

Grand Jury - Ferguson Police Shooting

**Testimony of
Grand Jury**

11/21/2014



515 Olive St., Suite 300
St. Louis, MO 63101
(314) 241-6750 fax (314) 241-5070
www.goreperry.com
schedule@goreperry.com

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STATE OF MISSOURI

VS .

DARREN WILSON

GRAND JURY

November 21, 2014

VOLUME XXIV

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IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

STATE OF MISSOURI

vs .

DARREN WILSON

The following is a hearing before the Grand Jury of St. Louis County, at the offices of St. Louis County Prosecuting Attorney's Office, 100 South Central Avenue, in the City of Clayton, State of Missouri, on the 21st day of November, 2014, before xxxxx x. xxxx, RPR, CRR, CCR MO #xxx.

1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

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1 GRAND JURY HEARING VOLUME XXIV

2 MS. ALIZADEH: Good morning. It is
3 Friday, November 21st, it is 9:24 a.m. This is
4 Kathi Alizadeh, Sheila Whirley is present, all 12
5 grand jurors are present, as is the court reporter.

6 And we've spent about an hour kind of
7 talking about some procedural issues and matters and
8 concerns that the grand jurors had.

9 We did not discuss any of the evidence or
10 testimony so that discussion was had not on the
11 record.

12 I do want to tell you that as, since you
13 last met, which was on Thursday, last week, I've
14 taken this week to go through every transcript that
15 has been produced, which we are up-to-date. We have
16 the transcript from last Thursday and what I've done
17 is I made a chart and I made a chart that had the
18 name of every witness who testified and whether or
19 not that witness made statements prior to their
20 testimony.

21 As you know, it was originally our plan
22 that we would put on witness statements prior to the
23 witness testifying. We play statements, we provide
24 transcripts when we had them, but over the weeks
25 because of scheduling issues and problems getting

1 witnesses in, we kind of got away from that. We'll
2 put the witness on now and we'll listen to their
3 statements later.

4 I wanted to make sure that I had put
5 everything on and, of course, I discovered that I'm
6 not perfect and we have not, so I want to make this
7 representation to y'all.

8 And, again, names of witnesses will be
9 redacted from the transcripts, so I'm just going to
10 go ahead and say their names. But if you will
11 recall, there was a witness testified, her name is

12 She is the ,
13 and she did testify and I did play a statement of
14 hers that was taken on the date of the shooting by
15 the St. Louis County Police Department and that
16 statement was three minutes long.

17 Apparently there is another statement of
18 hers that was given to the FBI on September 2nd and
19 that statement is 11 minutes and 58 seconds. I did
20 not play that, but I have it hear, all right.

21 So I'm going to go through each of these
22 and then we will discuss whether or not you want us
23 to play or give you just the transcripts of what
24 have you.

25 There was another witness or another young

1 man who did not testify, but you'll recall
2 he originally made a statement
3 to St. Louis County Police on the day of the
4 shooting. It was a ten-minute recorded statement
5 that we played for you where he described having
6 witnessed the incident.

7 testified last week about a
8 phone call and we played a phone call for you from
9 that witness where he said, no, he really didn't see
10 it, he just said he saw it. So there is another
11 statement of that was given to the
12 joint investigators, so United States attorney,
13 Justice Department attorney and FBI people, that was
14 given on September 26th. It's 15 minutes and 58
15 seconds long, and I did not play that one for you.
16 I have listened to it and actually that's how I knew
17 was recanting the story. The essence
18 of that statement he says, I didn't really see it.

19 But that statement is also, I have it in
20 here. So we can play that for you if you want to
21 hear that one.

22 There was a woman testified named
23 , she's the one who, I believe, was taking
24 her trash out when she heard the shots. She made
25 two statements, one on August 9th on the date of the

1 shooting and one on August 16th to the FBI. During
2 their canvas, remember the week after they did a
3 knock on door canvas?

4 I have given you those two transcripts
5 already, and at the time you all said you didn't
6 need to hear the statement, the statement played
7 because you have the transcripts.

8 But again, I have those statements here
9 and if you desire to hear them, we can play them.

10 Then there's , you will
11 remember she's the woman from who was
12 taking a drive into Canfield Apartment Complex and
13 testified that she witnessed the shooting. I've
14 already played for you a statement that she made to
15 the joint investigators, the U.S. attorney,
16 Department of Justice attorney and FBI agents. That
17 statement was on October 22nd. It was an hour and
18 38 minutes long and there was no transcript of the
19 statement at that time, but the court reporter took
20 down the statement as we played it, and so you've
21 heard that statement.

22 There is another statement that was made
23 previously by her on September 11th to the St. Louis
24 County Police Department, that statement is 44
25 minutes and 52 seconds long. I don't have a

1 August 15th, 2014.

2 At the time I asked you if you wanted to
3 hear y'all told me you didn't think you wanted to,
4 but I have the transcripts already prepared at that
5 time because I was thinking we would play it. So at
6 this time I'll pass out the transcripts for her
7 statement and y'all can have those and if you want
8 to hear her statement, we can play that one as well.

9 Then there was , he's the
10 gentleman who was making internet kind of video
11 phone call to a female friend and he unwittingly
12 recorded the sounds of gunshots, and I didn't play
13 his statement. His statement was given to the FBI
14 on August 18th, it is ten minutes and 41 seconds
15 long. I don't have a transcript, but I do have that
16 statement if you want to listen to it.

17 There is , he's the
18 witness who had called into that POD cast show, that
19 and had made statements that
20 seem to indicate that he had seen the shooting. And
21 he came in and testified to you about what he saw.

22 He made a statement to St. Louis County
23 Police and the FBI actually on the day that he
24 testified in the grand jury because he would not
25 make a statement to the police he actually was

1 subpoenaed to come into grand jury to testify.

2 So when he arrived at our office, FBI
3 agent and then sat down with him and
4 took his statement and that's recorded. I don't
5 have a transcript, but I do have the statement, that
6 statement is 53 minutes and three seconds, so if you
7 want to hear that one you can.

8 , she was the physician
9 assistant who treated Officer Wilson on the day of
10 the shooting.

11 She made a statement to joint
12 investigators on August 27th of 2014. Her statement
13 was recorded and is 16 minutes and 29 seconds long.
14 I don't have a transcript, but I have a statement if
15 you want to hear that.

16 made a statement to joint
17 investigators on the 9th before he testified in this
18 grand jury. So that would have been on
19 November 12th and his statement is two hours and 40
20 minutes long if you would like to hear that.
21 Actually, I do have a transcript, they delivered the
22 transcript to me as well. So I have a transcript
23 and that statement.

24 I didn't print out the transcript because
25 obviously it is quite voluminous. If you need it, I

1 will certainly print out copies for everyone.

2 And then finally , she was
3 the woman who was in the vehicle with her mom and
4 dad and sister and her daughter, she made two
5 statements. Neither of which have been played to
6 you. One was on August 21st to the St. Louis County
7 Police, that's 19 minutes and 15 seconds long. And
8 the other one was to joint investigators and that
9 was made, I think, the day before she came in and
10 testified here, that would be November 12th. And
11 that statement is 35 minutes and 45 seconds long.

12 And maybe at a morning break, I'm going to
13 give this chart to the foreperson. I've highlighted
14 the ones missing statements so you guys can talk
15 amongst yourselves if there is any need to hear
16 those statements or get transcripts for those
17 statements, we can do that before you deliberate.

18 GRAND JUROR: Whatever happened to the
19 witness somebody who didn't want to come?

20 MS. ALIZADEH: we never were
21 able to get him subpoenaed. He's hung up on me
22 twice, he hung up on the Department of Justice
23 attorney twice, they've not been able to get him in
24 for an interview.

25 I've had an investigator to his home, to

1 his mother's home, and either people don't answer
2 the door or when they answer the door they say
3 isn't here.

4 Police are not authorized to go into a
5 house and look for somebody unless they have a
6 search warrant. And given that he's not, he hasn't
7 committed a crime, we really can't get a search
8 warrant to go into a house to find him.

9 So, you know, I did play his statement for
10 you to take into consideration the fact that he is
11 unwilling to come in and give live testimony to you.

12 When you consider how many witnesses have
13 given different statements after they come in and
14 testify, just keep that in mind, that you were able
15 to question him and observe him and judge his
16 credibility live, okay.

17 GRAND JUROR: I have one more question.
18 What would be the reason that a police department or
19 the FBI or the civil rights will get a statement at
20 the 9th hour before the witness comes in to testify?

21 MS. ALIZADEH: Well, that would be a
22 question that you would have to ask them. You know,
23 as you know, they're running their own
24 investigation, independent investigation and as you
25 probably, you might be able to tell even by looking,

1 I didn't give you the whole list. I left out a
2 page.

3 A lot of these witnesses who were spoken
4 to were spoken to by either county police officers
5 on the day of the shooting or the day after the
6 shooting and then sometimes on that following
7 weekend when the FBI did their canvas they were
8 spoken to.

9 Some of these interviews are as short as
10 three minutes. As an example, I'll use

11 . She was interviewed by a county detective
12 on the date of the shooting. I think her interview
13 was something like three minutes. Not very
14 detailed. Not very, you know, there isn't even
15 anything in her statement at that time as to what
16 car she was driving.

17 As you know, that kind of became an issue.
18 She testified she had the and that
19 kind of is an issue. I'm only speculating as to the
20 reason that they were conducting their own
21 interviews. I think that definitely witnesses
22 needed more in depth interviews and they determined
23 they were going to do those, but I can't really tell
24 you, it would be speculating on my part if they had
25 any other kind of motive or desire, but they are

1 running their own investigation. They will, they
2 are preparing a report with recommendations of their
3 own so they feel a need to actually talk to every
4 witness themselves.

5 Okay. Also we did not have it at the
6 time, but actually emailed a copy of his
7 CV after he testified, so I marked that as Exhibit
8 103.

9 (Deposition Exhibit Number 103
10 marked for identification.)

11 MS. ALIZADEH: And at this time we'll
12 proceed with who I anticipate may be the last
13 witness and that's who started
14 last Thursday.

15 GRAND JUROR: I have one quick question.
16 referenced his report, do we not
17 anticipate getting one from his autopsy?

18 MS. WHIRLEY: We don't have one currently.

19 MS. ALIZADEH: I don't even know if it's
20 done.

21 GRAND JUROR: Okay.

22 MS. ALIZADEH: You know, honestly, during
23 the break we can try to contact him if it is done,
24 he maybe can email it to us, and if it is not done.

25 GRAND JUROR: I asked about

1 report. He mentioned finishing up his report and we
2 never saw anything. If that is of interest of
3 people to inquire into it or not?

4 GRAND JUROR: What do you mean he didn't
5 saw everything?

6 GRAND JUROR: He never submitted his
7 report from his autopsy. He referenced he looked at
8 some pictures when.

9 GRAND JUROR: He should have written his
10 report by now.

11 GRAND JUROR: This is it, he didn't submit
12 his autopsy report.

13 MS. WHIRLEY: We'll contact and see.

14 MS. ALIZADEH: It is worth us reaching out
15 if he's got it and can email to us we'll get it. If
16 he doesn't, you know, the only thing would be y'all
17 would have to discuss if you want to hold up your
18 deliberations until you get it. This is, again,
19 your investigation and if there is something you
20 think you need, we're going to get it for you.

21 MS. WHIRLEY: Another question?

22 GRAND JUROR: We need to decide even if we
23 need to ask for it.

24 GRAND JUROR: I thought the only reason
25 that we would have it is because he was, he had a

1 difference of opinion as to one of the wounds as
2 opposed to the medical examiner for St. Louis
3 County, is that my understanding? Was that my
4 understanding?

5 MS. WHIRLEY: That's something you need to
6 figure out.

7 MS. ALIZADEH: We can't --

8 GRAND JUROR: I'm sorry?

9 MS. ALIZADEH: We've got email.

10 MS. WHIRLEY: I can reach out to him.

11 MS. ALIZADEH: We can make quick inquiry.
12 If he's got it, we'll get. If he doesn't have it,
13 you guys are going to have to decide if you want to
14 hold up deliberations until you get it. It is easy.

15 GRAND JUROR: I'm not sure that everything
16 that we've done so far is thorough if we would make
17 a decision before we have his report that that would
18 not reflect good on us, you know what I mean?

19 MS. ALIZADEH: Let me tell you this. In
20 any actual criminal trial, the report of the medical
21 examiner, the police reports, any reports that you
22 all have been given in your investigation, none of
23 those or admissible in a trial because the report
24 itself is considered hearsay.

