

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume X

Date: October 6, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 6, 2014

VOLUME X

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1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

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4 STATE OF MISSOURI

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7 vs.

8

9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 6th day of October, 2014, before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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1 GRAND JURY HEARING VOLUME X

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is October 6th. This is
5 Kathi Alizadeh with the prosecutor's office.
6 Present is Sheila Whirley with the prosecutor's
7 office. All 12 grand jurors are present here today,
8 as well as , the stenographer, who is taking
9 down and recording matters that are going on today
10 in the grand jury.

11 It is about 8:39 a.m., and my
12 understanding is we are going to go to about 2:30
13 today, correct? We have a witness that's here
14 already this morning. Her name is
15 . We heard from her husband,
16 last week.

17 She wanted to come in first thing in the
18 morning, so we're going to go ahead and have her
19 testify first, and after her testimony, we will
20 listen to the statement of and
21 . We didn't get a chance to do
22 that last week.

23 I have a witness scheduled to be here at
24 1:00 this afternoon. So her name is
25 and she is the fiancée, or girlfriend, I can't

1 remember, of . If you recall,
2 has already testified.

3 So we'll probably listen to her statement
4 in the morning if we have time. We probably should,
5 and then at this point, we might be done for the day
6 after testifies.

7 Sheila and I have been talking about
8 trying to schedule your time and make use of your
9 time as best we can. We're running into the issue
10 now that some of these witnesses are not very
11 anxious to come in and meet with you. And so we're
12 going to probably need to be searching for some
13 people and giving them written invitations to appear
14 before you.

15 So I'm trying desperately to get your day
16 scheduled tomorrow, so I know you are here until
17 6:00. We want to be able to keep you busy all day.

18 And then we've got, I've got some
19 witnesses lined up, and then on Thursday we have
20 witnesses lined up too, but as of right now, I don't
21 have necessarily the whole day filled. So we'll try
22 our best. And it may be that we go ahead and call
23 some other witnesses.

24 We have lab people, we have police
25 officers yet to testify who, obviously, would be

1 easier for us to get here if we need them here.

2 So, at this point then, we're ready to go.

3 We're going to go ahead and call

4

5 of lawful age, having been first duly sworn to

6 testify the truth, the whole truth, and

7 nothing but the truth in the case aforesaid,

8 deposes and says in reply to oral

9 interrogatories, propounded as follows, to-wit:

10 EXAMINATION

11 BY MS. ALIZADEH:

12 Q Good morning, . Can you state
13 your name for the reporter and spell it for the
14 court reporter?

15 A

16

17 Q And, , you're married to
18 is that correct?

19 A Yes.

20 Q And how long have you and been
21 married?

22 A years.

23 Q And are you, you're familiar with
24 's family?

25 A Yes.

1 Q Is that correct?

2 A Uh-huh.

3 Q You know his brother, ?

4 A That's my brother-in-law.

5 Q Your brother-in-law, and then lives
6 is that

7 correct?

8 A Correct.

9 Q And they live in Canfield Green Apartment
10 Complex, correct?

11 A Correct.

12 Q And how long has lived
13 in the Canfield Green Apartments?

14 A Um, I'm going to say maybe years. I'm
15 not quite sure. was living there when and I
16 married and met, so we've been actually years,
17 together I'm quite sure years.

18 Q So as long as you've known ?

19 A As long as I've known .

20 Q been there?

21 A Yes.

22 Q Has been living with all that
23 time as well?

24 A Yes, off and on.

25 Q Off and on. And so do you recall

1 Saturday, August 9th, of this year?

2 **A** Yes.

3 **Q** And in the morning, did anything happen
4 that was noteworthy, was there anything special
5 about the morning prior to you going to the
6 apartment?

7 **A** Actually, that was

8

9 **Q** Okay.

10 **A** So we went down there before we were
11 preparing to go to the because I
12 wanted to show what I got to wear to the class
13 reunion.

14 **Q** Ma'am, the microphone that's in front of
15 you doesn't amplify so you need to speak loud enough
16 so that we can all hear you all the way back here.
17 And please raise your hands if you can't hear her.
18 Did you need her to repeat the last answer she gave
19 anyone? Okay.

20 So, you were going, you
21 had a plan then that day to go to
22 apartment in the afternoon; is that
23 correct?

24 **A** Uh-huh.

25 **Q** And so you proceeded to the apartment

1 complex, about what time did you get there to the
2 apartments?

3 **A** It was before noon, about maybe 11:30,
4 11:45, somewhere along in there, I'm not quite sure
5 of the exact time.

6 **Q** And who was in the car with you?

7 **A** My husband and I.

8 **Q** What kind of vehicle were you in?

9 **A** I have a , .

10 **Q** Who was driving?

11 **A** My husband.

12 **Q** So when you came into the complex, did you
13 enter the complex off of West Florissant or did you
14 come in the back way through the Northwinds
15 Apartments?

16 **A** Off of West Florissant.

17 **Q** Okay. So from West Florissant then you
18 turn onto Canfield Drive and go through a
19 residential area before getting to the complex; is
20 that correct?

21 **A** Correct, uh-huh.

22 **Q** And so we've got a map here that's marked
23 as Grand Jury Exhibit Number 25. And right here,
24 is a laser pointer so you don't have to
25 get up and point. You just press that button,

1 hopefully, and that will work.

2 So do you recognize the map here as
3 familiar to you, the streets and the buildings as
4 far as that being Canfield Green?

5 **A** Yeah, pretty much.

6 **Q** Okay. If West Florissant is in this
7 direction?

8 **A** Uh-huh.

9 **Q** So you entered coming down this curve; is
10 that right?

11 **A** Correct.

12 **Q** Now, this was a Saturday, sunny day, did
13 you see people out and about?

14 **A** Um, yeah, I mean, not a lot of people, but
15 the victim, as we came in off of Canfield, he and
16 the other young man were walking in the street. And
17 I said something to my husband in effect, why don't
18 they just get on the sidewalk.

19 **Q** Okay. So when you were driving now, this
20 direction is east, okay?

21 **A** Uh-huh.

22 **Q** That's going east. So you were going east
23 on Canfield Drive?

24 **A** Uh-huh.

25 **Q** Can you use the laser pointer and show me

1 where you first saw the two men that were walking in
2 the street, where were they when you first saw them?

3 **A** Right about right here. (indicating)

4 **Q** Okay. So as you came around the curve,
5 you could see them walking in the street?

6 **A** Uh-huh.

7 **Q** Just the two of them?

8 **A** Yes.

9 **Q** And when you say they were in the street,
10 were they on the side, in the middle?

11 **A** In the middle.

12 **Q** Okay. And so did you recognize either of
13 those?

14 **A** No, just two kids.

15 **Q** Two kids. Now, of course, we now know
16 that one of those kids was Michael Brown. Having
17 now known his identity, do you recall ever having
18 met him?

19 **A** No.

20 **Q** Or seen him at the apartments?

21 **A** No, we don't frequent Canfield. I mean,
22 we go to visit or to take to
23 where needs to go. I don't know anybody in
24 Canfield except for

25 **Q** You don't socialize with people from the

1 complex?

2 **A** No.

3 **Q** And so then the other boy was Dorian
4 Johnson. That name doesn't ring a bell to you?

5 **A** No, it does not.

6 **Q** Okay. So when you first saw them and in
7 this area where you had pointed, which direction
8 were they walking, were they walking east?

9 **A** Yes.

10 **Q** And --

11 **A** Into the complex.

12 **Q** Okay. So as you approach them, you saw
13 their backs?

14 **A** The back view of them, correct.

15 **Q** And so did you, I imagine you had to go
16 around them or you went around them, correct?

17 **A** Uh-huh.

18 **Q** Did you honk at them or , not

19

20 **A**

21 **Q** Roll down the window and say anything to
22 them?

23 **A** No.

24 **Q** Did they just appear to be walking?

25 **A** They was just walking, I mean, they were

1 doing what kids do. I mean, I live in , so
2 kids don't walk on the sidewalk, they just don't.
3 They have sidewalks but they don't walk on them.

4 So, I mean, we just kind of chalked
5 it up as them being kids not doing what they're
6 supposed to be doing, I mean, they just do it.

7 **Q** Did you notice either of them if they had
8 anything in their hands?

9 **A** No, I don't recall.

10 **Q** Do you remember what either of them was
11 wearing?

12 **A** Um, I'm going to say the victim had on a
13 white T-shirt and khakis. The other young man had
14 on a white T-shirt, I believe, and black pants or
15 black jeans or something.

16 **Q** Okay. So the other one is the smaller
17 one, I guess?

18 **A** Yes.

19 **Q** We'll call the victim, I know you know who
20 eventually was shot is the bigger one, correct?

21 **A** Correct, uh-huh.

22 **Q** And there was the smaller one?

23 **A** Smaller kid, yes.

24 **Q** So you said the smaller one had on a black
25 shirt and dark pants?

1 **Q** This is Caddiefield Road, this is also
2 Caddiefield Road because it goes around like that.

3 **A** Can I stand? This is hard for me to do
4 because it's peripheral vision, I'm not used to
5 looking at.

6 **Q** Correct, I understand. Do you know the
7 number of unit?

8 **A** I think it is this one right here.

9 **Q** Okay. So when you proceeded down Canfield
10 Drive, you turned on Caddiefield, did you park in a
11 parking space?

12 **A** Right here. This is building, I
13 believe, and would have parked right in here.
14 (indicating)

15 **Q** Okay. Now, did you have, do you recall if
16 your windows were up or down?

17 **A** That I don't remember. It was hot, I
18 imagine that the air was on. It was hot that day.

19 **Q** Okay.

20 **A** So the windows were more than likely up.

21 **Q** As you drove down Canfield Drive, did you
22 see any vehicles approaching you?

23 **A** No.

24 **Q** In your direction?

25 **A** Huh-uh.

1 **Q** And so did you, after you parked your car,
2 what's the first thing you noticed going on around
3 here?

4 **A** Well, once we were going up the steps, the
5 police car came down going towards West Florissant,
6 and I said to my husband, oh, he's going to stop
7 them and tell them to get on the sidewalk.

8 Um, and we just kind of proceeded up
9 the steps.

10 **Q** Now, earlier you had pointed to this one.

11 **A** See, I'm not used to looking at these. So
12 once we got on the landing, the police officer had
13 stopped and said something to them.

14 **Q** Now, could you hear what he said?

15 **A** No, I'm assuming, I'm not going to say he
16 said, but from the activities that we saw from the
17 porch, he stopped and the kids, the children
18 stopped. I don't know what he said, I didn't hear
19 that, we were too far away to hear. I'm just
20 assuming that he said the same thing I had said to
21 my husband, get on the sidewalk.

22 **Q** So now you, the stairs that go up to the
23 apartment unit, those are exterior stairs, correct?

24 **A** Correct.

25 **Q** So you're going up the stairs and you're

1 still outside and you can see what's going on?

2 **A** Uh-huh.

3 **Q** What floor did live on?

4 **A** There is only three floors. There is the
5 basement and that would be the first floor and then
6 the second floor, or you can say the second floor
7 and then the third.

8 **Q** on the top level?

9 **A** No, on the second. Well, there is a
10 basement apartment and then apartment. So
11 on, I guess you could say second floor, I don't know
12 how they classify the floors.

13 **Q** So there's a unit above ?

14 **A** Above , right.

15 **Q** All right. So when you're on the porch,
16 this is like a decking area that's right off the
17 front door for unit?

18 **A** Uh-huh, a little patio out there.

19 **Q** And was out there?

20 **A** When we walked up the steps?

21 **Q** Yes.

22 **A** No, he was inside the apartment.

23 **Q** So now you said, can you use the laser
24 pointer and show me when you say you saw the officer
25 stop and talk to the kids, where about were they

1 when you saw that?

2 **A** About right here. (indicating)

3 **Q** Okay. And so you see the officer stop?

4 **A** Uh-huh.

5 **Q** Give me an idea, were we talking a matter
6 of seconds or a minute or two that he paused and
7 there was some kind of exchange between those kids?

8 **A** It may have been maybe a minute.

9 **Q** And then what happened, what did you see
10 happen?

11 **A** He said whatever he said, then we heard
12 two gunshots. He was still in the car, the boys
13 were outside of the car. Well, before we heard the
14 gunshots, I don't know what he said or what they
15 said or what the conversation was, but the car was
16 headed west on Caddiefield, on Canfield, and he, I
17 guess, backed the car up and was at an angle.

18 **Q** Let me ask you this. The time when he
19 paused that you thought that he might have been
20 saying, hey, get on the sidewalk, or what you
21 assumed he might have said, was that after he backed
22 up?

23 **A** No, it was before.

24 **Q** Okay. So he stops, pauses for a little
25 bit, and then does the vehicle proceed west on

1 Canfield then a little ways?

2 **A** Yes, uh-huh.

3 **Q** And do the boys, what do the boys do?

4 **A** They just were kind of standing there,
5 and, like I said, it happened really fast, but the
6 car was headed east, and then whatever conversation
7 they had, the officer backed the car back, but it
8 was at an angle and that's when we heard two
9 gunshots inside the vehicle.

10 **Q** Okay. So when the officer, I think you
11 said east, but you meant west, right?

12 **A** I'm sorry.

13 **Q** He's going westbound and then he puts it
14 in reverse, backs up, and he's at a little bit of an
15 angle in the street?

16 **A** Yes.

17 **Q** Did you hear tires squealing or screeching
18 or anything?

19 **A** No, it wasn't like it was a chase or
20 anything. I mean, he just, I mean, I don't know
21 what happened, they exchanged words, I'm quite sure,
22 and, you know, you just, I think he kind of whipped
23 the car in reverse so it was at an angle.

24 **Q** Okay.

25 **A** Not a full complete angle, it was no

1 longer straight.

2 **Q** When the first time the officer
3 encountered the boys, were the boys on the driver's
4 side of his car or on the passenger side?

5 **A** All the way on the driver's side.

6 **Q** When he reversed it around to where it was
7 at an angle, are the boys still on the driver's
8 side?

9 **A** Still on the driver's side.

10 **Q** So from your vantage point where you were
11 standing, are you looking at the driver's side of
12 the car or the passenger side?

13 **A** Driver's side. Well, at the driver's
14 side. We were on that side of the vehicle, I
15 couldn't see what was on the other side of the car.

16 **Q** Okay. So then after he comes back,
17 reverses and stops his car at an angle, what do you
18 see happen between the boys and the police officer?

19 **A** I didn't see, I just didn't see anything
20 actually happen. We just kind of heard the two
21 gunshots and I told my husband, oh, no, he's
22 shooting, they're shooting.

23 **Q** At this point did you know who was
24 shooting?

25 **A** No.

1 **Q** Okay. So you hear two gunshots?

2 **A** Uh-huh.

3 **Q** Were they in close succession like boom,
4 boom, or was there a pause between the two of them?

5 **A** Well, more like a pop, pop.

6 **Q** Okay. And so did your attention, was your
7 attention always on the car or were you --

8 **A** No, I mean, it was just, like I said, we
9 were walking up the steps and then all of the sudden
10 the car was coming down the street, the kids were
11 coming down the street, and I assume that he did
12 what we probably should have said and told them to
13 get out of street and go on the sidewalk.

