

# Case: Grand Jury- Ferguson Police Shooting

Transcript of: Grand Jury

**Date:** September 10, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 10, 2014

VOLUME IV

1                   IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2                                   STATE OF MISSOURI

3

4    STATE OF MISSOURI,

5

6

7    vs.

8

9    DARREN WILSON,

10

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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 10th day of September, 2014,  
17    before

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1 APPEARANCES OF COUNSEL:

2

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1 GRAND JURY HEARING

2

3 MS. WHIRLEY: Good morning. Present is  
4 Shirley Whirley, Kathi Alizadeh, the 12 jurors and  
5 the court reporter. This is September the 10th,  
6 2014. This morning we are going to start out by  
7 watching a series of video clips that depict Dorian  
8 Johnson discussing what he saw as an eyewitness in  
9 this case.

10 As you recall, Dorian Johnson was the  
11 person who was with Mike Brown at the time of the  
12 shooting.

13 There is approximately six video clips  
14 that you will see. And once you see those videos,  
15 then we'll also provide you with a transcript and an  
16 interview. I think it is approximately two hours  
17 and 13 minutes, something like that, interview that  
18 Dorian Johnson gave to the FBI, and St. Louis County  
19 Police were also present. So you will hear his  
20 statement to them.

21 And then after that, we'll likely break  
22 for lunch and when we resume in the afternoon, we  
23 anticipate that Dorian Johnson will testify.

24 So with that bit of an introduction, Kathi  
25 Alizadeh is operating the laptop to get us started.

1 And I think we are projecting, correct?

2 MS. ALIZADEH: Just for explanation.

3 MS. WHIRLEY: This is audio.

4 MS. ALIZADEH: No, these are video.

5 MS. WHIRLEY: Okay.

6 MS. ALIZADEH: These are videos that were  
7 on news outlets and some of them, some of these  
8 clips contain other statements from other people,  
9 comments reporters have made about the incident.  
10 And as much as possible, I want to exclude those.

11 So it will take me a second, I have my  
12 notes where we are starting and stopping on these  
13 and it will take me a second on each clip to get to  
14 that point. And then we will start it and you will  
15 see that clip.

16 The only time you will hear from a  
17 reporter is when they're asking questions of Dorian  
18 Johnson, obviously, to understand his statement, you  
19 need to hear the questions.

20 So as much as I can, I'm going to get to  
21 wherever I need to get. I'm hoping that when I hit  
22 this, we are going to see it and hear it.

23 (Grand Jury Exhibit Number 9  
24 marked for identification.)

25 MS. ALIZADEH: This is what I've marked,

1 it is a disc, it is marked Grand Jury 9. I didn't  
2 stay last night to look at my exhibits, I'm hoping  
3 that's the next number.

4 This is a disc that contains video clips  
5 of interviews of Dorian Johnson and the first clip  
6 is on KTVI. The date of the interview is 8/9/14 and  
7 I'm starting this clip at one minute and seven  
8 seconds into the clip, and I am going to stop it at  
9 one minute and 20 seconds into the clip. None of  
10 these are terribly long. They are news clips.

11 (We have a pause.)

12 MS. ALIZADEH: Just for the record, we had  
13 a brief break because we were having difficulty with  
14 the audio. I think we have that resolved. So once  
15 again, and actually now this is starting at 106 and  
16 I will try to stop it at 120.

17 (Playing the video at this time)

18 MS. ALIZADEH: So I stopped that at 120.  
19 Is there anybody that needs to see that again and  
20 hear that again?

21 : Yeah, I need to see it  
22 again. It looks like the volume was up kind of  
23 loud, I can't pick up what he's saying. If you  
24 would put that at like half.

25 (Playing the video clip.)

1 MS. ALIZADEH: Anybody else need to hear  
2 it again?

3 So the next is a clip from CNN. The date  
4 is August 12th of 2014. I'm starting the recording  
5 at 19 seconds into the clip and I will end it at six  
6 minutes and six seconds into the clip.

7 (Playing the clip.)

8 MS. ALIZADEH: Does anybody want to hear  
9 that again? The next clip is KSDK on August 12th of  
10 this year, 2014. I'm playing starting at actually  
11 29 seconds and I will stop it at two minutes and 40  
12 seconds.

13 (Playing the clip.)

14 MS. ALIZADEH: Anybody want to hear that  
15 clip again?

16

17 Miss Kathi, what date was the second video?

18 MS. ALIZADEH: Second video was on the  
19 12th.

20 : That was the 12th.

21 MS. ALIZADEH: So the next video is MSNBC,  
22 it is also on August 12th of this year. I'm going  
23 to start it at 27 seconds and it goes to a minute 47  
24 seconds. And actually, immediately after this clip  
25 is another MSNBC clip that is a continuation of that

1 interview you will see a little overlap, but this  
2 interview sounds like it kind of gets cut off, but  
3 then on the next clip it continues.

4 (Video clip is being played.)

5 MS. ALIZADEH: Anybody want to see that  
6 part again?

7 So again, the next clip is also MSNBC and  
8 it is a continuation of the same show or program.  
9 I'm going to start it at the beginning of this clip.  
10 So zero seconds and it runs until nine minutes and  
11 21 seconds and then continues onto the next clip as  
12 well.

13 (Video clip being played.)

14 MS. ALIZADEH: Does anybody want to see  
15 that again? It continues onto the next clip.

16 (Video clip is being played.)

17 MS. ALIZADEH: So I'm continuing the next  
18 clip. You can see it started with the last question  
19 that he asked on the previous clip, so this next  
20 clip will go from zero to 24 seconds. And this is  
21 also again it is MSNBC on August 12th.

22 (Video clip is being played.)

23 MS. ALIZADEH: I actually stopped it at 29  
24 seconds accidentally, asleep at the switch.

25 Anybody want so see that brief clip again?



1 It is approximately what, 9:45 or so.

2 Right now we're going to play the recorded  
3 interview of Dorian Johnson which occurred on August  
4 the 13th, 2014. An interview he had with the, an  
5 agent from the Federal Bureau of Investigation and  
6 also a detective from St. Louis County.

7 This interview is approximately two hours  
8 and 13 minutes long. We provided you with  
9 transcripts of the interview. You can write on  
10 these transcripts if you wish.

11 Kathi, did you have something else you  
12 want to say about that?

13 MS. ALIZADEH: At any time, you know, we  
14 discussed this during the break that if, since this  
15 is over two hours long, if anybody needs to take a  
16 break in the middle of it, let me know, I will try  
17 to find a place where it is kind of a pause to stop.

18 And there was a question during the break  
19 by one of the jurors about whether you can ask  
20 witnesses questions when they testify. And I know  
21 you have been so far, but of course, that's true of  
22 any witness.

23 We don't have a witness right now, this is  
24 just obviously the audio interview, but any time a  
25 witness is before you and been sworn in, you may

1 inquire of anything that you think is relevant and  
2 we want you to.

3 Sheila and I will ask questions of  
4 witnesses as we have been going on. If at any time  
5 you want to inquire, anything is relevant. There is  
6 no, there is no objections to questions and we would  
7 have in a courtroom or anything of that nature,  
8 okay.

9 (Grand Jury Exhibit Number 10  
10 marked for identification.)

11 MS. ALIZADEH: So with that being said,  
12 I'm going to play Grand Jury Exhibit 10, which is a  
13 DVD and it is an audio recording, and for the  
14 record, this DVD contains a number of interviews of  
15 other witnesses. And so for the record, I'm going  
16 to be playing the interview of Dorian Johnson and  
17 Sheila said the transcript of that interview is  
18 given to you.

19 (Interview is being played at this time.)

20 MS. ALIZADEH: Anybody want to take a  
21 break right now or keep going?

22 It is 11:17, let's take about a five  
23 minute or so break and stand up and move around a  
24 little bit.

25 (Recess)

1 MS. ALIZADEH: It is 11:24 and I'm going  
2 to resume the playing of the interview of Dorian  
3 Johnson.

4 (The interview is being played.)

5 (End of the playing of the interview of  
6 Mr. Johnson.)

7 MS. ALIZADEH: It is 12:13, I think your  
8 lunch is going to be here at 12:30. What I would  
9 propose we do because this is not going to take very  
10 long at all is that I have what I've marked as Grand  
11 Jury Exhibit 11.

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

14 MS. ALIZADEH: Which is another disc or  
15 DVD and it contains video from the Ferguson Market,  
16 the incident you heard Dorian Johnson talk about.  
17 They went in, got the Cigarillos and left the store.  
18 They are pretty brief clips. You want to watch them  
19 now since we have 15 minutes and then I thought  
20 during lunch, you also heard during his interview  
21 that he was drawing on some maps and we have copies  
22 of those maps. And also he made a drawing I can't  
23 find it in my office right now, I think Sheila might  
24 have one.

25 I thought while you are eating lunch, you

1 can pass around those maps and look at them as you  
2 are relaxing if you want to. This will only take a  
3 couple minutes. You all right with me playing this  
4 now?

5 So for the record a DVD, that on the DVD  
6 itself it says 14-43984, and it says video segments.  
7 There is no audio with this disc.

8 (Video is being played at this time.)

9 MS. ALIZADEH: Now, for the record that  
10 was called register snippet and that was a view of  
11 where the cash register is and the counter is.

12 So this next snippet, it is called door  
13 snippet. It is at the door of the food store, the  
14 convenience store.

15 (Playing of the video clip.)

16 MS. ALIZADEH: Would anybody like to see  
17 those snippets again? And of course, you can watch  
18 them at any other time you wish.

19 . Can we ask you a  
20 question, both, either one of you a question about  
21 maybe we'll find out more later, but how this  
22 pertains or relates to the knowledge that maybe  
23 Officer Wilson would of had at the time?

24 MS. ALIZADEH: You will hear some evidence  
25 about that.



1 other than we are going to have as many people as we  
2 can, that we think know anything about this coming  
3 in and testifying. So there will be many, many  
4 witnesses to come, all right?

5 So at this time it is 12:23, if you all  
6 will just break for lunch and your lunch will be  
7 here in less than ten minutes. And the plan right  
8 now is shortly after 1:00, we'll give you an update  
9 of when we might start up in the afternoon.

10 (Recess)

11 MS. WHIRLEY: So present is Sheila  
12 Whirley, Kathi Alizadeh, Dorian Johnston is our  
13 witness. We have 12 grand jurors and the court  
14 reporter.

15 Dorian Johnson, I said your name, I  
16 generally ask --

17 MS. ALIZADEH: Sheila, he needs to be  
18 sworn in.

19 MS. WHIRLEY: Thank you.

20  
21  
22  
23  
24  
25

1 DORIAN JOHNSON,  
2 of lawful age, having been first duly sworn to  
3 testify the truth, the whole truth, and  
4 nothing but the truth in the case aforesaid,  
5 deposes and says in reply to oral  
6 interrogatories, propounded as follows, to-wit:

## EXAMINATION

8 MS. WHIRLEY: Thank you.

9 BY MS. WHIRLEY:

10 Q So introduce yourself to the grand jurors?

11 A Good afternoon everybody. My name is  
12 Dorian Johnson, as you all well know. I'm thankful  
13 that you all could come, part of your busy schedule,  
14 I don't know if you all have anything else to do,  
15 I'm thankful you can come and hear my story.

16 Q Thank you. Now, Dorian, I stand in the  
17 back of the room. I do that so that we can have a  
18 conversation and you will talk loud enough for even  
19 me to hear you. These mikes that you see, they are  
20 just recording, they're not really making your voice  
21 louder, so speak up for me, okay? We have a lot of  
22 fans in here to try to keep the room a little bit  
23 cooler.

24 A Okay, yes, ma'am.

25 Q Okay, good, that's better. Now, you came

1 here on your own free will; is that correct?

2 **A** Correct, yes.

3 **Q** You do have an attorney, your attorney is  
4 Freeman Bosley?

5 **A** That's correct also.

6 **Q** And he's outside sitting, he cannot be a  
7 part of the testimony, he cannot be in here while  
8 you testify, but he's outside and you know that if  
9 you ever want to take a break and consult with him,  
10 or talk to him, you have a right to do that.

11 **A** Oh, okay.

12 **Q** Do you understand?

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

14 **Q** Your mother came too, as a matter of fact?

15 **A** Oh, yes, she's here with me also.

16 **Q** And she's in the TV room right now. We  
17 made her comfortable sitting in the TV room.

18 Now, we told you that you are not a  
19 focus of any criminal charges, right?

20 **A** Yes.

21 **Q** That we just want to hear from you being  
22 the person that was with Michael Brown that day, in  
23 your own words, what happened, that's what we are  
24 here for. We are not here to prosecute you. You  
25 may tell us some things that have to do with

1 criminal behavior. I know there is an incident at  
2 the store, at the Ferguson Market. We will play  
3 that video and ask you to tell us what's going on  
4 there.

5 There is some talk about smoking weed  
6 and those kind of things, but that's not anything  
7 that we are here to prosecute you for. I want to  
8 make that clear on the record, okay?

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

10 **Q** Because we want you to feel free and  
11 comfortable to tell us only the truth here, that's  
12 what we are trying to do. This is a fact finding  
13 mission, okay?

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

15 **Q** All right. So with that said, let's talk  
16 about you knew Mike Brown, right? You call him Big  
17 Mike?

18 **A** I'm going to ask if I can refer to him as  
19 Big Mike, that's the way it sounds funny saying if  
20 it is okay with the jury.

21 **Q** Absolutely, I will call him Big Mike too  
22 if you don't mind.

23 **A** Thank you.

24 **Q** So you were good friends with Big Mike?

25 **A** We were good friends, but not childhood

1 friends.

2 **Q** So tell us how you met Big Mike?

3 **A** I met Big Mike, I recently had, well, not  
4 recently, but I just moved in those apartments, I  
5 had me and my girlfriend, my daughter, we were  
6 staying in the apartment, two bedroom apartment, I  
7 had a roommate. I just moved over there.

8 I only been staying in those  
9 apartments for about eight months. I met Big Mike  
10 around the fifth month that I was living there. I  
11 met him through a friend that I know from the area,  
12 neighborhood down the street where he lived.

13 **Q** Okay.

14 **A** So when he introduced Big Mike, they came  
15 to my apartment one day, they want to play video  
16 games, you know, relax and have conversation. And I  
17 didn't have a problem with that.

18 So they came over, and when he came  
19 to my door, he was real quiet when he came in, you  
20 know, he was the biggest person in the room. So it  
21 struck me as kind of strange, I don't really be  
22 around people that I don't know. So I asked him a  
23 question, I was like, hey, how you doing. I live  
24 here, this is my house.

25 And he spoke back to me, he said I'm

1 all right, you know. And he just kind of kept it to  
2 hisself. I felt that he was good, he was just a  
3 person that didn't speak a lot. So he was all right  
4 with me to be in my house.

5 **Q** Did you socialize with him on a regular  
6 basis after that or how often would you say you was  
7 in his presence?

8 **A** Like I said, it was my apartment, so you  
9 know, I had bills and things like that. I was  
10 working at the time of me first moving into the  
11 apartments. I recently lost my job around the sixth  
12 month, I met him in the fifth month, so now I'm on  
13 the verge of finding new work and finding a way to  
14 pay the bills. So I was not able to connect with  
15 him on a daily basis or even every other day because  
16 I'm trying to find work.

17 **Q** And what was your address at the time that  
18 you met him?

19 **A**

20 **Q** And did he live in that same apartment  
21 complex?

22 **A** No, he did not. He stayed in an apartment  
23 complex behind, there is another one called  
24 Northwinds and it was right behind Canfield. When I  
25 met him, the time that I met him.

1           **Q**     When you met him. And on August the 9th  
2     at the time of the shooting, was he living in  
3     Northwinds.

4           **A**     No, at that time he had recently moved out  
5     of his grandmother's house. He was staying with a  
6     friend that I knew in Canfield across the parking  
7     lot.

8           **Q**     Okay. All right. So when you first met  
9     him, he was living with his grandmother in  
10    Northwinds?

11          **A**     Correct, yes, ma'am.

12          **Q**     And so after you met him, so you had known  
13    him before the shooting probably a couple of months,  
14    two to three months?

15          **A**     Yes, maybe a month or two.

16          **Q**     A month or two?

17          **A**     A month or two.

18          **Q**     But you really didn't hang out with him?

19          **A**     No, ma'am, not on a daily basis.

20          **Q**     You were a few years older?

21          **A**     Yeah.

22          **Q**     He was 18 you were 22?

23          **A**     22, yes, ma'am.

24          **Q**     But you liked him?

25          **A**     Right, he was a real comfortable guy. I

1 didn't feel a threat from him to where I could, you  
2 know, I could let him around my family, my daughter  
3 and my girlfriend and let him into my home. He was  
4 that comfortable around me that I could, you know, I  
5 could trust that he wouldn't bring harm to me and  
6 anybody around me.

7 **Q** He had been to your home before?

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

9 **Q** And he knew your girlfriend?

10 **A** I had introduced him to each other, I  
11 introduce anybody that comes over to my girlfriend  
12 and let them know we live here as a family, not as  
13 she's visiting, you know, she is with me.

14 **Q** Okay. Had you ever been to his  
15 grandmother's house?

16 **A** One time, but I never met anyone in his  
17 family. At that time I think his grandmother was  
18 real strict on who she let inside her home. So at  
19 that time I didn't know them that well, so he was  
20 telling me that you should come around more, my  
21 granny, she will like you, you will be able to come  
22 in.

23 And at that time I really wasn't, you  
24 know, into, I didn't have the time for it, like I  
25 said because like I said, I was still on the verge

1 of looking for new work.

2 **Q** I guess it is fair to say you guys really  
3 didn't hang out much, he was somebody that you was  
4 comfortable with?

5 **A** Correct, that's exactly.

6 **Q** Okay. So we're going to be talking a lot  
7 about August the 9th, you realize that?

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

9 **Q** This is the day of the shooting. Tell us  
10 how your day began, August the 9th?

11 **A** August the 9th, it began like any other  
12 day. I start my morning, I wake up, I take a  
13 shower, and I ask my girl does she like breakfast,  
14 what would she like for breakfast. I head out to go  
15 get it. Upon getting breakfast I get me some  
16 Cigarillos. I smoke marijuana in my mornings when I  
17 start my day off, so I was going headed to the  
18 store.

19 **Q** Now wait a minute, just stop here to now  
20 and then to make sure we are all clear. So that is  
21 kind of what generally happens for you in the  
22 morning?

23 **A** In the morning, yes.

24 **Q** On August the 9th, you got up, was it  
25 around seven something?

1           **A**     Around 7:00 that morning.

2           **Q**     7:00. Did you smoke marijuana that  
3 morning?

4           **A**     I didn't actually get a chance to smoke, I  
5 was going to get some Cigarillos because I didn't  
6 have any, and there was a guy in the complex who  
7 sold them.

8           **Q**     Who sold the Cigarillos?

9           **A**     Yes, he sold the Cigarillos, so I didn't  
10 initially have to go to the stores.

11          **Q**     I was going to ask you, was the market  
12 open at seven or not?

13          **A**     It is.

14          **Q**     Did you get Cigarillos from another guy  
15 that morning?

16          **A**     No, I actually did not.

17          **Q**     Tell us what happened after you got up?

18          **A**     When I got up and got dressed up or  
19 whatnot, I leave out my front door coming down my  
20 balcony, I stay on the third floor. I come down my  
21 balcony, around my building. I see Big Mike across  
22 the parking lot, the apartment complex is set up in  
23 the drive through areas, once you come out to it,  
24 you can see right across, there is nothing blocking  
25 it.

1 I saw him at 7:00 in the morning, he  
2 was helping someone put some kids in the car, he was  
3 putting some kids in the car for his auntie, I  
4 believe it was.

5 Q Okay. And what, did you go over to where  
6 he was or did he come to you?

7 A Yeah, just coincidentally the guy who I was  
8 going to is like a path is passing up the building  
9 where he is living in now. So I was going to pass  
10 the building whether he was outside or not, just  
11 coincidentally he was outside and he was alone at  
12 the time.

13 He said the friend that I knew that  
14 he was staying with, the one that I knew, he was  
15 upstairs asleep.

16 Q What was that friend's name?

17 A His name was

18 Q Okay. So you didn't interact with  
19 at that time?

20 A Not at all.

21 Q And so how did you and Mike, based on  
22 information I've heard, you guys kind of hooked up  
23 at that point, that morning?

24 A Yeah, when I saw him, like I said, we  
25 wasn't real childhood friends, but he was cool

1 enough to me if I saw him I would stop and speak to  
2 him.

3 So I stopped and spoke to him. He  
4 asked me where I was headed to. I told him, I was  
5 going to get some rillos and get something to eat  
6 for me and my girl, I'm headed back to the house.  
7 He was like okay, well, I'll match you. I guess he  
8 had his own weed, so he said he would match me one.  
9 Matching is, if you don't know, is just someone I  
10 will roll the weed, he will roll the blunt, we both  
11 exchange blunts.