25 The testimony is the evidence in the case.

1 So has now, typically we have a report
2 before the witness testifies and we may use that
3 report to prepare us for their testimony, and then
4 we may use that report if they testify differently
5 than what the report says certainly, but in this
6 case, we didn't have that report in advance.

7 If we had it and it was a trial, we
8 couldn't let the jury see it anyway, but that's
9 something, again, you guys are going to have to talk
10 about. During this break, we'll go and do, we'll
11 contact somebody right now. If we get it great, if
12 we don't get it, you are going to have to decide if
13 you want to wait for the report, okay. And that
14 will be the decision you all can make amongst
15 yourselves during the break or lunch or what have
16 you. Okay.

17 Anything else before we take a bathroom
18 break or stretch your legs?

19 (Recess)

20 MS. WHIRLEY: This is Sheila Whirley.
21 There was a request regarding autopsy
22 report. Fortunately I was able to reach him by
23 telephone during our break. He said that he was
24 waiting on some information and hadn't completed the
25 report, but he could have it ready by Monday.

1 So he wanted me to get back to him and
2 he'll work on it over the weekend. He wanted me to
3 get back to him and let him know if that would be
4 okay, should he work on it or what.

5 MS. ALIZADEH: Why don't you guys talk
6 about it during your lunch break. We'll let him
7 know after lunch whether he needs to chop-chop, get
8 that done for you guys, okay.

9 So at this time, we're going to recall
10 Detective

11 DETECTIVE
12 having previously been sworn, retakes the stand for
13 further questioning.

14 EXAMINATION
15 BY

16 **Q** Good morning, Detective

17 **A** Good morning.

18 **Q** This will be your third time appearing on
19 this matter in the grand jury and I will just remind
20 you, you are still under oath to tell the truth and
21 also that you are under oath not to divulge or
22 disclose anything that happens in the grand jury or
23 to even discuss that you were appearing at the grand
24 jury or any matters or for the fact that they have
25 this matter under consideration.

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

2 **Q** So, I first want to clear something up,
3 and this actually came about at the conclusion of
4 your day on Thursday, and we were not done with your
5 testimony, but there was a question asked by Sheila
6 Whirley and I wanted to clarify something.

7 Last Thursday I had asked you
8 questions about your investigation, about your
9 questioning of Officer Wilson, your reasons for not
10 placing him under arrest after you had interviewed
11 him, the reason you did not place him under arrest
12 sometime subsequent to that and I asked you if you
13 felt that you had probable cause after you had
14 interviewed him, if you felt that at that time that
15 you had probable cause to arrest him, and your
16 answer I believe was no.

17 At that time you did not feel that
18 you did and I want to clarify for the grand jurors
19 and Sheila brought up the fact, you are not saying,
20 are you, Detective, that you do not feel that
21 there's probable cause to indict Officer Wilson of
22 any offense in this case?

23 **A** Correct, I'm not giving that opinion.

24 **Q** In fact, in preparation for your
25 testimony, did we discuss whether or not any

1 questions about your opinion would be answered by
2 you?

3 **A** We did discuss that, yes.

4 **Q** And I told you that I would not want you
5 to give your own opinion if you have one, nor would
6 I want any of the grand jurors to ask you your
7 opinion because that is actually their decision and
8 not yours?

9 **A** That's correct, yes.

10 **Q** So just to clarify for everybody, your
11 answer about not arresting Officer Wilson after he
12 was interviewed, which was less than 24 hours after
13 the actual shooting incident was not a comment on
14 your part as to whether you feel that there's
15 probable cause to indict, is that fair to say?

16 **A** That's fair to say.

17 **Q** And you all understand that at no time do
18 I think would it be appropriate for you to ask his
19 opinion as to whether there is probable cause to
20 indict.

21 Also, you may recall that during
22 testimony of certain witnesses they may have been
23 asked questions about their opinion as to whether
24 there was excessive force used and in those cases,
25 those witnesses, if you recall, were all actual

1 eyewitnesses to the incident. And so whether they
2 have an opinion or not I think might be relevant,
3 but given that Detective is not witness to
4 the incident, I don't feel it is appropriate for you
5 to ask him his opinion as to any of the issues in
6 this case.

7 He's here to testify about the
8 investigation and the facts that he's discovered and
9 I leave it to you to determine the issues of law in
10 this case.

11 Also, Detective after your
12 testimony you indicated to me that I had asked you a
13 question about whether or not the investigation you
14 conducted in this case was any different than any
15 other investigation you've done regarding use of
16 force investigations, and I believe you testified
17 Thursday that no, you have not done anything
18 differently or something to that effect. And you
19 told me that you wanted to clarify that; is that
20 fair?

21 **A** I did, yes.

22 **Q** Why don't you explain for the grand jurors
23 about what, if anything, is different about your
24 investigation in this case?

25 **A** Sure. When I answered that question last

1 week, I was referring to the fact that Darren Wilson
2 was treated no differently in this investigation
3 than other officers have been treated in any other
4 investigation we have conducted or that I have
5 conducted.

6 He received no special treatment and
7 in terms of the investigation, the same legal and
8 general procedural guidelines were followed in this
9 investigation as they were in any other officer
10 involved incident that I have conducted.

11 Having said that from the beginning,
12 there were certain aspects of the investigation that
13 were different. Typically we would do a
14 walk-through at the scene with the individual
15 involved in the incident, that wasn't possible in
16 this particular instance based off of circumstances
17 taking place at the scene. It wouldn't have been
18 safe, I felt, for him to go back to the scene and do
19 a walk-through at the scene. In a relatively short
20 period of time, there was a significant amount of
21 media attention that had been garnered regarding
22 this incident and obviously, that can impact
23 witnesses' statements if a witness sees media
24 account of it, so that would have obviously impacted
25 this investigation more so than previous

1 investigations. The FBI and Department of Justice,
2 obviously, began conducting a parallel investigation
3 within a relatively short period of time. And that
4 obviously lent itself to a variety of coordination
5 issues that needed to happen, a variety of other
6 laboratory reports that we would have needed to get,
7 other methods of doing things. In that sense, there
8 were things that we did differently.

9 And also just in terms of the sheer
10 volume of work and the amount of witnesses that we
11 contacted that was different in this particular
12 instance, based on the amount of people that needed
13 to be contacted, the amount of evidence that was
14 presented. And so in some instances, I was at the
15 same time as much a project manager as I was an
16 investigator.

17 But ultimately there were a lot of
18 things that were, I should say, different about this
19 investigation, but it is nothing that would have
20 impacted the integrity of the investigation or the
21 manner in which Darren Wilson was treated, so I just
22 wanted to clarify that.

23 Q All right. And in the course of this
24 investigation within hours of the shooting, you did
25 have a number of people who actually came forward

1 and indicated that they had witnessed the incident;
2 is that correct?

3 **A** That's correct.

4 **Q** And you learned shortly after the shooting
5 that there was an individual who was with Mike Brown
6 during the shooting and did it take several days for
7 you to identify him and to contact him?

8 **A** It did.

9 **Q** And then during this investigation were
10 there also a number of witnesses that did not come
11 forward that you were able to later identify either
12 through canvassing or through other investigative
13 techniques such as getting phone records, Facebook
14 records, Twitter records and so forth, to try to
15 locate people who might have seen something?

16 **A** Yes, that's correct.

17 **Q** And so is that something that was atypical
18 in your investigation of an officer involved
19 shooting the vast number of witnesses that actually
20 were not coming forward on their own?

21 **A** It was, yes.

22 **Q** Um, all right.

23 MS. ALIZADEH: I'm going to then kind of
24 resume with talking about this perspective picture.
25 At this time does anybody have any questions, of

1 course, you can always ask later as well. Before I
2 move on to doing these pictures again, anybody have
3 questions about the investigation itself or things
4 that were done or not done?

5 Okay, all right. So now, Detective
6 we had you testify Thursday about this map,
7 which is marked Grand Jury Exhibit Number 101. What
8 are these?

9 A Extra.

10 Q (By Ms. Alizadeh) Extra, okay, that's
11 right. And you indicated that you, along with other
12 investigators prepared this, which is your
13 interpretation based upon the statements made of
14 witnesses as to where various eyewitnesses were
15 during, when I say shooting, obviously, there was a
16 time period that goes along, the beginning of the
17 time of the beginning of the incident until after
18 the shooting had been done. And do you still feel
19 that this map accurately reflects where witnesses
20 said they were?

21 A I do.

22 Q And just for your instruction, this just,
23 this map is for your purposes in your deliberations
24 and if you disagree with anything that's on the map,
25 these little sticky things come right off. So

1 supposedly they come right off.

2 **A** They do.

3 **Q** If you feel that this witness is not in
4 the right place, you can move any of these stickers
5 that you want and put them in the places where you
6 think they belong.

7 This is just something that is
8 representative of what this witness believes where
9 people were. If you all do with this what you will.

10 Also there was a legend that was
11 provided for all of you regarding the numbers
12 because the numbers that were assigned witnesses are
13 not the same numbers as the witnesses testimony in
14 this grand jury.

15 So Witness Number 10 in the grand
16 jury is not necessarily Number 10 on this chart.
17 Actually, he's Number 6. So those numbers for the
18 map are only for the map, okay. Is that fair to
19 everybody?

20 All right. Now --

21 GRAND JUROR: I just want to clarify, the
22 red where it says Michael Brown, that is where he
23 died, that is where he fell?

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

25 GRAND JUROR: You don't indicate anywhere

1 where he was to begin with, just where he fell?

2 A Just where he fell, yes.

3 Q (By Ms. Alizadeh) And the blue would be
4 where the police officer's car was when you began
5 your investigation, correct?

6 A Correct.

7 Q So these photographs, which we already
8 started some testimony about, I did a little better
9 job attaching them. And just so for the grand jury
10 to understand what I've done here, I have three
11 boards and each board represents a vantage point.
12 So the actual vantage point, the picture of that
13 vantage point is on the back of the board.

14 So as you see here on the back of
15 this board, there is a cone in the middle of the
16 street. That would be where the police vehicle was.
17 And so when you then look at the pictures that are
18 on front of the board, and you've heard Detective
19 testify about how the photographer stood in
20 that location over that cone, actually stood,
21 straddled the cone and would take pictures moving
22 clockwise 360, so that we would have an idea of what
23 can be seen from that vantage point to help you
24 figure out where people were, what they might have
25 seen, parts of it they might have seen.

1 And actually, when I prepared these
2 boards, I did it using what's called removable tape
3 because I wanted y'all to be able to take these
4 pictures off if you needed to or move them around if
5 you needed to. But unfortunately, removable tape
6 doesn't stay very well and the next day I came in
7 and these pictures were like all on the floor.

8 As you see they're coming off
9 somewhat and so I've provided a tape dispenser for
10 you. If you see that, see how this is coming off
11 here. This is because this tape doesn't stick well.

12 I'm taking these down so they stay.
13 You should be able to pull them off. If there is a
14 need to remove them and move them around in any way.

15 But I believe we finished up with
16 this board which I did not mark last week, but I'm
17 going to mark now.

18 (Grand Jury Exhibit Number 104
19 marked for identification.)

20 MS. ALIZADEH: Does anybody have, before
21 anybody I move onto the next board, we kind of
22 finished with the last picture. Anybody have any
23 other questions about this board?

24 And just so you all know too, you will see
25 that there are, I think, five easels in this room

1 right now. There is one in the corner that's
2 holding that flip chart, one that's in this corner.
3 The one I just put up there, there's another one in
4 the corner and one over here.

5 So when it is time for you to deliberate,
6 if you feel like you want to get all of these out
7 and put them up, it is just hard for me to move
8 around by doing it right now.

9 I'm just going to do them one at a time.

10 (Grand Jury Exhibit Number 105
11 marked for identification.)

12 MS. ALIZADEH: Next board I'm going to
13 mark Grand Jury Exhibit 105.

14 Again, I put the picture on the back of
15 the board that shows the vantage point of these
16 pictures. You see a cone in that picture, and
17 Detective looking at the photos on the front
18 of the board. Can you tell what vantage point that
19 is?

20 A This would be the far eastern point that
21 we took, the 360 degree photos from.

22 Q (By Ms. Alizadeh) And why is it that this
23 cone was placed at that location on Canfield Drive
24 or Canfield Road?

25 A As best we could tell based off of witness

1 accounts, that would have been the furthest point
2 east that Michael Brown would have went to. So that
3 intersection of roughly Coppercreek Court and
4 Canfield Drive.

5 Q If you want to point to where that is on
6 your other map?

7 A So essentially the western corner, or what
8 would be the northwestern corner, I should say, of
9 Coppercreek Court and Canfield Drive is where this
10 cone was placed roughly right about there.
11 (indicating)

12 Q And so we see in the photograph that is on
13 the back of this board, the cone there, did the
14 photographer straddle that cone and take 360
15 photographs in the same manner that she did from the
16 vantage point from where the police vehicle had
17 been?