14 I don't know what was said, I'm just
15 assuming.

16 **Q** Okay. So after you hear the two gunshots.

17 **A** Uh-huh.

18 **Q** What do you see happening at the officer's
19 car?

20 **A** That's when the victim started running
21 away from the car and the person that was with him,
22 he kind of disappeared. I don't know where, when
23 the two gunshots went off, he kind of hunched and
24 then he just disappeared.

25 The victim kind of, when he came from

1 on the driver's side, he kind of hid on the back
2 side of the car and that's when he ran, I'm hoping
3 I'm saying this right, there is a grassy area, he
4 kind of ran over this way, he kind of ran this way.

5 **Q** Okay. So he's running now east down
6 Canfield?

7 **A** Yes, ma'am.

8 **Q** And can you tell at this point if he's
9 injured?

10 **A** Well, he ran this way and then he kind of
11 got into the grassy area and he kind of stopped and
12 looked down at his hands. I'm assuming there was
13 blood, but he looked down at his hands and then he
14 turned back around, he turned back around and
15 started going back towards the police officer.

16 **Q** Okay. Let's stop now.

17 After you saw, you heard the two
18 gunshots, the victim starts running east on
19 Canfield, the other guy kind of disappears?

20 **A** Uh-huh.

21 **Q** What's the officer do?

22 **A** Well, by that time he's out of the car and
23 he's kind of, I guess, chasing the victim.

24 **Q** Okay. Now I'm going to stop you here
25 because you said I guess, chasing?

1 **A** He got out of the car.

2 **Q** You saw him get out?

3 **A** I'm sorry.

4 **Q** It's all right. We make these assumptions
5 all the time, you know, that's what we do when we
6 observe things. Oh, it looks like he was doing
7 this. But what is important is, you talk about what
8 you saw.

9 So the officer gets out of his
10 vehicle. I guess, I'm assuming, from the driver's
11 side?

12 **A** Yes, from the driver's side.

13 **Q** And so at that point, could you see if he
14 had a gun?

15 **A** Yes, he had his gun.

16 **Q** And could you see what he was doing with
17 the gun or where his gun was?

18 **A** When he got out of the vehicle, he did get
19 out with his gun drawn.

20 **Q** Okay.

21 **A** And as I said, the victim, he ran towards
22 this grassy area, he stopped and he looked down at
23 his hands and then he proceeded to come back towards
24 the officer.

25 By the time the officer was out of

1 his car, I'm going to say he was running with his
2 gun drawn.

3 Q Okay. When you say his gun drawn, I'm
4 going to --

5 A I could see the gun.

6 Q That's out of the holster is what it means
7 to me?

8 A Correct.

9 Q But there's, was it down at his side, was
10 he running like this? (indicating)

11 A No.

12 Q Was running like this? (indicating)

13 A He had both his hands on the gun.

14 Q Okay.

15 A And he was running swiftly or walking fast
16 towards the victim.

17 Q Okay. And so did you ever observe or hear
18 the officer firing, as he was running after the
19 victim?

20 A Yes, he did.

21 Q How many shots did you hear as he was
22 moving towards the victim?

23 A I'm going to say he fired maybe three to
24 four shots as they were, I guess, walking kind of
25 towards each other.

1 **Q** Okay. Now, let me stop you then. There
2 is a lot going on in here and, obviously, you know,
3 I hate to say that we have to pick this apart, but
4 we really do.

5 So as you see him, he's got his gun
6 drawn and he has both hands on it and it's pointed
7 out in front of him, you demonstrated kind of out
8 with your arms straight in front of you and he's
9 moving towards the victim.

10 **A** Uh-huh.

11 **Q** The victim, you said, stops in this area
12 here, kind of in the grassy area, so he's not on the
13 street any more?

14 **A** No.

15 **Q** And then he stops and you said that he
16 looks at his hands?

17 **A** Uh-huh.

18 **Q** Can you stand up and show the grand
19 jurors, because I know you made a motion a couple of
20 times. Show them what he looked like.

21 **A** He looked down like this and, I think, I'm
22 going to say it was his right hand, he looked at his
23 hand and then he started walking back towards the
24 police officer. (indicating)

25 **Q** Okay. So from your vantage point if he's

1 over here, when he stops, he's somewhat facing your
2 direction, would that be fair to say?

3 **A** He was running and he stopped, he looked
4 down and he turned around like this.

5 **Q** Could you see anything in his hands?

6 **A** No.

7 **Q** Okay. So you can go ahead and sit. So
8 did the officer fire his weapon at any time other
9 than in the car, did he fire his weapon before the
10 victim turned around?

11 **A** No.

12 **Q** Okay. So the victim stops, looks down at
13 his hands?

14 **A** Uh-huh.

15 **Q** And then turns around. At this point,
16 does the officer fire?

17 **A** Yes. Well, he turned around like this and
18 he started moving towards the cop.

19 **Q** Okay.

20 **A** And then he is standing there, and he just
21 proceeded to shoot.

22 **Q** Could you hear either the officer or the
23 victim say anything?

24 **A** No, ma'am.

25 **Q** So when you saw Mike, well, the victim,

1 when you saw him move toward the officer, can you
2 describe his pace, do you understand what I mean by
3 that?

4 **A** Uh-huh.

5 **Q** Okay.

6 **A** I mean, he wasn't running, he just, to me
7 it was slow motion, so he turned around, looked down
8 at his hands.

9 **Q** Let me ask you some questions just to help
10 you out through this, okay.

11 So from the time the victim turns
12 around, is the officer still moving toward him or
13 has the officer stopped?

14 **A** He stopped.

15 **Q** He'd stopped?

16 **A** Uh-huh.

17 **Q** Are you good at guessing or judging
18 distances?

19 **A** Not really.

20 **Q** All right. So let me ask you this --

21 **A** He was not this close to him.

22 **Q** This is too close?

23 **A** Yes.

24 **Q** All right. Tell me when you think.

25 **A** About right there.

1 **Q** Okay. So what do you want to guess that
2 to be 20 feet, close to 20 feet. And so after the
3 victim stops and turns around, when he moves in the
4 direction toward the officer, does the officer move?

5 **A** Not really, no.

6 **Q** Okay. So he stays basically in the spot
7 where he had stopped?

8 **A** Uh-huh.

9 **Q** And how close then does the victim get to
10 the officer?

11 **A** He just kept walking.

12 **Q** What were his hands doing as he's walking?

13 **A** I'm sorry. He is walking like this and he
14 kept walking, and I asked my husband, why won't he
15 stop.

16 **Q** Were you or your husband or anyone else
17 that you can hear yelling anything, that you recall,
18 saying to your husband, why won't he stop?

19 **A** Why won't he stop. I asked why does he
20 keep shooting him.

21 **Q** So I can be clear about this, the officer
22 did not shoot at him while he was running away from
23 him?

24 **A** No, ma'am.

25 **Q** He turns around and starts walking back to

1 the officer, is that when the officer starts
2 shooting?

3 **A** He just, I mean, he was walking back
4 towards him and he started, he started shooting. He
5 just kept shooting, he just kept shooting. And I
6 asked my husband why is he, why won't that boy stop.

7 **Q** Do you recall hearing the gunshots in your
8 mind, can you hear them?

9 **A** (Nods head.)

10 **Q** Was there just one succession of gunshots
11 or were there shots, then a pause and then more
12 shots?

13 **A** He shot like maybe three or four times,
14 and he stopped. And then he just started shooting
15 again.

16 **Q** When he shot three or four times, did
17 Michael Brown go down to the ground at that point?

18 **A** No.

19 **Q** He was still standing?

20 **A** And so I asked my husband, well, maybe he
21 doesn't have real bullets, maybe they are rubber
22 bullets, he's not stopping, why doesn't he stop
23 shooting.

24 And, of course, he couldn't answer
25 that because he doesn't know.

1 **Q** And so after he shot three or four times,
2 and then the victim continues to walk toward the
3 officer, he fires again, the officer shoots again,
4 about how many times for this?

5 **A** I'm going to say three times and then
6 that's when he collapsed, he just collapsed to the
7 ground.

8 **Q** Was he in the street or on the grass?

9 **A** By this time he was in the street.

10 **Q** Okay. And when he fell to the ground, did
11 he fall on his back, on his front?

12 **A** He fell facedown.

13 **Q** Okay. Did you ever see him fall to his
14 knees?

15 **A** (Shakes head.)

16 **Q** So he just --

17 **A** He just kind of toppled over.

18 **Q** -- he went straight down. And did the
19 officer continue to fire after he fell on the
20 ground?

21 **A** No, he just kind of stopped and kind of
22 froze and just looked.

23 **Q** Did you see the officer approach his body?

24 **A** He didn't touch him.

25 **Q** Okay. And at this point, are there any

1 other police vehicles in the area at this point?

2 **A** At this time there was a white car, I
3 don't know what kind of car it was, a white car kind
4 of moved around the police car and then by that time
5 other cars started to arrive.

6 **Q** The white car, did it look like a police
7 car or just a white car?

8 **A** No, I think it was just a white car on the
9 street.

10 **Q** Before it moved around the police officer,
11 where it had it been?

12 **A** I don't know, I guess they were coming
13 down the street, but -- and they just kind of went
14 around.

15 **Q** Okay.

16 **A** The police car.

17 **Q** And so was that car moving west on
18 Canfield then? Did you see that car leave the area
19 then or did it just park over here?

20 **A** I think it just parked over there.

21 **Q** Okay. What about the shorter kid, did you
22 ever see him again?

23 **A** No, ma'am.

24 **Q** After Michael Brown was down on the
25 ground, did you ever see anyone move his body before

1 it was eventually removed from the seen?

2 **A** No.

3 **Q** What about the officer's vehicle, did you
4 ever see the officer get back in his vehicle?

5 **A** Huh-uh, no.

6 **Q** Did you continue to watch after this or
7 did you go inside?

8 **A** No, we were standing there and, um, I just
9 said, I told my husband, he just killed that baby.

10 MS. WHIRLEY: I can't hear, I'm sorry.

11 **A** I'm sorry. After that all happened, I
12 just said, I told my husband I said, he just killed
13 him, he just killed that baby. By that time
14 came outside and, of course,
15 years old, just try to tell to go back in the
16 house.

17 **Q** (By Ms. Alizadeh) Was your

18 --

19 **A** was inside her apartment. There is a
20 patio door, was kind of standing inside the
21 patio door.

22 **Q** Had seen some of it, was upset?

23 **A** Very.

24 **Q** And how about you, you were upset at this
25 point?

1 **A** Yeah, because I had never witnessed
2 anything like that. So, of course, there are a lot
3 of questions to why. I mean, I have a son, I have a
4 son, and they could of --

5 **Q** Do you need to take a break?

6 **A** (Shakes head.)

7 **Q** The --

8 **A** I'm sorry.

9 **Q** You're doing all right. Just breathe,
10 okay. Take a little water.

11 What's your son's first name?

12 **A** This is why
13 issues like this is why we don't frequent my
14 's. There is a lot of things going on
15 down there and my son does not go down there unless
16 he's with us. I have a child and that
17 could have been my son, and so that is why it is
18 hard for me.

19 **Q** Okay. When you saw the victim turn around
20 and walk toward the officer, and you had
21 demonstrated kind of that his hands were in the same
22 position?

23 **A** Uh-huh.

24 **Q** And I'm going to describe this, you tell
25 me if I'm describing it accurately, but his hands

1 are, his fingers are pointed toward the ground?

2 **A** Yeah.

3 **Q** His palms are facing forward?

4 **A** Yes.

5 **Q** And his arms are slightly bent at the
6 elbows, but to his side?

7 **A** Uh-huh.

8 **Q** Is that accurate?

9 **A** Yes, ma'am.

10 **Q** Did his hands, when he turned around, did
11 his hands stay in that position?

12 **A** Pretty much.

13 **Q** And as he walked toward the officer?

14 **A** They stayed.

15 **Q** Did they ever go up?

16 **A** No.

17 **Q** You never saw them go up like this?

18 (indicating)

19 **A** No.

20 **Q** What about, did you ever see his hands go
21 towards his side or like was he ever --

22 **A** No.

23 **Q** -- feeling on his abdomen like for?

24 **A** No.

25 **Q** Never saw that?

1 **A** (Shakes head.) He had on a white T-shirt
2 and khaki pants or shorts. He didn't have a hoodie
3 on like most of the kids, he didn't have a hoodie on
4 or anything where he could have did anything like
5 that.

6 **Q** Okay. And never heard the officer or him
7 say anything?

8 **A** No.

9 **Q** Okay. Um, did, when he was walking toward
10 the officer, did you feel, in your opinion, was that
11 in a threatening manner?

12 **A** No, he wasn't. He didn't have his hands
13 up fist ball or anything of that nature. I think he
14 was stunned, honestly. He just turned around and he
15 just, like I said, he turned around and he looked at
16 his hand and he turned around and he did like this
17 and he kept walking, he just kept walking toward the
18 officer, he didn't stop.

19 I asked my husband, why don't he just
20 stop, why don't he just be still, why don't he just
21 stop, and he didn't.

22 **Q** Did you ever see the officer get on his
23 radio or talk into a radio, either while he was on
24 the street or back at his car?

25 **A** No.

1 **Q** At some point you saw other policemen
2 come?

3 **A** (Nods head.)

4 **Q** Did you see them taping off the scene,
5 putting tape up?

6 **A** After.

7 **Q** Afterwards?

8 **A** Yes, ma'am.

9 **Q** Did any of those officers move the
10 victim's body?

11 **A** No.

12 **Q** Did any of those officers move Darren
13 Wilson, the officer who was involved in the
14 shooting, his name is Darren Wilson, I don't know if
15 you knew that, but did you see anybody move Darren
16 Wilson's vehicle?

17 **A** No.

18 **Q** What kind of car was Darren Wilson
19 driving?

20 **A** It's an SUV, I don't know if it is a
21 Blazer, I don't know it is just the regular Ferguson
22 SUV. I don't know, I'm not good at cars, I don't
23 know.

24 **Q** Was it clearly marked as a police vehicle?

25 **A** Uh-huh, yeah. It had Ferguson Police

1 Department on the side in writing.

2 **Q** Did you ever notice, were the lights on?

3 **A** No.

4 **Q** The light bar on top of the car or
5 anything?

6 **A** Huh-uh.

7 **Q** What about a siren or one of those
8 squawkers, did you here any whoop, or anything like
9 that?

10 **A** No.

11 **Q** Okay.

12 MS. ALIZADEH: Does anybody have any
13 questions?

14 MS. WHIRLEY: I do, yeah.

15 **Q** (By Ms. Whirley) Tell me what you meant by
16 things are going on at Canfield Apartments where you
17 won't allow your son to go there without
18 you?

19 **A** It is just not an area that I want him in.
20 I mean, it's just a lot of things that go on just,
21 it's not a safe environment.

22 **Q** Okay.

23 **A** So, I mean.

24 **Q** You mean like the other folks that live
25 there?

1 **A** Yeah.

2 **Q** Or the police?

3 **A** Just the complex in general. I just, it
4 is not safe, it is not somewhere I want him.

5 **Q** Okay. Can you tell me where you were on
6 the map when the police first encountered Mike Brown
7 Michael and Dorian Johnson?

