From my-from my vantage point I can see both okay but to say, and I'm trying to make this as clear as I can.

I know you're doin' fine.

I could see both of them but as Michael was staggering toward him you know trying to keep his balance as he was moving forward we could see I could see the officer stepping back. When he took them steps back and as Michael was just staggering forward like oh my God that when they said he was getting ready to shot him and sure enough as soon as they said that he let loose alright.

Okay.

: That's when you are all yelling stop-stop-stop like you wanted Michael to stop.

Yeah, we wanted Michael to stop 'cause we-they anticipated in a split second that he was getting ready to kill him.

: Let me ask you this ah, on August 12<sup>th</sup> you'd ah, I just want to take you through what you said at that time. Um, you said ah, as he faces the officer and this is detective asking you this and as he faces the officer you say that his hands go up to a point where, and you said ah, about to his shoulders almost.

Right.

Okay, and that's when he has palms sorta facing himself and he is looking over his body?

When he got first shot and he got to the side...to the driveway his hands were up facing himself 'cause he was like looking at himself.

: Right. And let me-let me take you through...

When he turned around...

Uh huh.

...he gave up.

: Now, let me-let me...

His hands was up to his shoulders.

: Okay. Let me just (UI).

That's when he went up face-facing the officer.

Okay.

Okay.

Okay and you went on the say ah, back on ah, August 12<sup>th</sup> um, Detective says your arms are like palms up hands and fingers are roughly shoulder height is that fair enough to say you say yeah about close to his shoulder you agree with that?

Uh huh. Yeah-yeah.

: And, with his palms facing towards himself.

They're like this...no they're not turned the hands are like this.

: No, I'm talkin' about-I'm talkin' about...

There not...excuse me what you saying the hands are pointed toward him they were not I didn't say they were pointed toward him. I said his hands were like this I described it.

: Okay

I didn't say they were pointed toward him the only time I said that his hands was anywhere near is when he first got shot when he turned they were this way.

Alright but, I know, let me just take you through this okay and then, um, just see if you agree with this. On August 12<sup>th</sup>, Detective asked you your arms are like palms up and hands and fingers a roughly shoulder height is that fair enough to say and said yeah about close to his shoulder (UI).

Right

: Right? Okay.

Uh huh.

: And ah, and he asked you they are out at somewhat of an angle ah, would you say a 35 to 45 degree angle from the body about like this and you got the palms up right?

Right like that.

: And um, you say he is standing there he looks he looks down looking at his body that's where you are saying today he was looking to see, you thought he was looking to see if he was shot.

Right.

: Okay and then um, after that you go on to say that um, Detective asked you Michael Brown is standing facing the officer at this point with his hands at his rib cage ah, and you say yeah and Detective says hands palms up like at his rib cage and you say uh huh. Does that sound right ?

Right.

: Okay so on-on basically when Michael Brown this is what he asked you Michael Brown is standing facing the officer at this point and he his hands at his rib cage and you say yeah. Detective says hands palms up and you say uh huh and that's the way you recall it today?

Yeah.

: Okay, and you go on to say or Detective ask you and he was looking down at his body at some point 'cause you had already told him he was looking down at his body. Detective says and he was looking down at his body at some point and you say right, right uh huh, okay alright that's the way you recall it?

Yeah.

: Okay... just to be clear to we, when you talked about when you-you thought that the officer must have said something to Michael Brown because Michael Brown then approached the vehicle that's when you saw the tussle. So you actually saw Michael Brown come to the side of the vehicle he approached the side of the vehicle?

Right 'cause he wasn't that far from it.

: Okay.

His friend was still, when he looked around Mike-Mike was still in the street. His friend had backed up okay his friend had actually...

That's when he goes (UI) the sidewalk.

Took steps back, yeah.

: Took the steps back right.

Yeah you know.

: And let me ask you this had asked you this a little while ago about and you were sort of were very clear about where everyone was but she had asked you about when the officer went after Michael where was his gun at that time or could you see it and you-you corrected her and said well he just went to the back of the vehicle and assumed his stance

When he came out from around he must have had he must have already pulled it out of his holster as he was coming around.

: And that's what I am wondering did you see that could you see where the gun was before he assumed his stance?

It was in his hand then he brought it up like this.

Okay, before he brought it up in his stance it was in his hand?

It was in his hand.

You are directing down by his side?

Right he was pulling it out and as he came around so he can get a line of sight on Michael then he just he whooped-whooped his hand up gun already in his hand put it in his palm and aimed.

: And, shortly after that he said stop.

He said stop but when he said stop Michael had already stopped.

: Uh huh.

When he turned around he said stop again. When Michael took the other steps and he came out he said stop.

: Uh huh.