18 A Same procedure was used, yes.

19 Q Okay.

20 GRAND JUROR: Is this from the
21 perspective, you said from the farthest point that
22 the Michael Brown got to, is this the point where he
23 stopped in the roadway and turned?

24 A Yes, ma'am. We are basing that off of
25 witness statements as best we could tell. That was

1 the point that they had made reference to and so we
2 used that as the furthest eastern point to go to.

3 GRAND JUROR: Okay.

4 Q (By Ms. Alizadeh) Now, I'm going to put
5 this up, Detective. If you want to come up here if
6 it is easier for you to see. We're going to start
7 with the top left-hand photo is the first photo in
8 the group and then we're going to move left to
9 right, and then down to the second row left to right
10 and then down to the third row left to right.

11 So the first photograph, can you
12 describe for the grand jurors where the photograph,
13 what the photographer is seeing in that image?

14 A This photograph right here would be,
15 again, if I move to this map at the intersection of
16 Coppercreek Court and Canfield Drive, the
17 photographer would have been taking a photo that
18 would have been essentially almost due east. So
19 taking a photograph due east.

20 Q And so in that photograph, can you see
21 Building Number

22 A There would be Building Number and a
23 portion of Building Number .

24 Q Can you put the laser pointer on Building
25 Number

1 try to get this right.

2 (Recess)

3 Q (By Ms. Alizadeh) So we've discovered that
4 I have some photographs in the wrong order and we're
5 going to move on to the next board so that I can
6 during maybe a break we can rearrange those
7 photographs and put them up the way they should be
8 and we will revisit that after a break.

9 So the next board is going to be
10 marked Grand jury Exhibit 106.

11 (Grand Jury Exhibit Number 106
12 marked for identification.)

13 Q (By Ms. Alizadeh) Detective, looking at
14 the photograph on the back of that board, can you
15 tell me where the photographer is standing for these
16 photographs?

17 A This would be at the point where Michael
18 Brown's body was located when we arrived at the
19 scene.

20 Q All right. Before we start, can you look
21 at that real quickly and tell me did I get that
22 right or is that wrong too?

23 MS. ALIZADEH: This is what happens when
24 you do live theater.

25 A The top is clockwise. This one is

1 clockwise. This is clockwise, we're good.

2 Q (By Ms. Alizadeh) Is this supposed to be
3 there?

4 A That's correct.

5 Q All right, good. So looking at these
6 photographs starting at the top left. And what
7 direction is the photographer facing?

8 A Primarily west.

9 Q And that would be on Canfield Drive?

10 A That's correct.

11 Q And from that first photograph, is she
12 straddling the cone that appears in the photograph
13 on the back of the exhibit?

14 A Yes, ma'am.

15 Q Okay. And so from this location, can you
16 see the location where would have
17 been?

18 A You can.

19 Q And where is that?

20 A It would be at this point right here.

21 Q And in the photograph you can see kind of
22 the corner of a white house or structure?

23 A That's correct.

24 Q Is that the house where he was?

25 A That is the house where he was working.

1 GRAND JUROR: I have a question about
2 . You mentioned, I guess, when we
3 were here Thursday that you talked to the homeowner?

4 A I talked to the individual who resides at
5 that home and I also talked to the homeowner, yes.

6 GRAND JUROR: And they said, what was
7 their response to him being there?

8 A Neither one could remember exact dates,
9 but it was around that time they did both confirm
10 that there was work being done on the home around
11 that time and they both confirmed that there was an
12 individual there. They didn't know names, there was
13 an individual there that was doing some sort of
14 drywall and painting work at the house.

15 GRAND JUROR: I kind of find that a little
16 strange because when he sat down with us, he told us
17 that he specifically told whoever was at that house
18 what had happened?

19 A I asked her about that, and she said that
20 she remembered talking to him briefly, didn't
21 remember what they had talked about and that she
22 ultimately left for work.

23 Q (By Ms. Alizadeh) Let me ask you this,
24 given that you actually have been to that residence,
25 did you make any attempts for yourself to stand in

1 the location where you believe stood
2 and look down Canfield to see for yourself what
3 someone in that position might be able to see?

4 **A** I did.

5 **Q** And from where, from your observation,
6 would a person standing at the location where
7 said he was, could they see where the
8 police vehicle was?

9 **A** They could.

10 **Q** And could they see where the farthest
11 easterly point where Michael Brown, witnesses say he
12 may have stopped and turned around?

13 **A** Yes, he could.

14 **Q** Could you also see the place where Michael
15 Brown's body came to rest?

16 **A** Yes.

17 **Q** Are there any obstructions between where
18 from your observation from that vantage point to any
19 of those locations is there any obstructions that
20 would be in your way?

21 **A** The only obstruction would have been the
22 trunk of this tree right here. I don't know if
23 everyone can see that. There is a tree right there
24 and the trunk of that tree would have been the only
25 obstruction.

1 GRAND JUROR: How big is that trunk, how
2 wide?

3 A I don't know specifically, but clearly the
4 only reason I mention that is in the interest of
5 full disclosure, that's the only --

6 GRAND JUROR: According to your judgment,
7 it is not a big, wide tree?

8 A No, it is a grown --

9 GRAND JUROR: Full grown tree?

10 A It is clearly a grown tree, but in the
11 grand scheme of looking at a particular incident,
12 one tree that is at a distance, I didn't view it as
13 something that would have impeded my ability to see
14 the entire incident.

15 GRAND JUROR: Thank you, sir.

16 A Yes, ma'am.

17 GRAND JUROR: From his distance where he
18 was standing, could he actually see
19 the movements, you can see a person standing, but
20 could you actually physically see the movements of
21 Michael Brown?

22 A So just by chance when myself and another
23 detective were at this home right here, there was
24 quite a few people walking around in this general
25 area and up to and including someone walking what

1 would be roughly, again, at the intersection of
2 Coppercreek Court and Canfield Court. And you can
3 clearly see that individual and I could clearly see
4 that individual and I could see hands moving and I
5 could see where they were moving their hands if
6 walking like this, I would be able to see the
7 movement of their hands, yes. (indicating)

8 GRAND JUROR: Could see their facial
9 expressions?

10 A I don't remember.

11 GRAND JUROR: Okay.

12 A I don't remember.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Any other questions?

15 GRAND JUROR: How soon after the incident
16 were these photos taken?

17 A I don't, I could check for you and get you
18 an exact date.

19 GRAND JUROR: Okay.

20 A But I don't remember.

21 MS. ALIZADEH: The dates the photos were
22 taking, is that what was asked?

23 GRAND JUROR: Right uh-huh.

24 MS. ALIZADEH: I'm guessing that might be,
25 you know what, it might be the date they were

1 printed that's on the back, we'll find out.

2 Do you have your report on your laptop?

3 A I do.

4 Q (By Ms. Alizadeh) He brought that so he
5 could answer questions if there were questions like
6 this.

7 A So we were out there at roughly 8:30 a.m.
8 and it would have been on Wednesday, October, yes
9 October 1st.

10 GRAND JUROR: The 1st?

11 A The 1st of October, yes, ma'am.

12 GRAND JUROR: Could I make another
13 comment? Conceivably the abundance of foliage
14 during that course of time from August until October
15 when the photos were taken, so there may not have
16 been as much foliage? I know you are not a
17 botanist, I understand that.

18 A That was a consideration that we took, we
19 took that into consideration in doing those photos.
20 We wanted to get it, obviously, before the leaves
21 started to change. If you look in these photos
22 here. The foliage is still green. I'm not saying
23 that, obviously, there are leaves in these photos
24 right here, but the foliage is clearly green at that
25 point when photos were taken.

1 MS. ALIZADEH: Any other questions? Okay.

2 Q (By Ms. Alizadeh) And then, Detective,
3 also looking at this first image, if there were
4 vehicles that were coming around this bend and
5 proceeding eastbound on Canfield Drive, someone
6 looking out of their front windshield would be able
7 to see the police vehicle, correct?

8 A Yes, ma'am.

9 Q As well as the place where Michael Brown's
10 body rested?

11 A I believe so.

12 Q And could they see the corner from their
13 vehicle?

14 A Yes, ma'am.

15 Q Okay. And so then in the second
16 photograph, and this is turning clockwise, correct?

17 A Moving clockwise, yes.

18 Q So what building is this in the map?

19 A This building right here. (indicating)

20 Q Yes. Is that the same as this building
21 right here? You see a white SUV in front of these
22 buildings, this is same building, right?

23 A So we're moving clockwise so this would
24 be --

25 Q Looking west?

1 **A** Westbound, correct, you're asking about
2 this building right here. (indicating)

3 **Q** This building is the same as this
4 building?

5 **A** That's correct.

6 **Q** What number would that be?

7 **A** That would be Building .

8 **Q** What witnesses were in Building Number

9 **A** And in Building would have been
10 .

11 **Q** Okay. And so if they were on the front of
12 their building and looking toward the photographer,
13 who is standing in this grouping, this is where
14 Michael Brown's body was; is that correct?

15 **A** That's correct.

16 **Q** They would be able to see Michael Brown's
17 body in the street?

18 **A** Yes.

19 **Q** And this building right here on the second
20 photograph?

21 **A** Correct, that would be Building .

22 **Q** Who is in that building?

23 **A** In Building would have been

24 and would have resided in
25 the building. It would have been moving from that

1 building towards the, between her building and the
2 dumpster.

3 Q And then also somewhere in this area would
4 have been where parked her car and
5 walked over in an easterly direction, correct?

6 A That's correct.

7 Q And is 's apartment this
8 one right here? (indicating)

9 A It is actually, would be on this side, so
10 the western side of this stairwell right here, but
11 this balcony right here is connected and there is
12 obviously a balcony on this side that you cannot see
13 that would be consistent with this one on the
14 eastern end.

15 Q We talked about the fact that there is,
16 there's a balcony that's connected on the fronts of
17 these buildings, but there's a wall that will at
18 some point block somebody's vision depending upon
19 where they are on their balconies and what they are
20 looking at, is that fair to say?

21 A That's fair to say.

22 Q So depending on where somebody is on these
23 balconies would depend on whether or not they could
24 see something in the street?

25 A Right.

1 Q Okay. And so in the third image now,
2 again, moving clockwise, you see 's
3 apartment?

4 A Yes.

5 Q Okay. And then were there any other
6 people in Building Number ?

7 A Not in the building, no.

8 Q Okay. And then on the fourth photograph,
9 again, moving clockwise, we can see this memorial
10 here that's by a light pole. Is this close to the
11 area where witnesses said he had stopped and turned
12 around?

13 A It is.

14 Q And from this photographer's vantage
15 point, again, you can see that dumpster in the
16 background?

17 A That's correct.

18 Q And you can see 's building?

19 A Right.

20 Q This Building Number , would this be this
21 building back in the background?

22 A That would be Building .

23 Q Who was in Building ?

24 A Uh, and .

25 Q Okay. And then looking at the next

1 photograph, again, moving clockwise then, now we are
2 looking down Canfield Road and east down Canfield;
3 is that right?

4 **A** That's correct.

5 **Q** And, again, you can see the place here,
6 correct?

7 **A** That's correct.

8 **Q** And you can see 's building?

9 **A** Correct.

10 **Q** And what buildings are back here?

11 **A** That would be buildings, in terms of where
12 witnesses were located, Buildings and then closer
13 to that you can see a portion of Building and it
14 looks like possibly a portion of Building .

15 **Q** And so what witnesses were in Building
16 Number or near Building ?

17 **A** Building would have been
18 and .

19 **Q** All right. In Building , we didn't have
20 anybody from Building that said they were near or
21 in Building ; is that correct?

22 **A** That's correct.

23 **Q** And then the sixth photograph in the
24 group, again, turning clockwise. What building
25 number is this in the left-hand side in the

1 background here?

2 **A** I believe that is a portion of Building
3 and then in the front here would be Building .

4 **Q** And then is this a different building
5 right here?

6 **A** Same, different address, same building.

7 **Q** Okay.

8 **A** So it is and , which are both
9 part of Building .

10 **Q** Were there any witnesses in Building ?

11 **A** Yes.

12 **Q** Who is that?

13 **A** or .

14 **Q** He said he was in like the first floor,
15 which is basically slightly below street level,
16 correct?

17 **A** Correct. As a frame of reference, I would
18 say roughly about that high below street level.

19 **Q** So if he were on his patio right outside
20 his front door street level would be about three a
21 and a half, 4 feet?

22 **A** Roughly.

23 **Q** And then clockwise, again, looking at
24 Photograph Number 7, I think?