12 **Q** In matching does that mean that one person  
13 has the weed and one person has the rillos?

14 **A** One person has their weed and rillos, the  
15 other person has his weed and rillos and they smoke  
16 together, it is just smoking together basically.

17 **Q** So he said he would match you?

18 **A** Correct.

19 **Q** And then what happened?

20 **A** He stopped and talked to some construction  
21 workers. There was two construction workers that  
22 was doing work on the bottom floor at the time of  
23 his building. They was doing work on my building  
24 also, but they was doing work at his building and he  
25 had stopped and said something to them. I really

1 didn't hear, but I notice that the construction  
2 worker, he stopped working and he didn't have like a  
3 frown on his face, so much as he was being, you  
4 know, back and forth complying. They was having a  
5 nice little conversation, but it wasn't that long  
6 for about one or two minutes.

7 **Q** So you could not hear what they were  
8 saying?

9 **A** No, I couldn't hear what they were saying.  
10 I wasn't really focusing on their conversation  
11 because, you know, it didn't have anything to do  
12 with me. I had my mission that I was going to do,  
13 so I guess, you know, at the time I didn't really  
14 think the construction worker would say anything,  
15 you know, it is the general neighborhood I live in.

16 **Q** Had you all smoked, matched and smoked  
17 yet?

18 **A** Not yet, no.

19 **Q** Not yet?

20 **A** No.

21 **Q** You said there was a person in the complex  
22 that actually sold the rillos?

23 **A** Yes.

24 **Q** Is that where you were headed?

25 **A** That's where I was headed, yes.

1           **Q**     But that changed?

2           **A**     Yes, it changed.

3           **Q**     Tell us how?

4           **A**     It changed. We started talking, our  
5 conversation was about sports, he was into clothes  
6 and fashion, our conversation was drifting from  
7 topic to topic, but really based on sports, design,  
8 girls or what our future plans was.

9                     He was just telling me he was about  
10 to go off to school or go to school. I was telling  
11 him about my past experience in school. I was in  
12 school before Lincoln University, when I graduated  
13 high school, I went straight to school. So I was  
14 telling him some challenges that he was going to  
15 face, even though he wasn't at a university, he was  
16 going to face some challenges. Basically our  
17 conversation was about future, future emphasis.

18          **Q**     Okay.

19          **A**     It kind of took my mind off of going to  
20 the person in the complex because he didn't know the  
21 guy that I was going to. Big Mike, he didn't know  
22 the guy I was going to get the rillos from. When I  
23 told him I was going to get Cigarillos, he was like,  
24 I need one too. Let's walk to the store.

25                     By that time the conversation was so

1 deep that I forgot that there was a person there  
2 that I was going to, so we ended up just walking to  
3 the store.

4 **Q** Any idea, I know timing is difficult, but  
5 if you started out at seven-ish in the morning, any  
6 idea how long, how much time went by before you got  
7 to the market?

8 **A** Before we got to the market, I mean, it  
9 wasn't really an hour, it wasn't that long, but our  
10 conversation because he had to go, I asked him could  
11 he go check on my friend that I knew ask him  
12 if he wanted to walk to the store with us. He said,  
13 yeah, he went up to go check on him. When he came  
14 back down, he told me that he was really sleepy, he  
15 didn't feel like it, he wanted to sleep in that  
16 morning.

17 So that's basically what 30 minutes,  
18 I'm not real pressed on time, but it could have been  
19 more than an hour before we started walking.

20 **Q** So from the time you left Canfield Green  
21 and then you saw Mike, Big Mike talked to the  
22 construction worker, you all talked some more and  
23 then you walked to the market?

24 **A** Correct.

25 **Q** Okay. Did you go get anything to eat

1 first or you went to the market first?

2 **A** No, we went straight to the market.

3 **Q** Market, okay. So tell us about the  
4 market, what happened at the market?

5 **A** At the market, now, prior to walking to  
6 the store, never came up that he didn't have any  
7 money. I had money, I had money in my pocket. It  
8 never came up he didn't have any money or what we  
9 were going to do in the store because we already  
10 knew we was going to purchase Cigarillos, in my mind  
11 that's what we were going to do.

12 It didn't strike me, I never thought  
13 that he didn't have any money because like I said,  
14 when I did see him the times that I see him, he  
15 dressed nice and next generation clothing, so it is  
16 kind of pricier, so I figure that he had money.

17 **Q** Okay.

18 **A** When we got to the store, while we're in  
19 the store, Big Mike talks to the store clerk faced  
20 eye-to-eye, face-to-face. I'm standing right behind  
21 Big Mike.

22 **Q** Is it a female or male store clerk?

23 **A** It is a male store clerk that he's talking  
24 to. I also see the female store clerk, she's at her  
25 register and she is just looking at us.

1           **Q**     But he is talking to the male store clerk?

2           **A**     Yes, he is talking to the male store  
3 clerk.

4           **Q**     Go ahead.

5           **A**     As he is talking to the male store clerk,  
6 the male store clerk ask him what does he want. Big  
7 Mike says in a very not, you know, threatening voice  
8 he just said, and while he was saying what he  
9 wanted, he said I want these box of Cigarillos.  
10 While he was saying it, he was leaning forward to  
11 grab them.

12          **Q**     Okay.

13          **A**     He leaned forward, but it wasn't a snatch  
14 and grab motion like he did it really quickly. He  
15 did it like, like he did it before I should say.  
16 Once he reached over the counter the first time, the  
17 store clerk, he was standing right in front of him,  
18 he never did anything, he didn't say anything, the  
19 first time, he didn't smack his hand down or  
20 anything like that.

21                   That was the time that he pulled back  
22 and he handed the box, it was a box of mini  
23 Cigarillos, 69 cent Cigarillos. It was just a box  
24 of them. He turned around and handed those to me.

25          **Q**     Okay.

1           **A**     Now, at this time I still didn't think  
2     that he was not going to pay for them because I have  
3     saw people purchase a lot of Cigarillos at one time,  
4     a large amount. It is not that much 30 or \$40, you  
5     can buy you a box.

6                     It wasn't until he went back the  
7     second time and grabbed a handful of the single  
8     Cigarillos. Now first he grabbed the box and the  
9     store clerk did nothing, this time he was going back  
10    to grab the single Cigarillos. As he was coming  
11    back, the store clerk did a late response and he  
12    swung at his hand, but he missed because he was so  
13    late, he smacked the counter.

14           **Q**     The store clerk did?

15           **A**     The store clerk did.

16           **Q**     This is behind the counter that this is  
17    occurring, the store clerk is behind the counter?

18           **A**     The store clerk is behind the counter, Big  
19    Mike never went behind the counter.

20           **Q**     I see.

21           **A**     He was standing in front of the register,  
22    I was standing right behind him, there was another  
23    male, he was inside the store, he had just purchased  
24    something. We were, the time where he snatched back  
25    and the store clerk missed, he kind of hit the top

1 of some Cigarillos, which made some of them fall.  
2 And Big Mike turned to pick them up, and as he  
3 picked those up, he faced towards the door, that's  
4 when I knew okay, something is not right here.

5 I didn't see, from where I was  
6 standing, I didn't see money get transferred to the  
7 store clerk and that's why I sat the box of  
8 Cigarillos back on the counter. I've been to the  
9 store a lot of times.

10 **Q** Did the store clerk say anything or did  
11 Big Mike say anything to the store clerk when the  
12 store clerk swatted at his hand?

13 **A** At that time, no.

14 **Q** Nobody said anything?

15 **A** No one said, words were not exchanged at  
16 the time that I can hear.

17 **Q** Okay.

18 **A** Because I'm standing behind him, but I'm  
19 trying to gather up, am I being pranked or is this  
20 something. Because I didn't hang out with Big Mike  
21 on a day-to-day basis, I didn't know how well his  
22 relationship was to the store clerk, so I didn't  
23 know was, you know, did he do this all the time or  
24 anything like that, I didn't know. I was trying to  
25 gather that in my head at the time.

1                   Now, while all of this is going on,  
2   Big Mike is making his way towards the door. The  
3   store clerk had came around, now he came around his  
4   register and he's making his way to the door. He's  
5   not like running or anything like that, more a pace  
6   walking and when he got to the front door, he didn't  
7   get there yet because a man, like I said, there was  
8   another male customer in there at the time. He had  
9   just purchased something. As he's leaving out, he's  
10  kind of holding the door open like he's watching,  
11  but he's trying to get away at the same time, like  
12  he didn't have nothing to do with it, but he is  
13  watching. I see him holding the door open.

14                   As he let the door close, Big Mike  
15  was almost at the door, so he was going to put his  
16  hand on the door to, you know, to push the door  
17  open.

18                   By that time the store clerk had got  
19  around and he was almost in front of the door, he  
20  didn't get there right directly in front of the door  
21  so much as put his hand on the door.

22                   Big Mike, Big Mike thrushed the door  
23  open to where the store clerk, it slipped out of his  
24  hand, so the door flew open. And at that time I  
25  was, I knew, I saw what was going on, but I didn't

1 know it was going to happen that way. So I was  
2 trying to pull myself as far away from the initial  
3 contact with the store clerk as possible because I  
4 didn't know what was going on.

5 So at that time when he slung the  
6 door open, I was making my way, I was trying to get  
7 around Big Mike and the store clerk to exit the  
8 store because I didn't want any part of it, I knew  
9 there was cameras in the store.

10 When Big Mike tried to go out and  
11 thrush the door open and came out of the store  
12 clerk's hand. The store clerk then tried to grab  
13 Big Mike and Big Mike kind of reverses the grab and  
14 grab, like it was a very fast motion, but the store  
15 clerk never came off of neither one of his feet. He  
16 never fell on the floor or got punched or anything  
17 like that, it was a very fast motion, just a shove.

18 **Q** So when this grabbing is occurring, is Big  
19 Mike saying anything?

20 **A** At the time all he said was, get back.

21 **Q** Big Mike told him to get back?

22 **A** Big Mike told the store clerk to get back.

23 **Q** What about the store clerk, is he saying  
24 anything?

25 **A** He didn't say anything else, but the last

1 time I heard the store clerk saying something, we  
2 were walking out of the store and I heard the store  
3 clerk say, I'm going to call the police.

4 **Q** And did Big Mike say anything in response  
5 to that?

6 **A** Just kept walking.

7 **Q** Okay. What did you guys do then, did you  
8 go and get something to eat?

9 **A** At that time eating and all of those other  
10 things that I had on my mind were left field. I had  
11 just witnessed something occur that I feel like if  
12 not, you know, I was there. So I walked in with  
13 him, I felt like I was an accomplice.

14 I was trying to figure it out in my  
15 head at the time we were leaving out of the store  
16 like, all right, I didn't know this was going to  
17 happen. I didn't touch anything, but I did see what  
18 just happened and I know there was a crime.

19 **Q** Did you all talk about it, did you and Big  
20 Mike talk about it?

21 **A** Yes.

22 **Q** What did you all say?

23 **A** I asked him, I looked at him, actually,  
24 looked at him for a while and stared at him because  
25 the times when I did meet him before that day, he

1 didn't strike me as a person who would do anything  
2 like that. He never talked about any crimes or  
3 anything like that. And prior to that day, it  
4 shocked me a lot, it shocked me a lot. So I was  
5 asking him, I was like, you know hey, I don't do  
6 stuff like that. What's going on.

7 And so much is giving me an answer as  
8 to why he did it was he was basically laughing it  
9 off, be cool, be calm, stuff like that laughing it  
10 off but in my head I'm like, I can't be calm, I  
11 can't be cool because I know what just happened and  
12 we were on camera.

13 **Q** Did you talk to him about being on camera?

14 **A** I never said that, but I knew we were on  
15 camera.

16 **Q** Did he appear as if he had, was  
17 intoxicated or impaired in any way at that time?

18 **A** No, like I said, the conversation leading  
19 up to the store was a general conversation I would  
20 have with anybody any other day. There was nothing  
21 strange about the conversation. He didn't say any  
22 words that made me feel like you need to sit down or  
23 anything like that. Up until that point I thought  
24 he was mindful of everything that was going on at  
25 the time.

1           **Q**     So when you first encountered him or first  
2     made contact with him that morning, you said you all  
3     had never smoked together between the time you  
4     caught up with him to the time you went to the  
5     store?

6           **A**     Yes.

7           **Q**     Did he seem like he had some marijuana or  
8     something before you saw him that morning?  
9     Basically what you know of him?

10          **A**     Yeah, based on what I saw of him that  
11     morning before we walked to the store, he didn't  
12     look like he smoked anything that morning or  
13     anything like that at that time.

14          **Q**     Okay. So you guys are walking towards  
15     West Florissant?

16          **A**     We are walking down West Florissant.

17          **Q**     On West Florissant?

18          **A**     Now we are walking down West Florissant,  
19     from Ferguson Market to Canfield is actually like,  
20     walking is like a four minute, five minute walk,  
21     especially when you are having a conversation  
22     talking, could be longer, could be shorter, but in  
23     that timeframe of walking to Canfield, I saw a  
24     police cruiser coming down, coming down West  
25     Florissant. It was a Ferguson cruiser, it was a

1 truck.

2 At that time in my head I was like,  
3 wow, he called the police. They came really  
4 quickly, I knew that they would probably come  
5 quickly. I was just, wow, we're really going to get  
6 locked up, this is going to happen.

7 But when the police officer, you  
8 know, they passed us, the first car never stopped at  
9 the Ferguson Market. The first car stopped at  
10 McDonald's right next to the Ferguson Market and  
11 they kind of just sit on the lot. And that kind of  
12 struck me as odd. I was like, wow, maybe he didn't  
13 call the police at that time. Maybe he didn't call  
14 the police or they didn't get the dispatch call or  
15 anything like that because they drove past us and at  
16 no point in time, the shorts that I had on, I had on  
17 pajama shorts, I didn't have pockets on them.

18 I was not able to grab Cigarillos out  
19 of Big Mike's hand to put in my pocket, he had  
20 pockets. He did not put the Cigarillos in his  
21 pocket. The Cigarillos now he has them in both  
22 hands, now he is spreading them evenly apart and we  
23 are walking down plain sight West Florissant to  
24 Canfield.

25 Q You are not like running or hiding?

1           **A**     Not running or not hiding, we are in plain  
2     sight walking down the sidewalk while we are on West  
3     Florissant and I see the police cruiser.

4           **Q**     You walk to West Florissant and then what  
5     is the street that takes you into Canfield  
6     Apartments?

7           **A**     Canfield Drive.

8           **Q**     Canfield Drive. So you walk up Canfield  
9     Drive?

10          **A**     Well, once we get to Canfield, I see  
11     another police cruiser pass us by. Now this one, I  
12     believe, in my mind I believe he was going to the  
13     store to check the car if the store clerk made the  
14     call. At that time I wasn't aware, but I heard him  
15     say as I was walking out the store that he was going  
16     to call the police.

17                   And seeing two police squad cars  
18     before we got to Canfield, it made me believe that  
19     he did call the police and if so, why didn't they  
20     pull up on us at that time.

21                   But we got to Canfield and now we're  
22     walking down Canfield, like I said, we wasn't  
23     running, we wasn't ducking behind bushes or anything  
24     like that.

25          **Q**     There is not a lot of cars out on Canfield

1 out at this time, a lot of traffic?

2 **A** At that time there was not a lot of  
3 traffic, maybe two or three cars passed, which is,  
4 you know, not that much traffic up and down Canfield  
5 to what is backed up two or three cars will pass you  
6 going both ways.

7 **Q** This is a Saturday?

8 **A** Yes.

9 **Q** And according to the information, the  
10 records, it is somewhere around 11-ish or so, right  
11 around noon time that you guys were at that store?

12 **A** According to the information, like I said.

13 **Q** Would that sound reasonable to you if you  
14 heard that?

15 **A** It sounds about right, about 11:30 or  
16 12-ish maybe.

17 **Q** Okay, okay. So now you are walking, I  
18 guess, east on Canfield?

19 **A** Canfield.

20 **Q** Drive?

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

22 **Q** All right. And tell us what happens?

23 **A** We are going down Canfield on the  
24 sidewalk. As we approach, we get close to the  
25 leasing center, the leasing office is right at the

1 beginning of Canfield.

2 The conversation we was having at  
3 this point, we was talking the same, the  
4 conversation never changed about what we were  
5 talking about future goals and stuff like that, what  
6 we were planning on doing.

7 And basically he was asking me  
8 questions on how did I transform to coming from  
9 where I was and getting on track and now I have my  
10 own apartment and stuff like that, I was just  
11 telling him a few things that I went through in my  
12 life that made me change and stuff like that.

13 I knew he wasn't someone like me, I  
14 knew he didn't grow up where I grew up from, where  
15 there was a bunch of violent gangs and violent stuff  
16 occurring all the time. I knew that much about  
17 because I read from his demeanor he didn't come up  
18 that way. I'm telling him about my life story and  
19 how I come up from a bunch of tragedies. I went to  
20 school, I was still able to do things that I need to  
21 do in life.

22 At that time he asked, at that time  
23 there was no cars, no traffic, no one was coming up  
24 or down Canfield Drive. We got in the middle of the  
25 street, got into the middle of the street. We're

1 walking in the middle, I'm in front of Big Mike and  
2 he's right behind me. He's real big so I know  
3 people can see him right above me.

4 So we are walking on the street. At  
5 that time we are walking like 30 seconds, I'm not  
6 really on the time preferences, about 30 seconds and  
7 traffic started going, but no one blew their horns,  
8 no one made irregular turns to get around us like we  
9 were in the way and no one yelled out their windows,  
10 you guys are in the way, get out of the street,  
11 anything like that. Two or three cars had passed  
12 us.

13 **Q** Let me ask you a question. Where were you  
14 guys headed at this point?

15 **A** At this point we was headed back to my  
16 house or his house because where we were staying,  
17 like I said, we were staying directly apart from  
18 each other, but on opposite side of the streets. I  
19 lived on this side, my building was on this side and  
20 the building he was staying in at that time was on  
21 the other side of the street.

22 **Q** So you hadn't decided whose place you were  
23 going to go to yet?

24 **A** We hadn't made it to that point yet.

25 **Q** Okay. And your plan was to go and smoke?

1           **A**     Yeah, smoke and something like that?

2           **Q**     So you hadn't decided whose house yet.

3           **A**     No.

4           **Q**     Okay. So go ahead and finish.

5           **A**     As we're walking down the street, now I  
6 see the police cruiser approaching us, coming up  
7 west going back towards West Florissant. The police  
8 cruiser is approaching us, right before the police  
9 cruiser approached us, two cars had passed us  
10 already. Nobody said anything like we are in the  
11 street or nothing like that.

12                                 When he got right directly on the  
13 side of us, the police officer Darren Wilson, when  
14 he got on the side of us he rolled his window down  
15 and he said, get on the sidewalk, but it wasn't in a  
16 polite manner, it was very rudely.

17           **Q**     You can say whatever he said.

18           **A**     He said get the F on the sidewalk.

19           **Q**     That's the get the --

20           **A**     Get the fuck on the sidewalk.

21           **Q**     Had you ever have had any interaction with  
22 him before?

23           **A**     No, ma'am, I had never seen him before.

24           **Q**     You had never seen him before. Do you  
25 know if Big Mike had ever seen him before?

1           **A**     We didn't get a chance to talk about it.  
2     Like I said, I just moved in that area, I really  
3     wasn't caught up too much in the police or anything  
4     like that, I go to work and come home.

5           **Q**     Nobody said oh, I know him?

6           **A**     Yeah, nobody said anything like that, it  
7     was just me and Big Mike. He didn't say anything at  
8     the time when the police pulled up on the side of  
9     us. The initial pull up Big Mike said, he didn't  
10    say anything. I was the one that was talking when  
11    the police officer said get the F on the sidewalk.  
12    I told the police officer we was just a minute away  
13    from our destination, I live in Canfield and we'll  
14    be off the street closely.

15                   Now, at that time I was looking at  
16    the officer's face, but not really in his eyes. I  
17    really didn't look back up at Big Mike, he didn't  
18    say anything. I was the one talking to the officer  
19    and I wasn't loud with the officer or anything like  
20    that. I was just telling him where we were headed  
21    to.

22           **Q**     How close were you and Big Mike at this  
23    time?

24           **A**     At this time me and Big Mike, he's like  
25    right on my back.

1           **Q**     He's behind you, single file?

2           **A**     Yes, he's right behind me, single file.

3           **Q**     All right, go ahead.

4           **A**     As I'm telling the police officer we were  
5 just going to get out of the street, we were close  
6 to our destination, I stayed in Canfield. I believe  
7 that he was pulling off. So we continued to walk.  
8 In my mind I thought he was just, you know, okay,  
9 they're just kids, they will get out of the street  
10 shortly.