8 **A** We were walking up the steps, this little
9 patio, porch.

10 **Q** You were on porch?

11 **A** Uh-huh. And then this is where
12 apartment sits.

13 **Q** So were you watching them when the police
14 encountered them or were you walking to the
15 apartment?

16 **A** It is open, so you can see whatever is
17 going on on Canfield.

18 **Q** And it had your attention because it was
19 the police?

20 **A** Uh-huh.

21 **Q** And a couple kids in the middle of the
22 street?

23 **A** Uh-huh.

24 **Q** Okay. Now, you said that the police, show
25 me here on the map where you were when the police,

1 after Michael Brown ran from the car, where were you
2 when the police first started firing?

3 **A** Right here. We hadn't gone into the
4 apartment.

5 **Q** You were still outside?

6 **A** Uh-huh.

7 **Q** And you were, of course, watching at this
8 point?

9 **A** Yes, ma'am.

10 **Q** And you have good vision?

11 **A** Yes, ma'am. And I have contacts, I'm over
12 , yeah, bifocals, actually, yeah.

13 **Q** You could see clearly, there was no
14 impairment for you to see?

15 **A** Nothing wrong with my vision, no.

16 **Q** Well, I guess you already told us, when
17 Michael Brown and the officer, I guess, he was
18 facing the officer and the officer first started
19 shooting you said about 20 feet?

20 **A** Approximately.

21 **Q** How far apart they were?

22 **A** Yes, ma'am.

23 **Q** Did you ever see Michael Brown charging at
24 the officer?

25 **A** No.

1 **Q** Okay.

2 **A** I mean, he turned around, and I'm assuming
3 that he was just stunned, that's how it appeared to
4 me. That he looked down at his hands and he saw
5 blood. He turned around and he just started walking
6 back towards the officer.

7 **Q** Did it appear that he was surrendering?

8 **A** I guess you could say that.

9 **Q** You were there?

10 **A** I assumed that that's what he was doing,
11 but I couldn't hear words being, between the two
12 people because I don't recall them saying anything,
13 I don't recall.

14 **Q** I'm sorry, I'm trying not to talk at the
15 same time. Did it seem like they were talking or
16 words were being exchanged, even though you couldn't
17 hear them?

18 **A** I really can't say.

19 **Q** Okay.

20 **A** To be perfectly honest, I can't say. I
21 would assume and I would hope, but I can't say.

22 **Q** Where did you see Michael Brown's body
23 fall after the last shooting?

24 **A** He was in the street. I want to say maybe
25 about right here. (indicating)

1 **Q** Okay. It looks like to you it is right
2 around Copper Creek Court?

3 **A** Yes.

4 **Q** And Canfield Drive?

5 **A** Yes, ma'am.

6 **Q** Was it like east of the intersection? I'm
7 sorry, west of the intersection?

8 **A** He was going back towards the police car.

9 **Q** Okay. Which was headed west initially?

10 **A** West, uh-huh.

11 **Q** So west of the intersection. In your
12 opinion, did it appear necessary for the officer to
13 shoot him that last time?

14 **A** No.

15 **Q** Why?

16 **A** Because he had stopped, I mean, he was
17 kind of standing there and he just started boom,
18 boom, boom, boom, and he just fell.

19 **Q** Okay. So when you said he had stopped?

20 **A** He was just standing there, he wasn't
21 moving, he wasn't running, he wasn't doing anything.

22 **Q** So the last round of shots, Michael Brown
23 was not even walking towards the officer?

24 **A** No. He walked and then it was like as he
25 was shooting, he just started falling like a domino,

1 he just kind of fell.

2 **Q** Okay. So explain to me, I don't want to
3 be confused. Why you didn't think it was necessary
4 for him to shoot those last rounds of shots at
5 Michael Brown?

6 **A** I just think it was too much. I mean,
7 that's just me being a mother, this being a child,
8 he was not charging at him, he did not have a weapon
9 that I could see, I mean, I guess because these are
10 the question that I asked my husband.

11 **Q** Okay.

12 **A** I asked him whatever happened to a warning
13 shot, whatever happened to shooting in the ankle or
14 somewhere just to stop him, but he just kept going.

15 **Q** Okay.

16 MS. WHIRLEY: All right, thank you. Any
17 questions?

18 MS. ALIZADEH: Let me ask a couple more
19 questions,

20 **Q** (By Ms. Alizadeh) When you first saw them
21 at the car, after the officer had backed up, did you
22 see any kind of confrontation at the car?

23 **A** I don't know what happened inside the
24 vehicle when the first two shots went off.

25 **Q** Uh-huh.

1 **A** I don't know what was said, I don't know.

2 **Q** So at this point Michael Brown, or the
3 victim, is standing outside the driver's window or
4 driver's door, right?

5 **A** Yes.

6 **Q** And was he close to the vehicle?

7 **A** Like right here. (indicating)

8 **Q** And you are motioning?

9 **A** I'm sorry.

10 **Q** It is about an arm's length?

11 **A** Uh-huh.

12 **Q** Did you notice if any part of his body was
13 inside the vehicle, could you tell?

14 **A** No.

15 **Q** It wasn't or you couldn't tell?

16 **A** I couldn't tell.

17 **Q** Okay. So you don't know what was going on
18 between the officer and the victim at the vehicle
19 except that they were up close within?

20 **A** In proximity.

21 **Q** Close proximity. And then you heard two
22 gunshots?

23 **A** Yes, ma'am.

24 **Q** And it was after the second gunshot
25 that --

1 I honestly don't go down there at night. So when I
2 say I don't want my child there, he abides by what I
3 tell him and he goes places where I feel he is going
4 to be safe.

5 I understand.

6 **A** I understand that's 's
7 home, I'm not comfortable with him being . I have
8 a daughter, and knows
9 they can come and take out during the day, but
10 it is just too much, it is too much activity,
11 whether it is the residents or police or whatever, I
12 don't want him there.

13 And as a mother, he does what I tell
14 him to do. So it has nothing to do with that. My
15 mother is a business owner, I don't like for him to
16 go where her business is at night because he's .
17 This is my way of protecting my child as much as I
18 can protect him.

19 Uh-huh.

20 **A** When I say go somewhere, he don't go.
21 He's he drives, he's a good student, but when he
22 leaves my house and he's going somewhere, he needs
23 to give me a phone call.

24 : Uh-huh.

25 **A** And that's what I expect him to do. When

1 he's on his way home, he needs to give me a phone
2 call.

3 : Uh-huh.

4 **A** But that's my way, that's our way of
5 protecting him as much as I possibly can. I don't
6 know what happens there because I don't live there.

7 : Uh-huh.

8 **A** But I don't want him there because it is
9 too much police activity, there is too many people
10 many walking up and down the streets all the time,
11 and I don't know what they do there because I don't
12 live there, but I don't want either one of my kids
13 there. I'm going to tell you how I feel and my
14 husband.

15 : If I can ask another
16 question being a mother, like you said, of a

17 Do you also advise him to respect --

18 **A** Yes.

19 -- law officers?

20 **A** Every time I tell him what to do and he
21 even encountered being stopped by a police officer
22 and it scared him to death because he was not doing
23 anything, this is when he first learned how to
24 drive. He was going to my aunt's house, it was dark
25 and I don't know if you all are familiar with Parker

1 Road, there are no lights on Parker, he had his high
2 beams on. The police officer pulled him over and he
3 stopped, he was not disrespectful, he was not
4 belligerent, he pulled out his insurance, his
5 license and the police officer told him, young man,
6 I'm just giving you a warning, turn your high beams
7 off. And my child was so afraid, the officer wanted
8 to know if he needed us to come and pick him up.

9 So he respects the authority,
10 however, I don't want him to be in a situation where
11 he has to second guess anything that my husband and
12 I have told him about, what he's supposed to do when
13 he's encountered by a person of authority. My child
14 has a 3.5 GPA. He's never been suspended, he's
15 never been in trouble, but it is always that one
16 incident.

17 When he leaves the house, he's only
18 to have two people in his car outside of his sister.
19 I mean, I mean, I was a teenager, my husband was as
20 well, but we try to train him and teach him to do
21 things that he's supposed to do. But that's not
22 always the case. And when you have other people in
23 your car, you don't know what they have on them. So
24 we've given him as much guidance as we possibly can.

25 Now whether or not he uses it when he

1 walks out the door, that's another story.

2 Uh-huh.

3 MS. ALIZADEH: just to
4 clarify, the officer that pulled over your son, was
5 he a Ferguson officer?

6 **A** No, he was a county.

7 MS. ALIZADEH: Okay. And that encounter
8 went okay?

9 **A** He was fine, it just scared him to death.

10 MS. ALIZADEH: Maybe that's a good thing,
11 right.

12 **A** I mean, when he got in the house, he was
13 trembling. I mean, he was shaking, and we were like
14 what is wrong with you. He is like, I got stopped.
15 I'm like, okay. Calm down, but because he knows he
16 has to respect authority. And he just, but I didn't
17 do anything. Which I understand that, but he had
18 his high beams on on a dark road and he could have
19 blinded the other driver.

20 And, again, like I said, he was ,
21 just learning how to drive. It was dark, he figured
22 I turn on the high beams and I will be okay.

23 MS. ALIZADEH: But the officer wasn't
24 belligerent with your son?

25 **A** No, huh-uh.

1 MS. ALIZADEH: And just, again, I didn't
2 ask you to make sure, but do you know any Ferguson
3 police officers?

4 **A** Um, I don't think he's a Ferguson police
5 officer. One of the coaches for my kids track team,
6 I can't think of the man's name, he was a Ferguson
7 police officer and I believe he's retired.

8 MS. ALIZADEH: Okay. Did you know Darren
9 Wilson?

10 **A** No.

11 MS. ALIZADEH: Any other questions?

12 . If you could,
13 take me back to the time when Michael Brown ran into
14 the grassy area as you said, is turning around?

15 **A** Uh-huh.

16 : Before he was shot at by
17 the police officer after running?

18 **A** Uh-huh.

19 And started moving back
20 towards the officers with his hands down like this,
21 both you and have both kind of said that
22 there was a sense of frustration with you why
23 Michael Brown was still moving forward a little bit,
24 sounds like you were both a little frustrated with
25 that. Can you describe that a little?

1 **A** I didn't understand why he just didn't
2 stop and maybe get on his knees, just stop moving
3 period. I just didn't understand why he kept going.
4 I mean, I don't know if his parents have talked to
5 him about ten and two and doing certain things when
6 you are stopped.

7 So, yes, I was frustrated.

8 Okay.

9 **A** I don't honestly think he has been taught
10 what to do and that's just my personal opinion.
11 Again, as I say, I have a son, and so
12 you know, there is certain things that you do and
13 don't do when you are approached by authority. And
14 he just, he just should have stopped. He just
15 should have stopped.

16 : Do you have any idea or
17 logical guess as to how much distance he covered
18 moving back towards the officer, was it a few steps,
19 was it ten steps?

20 **A** No, it was probably maybe ten steps.

21 : Okay.

22 **A** He was close enough to, I think reassure
23 the officer that he was not a threat, that's my --

24 MS. WHIRLEY: He is what?

25 **A** He was close enough where he wasn't a

1 threat. I think when he turned around and his hands
2 are down, I think the officer should have said okay,
3 I mean, I don't know, I don't know what was going
4 through his mind. I don't know what was going
5 through the victim's mind, but again, I was
6 frustrated because he just, I mean, he just should
7 have stopped and I guess, I don't know, he should
8 have did something different than just keep on
9 moving.

10 : Thank you.

11 : . The officer, was
12 he moving at that time as Michael Brown was
13 approaching him or maybe when he paused between the
14 two series of shots or at any time?

15 **A** He was standing still.

16 Was the officer moving
17 towards Michael, away from Michael or standing
18 still?

19 **A** He was standing still.

20 Through all the shots he
21 was just standing still?

22 **A** Uh-huh.

23 Okay. Thank you.

24 I guess
25 at the time when he turned around and he had his

1 hands like this? (indicating)

2 **A** Uh-huh.

3 : You said that, you could
4 see both of his hands?

5 **A** Uh-huh.

6 In your opinion, could the
7 police officer see both of his hands?

8 **A** Yeah, honestly, yeah, I believe so.

9 : Thank you.

10 : . Could you see
11 Michael Brown's face or was his back to you when he
12 had his hands like? (indicating)

13 **A** When he turned around this way, it was his
14 back and then he was looking this way, it was still
15 his back, but you could see his hands out to his
16 side.

17 And you say he wasn't
18 charging, he was just moving forward?

19 **A** I want to say it is almost as if you tell
20 somebody to come here and they're coming, but he
21 just kept walking, he just kept going, he just
22 didn't stop. Even today, I don't know why, I don't
23 understand that and when it was all going on I asked
24 my husband why won't that child just stop.

25 : I understand. This

1 question is hard for me to ask, okay. This one you
2 said that in your opinion because you're a mother,
3 you felt like it was too much, too many shots, I'm
4 going to ask you if it was your husband or child
5 that was the officer, would you feel the same way?

6 **A** Yes, I would.

7 Okay. Thank you.

8 **A** I have to be perfectly honest, this has
9 changed his life, it has changed this child's
10 family's life, everybody's life and it went from 0
11 to 100. And honestly, I think it was just something
12 that could have been thought through a little bit
13 more because his life has changed, no matter what
14 happens, both of them. It has changed a lot of
15 lives.

16 : I do, . I just
17 want to make sure that I heard you correctly. You
18 said the last shots were fired, the ones that you
19 feel were excessive, Michael Brown was not walking
20 towards the officer at that time, he had stopped?

21 **A** No.

22 : Okay. Thank you.

23 : Just one
24 clarification. Were there any other cars besides
25 the white car that you saw that could have been

1 blocking the police officer where he had to walk
2 around to come and show his full body?

3 **A** No.

4 MS. ALIZADEH: Any other questions?

5 : . At any
6 time did you see Michael Brown reach under his
7 shirt?

8 **A** No, I did not.

9 : Thank you.

10 MS. ALIZADEH: All right. This will
11 conclude the testimony of Thank
12 you.

13 (End of the testimony of
14 .)

15 MS. ALIZADEH: It is October 6th, it is
16 9:47. We just had a midmorning break. This is
17 Kathi Alizadeh, present also is Sheila Whirley and
18 all 12 grand jurors, as well as the court reporter.
19 We will be playing a couple of recorded statements.

20 I thought, and Sheila and I decided, we
21 talked, probably make more sense to play
22 s statement first since she just testified
23 and be fresh in your mind. And the first statement
24 is about, well, it is 54 minutes and 32 seconds. It
25 is just under an hour.

1 So we will start that, we will cease the
2 audio recording while the statement is playing. And
3 then at the conclusion of that statement, we will
4 play the statement of , which is
5 considerably shorter. Although I don't know how
6 short, I have to find out, all right. So at this
7 time we'll cease the audio recording and begin
8 playing the statement. While the statement is
9 playing, I will pass around Grand Jury Exhibit
10 Number 32.

11 (Grand Jury Exhibit Number 32
12 marked for identification.)

13 MS. ALIZADEH: Which is a map that
14 used during her statement and she
15 made some drawings and labeled some things as the
16 statement is being played. It might be helpful for
17 you to be able to have seen this.