25 **A** We're looking at the same building,

1 primarily Building there.

2 Q All right. And then Number , or the next
3 photograph?

4 A Sure. Now this photo essentially is
5 facing south. And we can see, again, a portion of
6 Building and unrelated building off in the
7 distance where we didn't identify any witnesses and
8 then in the far right-hand side of the photograph we
9 can see building, a portion of Building .

10 Q All right. Would this parking lot that we
11 see here, I'm not sure on this, thinking from my
12 vantage point, would that be where
13 said that she parked her vehicle?

14 A Yes.

15 Q Okay. And she indicates that she was
16 standing in front of Building smoking a cigarette
17 with some unidentified man?

18 A Identified as building, not building,
19 Number on the map here.

20 Q Okay. And then is there another witness
21 in Building Number ?

22 A Yes.

23 Q And who is that?

24 A .

25 Q Or

1 GRAND JUROR: Okay.

2 A So the second, yeah.

3 MS. ALIZADEH: Any other questions about
4 this group of photographs?

5 And, of course, you can always ask later.
6 At this time let's take a quick break while the
7 detective and I redo the photographs and put them in
8 the correct order and then we'll finish with that
9 board and then we'll probably just go on to your
10 questions about the investigation.

11 (Recess)

12 MS. ALIZADEH: This is Kathi Alizadeh and
13 Sheila Whirley is present, we took a short break
14 while the detective and I rearranged the photos in
15 the top row. The rest of them, apparently, were
16 right, but I had gotten the top row wrong. So let's
17 start over with this board, which is 105. And
18 again, based on the photograph that's on the back of
19 the board, you can tell what perspective these
20 photographs were from which is from where,
21 Detective?

22 A Again, this is from the eastern most point
23 that witnesses had identified Michael Brown's
24 traveling on Canfield Drive. So, again, we are
25 talking about the intersection of Coppercreek Court

1 and Canfield Drive and the northwest, northern
2 portion of the intersection right there.

3 Q (By Ms. Alizadeh) Okay. So the first
4 photograph, again, all of these photographs are the
5 photographer standing or straddling the cone that
6 was placed there, and these cones that you placed
7 for the photographer's benefit, were these based on
8 measurements that you did that day?

9 A They were based on measurements that were
10 taken on August 9th and then measurements, again,
11 that we did on the day that these photographs were
12 taken, yes.

13 Q And so you are talking about the
14 measurements that were taken by Detective on
15 the day that he documented the crime scene?

16 A Yes.

17 Q Okay. And so you used those measurements
18 and then measured for yourself to determine exactly
19 where the police car was, and exactly where the body
20 was, and of course, the exact location of where
21 Michael Brown stopped and turned around is just
22 based upon various witness accounts; is that right?

23 A That's correct.

24 Q And so for these photographs, this is the
25 best of your information that this would have been

1 the farthest east that he went before turning
2 around?

3 **A** The best information we had at that time,
4 yes.

5 **Q** Okay. Is there any change in that? You
6 said at that time?

7 **A** No, no.

8 **Q** Okay, all right. So in the first
9 photograph, again, we're looking down Canfield
10 Drive, correct?

11 **A** That's correct.

12 **Q** And the, in the background somewhat, maybe
13 midrange in that photograph, you see the memorial
14 where there is another cone and there's flowers and
15 candles and stuffed animals, is that the location
16 where Michael Brown's body was?

17 **A** That cone has nothing to do with the cone
18 that we placed. That cone was there when we arrived
19 and that cone was left there, obviously, when we
20 left. We brought our own cone. I would discount
21 the meaning of that cone.

22 **Q** Okay. But that general location, so
23 someone who was standing where the photographer is,
24 you can get a feel of how far away Michael Brown's
25 body came to rest in this first photograph, correct?

1 **A** Correct.

2 **Q** Okay. And then the second photograph is
3 moving clockwise?

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

5 **Q** And what building is that that we see?

6 **A** Building right here. (indicating)

7 **Q** And I think we talked about it, but let's
8 recap, looking at the first photograph there, can
9 you see the corner of that white house where
10 says he was?

11 **A** You can.

12 **Q** Okay.

13 **A** It is right there. (indicating)

14 **Q** Now looking at the second photograph you
15 said you see what building number is that?

16 **A** And the second photograph that's Building
17 .

18 **Q** And that would be where lives,
19 correct?

20 **A** That's correct.

21 **Q** And I'm just going to really quickly go
22 through these again. Three, you are moving farther
23 clockwise?

24 **A** Yes.

25 **Q** And you see the dumpster where the

1 a portion of Building right there.

2 Q Put your laser pointer on Building
3 again?

4 A Building .

5 Q And that was where the and
6 were, correct?

7 A Right.

8 Q And then turning a little clockwise. In
9 the 6th photograph in the group. What building's
10 visible there?

11 A This right here would be Building , and
12 this right here would be Building , a portion of
13 Building .

14 Q And Building is where
15 lives?

16 A Right, yes.

17 Q And then on Photograph Number ?

18 A We've moved onto it. This is entirely
19 Building right here.

20 Q And then building, I'm sorry, photograph
21 the 8th photograph?

22 A This is Building here again, and now we
23 see a portion of Building right here.

24 Q And that parking lot that is seen between
25 those two buildings, that is the parking lot where

1 says she parked her car; is that
2 right?

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

4 **Q** And then in the 9th photograph, moving
5 clockwise?

6 **A** We are essentially seeing that is all
7 Building right there.

8 **Q** And that would have been where
9 was?

10 **A** Correct.

11 **Q** And then also in that image, let me see.
12 We talked about seeing the mailboxes in one of these
13 images. I hope it is in these. Pointing here, can
14 you put your laser pointer right here. There is a
15 black vehicle that appears to be parked there and
16 then there's something behind the black vehicle.
17 Would that be about where those mailboxes, those
18 metal rows of mailboxes were?

19 **A** It is. If you look at Photo 1 here, you
20 can see the top, you will have to take my word for
21 it, that's the top of the mailboxes right there.

22 **Q** And that would be where said
23 she was near the mailboxes where she ended up. She
24 traveled from one point to another, correct?

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

1 **Q** Okay. And then finally in the 10th
2 photograph, again, we have come 360. You are
3 looking back down west on Canfield Drive, correct?

4 **A** That's correct.

5 MS. ALIZADEH: Anybody have any questions
6 about this group of photographs? Did I confuse
7 everybody by redoing them? Are you all okay with
8 this?

9 GRAND JUROR: I just have a quick question
10 about the photographs that were taken from the
11 vantage point of the officer's vehicle. Is this
12 taken from like where his, the door of his vehicle
13 was, you know what I'm saying, or was it like midway
14 of the vehicle?

15 **A** It was taken from the driver's side front
16 tire.

17 GRAND JUROR: Driver's side front tire.

18 **Q** (By Ms. Alizadeh) So where the cone was
19 from that perspective, was from where the left front
20 tire of Officer Wilson's vehicle was on the street?

21 **A** Yes.

22 GRAND JUROR: I just want to clarify for
23 everybody and myself, the only cones we should pay
24 attention to are the ones that are orange and white,
25 the solid color orange someone else put there.

1 A The only cone that I would pay attention
2 to is the cone that identifies in that first
3 photograph where the detective would have been
4 taking the photographs from. So I guess on the back
5 here where we've identified is where we were
6 actually taking the photographs from.

7 So, yes, you are correct, these cones
8 here, both of these cones here and this cone right
9 here were obviously already there, we didn't place
10 those there and those have no bearing in terms of
11 the measurements that we took.

12 Q (By Ms. Alizadeh) So when you would move
13 from one location to the next to take pictures,
14 would you remove the cone that you had previously
15 placed?

16 A Yes.

17 Q So any cones that appear on the front of
18 these boards are not cones that you have placed?

19 A That is correct.

20 Q All right. And then if you look on the
21 back of those photographs, the cone that appears in
22 those, on the back of the boards, the photograph
23 that appears on the back of each board shows the
24 cone where you placed it. Do show where the
25 photographer was going to stand?

1 **A** Correct. Had I known there was going to
2 be cones out there already I probably would have
3 taken something different for us to bring, but I
4 didn't know that.

5 MS. ALIZADEH: Any other questions about
6 these photographs?

7 **Q** (By Ms. Alizadeh) Just briefly talk a
8 little bit more about in this particular case the
9 investigation and about the taking of witness
10 statements.

11 Virtually, not virtually, but almost
12 all of the witness statements in this case that were
13 taken were audio recorded, correct?

14 **A** Yes.

15 **Q** And was there any reason for that, was
16 there a decision why you were going to audio record
17 certain statements or all of the statements?

18 **A** By and large when we conduct homicide
19 investigations, we record anybody with any pertinent
20 information. And that's in this particular case or
21 any other homicide investigation we are conducting.
22 So it is essentially standard procedure for us to do
23 that and so we did that in this particular instance
24 too.

25 **Q** And many of these recorded statements that

1 we've heard that other officers have taken have been
2 at libraries. Detective was at a library when
3 he talked to , correct?

4 **A** Yes.

5 **Q** Different officers or detectives went to
6 people's home to interview them. There was a
7 witness interviewed at the NAACP headquarters and so
8 would each detective have available to him a digital
9 audio recorder to take with him if he were going to
10 interview witnesses?

11 **A** They are assigned by the departments their
12 own recorders and we essentially carry those with us
13 everywhere we go.

14 **Q** I believe it was Detective and
15 Detective who talked to , and
16 , the , I think
17 it was that took the first statement from
18 them that was audio recorded, correct?

19 **A** That's correct.

20 **Q** And then Detective took another
21 statement from them later, what was the reason for
22 his second statement?

23 **A** The second statement was taken because we
24 had received information that both and
25 had shortly after the incident took

1 place written notes or written a document outlining
2 what they had witnessed. And, obviously, that would
3 be something that we would want to view if they
4 would give us permission. So we went out and
5 contacted them and asked for permission to view
6 those items.

7 Q So the fact that they both made written
8 statements, they did not disclose that to you when
9 you first, when Detective first talked to
10 them, would that be correct?

11 A That's correct.

12 Q So there was a decision made once you
13 found out about these written statements, somebody
14 else needed to go out there, talk to them again and
15 try to get these statements from them, correct?

16 A Yes.

17 Q Okay.

18 GRAND JUROR: How did you find out about
19 the statements.

20 A I believe it was their supervisor had made
21 reference to it when we were contacting him. So
22 they were originally told by their supervisor to
23 write down their comments or write down their
24 account of what they witnessed. So they did that
25 and that was ultimately conveyed to us and so then

1 we went out and talked to and
2 and asked that it was true, and they
3 indicated it was and we obtained those.

4 Q (By Ms. Alizadeh) Now, there was yet again
5 another interview conducted of and
6 after Detective had talked to
7 them a second time?

8 A That's correct.

9 Q What was the reason for the third
10 interview?

11 A During the course of the investigation,
12 obviously, it is an evolving investigation and we've
13 we're learned things on a daily basis. If I can go
14 back in time to when we were contacting Dorian
15 Johnson.

16 Q And that would have been on the 13th?

17 A Yes, ma'am. So during the course of
18 Dorian Johnson's interview, he talked about speaking
19 with, he didn't mention them by name,
20 and . And during the interview with
21 Dorian Johnson he made reference to
22 and talking with Michael Brown about
23 marijuana and about waxing.

24 I had no idea what waxing was. We
25 later learned that waxing delivers essentially a

1 high concentration of THC to an individual in a very
2 short period of time. So THC is the active
3 ingredient in marijuana.

4 That didn't necessarily mean much to
5 me until we learned from the autopsy report that
6 Michael Brown had THC in his system and we learned
7 that after speaking with Dr. from the St. Louis
8 County Medical Examiner's Office, that his level was
9 elevated to the point where it could have
10 potentially caused a loss in perception of space and
11 time and there was also the possibility that there
12 could have been hallucinations. He couldn't say
13 that for sure, but that is a potential effect of
14 high levels of THC in an individual.

15 So knowing that waxing delivers a
16 high level of THC to an individual in a relatively
17 short period of time and knowing that from Dorian
18 Johnson, Michael Brown had had conversations with
19 and about waxing, we
20 thought it worth exploring the possibility that
21 either gave, or
22 provided, or sold wax to Michael Brown. And if that
23 was the case, it could have potentially explained
24 some of the behavior that we witnessed from Michael
25 Brown on the audio, I'm sorry on the video at the

1 Ferguson Market and help explain some of the things
2 taking place in this particular incident.

3 Q All right. Now, had either
4 or in their first two statements to
5 County Police said anything about having discussions
6 with Michael Brown about waxing?