11          **Q**     So you stayed in the street?

12          **A**     Yes, we stayed in the street.

13          **Q**     Okay.

14          **A**     We continued to walk and have our  
15 conversation, but almost a split second we heard the  
16 tires screech, and the officer, he pulled back in  
17 the truck very fast to the point at an angle if we  
18 didn't hear his tires screech, the back of his  
19 cruiser would have struck one of us, not both of us,  
20 it would have struck both of us or one of us because  
21 of the way he angled in reverse.

22                   He never drove and turned around, he  
23 reversed real fast. Why he reversed so fast on us  
24 and the angle that he did in the manner, now we are  
25 almost not inches away from his front door, like we

1 was right in his face now. He never got out of the  
2 car, he just pulled right back on the side of us,  
3 but it is almost at an angle.

4 **Q** Okay.

5 **A** When he pulled up we are face-to-face. Me  
6 and Big Mike are shoulder to shoulder now and the  
7 officer is facing us.

8 **Q** So you both are facing this driver's side  
9 door?

10 **A** Driver's side door.

11 **Q** Where are you in proximity to Big Mike?

12 **A** I'm on Big Mike's right-hand side. I'm  
13 standing right on the side.

14 **Q** So you are at the front or the rear of the  
15 car?

16 **A** I'm still in the beginning of the car, I  
17 never really walked and got far to the back. I was  
18 like in the middle of the front door and the rear  
19 door, so I'm like right here in the middle. And it  
20 is more Big Mike because he's larger than me, it is  
21 more him in the window, but mostly my face, I'm  
22 short and like the top part of me.

23 **Q** Okay. And the car is facing west?

24 **A** Yes.

25 **Q** Towards West Florissant?

1           **A**     Yes, but it is not straight facing, I'm  
2 standing counter facing.

3           **Q**     Okay, all right. All right, go ahead, and  
4 so you all are at the door and then what?

5           **A**     The officer pulled back. What did you  
6 say? Very loud, angry.

7           **Q**     Who did he appear to be talking to?

8           **A**     At the time I believe he was talking to  
9 both of us. Like I said, Big Mike never said  
10 anything when the officer pulled up on us. So at  
11 the time I believe he was talking to both of us when  
12 he said, what did you say?

13                                 And Big Mike, in an instant, Big Mike  
14 was finished saying something, his door was thrust  
15 open, very complex, he thrust his door open real  
16 hard. We was so close to the door that it hit  
17 mostly Big Mike, but it hit me on my left side and  
18 it closed back on him, like real fast. Just the  
19 same speed, boom, boom, that fast.

20                                 And at that time he never attempted  
21 to open the door again like to try to get back out,  
22 but his arm came out the window and that's the first  
23 initial contact that they had. The officer grabbed,  
24 he grabbed ahold of Big Mike's shirt around the neck  
25 area.

1           **Q**     So did he grab his neck or his shirt  
2 around the neck area?

3           **A**     It was more of both because he had a real  
4 good grip on him.

5           **Q**     Was there any warning, did he just stuck  
6 his hand out and grab, does he say something, did he  
7 say anything?

8           **A**     No, ma'am, at this time when the door had  
9 closed back on him, he didn't say anything. His arm  
10 almost in an instant came out the window, his left  
11 arm, I remember it was his left arm, came out the  
12 window and touched Big Mike around his neck area and  
13 his throat. I watched his hands, you know, they  
14 really tightened up, so yeah, he had a good grip on  
15 it, that what's I saw first.

16          **Q**     Were you still right behind Big Mike when  
17 this occurred?

18          **A**     At this time I'm not behind him any more,  
19 we're side to side so I can see everything that is  
20 going on. I'm still in the windowed, I'm still  
21 right here standing in the same spot, I never moved.

22                   And at that time Big Mike, he still  
23 has the Cigarillos in both of his hands, divided  
24 evenly, he never put them down in his pocket or  
25 anything like that.

1                                    Now, from the beginning of the grab,  
2     it is a tug of war.   Big Mike places his hands  
3     openly, one hand on top of the cruiser and the other  
4     hand more right up under the window, the side  
5     mirror.   He's trying to pull off the officer's grip.

6            **Q**     How is he doing that with the Cigarillos  
7     in his hand?

8            **A**     He placed the Cigarillos on the car and  
9     his hands are on the car.   He never dropped a single  
10    pack.   He still has them in his hand not dropping  
11    them, but he's pulling away, but he still grab on.  
12    So he never could really get a good grip on the car,  
13    but he's really trying to pull away.

14           **Q**     Okay.

15           **A**     At this time the officer, I'm not hearing  
16    what the officer is saying, I'm not hearing what Big  
17    Mike is saying, so now I'm not in shock, but that's  
18    the beginning of my shock level.   That's where I'm  
19    like, this doesn't happen every day, something is  
20    out of order here.

21                                    They are talking to each other, they  
22    are yelling and cussing.   And neither one of them  
23    can calm down, they both have angry faces on while  
24    they are talking.

25                                    They both were very upset and they

1     couldn't calm do. There wasn't any wrestling or  
2     anything like that, punches were thrown. It was  
3     more a tug of war and it was very intense, very  
4     intense.

5           **Q**     Okay. And so please tell us what  
6     happened?

7           **A**     While the officer is grabbing ahold of Big  
8     Mike, he kind loses grip around his neck, that's how  
9     I knew he had a good grip. He never fully let Big  
10    Mike go, now he has a good grasp on his shirt. So  
11    now Big Mike's able to turn different angles while  
12    he is trying to pull away.

13                   And at a point he turned, now we are  
14    face-to-face, and he put his hands like, grab these,  
15    Bro. And in shock, I'm so not unconsciously, my  
16    hands open to where he could put the rillos in my  
17    hand, but I'm still standing in the same spot. I  
18    never said anything any more, I'm just standing in  
19    shock. I'm this close, I'm standing right here.

20                   I almost feel like someone needs to  
21    come out here and say something to either one of  
22    them to calm somebody down.

23                   At the time I couldn't open my mouth,  
24    I couldn't speak. I wanted to say could someone  
25    calm down. I could not speak at that time and the

1 Cigarillos were placed in my hand.

2 At that time he turned back around,  
3 facing the officer now, and now he can get a good  
4 grip on the car.

5 So now as he is pulling away, it is  
6 with more power, with more force. The officer is  
7 trying to pull him inside the vehicle through the  
8 window, like he's pulling him, but he's pulling  
9 away. The officer never attempted to open his door  
10 again after the first initially opening his door and  
11 close back on him.

12 Now he's trying to pull him, he's  
13 pulling away.

14 **Q** Was he pulling him with both his hands?

15 **A** No.

16 **Q** The officer is only using the left hand?

17 **A** The officer is only using his left arm and  
18 trying to pull Big Mike in and I could tell Big Mike  
19 was, he was getting the best of the officer because  
20 here was in a better position to pull away. He was  
21 outstanding and he was pulling off of something.

22 The officer was using one hand,  
23 although he had a nice size, I really couldn't get  
24 the full body, but from his arm and when I seen his  
25 arm, he had nice size so where he was kind of

1 strong, he looked strong enough to pull, but not  
2 strong enough to fully pull him all the way in the  
3 car.

4 **Q** Was the car moving at all?

5 **A** No, at this time it was parked, it was  
6 still there in the same spot he pulled up in, same  
7 angle he was in.

8 And by this time there was cars  
9 behind and they could not get through because of how  
10 the officer had his vehicle or the cars couldn't get  
11 through the other way either east or west. So now  
12 we're just like three cars parked more towards the  
13 same direction the officer was going.

14 **Q** That would be west on Canfield Drive?

15 **A** On Canfield Drive. Now, in the midst of  
16 the tug of war, I never see Big Mike actually have  
17 his body inside the vehicle, like the officer never  
18 fully got him inside so much as he has torso or top  
19 area coming toward the window.

20 **Q** Did you ever see Big Mike's hands inside  
21 the car?

22 **A** No, ma'am, I never, I'm still standing  
23 there, more shocked than ever because I see it is  
24 escalating, I can see and hear the cuss words, I can  
25 see the frowns on their faces getting more intense.

1 MS. WHIRLEY: Is there a question?

2 I do have a question.

3 MS. WHIRLEY: It is okay with me.

4 : Do you want to wait?

5 MS. WHIRLEY: You can go ahead and ask a  
6 question.

7 You said you were on his  
8 right?

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

10 : You were both very close  
11 to the door?

12 **A** Correct.

13 : You said he had his hands  
14 on the police car?

15 **A** Correct.

16 And he handed you the  
17 Cigarillos in your hand?

18 **A** Yes, ma'am, correct.

19 : Did he and you both have  
20 in one hand?

21 **A** Correct, yes, no. He handed both of them  
22 in my hands he had, my hands were free, so he handed  
23 them to me at the same time.

24 : Reason I ask this, I'm  
25 not judging, the reason I ask you is because that in

1 the film we saw, he only had the Cigarillos in one  
2 hand.

3 **A** Yes, when he initially grabbed out of the  
4 store, he had a lot of them in one hand when he  
5 grabbed them in the store. Once he got outside the  
6 store, that's when he divided them kind of and had  
7 both of his hands.

8 He's 6'3" or 6'4?

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

10 You're not six feet?

11 **A** No, not at all.

12 : So how do you know he is  
13 so much taller than the car than you, you say you  
14 saw both of his hands, how did you see his left  
15 hand?

16 **A** The officer or Big Mike's?

17 Big Mike.

18 **A** Big Mike.

19 : He's so big, he's up  
20 against the car.

21 **A** Yeah.

22 How could you be sure?

23 **A** He was never like, I see what you're  
24 saying, he was never that close to the car, like I  
25 said, because of the position that he had on the

1 officer standing outside. He was more overpowering  
2 the officer and the officer couldn't get him to  
3 close to the car.

4 So as he is pulling away, I can see  
5 his hand on front of the car, not both of his hands  
6 were on top. One hand was on top, the other hand  
7 was kind of by the side mirror on the officer's  
8 cruiser. So I can see his hands as he's pulling  
9 away, but then the officer, you know, there's a tug  
10 of war. He pulled him and then he pulled away.

11 That begs another  
12 question. You said he was getting the best of the  
13 officer. And when Sheila asked you if the car was  
14 moving, not was it mobile, but was moving, like was  
15 it so much force that it was rocking or something?

16 **A** I mean, the truck, yes, it was moving.

17 Because you didn't say  
18 you could tell that Big Mike was getting the best of  
19 the officer?

20 **A** Yes.

21 : If he is 300 pounds and  
22 6'3", there has to be movement of the car?

23 **A** Yeah, because of the distance, or  
24 whatever, and he was standing, the car was moving,  
25 thank you for clearing that up.

1 MS. WHIRLEY: I'm glad she cleared that  
2 up.

3 A It wasn't moving, but it was shaking and  
4 moving, thank you.

5 : . You said  
6 initially that generally your process is to get up  
7 in the morning, check with your girlfriend and your  
8 baby to see if they want anything to eat on that  
9 date, your intent was to go get the Cigarillos from  
10 somebody in the apartment complex?

11 A Yes, ma'am, correct.

12 : Okay. And then was your  
13 intent to get something, you said something to eat  
14 for your girlfriend; is that correct as well?

15 A Correct, yes, ma'am.

16 : Naturally you didn't get  
17 to the friend's apartment for the Cigarillos, you  
18 were kind of diverted you said to the Ferguson  
19 Market; is that correct?

20 A Yes, ma'am, that's correct.

21 : At which time that's where  
22 the alleged theft had occurred?

23 A Yes, ma'am, correct.

24 Of the Cigarillos. You  
25 came out, you're coming back to the apartment

1 complex; is that correct?

2 **A** Correct, yes, ma'am.

3 Where did you, if I  
4 understand correctly, there's a McDonald's in this  
5 area, is that also correct.

6 **A** Yes, ma'am, right next door to the store.

7 At any point did you stop  
8 at the McDonald's to get breakfast for your  
9 girlfriend or your baby at that time.

10 **A** No, ma'am. At that time I was more  
11 concerned with getting home, getting away from that  
12 whole incident because of what had just occurred in  
13 the store, now I'm more wanting to just get back to  
14 my daughter and my girl because I know the  
15 seriousness of what just occurred.

16 Uh-huh, okay. And you  
17 said that you had lived there approximately about  
18 eight months you said, right?

19 **A** Eight months.

20 Although you only met  
21 Mike, I think you said about three months before  
22 this incident occurred; is that correct?

23 **A** One or two months.

24 : One or two months.

25 **A** Or five.

1 : You knew other people that  
2 lived in the complex; is that correct?

3 **A** As neighbors, I only knew one other person  
4 that visited the complex as a childhood friend. I  
5 knew him as a childhood friend that one person,  
6 everybody else that I met, I met them as neighbors,  
7 I never stayed in Ferguson before.

8 : Okay. Now while you were  
9 there, I'm of the impression, I don't want to  
10 speculate, you had no other contact, had no other  
11 contact directly with Ferguson Police Department for  
12 any reason, any tickets or any altercations or  
13 anything of that nature?

14 **A** Yes, ma'am, I never had any.

15 While you are in the  
16 apartment complex, I mean, I'm quite sure sometimes  
17 you hear through the grapevine well, yeah, this guy  
18 got stopped or whatever or the police is like that,  
19 did you hear any conversations to that effect from  
20 any residence in the apartment complex?

21 **A** Yes, ma'am, all the time. Every day I  
22 hear different stories about people's different  
23 encounters with Ferguson Police. Be very mindful of  
24 the police around. Whenever you're coming outside  
25 the door, people are always giving you a warning,

1 they are up the street now, they are down the street  
2 or something in that manner basically keeping you  
3 aware of Ferguson Police.

4 : Okay, all right. With you  
5 being the older person, I think I heard in one of  
6 the DVDs that we saw or either in the transcript of  
7 that, you were basically kind of being a mentor to  
8 Mike; is that correct?

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

10 You saw that as an  
11 unofficial mentor?

12 **A** That's correct. It wasn't just like that  
13 with Big Mike, it was other kids his age that would  
14 see me and they see how I look and they see me  
15 walking up and down the street.

16 I have a dog, so me and my dog, I  
17 walk my dog a lot. I just live a peaceful lifestyle  
18 and they see that and they see me with my tattoos  
19 and my dreadlocks asking questions every day. They  
20 see me how did you, what happened, how did you get  
21 your job or anything like that.

22 So it is on a, it wasn't random that  
23 a person his age would come to me asking me how and  
24 the ways to get to work, to be the life to where you  
25 be comfortable a little. It was just me and him

1 didn't talk on a daily basis, I didn't see him on a  
2 daily basis.

3 : Okay. And with having  
4 that kind of relationship, when this incident  
5 occurred at Ferguson Market, did you have any  
6 opportunity at any time before this happened to kind  
7 of inform Mike what you had heard about the  
8 condition or the relationship between the community,  
9 the African-American community or community in that  
10 area and the Ferguson Police Department?

11 **A** No, ma'am, to my knowledge, Big Mike was  
12 living in Ferguson a lot longer than I was. Like I  
13 said, his grandmother stayed in Northwinds, they  
14 still in Ferguson. He knew a lot of people that  
15 stayed in Ferguson.

16 He was very popular, you know, with  
17 the kids, or people in the area. I was just the new  
18 resident, first time owner, year lease holder, I  
19 really didn't know people around or that much about  
20 Ferguson to give him knowledge about Ferguson and he  
21 stayed there a lot longer.

22 : Okay. So, I mean, did he  
23 have the opportunity to let you know about the  
24 Ferguson Police Department if he's been there  
25 longer?

1           **A**       Yes, but not, he never directly told me  
2       like yeah, man, Ferguson, they really be on us like  
3       that, he never really said anything like that  
4       towards me or never really brought up incidents  
5       where he had encountered with the Ferguson Police.

6                       My other neighbors that stayed around  
7       who lived or who owned their apartment or drive up  
8       and down the street every day, those are the ones  
9       getting stopped and they had their complaints, but  
10      he really didn't talk about Ferguson Police.

11                      When the officer, Officer  
12      Wilson, Darren Wilson, when he first accosted you  
13      and Mike Brown in the street as you are walking back  
14      to your, I guess, wherever you intended on going,  
15      hadn't been decided yet, going to go to his place or  
16      go to your place or not, but when he, I believe you  
17      guys are walking east then; is that correct, on  
18      Canfield and he is traveling west on Canfield, the  
19      officer in his vehicle, is that correct?

20           **A**       If west is going towards West Florissant,  
21      east towards Northwinds, yes, that's correct. I'm  
22      sorry, I don't know.

23                      Okay. When he stops you  
24      and he makes this comment to you, okay, and then you  
25      say that you tell him that you are about a minute

1 from where you are going, you need to get to, okay,  
2 can you write that down for me in relative about  
3 approximately how many feet, did you have a block to  
4 go, did you have like 20 feet to go, 10 feet to go  
5 or what?

6 **A** Yeah, like I said, we was just at the  
7 leasing office where my building is and his building  
8 is away from the leasing office is not a block away,  
9 probably 20, 30 feet away.

10 : So about 20 or 30 feet?

11 MS. WHIRLEY: We can look at the map, did  
12 you have another question?

13 Yeah, I had another  
14 question. Was there any particular reason when the  
15 police officer gives you an order that you and Mike  
16 did not obey that order to get out of the street at  
17 that time and onto the sidewalk?

18 **A** The reason, I mean, at the time in my head  
19 and the response that I give back to the officer, I  
20 didn't feel like I was rude. I knew by law that we  
21 really wasn't committing a crime at the time because  
22 there was no traffic flow and no one was, you know,  
23 we wasn't holding up traffic or anything like that  
24 because cars were still able to pass us.

25 It was more so, it was more so like a

1 father figure talking to a son and that's where, you  
2 know, we are just walking down the street. But no  
3 one said anything like that, but this is what I'm  
4 thinking in my mind, we are just walking down the  
5 street, we are not causing anybody any harm. He  
6 didn't initially pull up on us and stop us because  
7 of the store incident, which I thought when I saw  
8 him I thought he's coming to get us for the store,  
9 but once he told us just get on the sidewalk, in my  
10 mind I'm like well, I guess he didn't call the  
11 police.

12 So at that time if the officer didn't  
13 know and I feel that he didn't know about the store  
14 because Big Mike still did have the Cigarillos in  
15 his hands in plain sight when the officer pulled up  
16 on us. He was just saying get on the sidewalk.  
17 Once I responded to him telling him we was a minute  
18 away from the destination, I felt like that we were  
19 not committing a crime, we were having our  
20 conversation, we was just walking.

21 At that time the officer really  
22 didn't look like, you know, he was mad or he was  
23 telling us that we was committing a crime, he was  
24 just saying get on the sidewalk. We was basically  
25 okay, we will be out of the street in a minute.

1 : Did you, I mean, did the  
2 thought ever come to your mind at that point in time  
3 that maybe he was doing it for public safety to  
4 avoid you being struck by a vehicle in the street or  
5 anything of that nature, maybe for your own safety?

6 **A** At the time, no, I was not thinking that,  
7 but I could see how that would come into effect. At  
8 the time I was not thinking we was in harm's way or  
9 anything like that. Like I said, cars had passed us  
10 before the police got on the side of us, no one  
11 made, you know, any remarks saying, hey, you guys  
12 are in our way or blowing their horn or anything  
13 like that. So at the time I didn't feel like we  
14 were in harms way.

15 : Earlier you spoke about  
16 the construction worker, you did not speak to the  
17 construction worker, you did not talk to them?

18 **A** No, I didn't say anything so much as just  
19 stand there. I honestly didn't believe the  
20 construction worker would give a conversation  
21 because they were working at the time.

22 : Okay.

23 **A** I was just standing there.

24 : Could you hear them  
25 talking?

1           **A**       Not so much as, hey, when the construction  
2 worker spoke back, I kind of bowed out of their  
3 conversation. I didn't hear what they were saying  
4 to one another.

5                                 : You didn't hear him  
6 talking about getting high and something?

7           **A**       At first I heard because that's what I was  
8 initially going to do. So I heard him bring up  
9 smoking or anything like that, but I couldn't get  
10 detailed on what exactly was said between him and  
11 the construction worker. I couldn't really factor  
12 in exactly what they were both saying.

13                                : Where was the  
14 construction worker on your way back, they were  
15 gone?

16           **A**       We did not get there.

17                                : You didn't get that far?

18           **A**       We didn't get that far.

19                                : You mentioned, you said  
20 it was almost, you didn't know if you were being  
21 punked because it was almost like he had done it  
22 before. Do you think it is possible he could have  
23 done it before, do you think it is possible? I  
24 mean, he is a big guy, he's a big guy.

25           **A**       Yeah, he's a big guy. I really can't say

1 if it is possible that he would do it at another  
2 store or anything like that. All I can say is how I  
3 felt at that time when I did see that because I  
4 never seen it before like that or the store clerk  
5 react that way or that slow.