As he hit the street after he said stop so he fired. That's when started staggering around like he got you could tell he got hit the way his body jerked okay and as he was coming forward trying to keep his balance I guess to keep from falling he couldn't stand he was trying to get himself in a position I believe so that he could stand up. But, as he took those steps the officer took about two or three steps back as he did that at the same time, and he yelled stop again Michael was you could tell he was about ready to fall 'cause at the angle of his body...torso practically straight, knees wobbly but the torso was like I wanna say a 45 degree angle his hands had slowly be coming down.

: His hands was coming down?

Right.

: And he was-and he was bent toward the officer?

He was bent toward the officer.

: And I...let me stop you there real quick on August 12<sup>th</sup> again I wanna just take you back to what you said and Detective asked you where you describe exactly at this point Detective...what asked you and where are his hands at this point? And you say after he hit him with the three shots they were down.

Right.

: Detective says okay where at and you say down beside his body like this.

Right.

: And then he says you are basically putting your hands down at your side and you said, yeah they were like... they were limp.

Right.

: Is that... and that's the way you recall it today?

Right, right.

: And that was after the three-the three shots, correct?

After the three shots.

: 'Cause they were going down.

Yeah, 'cause he was hit and as he was coming forward he was trying to maintain his balance and I know what it is I've been shot alright I've been shot in the leg so I know how hard it is to try and keep your balance and-and I have to make this perfectly clear. His torso was straight, knees wobbly, but his upper torso was bent like he was...and he was still he kept his focus on the officer.

: Okay, so-so to be clear his from your vantage point and don't want you to, I mean, I get that you said you were shot so you know how it feels to be wobbly but from what you can actually see Michael Brown um, was focused on the officer correct?

Uh huh.

: He was bent forward correct?

Uh huh.

And that's a yes?

Yes.

: Okay and his arms where going to his side...

Right.

...at this point.

Right.

And he was moving toward the officer?

Right, very slowly and wobbly.

: And the-and the officer had said stop?

Right.

: And at that point Michael Brown hadn't stopped is that correct?

He, it looked like he was falling he was staggering-he was staggering trying to stay up okay. He was shot this gentleman was-was-was hurt. He was trying to keep up on his feet. He wasn't going toward the officer to try to get to him he was trying to stand up he was trying to maintain his self but you could see his body was trying to give out on him and at the angle his body was when he was, we told him that to stop the last time when he was looking at him and that's when the comments were made he's getting ready to kill him and no sooner they said that he was goin' like this his body was coming like this 'cause he wasn't even looking and he fired that's the only way he could have hit him in the head the only way. He was already on his way down the man was unarmed you have already put three to four shots in his body. Grant it he's a big boy, but he was hurt. He was hurt.

: And this was-and this is the point right before that-that final shot you referred to which (UI) all are still are still trying to tell him to stop.

Right-right and then when he-he fired off that last volley he hit down face first I've got who never seen anything like that in life, my sister in-law is going berserk, my brother and I look we didn't even see the other officer 'cause he had just moved away. Ah, we...then our focus, my focus is so, when I got and he got his wife we got took 'em in the apartment, got calmed down. I came back out I left and I ran up the street 'cause I wanted to see what happened. Not what happened but to see him, you know, just for some visual reason I wanted to see the body. And then as I got there close and I saw his face I knew who it was.

You talked before too about that point people started coming out from everywhere.

From everywhere.

: And can you tell us about that what was going on there at that time?

They all...they running out the...I could not from my vantage point I could see every apartment on the opposite side of the street um, the gentlemens who were working 'cause I was at my-my apartment in my bedroom window I can see them at the apartment that they are working on. And then I'm watchin' them 'cause they out there making a lot of noise. But anyway ah, but from the front of my house I couldn't see them but I knew they was there. I knew they were there...part people on my side and my street no one was there. The immediate apartment building where he was shot I couldn't tell if anybody was up there. As far as the apartments that are all the way in back of the driveway where he was-where he was stopped at where the memorial is I didn't see anyone on this side of the street in my sight now the other part I can't see them.

: Just tell me about when you went out there, you know, you mentioned people coming out from sort of everywhere from the back of the complex there and what were you...

From the side of the complex the back of the complex from everywhere they were everywhere.

Yeah, and you talked about on August 12<sup>th</sup> one reason you came forward is your own conscience that you wanted to make sure the family got the truth about what really happened.

Right..

: That's why you decided to come forward. You were concerned about things other people were saying what were you concerned about?

You have to understand out there they were looking for anything um, majority of them that came running out ah, from the other sides and the back there was three or four gentlemen that run out. They awe, yeah, he had his hands up like this.

: Like straight up in the air?

Straight up in the aire.

: With his palms facing the officer?

Yeah, hands up like-like-like and we're are standing there like no.

: And you knew that wasn't the case?