7 A No.

8 Q All right. Did you make a decision that
9 you were going to attempt to reinterview both of
10 those gentlemen?

11 A We did.

12 Q Now, on this occasion though, you did not
13 go out to their homes or their places of employment
14 or a library, you actually brought them into the
15 county police department and put them in an
16 interview room where you often interview suspects,
17 correct?

18 A We contacted at his home and
19 requested he accompany us back to our office and he
20 agreed to do so. We contacted at a
21 job site that he was working on and we did the same
22 thing for him. We asked him to accompany us back to
23 our office for an interview and they both
24 voluntarily agreed to do so.

25 Q So they were not under arrest?

1 **A** They were not.

2 **Q** And when they were brought to your
3 headquarters, did you bring them in during the same
4 evening?

5 **A** Yes.

6 **Q** Okay. Did you interview them separately?

7 **A** Yes.

8 **Q** And those interviews we seen were video
9 and audio recorded; is that right?

10 **A** Yes.

11 **Q** Prior to interviewing them you advised
12 each one of them of their Miranda Rights?

13 **A** We did, yes.

14 **Q** And that wouldn't be something that you
15 have done with other witnesses in this investigation
16 giving them Miranda Rights, is that fair to say?

17 **A** That's fair to say.

18 **Q** And so why is it that you felt that you
19 needed to advise these two of their Miranda Rights?

20 **A** Miranda applies if there is an incident
21 where there is custody and meaning individuals in
22 custody, and there is a potential that we're going
23 to ask guilt seeking questions. They were obviously
24 not in custody, however, we were going to be asking
25 them a series of questions and the purpose of the

1 interview was to bring them in and ask them about
2 this waxing.

3 So we were going to be asking them a
4 series of questions regarding waxing and the use of
5 it and whether they had provided or sold or done
6 anything to give Michael Brown and/or Dorian Johnson
7 marijuana or wax.

8 And so based on that, I felt it was
9 in our best interest to error on the side of
10 caution, be safe, there is nothing wrong with doing
11 this and just Mirandize them just in the sense of we
12 are going to be asking them guilt seeking questions.
13 That could potentially impact future situations if
14 they were to provide us information that could
15 implicate them in a crime.

16 Q All right. And so now when you brought
17 each of those individuals in and began your
18 questioning of them, you know, we've seen the
19 videos, they both deny having anything to do with
20 giving Michael Brown or Dorian Johnson any control
21 substances, is that fair to say?

22 A Yes, ma'am.

23 Q And they denied it from the beginning and
24 yet you continue to question them for a substantial
25 period of time; is that right?

1 **A** We did, yes.

2 **Q** Now, this interview, how are these
3 interviews different from the interviews that you
4 have done with other witnesses because these two men
5 were eyewitnesses or claim to have been eyewitnesses
6 to a shooting?

7 **A** That's correct.

8 **Q** Not suspects in the investigation, not
9 even subjects in the investigation, but witnesses?

10 **A** Correct.

11 **Q** Why treat them differently than you did
12 other witnesses in this case?

13 **A** Well, if you've seen the video, you'll
14 notice that we stayed away from discussing their
15 accounts of the incident itself. And the incident I
16 mean with Darren Wilson and with Michael Brown.

17 Our motivation in speaking with them
18 was purely to discuss the waxing aspect of it to see
19 if there was anything that we were missing in this
20 particular instance.

21 So the reality is, when we speak to
22 people, we're not always told the truth in terms of,
23 right away in terms of what is going on. That's the
24 reality of our job, sometimes people tell us the
25 truth, but in other instances they do not.

1 I mean, very few people are willing
2 to come into an office and tell a deep dark secret
3 or tell some sort of illegal activity that they've
4 done after they have just met someone in a very
5 brief period of time.

6 So as such there are various types of
7 interviews that we can do. We can do it what I'm
8 going to call just a pure fact gathering interview
9 where we sit down with somebody and we just document
10 what they've told us.

11 There are nonconfrontational
12 interviews where we can generally discuss a topic
13 with an individual in attempt to elicit information
14 and there are what I would call a direct
15 confrontation interview where we are directly
16 confronting people and calling out those individuals
17 on any inconsistencies or anything that we may
18 believe that they may not be telling us the truth
19 on.

20 I don't have a hard and fast rule by
21 in large, I don't have a hard and fast rule how I
22 conduct one interview. A lot of it is just based
23 off of how a particular individual is reacting in an
24 interview or how a particular interview is going,
25 but ultimately we are looking for the truth and

1 sometimes it is hard to get that out of people
2 initially. So we have to press them and we ask
3 questions repeatedly and kind of like a salesman, we
4 don't take no for an answer the first time.

5 We, obviously, have an obligation to
6 get to the truth to some extent and part of that is
7 pressing people to see if they're really telling us
8 the truth.

9 Q But it is true, isn't it, Detective, that
10 throughout your interview or interrogation of these
11 two men, neither one of them ever admitted or said
12 that they have been in any way involved in providing
13 controlled narcotics to Michael Brown or Dorian
14 Johnson; is that true?

15 A Yes, that's correct.

16 Q And your investigation has failed to find
17 any information otherwise; is that true?

18 A That's true.

19 Q And I think we discussed briefly and again
20 I'm going to reiterate here, to your understanding,
21 now you've completed your police report in this
22 case; is that right?

23 A I have.

24 Q How many pages is your police report?

25 A I don't know exactly, 1,100, 1,200

1 roughly.

2 Q And so you've concluded your police
3 report, but in reality does this investigation
4 continue so long as there are witnesses who might
5 come forward or want to be interviewed?

6 A I would always add a supplement to the
7 report that has been submitted if more people came
8 forward, yes.

9 Q And isn't it true, Detective, or let me
10 ask you this, if at the conclusion of this grand
11 jury investigation if there is information that
12 comes to you regarding this investigation that is in
13 any way relevant or pertinent to this investigation,
14 would you bring that to my attention?

15 A I will.

16 Q And you're aware that there is no statute
17 of limitations for murder or for class A felonies,
18 correct?

19 A I'm aware of that, yes.

20 Q And that a prosecution against Officer
21 Wilson could be brought at any time. In other
22 words, even 50 years from today?

23 A I'm aware of that, yes, ma'am.

24 Q And if there would be, let me ask you
25 this. You've reviewed a number of videos that

1 people have recorded from various devices, cell
2 phones mainly, who claim to have recorded the
3 shooting; is that right?

4 **A** That's correct.

5 **Q** Have you ever discussed a video that
6 actually shows any part of the confrontation from
7 the beginning where from the officer stopping to
8 first confront or talk to those two boys all the way
9 to the shooting itself?

10 **A** I have not.

11 **Q** Okay. Every video that you have seen in
12 relation to this investigation, video of the
13 aftermath of the shooting?

14 **A** Every one, yes.

15 **Q** Have you heard rumors that there's videos
16 of the shooting out there?

17 **A** I have heard those rumors, yes.

18 **Q** Have you done investigation to try to
19 discover whether those rumors are true or track down
20 people that have videos of the actual shooting
21 itself?

22 **A** Yes, we have.

23 **Q** And have those leads produced anything?

24 **A** No, they have not.

25 **Q** And you're aware that even after this

1 investigation by the grand jury is concluded, we've
2 discussed this, the possibility that there is for
3 some reason somebody out there has a video that they
4 have not come forward with, if that video were to be
5 discovered by law enforcement, we could represent
6 this to a grand jury; is that correct?

7 **A** That's correct.

8 MS. ALIZADEH: All have heard the term
9 double jeopardy. Double jeopardy does not apply
10 unless there is a trial jury that considers the
11 facts. And so if a case starts, if there is a trial
12 that starts with a trial jury, that's when jeopardy
13 attaches and someone can never be tried after that
14 if there's a verdict or after that they can't be
15 retried.

16 Your decision, though, does not create
17 jeopardy. In other words, there's no reason that
18 there couldn't be additional investigation in the
19 future or another consideration by probably not you
20 all probably would be another grand jury if there
21 would be something down the road, but in this case,
22 Detective, you're aware still that the federal
23 authorities have not concluded their investigation;
24 is that right?

25 **A** That's correct.

1 **Q** (By Ms. Alizadeh) They're still looking
2 for people?

3 **A** Yes.

4 **Q** Still trying to talk to people who have
5 been unwilling to talk?

6 **A** Yes.

7 **Q** And if down the road those witnesses were
8 to come forward with relevant information that may
9 change the investigation, you would bring that to my
10 attention wouldn't you?

11 **A** I would.

12 MS. ALIZADEH: Sheila, you have questions?

13 MS. WHIRLEY: Just a few.

14 **Q** (By Ms. Whirley) Regarding the accuracy of
15 these perspective photos, you don't walk it out with
16 the witness that you gave information to test the
17 accuracy of it? How do you come up with, you may
18 have already told us, I thought you did, I want to
19 understand how accurate the photos are.

20 **A** Sure. In terms of on August 9th, one of
21 our crime scene detective's jobs was to take various
22 measurements of items of evidence at the scene. And
23 he used what starts as a baseline at Coppercreek
24 Court and Canfield Court, and used this baseline
25 here and measured items during the entire, I should

1 say, within the entire crime scene and those items
2 were documented in a diagram that he completed with
3 specific measurements, feet down to inches.

4 So when we went back out there to
5 take those 360 degree panoramic shots, we based,
6 obviously, Coppercreek Court and Canfield Drive is
7 subjective in the sense that we are basing that off
8 of where, again, witnesses were telling us is the
9 furthest point east that Michael Brown would have
10 went.

11 So that is a subjective point that we
12 use that intersection, northwest corner of that
13 intersection right there.

14 However, the point where Michael
15 Brown's body was located and the point where the
16 vehicle was located, was measured on that day based
17 off the measurements that were taken on August 9th.

18 Q And when you take photographs showing
19 where people live and what building that they would
20 have, their vantage point was, that's based on
21 statements that they gave you as to where they were
22 located?

23 A Yes, ma'am.

24 Q Okay. So if you don't have that exactly
25 right, then that's not going to be accurate?

1 **A** Correct, I am basing it only off of
2 statements that they were able to provide to us,
3 yes.

4 **Q** Okay. And then you knew that swabs that
5 were taken, evidence was gathered for DNA in this
6 case?

7 **A** Yes.

8 **Q** The officer's belt, the officer's gun,
9 some other items?

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

11 **Q** You were part of that or your team decided
12 what to seize as evidence?

13 **A** For the most part, yes.

14 **Q** Okay. And there's been testimony that
15 Michael Brown was grabbed by the throat, was his
16 throat swabbed for DNA sample?

17 **A** Was Michael Brown's throat?

18 **Q** Throat swabbed?

19 **A** I don't believe so.

20 **Q** You may not have had that information when
21 you gathered that information. Had you ever heard
22 that before that he was grabbed, the officer grabbed
23 him by the throat?

24 **A** I had heard that and as I sit here today,
25 I couldn't tell you what day I heard that.

1 Q But you do know, no one collected a swab
2 of his throat, his neck?

3 A I don't believe his neck was swabbed, no.

4 Q Okay. And if it was, you would know about
5 that; is that right?

6 A I would have a report, yes.

7 Q Okay. Now, you actually had an interview
8 with the officer, Darren Wilson, on, was it the
9 10th?

10 A Yes, ma'am.

11 Q When you interviewed him?

12 A Yes.

13 Q And you allowed him to tell you whatever
14 he wanted to tell you, right?

15 A That's correct.

16 Q You weren't stopping him from giving you
17 information at any point; is that right?

18 A I asked clarifying questions, but I did
19 not stop him, no.

20 Q You even asked him was there anything that
21 he wanted to tell you that you hadn't asked?

22 A I do that at the end of all interviews,
23 yes, ma'am.

24 Q And it was recorded?

25 A It was, yes.

1 Q And I believe when you asked him that his
2 response was, I think we're good, does that sound
3 right?

4 A That sounds right, yes.

5 Q So he never told you that he chased down,
6 chased after Michael Brown because, and continued to
7 pursue him and eventually killed him because he was
8 in fear that Michael Brown would attack other
9 officers who were coming to the scene, did he ever
10 tell you that?

11 A He did not say that, no.

12 Q Okay.

13 MS. WHIRLEY: That's all I have at this
14 time.

15 GRAND JUROR: I know that you and, I guess
16 it was Detective and Detective ,
17 Detective , I think he was responsible for
18 collecting the duty belt; is that right.

19 A Detective collected the duty belt.

20 GRAND JUROR: Detective collected
21 the duty belt?

22 A Yes.

23 GRAND JUROR: In your interview with
24 Darren Wilson, did he tell you he wanted to use his
25 pepper spray at one time, but he didn't. He thought

1 about using it and then he thought again because he
2 didn't want it to come back in on him?