18 MS. WHIRLEY: Her recording, just for the
19 record, is Grand Jury Exhibit Number 24.

20 (Interview of is being
21 played at this time.)

22 MS. ALIZADEH: It is 10:44 a.m. here and
23 so I have passed around Grand Jury Exhibit Number
24 32. This exhibit, as well as all the others that
25 we've seen and used will be available to you if you

1 want to see it again or at the conclusion of all the
2 evidence, will be made available to all of you
3 again.

4 We had a change of plans today. The
5 witness for this afternoon left me a message needing
6 to reschedule, so I have now gotten ahold of the
7 firearms examiner who is going to come over at
8 1:00 or whenever you are done with your lunch break.
9 So he will give his testimony after lunch. I'm
10 going to try to get somebody else. He won't take an
11 hour and a half, but I will try to get another
12 police officer or someone else to come in to round
13 out the rest of the afternoon.

14 And as of right now, I've got to see
15 what's going on outside of this room. If you want
16 to take a quick break since we will start back up
17 with listening to more statements.

18 (Recess).

19 MS. ALIZADEH: It is 10:54, this is Kathi
20 Alizadeh. Sheila Whirley is not in the room, she's
21 just outside. All 12 grand jurors are present, as
22 is , the stenographer, and right now Judge
23 asked her to come over and she needs to
24 address you as a group. There won't be any
25 individual questioning, but she's going to talk to

1 you as a group right now, all right.

2 Neither Sheila nor I will be in the room
3 when she's here to talk to you.

4 THE COURT: It is Monday, October 6th, and
5 I'm back in front of you mainly because I'm always
6 thinking about you and I have a little bit of
7 information that I want to share with you. And I
8 hope that what I'm here to say will also guide you.

9 Um, I received some information that some
10 of you, and by the way, I have no names, and you are
11 not at the principal's office right now, you have
12 not been called to the principal's office. I want
13 to assure you about that, but some of you may have
14 done some independent investigation or some
15 research, and I'm here to caution you about that.

16 Your job, as you know, when I told you
17 when you started here will be to listen to the
18 evidence that you're going to hear and then at some
19 point, you're going to be deliberating.

20 It's very important that you all come to
21 deliberate, that you are all considering the same
22 evidence. You will each have thoughts about the
23 evidence you've heard, you will each have opinions,
24 but the very important thing to give the decision
25 you make credibility and value is that you are all

1 considering the same information and evidence.

2 And so I'm here to caution you do not go
3 out and do independent research and investigation.
4 If there is something you want, you tell the
5 prosecutors. They will go and get that for you.
6 And if they can't get it for you, they'll tell you
7 why they can't get it.

8 Ask for anything you think you need to
9 reach the decision you're going to be reaching, and
10 I can't caution you enough about that.

11 I think of you often and I think of you
12 because, and I told you this before, I told you at
13 the beginning and I still tell you this, you are the
14 face of our community. This decision is important,
15 you are good people. You collectively are our St.
16 Louis County. We have St. Louis County, that's our
17 community here.

18 You are, you are the face of our
19 community. Your decision will be the decision of
20 the community because you good people have listened
21 to all of this evidence and then reached your
22 decision.

23 The decision you reach will be thoughtful,
24 it will be thorough, and it will be based on as much
25 evidence as you ask for and as can be brought to

1 you.

2 And just so you are deliberating and
3 talking back and forth, just so you all know, you're
4 thinking about the same evidence. That's why it is
5 so important that you not do this independent
6 research, independent investigation.

7 So I'm going to ask you to please, if
8 there's something you have, it has to be shared
9 collectively. I'm going to ask you from this point
10 forward, do not go forward and do anything
11 independent. Ask the prosecutors for it.

12 I guess I've stated what I really wanted
13 to state, but I have such faith in you. I think
14 you, no matter what the decision is, your decision
15 is going to be the result of a well thought out and
16 conscientious approach to considering it. That's
17 what is provided for in the law. You're going
18 through a very hard task at this time.

19 But when you go through that task, you
20 should know at the end of the day, and I will know
21 at the end of the day, you have done everything that
22 is provided for under the law in our justice system
23 when grand juries sit, and you have done everything
24 that has been asked of you as a citizen of St. Louis
25 County.

1 So my caution to you is if there is
2 anything you want, you tell these prosecutors, they
3 will get you that information. And if they can't,
4 they will tell you why, ask them why. You are
5 certainly free to do that.

6 But keep yourself safe too. I respect the
7 law and I follow the law and I'm following the law
8 right through to the very end. And, um, I will
9 answer questions that people have because people are
10 free to ask questions in our justice system.

11 If the press comes to me and ask me
12 questions, I am going to follow the law in that
13 regard. I believe I have followed the law up to
14 this point with regard to any questions from the
15 media, I will continue to do that, but when you do
16 independent investigation, I worry that you keep,
17 that you may expose yourself to dangerous
18 situations, and you may create a situation where
19 people start talking about you and reporting they've
20 seen this, they've seen that, and it may lead to
21 more problems than we could ever imagine.

22 So please keep your research and
23 investigation here in this room, please keep
24 yourselves safe and please know that you are the
25 very good people of St. Louis County, we are lucky

1 to have in St. Louis County doing this very hard
2 work. Your collective decision when you reach it
3 will be the decision, no matter what it is. I don't
4 know what it is, I'm pretty darn sure you don't know
5 what it is at this point.

6 That is the decision that our justice
7 system has thought about, provided for in the laws,
8 and will guide you ultimately to making your
9 decision and decide what the next step will be under
10 our justice system.

11 So it is nice seeing you once again.
12 Thank you for your very hard work. That's all I
13 wanted to say, thank you.

14 (End of Judge 's statement.)

15 MS. ALIZADEH: All right. It is
16 11:04 a.m. on October 6th. This is Kathi Alizadeh,
17 present also is Sheila Whirley, all 12 grand jurors
18 are present as is , the court reporter. We are
19 next going to play a taped statement from

20 If you recall, he's already testified, I
21 think, last Thursday. We'll hand out the
22 transcripts. And then as usual, we will have
23 pause the recording while the recorded statement is
24 being played and then we'll resume.

25 I don't have, if there is a map, I don't

1 have it. So I will have to, they talk about doing a
2 map in the statement and I don't remember if they
3 do. If they have a map, then I'll have to get that
4 for you this afternoon.

5 So pause the recording now, we're going to
6 play from State's Exhibit Number, Grand Jury Exhibit
7 Number 24, which is the disc that contains witness
8 statements, including the statement of

9
10 (Interview of is being
11 played at this time.)

12 MS. ALIZADEH: It is 11:15, we just
13 finished listening to the recorded statement of

14
15 Uh, I'm now going to pass out some
16 transcripts and we will listen to the recorded
17 statement of Her statement is also
18 being played on a disc, from a disc that is on Grand
19 Jury Exhibit Number 24. And is going to pause
20 the audio recording while the statement is being
21 played.

22 (Interview of is being played
23 at this time.)

24 MS. ALIZADEH: And I believe, although the
25 officer didn't specify, that he starts out in the

1 interview and he says that he is at
2 with , I believe that that is where she
3 lives, which on the map is right here, Building
4 Number . Okay.

5 And I will also let you know that we have
6 a map that has been put together for you that has
7 the dots on it of every one of the witnesses who are
8 testifying and you will have a legend that will have
9 the number of the witness and then the name.

10 So eventually when all the witnesses are
11 done testifying, we'll have that and you will be
12 able to go back and say this is where that girl was,
13 this is where that guy was and so forth.

14 So it will kind of help to pull all of
15 that together, but right now since we haven't heard
16 from all the witnesses and the map is already marked
17 with all the witnesses, we are going to wait until
18 we get all of those people on to testify. So you
19 don't have to worry about trying to remember so much
20 as far as where everybody was because there will be
21 a map given to you that kind of lays that out.

22 Um, also, there is a recorded statement of
23 that was done on September 30th, by the
24 FBI. And I just got that transcript this weekend,
25 and I haven't got the actual recording yet, but I

1 did talk to the agents this weekend and I'm hoping
2 that they're going to drop off this recording, as
3 well as some other recordings this morning. So I
4 will check during the lunch hour and if I have that
5 recording, then we will listen to that after the
6 lunch hour.

7 is scheduled first thing in
8 the morning. If we don't get on that this
9 afternoon, we will try to listen to that before she
10 testifies in the morning, okay?

11 And so we'll just skip that second
12 statement of for now, and the next
13 statement that I'm going to play is a statement of
14 . She's also scheduled to testify
15 tomorrow. And if you recall, is the
16 fiancée of whose already testified.
17 I'm going to pass out, obviously, not obviously, but
18 her statement is very brief as well.

19 (Interview of was played at
20 this time.)

21 MS. ALIZADEH: It is 11:28. We just
22 finished playing a recorded statement of
23 , which was played on Grand Jury Exhibit Number
24 24.

25 At this time, unfortunately, I don't have

1 anything scheduled, although I do have a witness
2 scheduled for tomorrow. I don't have transcripts
3 printed up yet, let me see if it is on there.

4 You want to see how long that statement
5 is?

6 If you want to hang tight, I can try to
7 print out a ten minute statement that will get us
8 closer to the lunch hour. Hopefully it will just
9 take me really quick.

10 MS. ALIZADEH: And, , if we want to
11 go ahead and pause the audio recording and then we
12 can step out while I'm printing these up. And if
13 you guys want to talk, you are able to do that while
14 we are out of the room, okay.

15 (Recess)

16 MS. ALIZADEH: It is October 6th, 2014, it
17 is 11:36. This is Kathi Alizadeh, Sheila Whirley is
18 present, as well as all 12 grand jurors and the
19 court reporter. So we took a brief break while I
20 printed up some transcripts. So we're next going to
21 play for you a recorded statement from a witness
22 whose name is , and I believe that's

23 .

24 Who is, he's a juvenile. I can't remember
25 how old he is. I am hoping he is going to be able

1 to testify tomorrow, that's the plan. We will go
2 ahead and listen to his statement now and get that
3 out of the way.

4 His statement is about ten minutes long I
5 think, you said Sheila? And it is also contained on
6 Grand Jury Exhibit Number 24.

7 (Interview of is being
8 played at this time.)

9 MS. ALIZADEH: All right. It is 11:48,
10 this concluded the playing of the recorded statement
11 done on August 9th, 2014 of . And so
12 at this time we'll go ahead and begin our lunch
13 break. I think the lunch is supposed to be
14 delivered at noon. So if you all want to just take
15 a break and use the restroom and whatever, or chat
16 amongst yourselves. And then when the food gets
17 here, we'll give, you know, a good amount of time to
18 eat and then you'll just let us know when you are
19 ready to start up after you are eating your lunch.

20 The next witness I hope is going to be
21 here, he's going to be here like a quarter after
22 noon that is for me to talk to him. We should be
23 able to get going as soon as you're ready. All
24 right. So we'll conclude for the morning.

25 (Lunch recess taken)

1 MS. ALIZADEH: This is Kathi Alizadeh. It
2 is October 6th at 12:58 p.m. I'm present, as well
3 as Sheila Whirley of the prosecutor's office, all 12
4 grand jurors are present. We're going to begin the
5 afternoon session. We are going until about
6 2:30 today. I have had to, we had a witness cancel,
7 so I did my best to get a couple of people in here
8 to make good use of your time for this afternoon.

9 So the first witness you are going to hear
10 from is And then on his way is
11 another detective, his name is ,
12 So hopefully we'll get the two of them in. I
13 apologize if it is not 2:30, then you guys are going
14 to break early today and go on your way because I
15 don't think I can get anybody else in this
16 afternoon.

17 So if the witness now would be sworn.
18 ,
19 of lawful age, having been first duly sworn to
20 testify the truth, the whole truth, and
21 nothing but the truth in the case aforesaid,
22 deposes and says in reply to oral
23 interrogatories, propounded as follows, to-wit:

24 EXAMINATION

25

1 BY MS. ALIZADEH:

2 Q Could you please state your name and spell
3 it for the court reporter?

4 A , .

5 Q Um, can you please tell me how you're
6 employed?

7 A I am a police officer with St. Louis
8 County Police Department, assigned as a firearm and
9 tool mark examiner in the crime laboratory.

10 Q And so you originally received your
11 training to be a police officer; is that right?

12 A Yes.

13 Q When did you become a police officer?

14 A In early, I'm sorry, 1991. I became an
15 officer commissioned and hired by St. Louis County
16 and have not worked for any other departments.

17 Q So as a police officer after your
18 graduation from the academy and during your training
19 with the academy, you learned how to use firearms,
20 correct?

21 A Yes.

22 Q And then at some point you went from being
23 a uniformed officer to having this specialized area
24 of tool marks and firearms examiner, correct?

25 A That's correct.

1 **Q** So can you explain for the jurors, first
2 of all, when is it that you went and got your
3 training for that?

4 **A** After four and a half years on patrol, I
5 went into the Crime Scene Unit and was in the Crime
6 Scene Unit for six and a half years.

7 So approximately 2002 I was assigned
8 in the crime laboratory, trained under other
9 qualified firearm examiners, both on the job and
10 through available training outside the laboratory by
11 firearm manufacturers, ammunition manufacturers, ATF
12 training opportunities, FBI training opportunities
13 and so forth. Completed that training in 2004 and
14 have been an examiner ever since, even becoming the
15 supervisor of the section, I think, two and half,
16 almost three years ago now.

17 **Q** So you began in the firearms lab in 2002
18 you said?

19 **A** Yes.

20 **Q** So there's, you had approximately two
21 years of training before becoming a firearms
22 examiner?

23 **A** A qualified examiner, yes.

24 **Q** Now, to be a qualified examiner, do you
25 have to have any type of certification or

1 qualification?

2 **A** There are opportunities for certification
3 through an international organization. They're not
4 required, only a small percentage of examiners take
5 that opportunity and I have not, so I am not
6 certified through them, but I have been qualified
7 both in state and federal courts numerous times as
8 the expert witness.

9 **Q** So for approximately ten years you've been
10 working solely and strictly as a tool marks and
11 firearms examiner for St. Louis County Police
12 Department?

13 **A** That's correct.

14 **Q** And can you give me an estimate of how
15 many times you have testified as an expert witness
16 in that area in state and federal courts?

17 **A** I wish I had counted them. Truthfully my
18 best estimate would be dozens, not 50, but more than
19 25.

20 **Q** Okay. And in those cases, have you been
21 qualified to testify as an expert in the field of
22 tool marks and firearms examination?

23 **A** Yes.

24 **Q** So can you explain for the jurors,
25 obviously, firearms and tool marks are two different

1 types of things you might be looking at in this
2 case?

3 **A** Uh-huh.

4 **Q** The investigation into the shooting of
5 Michael Brown. You were looking at firearms and
6 ballistic materials; is that correct?

7 **A** Yes.

8 **Q** Okay. So while it might be very
9 interesting to talk about tool marks and what you do
10 with them, let's skip that part of your expertise
11 and we'll go straight to the firearms portion of it,
12 is that all right?

13 **A** Very good.

14 **Q** Now, in the laboratory setting at St.
15 Louis County Police Department Crime Laboratory, are
16 evidence items submitted to you for you to examine
17 and test?