The gentleman that was beside us the workers "No"... we knew that and then you could see, it's you have to understand the mentality of some

of these young guys they have nothing to do. When they can latch on the something they embellish it because they want something to do. This is something they giving the okay now we got something we can get into. I've lived out there off and on for years. The majority of them do not work. They all they do is sit around and get high all day. Okay, that's it and just talk stupid and they had that there and then when we were standing there someone at the top of the hill I had gotten back to my porch. Someone at the top of the hill my brother, my sister and sister-in-law and was back on the porch when I came back. Fired off some shots the officers heard and they started running okay. Everyone that was on the other side of the street started pointing where did it come from everybody started point we had two people never seen these people before in my life in the whole time I have been out there and I sit out there a lot. Came up threatenin', hey ya'll better not say nothing ah, you'll snitching and all...now see that upset .

: Did they say this to you and

That's...they were talking...I was looking at the officers. was standing there and I happened to turn when said it, I'm like what? What? Ya know, and I thought wait a minute I said turn around everybody was still doing this but and this other girl had made a point to say something to .

To

Right.

: About not snitching?

About not snitching.

SA Two females?

Yeah.

: And-and...

So I'm like wait, what and I'm like and I told the girls I said what...I tell what ya what, you'all, in a very derogatory term, turn around everyone is pointing that way, ya know. For three days I had to deal with because that just shook to the core not used to anything like this.

: Can you explain this, 'cause I'm a little bit confused, what prompted these girls to come over to you and ?

Because everybody was pointing-point, you know where they heard the shots I was pointing. They say where they come from and I say right up there.

: Okay. Oh being... 'cause you were telling the police what they were talking about.

Right but the thing was the whole crowd was pointing up to the top of the hill and I'm like wait a minute, they singled out and

: I understand okay.

Okay, so the thing is the reason I just, really come to say certain things was because I got to protect I don't care. I'm sorry that happened to Michael Brown. I'm sorry for his families loss but I have and that's number one. I don't care about nothing I really wasn't going to say anything I really wasn't because I got to protect scared was scared for three weeks was scared.

: let me ask you this before when you were just talking about the people coming out and having to talk about the hands up in the air you said there were workers nearby you were saying that he put his hands in the air?

Oh no-no-no they didn't say that.

: What did they say?

They said the same thing I said and my-and my brother that his arms were shoulder length about just above his shoulders.

: Can you describe these workers?

They are working out on a, they are plumbing, some plumbers.

SA Like what they look like physically?

Ah, younger white-haired gentleman and an older one.

SA Both white?

Uh huh.

: But they were-they were actually there with you correcting all these other young (UI).

No, I-we everyone did that, alright? It wasn't until a couple days later 'cause he and ya know, he-I saw him when I was out there watching everything goin' on. I saw him talking to a couple of officers and he was talking to a plain clothes detective and ah-ah Ferguson officer I think. I'm not sure. I couldn't see but I know he had a blue shirt so Ferguson wears blue shirts so I assume it was a Ferguson officer. And the other gentleman was in a suit and ah, he was talking to him. The other, the younger guy he was like awe, he was going nuts, you know, but the older gentleman was talking about what he saw a few days later 'cause he was coming around (UI) he had to do something on every building he was on and ah, he just happened to mention it. He said yeah, no, said everybody out there was talking about the poor man had...man had his hands up in the air he said I didn't see that he said did you see that? I said no I didn't see that so the young guy say he was with him and said I didn't see it either.

These are the two white workers that you're talkin' about?

Right, and they...

: They were back there a few days later and talked to you personally (UI).

Yeah they...no, they didn't talk to me personally I mean (UI) of conversation but they were working on my building.

: But you were there and had that conversation?

Right-right, ah, me and the lady was standing there and he come down there and he was working on the pipe oh I was barbequeing and that's how the conversation started and ah, we got...he said (UI) she said oh, (UI) shook up and everything else about the incident. Um, he said but it got crazy and all these guys over there and everybody running around talking about the man had his hands all the way up in the air he didn't. He looked at me and said did you see he said I know you saw it didn't ya? I said yeah. He said I ain't...did you see what I saw and I said yeah. He didn't have them all the way up and both went same time same position okay young guy quit that day. He said I am not coming out there.

: And you said there was a lady there with you during this conversation?

Older lady. She didn't see the incident though.

Well, who is she?

She is the downstairs neighbor.

Was there any other conversation with them that day about this?

Mmm no, huh uh. He did-he did all he had to do was connect the pipe. They-they had missed-missed a connection on a pipe and then we got to talking about barbequing then we started talking about ah, we would start talkin' about other things he said he live in County. He's talkin' about how bad it is down there, ya know. He said nah, I go thee. Ya know, (UI) stuff happens everywhere.

: Everywhere.

You know he said but this is, he said this was crazy you know and ah...

: Did he have anything else to say about what was crazy about it or?

Ah, no it was just the way people reacted.