3 A I don't remember the exact phrase that he
4 used, but he made mention that he thought about
5 using his OC spray or his --

6 GRAND JUROR: Mace.

7 A Mace, as you said. But he also made
8 mention that he realized he was in a confined space,
9 meaning his vehicle and in a confined space, that
10 obviously can affect other people, not just the
11 intended target I think is what he was implying.

12 GRAND JUROR: So we later found out from
13 that mace or pepper spray is
14 assigned to each patrolman and we got our report
15 from, I guess , and no pepper spray was turned
16 in. Did you know about that?

17 A No, I did not.

18 MS. ALIZADEH: Let me clarify this, okay.
19 So, Detective, the duty belt, what's a duty belt?

20 A A duty belt is essentially a belt that
21 goes, obviously, on top of the pants and shirt that
22 you always wear above a normal belt that contains
23 the equipment that a police officer is going to wear
24 during the course of his duty.

25 So it has a place for his weapon, his

1 extra magazines, his baton if he carries one, his
2 handcuffs, his radio holders, his mace, his taser,
3 anything that would be deemed necessary for an
4 officer to use in the course of his duties.

5 MS. ALIZADEH: And you are aware, aren't
6 you, that on the night or the afternoon following
7 the shooting, Detective , who is the one who
8 went to the Ferguson Police Department and seized
9 the gun, did not seize Officer Wilson's duty belt,
10 correct?

11 A I'm aware of that, yes.

12 MS. ALIZADEH: And did not inspect the
13 duty belt or photograph the duty belt, correct?

14 A That's correct.

15 MS. ALIZADEH: And was it sometime later
16 in the investigation that you contacted me and
17 indicated that Darren Wilson's attorney asked us if
18 we wanted the duty belt?

19 A That's correct.

20 MS. ALIZADEH: And what date was that that
21 Darren Wilson's attorney contacted you, asking if
22 you wanted the duty belt?

23 A I'll look it up here to be sure. Friday,
24 September 12th.

25 MS. ALIZADEH: So more than a month after

1 the shooting, correct?

2 A Correct.

3 MS. ALIZADEH: And did the attorney tell
4 you where the duty belt had been all this time.

5 A He did. He indicated that the duty belt
6 was placed in the trunk of Darren Wilson's personal
7 vehicle when he left the Ferguson police station and
8 that is where that duty belt remained until it was
9 brought to our attention. And then from there he
10 removed the belt from his vehicle and put it in a
11 box and that box was then released to us.

12 MS. ALIZADEH: So typically, Detective, is
13 a duty belt actually the personal property of the
14 officer, is that something that they go out and get
15 for themselves and it is their duty belt or did they
16 trade duty belts with other officers.

17 A I can't speak personally but for St. Louis
18 County, St. Louis County provides those duty belts
19 to each individual officer, but obviously property
20 of St. Louis County. But in the sense of trading
21 with other officers, no, there is no trading with
22 other officers. Once that belt is assigned to a
23 particular person, it is that particular person's
24 belt.

25 Q (By Ms. Alizadeh) So at the end of their

1 duty they would, they could take that belt home with
2 them that had their gun, their handcuffs, magazines?

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

4 **Q** Whatever is on the bet, that's goes home
5 with them?

6 **A** It does, yes.

7 **Q** They don't leave it at the station for the
8 next shift?

9 **A** They do not.

10 **Q** Okay. So now when you called me up and
11 actually talked to me about having been contacted by
12 Darren Wilson's attorney about the duty belt, we had
13 a discussion about that; is that right?

14 **A** We did.

15 **Q** And we talked about whether or not we
16 should seize that duty belt?

17 **A** We did.

18 **Q** And between you and I we decided it was a
19 good idea to get it?

20 **A** That's correct.

21 **Q** And when the duty belt was seized,
22 however, the officer's gun, of course, is not in it
23 because that was seized by Detective
24 correct?

25 **A** That's correct.

1 **Q** The other items that are contained in a
2 duty belt, do you recall if those were in the duty
3 belt?

4 **A** I would have to look at the photos to know
5 for sure.

6 MS. ALIZADEH: Okay. I believe, have we
7 seen photos of the duty belt, have you guys seen
8 those?

9 GRAND JUROR: We have a list of what was
10 on it and what was fingerprinted.

11 MS. ALIZADEH: Let me double check because
12 I know I didn't call the witness who seized the duty
13 belt. We have the duty belt as one of the items for
14 you all to look at, but as far as whether there was
15 anything in the duty belt, those photographs would
16 show it. When we break for lunch before you begin
17 deliberating, let me go back and check and give you
18 those photos, okay.

19 But at any rate, if there was things on
20 the duty belt after the shooting, it is obviously
21 conceivable that Darren Wilson, since he had
22 possession of that duty belt from the day of the
23 shooting until it was seized September 12th, could
24 have removed things, could have changed things
25 around and what have you, correct?

1 A That's possible.

2 MS. ALIZADEH: We also discussed whether
3 or not we would try to process the duty belt either
4 for DNA or fingerprints, correct?

5 A We did.

6 MS. ALIZADEH: And we discussed the fact
7 that if you process for DNA, then you really kind of
8 destroy the prints that might be on the item and
9 vice versa, if you actually process for prints, then
10 you might obliterate any DNA that might be on the
11 item.

12 So did we discuss and talk about having it
13 processed for prints?

14 A We did.

15 MS. ALIZADEH: And you're aware that the
16 duty belt was negative for Michael Brown's prints?

17 A It was.

18 MS. ALIZADEH: I've got the duty belt, so
19 whatever is on it, if there was anything on it when
20 it was seized that would still be on it, would that
21 be fair to say?

22 A It would still be in the same condition,
23 yes.

24 MS. ALIZADEH: And that would be police
25 procedure when something is seized, you package it

1 and document it in the condition that it was when
2 you seized it and would have been photographed in
3 that condition as well?

4 A Yes, ma'am.

5 MS. ALIZADEH: I do have photographs. If
6 I haven't given them to you, I'll go get them.

7 GRAND JUROR: Considering this is a crime
8 that we are sitting here discussing, um, wouldn't
9 everything on Police Officer Wilson be considered
10 evidence? My question is, why wouldn't his duty
11 belt be detained the day of the shooting when
12 pictures were taken of him before he went to the
13 emergency room and of his uniform, why wouldn't
14 everything be considered evidence that day because
15 that is very important?

16 A Obviously, I wasn't at the Ferguson police
17 station when the items that were originally seized
18 on August 9th were seized. I agree with you in that
19 it's important. I wasn't made aware of the fact
20 that it wasn't seized until obviously a later date
21 and I can't answer that question because I wasn't
22 there.

23 GRAND JUROR: So how could you do an
24 investigation if you haven't collected evidence?

25 A Well, clearly we collected evidence. We

1 just did not seize that duty belt on that particular
2 day meaning on August 9th. We did seize, obviously,
3 his weapon and his clothing and those things, but we
4 did not seize his duty belt.

5 MS. ALIZADEH: Let me just ask, Detective,
6 how long have you been a detective for St. Louis
7 County?

8 A Almost eight years.

9 MS. ALIZADEH: And in your experience,
10 have you ever had cases where during the course of
11 the investigation, other things are made known and
12 then you wish you would have done something that you
13 now no longer have the opportunity to do?

14 A Absolutely.

15 Q (By Ms. Alizadeh) Now, Detective, I mean,
16 Officer Wilson, was interviewed by at
17 the hospital, correct?

18 A Correct.

19 Q And we know his duty belt wasn't seized
20 that day?

21 A That's correct.

22 Q And it was the next day that you
23 interviewed him at your headquarters, correct?

24 A Correct.

25 Q And I imagine was he in street clothes

1 when you interviewed him?

2 **A** He was.

3 **Q** And so whether he had his duty belt in the
4 trunk of his car that day, regardless, you didn't
5 seize the duty belt that day?

6 **A** I did not.

7 **Q** During your interview of him, did he talk
8 about mentally doing a mental, I guess, inventory of
9 the items on his duty belt during the time he says
10 Michael Brown was assaulting him?

11 **A** He did make reference to that, yes.

12 **Q** And yet you didn't make any decision at
13 that time to seize the duty belt?

14 **A** I think at that point I didn't know that
15 it had not been seized.

16 GRAND JUROR: In your interview with
17 Officer Darren Wilson on the 10th, what did he
18 indicate to you as the reason why Michael Brown is
19 leaving the car, why Officer Wilson exited his
20 vehicle to begin pursuit what was his justification?
21 I know what he told you us, I'd be interested in
22 what he told you?

23 **A** I think two separate questions there, am I
24 correct? The first question is, would you repeat
25 the first question?

1 GRAND JUROR: What did Darren Wilson
2 explain was his reason for exiting his police
3 vehicle and pursuing Michael Brown on foot?

4 A To arrest him.

5 GRAND JUROR: That's what he told you on
6 that?

7 A Yes, sir.

8 GRAND JUROR: I know we've heard evidence
9 that Michael Brown after he turned around and
10 advanced back towards Officer Wilson, and we have
11 our diagram of the crime scene with the measurements
12 on it and I just want to make sure I'm interpreting
13 all of this right. So as far as physical evidence,
14 we have the blood on the ground that was about 21 or
15 22 feet from where Michael Brown ended up. So we
16 know for a fact that's a minimum distance he might
17 have advanced and from eyewitness testimony that
18 placed him at the corner of Coppercreek, that
19 dimension looks like it is closer to 48 to 50 feet;
20 is that correct? So that would be like an outer --

21 A I'm going to look at this diagram also
22 just so I'm sure we are on the same page here.

23 So you're saying, obviously, this
24 would be zero right here, right.

25 GRAND JUROR: The distance was 48 feet

1 2 inches according to this diagram.

2 A Correct, yes, sir. So we would say, and
3 you made reference to the blood on the ground. So
4 from this point here, the red stains in the roadway
5 are identified what was later determined to be
6 Michael Brown's blood as Items 19 and 20 on the key
7 for the diagram. So Items 19 and 20, so the zero is
8 here, identified as being 31 feet and 26 feet
9 7 inches, and this direction here, and then you're
10 correct in saying if we continue to move west on
11 Canfield Drive, Michael Brown's left foot and right
12 foot for that matter are, 48 feet 2 inches, yes,
13 sir.

14 GRAND JUROR: If I did the calculation
15 that was 21 and a half feet?

16 A Yes, sir.

17 GRAND JUROR: Physical evidence,
18 eyewitness reports would have doubled that.

19 A 21, 22 feet between the blood and where
20 Michael Brown's body was when we arrived, yes.

21 GRAND JUROR: Okay. And a second
22 question. We heard the audiotape that had the last
23 ten shots on it, can you tell us exactly what that
24 timeframe was from the first shot to the tenth shot
25 there? We tried to approximate it, it was six or

1 seven seconds, but do you know exactly?

2 A I know that that audio was sent to someone
3 at the FBI in Quantico who does testing relating to
4 audio and things of that nature. I don't have that
5 report in front of me and I wouldn't be comfortable
6 in saying what those, what that analyst identified.

7 MS. ALIZADEH: I do have the report. I
8 can give it to you. He did not time, there is
9 nothing about the duration of the shots. The report
10 just indicates that there were ten, what appeared to
11 be ten apparent gunshots and a male voice speaking.
12 It was just an analyst of the audio and it doesn't
13 really say, it says nothing about duration of the
14 shots.

15 So I'd be happy to get that report for
16 you.

17 GRAND JUROR: There wasn't a craft line
18 that showed time of duration?

19 MS. ALIZADEH: No, that wasn't done.

20 A Yes, sir.

21 GRAND JUROR: In your professional
22 opinion, I'm not a blood splatter analyst, but say
23 Michael Brown is standing around the area where we
24 know his body fell and he's shot in the head, could
25 where the blood landed potentially have been, I

1 don't know some trajectory or we to expect or
2 understand that, I don't know what my question is.

3 If he was traveling from the baseline you
4 marked as zero the corner of Coppercreek and
5 Canfield that would somehow trail, is there a way to
6 know?

7 A I'm not a blood spatter analyst either,
8 but I think 22 feet would be an extremely
9 unrealistic expectation that blood is going to
10 travel that far.

11 GRAND JUROR: Okay.

12 GRAND JUROR: Did you have occasion to
13 talk to ?

14 A I did.

15 GRAND JUROR: We heard of some testimony
16 about, but we haven't heard directly, can you give
17 us a quick synopsis of what he said happened?

18 A I guess, let me clarify first. When you
19 are talking about you are making
20 reference --

21 GRAND JUROR: To the person in the video
22 that we have seen, because what I'm trying to
23 determine is, you know, what was his demeanor in the
24 store in person versus what we are seeing on a
25 screen.