6 Yes, it was like he knew the people  
7 like he had been in that store before, like he knew  
8 them, that store before and he knew things like that  
9 in that store.

10 It was not like he had  
11 stolen before or he was just familiar?

12 **A** Familiar with the store to where he could  
13 just pick up things and just pay for however he  
14 pleases.

15 I'm going to kind of ask  
16 you the same thing that he asked you. You said you  
17 didn't feel like you were doing anything wrong, but  
18 in the manner that the police spoke to you --

19 MS. WHIRLEY: Speak up a little bit for  
20 us.

21 : In the manner that he  
22 said get the fuck in, on the sidewalk.

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

24 : Why were you not even on  
25 the sidewalk? It was not safe, is there a reason

1 why you didn't take advantage of the sidewalk, why  
2 you didn't do that?

3 **A** It wasn't a reason that I wasn't on the  
4 sidewalk, it was more just a decision that we made.  
5 When we get down there or anything like that, but  
6 the initial, the reason we didn't follow the  
7 complaint, like I said, Big Mike at this time never  
8 said anything.

9 : Okay.

10 **A** It was more like a chastisement than you  
11 are breaking law or you are committing a crime or  
12 you might bring harm to yourself.

13 If those were represented in the way  
14 he came off to us when he first said it, then maybe,  
15 okay, you know what, we'll get on the sidewalk.  
16 Because of the way he said it and the manner that he  
17 said it, it was more like we're not your kids, we're  
18 not doing anything legally wrong, just walking down  
19 the street even though it could be considered a  
20 crime jaywalking, but we are just walking in the  
21 street, we are not committing any crime or bringing  
22 harm to anyone.

23 : My last question right  
24 now. When the police, you said that the police  
25 passed you?

1           **A**     Yes, after that.

2                                 :   And you're walking back?

3           **A**     You talking about after the store?

4                                 :   Yes.

5           **A**     Okay.

6                                 :   Are police going both  
7 ways?

8           **A**     No, the police came.

9                                 :   From the area of the  
10 store?

11          **A**     Not the area from the store, from deeper  
12 in Ferguson, so they was coming towards the store.

13                                 :   Okay.

14          **A**     When I first saw the official squad truck,  
15 it was a truck, not a car. Like I said, they didn't  
16 even go to the store, they went to McDonald's, they  
17 was on the parking lot. They turned around coming  
18 off the parking lot, but didn't really come off the  
19 parking lot or didn't confront us.

20   The third police car.

21          **A**     Darren Wilson.

22                                 :   Darren Wilson is the one  
23 that said get the F on the sidewalk?

24          **A**     On the sidewalk.

25                                 :   You said I'm not doing

1 anything, I'm going home, and that's when he backed  
2 up.

3 **A** Correct.

4 : And you couldn't go  
5 anywhere --

6 **A** Yeah, at that point when he backed up on  
7 us, I stopped.

8 : Okay.

9 **A** Because I felt that he had something else  
10 to say and I didn't want to make myself look guilty  
11 by running away or being startled and, you know,  
12 making a quick reaction, so I just stood there and  
13 complied with the officer even though he never said  
14 freeze or hold when he pulled back. I felt I will  
15 just stand still and see what he asked.

16 (Grand Jury Exhibit Number 15  
17 marked for identification.)

18 **Q** (By Ms. Whirley) So at no time when the  
19 officer pulled back, we have brought a map that's  
20 marked as Grand Jury Exhibit Number 15 that would  
21 hopefully help you kind of illustrate where you guys  
22 were, does that look familiar?

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

24 **Q** Okay, good. But my question before we get  
25 started is when the officer pulled back, he never

1 said, he never questioned you about that store  
2 incident?

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

4 **Q** He never gave you any other directions  
5 then get out of the street or get on the sidewalk?

6 **A** After he initially said get on the  
7 sidewalk, he never even brought the sidewalk  
8 situation back up. He never brought the store up  
9 after he gave his first statement about getting on  
10 the sidewalk and I told him exactly how I said we  
11 are a minute away from our destination. We will be  
12 out of the street shortly. After he pulled back,  
13 there was no more sidewalk talk, it was nothing, it  
14 was just anger.

15 **Q** And then the altercation ensued?

16 **A** Began from there.

17 **Q** All right. I'm not sure how sturdy this  
18 tripod is, hopefully it will get us through. Can  
19 everyone see this map? You had a question?

20 : . A couple  
21 questions. I want to keep it before we move on.  
22 When you went into the market, you talked about  
23 payment, did you have money in your hands? I know  
24 you didn't have any pockets, I'm trying to figure  
25 out where you had your money?

1           **A**     I had my money in my shoe at the time,  
2     yes, I had my money in my shoe.

3                                 When you left the store, I  
4     thought it was strange you guys stuck together. You  
5     didn't seem concerned, then kind of something bad  
6     was there, then you kind of stuck with Mike, kind of  
7     walk down the street, see the cops coming knowing  
8     they might be coming for me, I would expect probably  
9     more hide behind the bush, get back in place. What  
10    is the reason you walked down the street waiting for  
11    the cops to come get you?

12           **A**     Like I said, that was in my mind at the  
13    time, we're not running, there is nothing really to  
14    hide behind on West Florissant. We could have run  
15    behind the stores, we still had to get out in the  
16    open eventually to get down Canfield. In the mind  
17    walking from Ferguson Market to Canfield, we're  
18    never making it to Canfield. We're never making it  
19    to Canfield how far this store is, to how many  
20    police cars we see on a day, you know, that's just  
21    in the area, we'll never make it to Canfield.

22                                 You know, just seems  
23    strange to be in the middle of the street, you think  
24    on the sidewalk to kind of avoid being noticed.

25           **A**     In my mind, I'm still trying to fathom

1 everything that is going on and why he didn't put  
2 the Cigarillos in his pocket. He still had them in  
3 his hand the whole time leaving out the store, all  
4 the way walking down Canfield Drive.

5 When the police officer  
6 backed up at you, obviously, very aggressive. You  
7 think he intended to hit you, you think it was a  
8 miscalculation on the part of his judgment what he  
9 thinks, I shouldn't ask it that way, but I'm just  
10 trying to, I mean, that's pretty aggressive if you  
11 felt like you had to literally get out of the way to  
12 avoid him hitting you, if you felt that way?

13 **A** Yes, correct. It was very aggressive and  
14 fast the way he pulled back, but because we heard  
15 the tires, we was able to step back almost a second  
16 before the truck, the back of the rear of it kind of  
17 hit us, so it didn't hit us, but the way his car was  
18 angled, it very well could have hit both of us.

19 : . Just a  
20 quick follow-up question. Is it typical for you to  
21 walk down the middle of the street when you went to  
22 the market or walk around the neighborhood.

23 **A** No, sir. I walked in the middle of the  
24 street before, but it is not like I just wake up in  
25 the morning, hey, we are going to walk in the middle

1 of the street. It is something you do, you are  
2 crossing the street and try to stay a little longer  
3 or you just walking down the sidewalk. It wasn't  
4 planned to walk in the street.

5 Typically you would be on  
6 the sidewalk?

7 **A** Correct.

8 : In my mind an act of  
9 defiance going down the middle of the street  
10 expecting cars to go around you and, you know, pay  
11 attention to you. If I see somebody in the middle  
12 of the street I'd be concerned about hitting them  
13 and really slowing down and moving over.

14 **A** Yeah, that's correct.

15 : I would interpret that  
16 they are being defiant to show strength or  
17 something.

18 **A** Correct, walking down the middle of the  
19 street could, you know, cause harm if someone had  
20 to, but like I said, walking down the middle of the  
21 street we saw two, three, maybe even four cars pass  
22 us and no one blew their horn, no one even stopped  
23 or slowed down. They kept the same speed and just  
24 rolled right passed us.

25 Eventually there might

1 have been a driver that caused a confrontation?

2 **A** If, but it didn't come at all, we didn't  
3 get anyone telling us to get out of the street, you  
4 are in our way, anything like that, no comments like  
5 that.

6 : Thank you.

7 MS. WHIRLEY: We just have, as I  
8 mentioned, Grand Jury Exhibit Number 15 as an aid to  
9 help the jurors. I'm going to try to move it where  
10 everyone can see it. Can you guys see it from here?

11 **A** You want me to stand up?

12 **Q** That would be great, Dorian, thank you.  
13 I'm going to give you this pen.

14 **A** Well, as you all can see Number 12, this  
15 is my building right here . Like I said, we  
16 have a driveway, you see into the driveway, Canfield  
17 Drive, you can see directly over. This is the  
18 building --

19 **Q** Excuse me, this says Caddiefield Drive.

20 **A** Caddiefield, this is Canfield and through  
21 the apartments like the driveway, they have  
22 Caddiefield.

23 : . You lived in  
24 Caddiefield.

25 **A** Yes, I lived on ,



1 down in the parking lot area. Now the guy I was  
2 going to go to for the Cigarillos, stayed in this  
3 building right here Number Like I said,  
4 regardless whether I saw him or not, I was passing  
5 this building, that's the way I walk through to go  
6 to the guy.

7 When I saw him, we had our words,  
8 we're going to match, now we are walking up.

9 Now this is where we are going  
10 towards the store, going up Canfield. Now back to  
11 the part where the officer pulled up on us.

12 One is the leasing office, the first  
13 building. We were pretty much, we didn't get on  
14 into the street until we were like right before the  
15 leasing office, so it had to be right here where we  
16 initially just crossed over into the street.

17 Now, when the street, the officer  
18 doesn't pull up on us until about right here is  
19 where the police officer first really pulled up on  
20 the side of us.

21 After he initially said get on the  
22 sidewalk, we got to about, I say we wasn't really  
23 that far away from him, we got to about right here.

24 Q When he said get on the sidewalk, you are  
25 still, you said I don't have, I'm almost at my

1 destination, you keep walking east?

2 **A** Yes, we were still walking, but eventually  
3 I figure we were going to get out of the street.

4 : . So you were  
5 right there at Copper Creek Road and he said get the  
6 F on the sidewalk?

7 **A** Yes.

8 : You said not but a  
9 minute, you kept walking, you didn't hesitate, you  
10 didn't even do anything except we are almost home?

11 **A** Yes, that is what I told the officer. We  
12 are a minute away from our destination, I'll be out  
13 of the street shortly. At this time Big Mike said  
14 nothing, no words were out of his mouth towards the  
15 officer.

16 **Q** (By Ms. Whirley) Let me stop you for a  
17 minute. Your destination would be like, show us  
18 where you were when you told the officer you are  
19 almost at your destination, this goes to one of the  
20 grand juror questions.

21 **A** This leasing office where we are at. This  
22 is where the officer stopped us. He asked us to get  
23 on the sidewalk, I told him we were going to our  
24 destination. This is where I was headed, this is  
25 where Big Mike's house was and, you know, it is not

1 very close, but it is not very far. You can  
2 actually see both our buildings from standing right  
3 there, there is no real big trees or anything, they  
4 were actually cutting trees down in the  
5 neighborhood.

6 **Q** (By Ms. Whirley) You don't know the  
7 distance between that?

8 **A** I don't know the distance, you can see  
9 both the buildings from where we are standing from  
10 the leasing office.

11 **Q** All right.

12 **A** Now, once he pulled back on us. Let me  
13 see, you know what, I'm sorry, yeah, when he pulled  
14 back on us.

15 **Q** Is there something wrong?

16 **A** Yeah, I'm sorry, like I said, because of  
17 that day and what was going on, I really couldn't  
18 time or distance time and distance really is a blur  
19 to me, so much actually happened.

20 **Q** Are we right with the location as far as  
21 when, where he stopped you?

22 **A** Where he stops us, yes. I really can't  
23 tell how far we got down like the distance he had to  
24 drive in reverse, but I know he had to drive in  
25 reverse.

1                   The front of his car never met us,  
2     the back of his car met us first when he came back.  
3     I'm describing from the distance because where he  
4     was shot was down here, Big Mike was shot down here  
5     in this area.

6           **Q**     That's where his body fell?

7           **A**     That where his body was. One of the cars  
8     that I had to duck behind for cover, they were along  
9     this right here. (indicating)

10          **Q**     Put car or something to let us know.

11                   MS. ALIZADEH: Why don't you make, before  
12     when you have done this, yeah, make a rectangle.

13          **A**     Okay.

14                   MS. WHIRLEY: That's better.

15          **A**     Like one car. It had to be a second car  
16     and third car would be like right behind.

17                   MS. ALIZADEH: And Dorian, all three of  
18     those cars were going towards West Florissant?

19          **A**     Yes, ma'am, correct.

20                   MS. ALIZADEH: They were on the right side  
21     of the street?

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

23                   Now, like I said, I don't know how  
24     far we got along, but because of how the officer  
25     pulled reverse on us, now his cruiser was more like

1 on both sides. I'll put another rectangle, but his  
2 rear was more on the side where he was coming from  
3 and kind of like, the beginning of his front was on  
4 the other side. Either way cars couldn't come this  
5 way or go the other way. They were stuck, and at  
6 that moment that's when these three cars were  
7 standing right there. And like I said, me and Big  
8 Mike, we are standing on this side of the police  
9 cruiser car.

10 Now, when he pulls up on us and he  
11 said, what did you say? I could tell that he's mad  
12 then, that's when he tried to open his door. Like I  
13 said, the way I was standing on the side of Big Mike  
14 when he opened his door, we was so close to his door  
15 that it hit us, but more so it hit Big Mike, only  
16 like a little portion of me, maybe the end of the  
17 door, it didn't really hurt me or anything like  
18 that, but it struck us and it closed back on the  
19 officer.

20 At that time is when his arm came out  
21 the window and he grabbed onto Big Mike.

22 **Q** (By Ms. Whirley) Okay.

23 **A** Any other questions or should I continue?

24 : . Where  
25 did you say that the door hit you?

1           **A**       The door hit me on my left side, left arm,  
2       not my whole body because Big Mike is so big he  
3       takes more of the door than me, but just a piece of  
4       my arm and a piece of my body.

5                               Did you have any visible  
6       injuries to that area?

7           **A**       No, it hit more Big Mike than me, I didn't  
8       have any bruises but I felt the door hit me.

9                               :   Require any medical  
10      attention?

11          **A**       No, ma'am.

12                            MS. ALIZADEH:   Dorian, can I ask you some  
13      questions?  I know you have, at this point you've  
14      known Big Mike a couple months, maybe three months  
15      max?

16          **A**       Yes.

17                            MS. ALIZADEH:  I know you've said that he  
18      was a great guy, you liked everything about him,  
19      right?

20          **A**       Yes, ma'am.

21                            MS. ALIZADEH:  You considered yourself,  
22      you know, kind of a mentor?

23          **A**       Yes, ma'am.

24                            MS. ALIZADEH:  You are older, you came  
25      from a violent background, not you violent, but

1 lived in a violent area?

2 **A** Yes, ma'am, correct.

3 MS. ALIZADEH: So, you know, when you go  
4 to the store and you see him just take these  
5 Cigarillos and you said he just said I'm going to  
6 take these Cigarillos, right?

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

8 MS. ALIZADEH: That's really brash,  
9 wouldn't you agree?

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

11 MS. ALIZADEH: That's like indignant. And  
12 then when the clerk tries to stop him, he pushes the  
13 clerk aside?

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

15 MS. ALIZADEH: Doesn't he?

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

17 MS. ALIZADEH: You are surprised by that.  
18 And I think, you know, no one is saying that you had  
19 anything to do with planning that or even were aware  
20 it was going to happen, but just that behavior,  
21 that's pretty brash, wouldn't you say?

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

23 MS. ALIZADEH: And then so when you are  
24 walking back and now you heard the clerk say I'm  
25 going to call the police, let me ask you this, after

1 he pushes the clerk aside, and I know you are  
2 watching this and if you want to watch the video  
3 because we couldn't get it to work in the other  
4 room, we can play it again for you. We can play it  
5 for you, but doesn't Big Mike come back at the clerk  
6 at some point?

7 **A** He does, but that's almost like because  
8 the store clerk made a move like he was going  
9 towards, like I said, the first time before the  
10 store clerk actually tried to grab for Big Mike  
11 because the first initial grab the store clerk just  
12 grabbed the door and Big Mike just pushed the door.

13 Now, the store clerk made another  
14 step like he was trying to grab for Big Mike and  
15 that's when it was like a real --

16 MS. ALIZADEH: Like a push away?

17 **A** Fast push away, and I don't know if the  
18 store clerk was going to walk back on or anything,  
19 but that was like a stare down, like he kind of like  
20 stared at him.

21 MS. ALIZADEH: And that was threatening,  
22 he was threatening, don't you think, he is 6 foot  
23 5 inches tall?

24 **A** He was a small man. He was almost smaller  
25 than me, shorter than me, you are right.

1 MS. ALIZADEH: That would be extremely  
2 intimidating, don't you think?

3 A I could see where it made the store clerk  
4 kind of eased off.

5 MS. ALIZADEH: Sure.

6 A You know what, I will just leave this at  
7 the hands of the police.

8 MS. ALIZADEH: At this point, I mean, this  
9 is not behavior you are used to seeing from him,  
10 correct?

11 A No, ma'am, I wasn't aware of it.

12 MS. ALIZADEH: But it is clearly very much  
13 macho, I'm going to take these Cigarillos, I know  
14 he's not saying that, but that was kind of his  
15 demeanor, like what are you going to do, stop me?  
16 I'm taking them, right?

17 A Correct, yes, ma'am.

18 MS. ALIZADEH: Okay. So then you are  
19 walking down the street, I know you said you are  
20 kind of freaked out at this point?

21 A Yes, ma'am.

22 MS. ALIZADEH: And you see cop cars coming  
23 by oh, my God, you know, but Big Mike doesn't really  
24 care, does he?

25 A Not so much care because when he saw, he

1 looked at my face. I'm just walking like oh, my  
2 goodness. When I see the squad car I kind of follow  
3 it, I want to see are they going to the store or  
4 what is going on. And once he sees that on my face,  
5 he is like just walk normal, so we are just walking.

6 MS. ALIZADEH: But he doesn't even put the  
7 Cigarillos in his pocket?

8 **A** Like I said --

9 MS. ALIZADEH: He has them out there like.

10 **A** Just walking, yes, ma'am.

11 MS. ALIZADEH: Whatever, you know. He  
12 owns the street right there, right, kind of?

13 **A** I don't want to say he thought he owned  
14 the street, he was very bold with how --

15 MS. ALIZADEH: Bold, that's a good way to  
16 put it. So then, you know, as you walk back and you  
17 say you are walking in the middle of street.

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

19 MS. ALIZADEH: I know, you know, it is  
20 Saturday, noon-ish, there is people out, but not  
21 like rush hour or anything, but, you know, cars are  
22 going back and forth, cars are going, passing you,  
23 but they don't have any trouble getting past you.

24 **A** No, ma'am, none whatsoever.

25 MS. ALIZADEH: But then the officer stops

1 and says get the fuck on the sidewalk.

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

3 MS. ALIZADEH: And you said hey, we are  
4 just going to my place, we are going to be there in  
5 just a minute and you guys kind of keep walking and  
6 he then drives past you, correct?

7 **A** That was, in my mind, that is what I was  
8 thinking, yes, ma'am, I heard his car pull off.

9 MS. ALIZADEH: Okay. And then you hear  
10 screeching tires and then do you look back to see  
11 him reversing towards you?

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

13 MS. ALIZADEH: You hear him say what?

14 **A** What did you just say? He thought someone  
15 had said something else.

16 MS. ALIZADEH: Is it possible that Big  
17 Mike, who is behind you now, could have said  
18 something to the officer as the officer pulled away,  
19 could have said something ignorant to him?

20 **A** No way, no, ma'am. He was standing behind  
21 me, he was so close if he would have said something,  
22 I would have heard. He didn't say anything, like I  
23 said at that time only I spoke to the officer.

24 Now, I could kind of see where he may  
25 have been looking at the officer, kind of staring

1 him in his eyes, I'm talking he never said anything,  
2 probably eye-to-eye contact with the officer. I  
3 don't know if that, like he did the store clerk,  
4 eye-to-eye with the store clerk where he thought --

5 MS. WHIRLEY: I want to interrupt you.  
6 Did you see that or you just speculating?

7 **A** I am speculating right now.

8 MS. WHIRLEY: We want you to tell us what  
9 you know, what you saw.

10 **A** I was looking at the officer because I was  
11 talking to the officer. I wasn't directly looking  
12 into his eyes, so much looking at his face and  
13 telling him what was going on, but at no point in  
14 time I heard Big Mike say anything at all, he never  
15 said anything.

16 MS. ALIZADEH: But the officer said, what  
17 did you say? That kind of sounds like he heard  
18 something.

19 **A** Or he may have got a look that may have  
20 looked like he said something. That's why I  
21 speculate that he may have been looking at the  
22 officer, but, you know, the way the officer pulled  
23 back on us, yes, I feel like, all right, I'm lost.  
24 I was the one that just told you, I didn't say  
25 anything else.