: And lets go back to that 'cause you-you first started talking about the two white workers that were there when you-when you first came down.

Uh huh.

And people were coming out and sayin' all kinds of things and you talked about how talked about people talking about him having his hands straight up in the air and you said...kinda said no that's not what I saw. Maybe I-I misunderstood but did you say also that the workers were down here at the same time saying no I didn't see that either?

Uh, no he didn't say that at that time.

: Okay.

Alright.

: When I came down that's after the shots were fired and everything else, I came back down 'cause it was...the crowd was it grew in a split second. So I walked down to the edge of my driveway and I could look over to see the building 'cause I can see the building they're working on from my bedroom window. And ah, they- he was talking, as I said again, he was talkin' to a detective 'cause hi s car was parked up on the grass on my side of the street and another officer in uniform had on a blue shirt. I didn't see the insignia but I'm just saying because, ah, Ferguson wears that type of color that it may have been a Ferguson officer that I had not talked to that man at all that day.

: Okay.

I did not speak to him.

: Alright, let-let's back up a little bit then um, when you come down and there are people saying things that-that you didn't see...how quickly after those last shots were fired was that happening I mean where people were actually saying things like that?

After he hit that ground I would say it took at least about a minute.

: Okay and that's when the crowd starts to gather. You said it was like an instant.

In a minute-in a minute maybe 20 or 30 about two minutes then three minutes it leads to be about 70 or 80 big group.

: Alright. And this...not-not just the crowd growing but people talking about saying things that didn't happen.

Right, right especially they started embellishing it when the stepfather showed up.

: When I'm sorry?

The stepfather.

: Okay.

: Oh, the stepfather.

He was the first one that I later found out he-I didn't know he was the stepfather until a few minutes later when he approached the...they had started to put the ah, what'd you call it...

: (U)

...tape up.

: Okay.

And he was trying to get to him. You know, oh my God ya know, yeah, he was screaming and hollering.

Right.

And the officer's trying to calm him down then I saw his cousin a little girl she has blonde hair, ah, she ran up the street they all came from Northwinds running up that's where the majority of the crowd came from.

: And when you said they started embellishing what did you hear?

Oh um, the officer ran up behind him shot him in the back.

And that's not true?

Not true.

: What else?

Um, he ah, he had his hands straight up in the air, not true. Um, then ah um, some guy I don't know who in the heck he was we never seen him before was um, I don't know where he came from he came out of the blue um, he was coming out saying, ah, that the office...that Mike had reached in and got the officer's gun out of his hand, not true you know. Ah...

: You had mentioned on August 12<sup>th</sup> that um, after that it was everyone started coming from the back saying oh my God he had his hands up in the air telling him don't shoot-don't shoot-don't shoot and you said he never uttered a word.

No.

: Right, referring to Michael Brown?

Right, that I could hear.

: And then you said...

That could hear I couldn't hear.

: Right an then you went on and you said that's when everyone come back and all of them started saying things like oh, he was on his knees.

Yeah, that's another thing.

: And when he shot him, he shot him on his knees.

Right.

: And then they came by and they said oh, he was laying down and the officer shot him in the head.

No, that was false.

: None of those things happened?

None of those things happened, none of those things.

: I also wanted ask you what you said earl-earlier on when we were talking, you said you saw Michael Brown earlier in the day before this happened.

Uh huh.

Can you describe your interaction what you saw?

Well, me and the lady was sitting outside, ah, I'm sitting on the steps she is sitting in her chair at the lower level and he come up, ah, steadily going to-to the driveway he cuts-they cut across the grass right there.

: When you say they, was he with the friend he was whole during the incident?

No, he was with some girl. I have never seen her before either and he came through and he said how you doing sir how you doing ma'am. I said oh, how you doing? He said you 'all doin' okay, yeah. He said alright, it looks-looks like it's gonna be a good day alright and he walked up.

About what-about what time is this at?

Hmmm, about, pst, it was early-it was early. I don't know it's around about 8 :00 I think, somewhere after 8:00.

: Okay, did you see him at all that morning before this incident?

Next time I saw Michael he was laying in the ground on floor in the street.

: Have you seen that girl that he was walking with have you seen her since?

I think I have. I can't say for 100 percent sure 'cause I wasn't paying to much attention to her, you know, 'cause he was talking to me. I'm looking...you talking to me I'm looking 'em you in the face.

: Do you know her name?

No-no. Huh uh. I don't know and I don't want to.

Let me ask you this...

Don't wanna know anybody else.

Well, and let's talk about that. You talked about the things when the crowd grew and -the the young guys who were saying things that weren't true. On August 12<sup>th</sup> you said something about this and I just want you about it. You said by living out there if you go against what they are saying I think they might nut you up go crazy what do you mean by that? What?