1 that he thought Michael Brown had a weapon of any
2 kind?

3 A No.

4 GRAND JUROR: He didn't indicate or no, he
5 didn't have a weapon? He didn't mention it at all
6 or he said yes, I know he didn't.

7 A I would want to check the transcript for
8 an exact account, however, at the point that I,
9 remember, at the point that I interviewed Darren
10 Wilson, there had already been one cursory interview
11 completed with him or a safety statement completed
12 with him. And in that safety statement and in that
13 cursory interview, obviously, he made no mention of
14 a weapon. So to some degree it was implied that
15 there was no weapon involved in this on Michael
16 Brown's part.

17 MS. ALIZADEH: Detective , do you
18 recall, and his statement will speak for itself and
19 you have a transcript of his statement, but do you
20 recall in his statement to you him saying that he
21 saw Michael Brown's hand go into his waistband?

22 A He did say that, yes.

23 MS. ALIZADEH: But he never said that he
24 saw a weapon?

25 A Correct. Just in terms of seeing a

1 weapon, no, he never indicated that he saw one.

2 MS. ALIZADEH: Did he ever tell you that
3 he thought Michael Brown was going for a weapon?

4 A In the sense of when Darren Wilson is
5 making reference to Michael Brown putting his right
6 hand, he described it as he put his right hand in
7 his waistband and then started coming towards Darren
8 Wilson. That would have been an instance where it
9 could have been implied that, yes, there was a
10 weapon there.

11 MS. ALIZADEH: He never said that, the
12 interview will speak for itself, I want y'all to
13 review it if you need to.

14 But he never said to you, I thought he was
15 going for a weapon so I had to shoot him, or do you
16 recall?

17 A I'm going to check my report.

18 MS. ALIZADEH: Okay. I'm going from my
19 memory as well, I don't have copy of the transcript
20 in front of me.

21 A So in the transcript here he makes
22 reference to during his first stride, he took his
23 right hand, put it under his shirt and put it in his
24 waistband. And then as he continues, he again makes
25 reference to still charging, and again, I'm reading

1 the transcript here, still charging, hand still in
2 his waistband, hasn't slowed down. And then he
3 again makes reference to the same thing, still
4 running at me, hadn't slowed down, hands still in
5 his waistband.

6 So he makes reference to it three
7 times there and then one final time when he says,
8 when he went down, his hand was still under his
9 right hand, was still under his body, looks like it
10 was still in his waistband.

11 So in that sense does he ever
12 specifically say the word weapon? No. In that
13 conversation that I'm having with him, me, as a
14 police officer knowing that if an individual has his
15 hand in his waistband, that is of concern to me
16 personally.

17 And so it was implied, in my opinion,
18 that he was making reference, that Darren Wilson was
19 making reference to believing that there could have
20 been a weapon in Michael Brown's waistband, however,
21 as you said, he never specifically mentioned the
22 word weapon.

23 GRAND JUROR: On that same note, we know
24 that Michael Brown's hand was, had the severe injury
25 with blood, so you would be able to look at the

1 shirt and shorts to be able to see if there was
2 blood in that specific area, correct? I don't know
3 if you can to verify, did you verify that? His
4 comment that he saw him at his waistband or shorts
5 or shirt, did you look to see on Michael Brown's
6 actual shirt or shorts if there is blood in that
7 area?

8 A There is both his shirt and his shorts are
9 very bloody so.

10 MS. ALIZADEH: It may be difficult to tell
11 whether it was from that or from the body laying in
12 the street and so forth.

13 GRAND JUROR: When you interviewed Darren
14 Wilson, did he at any time tell you how many times
15 he thought he shot his weapon?

16 A He didn't recall. And realistically in my
17 experience that is a normal acceptable answer to
18 hear from a police officer who has been involved in
19 a critical incident. Very often police officers
20 either don't know, or get the number of shots
21 incorrect. And I don't see that as being something
22 that frequently occurs.

23 GRAND JUROR: Did he mention it to
24 Detective in the preliminary.

25 A In terms of how many shots? You would

1 have to ask Detective that.

2 GRAND JUROR: For some reason I got he
3 said he shot four times, four shots.

4 A I'm making reference to in terms of total
5 shots.

6 GRAND JUROR: Uh-huh.

7 A Are you making reference to something?

8 GRAND JUROR: Total shots, yeah.

9 A No. I mean, clearly, I think he probably
10 could deduce that when he went back to the station
11 that his weapon carries 12 rounds in the magazine
12 plus one in the chamber. And, you know, he can,
13 obviously, I don't know that he did, count how many
14 rounds he had left. But he didn't make reference
15 to, he didn't know when I asked him.

16 MS. ALIZADEH: If you are looking for
17 where that might come from, keep in mind that I had
18 Sergeant testify about what he first told him,
19 so you can review Sergeant 's testimony. We had
20 testify about his cursory interview at
21 the hospital, so you can review that. Neither one
22 of those were recorded interviews keep in mind. And
23 then there was the recorded interview with Detective
24 , which you have that transcript.

25 And then finally, Special Agent

1 testified that she interviewed him, but her
2 interview was not recorded as well. So you wouldn't
3 maybe, you could look back at the transcript of her
4 testimony and then also keep in mind that Darren
5 Wilson testified before this grand jury and you
6 could review his testimony to see if there's mention
7 of how many shots.

8 A Yes, ma'am.

9 GRAND JUROR: What is the policy and
10 procedure of when a police officer goes to the
11 hospital to be examined as far as who is present in
12 the room with the patient and the doctor?

13 A Well, I don't know that I can answer that
14 question. Obviously, Ferguson Police Department may
15 have their own policy in terms of how they handle a
16 situation like that. I would say with St. Louis
17 County, obviously, you would have the patient and I
18 would assume that you would probably have a
19 supervisor there who is there to provide support to
20 an injured officer. I'm just talking in general
21 terms here, provide support to an injured officer.
22 And you may have another police officer there again
23 to provide support or something needs to take place,
24 but I can't specifically answer for Ferguson Police
25 Department.

1 GRAND JUROR: And they would be present in
2 the examine room?

3 A During any kind of examine taking place?

4 GRAND JUROR: (Nods head.)

5 A My guess would be that would be up to each
6 individual officer whether they were comfortable
7 with a co-worker or a supervisor being present.

8 Obviously, if they weren't
9 comfortable, I'm sure a supervisor or co-worker
10 would leave, but if they are comfortable, I'm sure
11 they could stay too.

12 GRAND JUROR: And when the doctor is
13 examining the patient, would there be a reason for
14 the supervisor to be answering questions?

15 A I guess it would probably depend on what
16 type of questions they would be answering.

17 GRAND JUROR: But they're not the patient?

18 A There is obviously an aspect to some sort
19 of workman's comp or payment issues or any number of
20 things like that could arise that a supervisor may
21 take upon his, may take responsibility for. But
22 specifically in any specific situation, I don't
23 know. I think it would be entirely different.

24 Obviously, just as if any of us got
25 hurt in a work place environment, I'm sure a

1 supervisor and/or co-worker would be there to assist
2 in whatever way they could through the process.

3 GRAND JUROR: I have one question, I have
4 a couple of questions, one in particular is about
5 his visit to the emergency room. It says in his
6 triage report that the patient presented with St.
7 Louis County Police to the emergency room for
8 evaluation from home.

9 And when we had somebody testify here, I
10 just want, do you know if he went home first?

11 A He did not go home.

12 GRAND JUROR: Okay.

13 A He went to the Ferguson Police Department
14 at the direction of Sergeant and he waited
15 there until Detective arrived. And,
16 obviously, Detective drove, not with, but
17 followed Darren Wilson and I believe Colonel
18 from the Ferguson police station to the
19 emergency room.

20 GRAND JUROR: Do you know where Darren
21 Wilson lives, or what street, or what I'm trying to
22 determine is how far away he lives from the
23 hospital?

24 A He lives quite a ways away.

25 GRAND JUROR: I just want to make sure I

1 understand what you were trying to say earlier, I
2 know everybody has asked some questions about some
3 of the things he told us here versus some of the
4 things he told you about.

5 A Sure.

6 GRAND JUROR: I want to make sure I'm
7 understanding what you are saying because with my
8 work I'll talk a certain way with my co-workers then
9 I would with this guy right here. So I'm assuming
10 that it is acceptable for things to be inferred, I'm
11 a little nervous, it is acceptable to go unspoken
12 that you know could have happened, that he would
13 have to explain to us.

14 A Can you give me a specific example of what
15 you are making reference to?

16 GRAND JUROR: Several things. I can't
17 remember what Sheila asked, but she asked a question
18 and then he asked a question about did he say he was
19 unarmed. He said, well, several times that his hand
20 was still in his waistband and I can see where some
21 people would say that he was holding an injury or
22 something, but as a police officer, and as a fellow
23 police officer, you don't know that's what he was
24 doing, you think he could be, so you're taking as a
25 police officer that doesn't have to be explained to

1 you.

2 A Correct, I think just like it is in any
3 industry or any line of work, I think there are
4 obviously things that don't necessarily need to be
5 explained or as you said, implied in any industry.

6 And you make reference to the hand in
7 the waistband. A hand in the waistband to me in a
8 situation is an alarm in any given situation because
9 I don't know as a police officer, I'm talking in
10 general terms here now, I don't know is that
11 person's hand cold or is it that they're going to
12 pull out a knife or a gun or baton or whatever.

13 GRAND JUROR: So it is possible that the
14 difference is in things that he told you and the way
15 he explained things how he told us could simply be
16 you are a police officer and you know the situation,
17 you know the type.

18 A I think that's possible, yes.
19 Specifically in the situation with the hand in the
20 waist, I believe I knew what he was making reference
21 to when he's talking about he makes mention to it
22 four times, you know.

23 GRAND JUROR: It is a concern?

24 A It was obviously a concern to him and to
25 me as a police officer, it would be a concern to me

1 also.

2 MS. ALIZADEH: Let me ask. I'm sure your
3 lunch is here. If you want to follow-up with him
4 after lunch, we can do that or you think there's
5 another five minutes worth of questions we can try
6 to finish with him. He's sticking around.

7 If for some reason during lunch you want
8 to ask him something else, you know, we'll bring him
9 back. But I know your lunch is probably here. Is
10 there anything pressing right now that you want to
11 ask him before break?

12 GRAND JUROR: When you spoke with or
13 interviewed Officer Darren Wilson, at that time was
14 he represented by an attorney?

15 A He was, yes.

16 GRAND JUROR: At any time did his attorney
17 say that there's certain things that you cannot ask
18 him?

19 A He did not, no.

20 GRAND JUROR: He did not.

21 A No. As a matter of fact, I think during
22 the course of the interview his attorney maybe said
23 two words.

24 GRAND JUROR: So he was present there with
25 Darren Wilson?

1 A Yes, ma'am, yes. He was present in the
2 conference room when we interviewed him. So it was
3 myself, Detective , Darren Wilson, and Darren
4 Wilson's attorney in the conference room.

5 MS. ALIZADEH: Correct me if I'm wrong, I
6 believe we've heard that his attorney was also
7 present with him at the hospital?

8 A He was, yes.

9 MS. ALIZADEH: Had actually ridden from
10 the Ferguson Police Department with Colonel
11 in the car with Darren Wilson, correct?

12 A I don't remember specifically if he was in
13 the car, but he definitely was at the Ferguson
14 Police Department and he definitely was at Christian
15 Northwest Hospital with Darren Wilson, yes.

16 GRAND JUROR: A public citizen or police
17 officer walking down to the park, they're sitting in
18 a car and they are strangled and beaten to death,
19 that's a homicide and there is no weapon involved;
20 is that correct? Are physical hands ever a weapon
21 or you beat me to death?

22 A Is it a homicide? Yes. A homicide is
23 simply a manner of death, but more specifically a
24 homicide is a death at the hands of another person
25 so yes, it would be a homicide.

1 GRAND JUROR: And hands would be a weapon?

2 A Could be absolutely, yes.

3 GRAND JUROR: So I'm getting to the point
4 this officer felt he was in danger of being beaten
5 to death sitting in his car, you could almost say
6 there was a weapon involved at that point, that's
7 where I'm confused a little bit. I understand no
8 weapon in the form of a pistol or handgun, if you
9 are in danger, that your life was in danger that you
10 are being beaten to death, is there a weapon there
11 or not?