18 **A** Yes, they are.

19 **Q** And in this particular case, which is in
20 relation to St. Louis County Police Department's
21 Complaint Number 14-43984, were there items
22 submitted to you for you to examine and test?

23 **A** Yes.

24 **Q** So first off, let's talk about a weapon.
25 Was there a weapon submitted to you for you to test

1 and examine?

2 **A** There was a firearm submitted for my
3 examination, yes.

4 **Q** And I say weapon, I guess that's pretty
5 all inclusive. The weapon in particular is a
6 firearm, correct?

7 **A** Correct.

8 **Q** And you tested that weapon and compared it
9 to some other materials that have been submitted to
10 you?

11 **A** That's correct.

12 **Q** Did you put your conclusions in a report
13 that you then gave to me?

14 **A** I did.

15 **Q** All right. And I'm going to show you
16 Grand Jury Exhibit Number 33.

17 (Grand Jury Exhibit Number 33
18 marked for identification.)

19 **Q** (By Ms. Alizadeh) Is that a copy of a
20 report you made in this case?

21 **A** Yes, it is.

22 **Q** I'm going to pass this around so everybody
23 can have a copy of that as well. So Officer
24 when you are submitted, in this case,
25 the firearm, what do you do to begin your

1 examination?

2 **A** In this particular case, after opening the
3 package to observe the weapon, firearm, I discovered
4 that it had what appeared to be blood on it. In the
5 interest of safety for myself and others that might
6 handle this firearm after me, I cleaned it with
7 bleach to kill any biohazards and remove that
8 apparent blood from the firearm.

9 **Q** Okay. So let's back up now. This weapon
10 was submitted to you by Detective is
11 that correct?

12 **A** The seizing detective was .
13 From him it went to a secure vault that they have
14 access to for dropping off evidence after hours.
15 That vault is then accessed by Property Control
16 Unit, and in this case , who is the
17 supervisor of the Property Control Unit. Removed it
18 from that vault and brought it to me.

19 **Q** So what day did you receive that firearm?

20 **A** October 11th of 2014. I'm sorry, did I
21 say October? I meant August, I'm sorry.

22 **Q** That would have been a Monday, correct, or
23 maybe. If the 9th was a Saturday, that would make
24 the 11th a Monday?

25 **A** That sounds correct.

1 **Q** Can you describe how this weapon, this
2 firearm was packaged and how you first saw it?

3 **A** It was packaged in a box that we have
4 specifically on our department for the storage of
5 firearms and it is sealed with evidence tamperproof
6 tape. In other words, if the tape is torn to open
7 the package, you can tell by the tearing of the
8 tape.

9 And it is also itemized on an
10 evidence receipt that accompanies that box. So its
11 submission has some of the case information and the
12 contents of the box listed thereon.

13 **Q** Now, when you received the box, did you
14 examine it to determine whether or not the tape that
15 sealed the box had been tampered with?

16 **A** It was sealed when I received it.

17 **Q** Had you noticed, or in any case when you
18 noticed that there has been a tear in the evidence
19 tape, would you notify the seizing detective
20 immediately?

21 **A** Yes.

22 **Q** Okay. So in this case, it appeared to
23 still be intact, correct?

24 **A** Yes.

25 **Q** Was there anything unusual about the way

1 it was packaged?

2 **A** Not to my recollection.

3 **Q** Now, there has been testimony from
4 Detective , and I'm just going to ask you to
5 take my word on this, that when he first found the
6 weapon or first got the weapon I'll say, that it had
7 been packaged, so to speak. And he described to the
8 jurors the way that was.

9 The weapon had been placed in like an
10 evidence envelope and the magazine and live round
11 had been removed from the weapon and the slide had
12 been locked in its back position. Did you see any
13 evidence envelope with the box that you opened up,
14 was there anything like that in there?

15 **A** Truthfully, I don't recall, however,
16 that's not unusual. So the answer to your earlier
17 question anything unusual, no, because it's not
18 infrequent that that does occur, especially the
19 firearm being made safe and unloaded and the action
20 locked up and so forth, that is actually a
21 requirement of the laboratory that we not have
22 loaded or unsafe firearms.

23 Specifically in this case I don't
24 recall an envelope, but if there was in that box, it
25 would still be there today.

1 **Q** Okay. Whatever the condition it was in
2 was not unusual to you?

3 **A** Correct.

4 **Q** And, in fact, the St. Louis County Police
5 Department's Crime Laboratory examines firearms and
6 ballistic materials from any police department in
7 St. Louis County that would submit them to you; is
8 that fair to say?

9 **A** Yes, including federal agencies, yes.

10 **Q** And I would imagine, and I'm not sure,
11 would it be fair to say that just different
12 departments, they may have a different way of
13 packaging a firearm? In other words, they might not
14 use the same box that the county uses and so forth?

15 **A** That's absolutely true. In fact, that's
16 why it is not unusual because we have a requirement
17 that the guns be boxed. It is for a safer storage
18 and so forth, easier to store.

19 Those agencies that will use those
20 envelopes, when they arrive at our lab we will offer
21 them boxes. It is not unusual to have that envelope
22 in that box, no matter how they choose to submit it.
23 Still other agencies will choose boxes very
24 different from our own. Simply whatever they have
25 available because then they meet the requirement of

1 having the firearm boxed.

2 **Q** Now, we have also heard testimony from
3 Detective that when he seizes a weapon, in
4 order to package it and submit it for examination,
5 that he would zip tie through the ejection port of
6 the weapon in order to prevent that slide from
7 moving. Did you notice if that had been done in
8 this case?

9 **A** I didn't pay particular attention to note,
10 but every firearm is required to have a safety of
11 some sort applied to it for its submission and that
12 is the most common. And, in fact, when I'm done
13 examining, I put on the very same zip tie.

14 **Q** And then he also testified that he would
15 use some kind of led identification number seal that
16 he would put on the trigger guard of the weapon to
17 mark it, so to speak, or number it. Is that also
18 something that you use for sealing?

19 **A** Absolutely, it's a led tab that has a
20 steel wire coming from it. That led is manufactured
21 for our department with our name on one side and
22 forgive me, our number on one side that is unique.
23 It is an incremental numbering system on those led
24 seals. They are unique so they're not repeated. So
25 that number, when that led wire goes through the

1 number 55B003794.

2 **Q** All right. The things that you indicated
3 just now about the weapon, are those things you can
4 see in your visual examination of the weapon or did
5 you have to like actually look through some kind of
6 device in order to determine that it had six lands
7 and grooves with a right side twist, I mean, a
8 left-hand twist?

9 **A** That is the interior of the barrel. It
10 took some lighting to eliminate that. It can be
11 seen with the naked eye, however, low power
12 magnification is best. I have an eye loop, it is a
13 jeweler's loop, it is only 5X, it is not very much
14 at all. Like a magnifying glass, it is not very
15 much at all. It makes it easier to see. So I can
16 look into the barrel and determine the number of
17 lands and grooves and the direction of that twist.

18 **Q** In regard to the caliber of the weapon,
19 what does that mean?

20 **A** The number is roughly the diameter from
21 the raised area of the land on one side to the
22 raised area of the land on the other side on the
23 interior of the bullet. Interior diameter, if you
24 will.

25 **Q** The interior of the barrel?

1 **A** Of the barrel. However, that's not an
2 exact measurement. There are different tolerances
3 that the manufacturers have. The S & W after that
4 number is Smith & Wesson is what that stands for.
5 They developed that caliber, so .40 Smith & Wesson
6 caliber is a name of this caliber of ammunition that
7 this firearm is designed to fire.

8 **Q** All right. And when you say that you
9 cleaned the weapon of blood, did you do any testing
10 on that to determine it was blood?

11 **A** The testing of any blood or search for any
12 fingerprints if it was necessary is all done before
13 the firearm comes to me in the laboratory.

14 **Q** Okay.

15 **A** So I understand that there were some tests
16 done, I don't know specifically what tests nor the
17 results.

18 **Q** But you didn't do any yourself?

19 **A** That's correct.

20 **Q** Okay. And so after, are you familiar with
21 this weapon?

22 **A** Yes.

23 **Q** Not this particular one, but the Sig Sauer
24 .40 caliber pistol?

25 **A** Yes, in fact, it is the same firearm that

1 we are issued as county police officers.

2 **Q** All right. And so after having cleaned
3 the firearm, what do you do then to continue your
4 examination of the weapon?

5 **A** I then made note of these observations and
6 then began to do some more observations and some
7 simple tests to include determining the capacity
8 of a magazine that was submitted with the firearm
9 and that was 12.

10 The firearm has no safety, I took
11 note of that.

12 **Q** Is that unusual that a weapon of this type
13 does not have a safety? Is it manufactured without
14 a safety or is it somehow removed from the weapon?

15 **A** This firearm and many others have internal
16 safeties and when we speak of a safety, we are
17 referring specifically to an external safety that
18 can be applied by the person possessing the firearm.
19 There are no external safeties on this firearm, but
20 there was never designed to be. It was not removed
21 from this weapon, it is simply not present.

22 **Q** Okay. And so then you also indicated
23 there was a magazine submitted with this weapon,
24 correct?

25 **A** Yes.

1 **Q** Can you describe for the grand jurors what
2 is a magazine, it is not People or Time, obviously,
3 but what was the magazine that was submitted to you?

4 **A** Some people call it a clip, but it's that
5 detachable part of the firearm that contains the
6 ammunition. You can load it with as many as you
7 like up to its capacity and in this case as many as
8 12 live cartridges inside the magazine. The
9 magazine when you desire, when you use your desires,
10 would seep into that firearm and lock into it and
11 contain that ammunition.

12 The firing cycle, it would take
13 individual cartilages to load and fire from that
14 magazine. And to continue to do so as many times as
15 you fire it until the ammunition supply is
16 exhausted.

17 **Q** So the magazine that was submitted to you,
18 was it empty as submitted to you?

19 **A** We receive it in both manners, where it is
20 loaded and unloaded. I don't remember at the moment
21 if he unloaded the magazine or not.

22 **Q** Do you recall if there were any live
23 rounds that were submitted with this weapon?

24 **A** I did have one live cartridge submitted
25 with the magazine and firearm.

1 **Q** So now I called it a round and you just
2 called it a cartridge. Can you describe for the
3 grand jurors what you mean by a cartridge?

4 **A** A cartridge is the unfired ammunition. It
5 is a live cartridge where the primer is ready to be
6 fired, I'm sorry, there is gunpowder contained in
7 the cartridge case. And the bullet is seated in the
8 mouth of that cartridge case. Again, it is unfired.

9 A round is a interchangeable term if
10 you will, perhaps a layperson's term. It can mean
11 the same thing, but among fire examiners the
12 definition of that is a live cartridge.

13 **Q** What else did you note about this weapon
14 that you indicated in your report. You have here
15 trigger pull SA, not applicable. What does that
16 mean?

17 **A** Trigger pull single action and next to
18 that is DA, for double action, I put not applicable
19 because I did not test the different trigger pulls
20 that firearm has. It is a measurement taken in
21 pounds. And the reason why I did not report that is
22 because it can vary. One pull of the trigger might
23 be 5 pounds and the next one might be 7 pounds.
24 Unless it becomes a key element in the case, it is
25 simply too variable to have much meaning to me and

1 for me to testify to it. It is seemingly
2 unimportant.

3 **Q** So in that case where someone says I was
4 holding the weapon and I barely touched the trigger
5 might be relevant, but in this case it was not; is
6 that correct?

7 **A** To my understanding, correct. There is no
8 denial of firing the weapon, there is no question of
9 how long the trigger pull might have been and things
10 of that nature, so it was not recorded.

11 **Q** And then CYL and CYL rotation, what do
12 those terms mean?

13 **A** CYL is standing for cylinder. And that is
14 for a revolver type weapon, this is a pistol, so it
15 does not have that cylinder, so it is not
16 applicable.

17 **Q** All right. And then you described the
18 barrel length in inches; is that correct?

19 **A** That's correct, three and three quarter
20 inches.

21 **Q** And then muzzle trigger length you have
22 NA, is that because it is a short pistol as opposed
23 to a long gun?

24 **A** That's correct. That's more intended for
25 the overall length of firearms. Sometimes that

1 length becomes an issue in the application of
2 statutes. For example, sawed off gun, it has to be
3 a certain length to be legal. And if it is any
4 shorter than that, the measurement would have been
5 taking there.

6 **Q** Now, we've described the action of this
7 weapon or firearm as being semiautomatic.

8 **A** Yes.

9 **Q** What does that mean?

10 **A** Semiautomatic pistols fire one bullet,
11 fire one cartridge with each pull of the trigger.
12 So if you pulled that trigger one time, even if you
13 hold it back and don't release it, it is only going
14 to fire the one time. You have to release the
15 trigger then until it resets internally and then if
16 you pull that trigger again, assuming you have more
17 ammunition it would then fire again.

18 But again, it only fires one time
19 with each pull of the trigger.

20 **Q** Now, you described in this case the
21 magazine that was submitted to you as having a
22 capacity of 12 cartridges. Can this weapon, when
23 the magazine is seated in the handle of the weapon,
24 can it have more than 12 cartridges and be fully
25 loaded.

1 **A** Yes. If you were to seat the magazine and
2 work the action of the firearm, open the slide,
3 release the slide, it would feed that top cartridge
4 from the magazine into the chamber of the barrel.
5 If you remove that magazine, and you have 11 in it,
6 if you put another one in it. So it is now again at
7 capacity with 12, reseal that magazine, you now have
8 a total of 13 live cartridges available to be fired
9 in that magazine, I'm sorry, in that firearm without
10 reloading it again.

11 **Q** And you identified the cartridge, the live
12 round I called it, but the cartridge that you were
13 submitted, you've listed as one Federal JHP, what
14 does that mean?

15 **A** The Federal is the marketed name stamped
16 on the head stamp or on the base, if you will. If
17 you stand that cartridge up on the bottom, it says
18 Federal, that's who markets that ammunition. And
19 JHP stands for Jacketed Hollow Point, that is the
20 style of the bullet that's loaded into that
21 cartridge case.

22 **Q** And the cartridge that was submitted to
23 you, is this the type and caliber of a cartridge
24 that could be fired from that weapon?

25 **A** It is. I did not note the caliber next to

1 that cartridge because it is the same caliber that
2 the firearm is designed to fire. Sometimes
3 ammunition that is submitted differs from the
4 firearm, but I note when it is different here. And
5 because there is no such note. I know that that is
6 a .40 Smith & Wesson caliber cartridge.

7 **Q** All right. You also indicated that you
8 had been submitted five bullets. Can you explain
9 what is a bullet, how is a bullet different from a
10 cartridge?

11 **A** The cartridge is the combination of all
12 the elements needed to fire a weapon. The primer in
13 the cartridge case that contains the gunpowder and
14 the bullet.

15 So when you're firing a cartridge, a
16 firing pin strikes the primer, which is a very small
17 explosive. So that sets off that explosion, that
18 miniature explosion sends fire into the open chamber
19 of that cartridge case where the gunpowder is.