They had it in they mindset of what happened. They are set they are looking for a reason to explode, that's what they, 'cause they don't have anything to do.

Why-why are they looking for a reason to explode?

They got nothing else to do they running all day they're drinking and- and getting high all day we see this all the time. We have been on-on-on Canfield Green Apartments management to get all the drugs out of there. Okay all the time Northwinds got so bad they put gates up and when the gates are up the crime went up.

: Okay, so if-so you...

Ya know, I don't trust anyone out there either they all walk around there with their pants below their butt and everything else with no t-shirts on and they-and they so strong they will stand right there in front of ya and roll this stuff and I've had to run two of them off my porch who came and sat on my porch while inside I came went...alright, we been to the doctor's office (UI) they sitting on my porch in my chairs rolling up their blunts. That's how it is and if they strong enough to do that and they feel you are going against them...huh uh, no I got that I gotta protect.

So, what-what happened to someone who went against them?

Oh, shoot they jump ya. They'll jump ya.

: Do you think that's the general feeling there if-if people were to say something to us or the local police different than what they want to be said do you think there are people that are scared of 'em?

I think now as its getting longer in time the majority of 'em in our neighborhood my community my immediate community want the truth. It's the outside forces that are coming in. When they burnt that thing down yesterday, 80 percent of the people were from the city not from there. Cars were coming in parking lots were full. That lets us know immediately this is not Canfield this is not Ferguson.

: And when you mentioned that-that burning down yesterday are you talking about the memorial?

Yes.

: Did you see that?

Oh yes.

: What did you see?

I was standing outside in the morning I come out every morning step out. I like to smoke a cigarette outside. I stepped outside there was ah, white car and a red car I mean a white and a black car I'm sorry sitting there a grey dark grey charcoal car pulled up it wound up three of them. The first two like they were taking pictures, in fact, a girl was in the white car and she got out and stood on the driver's side and took a couple pictures got in. And, I saw those two drive off. The charcoal grey car pulled up beside it. I say oh, then I had put my cigarette above my ear...I left it on the kitchen counter. So, I walked in and I got it. I came back out I lit it and I walked to the other side of the porch just to look around I like to look around see the cars see who is out and everything else and by the time I reached my door step my door...my front door he gunned it or she gunned it or they gunned it and the car peeled off I mean peeled off. The next thing I know is whoosh.

: (UI)

It-it just blew up it wasn't no slow flame it just whoosh.

: You're talking about the memorial .

Yeah.

: Okay, did you see anybody go over and do anything to it?

I didn't see anybody they could have done anything from the car window they could have through something out on it. But, that was definitely to me an accelerant because the way the fire went up. I mean it just went whoosh. It wasn't a slow burn I mean they talking about a candle most of that stuff was wet most was wet.

: Okay.

Most of it was wet.

: Do you wanna take a break?

: Take a break?

: Do you mind if we take a break for second?

No.

: Okay.

SA (UI) mark on the map a little bit. Alright, we're gonna leave this running unless you want me to turn this off.

You don't need I don't talk to myself.

SA Okay.

So you can turn it off.

: We will be back in just a minute.

Okay

: Thank you.

START BREAK 50:17 END BREAK 59:36

: Alright I don't think we have much we won't take up a lot more of your time but we just have a few more questions for you okay?

Okay.

: Um, my understanding is before we took the break um, you talked about one concern you had after the shooting occurred people coming out and saying things that you knew were not the case based on what you saw is that correct?

Uh huh. Yes.

One of those things is these-these young men coming out and sayin' that ah, that Michael Brown had his hands all the way in the air like in surrender at the time that-that the shooting was going on is that correct?

Right.

: Alright and you didn't see that?

I did not see that.

Okay, and I just wanna clarify that um, let me if I could um, I-I referred you to some of your statement on August 12<sup>th</sup> and I just wanna make

sure that I understand ah, your statement then and now okay and if you like I have another copy here you can refer to if you want to or I can just read you these portions to help you. Is that fine?

Go ahead. Fine.

:

Okay great. On the...at the bottom of page seven you'd said um, you're referring to Michael Brown you said that he had like one foot on the grass and one foot on the driveway which you told us today. And then he turned around and he-he was like this so that is why people thought he raised he hands and that's...I think you are talking there about people claiming he had his hands raised but you said that he did something like this and is that when you were referring to him looking at his body?

Looking at his body...as she stated earlier about embellishing. They embellished it.

Okay.

He had 'em up but they want to...but to make it clearer that he was giving up they went from one which is what I saw to something that they probably assumed he did...

Uh huh.

... and stuck 'em straight up in the air.

Right okay.

Okay.

And so when you were demonstrating then he turned around and he had his hands like that like this so this is why people thought he raised his hands. You're talking about when he was looking at himself trying to determine if he was injured?

Right.