1 MS. ALIZADEH: You didn't saying?

2 **A** No out of order, no cuss words or anything  
3 like that.

4 MS. ALIZADEH: You didn't hear Mike say  
5 anything?

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

7 MS. ALIZADEH: Is it possible, if he said  
8 it like under his breath as he turned his head,  
9 might be that you didn't hear it?

10 **A** I didn't hear him mumble anything.

11 MS. WHIRLEY: Here is a question.

12 : . If the  
13 police had already passed you guys up as you are  
14 walking towards home, he is going back towards West  
15 Florissant, how could he have heard you because he  
16 had to come back to you and say what did you say?

17 **A** Exactly, so I felt that was my random  
18 thinking, no one said anything, but I didn't say  
19 that to the officer because I didn't know what he  
20 was feeling at the time, the way he pulled a reverse  
21 on us, I was let me stand fast and see what he is  
22 going to say. That's why I basically was standing  
23 side to side talking to him.

24 : Okay, this is  
25 So now you say you don't even think the police heard

1 you say we are almost home?

2 **A** No, he definitely heard me say that.

3 Again, I was looking at his face while I was talking  
4 and telling him.

5 : Again, I'm not judging  
6 you, but somebody just stole something?

7 **A** Right.

8 : On the video that we  
9 watched, he grabbed ahold of the man?

10 **A** Right.

11 : He said something to him  
12 and he lunged at him, okay, you are walking down the  
13 street?

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

15 : The police tell you to  
16 get the fuck on the sidewalk?

17 **A** Correct.

18 And you say I'm almost  
19 home, you are thinking to yourself we are not doing  
20 anything wrong, didn't you? Somebody did just do  
21 something wrong, so that still begs the question why  
22 you did not listen to the police?

23 **A** Yeah, like I said before, at the time we  
24 was walking from the store, I saw with my two eyes  
25 police squad cars pass us by, neither one of those

1 cars stopped us or said hey, did you just come out  
2 of that store or anything like that.

3 So in my mind at the time they were  
4 unaware or the store clerk never made the call  
5 because before we saw Darren Wilson, we saw two more  
6 police cars. He was the third police car we saw and  
7 he was the first one that stopped us.

8 MS. ALIZADEH: So you guys thought, or at  
9 least you thought you were in the clear that this  
10 officer wasn't talking to you about the Cigarillos.

11 **A** Not so much me in the clear because I know  
12 I didn't commit a crime. I was so much thinking  
13 maybe he didn't call the police, that's all I was  
14 thinking.

15 MS. ALIZADEH: You were worried, you  
16 already said --

17 **A** I was worried because of, I know that, you  
18 know, he's not a person like that and I'm worried  
19 because I don't think, well, I don't know what is in  
20 his mind. I can't think what he's thinking at the  
21 time, but I know, you know, I've been locked up  
22 before, not for anything like that, jail is not for  
23 nobody. Nobody should ever want to go to jail. So  
24 I knew that's where he was headed, so that is where  
25 my worry and fear is coming from.

1 MS. ALIZADEH: Okay.

2 MS. WHIRLEY: You say when he came back,  
3 he never mentioned anything about the Cigarillos or  
4 the store?

5 **A** Darren Wilson the police officer?

6 **Q** (By Ms. Whirley) Yes, the police officer.

7 **A** He never stopped stop us and said hey,  
8 freeze, stop right there, let me get out of my car  
9 anything like that. I've been stopped by police  
10 before, I know there is a way that they stop or pull  
11 up on people, suspects for committing crimes.

12 So exactly what I said, didn't feel  
13 like he was stopping us or telling us anything like  
14 we were committing a crime so much as chastising  
15 from a father to a son, like you are doing some  
16 wrong. Hey, put that down or don't touch that, it  
17 came off like that, that's how he said it.

18 : . You did  
19 say that you have money in your tennis shoes?

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

21 Why don't you pay for the  
22 Cigarillos?

23 **A** At the time I thought he was going to buy  
24 them because when we was in the store, I never  
25 confronted the store clerk, I never even walked up

1 to the register, I just stood back because I thought  
2 that he was buying the Cigarillos.

3 When I saw that he wasn't, I didn't  
4 need that many Cigarillos, that's why I just, you  
5 know, set it back. And because of what was going on  
6 at the time, I don't even want to be, you know, I'm  
7 really trying to get out of the store now. I don't  
8 like what is going on, so I'm leaving so much as  
9 hey, I'll pay for them, it is all right. I'm just  
10 trying to leave now.

11 : When you saw your friend  
12 do something that is wrong and you have the money,  
13 why don't you pay?

14 **A** Oh, no.

15 : Or at least offer to pay?

16 **A** I'm sorry, I didn't have enough money to  
17 purchase all of them.

18 : At least some of them,  
19 what have you?

20 **A** I didn't have enough to purchase all the  
21 Cigarillos that he was grabbing. And at the time,  
22 like I said, we never had a conversation about what  
23 he was going to do in the store or anything like  
24 that. We was just going to get some Cigarillos.

25 At the time you didn't

1 even pay for one Cigarillo?

2 **A** At that time I was basically, hey, you  
3 know what, I'm not a part of this, I didn't know,  
4 although I didn't say it, I was basically just  
5 trying to get out of the store like all of the rest,  
6 there was another person in there, he was just  
7 trying to get out of the store, so I'm getting --  
8 : You are with him and he  
9 is doing that, you are an accomplice?

10 MS. ALIZADEH: You can't hear him?

11 **A** I'm sorry, I'll speak up. The store clerk  
12 actually does notice me, like I said, it was a male  
13 store clerk and his daughter was there. She's  
14 looking directly at me, I'm looking at her  
15 face-to-face and she sees me actually put the box of  
16 Cigarillos back and I step back.

17 Because they are kind of in front of  
18 the door so I really can't get through, like walking  
19 straight. So I have to kind of side step them. The  
20 store clerk, as he walked past me, he never tried to  
21 grab me, hey, you with him, he never did anything  
22 like that. So I felt like, you know what, he saw me  
23 put those back, he saw that my intentions were not  
24 to steal from him, so that's why I believe he didn't  
25 never try to grab me or hold me back or from leaving

1 or anything like that.

2 . When the police  
3 officer backed up and almost ran over you, let's  
4 say, and you guys were facing his window, when he  
5 opened his door, what is your sense of what he was  
6 trying to do when he was opening your door, do you  
7 think he was intentionally trying to hit you with  
8 the door or was he potentially trying to get out of  
9 the car very quickly?

10 **A** That I can't speculate on. Again, I  
11 cannot speculate what is in someone's mind or what  
12 their agenda is going to be, but the force that he  
13 used and the power behind it, I believe it was  
14 unnecessary. He could of, and the way he backed up,  
15 if he would have backed up straight back, he would  
16 have been able to open his door, step out of his car  
17 perfectly. But because of the angle where he  
18 reversed and how close we were and how fast he did  
19 it, it happened real fast. Everything happened  
20 continuously right back to back.

21 It was really with a lot of force and  
22 power that wasn't needed.

23 Do you think, do you think  
24 it is possible that he didn't know how close you  
25 guys dies were to the car?





1 pulled back straight, the altercation would have  
2 happened a lot different, I'm sure he would have  
3 happened a lot different if he been able to get out  
4 of the car, full body, stand straight up, but  
5 because of how that little small incident reacted,  
6 it kind of turned the next level up a lot.

7 MS. WHIRLEY: Okay. Anybody else? All  
8 right.

9 Dorian, why don't you have a seat, we may  
10 go back to the map.

11 Q (By Ms. Whirley) Let's get to the actual  
12 shooting.

13 A Okay.

14 Q We left off with you talking about the  
15 officer had his left hand out of the car and he is  
16 pulling Big Mike in or trying to, so now the  
17 Cigarillos have been handed off to you?

18 A Yes, ma'am.

19 Q Go from there?

20 A I'm sorry, could I stand up? This map is  
21 perfect and I just want to see very perfect,  
22 everything is here.

23 So at the time, like I said --

24 Q You still have the pen in case you need  
25 to?

1           **A**       Big Mike and Darren Wilson, the officer,  
2 they are doing their tug of war. He passed me off  
3 the Cigarillos. Now he's back, at no point in time  
4 did I begin to move away, I stood in the same  
5 position, same spot. I'm still in the driver window  
6 of the officer the whole time they are doing their  
7 tug of war, so I can see both of them. I'm going  
8 back and forth looking at both of their faces.

9                       I'm hearing cuss words from both of  
10 them, but I don't really hear the officer saying,  
11 you know, stop or get down on the ground.

12                      I really like, I'm shocked, the shock  
13 level I'm going through right now is continuously  
14 building. So now it is more and more stuff, I'm  
15 trying to comprehend that it is not, it shouldn't be  
16 happening, that I know shouldn't be happening. They  
17 are pulling back and forth. At this time I heard  
18 the officer says, I'll shoot. This is the first he  
19 says, I'll shoot.

20                      At that time I was looking at Big  
21 Mike when he said I'll shoot. In my mind taser, I  
22 see people get tased before and it looks like it  
23 hurts a lot.

24           **Q**       Let me stop you a minute. So the first  
25 time the officer says, I'll shoot, Big Mike's hands

1 are free now?

2 **A** Yeah.

3 **Q** He's given you the Cigarillos?

4 **A** Yes.

5 **Q** No shots have been fired yet?

6 **A** Not at the moment, no.

7 **Q** Okay. So do you know where his hands are  
8 when the officer is saying, I'll shoot?

9 **A** I can still see both Darren Wilson's hand  
10 and Big Mike's hands.

11 **Q** Tell us about it?

12 **A** Big Mike's left hand was still on like  
13 right above the side mirror, right up under that,  
14 right up under the side mirror. His other arm now  
15 because of the tug of war pull, the officer's grip  
16 come up, from up on his neck, to the shirt collar,  
17 to the shoulder, to basically he never let go. Now  
18 he has Big Mike. Big Mike's left arm is on the car  
19 pulling away still, and he's trying to pull away  
20 because now he basically just has his arm.

21 **Q** So the officer has his right arm?

22 **A** Yes, with the officer's left arm, he's out  
23 the window grabbing Big Mike's right arm.

24 **Q** Okay. So he has Big Mike's right arm,  
25 does he pull it inside the car?

1           **A**     I really, from the time of everything  
2     happening and once he said, I'll shoot, now my focus  
3     has switched and locked on the officer and say what  
4     he is saying he's going to shoot because in my mind  
5     I assume it is a taser. If it was going to be a  
6     taser, no matter who was in the wrong or who was in  
7     the right, if I would have saw that taser, I would  
8     have immediately told my friend Big Mike, look, just  
9     stop, stop moving, stop pulling away, just stop.

10                    But because I saw the gun and the  
11     barrel, I've been shot before. It is the worse pain  
12     I can ever imagine, it does not feel good, because I  
13     saw the barrel, I went into a deeper shock.

14           **Q**     You didn't think everybody should just  
15     stop when you saw the gun?

16           **A**     I was praying, I was, I'm in such shock  
17     right now and firm, because when the officer pulled  
18     up and that's why I was trying to make clear people  
19     were, he's a witness, key witness. I was so  
20     victimized that people don't even understand.

21                    There was a witness standing on their  
22     balcony, a witness drive by in her car, me being  
23     right there in the moment, I felt victimized because  
24     I felt so afraid that I couldn't talk.

25                    I couldn't say what was on my mind

1 because I'm so afraid of, I couldn't calm it down.  
2 I don't have the power to calm down the police  
3 officer and obviously Big Mike is bigger than me.

4 **Q** Let's just go back. I understand what you  
5 are saying about seeing the shooting like that, but  
6 when Big Mike's right hand or arm is being pulled  
7 into the car, I don't know if you said that or not,  
8 you said that the officer had his right hand with  
9 his, the officer's left hand had Big Mike's right  
10 arm?

11 **A** Correct.

12 **Q** Where is it, did you see it or not, where  
13 his right, where Big Mike's right hand was?

14 **A** I didn't see Big Mike's right hand because  
15 the officer had it, but it was up, so it may have  
16 been times when the officer could have pulled his  
17 right, because his left hand never removed off the  
18 officer's car.

19 So there could have been times when  
20 the officer pulled him, but like I said, because of  
21 the position how Big Mike has on the officer,  
22 officer never got out of the car, he is still  
23 sitting down. He has a better way of pulling with  
24 more force, so he is just pulling. I can see more  
25 of the officer's arm out the window than his arm in

1 the window.

2 **Q** From your vantage point, you can tell if  
3 Big Mike's hand ever went inside the officer's car?

4 **A** No, because at the point, I'm back and  
5 forth, but when, I'll shoot, my eyes locked on the  
6 officer.

7 **Q** So where was, where were the hands, I'm  
8 interested in the hands and the arms?

9 **A** At that point when the officer said I'll  
10 shoot, now is like Big Mike, this hand is not on the  
11 car any more.

12 **Q** That's the left hand?

13 **A** The left arm is not on the car any more,  
14 the officer still has the right arm, but he's not  
15 inside the car. And when I look up and see the  
16 officer, the officer has his gun pointed, his left  
17 arm grabbed, he has his gun pointed aimed at Big  
18 Mike.

19 In my mind it was probably aimed at  
20 both of us, but I assumed he wasn't directly just  
21 trying to go for Big Mike. He had his gun pointed  
22 towards us. I'm still standing in the doorway and  
23 at the time he said I'll shoot. He was going to say  
24 it again, I'll shoot and almost, he didn't get to  
25 finish his sentence, the gun went off.

1           **Q**     At the time that the gun went off, where  
2     were the hands of Big Mike?

3           **A**     The left arm was down at his side. He was  
4     standing straight up, I was standing right on the  
5     side of him. The right arm was still up in the air  
6     while the officer, but still pulling, but it is not  
7     like he got any, pulling off the car, he is still  
8     pulling the officer.

9                     At this time, like I said, I see more  
10    of the officer's arm outside the car than Big Mike's  
11    arm inside the car, so he has a better position to  
12    pull away from, the officer was sitting down.

13          **Q**     Just so I understand with the officer's  
14    left hand, he's pulling Big Mike's right arm into  
15    the car and Mike's pulling away and the officer has  
16    his gun in his right hand?

17          **A**     Correct.

18          **Q**     And he says, I'll shoot?

19          **A**     Correct.

20          **Q**     While this pulling is going on?

21          **A**     Correct, yes, ma'am.

22          **Q**     Okay. Go ahead, well, there is a  
23    question?

24                             Real quickly,

25                     When the gun went off as soon as he said I'll

1 shoot, do you know if the gun was inside the car or  
2 outside the car.

3 **A** The gun definitely was inside the car when  
4 he fired the shot. How me and Big Mike was  
5 standing, we were standing straight up, so we  
6 definitely was outside the vehicle. The bullet came  
7 outside the car and struck him. He was never inside  
8 the car and got struck, he was outside the car when  
9 the first shot went off. The officer was inside the  
10 car, so the gun was inside the car, but when he shot  
11 the gun, bullet traveled outside his car and struck  
12 Big Mike in the chest, or I seen blood coming from.

13 **Q** (By Ms. Whirley) You are not sure where  
14 the wound --

15 **A** It struck him, I definitely know that it  
16 hit him, I saw the blood with the first shot.

17 **Q** Are you absolutely certain, I know you  
18 talked about being in shock and that kind of thing,  
19 this is very important, this jury is trying to get  
20 this thing figured out.

21 Are you absolutely certain that you  
22 did not see Big Mike's hands inside the officer's  
23 car in a struggle with the officer?

24 **A** Now, his hand being inside the car, I  
25 won't speculate on, like I said, there was times

1 where the officer had a good pull and his arm would  
2 get in there, but majority of the time the officer  
3 really didn't have that much power because of the  
4 position that they both had. I'm not saying that he  
5 was stronger than the officer, but because the  
6 officer was sitting down in his car and Big Mike was  
7 standing up and he had better, more strength in  
8 pulling from the officer.

9 **Q** Right, can you go ahead?

10 **A** I never saw at no point in time Big Mike's  
11 hand touch the gun or anything like that because of  
12 the gun was already out drawn.

13 **Q** How about touching the officer?

14 **A** Now, touching the officer, now touching  
15 the officer, maybe, because they're pulling each  
16 other, but as far as striking the officer, or  
17 physically striking the officer, no, I didn't see.

18 **Q** You didn't see him with a fist?

19 **A** No, ma'am, he never had his fist clenched  
20 up like in a punching manner, so much as trying to  
21 grab stuff and push himself off of.

22 **Q** Could it have happened and you missed it?

23 **A** Him striking the officer?

24 **Q** Right, some type of physical altercation  
25 with the officer inside the car?





1 He's a big, big guy.

2 **A** Yes.

3 With a big tummy.

4 **A** Yes, it wasn't so much his weight, he was  
5 like big in bulk. He wasn't like blabby fat.

6 : I don't mean, big tummy,  
7 or could be muscle whatever. You are a pretty small  
8 guy, I am a small person too.

9 **A** Okay.

10 : If I am close to her and  
11 she's fighting with them, and the other arm and I am  
12 here and I have the side of the car, the head rest  
13 on the seat, I don't know that I can see what  
14 happened with the hand whether he touched the gun or  
15 no. Describe the police or no. I don't see that  
16 you can have as much vision as you say. I don't  
17 think that you are lying, I think that you don't  
18 have as much of a good vision as you say.

19 **A** Okay.

20 It is difficult for me to  
21 understand that.

22 **A** And that's what I'm trying to make you  
23 understand because of where I'm standing outside the  
24 vehicle and how close I am to Big Mike and  
25 everything that I saw, the officer never got Big

1 Mike inside the window. You have to think about  
2 someone sitting down trying to pull in a 6'9", 285  
3 pound person.

4 You're not going to have that much  
5 ease with just, hey, get over here in this window.  
6 No, he's big, he's standing up, and the officer's  
7 gun is on his right side, I believe, because that's  
8 where he draw from with his right arm. In order for  
9 Big Mike to have touched the gun, it is almost like  
10 his whole top half of his body had to be inside the  
11 vehicle, and that never happened.

12 His arm, yes, but like I said, the  
13 officer had it. It wasn't like his arm was in the  
14 window free, the officer has his left arm on his  
15 right arm, so if he made a grab and got that far  
16 over there, it wasn't because --

17 So did you say he had the  
18 right arm, not the left?

19 **A** Not the left, the left arm never went  
20 towards the window whatsoever.

21 MS. ALIZADEH: Dorian, do you understand,  
22 I don't know, I'm not a physics person or anything,  
23 you know you kind of said to yourself that Mike  
24 Brown was, Big Mike was in an advantageous position  
25 and that he was standing on his feet outside the

1 vehicle.

2 **A** Correct.

3 MS. ALIZADEH: And the officer is seated  
4 in his vehicle?

5 **A** Correct.

6 MS. ALIZADEH: Hard to figure out why he  
7 couldn't break free if the officer has him just with  
8 his left hand?

9 **A** Uh-huh.

10 MS. ALIZADEH: First of all, by the neck?

11 **A** Uh-huh.

12 MS. ALIZADEH: And then you said by his  
13 shirt?

14 **A** Correct.

15 MS. ALIZADEH: You couldn't just, do you  
16 understand it might be difficult to understand why  
17 he couldn't just, just the sheer weight of him if he  
18 had fallen over his shirt would have ripped.

19 **A** I understand that, that would almost be  
20 believable if the officer was somebody of my size.  
21 If the officer was a small person, Darren Wilson  
22 didn't look small from his arm and from his, like I  
23 said, I saw his top part. He never got out of the  
24 car for me to see his full body size. I could tell  
25 he wasn't a small officer. It wasn't like he could

1 be overtook (sic) very easily.

2                   Once you have a grasp on something, I  
3 don't care if someone's really strong, if you have a  
4 good grip on it, you can pretty much hold on to a  
5 lot if someone's stronger than you, you can still  
6 hold onto a lot. Not his flesh so much more, but  
7 more his shirt. I'm not letting this shirt go sort  
8 of thing.

9                   MS. ALIZADEH: Just to clarify, you didn't  
10 see him get out of the car, you saw him standing up  
11 and fully out of the car later, correct?

12               **A**     The police officer?

13                   MS. ALIZADEH: Yeah, right.

14               **A**     Yes, I did, correct.

15                   MS. ALIZADEH: So how would you compare  
16 him to how your build and height is? How tall did  
17 you say you are?

18               **A**     5'6", 5'7", 123 pounds. He was bigger  
19 than me.

20                   MS. ALIZADEH: Okay.

21               **A**     He wasn't so much bigger than me like Big  
22 Mike, but he was bigger than me. You can tell he  
23 was a full grown man, he was a grown man. He didn't  
24 look like he was fat, he looked like he was a little  
25 muscle, like a little training on him. He looked

1 like he was solid muscle also.