20 So that fire then ignites the
21 gunpowder. It doesn't detonate, which means to burn
22 instantly, it burns rapidly, it deflagrates, which
23 means it creates pressure. So that pressure that is
24 created by the burning gunpowder is the same
25 pressure that pushes the bullet out of that

1 cartridge case through the barrel towards its
2 target.

3 **Q** And then the bullet is the piece that
4 comes out of the barrel of the gun and is what we
5 normally think of as a bullet, it is what it shoots
6 at targets or things?

7 **A** Correct. In this case, for example, the
8 submitted cartridge is a jacketed hollow point
9 bullet. So that bullet would leave the cartridge
10 case after having been fired, go through the barrel
11 of the firearm. It's designed to make minimal, but
12 contact with the lands and groves in that barrel to
13 impart spin to the bullet so that when it leaves the
14 barrel, it's a spinning bullet in flight now.

15 The purpose of that is if you think
16 of the analogy of a football, if you throw a spiral
17 football, it will go farther and more accurately
18 than an end over end football. It is the same
19 principles at work here. If the bullet is spinning,
20 it will go farther and more accurately than
21 tumbling. That rifling is what gives it that
22 stability.

23 **Q** So the bullet is forced through the barrel
24 of the gun, what happens to then the rest of the
25 cartridge?

1 **A** The energy that pushes that bullet out the
2 barrel is equal, but opposite on that cartridge
3 case. And in essence on the gun in the shooter's
4 hand itself. That's the recoil that you see in
5 cowboy movies.

6 That cartridge case after it has
7 fired that bullet, it is marked in several ways by
8 that firearm. First, as I mentioned the firing pin
9 striking that primer will leave a mark.

10 The pleasure from the firing process
11 pushing that cartridge case rearward against the
12 breech of the firearm impresses the contours of that
13 breach into the surface of that fired cartridge
14 case.

15 In this case, speaking of pistols,
16 the action of the firearm is intended to extract
17 that fired cartridge case from the chamber. So
18 there is a little hook on the firearm that grabs the
19 rim of that fired cartridge case and pulls it out,
20 pulls it rearward of that chamber as it is pulled
21 rearward then it is designed to hit what's called an
22 ejector. It is nothing more than a little piece
23 that when that cartridge case is pulled rearward, it
24 hits that ejector to deflect it out of the open side
25 of that slide of the firearm.

1 So to answer your question in a short
2 order, after firing the bullet, the cartridge case
3 is ejected from the pistol and then before the
4 action closes, it needs the next cartridge from the
5 magazine to reload it if there is one available.

6 **Q** So, what you just described from pulling
7 the trigger and the firing pin hitting the cartridge
8 and the bullet being expelled from the gun and the
9 casing coming out and the next cartridge being
10 loaded up into the firing position, is that called a
11 cycle, is that the firing cycle?

12 **A** Yes.

13 **Q** And that happens at one pull of the
14 trigger, correct?

15 **A** That will happen with each pull of a
16 trigger on a semiautomatic pistol like this.

17 **Q** So it doesn't require someone actually
18 pulling the slide back in order to cause the gun to
19 cycle again?

20 **A** No, it doesn't. In fact, if you were to
21 that, you would be ejecting a live cartridge and not
22 have as much firing capacity because you would be
23 wasting your ammunition.

24 **Q** Can you explain, because there has been
25 testimony perhaps that when this weapon was fired

1 during the incident of August 9th, that the officer
2 pulled the trigger on a couple of different times
3 and the weapon didn't fire. Did you test fire this
4 weapon yourself?

5 **A** I did.

6 **Q** Was it normal, did it fire normally?

7 **A** Yes, I noted no defects at all.

8 **Q** Is there anything that you can explain
9 that would have happen that would cause a weapon to
10 not fire the cartridge if on this weapon pulled the
11 trigger back?

12 **A** To be clear, you're asking for speculation
13 or generally speaking, correct.

14 **Q** Sure, right. I know you don't know what
15 happened in this case.

16 **A** Right.

17 **Q** I'm just asking you what could possibly be
18 the reasons that you could pull the trigger and the
19 weapon wouldn't fire?

20 **A** Okay. Sometimes ammunition is simply bad
21 ammo, maybe the primer doesn't have a priming
22 compound in it. So no matter how many times you
23 strike it, it is not going to fire.

24 Sometimes a firearm might fail to
25 feed a cartridge from the magazine, so you might try

1 to cycle it and it doesn't feed that cartridge, so
2 there is no cartridge in it to fire.

3 There are other scenarios if you are
4 successful firing one cartridge, but it fails to
5 extract, in other words, the hook doesn't grab the
6 rim and pull it out or if it fails to eject and it
7 pulls out from that hook, but it doesn't eject
8 before the action closes on it. It might have it
9 standing to where the open end of that fired
10 cartridge case pointing up and out of the gun, they
11 call it a stovepipe, like a stovepipe on the top of
12 your house.

13 Another factor might be in some way
14 the action is impeded during the firing process.
15 Perhaps unimpeded a firearm and ammunition might all
16 be in perfect working condition, but if there was
17 something blocking the action to where it couldn't
18 cycle freely, then it might cause some of these
19 other events to occur, especially not being able to
20 fire after one shot because it wasn't allowed to
21 cycle enough to feed the next one. There could be
22 many others.

23 Q Let me ask you a question. In this
24 particular weapon, when you fire it, I don't know
25 that this is the technical term for it, but the

1 hammer, is that a technical term?

2 **A** There is a hammer that strikes the firing
3 pin, yes.

4 **Q** The hammer, as you can see it externally
5 on the gun when you examine the gun, correct?

6 **A** Yes.

7 **Q** And when you fire that weapon, does the
8 hammer come back and go forward striking the firing
9 pin?

10 **A** That's correct.

11 **Q** So if there would be something that would
12 prevent that hammer from moving backwards and
13 forward, would that cause the gun to not fire even
14 though you pulled the trigger, it could?

15 **A** Absolutely it could. And that, in fact,
16 would be a scenario where the action of the firearm
17 is impeded. Yes, interference with that hammer and
18 motion of that hammer would prevent the firing pin
19 being struck and firing that cartridge.

20 **Q** And then what about, you know, you've
21 described, or I did and you also explain to where
22 the hammer strikes the firing pin, which is
23 basically on the bottom of the bullet, correct?

24 **A** It's inline with the primer of the loaded
25 live cartridge, yes.

1 **Q** If there is something that is in between
2 the hammer and that firing pin, whether it be, you
3 know, but something that would be between that
4 action, could that possibly explain why you pulled
5 the trigger and nothing happened?

6 **A** Yes.

7 **Q** In other words, if a part of your hand
8 would be in between that firing pin and the hammer,
9 that could prevent the weapon from firing?

10 **A** Yes, absolutely.

11 **Q** And if that were to have happened, again,
12 pure speculation, but if that were to have happened,
13 and the weapon would not fire, if that obstruction
14 was removed between the hammer and the firing pin,
15 would the weapon then be able to cycle normally
16 after that?

17 **A** Misfire.

18 **Q** Or would you have to then go ahead and
19 eject that round?

20 **A** This firearm you could pull the trigger a
21 second time. If the action is not impeded, it would
22 be expected to fire then. It is not true of all
23 firearms, but this firearm yes.

24 **Q** Okay. And if that were to have happened
25 with this firearm, would there be anyway to tell

1 that simply from your examination of the weapon?

2 **A** In the scenario you've described, no.
3 Because there are no marks on that live cartridge
4 for me to observe. In other words, a different
5 scenario, for example, I gave a bad ammunition was
6 my first example. If you tried to fire it once and
7 pulled the trigger again and that firing pin struck
8 that primer a second time and then fired, I would
9 note two firing pin impressions and know that there
10 was more than one attempt to fire it.

11 But in your scenario, no. There
12 would be no marks made, I would have no indications
13 on what evidence was submitted to me?

14 **Q** Now, in this case, let me ask you, you
15 described how the gun was fired from the weapon and
16 you mention that there are marks left on the empty
17 cartridge that is ejected from the ejection port,
18 correct?

19 **A** Yes.

20 **Q** And there is also markings that are made
21 on the bullet itself as it is forced through the
22 barrel of the gun, correct?

23 **A** That's correct.

24 **Q** And can you see those markings using a
25 microscope?

1 **A** Yes.

2 **Q** Are those markings made by the individual
3 weapon that fires that cartridge?

4 **A** The answer is yes and no. And if you'll
5 allow me, let me explain.

6 **Q** Okay, go ahead.

7 **A** There are what's called class
8 characteristics. The number of the lands and groves
9 and the direction of their twist inside the barrel,
10 as well as the dimension of those lands and groves,
11 that is determined by the manufacturing. They make
12 many, many firearms with those specifications.

13 So you might have one right after
14 another coming off an assembly line that putting six
15 left .40 caliber barrels out to be put into these
16 pistols. And they're going to have those same class
17 characteristics, they are intended by the
18 manufacturer.

19 However, as the tool wears during the
20 making of that part, and as the gun is used after it
21 is manufactured and sold, by firing, cleaning,
22 abusing, misuse, etc., there are microscopic
23 qualities in that are called individual
24 characteristics. They're specific. Every one of
25 us, if we were all given the same firearm in this

1 room would treat it the same way and have exactly
2 the same microscopic qualities or individual
3 characteristics in our barrels after a hundred or a
4 thousand rounds as an example.

5 Are they unique to the weapon? Yes.
6 There are some characteristics that I look for under
7 the microscope to be able to tell one bullet from
8 another, from the source of another or to determine
9 whether or not they came from the same source fire.

10 Q So in this case, were you able to examine
11 the shell casings that you had been submitted and
12 you had a total of 12; is that correct?

13 A Yes, that's correct.

14 Q Were those shell casings the same make and
15 manufacture as the live round that was submitted to
16 you?

17 A Yes, they're Federal and .40 S & W
18 caliber.

19 Q Were you able to compare the bullets which
20 are submitted to you, which are five in number,
21 correct?

22 A Initially five.

23 Q And one later?

24 A And one later.

25 Q On the 11th.

1 **A** On the 11th I had five submitted to me.
2 And they indeed were observed to be jacketed hollow
3 point design bullet and .40 caliber, and it had six
4 land and groove impressions with a left twist.

5 **Q** And when we're talking about the five
6 bullets, these are spent bullets, correct?

7 **A** Right. These are fired. They would not
8 have the lands and grooves of the barrel incrust upon
9 them until they're fired through the barrel, yes.

10 **Q** Were you able to determine whether or not
11 the five bullets that were submitted to you and the
12 12 casings that were submitted to you, were you able
13 to draw any conclusions after comparing those items
14 with the firearm that had been submitted to you?

15 **A** I was. In test firing the submitted
16 firearm, I retained fired cartridge cases and fired
17 bullets. That's what I microscopically compared to
18 submitted evidence. I was able to determine that
19 all 12 of the submitted fired cartridge cases have a
20 sufficient quantity and quality of those matching
21 individual characteristics for me to conclude that
22 they were fired in this firearm.

23 **Q** So just so we're clear, the 12 cartridge
24 cases, they're like we call casings, or what I call
25 casings?

1 **A** Yes.

2 **Q** The hollow kind of left over that gets
3 thrown out of the ejection port, correct?

4 **A** That is correct.

5 **Q** And then were you able to, I see here on
6 page two of your report, you number the bullets as
7 QB 1 through 5, and then you also reference where,
8 where they were discovered. Is this information
9 that you received on the evidence packaging that
10 each bullet was packaged in?

11 **A** It may or may not be on the package
12 itself, but I get that directly from the evidence
13 receipt that accompanies that evidence and
14 packaging, yes.

15 **Q** So for QB 1, which is a copper jacketed
16 hollow point bullet, .40 caliber, you have here from
17 FPDVEH.108. What does that mean?

18 **A** Uh, that is in quotations, because I took
19 it directly from the evidence receipt. And my
20 understanding is that stands for Ferguson Police
21 Department Vehicle Number 108.

22 **Q** Okay. And you have here a measure of 158
23 grams and CSU Number 7. What does that mean?

24 **A** The 158 is in grains, we measure in
25 grains. And the CSU stands for Crime Scene Unit and

1 that Number 7 next to that is their item number. So
2 seizing detectives item number was given my
3 laboratory specimen number QB 1. It stands for
4 questionable, by the way. QB stands for
5 questionable cartridge case.

6 **Q** And so the QB 2, 3 and 4, you indicate
7 have been from the evidence receipt. It says from
8 Brown's right side of back, right side of chest and
9 right side of head. Those are all spent bullets
10 that were seized by someone else and packaged and
11 according to evidence receipt, were recovered from
12 the body of Michael Brown, would that be what you're
13 indicating?

14 **A** It is.

15 **Q** And then regarding QB 5, it says from
16 roadway and your information was then that this
17 bullet was received from a roadway or on the street?

18 **A** Yes, I had no further description of a
19 specific location. Just what I noted there in the
20 roadway.

21 **Q** And so after examining QB 1 through 5,
22 were you able to make any, draw any conclusion about
23 whether those bullets were fired from the weapon
24 that had been submitted to you, the Sig Sauer?

25 **A** Yes, I was.

1 **Q** And what were your conclusions?

2 **A** The first one listed specimen QB 1,
3 apparently from Ferguson police vehicle was
4 inconclusive. It had enough damage to its surfaces
5 that I did not have enough of those microscopic
6 characteristics to match to my test shots to
7 determine that it came from the same source.

8 I did not have enough differences
9 either to think or believe that it came from a
10 different source firearm. So it is inconclusive for
11 number one. However QB 2, 3, 4 and 5 had a
12 sufficient quantity and quality of those matching
13 individual characteristics in the rifling striations
14 that we've talked about for me to conclude that they
15 were indeed fired from this firearm.

16 **Q** Now, at a later date you were submitted
17 another evidence item and asked to compare it to
18 your QB, what's the gun called?

19 **A** QF 1 or the test shots are TB 1A and B, TC
20 1A and B, compared with my test shots.

21 **Q** Okay. Did you make a report after you
22 examined this additional evidence item?

23 **A** I did.

24 **Q** And is this a copy of your report?

25 **A** It is.

1 (Grand Jury Exhibit Number 34
2 marked for identification.)

3 **Q** (By Ms. Alizadeh) And Grand Jury Exhibit
4 Number 34, I made copies of this report for the
5 grand jurors.

6 So what was the additional item that
7 was submitted to you?

8 **A** It was a copper jacketed hollow point
9 bullet fragment. In other words, it was not the
10 complete whole bullet, it was only part of that
11 bullet. I note that it was one side of a bullet,
12 all the way from base to nose. It was part, once
13 part of a .40 caliber bullet. It had six lands and
14 grooves with a left twist represented and it was from
15 2909 Canfield, seized on September 3rd of this year.

16 **Q** All right. And you examined this QB 6,
17 your QB 6 and were you able to compare it to the
18 test shots that you fired from the Sig Sauer weapon
19 that was submitted to you back on the 11th of
20 August?

21 **A** I did make that comparison, yes.

22 **Q** And what, if any, conclusions did you draw
23 from that?

24 **A** It had sufficient quantity and quality of
25 those matching individual characteristics for me to

1 conclude that this bullet was also fired from this
2 firearm.

3 **Q** And the items that you tested and examined
4 in this case, did you repackage them and were those
5 submitted to property control for safekeeping and
6 storage?