Okay and um, you said you went on page eight um, you said he looked down and then he did this and he looked at the officer and he walked he took about three to five steps. He hit him again pow-pow-pow. Alright so you were demonstrating there again and then as you went on ah, Detective made an effort to kind of narrate the way you were demonstrating on the tape do you recall that?

I believe so.

: Back on August 12<sup>th</sup> when you were demonstrating for him he was narrating back to you so that it would show up on the tape you recall that?

I believe so.

: Okay, and on page 17 of your statement you said as he faces the officer...ah, strike that Detective asks you as he faces the officer and you say uh huh, you say that his hands go up to a point where and you say to about to his shoulders almost. And then we go on to ah, page 18 and you say like this and Detective says kinda raised and you say he had his hands up like this and of course you can't see that on the tape so the detective...

Right.

: ...narrates and he says your arms are like palms up and hands and fingers are roughly shoulder height is that fair enough to say you say? You say yeah, about close enough to his shoulder yes, uh huh.

Not in the position you go it.

: Okay well.

When I tell ya, I said it like this not like this.

: Okay with palms up.

Not-not like this. They were close to the shoulder yeah, but they were not above about shoulder height.

: About shoulder height.

About shoulder height.

: With the palms up.

But his hands were out.

: Uh huh.

Away from arms out away from his body he like not like this.

: So I had my arms to close to my body?

: Right his is out like this and away.

: And his palms were up?

They are away from his body not like this-not like this-not like this.  
They're away from his body.

And detective...

This is my shoulder length this is exactly how I showed him.

Okay .

Okay.

With the palms up?

The palms are up.

Alright.

: (U) nothing in them I got nothing I'm giving up.

Okay, and you say that they're about close to his shoulders and Detective says they are at about somewhat of an angle and you say what would you say a 35-45 degree angle from the body and you go on to say on page 18 he is standing there he is looking he is looking down at his body and he looks up at the officer you say he looks up at the officer who had by this time was standing facing him after he turned around in his position. On page 19 you say um, Detective asks you Michael Brown is standing facing the officer at this point with his hands at his rib cage so know his arms are further down his hands are at his rib cage?

After the shots.

Okay.

: Someone left out it was after the shots.

Well, let's-let's make sure.

SA

The first volley of shots?

After the first volley of shots his arms came down a little bit 'cause he was staggering and it was like he was coming as he-as he got hit like oh shoot he was staggering around. Alright, they had to come down a little bit they were coming down. I didn't say they were at his body I didn't say they were next to his body he asked me a question I showed, demonstrated as he said something that his narration is not what I showed okay.

: The narration is not?

I told his...whatever he wrote down or he-he stated, yes. But his depiction of what I said what I showed him is incorrect.

: Well, now he's-he's narrating to you let me just-let me just finish going through it okay and then we can talk about it.

Alright.

: On the bottom of page 19 Detective says Michael Brown is standing facing the officer at this point with his hands at his rib cage and you say yeah. And Detective says hands palms up and so they're at his-at his rig cage palms up. And then you say well, they weren't up against his rib cage it was out 'cause he was looking down.

Right.

: Slightly away from his body.

Uh huh.

: And Detective says and he was looking down at his body at some point right, and you say right-right, uh huh. Then you go on to say on page 20 um, Detective says is anybody saying anything at this point and you say the officer when you look as he raised his head he told him to stop. So as Michael Brown raised his head to officer told him to stop is that right?

Right.

: And as he asks Michael Brown raises his head as he raises his head he says stop right there. He asked you the officer says this and your response was yeah he did say stop...

Uh huh.

: ...and when he left from that fixed spot then he was walking toward him and he asked you towards the officer and you say towards the officer. When he as soon as he put his foot on the street he hit him three times and he asked you like how many steps do you took before the officer fired and you said big boy as he didn't take that many steps I really couldn't ah, count yeah and so that's the first volley that he has his hands down near his ribs at the time of the right volley.

Right-right-right.

: Okay I just want to make sure of that.

Uh huh.

: Now, and that's the thing that's why I wanted to ask you about this sir is, you know, there were ah, three or four times where Detective or you went back to the when Michael Brown turned around and where his hands were and on August 12<sup>th</sup> I mean, there wasn't any mention of him having his hands up with his palms facing the officer or of course all the way up (UI).

I didn't say, I said when he hit he turned his hands was up he was looking down to see where he was hit.

: Uh huh.

When he... when his back was turned he was like this as he was turning around still looking then when he faced the officer there they were.

SA Above his shoulders now?

No, right that's right by his shoulders .

: On the 12<sup>th</sup> you always described him as having his palms up toward the sky right?

I didn't say...no, I didn't not say point to the...I say his hands were up like this I point out I did not state palms toward the sky.

: Alright-alright well...

If he wrote that ah, sayin' that in there no-no-no-no-no-no... I never said pointed up.