2 I didn't see where he was very weaker  
3 than Big Mike, just so much as he had a bad position  
4 sitting down not even getting out of the car, again,  
5 to even confront. Just basically trying to, like he  
6 was trying to pick up a kid or something like that.  
7 It is still the whole ordeal more still looking like  
8 chastisement from a father to a son type of deal.

9 MS. WHIRLEY: Number 1?

10 : Yeah, .  
11 Just take a couple steps back, I'm trying to trace  
12 how this began. Again, he puts it in reverse, what  
13 did you say, from your point of view or perspective,  
14 are you saying that Officer Darren is the aggressor  
15 in this situation in regards to making that first  
16 grab or whatever that is first?

17 **A** Correct, yes, I am. He was the aggressor  
18 by initially just the way he reversed and opened his  
19 door and the grab, it was overaggressive. I felt  
20 like it wasn't needed.

21 If it was just regular backing up and  
22 just gently getting out of his car, we had no reason  
23 why we wasn't running no time before then, so we had  
24 no reason to run from him if he would have did it  
25 right if he was, you know, answering to a distress

1 call and he did catch us, or catch him. He would  
2 have definitely locked both of us up at the time,  
3 but like I said, he never said anything about the  
4 store, he never got out of the car or anything like  
5 that, it was all aggressive.

6 : Okay, thank you.

7 **Q** (By Ms. Whirley) Okay. So the first shot  
8 goes off in the car while he has Big Mike's hand?

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

10 MS. ALIZADEH: Right arm.

11 **A** At this time with the gun out, he don't  
12 have much of the flesh so much as his shirt.

13 **Q** (By Ms. Whirley) Okay.

14 **A** A real tight grip on his shirt now.

15 **Q** Does he have on a long or short sleeve  
16 shirt?

17 **A** Short sleeve shirt.

18 **Q** What about the police officer?

19 **A** The police officer, like I said, he had a  
20 short sleeve shirt on, yes. I seen his arm, his  
21 forearm, yeah, he had short sleeve shirt on.

22 **Q** So you told us the position of the hand  
23 when the gun goes off the first shot inside the car,  
24 he's in the car, the shot you said went out of the  
25 car?

1           **A**     Yes, ma'am.

2           **Q**     Hit Big Mike and then what?

3           **A**     When the first shot went off, we were so  
4     close and ringing, I've been shot before so  
5     instantly everything, emotions that I had, like I've  
6     been shot three or four years ago, so everything is  
7     still fresh. With guns, I really dislike them loud  
8     bangs.

9                     At the time and seeing the fire come  
10    out of the gun and shot go off, when I see Big Mike,  
11    I see the blood come down his, where the officer had  
12    his right side. I'm on his right side, I see the  
13    blood come down.

14                    I never looked at myself because I  
15    was so afraid I was like, oh, I saw him. My eyes  
16    got big, he didn't say anything after that. He kind  
17    of looked at my face and saw my eyes and at that  
18    time, that was when the officer let go and we were  
19    both able to run. That's when I turn and run. He  
20    was right behind me.

21           **Q**     Which way did you run on the map?

22           **A**     After the first shot took off, we both ran  
23    this way. (indicating)

24           **Q**     Okay.

25           **A**     Now, I was so in shock and so in fear, at

1 that time now I'm just, I'm really afraid, I'm  
2 really afraid. I don't know if the officer's coming  
3 towards Big Mike or just towards both of us. Right  
4 now I'm just so afraid that the time I get past the  
5 first vehicle, I was in front of Big Mike when we  
6 was walking. When I took off running, I was still  
7 in front of him.

8                   When I got to the first vehicle,  
9 which was like a Sunfire or gray Sunfire, so very  
10 small vehicle. The officer was not yet out of his  
11 car, he was still in his car because I was able to  
12 run to the car and like stand, not squatting real  
13 low, but I was standing behind the car, the Sunfire,  
14 but I know he was able to still see the back of my  
15 neck and hair and all of those things.

16                   When Big Mike ran past me, he saw me,  
17 he looked directly at me he said, keep running, Bro.  
18 And at that time is when I kind of hear the door  
19 opening, I figure the officer is getting out of his  
20 car now, but before then, like I said, the officer  
21 was still in his car, I was able to run, squat  
22 behind the first car.

23                   Big Mike ran, he was right behind me.  
24 He looked directly in my eyes and said, keep  
25 running, Bro. That's when I knew that I was still

1 in plain sight. Now, the tension of me, I'm so  
2 afraid that I can't move any more, so I'm just  
3 standing there behind the first car now.

4 There is people in this car. Now  
5 there is people coming outside the house because  
6 they heard the first shot, there is not that many  
7 people. As Big Mike run past me and sees me, he  
8 keeps going. He makes it past the second car, once  
9 he gets to the second car, I can feel, I'm not  
10 looking around me because I'm so scared. I'm just  
11 standing there and I can feel someone approaching,  
12 so I kind of give a glance over to my right and it  
13 is the officer now, he's walking, he's walking, but  
14 he is kind of fast walking. He's not running or  
15 anything like that, but he has his weapon drawn.

16 **Q** Just like you are doing now?

17 **A** Yes, in this manner, his weapon is drawn  
18 and he's walking in at fast manner. He's not saying  
19 anything, he's not saying freeze, he's not saying  
20 anything at this time while still just  
21 concentrating, he is walking.

22 As I see him, I'm in plain sight, Big  
23 Mike was able to see me. He ran past me, keep  
24 running. I'm so scared, I cannot move my feet.

25 And I watch the officer walk past, he

1 never even looked at me. He just kept walking past  
2 and I'm watching him and I'm in awe. I'm like okay,  
3 is he looking for us or is he going after him, but  
4 everything is in my head is just racing real fast  
5 because of the gunshot and I'm hyperventilating, my  
6 heart is pounding.

7 After he walked past me, I kind of  
8 stand up more. I'm trying to ask the people in the  
9 first car, could I please just let me in the  
10 vehicle, I stay in the same complex. You can just  
11 drop me off. They said no, and they pulled off on  
12 the sidewalk.

13 **Q** Where did they pull to?

14 **A** The first car? They didn't drive through  
15 the driveway, they pulled on the sidewalk to drive  
16 past the police officer. Once they pulled off, I  
17 was even more visible now. I'm standing straight,  
18 the officer's back is towards me, Big Mike's back is  
19 towards me and the officer because he is running  
20 away.

21 I'm watching the officer, he's  
22 walking and Big Mike gets past the third car, the  
23 final car before the second shot was fired. It was  
24 the second shot fired, pow, the officer shot. I  
25 don't know if it hit, I wasn't that close to see

1 that it struck Big Mike, but the manner that he  
2 jerked and just stopped in his track, I sense that  
3 he was hit again.

4 The first time I definitely knew, I  
5 definitely saw him get shot the first time, he had  
6 been struck one time already.

7 The second time he shot, I didn't  
8 know if it hit him or not, but he kind of jerked and  
9 that's when he stopped running. He just kind of  
10 stopped and turned around at the officer. And now  
11 he's face-to-face with the officer, but not so  
12 close.

13 Now, Big Mike is probably, he's not  
14 fully at the driveway, but he gets probably to the  
15 curb of the driveway when the second shot, and now  
16 at the second shot, the officer, I'll just put DW,  
17 he's passing the third vehicle.

18 **Q** Where are you?

19 **A** At this time I'm still right here.

20 **Q** You are at the second vehicle?

21 **A** Yes, but I'm more over to the side now  
22 because like I said, I was trying to talk to the  
23 people in the front car. I was on the side of their  
24 car when I was trying to talk to them.

25 After they pulled off, I had to stand

1 up and I was still in shock and now I'm just  
2 watching the officer, you know, pace towards Big  
3 Mike. I see him fire the second shot, I see Big  
4 Mike turn around and face the officer. And now the  
5 officer is past the last car and Big Mike is off the  
6 sidewalk now more in the street.

7 **Q** What is Big Mike doing?

8 **A** At that time Big Mike's hands was up, but  
9 not so much up in the air because he had been struck  
10 already in this region somewhere on this. It was  
11 like this hands is up and this hand is kind of like  
12 down sort of.

13 **Q** His hands were nowhere near his waist?

14 **A** No, his hands never went down towards his  
15 waistline or anything, like he didn't have a belt on  
16 or anything.

17 **Q** Was he sagging, was his pants sagging or  
18 you say he wasn't wearing a belt?

19 **A** Yeah, at that time he didn't look like he  
20 was sagging.

21 **Q** That's okay if he was, I'm trying to get  
22 the picture.

23 **A** At that time I wasn't looking for, I was  
24 looking more at him and the officer because how he  
25 stopped, I felt like he was shot again, so now I'm

1 really fearing like, wow, he's been shot twice. Not  
2 knowing for sure he has been shot twice, definitely  
3 know he has been shot one.

4 **Q** Okay. The reason why I am asking you  
5 about the sagging, we probably all know the kind of,  
6 you know, how young folks do it.

7 **A** Yeah.

8 **Q** A lot of times when they are sagging,  
9 their pants are down so low that you can actually  
10 see the waist area.

11 **A** Right.

12 **Q** That's what I'm asking, was he sagging or  
13 do you recall?

14 **A** No.

15 **Q** Was not, but no belt?

16 **A** No belt on.

17 **Q** Did he have a weapon that day?

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

19 **Q** Did you?

20 **A** No, ma'am, none whatsoever, anything like  
21 that.

22 **Q** All right. He turns around, show us again  
23 how his hands were?

24 **A** His hands, this one is higher, this hand  
25 is higher, this one is, like I said, he was

1 definitely struck with the first shot. So I could  
2 tell he was injured because this hand was a little  
3 lower than this hand. As I'm looking at him, he  
4 said I'm, he didn't say I'm unarmed per se, he said  
5 I don't have a gun, but he's still mad, he still has  
6 his angry face. I don't have a gun.

7 And he goes, he never started running  
8 because, you know, he's hit, but sort of, I don't  
9 have a gun. And before he can say the second  
10 sentence or before he can even get it out, that's  
11 when the several more shots came.

12 **Q** How close would you say the officer was to  
13 Big Mike when Big Mike is saying to him, I don't  
14 have a gun. Like can you kind of show us?

15 **A** I can't be definite on feet.

16 **Q** Big Mike is somewhere here, and the  
17 officer is here?

18 **A** Yes. He's not on the sidewalk no more,  
19 he's on the street level now and the officer has,  
20 he's not so close to the third car, but he's like,  
21 he's not on the sidewalk on the other side, he's  
22 closer to the other side of the street, the opposite  
23 side of Big Mike.

24 **Q** You are where?

25 **A** I'm still standing right in plain sight

1 standing on the side.

2 **Q** You can hear him say I don't have a gun?

3 **A** I can see him start to say something.

4 **Q** What did you hear him say, if anything?

5 **A** I heard him start to say I don't have, but  
6 you know, in my state of mind in my shock, I'm  
7 bouncing in and out. Time, in my mind slowed down  
8 and everything, I can see what is going on.

9 **Q** Let me just make sure I understand because  
10 this is important. Does he actually say, did you  
11 actually hear him say, I don't have a gun or this is  
12 what you are thinking he's trying to say?

13 **A** No, the first statement was I don't have a  
14 gun.

15 **Q** You heard him say that?

16 **A** Yes, I don't have a gun.

17 **Q** Okay.

18 **A** The second statement he was starting to  
19 say I, you know, he couldn't get the full sentence  
20 out before the rest of the shots hit his body. And  
21 I stood and watched face-to-face as every shot was  
22 fired and as his body went down and his body never.  
23 His body kind of just went down and fell, you know,  
24 like a step, you know what I'm saying? Like a step,  
25 his body just kind of collapsed down and he just

1 fell.

2           **Q**     Was he walking towards the officer as he  
3 was collapsing?

4           **A**     He couldn't get a step off like. When he  
5 was giving his second sentence, what he was going to  
6 say, it was like he was going to step close to the  
7 officer, but like I said, before he could even get  
8 that sentence out, the rest of the shots was hitting  
9 him and he was going down.

10          **Q**     And was shots being fired as he was going  
11 down?

12          **A**     Shots was definitely fired while he was  
13 going down. The last shot he fired he was so close  
14 to the ground, it looked like to me he was already  
15 on the ground. His knees were, he was going down,  
16 he was already down before the last shot came.

17          **Q**     So he never like got on his knees, he was  
18 just falling down?

19          **A**     He was falling. I can almost feel the  
20 shots because like I said, I've been shot before.  
21 I'm so face-to-face with him being shot, I'm seeing  
22 his eyes blink and all of these different. It is  
23 making me relive the pain of coming through because  
24 I've only been shot one time.

25                           I can see how many shots this officer

1 is firing, it is sickening to my stomach, I'm almost  
2 bursting in tears right there. I threw up a little  
3 in my mouth initially. I got in my head that he's  
4 dead. When I see his body hit the ground, in my  
5 head I say he's dead.

6 At that time while he's on the  
7 ground, the officer is standing there, he doesn't  
8 look around like he's looking for me or anything  
9 like that, I'm still in plain sight. I never went  
10 anywhere until it clicked back to me that he may  
11 could be looking for you too.

12 Again, at that time, that's more fear  
13 for my life. I just seen him gun down and kill  
14 someone I was just walking with my friend Big Mike,  
15 I see that, I see with my eyes he killed him. Now  
16 in my head I'm wondering what is he going to do with  
17 me.

18 Q Let me ask you this. When he stopped  
19 shooting, what did he do, the officer?

20 A When he stopped shooting, the officer, he  
21 just kind of stood there.

22 Q Did he go check for, check his pulse?

23 A No, ma'am.

24 Q Did he check to see if there was a weapon  
25 anywhere?

1           **A**     No, ma'am.

2           **Q**     What do you mean he just stood there?

3           **A**     After giving the final shots, the rippling  
4     shots because there is only one rippling shots.  
5     Boom, boom, boom, boom, boom, he kind of stood  
6     there. And at that time I see him, and I see Big  
7     Mike on the ground, he's not moving, breathing or  
8     anything like that. I see the officer kind of just  
9     standing there, it wasn't for like a full two  
10    seconds when I took off running, I just --

11          **Q**     So you didn't see the officer when he went  
12    back to his car or when he left the scene or  
13    anything like that?

14          **A**     No, I didn't see him go back to his car or  
15    anything when I took off running. My building is  
16    right here, I was so afraid for my life that I  
17    didn't want to go to any other direction, so I took  
18    this direction all the way, all the way around. I  
19    went the longest way around to my house.

20                    Now, when I got into my apartment, I  
21    wasn't there for a minute or two, my girlfriend is  
22    there, I'm hyperventilating, I'm still throwing up,  
23    I have been throwing up since I started running.  
24    I've been throwing up all the way along the run.

25                    When I got there, she's trying to

1 calm me down, but I'm telling her, I'm trying to  
2 tell her what just happened, but I'm so, I mean, I'm  
3 hyperventilating so much that I can't really tell  
4 her, and now I want to see did it really just  
5 happen, did he just die, was he just injured, did  
6 that just happened. So not a full two minutes --

7 MS. ALIZADEH: Excuse me, Dorian, do you  
8 mind because we have been going now almost two hours  
9 and the court reporter because his hands need a  
10 break.

11 A Okay.

12 MS. ALIZADEH: Can we take, because we  
13 still have a bit for you to do and if you need a  
14 break or restroom break, we'll walk you out here in  
15 a minute. Is that all right if we take like a five  
16 minute break so that the court courter can stretch  
17 his hands. You all can take a five minute break if  
18 you like.

19 (Recess)

20 Q (By Ms. Whirley) Okay. Dorian, you were  
21 telling us about, I think where we left off Mike  
22 Brown or Big Mike had fell down.

23 MS. ALIZADEH: Actually, Sheila, we had  
24 gotten to the point where he was back in his  
25 apartment and was now saying you were going to go

1 out again that's kind of where.

2 **A** Correct.

3 MS. WHIRLEY: Thank you, Kathi. So go  
4 ahead and finish.

5 **A** Like I said, when I had got back to my  
6 apartment, hyperventilating, still trying to figure  
7 out. At the scene, I kind of pretty much assumed  
8 that he's dead. But when I ran to my apartment and  
9 I was able to kind of get it together, it wasn't a  
10 minute or two minutes, I came back out to check to  
11 see if he's all right, is he moving or, you know,  
12 did he really get killed.

13 When I came back out to the street,  
14 you can see where my apartment is, how close the  
15 street is. When I came back out, I came back  
16 straight away. Came back straight away, I got to  
17 about right here and I could still see that Big Mike  
18 was still laying in the street in the same position  
19 he was when he had got shot. But I did not see the  
20 officer any more, I saw his cruiser, his car was  
21 still there, it didn't look like he was inside the  
22 car.

23 I continued to walk along because now  
24 there is a lot of people outside right now. At this  
25 time when coming back now, there is a lot of people,

1 but I did not see the officer any more, I did not  
2 see any officers on the scene.

3 Q (By Ms. Whirley) That is what my question  
4 was, so there is no police officers on the scene at  
5 this time when you walk back?

6 A No, ma'am.

7 Q So there is no tape of anything?

8 A No tape, nothing right at the moment. At  
9 the moment of me coming back, there was just Big  
10 Mike laying in the street, his car was still there,  
11 but Darren Wilson himself was not present any more,  
12 there was a bunch of other people congregating  
13 outside.

14 Q People from the neighborhood?

15 A Yes.

16 Q What did you do then?

17 MS. ALIZADEH: Can I ask a real quick  
18 question? When you were in the house, when you went  
19 back to your apartment.

20 A Yes, ma'am.

21 MS. ALIZADEH: Did you change clothes  
22 then?

23 A Yes, ma'am. When I got into the  
24 apartment, that's when I had changed my clothes.  
25 I'm sorry, thank you for bringing that up. Yes, I

1 had changed my clothes in fear that he would see me  
2 when I came out, but I definitely had to come back  
3 out to see was he dead or not. I wasn't doing it, I  
4 was still in fear of my life. So I just changed,  
5 really didn't change that much I just put on  
6 different bottoms and tank top.

7 **Q** (By Ms. Whirley) How long were you in the  
8 house?

9 **A** Not even two, five, three minutes.

10 **Q** You didn't shower?

11 **A** I didn't shower or anything, I just  
12 changed my bottoms and put on a tank top.

13 MS. WHIRLEY: Okay. You had a question?

14 : You  
15 changed because you were afraid that the police  
16 would recognize you?

17 **A** Correct, yes, ma'am.

18 When you came  
19 back around and you were taking a peek at the scene,  
20 did you notice whether the other two cars that were  
21 in the traffic stop, were they still there?

22 **A** No. When I came back on the scene, the  
23 rest of the cars, the two cars, they had already  
24 pulled off, I'm assuming they pulled off. The car  
25 was still right there. They had to pull through the

1 driveway or pull off like the first car just drive  
2 on the sidewalk.

3 **Q** (By Ms. Whirley) So the road was open  
4 between Michael Brown and the police cruiser, nobody  
5 else on the road?

6 **A** Correct, yes, sir.

7 : At any  
8 time from the first time the officer approached you  
9 and Mr. Brown to the time of his death, did he ever  
10 call for help?

11 **A** No, ma'am, the officer never got on his  
12 dispatcher or anything like that. He never even  
13 seemed like he really needed any help. We wasn't  
14 threatening his life in a threatening manner. I  
15 definitely wasn't doing anything like assisting Big  
16 Mike in pulling him away. It was more so just him  
17 and Big Mike, I didn't see him needing any help.

18 : . You said  
19 that you had crouched down behind that first  
20 vehicle?

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

22 : You described a Toyota,  
23 are you speaking of a two door Toyota?

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

25 Or a Pontiac Sunfire; is

1 that correct?

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

3 Can you tell me were you  
4 down on your knees like this, both knees, one knee  
5 down like this or what?

6 **A** Yes, ma'am. I never got down on my knees  
7 so much as crouch down slightly, just a little. I  
8 played football in school, so I got a good crouch.  
9 I was just basically standing there. I'm behind the  
10 car, but I know that I'm not low enough because the  
11 car is so small I didn't really want to get down on  
12 the ground. I was just really trying to stoop.

13 But once Big Mike looked me in my  
14 face as he is going by and says, hey, keep running,  
15 Bro. At that moment I knew this is not a good place  
16 to be, but I could not move because of fear and  
17 shock that I was. My mind was like go, run, go, but  
18 I was just like, uh, I couldn't move at the time.

19 : Is there any reason why  
20 you didn't want to get on the ground, you said  
21 somebody is shooting at you?

22 **A** Like I said, I'm so much in shock that  
23 I've been shot before and the time that I have been  
24 shot, I just kept running. I got hit running, so I  
25 figure if I'm going to get hit, I'm going to get

1 shot, it might as well be trying to get away instead  
2 of laying there basically waiting for it to happen.