7 **A** That is the intended destination and, yes,
8 I finished my examination, resealed the packages and
9 put them in our vault on a shelf that is intended
10 for the evidence to be forwarded to property
11 control.

12 **Q** And just one more thing because I haven't
13 seen the firearm that we're talking about in this
14 case, but I recall from other cases I've had that
15 sometimes the firearm has orange tape on the end of
16 the barrel, is that still done when you are finished
17 examining a weapon?

18 **A** It is. It's an extra measure. We talked
19 about the zip tie earlier, I provide the officers,
20 my department with bright orange zip ties and that
21 is so it is readily visible to anyone that if the
22 firearm is handled openly, especially in court at a
23 later time, that that's highly visible and they know
24 that it's safe.

25 I add in my lab when my examination

1 is done, I added, my other examiners we add that
2 bright orange tape to the barrel as well. It is
3 nothing more than a visual indicator for you that
4 what is being handled is safe and can't be fired in
5 the state it's in.

6 **Q** So that bright orange tape I'm assuming is
7 on the barrel of this gun that was placed there by
8 you?

9 **A** Yes.

10 MS. ALIZADEH: Does anybody have any
11 questions?

12 MS. WHIRLEY: I have just a couple. You
13 want to go first?

14 : No.

15 **Q** (By Ms. Whirley) That bullet, the copper
16 bullet fragment from 2909 Canfield, was that like a
17 building that it was taken from or would you know?

18 MS. ALIZADEH: That's the next question.

19 **A** I understand it is another apartment in
20 the area, but where inside that building I don't
21 have specific knowledge.

22 **Q** (By Ms. Whirley) On first page of Exhibit
23 Number 33, Grand Jury 33, poor condition of residue,
24 what does that mean?

25 **A** When I look in the barrel, I simply note

1 is it clean and free of any debris, is there
2 residues. I'm not even certain what those residues
3 might be. Sometimes it is dust from people carrying
4 it, it gets clothing dust in it, sometimes it is
5 from firing it. There is residues left behind.
6 When you fire a cartridge, 100 percent of the gun
7 powder isn't consumed, there is some partial burned
8 and some unburn powders, sometimes they're left in
9 the barrel, sometimes they just fly out of the gun
10 and left in the nearby area.

11 Residue is simply that there was some
12 debris in that barrel, but the barrel itself was not
13 obstructed. It wasn't heavily fouled with multiple
14 firings and build up of residues, it was simply a
15 small amount of residue.

16 **Q** Okay. And the grain, like it's 158.0
17 grain, 177.0 grain, what does that grain mean, what
18 are we talking about?

19 **A** That's a measurement much like grams and
20 ounces and so forth.

21 **Q** Of what, though, what are we measuring?

22 **A** That is the weight of the bullet.

23 **Q** Okay.

24 **A** So specimen QB 1, I described as a bullet
25 itself. The full weight of that bullet that was

1 submitted to me was 158 grains.

2 **Q** And they're different weights because of
3 what they went through once they were fired?

4 **A** Yes, and they're manufactured in different
5 weights by manufacturers. Their starting weight
6 might be, for example, 154 grains, but they might
7 add weight because they retain wall material if they
8 were dug out of the wall or something of that
9 nature.

10 Or if it is a fragment, you might
11 only have part of the full weight of the bullet.
12 Sometimes that weight helps us determine a caliber,
13 it didn't really come into play in this scenario.

14 **Q** The internal safety, what is that on this
15 weapon, you said it has an internal safety?

16 **A** Basically what I mean is the parts in the
17 firearm are designed so it cannot be fired unless
18 you pull the trigger. If you drop it, it's not
19 going to fire. If you hit on the hammer, you know,
20 with something, it's not going to fire. It's
21 designed not to go off unless you pull the trigger
22 of that firearm.

23 **Q** So this weapon was fired 12 times; is that
24 correct, based on your examination?

25 **A** For there to be 12 fired cartridge cases

1 ejected in the area of this firearm as it's alleged,
2 the trigger would of had to have been pulled 12
3 times.

4 **Q** 12 individual times?

5 **A** At least, yes.

6 **Q** Is that the difference between a
7 semiautomatic and an automatic?

8 **A** Yes, an automatic you could hold the
9 trigger back and it will continue firing until you
10 release the trigger. So a fully automatic firearm
11 might fire every cartridge available to it with one
12 pull of the trigger, but this is not that kind
13 weapon.

14 MS. WHIRLEY: I don't have anything else,
15 thank you.

16 **A** You're welcome.

17 MS. WHIRLEY: Oh, no, I do. One more
18 thing. I'm sorry you guys.

19 Where it says offense assault on LEW,
20 which is Law Enforcement Officer.

21 MS. ALIZADEH: LEO.

22 MS. WHIRLEY: LEO, I'm sorry, which is
23 Law Enforcement Officer.

24 **A** Yes.

25 MS. WHIRLEY: Where does that come, I

1 mean, this is your report, is that some
2 determination you made?

3 **A** No, actually, that is some of the, as I
4 mentioned earlier, some of the case information that
5 is provided to us on the evidence receipt that is
6 submitted with the evidence. That case information
7 is entered into our laboratory system, so different
8 areas of the lab know what evidence they have to
9 examine and so forth. And it is auto populated into
10 our reports.

11 So it was submitted, again, on the
12 evidence receipts that the offense is an assault on
13 a law enforcement officer.

14 **Q** (By Ms. Whirley) Okay. You had nothing to
15 do with that being determined?

16 **A** That's correct. Now, we will often get
17 receipts from the same incident that might have
18 different offenses listed. We, there's no real
19 rhyme or reason to figuring out which one is
20 accurate because we're not determining what the
21 charges might be. So most often we go with what is
22 either most commonly submitted or what is first
23 submitted.

24 In this case the copy of receipts
25 that I have most commonly are listing assault of an

1 officer as the offense.

2 MS. WHIRLEY: That has nothing to do with
3 your examination?

4 **A** That's correct. Our examination is done
5 the same way regardless of what that offense is
6 quite honestly. Sometimes there are non-offenses
7 that are submitted to the lab and the examination
8 remains the same.

9 MS. WHIRLEY: Thank you.

10 **A** You're welcome.

11 : We
12 heard previously about this stovepiping, and how it
13 didn't appear that there was any. Would that have
14 to be taken off, would it have to be repaired for
15 that gun to fire again if that was there?

16 **A** Good question. No, there is no physical
17 repair needed for that. Basically the fired
18 cartridge case becomes an obstruction to the action
19 of that firearm. And a practiced user of that
20 firearm can clear that because it's not permanently
21 trapped. It is just kind of pinched in place. So
22 if you pull the slide back and release that
23 pressure, it can fall out or be caused to fall out.
24 And then there is no impairment to the action. So
25 if you let the slide go, the firearm would then

1 again act normally.

2 : Is that the only type of
3 reason that that firearm wouldn't go, or whatever,
4 that you would be able to see? Like you always talk
5 about if something obstructing like a hand or piece
6 of whatever, the stovepiping is the only thing that
7 you would be able to examine, it is not necessary
8 for you to be able to tell exactly what happened and
9 say it would be able to be fired, am I explaining
10 myself correctly?

11 **A** I think I understand your question. Is
12 there any circumstances where a firearm wouldn't
13 function that I could tell, is that basically what
14 you're asking?

15 : That's right, that you
16 couldn't tell, you couldn't say no, that firearm
17 didn't get stuck.

18 **A** No.

19 : There is no possible way
20 that it would happen that way?

21 **A** I could not, you posed a good question. I
22 can't think of a scenario where I could prove that
23 something did not happen in the firing of the
24 firearm.

25 MS. ALIZADEH: Officer , let me

1 ask you a question.

2 **A** Okay.

3 MS. ALIZADEH: If the, in the firing of
4 the weapon the cartridge has stovepiped and you said
5 it kind of gets caught in that ejection port and the
6 ejection port has a door to it, correct?

7 **A** There's an opening in the slide called the
8 ejection port, but not a door per se that closes on
9 that.

10 **Q** (By Ms. Alizadeh) Okay. But the cartridge
11 gets caught in between something, correct?

12 **A** Basically the barrel itself where it's
13 supposed to feed into, it can get caught against
14 that and then when the slide closes on that, that
15 ejection port is what might hold that fired
16 cartridge case against the barrel to where it is
17 kind of standing up out of there.

18 **Q** If that were to have occurred, could you
19 look at that cartridge casing and see marks on it
20 that might indicate that it had been stuck in the
21 gun that way?

22 **A** And that's where I was thinking the answer
23 might take me, but is it possible? Yes. However,
24 because those marks are unpredictable, there may be
25 marks on a cartridge case that I can't determine

1 If that was to happen,
2 would that be, would it come out as a bullet or does
3 it come out as a spent casing?

4 **A** Good question. It could happen both ways.
5 If the cartridge is fired and extracted out of the
6 barrel and then it attempts to eject it out of the
7 firearm, but it gets caught and trapped before it's
8 able to clear that ejection port, you would have a
9 fired cartridge case and it looks like a chimney or
10 a stovepipe if you will, but if for some reason, and
11 sometimes it is just random and there is no even
12 reproducing it.

13 If the action fires that cartridge
14 and successfully ejects that fired cartridge case,
15 but it fails to properly feed the live cartridge
16 from the magazine, in other words, it is designed to
17 come up out of the magazine, go up the feed ramp and
18 into the chamber, but if it bounces up off of that,
19 the action can close and trap a live cartridge there
20 as well.

21 Now, in either scenario, if you have
22 something trapped, as I mentioned with
23 , working the action is all you need to clear that
24 and assuming you have more ammunition, feed the next
25 cartridge and then continue to fire, but what you

1 would have left behind on the ground next to you is
2 different, you would have either the fired cartridge
3 case that was cleared or the live cartridge that was
4 cleared. Does that answer your question?

5 : Could you demonstrate how
6 you clear a round with that particular firearm?

7 **A** Okay. If you grip that firearm, it has a
8 grip and trigger guard, so if your finger is in that
9 trigger guard, it is held pretty much like this.

10 Above that, on the back of the gun is
11 where the hammer would be, okay, visible, external
12 hammer, all right. So when you pull the trigger,
13 there is single action and double action, only a
14 double action trigger pull, it is a long, heavy
15 trigger pull that also cocks that hammer and then
16 releases it to strike the firing pin, okay.

17 If you fire like that, this pistol is
18 designed for that slide then to come rearward. As
19 it's coming rearward, the extractor or the hook
20 pulling it rearward towards the ejector, which then
21 hits and ejects it out the open ejection port of the
22 firearm. Whereas that slide comes back, it is
23 cocking the hammer as well, okay. Because this has
24 a single action mode as well.

25 So that hammer will be locked back

1 when that slide feeds the next cartridge and goes
2 forward. So now you have a loaded cartridge in the
3 chamber already cocked so your trigger pull is
4 designed to be much, much less because you don't
5 have to pull the full weight of it and cock it, you
6 are only pulling enough to release. Okay.

7 To answer your question specifically,
8 if it were jammed, you would simply maintain your
9 grip on that firearm, most commonly with your other
10 hand, but if it is incapacitate there are other
11 means to do it, but grabbing that slide, taking the
12 pressure off of that jammed live or spent cartridge
13 case and getting it out of the gun and then letting
14 it go, it should feed the next cartridge and being
15 cocked and ready to fire, okay.

16 Can you
17 talk about when a spent cartridge is ejected, what
18 direction does it eject from the gun up, down, side
19 ways, forward, back, whatever, and then about how
20 far do you expect it to travel before it hits the
21 ground?

22 **A** I'm asked that question, I'm sorry.

23 Is it pretty consistent
24 the cartridges hit about the same area? The first
25 question was direction after the ejection.

1 **A** I might actually summarize the answer for
2 the entire question you've asked, because I'm asked
3 question a lot. It differs for every firearm, but
4 since we are talking about a particular make and
5 model here and a specific firearm, I will tell you
6 that it's unpredictable even within a single firearm
7 because you have different elements in play.

8 For example, if the firearm were even
9 intended to send them in the exact same direction to
10 the exact same distance every time, a simple turning
11 of the firearm at any angle is going to change where
12 those cartridge cases land and how far they go, but
13 they're not designed to do that. They're really
14 only designed to clear that weapon.

15 So sometimes they'll go good
16 distances, sometimes they'll go short distances,
17 like they're just dribbling out of the gun,
18 sometimes they'll fly over the back of your head,
19 sometimes they'll go to your right, straight up,
20 forward, and things of that nature.

21 It is such an unreliable factor for
22 determining where someone is positioned, for
23 example, that we don't give any credence to ejection
24 patterning, if you will. There is just too many
25 variables that come into play, especially if you

1 start dealing with a scene that intentionally or
2 even unintentionally has been tampered with is to
3 strong of term. It could be kicked, it could be
4 stepped on, it could be carried by a car tire, it
5 could bounce off of things and so forth. Final
6 positioning of cartridge cases is something that we
7 don't even consider.

8 : . Cartridge cases
9 are very light, obviously, they bounce around. When
10 they're ejected, they don't just roll, they often
11 come out spinning, flying all of over the place,
12 correct?

13 **A** Absolutely.

14 On a weapon like that with
15 a slide that comes back and what I would say is
16 pretty aggressive if you've ever seen it, it comes
17 back pretty quick, pretty hard.

18 **A** Oh, yeah.

19 : Do you have any guess at
20 what kind of pressure you apply to a slide like
21 that, could you hold a slide like that back if
22 somebody tried to hold the slide, is that possible,
23 or would you expect a lot of damage to your hands,
24 the gun?

25 **A** Surprisingly, it doesn't take as much as

1 one would think. And the reason I say that is I'm
2 not going to put my hand in the way. It comes back
3 with a good deal of force. In fact, there are
4 officers, you know, when we're issued these guns and
5 first training on them that if they hold their thumb
6 in the wrong place, you are going to hurt yourself.

7 Now that said, I have spoken to
8 others who have been brave enough, if that's the
9 right word, to use their thumb to try and hold that
10 slide in place and they have been successful in
11 firing that weapon and preventing it from cycling.

12 So I don't have any idea, I can't
13 describe what amount of energies and forces it would
14 take to do that, but I know that it can be done.

15 And that's a little
16 surprise because when you see it, it looks like it
17 comes back with an enormous amount of force.

18 **A** Yeah. In fact, what I can tell you is if
19 I don't have a good way to describe this, but I'd
20 rather have my thumb on it and against it and trying
21 to hold it forward then behind it and away from it
22 and not expecting it because it is going to hurt a
23 lot more getting hit like that, than it is going to
24 take to overcome the pressure that it's creating.

25 I guess even thinking while I'm

1 speaking, the energy that takes that bullet out of
2 the gun, is also equal but opposite rearward and
3 that's the recoil.

4 So if you think about it, if the gun
5 were to fire without any support from a human being
6 at all, they would go an equal distance apart, but
7 we're overcoming that in holding that gun.

8 So I'm thinking maybe it wouldn't
9 take so much to prevent that slide from cycling.
10 Suffice it to say, I know it's possible, I know it
11 can be done and there is a wide range of ways to do
12 that.