: Well, and this-this isn't something he wrote though sir I mean.

I didn't say pointed up toward the sky.

: Detective asks your arms are like palms up and hands and fingers roughly shoulder height is that fair to say?

Is this up? Isn't this up?

: Well, yeah palms up right?

Is this up? If I got them down like this down this is my depiction of up not like this. This is my depiction.

: Alright, well one thing that concerned me is that people were coming forward saying that he had-had his hands up...

Above his head.

: ... above his head.

Like this all the way up.

: Alright

He didn't.

: But consistently as its described on August 12<sup>th</sup> you have your palms up right? And not facing towards the officer but palms up correct?

Like, when he turned and faced the officer, his hands was in this position.

: Okay, were those palms facing the officer or were the palms facing up?

This is what I consider up.

SA So you consider this up?

: We need to be able to describe it for the tape that's-that's what I need.

SA So, this is facing forward, to clarify?

Well, if they went up to facing forward then not like this...

: Alright, (UI)

... like they were facing him. His hands up like this is my hands.

: Okay.

My palms are facing the officer they weren't like this pointed toward the sky they were pointed toward him.

: Well, and that-that's what I wanted to ask you is because on August 12<sup>th</sup> I mean you never said anything at anytime about his palms actually facing the officer.

I said his hands were up. I never said his palms was facing the sky. I said his hands were up about shoulder length arms out away from the body that's what I said. I'm gonna stick that, 'cause that's what I saw okay.

: And then before the first volley though his hands are coming down toward his rib cage?

Yeah, he was looking for 'em he is still looking like just searching to see where he was shot his arms were like this.

: Alright, and now you have your palms sorta facing toward yourself is that right?

He is searching his body and looking at his arms and everything to see where he was shot.

: Alright.

When he turned around and faced the officer I am gonna say it again. This is what I saw his hands were up shoulder length palms facing the officer not up toward the sky. That is my definition of palms hands up okay now when the people are out in the street and they was demonstrating they say hands up... they're like this; not like that; but they're like this.

: Their hands straight up in the air?

Right-right.

: And that didn't happen?

No.

: Okay, and but that's and just to clarify there, you were then demonstrating that after he turned around his hands come back down toward his rib cage and you were demonstrating and I wanna make sure this is just clear for the tape okay if you don't agree with what I say then correct me.

Uh huh.

: And-and I know that you will.

Uh huh.

: When his hands come back down you are demonstrating that palms are then sorta facing towards himself as he's looking at his body seeing if he's injured is that right?

Right still looking. Yes, he's looking again.

And that was ah, immediately before that first volley of shots?

Right.

Okay, and that was at the time that the Officer Wilson was saying stop.

He had already stopped he was looking and as he turn-he was turning around he was still looking the officer said to stop he was turning. Okay, you behind me he is doing this coming around as he is doing this my back is to the officer he is looking at his body like this and just as he started turning the officer said stop and he was still looking and then he looked up and when he called looking at the officer his arm proceeded to go out like this palms away from facing the officer arms away from the body palms facing in a I give up stance I give up. The officer again said stop he wasn't moving he took a step out. When he stepped out on the street his hands was still in the exact same position palms facing the officer arms away from the body and he shot him.

Now you-you-you now you just said though that before he shot him before that volley his hands had come back down towards his rib cage.

He-he came down right he still turn around before the shots he looked up and as he faced the officer his hands went up he was still doing this as he was turning looking at his self he was checking his body out to see what was going on. As he turned I'm looking, I'm turning, I'm lookin' his hands like this.

: You got your hands, your palms toward I just want to make sure for the tape.

Away from the body yeah palms are facing like this.

: Palms are facing towards his own body?

Okay I am looking up I see you. You the officer his arms went up that's what I demonstrated to him as I was standing there. Okay now he asked me a question yes hands was up that's it. This is what I say hands are up not this. Every depiction of everything what these people are doing are out here in the street so far as (UI) and t-shirts hands up no palms up.

: Hands...the hands straight up.

Right.

: That's what they are saying.

My definition and what I saw was his hands were up like this the same way.

Shoulder height.

But only they were here.

Alright, but if I understand correctly from what you said today and what you said on August 12<sup>th</sup> is then he then takes a step or two forward off that curb...

Uh huh.

...the officer was saying stop again.

Uh huh. Yes.

And at the time of that first volley his hands had come back down towards his rib cage where he again is looking to see if he's been shot and then the shots happened.

(UI) He had already had then down as he turned he started to face the officer his hands were up. They didn't come back down again until till the volley was shot fired.

SA The first volley?

The first volley.

SA So, I just, I know we went over that at length so now, so let me...tell me if I'm demonstrating right so he's running away stops he is like ah, looking around seeing what is going on. He turns over this shoulder or you just...