3 : Your back is  
4 to the car?

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

6 : Your back is to the  
7 action so to speak?

8 **A** No, my back was to the car. At that time  
9 when Big Mike passed me, he passed in front of me.  
10 He past in front of me and he was still going and  
11 now at that time my back is towards the officer in  
12 the vehicle.

13 : Okay.

14 **A** Big Mike ran past me.

15 : You can see Big Mike?

16 **A** Yeah.

17 Your back is to the  
18 officer and the officer's car?

19 **A** Correct.

20 MS. WHIRLEY: ?

21 : . So we  
22 appreciate hearing your perspective and you are  
23 obviously very much involved in this. From your  
24 point of view, from your perspective, if you had to  
25 say, you know, what caused Officer Darren Wilson to

1 fire all of these shots as you are pursuing Mike  
2 Brown, what would you say is the cause of that?  
3 Kind of from what you've seen and everything that  
4 happened, why would you say he was pursuing him?

5 **A** You are saying why didn't he fire the  
6 shots from the beginning or from the last couple  
7 shots?

8 : He is out of the vehicle  
9 and he is pursuing as Mike is running, why would you  
10 say, do you have any suspicion?

11 **A** I saw no reason possible for him to  
12 actually fire the weapon now. If he would just pull  
13 it out to threaten him to stop running, I could see  
14 him doing that, but I still didn't understand why he  
15 pulled a gun out to threaten somebody to stop him,  
16 but like I said, I didn't see no reason for him to  
17 fire the shots. The first one or the rest of the  
18 ones afterwards.

19 : Thank you.

20 : So you  
21 mentioned that he never said stop or halt when Big  
22 Mike was running?

23 **A** Correct, yes, sir.

24 : So I guess the point where  
25 he fired the one shot and he turned around?



1 before, I've been shot once before, but I've been  
2 shot at in crazy situations, walking home from  
3 school and all.

4 So the ringing affect from gunfire,  
5 it really didn't drown out everything because my  
6 adrenaline was pumping so hard, my mind is going so  
7 many different ways, like survival mode I should  
8 say. So once he says something, I can definitely  
9 hear, I'm like I'm locked in on him and the police  
10 officer, Big Mike and the police officer.

11 So once he runs by me and says, keep  
12 running, Bro, it is almost clear as us having a  
13 conversation.

14 As the police officer is walking by,  
15 he's not saying anything so much as focusing on  
16 where he's going because he never once glanced over  
17 at me like Big Mike did. Big Mike actually turned  
18 his head and looked at me and kept running. The  
19 officer walked past me and now that I'm not, I'm not  
20 crouched down lower than I was when Big Mike saw me,  
21 I'm still, is the officer going to see me or what is  
22 he going to do because I know he can see me. What  
23 is he going to say. He never said anything, never  
24 look towards me, he just kept walking past me.

25 Q (By Ms. Whirley) So when you go back to

1 the scene to verify that what you thought happened  
2 did indeed happen, what did you do then when you see  
3 him laying, and there is no police there, what do  
4 you do?

5 **A** At that time I kind of stood back into the  
6 crowd of people that is starting to come out now  
7 because at that time now, police officer was coming.  
8 At that time it wasn't Darren Wilson who came back,  
9 it was some other officer.

10 He initially started putting up the  
11 tape around the area. At that time it was, he was  
12 by himself.

13 So the family and people, I could  
14 tell it was his family. They were trying to get  
15 information from that officer who had just got on  
16 the scene, so he really didn't know anything that  
17 happened. So he's basically telling them to get  
18 back, get back, move away and move away. I'm just  
19 standing there like if this is his family and all  
20 they want to know is why their son is laying in the  
21 street uncovered. He wasn't covered at that time.

22 Everyone is taking pictures of him  
23 and stuff like that, he's not covered, he's bleeding  
24 everything, he's out in the open. The parents want  
25 to know why, they're asking this officer who is on

1 the scene caution up, he's not telling them  
2 anything, he has no information. Darren Wilson  
3 wasn't there to tell him anything, you know, he was  
4 gone.

5 His car was still there, they  
6 actually had to take some caution tape over his car  
7 because they left it there at that time so his car  
8 was still there. It was cautioned off, but when I  
9 saw that they were not giving, you know, the parents  
10 what happened or anything like that and I was kind  
11 of waiting to see if they were, if anybody were  
12 going to come out to speak to them and say anything,  
13 no one said anything.

14 **Q** Did you make contact with the police to  
15 let them know what was going on?

16 **A** At that time I was real fearful, I was  
17 more scared of police. I should say I didn't want  
18 them to know when I ran the first time, everyone was  
19 saying well, there was somebody with him, he ran so  
20 fast we couldn't tell who it was, that's how fast I  
21 was running. Even people who see me every day in my  
22 complex didn't know it was me running.

23 **Q** Who was the first person that you talked  
24 to about what happened?

25 **A** I had, I went to his grandmother's house.

1 She had just got out of the hospital and stuff. She  
2 is staying in Northwinds, when I see his uncle and  
3 all of them standing right there, I immediately all  
4 right, they are not going to tell these people  
5 anything, I have to tell their family. I was with  
6 him last, I saw what happened. So I went to his  
7 family only where he was living at.

8 **Q** His grandmother's house?

9 **A** His grandmother's house.

10 **Q** Did you actually talk to his grandmother?

11 **A** Yes, I talked to his grandmother.

12 **Q** What did you tell her?

13 **A** I told her exactly what happened. From  
14 the start of the morning all the way to the store  
15 incident.

16 **Q** What you told us here today?

17 **A** Yes, exactly.

18 **Q** So you went through the whole thing with  
19 the grandmother?

20 **A** I told the grandmother, yes, ma'am,  
21 grandmother, I think, I don't know if his auntie or  
22 uncle was there, but it was definitely the immediate  
23 family who lived there.

24 **Q** You told them?

25 **A** I told them.

1           **Q**     Okay. Did anybody talk about calling the  
2 police?

3           **A**     They actually wanted me to walk down, that  
4 was my first interview. I don't know if it was Fox  
5 2 or anything like that, the first statement that  
6 I've given. And that was the reason I gave it  
7 because the family they asked me if I could do it  
8 for them because they wanted to get it out  
9 immediately. Their words, so it wouldn't be covered  
10 up or misconstrued or any type of way. They wanted  
11 me to get it out there quickly.

12                         Even at that time now, it's a lot,  
13 there is a strong police for now, there is a lot of  
14 police officers, detectives out there. While I'm  
15 talking to the camera, I'm talking to the camera  
16 crew right here in this area where the cameras are  
17 located at.

18                         They taped off pretty much this area.  
19 They taped off so all of that was taped off, nobody  
20 could come through here or there or anybody like  
21 that, it was taped off. Police force strong right  
22 here and they are walking around, but I'm right here  
23 talking to the camera. The first interview, I'm  
24 talking to the camera, I'm talking to the uncles and  
25 they are standing right there. At no time no police

1 officers came or looked for me or even was saying  
2 they were looking for me.

3 **Q** You talking about that particular day?

4 **A** Yeah, that day.

5 **Q** So you didn't talk to the police, you were  
6 so fearful?

7 **A** I was so afraid. I didn't know what was  
8 going to happen to me. I basically just didn't,  
9 really I didn't feel comfortable with Ferguson at  
10 the time. That was really who was out there at that  
11 time, there was a lot of Ferguson police officers  
12 and I just felt like, you know what, I don't need to  
13 be seen right now. I don't want to be detained in  
14 any type of way, you know. It was just a lot at the  
15 time and I was just in the crowd.

16 Even so, no one was asking for me or  
17 looking for me really, they was just trying to  
18 patrol the area what was going on.

19 **Q** Did you learn a day or two afterwards that  
20 the police were wanting to get your statement?

21 **A** I didn't, a couple, three or four days, it  
22 wasn't until I had my lawyer, that really was what  
23 my concern was, I wait until I got a lawyer so that  
24 I can, if they were looking for me, they wanted me.  
25 I can go to my lawyer, here is what happen. I have

1 a lawyer right here that will represent me and stuff  
2 like that.

3 At the time I didn't have nobody  
4 representing me, I didn't have no one even caring if  
5 it was me there or not.

6 Q Like the next day, did anybody tell you  
7 that the police came to

8 A

9 Q looking for you to get a statement?

10 A I was actually there. No one came, I was  
11 there in my apartment that day, no one came, knocked  
12 on the door.

13 Q Not on the 11th, nobody came?

14 A Probably so because I don't know if I was  
15 going to stay there on the 11th. When I came out,  
16 the next day after this on the 10th, people thought  
17 I was dead. Because they said that they found a  
18 body, that is what happened, they found a body  
19 behind Dominoes. The media, it was out of control,  
20 people thought it was me.

21 When I came out of my apartment,  
22 people crying and oh, they killed him too and all of  
23 that. When some people saw me, like a neighbor saw  
24 me, he was like, oh man, they are saying you're  
25 dead. They said they found some body behind the

1 pizza place, you need to get out of here, it is  
2 crazy.

3 So at that time my fear grew, not of  
4 just me, for my daughter and my girlfriend.

5 **Q** Did your girlfriend tell you that the  
6 police were looking for you to get a statement?

7 **A** She didn't see the police.

8 **Q** The police didn't make contact with your  
9 girlfriend to your knowledge?

10 **A** Not with her or me.

11 **Q** So when did you first talk to the police?

12 **A** The first police that I did talk to was  
13 the FBI and St. Louis County, and that was four days  
14 prior to them releasing the video, so four days  
15 before that, I had my talk with the FBI.

16 **Q** So that would have been the 13th of August  
17 probably?

18 **A** Yeah, the 13th.

19 **Q** Okay. And so, even though the county  
20 police, you know, the county police had taken over  
21 the investigation?

22 **A** Well, I was out there long enough to see  
23 the county actually come in and Ferguson leave, I  
24 saw all of that.

25 **Q** Okay. And the county police were trying

1 to get you to get a statement, but you just weren't  
2 aware of that?

3 **A** At the time, no, I wasn't aware of that,  
4 that the county was looking for me or they wanted me  
5 for questioning or anything like that.

6 MS. ALIZADEH: Can I ask a question?  
7 Dorian, I know you talked about when you, you were  
8 right by the police vehicle and you see these three  
9 cars come up?

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

11 MS. ALIZADEH: Did you notice were any  
12 cars coming from that direction?

13 **A** At that time, actually, through the  
14 incident, no cars were coming in that direction.  
15 There was no one trying to get over even though I  
16 could see the police squad car is on the opposite  
17 side of the line as well, but no one came. There  
18 was no one held up that way.

19 MS. ALIZADEH: When you ran after the  
20 police officer shot Mike and you ran away, you ran  
21 kind of around, did you run around the police car,  
22 is that the line you drew?

23 **A** That the tape, that's me here and that's  
24 run all the way around.

25 MS. ALIZADEH: So when you ran in this

1 direction, did you say anything to anybody?

2 **A** Oh, no.

3 MS. ALIZADEH: Did you say anything?

4 **A** I didn't say anything, I was just running.

5 MS. ALIZADEH: You didn't say they killed  
6 my friend.

7 **A** It did come out, but I didn't get it out  
8 loud where someone would have heard it, I was just,  
9 killed my friend. You know, I was still  
10 hyperventilating, but it didn't come out a clear  
11 sentence to where somebody standing there would have  
12 heard it.

13 MS. ALIZADEH: You didn't see whether  
14 there were any cars right there that would have seen  
15 any of this?

16 **A** Oh definitely, the three cars.

17 MS. ALIZADEH: No, no, no, I'm sorry, on  
18 the other side of the police car?

19 **A** No, when I was running, I wasn't looking,  
20 I looked at the officer, I seen that he was still  
21 standing there, and that's when trying to figure out  
22 something in his head, let me run and I just ran. I  
23 just kept running.

24 MS. ALIZADEH: Okay.

25 : : I have a

1 question for you. You talked about Michael Brown  
2 said something, exchange words with the officer  
3 during the tug of war at the car, you heard him say  
4 something. And you heard him say something towards  
5 the end right before he was killed, you didn't hear  
6 the officer say anything during that tug of war or  
7 anything during that entire time that he was coming  
8 down the street.

9           **A**     I didn't hear him, no, when he was coming  
10 down the street after he got out of the car he said  
11 nothing, I didn't see his mouth move. I was there  
12 looking at him, his mouth wasn't moving, he didn't  
13 say freeze or anything like that before he fired the  
14 second shot, which made him stop.

15                     And the car, because of the, I'm not  
16 used to seeing, I see police officers get into it  
17 with people before, I'm not use in that manner  
18 sitting in his car, tug of war and all of that, I'm  
19 not used to seeing it like that.

20                     I'm not focused so much on what they  
21 said, so much as saying who was going to calm down,  
22 who was going to give in to the words because that  
23 is all it was at the car was just words. There was  
24 no physical altercation really as much as the  
25 pulling of the arm, but so much as words being said

1 in a very aggressive manner.

2 Nothing like, no threatening manner  
3 like I'll kill you, or let me go or I'll punch you.  
4 Let me the F go, get the F off of me, and what the  
5 officer said, I couldn't really make what he was  
6 saying, I heard him cussing also, he had a very  
7 angry face.

8 : Once he exited the car,  
9 you didn't hear the officer say anything?

10 **A** Once he got out of the car after the shot  
11 was fired, he didn't instantly get out of the car  
12 when we ran, it took him like a minute maybe, or  
13 some seconds to get out of the car, that's how I was  
14 able to get to where I was able to position myself.

15 I didn't hear the door open until  
16 after Big Mike was passing me telling me to keep  
17 running. I hear the door and now, I didn't look  
18 back at the time, so I'm not really sure if it was  
19 his door or the people's door whose car I'm hiding  
20 behind, but I hear a door open and slam. And almost  
21 seconds later, I see the officer walking past me, so  
22 I kind of figure he was getting out of his car at  
23 that time.

24 MS. ALIZADEH: Dorian, you said it took  
25 almost a minute for him to get out of the car?

1           **A**     I wouldn't want to --

2                   MS. ALIZADEH: I'm not pinning you to  
3     that.

4           **A**     It is almost like it was a pause before he  
5     got out of the car.

6                   MS. ALIZADEH: Okay. Now, you said  
7     earlier that he never radioed for help, is it  
8     possible while he was in the car, that's what he was  
9     doing?

10          **A**     It is possible that little split second of  
11     him not instantly getting out of the car he was  
12     radioing for backup.

13                  MS. ALIZADEH: You don't know why the  
14     delay in getting out of the car or if he was calling  
15     for help, you don't know?'

16          **Q**     (By Ms. Whirley) And just to be clear,  
17     between the time that you started, your day with Big  
18     Mike at seven-ish and/or up to the time of the  
19     shooting, 12-ish or so, you guys never did get a  
20     chance to smoke the weed?

21          **A**     We never got a chance to do anything. We  
22     never got a chance to make it back to the house.

23                  MS. ALIZADEH: Were you two ever apart  
24     during that day, like where he could have been doing  
25     something that you weren't there to witness?



1           **A**       That means get out of the way, either get  
2 out of the way or protect ourself because, you know,  
3 if he really wanted to stop. They have a lot of  
4 phrases that they teach the first day at the academy  
5 halt, freeze.

6                       I'm sure like you go through some  
7 type of simulation to where any, you know, any  
8 altercation they have they might already been  
9 through a simulation or something like that in  
10 training to where he knows how you are supposed to  
11 handle a situation as opposed to just pulling his  
12 gun on people who doesn't have guns drawn on him,  
13 who don't have weapons drawn down on him.

14                      I'm not saying anything at all, he's  
15 not, he's yelling, but he's not making any  
16 threatening remarks towards the officer, so there  
17 was no need for him to draw his gun in the first  
18 manner, and that's what it really became. Oh, let  
19 me get away because now it is starting to get out of  
20 hand either furthermore the argument. And that was  
21 in itself and I see that you could of, I'm not going  
22 to say what he should of did or could have did  
23 because he's a police officer, what I do I'm a  
24 civilian.

25                      All I'm saying is the gun definitely

1 was, it was out of order. Could have been a taser,  
2 anything that made someone stop. The taser make me  
3 stop, anything less lethal than a gun. He could  
4 have pulled out the billy club to show he was going  
5 to use force if we didn't stop.

6 : Then  
7 you see they were the police say I shoot, you don't  
8 need to stop?

9 **A** If you're not doing anything wrong.  
10 If you are running, you  
11 continue running when the police say I shoot?

12 **A** We wasn't running at the time, we was just  
13 standing there. If we had been running he said I'll  
14 shoot, oh, yeah, I'll stop. I don't want to get  
15 shot. We are standing still and someone draws a gun  
16 on you.

17 : What did he say the  
18 second time, I shoot?

19 **A** Second time was not running, we was still  
20 standing at the car. He said it first, he said I'll  
21 shoot, and when he said it the first time, he's just  
22 aiming at us, he's not, you know, out of his car, we  
23 are still standing right there. The second time he  
24 begins to say it, but he doesn't even finish it when  
25 the gun goes off, when his gun goes off.



1 hire a lawyer if I need it.

2 **A** I definitely don't either. It is a  
3 blessing to get to that age, I pray we all get to  
4 that age.

5 MS. ALIZADEH: So Dorian, let me clarify  
6 this to make sure. You are saying the officer fired  
7 one shot while he was inside the vehicle?

8 **A** Correct.

9 MS. ALIZADEH: And his gun was still  
10 inside the vehicle?

11 **A** Correct.

12 MS. ALIZADEH: And no part of Mike Brown's  
13 body at that point was inside the vehicle?

14 **A** Correct.

15 MS. ALIZADEH: And that's the only shot  
16 you heard at the car, correct, the only shot that  
17 was fired at the car?

18 **A** Correct, yes, ma'am.

19 MS. ALIZADEH: And then as Mike Brown ran  
20 away, the officer once he is going toward Mike  
21 Brown, he fired one shot?

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

23 MS. ALIZADEH: And you believe that that  
24 hit Mike Brown at that point?

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

1 MS. ALIZADEH: While Mike Brown is running  
2 away?

3 **A** Yes. His back is facing me and the  
4 officer, Big Mike is ahead of us now. So he's the  
5 farthest one, the officer is behind him and I'm  
6 behind the officer, but basically Big Mike's back is  
7 facing both of us.

8 MS. ALIZADEH: Now, Mike is running, I  
9 guess, at this point, right?

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

11 MS. ALIZADEH: Can you just stand up for  
12 me and show me what position Mike's body was in when  
13 you believe the officer shot him?

14 **A** The second time?

15 MS. ALIZADEH: Yes, from behind as he was  
16 running away.

17 **A** As he's running away, he's running with  
18 his arms down. Once the second shot fired off, I  
19 see his body do like a jerking movement, not to  
20 where it looked like he got hit in his back, but I  
21 knew, it maybe could have grazed him, but he  
22 definitely made a jerking movement. He didn't take  
23 a step after that, his next steps was turn around  
24 after the second shot.

25 MS. ALIZADEH: Okay. So when he made that

1 jerking movement and you are assuming that he had  
2 been hit by a bullet?

3 **A** The second time. He was already struck  
4 the first time for sure with my eyes I saw blood  
5 come from his shirt.

6 **Q** Right. I'm talking about when you say you  
7 saw him do kind of a jerk?

8 **A** That would have been the second time he  
9 was hit.

10 MS. ALIZADEH: Okay. When you say you saw  
11 that happen, at that point his arms are not up,  
12 raised up, correct?

13 **A** Not when his back is facing, none  
14 whatsoever, no.

15 MS. ALIZADEH: Right, and then he stops?

16 **A** He stops and he turns around.

17 MS. ALIZADEH: And he turns around and his  
18 arms are going up as he is turning around?

19 **A** Yes.

20 MS. ALIZADEH: Okay. And then the  
21 officer, he doesn't proceed toward the officer?

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

23 MS. WHIRLEY: Is he saying anything?

24 **A** At the time as soon as he turns around, he  
25 didn't say anything. A split second later, he was

1 still angry because I know he could feel the shot.  
2 He could feel the first shot if he was only shot one  
3 time at that time, he definitely could feel that  
4 shot. Shot him right in the area because his hand  
5 couldn't really get up there. He was saying, I  
6 don't have a gun, pop, pop, pop, pop, all the shots  
7 came then.

8 MS. ALIZADEH: So from the time he turned  
9 around, he did not proceed towards the officer?

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

11 MS. ALIZADEH: You have said maybe half  
12 step and then he went down?

13 **A** Half a step maybe, his foot was coming off  
14 the ground. He was being riddled with more shots  
15 and then caused him to tumble over.

16 MS. ALIZADEH: Let me ask you this. From  
17 the time you think he might have been shot when you  
18 saw the jerk, did he proceed to run any distance  
19 after that?