13 Do you have any idea what
14 the opening, once cycle through one series, the
15 hammer is now cocked, do you have any idea what the
16 opening is between the back of that slide and the
17 start of that hammer, is there enough to get a
18 finger between, a thumb between there?

19 **A** Absolutely, it is a visible amount of
20 distance. In fact, in the training of officers,
21 when I first started a number of years ago, my first
22 duty firearm was a revolver and it had an exposed
23 hammer as well. And part of the training was if we
24 were faced with a revolver or we're to lose our own
25 revolver to someone else, was to jam the meat of our

1 hand into that space so then that gun can't be
2 fired.

3 So not only are you grabbing the gun,
4 but you are preventing it from being fired back at
5 you. So absolutely is there room to obstruct that
6 whether you intend or not, it could be clothing, it
7 could be whatever. Is there room? Absolutely.

8 So
9 that raised another question.

10 **A** Yes.

11 So in that case,
12 something were obstructing it other than the
13 stovepiping, you wouldn't have to do this or do this
14 with the slide to make it fire again. You would
15 just have to remove whatever was obstructing that
16 and then fire that without that added step?

17 **A** Correct. If you had the hammer obstructed
18 and it did not fire, this firearm is designed to
19 function with another pull of the trigger.

20 So if that obstruction is removed, it
21 would have then fired. There are firearms that will
22 only give you one opportunity, one pull of the
23 trigger. If it didn't fire, then you have to work
24 that action. This is not that kind of gun. This is
25 one that if it doesn't fire once, pull the trigger,

1 pull the trigger, pull the trigger, it might go off
2 later.

3 : Just to be clear.

4 **A** Yes.

5 : If it were this type of
6 situation, you have to do it this way or use your
7 arm whatever to clear it, but not always. I mean,
8 only for this situation would you have to do that if
9 there was something else obstructing it?

10 MS. ALIZADEH: You are going like this,
11 you mean the stovepiping situation?

12 : Yes, the stovepiping
13 situation you would have to --

14 **A** Work the action.

15 -- work the action.

16 **A** To clear the obstruction.

17 : But if anything else you
18 just have to move that from out of the way in order
19 to still fire without, without the slide?

20 **A** Without working the action?

21 : Yes.

22 **A** Yes, absolutely correct. For example, he
23 mentioned could you stick a hand between the hammer
24 and the frame and the firing pin.

25 : You wouldn't have to

1 redo.

2 **A** If you remove that hand, you're good to
3 go.

4 MS. WHIRLEY: That stovepiping situation,
5 would you actually lose the cartridge trying to
6 clear it so that you could fire again?

7 **A** Well, if it is a fired cartridge case that
8 is obstructing the action, you want to lose it, you
9 want it out of the firearm, so yes.

10 **Q** (By Ms. Whirley) If it was feeding and
11 never fired?

12 **A** Right, then you have got a live cartridge.

13 **Q** You want to clear it because it is in that
14 standing up position, you would lose that cartridge?

15 **A** You would lose a live cartridge because it
16 would automatically, it needs to load the next live
17 cartridge. So you want to lose that as well.

18 **Q** And in this case you did not find any live
19 cartridges other than the one that was in the
20 chamber. Is that the other witness?

21 MS. ALIZADEH: That's not how it came to
22 him.

23 MS. WHIRLEY: There were 12 cartridges
24 that were used when the bullet was gone out of this
25 weapon?

1 **A** Correct, 12 fired cartridge cases were
2 submitted and one live.

3 MS. WHIRLEY: That's what I'm asking.

4 **A** But I have no live cartridges submitted to
5 me with documentation that they came from outside of
6 the firearm or outside the magazine. In other
7 words, not from the ground and not from the police
8 car.

9 MS. WHIRLEY: That's what I'm getting at.

10 **A** I don't have anything submitted like that.

11 MS. WHIRLEY: So there is 12 that were
12 fired, and one live?

13 **A** Correct.

14 MS. WHIRLEY: And so in a stovepiping
15 situation when you lose a live cartridge, to clear
16 it to get it to fire the next cartridge.

17 **A** Not, there is two different scenarios. If
18 the fired cartridge case failed to eject and got
19 trapped. The firearm might not necessarily have
20 grabbed the next live cartridge to feed it. So in
21 clearing it, you might not lose a live cartridge.

22 MS. WHIRLEY: But you would have to clear
23 it?

24 **A** Yes, you would have to clear that, but if
25 you have, the other scenario is if you failed to

1 feed a live cartridge to clear that, you would
2 definitely lose a live round. Yes.

3 : . Does a live
4 cartridge have the firing pin strike on it so that
5 it doesn't fire?

6 **A** In that scenario it should not --

7 : I think not.

8 **A** -- however, bad ammunition would be a
9 reason a gun might not fire. If it doesn't have a
10 priming compound or any powder in it because the
11 manufacturer, you know, the machine skipped that
12 one, then you very well may have failure to fire.
13 And it wouldn't be a stovepipe situation, but then
14 you would still have to work the action to eject
15 that unfired live cartridge that would have firing
16 pin impressions, although it is still unfired.

17 But in a stovepipe situation where a
18 live cartridge was suspected to have failed to feed
19 and had to be cleared, I would expect no firing pin
20 impression.

21 Obviously, a stovepipe situation with
22 a fired cartridge case, yes, I would expect a firing
23 pin impression.

24 I was trying to figure out
25 if tried to be fired, it did not strike --

1 St. Louis County Police Department.

2

3 of lawful age, having been first duly sworn to

4 testify the truth, the whole truth, and

5 nothing but the truth in the case aforesaid,

6 deposes and says in reply to oral

7 interrogatories, propounded as follows, to-wit:

8

EXAMINATION

9 BY MS. ALIZADEH:

10 Q Could you state your name and spell it for
11 the court reporter, please?

12 A Detective , it is .

13 Q How are you employed?

14 A I am a detective with the Crime Scene Unit
15 for St. Louis County.

16 Q How long have you been a police officer?

17 A Eighteen years.

18 Q And how many of those years have you been
19 working with the crime scene unit?

20 A Over three.

21 Q And were you asked, were you asked to take
22 some photographs of Ferguson Police Officer Darren
23 Wilson in the course of the County Police
24 Department's investigation that is documented in
25 Complaint Number 14-43984?

1 **A** Yes.

2 **Q** Okay. And do you recall the day that you
3 took those photographs, the date?

4 **A** No, I do not recall the date. I think it
5 was a Tuesday after the shooting.

6 **Q** Okay. And I'm going to hand you what I've
7 marked as Grand Jury Exhibit Number 21. This is an
8 envelope that contains some photographs. That's not
9 your handwriting on the front, is it?

10 **A** No.

11 **Q** Okay. But seeing that there is a date,
12 8/12/14, do you believe that might be consistent
13 with the date that you took the photographs?

14 **A** Yes.

15 **Q** Okay. And I'm going to show you then
16 these photographs, these images that are contained
17 in Grand Jury Exhibit Number 21, and each photograph
18 has a computer marking that indicates the number of
19 the image that was taken, correct?

20 **A** Correct.

21 **Q** And so if you look at each of these
22 images, are they consecutive from number one being
23 the first image, all the way to Image Number 21?

24 **A** Yes.

25 **Q** And then I'm going to just ask you real

1 quickly to look through these too. Do these appear
2 to be images that you took of Officer Darren Wilson?

3 **A** Yes.

4 **Q** Do you know where you went to take those
5 pictures?

6 **A** It's, it is the office in Overland.

7 **Q** That the Fraternal Order of Police?

8 **A** Yes.

9 **Q** And these pictures appear to be taken
10 inside, inside, correct?

11 **A** Yes.

12 **Q** Did you use any special lighting when you
13 took this picture?

14 **A** Just the flash on my camera.

15 **Q** All right. And did you do anything
16 special with the flash in order to insure that the,
17 the image that you were taking was what you would
18 see with the naked eye?

19 **A** Yes, I moved it up to the side so items
20 submitted wouldn't bleed out or anything.

21 **Q** These images that you took, Images 1
22 through 21, these are the photographs that you took
23 of Officer Darren Wilson?

24 **A** Yes.

25 **Q** Okay. And your purpose of taking these

1 photographs, is that to document how his face and
2 neck and head area looked on the day you were taking
3 the photographs?

4 **A** Yes.

5 **Q** Okay. So we'll go through those later.
6 And then also were you asked another time your
7 Photograph Number 21, is this your placard that you
8 prepared?

9 **A** Yes.

10 **Q** Does it have the date on it?

11 **A** Yes 8/12 of '14.

12 **Q** And your DSN ?

13 **A** Yes, ma'am.

14 **Q** So that tells you you took these
15 photographs on the 12th of August?

16 **A** Yes.

17 **Q** And then the same thing were you asked to
18 take some photographs on September 3rd of 2014 in
19 relation to the investigation into the shooting of
20 Michael Brown?

21 **A** I was asked to take the photographs and
22 retrieve a projectile.

23 (Grand Jury Exhibit Number 35
24 marked for identification.)

25 **Q** (By Ms. Alizadeh) Okay. And so I'm going

1 to show you Grand Jury Exhibit 35, which is an
2 envelope. Is that your handwriting on the envelope?

3 **A** Yes, that is.

4 **Q** Okay. And did you examine the photographs
5 that are contained in this envelope?

6 **A** Yes, I stamp the back of them.

7 **Q** Is there a total of 20 photographs?

8 **A** Yes.

9 **Q** Okay. And these were the photographs that
10 you took of documenting your investigation on the
11 September, what date did I say?

12 **A** 9/3.

13 **Q** September 3rd. So you were asked to go
14 where to retrieve an apparent projectile?

15 **A** Canfield.

16 **Q** And that's in the Ferguson, City of
17 Ferguson, correct?

18 **A** Yes.

19 **Q** In the Canfield Green Apartment Complex?

20 **A** Yes.

21 **Q** And so we have an aerial map here, which
22 is Grand Jury Exhibit Number 25, and you said it is
23 29?

24 **A** .

25 **Q** Now, this building here Number ,

1 has 2905 and 2909, looks like they're the southern
2 most units?

3 **A** Correct.

4 **Q** This being south down here. Do you recall
5 was the projectile that you retrieved at this
6 location or was it at that location?

7 **A** which that is inverted.

8 **Q** So that's what I was getting at. These
9 numbers are in the wrong place?

10 **A** Yes.

11 **Q** So actually where it says is actually
12 unit ?

13 **A** Right.

14 **Q** You photographed the exterior of the
15 building?

16 **A** Yes.

17 **Q** And the place that you retrieved the
18 bullet?

19 **A** Yes.

20 **Q** The bullet?

21 **A** Yes.

22 **Q** And so when you arrived there, it was
23 daylight hours?

24 **A** Yes.

25 **Q** Were you able to see on the exterior

1 staircase of that building a demarcation or a defect
2 in the wooden staircase that appeared to you that it
3 might be the trail of a bullet?

4 **A** Yes.

5 **Q** Did you photograph that?

6 **A** Yes, I did.

7 **Q** And then did you find a defect in the wall
8 of the exterior wall of that building?

9 **A** Yes.

10 **Q** And I don't have time, you know, I don't
11 have time to turn on that goofy thing, I'm going to
12 show you your Image Number 4. Is that the outside
13 of the building that we're talking about?

14 **A** Yes.

15 **Q** Okay. And so each, the building and each
16 building actually has this outer kind of wall that
17 is kind of the staircase is behind that wall, would
18 that be fair to say?

19 **A** Yes.

20 **Q** I don't even know to call that other than
21 it is a wall that's outside of the staircase. And
22 was it in this wall that you saw a defect?

23 **A** Yeah, the interior side of it, yes.

24 **Q** So on the --

25 **A** On the staircase side.

1 **Q** On the stairwell side of that wall. So
2 I'm showing you Image Number 6. Is that a
3 photograph that shows that defect?

4 **A** The defect in the wall, yes.

5 **Q** Okay. And so when you are looking, and
6 actually you are on the staircase, so you're looking
7 at the inside of that wall, and that would be
8 siding; is that correct?

9 **A** Yes.

10 **Q** And then you see this little mark right
11 here, did you dig into the defect area?

12 **A** Yes, I did.

13 **Q** Did you have to remove any siding or did
14 you --

15 **A** Yes, I did.

16 **Q** And what did you recover inside that
17 siding?

18 **A** A projectile.

19 **Q** And did you package that projectile?

20 **A** Yes, I did.

21 **Q** And did you submit that projectile for
22 examination at the St. Louis County Crime
23 Laboratory?

24 **A** Yes.

25 **Q** Okay. And the Image Number 7 and Image

1 Number 8, do those images show a defect in the
2 wooden railing of that staircase?

3 **A** Yes.

4 **Q** And does that railing correspond to
5 possibly the path of that bullet might have taken
6 before hitting the wall?

7 **A** Yes.

8 **Q** Where you found it?

9 **A** Yes.

10 **Q** And just really quickly showing you on
11 these images on the wooden railing, which would be
12 coming across right here going into the wall.

13 Now, when a projectile, if it trailed
14 against that wooden part of the railing, could it
15 change the path or the direction of the projectile
16 as it traveled?

17 **A** Yes.

18 MS. ALIZADEH: Okay. I am certainly not
19 going to keep our juror longer than he has to be
20 here. If anybody has a quick question or two if
21 they can ask it, otherwise, we can bring him back if
22 there is more questions that need to be answered.
23 Anybody have any questions for him?

24 No. If you think of other questions
25 afterwards after today, I'll get him back here. I

1 don't want to cut anybody off if there is any
2 inquiry that needs to be made.

3 (End of the testimony of)
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4 State of Missouri

5 SS.

6 County of St. Louis

7 I, a Licensed Certified Court
8 Reporter by the Supreme Court in and for the State
9 of Missouri, duly commissioned, qualified and
10 authorized to administer oaths and to certify to
11 depositions, do hereby certify that pursuant to
12 Notice in the civil cause now pending and
13 undetermined in the County of St. Louis, State of
14 Missouri.

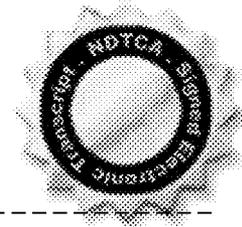
15 The said witness, being of sound mind and being
16 by the grand jury first carefully examined and duly
17 cautioned and sworn to testify to the truth, the
18 whole truth, and nothing but the truth in the case
19 aforesaid, thereupon testified as is shown in the
20 foregoing transcript, said testimony being by me
21 reported in shorthand and caused to be transcribed
22 into typewriting, and that the foregoing page
23 correctly sets forth the testimony of the
24 aforementioned witness, together with the questions
25 propounded by counsel and grand jurors thereto, and

1 is in all respects a full, true, correct and
2 complete transcript of the questions propounded to
3 and the answers given by said witness.

4 I further certify that the foregoing pages
5 contain a true and accurate reproduction of the
6 proceedings.

7 I further certify that I am not of counsel or
8 attorney for either of the parties to said suit, not
9 related to nor interested in any of the parties or
10 their attorneys.

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1 COURT MEMO

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5 State of Missouri v. Darren Wilson

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7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume X

12

13 10/6/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

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24

25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

5 Clayton, MO 63105

6 Total:

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1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

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