No, turn around-turn around like turn you back to me. Now you looking at yourself.

SA I'm looking at myself okay.

Right-right, uh huh. And you, now slowly turn to me doing the same thing.

SA Like this way over this shoulder.

Right, whatever and then as you turn and you look and you turn around and face me then your hands go up like this.

SA (UI) A round of shots come off and his hands are still here.

His hands are here and then he stepped forward stop.

SA As-as he's turning around he does...he going like this does he take a step forward?

As he did that he took a step forward he said stop but his hands-his hands was up.

SA Okay.

By the time he said-he said stop.

SA Stop.

He took a step he was out in the street when he-when his second foot hit the street bam-bam-bam.

SA So that's the first and then where do his hands go, 'cause it's kinda like he starts?

Down like this.

SA Just kinda doing this.

Like this-he's like this. They moving down.

SA Now, if he's kinda doin' this...

(UI) he got hit it was like this

SA And, I think you showed it was kinda like around.

Yeah, he was like wobbling awe, oh God and then he stopped. And as he was com-he was staggering to stay on his feet I'm staggering to stay on my feet you the officer...

SA Yes.

I am staggering to stay on my feet and then I raise up like this my hands are still right in this position.

SA Okay.

Alright, I'm staggering I am falling forward I am definitely just staggering towards you. I saw I am coming toward you as he takes three steps back as he started staggering he is still in his position.

SA

Uh huh.

When he started staggering forward he let loose again.

SA

But if he's staggering forward you said he was kinda almost hinged like this.

Right, that's how he was head barely up he was trying to keep focused on the officer.

SA

And then when say he fell, he fell, he didn't hit his knees he fell on his face first.

No face first.

SA

And you said so at the whole time he never moved his hands down like this.

They were coming down as he was falling.

SA

So his-his hands could have been at his side when he fell ?

They could have been.

SA

Okay.

They could have been they weren't up under his body.

Just one more time let you say that on August 12<sup>th</sup> you said Michael Brown is standing facing the officer at this point with his hands at his rib cage or Detective            says that and you say yeah.

Uh huh.

And he says hands palm up and you say uh huh and you say and he was lookin', he says he was looking down at his body at some point and you say right-right. And then you say the officer when he took as he raised his head he told him to stop.

Right.

He asked you does Michael Brown raised his head and you say as he raises his head he says stop right there and he asked you the officer says this and you say yeah he did say stop and when he left from that fixed spot then he was walking toward him and he asked you towards the officer and you say toward the officer when as soon as he put his foot on the street he his him three times like how many steps do you think he took before the officer fired and you told him you didn't count. So

what you indicated there then was at the time he takes the steps toward the officer and the officer says stop right there and then fires that first volley you say that just before that Michael Brown is standing facing the officer at this point with his hands at his rib cage hands palms up right and this is, so this is while he is looking...

(UI) So, they about like this.

:  
: Alright.

(UI) yeah, between, but they not, they right here. But like they're up. Okay, (UI)

:  
: That's fine if on August 12<sup>th</sup> you said, that at the time the first volley happened he was standing facing the officer with his hands at his rib cage hands palms up is that accurate?

Yeah like this.

:  
: Is it accurate what you said?

Yes, uh huh.

:  
: Alright thank you and that was the first volley of shots?

First volley.

:  
: Okay, I think I understand thank you.

Right. Hands up, no matter how you say is hands up okay.

:  
: At his rib cage?

Right about right in here 'cause he's a big boy.

:  
: Right.

Right, but he was definitely giving up.

:  
: The hands are at his rib cage at the time of the fist volley of shots.

Right.

:  
: Okay and with his hands-with his hands...right.

Away from his rib cage away not at his rib cage away his arms are still extended.

: Okay, and so you have your-you have your hands kind out by your sides now.

That's my rib cage?

: Yeah, but I'm just-just so that we can understand for the tape I mean your hands are now they are-they are lower now and they're out kinda of extended out by your side.

Right (UI) between shoulder and rib right here.

: But-but is it fair to say at the time of that first volley Michael Brown is standing facing the officer with his hands at his rib cage hands palms up is that yes?

I don't like the phrase palms up because when you say palms up I'm, it's almost like you're saying his hands are like this.

: all I am doing is just asking about your statement on August 12<sup>th</sup> those are your words not mine.

I meant say palms up I said hands up I never said palms up.

: Okay. Well, repeatedly on August 12<sup>th</sup> it was palms up okay that's all I am asking.

No, I said hands up I never said palms up.

: Alright that's fine.

I said hands.

: I don't think we have anything else um, I just wanted to clarify that I'm not sure that we have here but ah-ah, what you indicated though is what you said on August 12<sup>th</sup> was accurate and at the time of the first volley he had his hands at his rib cage is that right?

Yes.

: Okay.

SA Okay so the interview is completed 11:48.