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

21 MS. ALIZADEH: He stopped immediately?

22 **A** He stopped immediately after that. After  
23 that motion, pop, stopped, turned around.

24 MS. ALIZADEH: Is it possible that after  
25 you saw him jerk like that, he continued to run

1 maybe another 20, 22 feet?

2 **A** Away from the officer?

3 MS. ALIZADEH: Yeah.

4 **A** No, after the second shot was fired, that  
5 literally stopped him in his tracks and turned  
6 around at that point.

7 MS. ALIZADEH: Then when you saw him turn  
8 around, is it possible that he ran, not ran, at that  
9 point he stopped running, right?

10 **A** Right.

11 MS. ALIZADEH: Is it possible that he  
12 moved maybe 20, 22 feet toward the officer before he  
13 fell?

14 **A** Not 20 to 22, not that far. Like I said,  
15 he was barely on the sidewalk, he was barely on the  
16 sidewalk to the parking lot. He was going towards  
17 this building. I presume that's the way he was  
18 running. He wasn't really all the way on the  
19 driveway when the second shot went off, and he  
20 turned around, and he was in the street.

21 He was taking a step towards the  
22 officer to show him that he didn't have anything,  
23 his hand was up, so he is showing the officer, I  
24 don't have a weapon on me.

25 And as he's walking toward the

1 officer saying that in an angry manner, he was  
2 saying it an angry manner, he was hurt, still  
3 frustrated probably, so he's telling him, I don't  
4 have a gun. I don't have -- before he can say, you  
5 know, anything else, this man is riddled with more  
6 shots until he tumbled other.

7 MS. ALIZADEH: He doesn't like run at the  
8 officer?

9 **A** No, ma'am. At no point in time when he  
10 turned around he made a rush towards the officer or  
11 anything like he was going to tackle the officer or  
12 anything like that. He was standing straight up.

13 MS. ALIZADEH: He maybe got like a step  
14 you said before the gunshots?

15 **A** Before the several shots came. That was  
16 the only time it came repeatedly, boom, boom, boom,  
17 boom, boom, and he went down and that was it. He  
18 wasn't moving any more.

19 MS. WHIRLEY: I don't know who was first.  
20 : . When the  
21 second shot was fired by Darren Wilson, where was he  
22 related to his patrol car, was he right next to his  
23 patrol car?

24 **A** The officer?  
25 : Yes, on the second shot.

1           **A**     Oh, no. The second shot, like I said,  
2     once he got fully out of the patrol car, he never  
3     turned back to it or got back in it. He came away  
4     from the patrol car and like I said, feet and  
5     distances are rough to me right now.

6                     I definitely know that his patrol car  
7     was in front of this driveway and in front of this  
8     building, and when he shot the second shot he was at  
9     the end of the building.

10                    :             . That being said,  
11                    going the same direction, they  
12     found two bullet casings near the car. Do you have  
13     any idea, any speculation why they find two bullet  
14     casings at the car when you only heard one shot.

15           **A**     I honestly do not know. He definitely  
16     only shot one time inside the car, it wasn't  
17     multiple shots. If they found, I mean, we don't  
18     have forensics both shells match his gun. If they  
19     did, I was lost after the first shot. That just  
20     shows how much more shock I was in because I  
21     definitely know he shot once, I wasn't aware of a  
22     second shot at the car.

23                    MS. WHIRLEY: Yes,  
24                    . So my question  
25     again, so you were talking about doing the turning

1 motion when all the shots were fired, we'll see  
2 where the wounds are, my thought was from the  
3 turning, you were demonstrating the turning, I just  
4 want to make sure. I don't know if you want to show  
5 us, you are saying he is walking like this, you are  
6 saying that second shot came on this side and then  
7 that he turned?

8 **A** Yes.

9 : And the rest were on this  
10 side?

11 **A** Well, he was running away, I didn't see  
12 where the bullet struck him.

13 Okay.

14 **A** That's why I was trying to go back, but I  
15 definitely saw the officer fire his gun while his  
16 back was towards us, and both me and the officer, I  
17 saw his body jerk. If he was struck, I don't know  
18 if he was fully struck or he just grazed him, but  
19 that's what stopped him in his tracks from running  
20 away from the second shot.

21 : Thank you.

22 MS. WHIRLEY:

23 : . When you  
24 came back after changing clothes and you saw people  
25 were starting to come out at the scene, was anybody

1 in the street between the patrol car and where Big  
2 Mike was laying in the street?

3 **A** Oh, yes, there was people crossing, no one  
4 actually got close to his body, but people were  
5 walking through the street, back and forth across  
6 the side.

7 They would get on the sidewalk as  
8 close they wanted to, but they wouldn't get in the  
9 street by the body. They got pretty close to get  
10 some real crazy pictures of his body.

11 MS. WHIRLEY: Was there anything stopping  
12 them from getting up to his body before when it  
13 first happened because you said there were no police  
14 cars there initially?

15 **A** Nothing stopped anybody from the public  
16 coming up to the dead body and just looking at it.  
17 It was uncovered, his body was not covered at the  
18 time, there was no police officers out there,  
19 nobody, just the squad car. And he was not there,  
20 there was no yellow tape. So people were just  
21 coming out their doors, kids, you know, there is a  
22 lot of kids out.

23 Just looking at the dead body, like  
24 he is right here laying in front of us, that's how  
25 people were able to walk up and look at his body,

1 and take their phones out, take pictures of his  
2 body, was nobody telling them to stop.

3 At that time his family wasn't even  
4 out there. It is just a bunch of random people  
5 walking around coming out of that building, oh, it  
6 is a dead body in our street. They are walking up  
7 to it like it is a prank or something like that.

8 No, this is a real dead person, he's  
9 not covered, his pants down are by his knees, you  
10 could see the blood spilling from his top part, not  
11 out of his head, but you can tell that it is blood  
12 leaking because it is all coming from the top part.

13 I didn't even actually know he had  
14 got shot in his face and head until the autopsy  
15 report showed. I actually thought he just got shot  
16 in his upper region and chest. When I seen a puddle  
17 of blood coming from the top part of his body.

18 : Just to be clear, you did  
19 see people between the car and this body in the  
20 street?

21 **A** Correct.

22 MS. ALIZADEH: Dorian, you mentioned that  
23 you didn't know until the autopsy report, what  
24 autopsy report are you referring to?

25 **A** The private autopsy report that they

1 actually, there was only one that they spewed to the  
2 public. It was the private autopsy where it said he  
3 got shot in his face. It came out and went back in,  
4 got shot in the top of his head. That's the only  
5 one that I saw that they was releasing to the  
6 public.

7 MS. ALIZADEH: Did you see an actual  
8 report or you just saying what you saw because it  
9 was on the news. I mean, they were speaking on the  
10 news, did you actually see a report?

11 **A** Like the documentation of it, no, ma'am.

12 MS. ALIZADEH: So you are basing that on  
13 what they said on the news?

14 **A** What the examiner said on the news, not  
15 the media, the private examiner that was hired by  
16 the family. And I'm sure his credentials follow him  
17 wherever he goes. I know he is not random that's  
18 doing an autopsy.

19 MS. ALIZADEH: No, and I'm not saying  
20 that. I'm trying to figure out.

21 **A** Where I did I get those --

22 MS. ALIZADEH: I'm sorry, you know that  
23 there was an autopsy done first?

24 **A** Yes.

25 MS. ALIZADEH: And then there was another?

1           **A**       Second one.

2                   MS. ALIZADEH:   And a third?

3           **A**       A third, right.

4                   MS. ALIZADEH:   I was trying to figure out  
5   which one you were talking about?

6           **A**       Correct, the family private autopsy.

7                   MS. ALIZADEH:   Okay.  I'm sorry.  Just one  
8   more.  When you made your statement to the FBI, was  
9   that down at FBI or were you at the U.S. Attorneys  
10   Office?

11          **A**       I was down at my lawyer's.

12                  MS. ALIZADEH:   Oh, your lawyer's office,  
13   that's right.  Had you seen the autopsy report at  
14   that time or did you know, I'm sorry, I know you  
15   didn't see it.  Had you learned the results of the  
16   private autopsy at that point?

17          **A**       Not from the private autopsy, but from  
18   different witnesses account from where their  
19   perspective was, their point of views, like the girl  
20   on her third floor --

21                  MS. ALIZADEH:   Okay, we don't want to talk  
22   about what other people saw.

23          **A**       That's what I said.

24                  MS. ALIZADEH:   Because other people will  
25   come in and say what they saw.

1           **A**     Yeah, so.

2                   MS. ALIZADEH: My question was, when you  
3 talked to the FBI, we know that that was on the  
4 13th, right?

5           **A**     Correct, yes, ma'am.

6                   MS. ALIZADEH: You hadn't seen, you didn't  
7 know any results of any autopsy at that point, did  
8 you?

9           **A**     No, ma'am.

10                  MS. ALIZADEH: Okay. I just want to  
11 clarify that. I don't know when you learned that  
12 stuff.

13           **A**     Okay.

14                  MS. ALIZADEH: All right.

15                  MS. WHIRLEY: Another question over here?

16                                 : I have a question.

17                                 . You said you went home and you  
18 changed clothes so you wouldn't be recognize?

19           **A**     Yes.

20                                 : Did you have any blood on  
21 your clothes

22           **A**     No, ma'am.

23                                 : You were standing so  
24 close to him?

25           **A**     No, I didn't have, like blood didn't

1 splatter off of him so much as inside his shirt. I  
2 seen it pop up on his shirt, he had a white shirt  
3 on. So blood just trickled down his side.

4 MS. WHIRLEY: Anybody else? You Kathi?

5 MS. ALIZADEH: I just wanted to make sure  
6 before we're done today, put your name and the date  
7 of today's date on that map that you have been  
8 drawing on, okay?

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

10 MS. ALIZADEH: And then also one final  
11 thing, Dorian, and I know that there are people that  
12 say that they've seen things, some have come forward  
13 and maybe some have not. And as we explained to you  
14 before this started, we're trying to get to the  
15 truth.

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

17 MS. ALIZADEH: And so it is important if  
18 there is someone out there that says they saw any  
19 part of this, you know, we don't want the people  
20 well, yeah, I talked to somebody who told me this.

21 **A** Right.

22 MS. ALIZADEH: But people who actually saw  
23 this. Are you aware of anyone who claims that they  
24 saw any part of this who has not talked to the  
25 police or the FBI?

1           **A**       I'm frankly surprised they have so many  
2 witnesses to the actual event, prior to it happened,  
3 I only saw one person that was out there when the  
4 first shot went off all the way up to the last shot,  
5 I only saw one person. I wasn't aware of anybody  
6 and I only saw her because before the initial first  
7 shot when the police stopped us, she was on her  
8 balcony and I just happen to glance up and see her  
9 and she stood there.

10                   MS. ALIZADEH: Do you know who she is?

11           **A**       Yes, her name is           .

12                   MS. ALIZADEH: Besides her, do you know  
13 anybody who has said to you, man, that wasn't right,  
14 I saw the whole thing. I'm not getting involved.  
15 Is there anybody that you know of who claims to have  
16 seen it, but is not going to come forward on their  
17 own?

18           **A**       Since the day all of this, of everything  
19 that happened, I haven't spoken to anyone in  
20 Canfield, per se. They really, I haven't seen, I  
21 haven't been in that area.

22                   It was a hard time for me getting my  
23 things out of my apartment complex, so that's what  
24 I'm dealing with now actually because they don't  
25 want me consulting with nobody who may have heard

1 something from somebody else that want to tell me  
2 something and stuff like that, I really don't know.

3 MS. ALIZADEH: The reason I ask you is  
4 that at some point, I want to make sure that we've  
5 heard, I don't want somebody coming forward down the  
6 road and saying, hey, they never contacted me.

7 **A** Right.

8 MS. ALIZADEH: You know, if you know  
9 somebody or later learn of somebody, would you let  
10 us know so that we can try to talk to them?

11 **A** I pray that they get resolved before then,  
12 but if someone ever came to me with evidence that  
13 they was there and seeing something that is not  
14 brought up already, then I would definitely relay  
15 them to you all.

16 MS. ALIZADEH: Just also to clarify  
17 because earlier you said you kind of knew some  
18 neighbors and stuff, and you saw on the  
19 balcony. Did you know her name before all of this  
20 happen.

21 **A** I met her as She had recently just  
22 moved there. I saw her moving in. I offered to  
23 help them. I saw it was just two girls, I offered  
24 to help them. She told me her name, she told me it  
25 was I later found out her full name.

1 MS. ALIZADEH: So you had met her before  
2 that date?

3 A Correct.

4 MS. WHIRLEY: Is there anything you want  
5 to tell us that we just didn't think to ask that you  
6 think is important, is information about this case?

7 A Yes. Regardless of everybody's opinion of  
8 me, I know a lot of speculation of my past and  
9 criminal record that I have or anything like that,  
10 that day I felt like even though the store thing had  
11 happened, I didn't feel like someone should have  
12 lost their life.

13 I feel like the incident at the car  
14 with both Mike Brown and Officer Darren Wilson could  
15 have been resolved without deadly force.

16 We definitely wasn't posing a threat  
17 to his life. I just want, I just pray that  
18 everybody sees the evidence for what it really is.  
19 Deadly force was really not necessary, everything  
20 else, had he knew about the store incident, him  
21 stopping us, all of that that's protocol, I get  
22 that. Deadly force was never ever needed and I pray  
23 that people really see that we didn't have any  
24 weapons on us or anything like that.

25 He could be in jail right now.

1 MS. WHIRLEY: You mentioned something, you  
2 know, the grand jurors may want to factor. You said  
3 something about a criminal record?

4 **A** Yes, because I stay watching the news and  
5 media outlets. I see they dug through years in my  
6 past to see an incident that happened in Jefferson  
7 City, but what they fail, they keep leaving out is I  
8 was a freshman in college at this time, everybody  
9 makes, you know, crazy little moves their freshman  
10 year. I was just beginning, I was getting out, I  
11 was breaking out of my kid years, you know, just  
12 being on my own around new people, Atlanta people,  
13 Washington people, people I never see on a daily  
14 basis, I'm from St. Louis.

15 So to hold that against me and  
16 Michael Brown on a day that has nothing to do with  
17 it, I feel like it is very wrong, especially for  
18 them not to dig two or three years prior and in  
19 Darren Wilson's file and see if any complaints were  
20 made against him. Basically all I keep seeing is  
21 slander on my name.

22 **Q** (By Ms. Whirley) We don't want to slander  
23 you, but we just want all the information you can  
24 get. What is the nature of the thing in Jefferson  
25 City, what happened?

1           **A**       There was just basically me walking with a  
2 group of kids that I knew, we were going to a YMCA  
3 to play basketball. I didn't have membership there.  
4 They actually had membership there. So we are  
5 walking through some apartments, one of the guys,  
6 you know, he grabbed a package and, you know, he  
7 ripped it opened. As we are walking towards the  
8 YMCA, I see a pool guy, he sees us, but he doesn't  
9 see anything in our hand or anything like that, but  
10 he sees us walking from out of the apartments going  
11 towards the gym.

12                       So I guess whoever's package it was,  
13 they made the call saying someone had stole  
14 something off their property or something like that.

15                       And I guess he took it in his own  
16 mind that I just saw these guys coming out of those  
17 apartments. When they went to run the YMCA cameras  
18 to see who had just recently walked in, I did not  
19 pay to get in, even though I was supposed to. I  
20 kind of just walked right on past, go down to the  
21 gym, play basketball.

22                       And when the police came and they ran  
23 the camera back and they saw like he didn't pay or  
24 this group right here, they came down, they grabbed  
25 basically the last group.

1 MS. WHIRLEY: Did you get charged with  
2 that?

3 A I did not get charged with it, I had to go  
4 to court on two charges.

5 MS. WHIRLEY: What were the charges?

6 A I had a false report to an officer, I had  
7 stealing charge that they were trying to see if I  
8 was the one that had stole it. I was going to  
9 court. At that time of me leaving court, I had been  
10 fed up with being stopped by off campus police and  
11 on campus police because of the stereotypical they  
12 look at people from St. Louis. And being stopped  
13 everyday, being late for class and having to remake  
14 up work, I just said you know what, Jefferson City  
15 school, Lincoln University was not for me at the  
16 time.

17 So I left, and still having to come  
18 back to court in Jefferson City, I've been getting a  
19 lot done down here in St. Louis. I don't have a  
20 charge for the City or County of St. Louis, but when  
21 they run my name, they see Jefferson City. They  
22 detain me sometimes, some police officers let me go.  
23 A couple police officers they detain me. Jefferson  
24 City, they never come and get me. The warrant is a  
25 500 mile, my lawyer reached out to them, if you are

1 outside 500 miles.

2 MS. WHIRLEY: 50 miles.

3 **A** 50 miles, we are not coming to get you.

4 I'm sure the other police officers they see that,

5 but they always detain me and they hold me.

6 MS. WHIRLEY: You were never on probation

7 for that?

8 **A** When I got locked up, when I had got

9 locked up, I got to the Jefferson City probation

10 about the stealing, I guess I was in the middle of

11 asking the judge can I do my probation in St. Louis

12 because I was not from Jefferson City and in the

13 middle of that we kind of lost contact, lost

14 communication.

15 MS. WHIRLEY: It was probation, you had

16 resolved it through probation?

17 **A** Right.

18 MS. WHIRLEY: Was it a felony or

19 misdemeanor?

20 **A** It was a misdemeanor.

21 MS. WHIRLEY: Do you have an other

22 convictions or felonies or misdemeanors?

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

24 MS. WHIRLEY: All right.

25 MS. ALIZADEH: I just want, you had

1 mentioned the stealing thing and then you said a  
2 false police report?

3 **A** Yes.

4 MS. ALIZADEH: Is that the same incident  
5 or was that a separate thing?

6 **A** That was the same incident with the  
7 officer who actually had me, he put me in the car,  
8 took me down to the station. I had both my school  
9 campus ID and my state ID in possession of me. When  
10 the officer asked me my name, I didn't say anything  
11 so much as just handed him my identification. I was  
12 mad at the time, again, I was a freshman in college,  
13 I'm kind of angry with the police, so I don't really  
14 want to say anything to them, but I know what he is  
15 going to ask me for my identification.

16 So I hand him my school ID and both  
17 my state ID at the same time. He is looking at both  
18 of them, he's looking at me. I have a very  
19 distinguished feature about me, I have one of my  
20 eyes, I have a cataract, one of them is blue and the  
21 other one is brown. It is like that on both my  
22 picture ID, I have distinguish color on my eyes.

23 So I'm sure he can see that, in my  
24 mind I know he can see it, I know he can tell that  
25 this is me, who I am. He actually called campus

1 security from Lincoln University, they also came  
2 down and verified that's him, you know, we seem him  
3 walking around on campus. But because I never said  
4 nothing to the officer, he took that as  
5 disobedience.

6 And he was like, you are not going to  
7 tell me anything, so I'm just going to write down  
8 that you gave me a false report. Me being a  
9 freshman and not really wanting to talk to him, I  
10 just kind of shrug my shoulders not thinking too  
11 much of it until it got to court and it was like  
12 this is serious, but the judge, he threw that one  
13 out of court. I never got charged for that or  
14 anything.

15 MS. ALIZADEH: Okay.

16 MS. WHIRLEY: Anything else? Dorian, we  
17 appreciate you coming.

18 (End of the hearing for September 10,  
19 2014.)

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1  
2 State of Missouri  
3  
4 County of St. Louis

SS.

5 I, a Licensed Certified Court  
6 Reporter by the Supreme Court in and for the State  
7 of Missouri, duly commissioned, qualified and  
8 authorized to administer oaths and to certify to  
9 depositions, do hereby certify that pursuant to  
10 Notice in the civil cause now pending and  
11 undetermined in the County of St. Louis, State of  
12 Missouri.

13 The said witness, being of sound mind and being  
14 by the grand jury first carefully examined and duly  
15 cautioned and sworn to testify to the truth, the  
16 whole truth, and nothing but the truth in the case  
17 aforesaid, thereupon testified as is shown in the  
18 foregoing transcript, said testimony being by me  
19 reported in shorthand and caused to be transcribed  
20 into typewriting, and that the foregoing page  
21 correctly sets forth the testimony of the  
22 aforementioned witness, together with the questions  
23 propounded by counsel and grand jurors thereto, and  
24 is in all respects a full, true, correct and  
25 complete transcript of the questions propounded to

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1 and the answers given by said witness.

2 I further certify that the foregoing pages  
3 contain a true and accurate reproduction of the  
4 proceedings.

5 I further certify that I am not of counsel or  
6 attorney for either of the parties to said suit, not  
7 related to nor interested in any of the parties or  
8 their attorneys.

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1 COURT MEMO

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5 Grand Jury- Ferguson Police Shooting

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 9/10/2014

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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1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

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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.

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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  
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