12 A Well, there's a weapon in the sense there
13 is something in a hand?

14 GRAND JUROR: Right.

15 A No. Can you use your hands a weapons,
16 yes.

17 GRAND JUROR: Right. There is no
18 requirement to see a physical weapon, gun, knife,
19 for a police officer or citizen to defend themself,
20 or in the case of a police officer to use deadly
21 force. You don't need to see a handgun to defend
22 yourself with deadly force if you are police
23 officer, you assume your life is in danger by means
24 other than a physical weapon?

25 A If a police officer --

1 MS. ALIZADEH: Let me stop you here.
2 We're going to give you prior to your deliberations
3 what the law states when a law enforcement officer
4 can use force, when a person defending themselves
5 can use force, and when they can use deadly force.

6 And so, you know, this would be maybe his
7 understanding of the law, but we have taken great
8 pains to make sure we are going to get you the law
9 so that I don't want anybody to misinterpret it. So
10 I'm just going to stop you there and we'll give it
11 to you before your deliberations okay?

12 GRAND JUROR: Okay.

13 GRAND JUROR: Kind of a follow-up on what
14 he's saying.

15 Due to Michael Brown's size and demeanor,
16 could Darren Wilson have considered him as a person
17 as being a weapon?

18 MS. ALIZADEH: You know, these are all
19 things there are, is the definition of deadly weapon
20 including in there?

21 MS. WHIRLEY: We can put it in there,
22 deadly force is in there.

23 MS. ALIZADEH: Here is the thing. You all
24 know from being a grand jury for several months,
25 that there's, you know, for example, with armed

1 criminal action, you know, you have to have
2 committed a crime by, with, through the use of a
3 dangerous instrument, a deadly weapon and there are
4 definitely definitions as to what is a deadly weapon
5 and a dangerous instrument.

6 I believe once you see the law that we've
7 written, it talks about what a person, their
8 reasonable belief is. And so those things that you
9 are asking is, could a person reasonably believe
10 that their life was threatened, that's the crux of
11 what you all have to talk about. And again, it is
12 necessarily appropriate for him to answer those
13 questions, whether or not Darren Wilson could have
14 reasonably felt that he was, his life was in danger
15 is something you all have to decide. And be guided
16 by what the evidence is and then what the law is
17 that Sheila and I have put together based on the
18 statutes and criminal instructions and jury trials,
19 okay.

20 I don't want you to, I don't think it is
21 appropriate for him to interpret the law. That's
22 going to be your job and if you have questions about
23 the law, because under the grand jury rules, we are
24 your legal advisers. So if there are questions
25 about the law as you are deliberating, you ask us

1 those questions because we are your legal advisers.

2 GRAND JUROR: Without relation to the law,
3 have you in your dealings as a police officer, ever
4 seen anyone knocked out by one punched?

5 A Have I personally seen it? No. Have I
6 responded to calls where someone has been knocked
7 out with one punch by a neighbor, a person at a bar?
8 Yes.

9 GRAND JUROR: Everything that they are
10 talking about, I just want to get back to the basics
11 of what happened or see what happened. Necessarily
12 walking in the middle of the street is not that big
13 of a deal, but when it got to the point, I've heard
14 it described as a tussle, a struggle and everything
15 like that, so when a citizen and a police officer
16 are in a tussle, that's a crime by the person
17 tussling with the police officer?

18 MS. ALIZADEH: I'm going to stop you
19 there.

20 GRAND JUROR: Why?

21 MS. WHIRLEY: We have a rule on that too.

22 MS. ALIZADEH: Because there are issues
23 about who was the initial aggressor, whether or not
24 the officer was making a lawful arrest, those are
25 all things that the law will tell you. You can

1 consider whether you believe the officer's actions
2 were lawful, and those are things that once you read
3 the law.

4 GRAND JUROR: So you are going to give us
5 those guidelines for us?

6 MS. WHIRLEY: Right.

7 MS. ALIZADEH: We're not going to give you
8 the facts and say if he did this and then this, if
9 you believe this, then this. But we're going to
10 give you what the law says when a law officer can
11 use force to affect an arrest and when that force
12 can be deadly. And then also when a person can use
13 force to defend themselves and when that force can
14 be deadly.

15 There is all kind of things about whether
16 or not the person is an initial aggressor, you know.
17 And under the law, a law enforcement officer can be
18 an initial aggressor, unless his arrest is unlawful.
19 So there is all kind of things that go into that
20 that I don't think he can answer those questions.

21 GRAND JUROR: As long as we are going to
22 get those guidelines.

23 MS. WHIRLEY: You will get definitions
24 also and you apply the facts as you know them to the
25 law.

1 GRAND JUROR: Just in case you don't come
2 back, I need this for me. When starting your
3 investigation after you already interviewed Officer
4 Wilson, okay. You heard A of the story, there's A
5 and B, but B is deceased.

6 A Correct.

7 GRAND JUROR: My question is, you heard
8 his testimony, starting your investigation, you have
9 A in your mind and then you go interview all of the
10 other witnesses. When B doesn't have a voice, you
11 don't make that your main concern during your
12 investigation, I'm asking you as a police officer or
13 a detective.

14 A Okay. What's the question?

15 GRAND JUROR: So the question is, Officer
16 Wilson's testimony told you his scenario what
17 happened. Of course Mike Brown cannot speak.

18 A Right.

19 GRAND JUROR: You only have what part A
20 said, you don't have part B. So going off what he
21 said and you are starting your investigation, that's
22 your focus point, so do you like try to put
23 everybody's investigation towards part A or you
24 trying to put this scenario together?

25 A Absolutely not. Do I try to put

1 everyone's toward part A as you made reference? In
2 the initial phases of an investigation, it's simply
3 to, I'm summarizing it here.

4 GRAND JUROR: Okay.

5 A It is simply to find as many witnesses as
6 we can and gather the facts. There is no skewing to
7 one side or to the other. It's essentially locate
8 witnesses, obtain their statements from them, and it
9 is to gather the evidence at the scene.

10 And then in this particular instance,
11 right, I present it to you, ladies and gentlemen of
12 the grand jury, and you can make the decisions from
13 there. But there is no skewing one side either way,
14 okay.

15 GRAND JUROR: Thank you.

16 GRAND JUROR: One last question. In your
17 eight years as a detective, have you ever had to
18 arrest a police officer?

19 A I have, yes, several times.

20 GRAND JUROR: Can you give one example?

21 A I've, well, this year I arrested a St.
22 Louis County police officer for an assault.

23 Several years ago I arrested a city
24 police officer for an assault. I've conducted other
25 investigations into police officers where they have

1 would be different, you know, or significant, and he
2 said that he would be able, he can derive from the
3 photos that he viewed once he was here the bullet
4 trajectory and the position that the body was in
5 when it was shot.

6 When he was here, he basically answered
7 our questions, but a report, when he would sit down
8 and write a report it would be more comprehensive
9 and detailed.

10 He said he didn't realize, he hadn't
11 started working on it, he didn't realize he could
12 submit one after his testimony, but he could work on
13 it and have it ready by Monday noon, before noon.
14 With that in mind, I know you didn't give us your
15 answer as to what you had decided about the report,
16 what do you think, do you want the report?

17 MS. ALIZADEH: Tell them the other option.

18 MS. WHIRLEY: I thought we would go to the
19 other option if they don't want the report.

20 MS. ALIZADEH: They should know all of
21 their options.

22 GRAND JUROR: If I'm hearing you right, in
23 his report is he saying that based on the trajectory
24 of the bullets he is going to show a diagram of
25 positioning of the body that resulted in those

1 injuries?

2 MS. WHIRLEY: I didn't go into detail
3 questioning of him, and that's where the other
4 option comes in and we will talk about that in a
5 minute, but what he said basically is his report
6 will talk about the trajectory of the bullets and
7 what position the body was in when it was shot based
8 on his findings.

9 Now, the other option is, as Kathi was
10 suggesting, I could find out if you want to ask him
11 a question, like you had a pretty detailed question
12 right then, I could try and reach him again and see
13 if he is available, maybe we could do a conference
14 call and you can ask him some questions about what
15 his report would say that he didn't talk about here
16 or how it may differ or how it is more complete.
17 Was there another option? I think those were the
18 two options. Am I missing one?

19 MS. ALIZADEH: The options are continue
20 without the report or without a conference call.

21 MS. WHIRLEY: That's the third option.

22 MS. ALIZADEH: Or let's just wait for the
23 report on Monday at noon, or let's get him on a
24 conference call and see if he can explain to us what
25 might be in his report that he didn't testify to

1 when he was here, or we need to have him back live
2 and in person for you all to question him in person.
3 I'm not suggesting any of these.

4 MS. WHIRLEY: Yeah, it is up to you.

5 MS. ALIZADEH: These are all your
6 decisions. Sheila is the one who talked to him
7 that's why I told her, tell him what you said.

8 MS. WHIRLEY: That's what he basically
9 said.

10 GRAND JUROR: He said that he could tell,
11 hit report is going to be tell us what position the
12 body was in when he was shot.

13 MS. WHIRLEY: He's going to be giving an
14 opinion is my understanding is, he wasn't there.

15 A That's different than what he said when he
16 was here, so if that's the case, then I think we
17 need to wait until we have the report.

18 GRAND JUROR: What he said, is a
19 prima dona. How much time he need to do a report, a
20 final report. Every time he says something, he
21 change his mind, I'm sorry, but to me he's a prima
22 dona.

23 MS. ALIZADEH: This discussion you should
24 all have by yourself and off the record. Here is
25 the thing, and this is one thing that, I wasn't part

1 of the call, Sheila was. I'm asking her some of
2 these questions because I asked her, now, I'm
3 cross-examining Sheila.

4 MS. WHIRLEY: Not going to happen.

5 MS. ALIZADEH: Is he going to say
6 something different than what he testified to?

7 MS. WHIRLEY: And my understanding is, no,
8 not necessarily different, unless that's a
9 conclusion you may come up with. It is basically a
10 more detailed and complete report regarding the
11 trajectory of the bullets and the position that the
12 body was in when it was shot.

13 If you all recall something different that
14 he said when he testified, I'm not suggesting that
15 you are, but that's, you know, for you to decide.
16 He basically said that his report would be about his
17 findings, I'm repeating it, this is verbatim, the
18 trajectory of the bullets and the position of the
19 body when he was shot. I didn't question him any
20 further than that.

21 MS. ALIZADEH: So we have the evidence all
22 set up in the room for you. First of all, do you
23 need me to call back to answer any
24 further questions at this time? No, okay.

25 Now, you all asked about the duty belt,

1 which we do have in evidence and you will be able to
2 see it, but I have the photographs of it when the
3 duty belt was seized, and it looks like this was
4 seized by Detective , who you have already
5 heard from.

6 So I will let you look at those and I'll
7 mark the envelope that contains those photos. There
8 are six images, Grand Jury Exhibit 107.

9 (Grand jury Exhibit Number 107
10 marked for identification.)

11 MS. ALIZADEH: Obviously we had some
12 matters during the lunch hour that kind of kept me
13 busy with things. I did try to look for that
14 Quantico report about the gunshots that you hear.
15 And I know I have it, I haven't had really time to
16 search through my stuff for it. So while you are
17 looking at evidence, I will try to lay my hands on
18 that as well.

19 You want to hear the interview of
20 before you go look at the evidence? Yes.

21 So, can you tell me, can I look at my
22 little chart.

23 (Playing of the interview of
24 by the FBI. The following is a
25 transcription of that interview. The Witness will

1 be .)

2 THE FBI: Today is August 25th, 2014.

3 Time is approximately 7:12 p.m. This is Special

4 Agent of the FBI along with Special

5 Agent with the FBI. We are here to

6 talk with This is regarding the

7 Michael Brown, the death of Michael Brown. The

8 civil rights investigation with St. Louis Division

9 of the FBI. We are at the offices of his attorney,

10

11

12 , if you could just state your

13 name and spell it for me?

14 THE WITNESS: ,

15 .

16 THE FBI: If you could give me your date

17 of birth and your address?

18 THE WITNESS: . Address

19 ,

20 .

21 THE FBI: And you understand that this

22 interview is being recorded?

23 THE WITNESS: Yes.

24 THE FBI: Are you fine with that being

25 recorded?

1 THE WITNESS: Yes.

2 THE FBI: Okay. So we are here to talk to
3 you today about the civil rights investigation we
4 have regarding the death of Michael Brown. If we
5 could just start we have here at the

6 . Can you take a look at this map and
7 point out to me where you think your apartment is?

8 THE WITNESS: Uh --

9 THE FBI: would be over
10 here.

11 THE WITNESS: Okay, .

12 THE FBI: You think it was .

13 THE WITNESS: Yeah.

14 THE FBI: If you wouldn't mind just
15 circling there and if you could kind of point out
16 which side of the building you're on.

17 THE WITNESS: Would be here.

18 THE FBI: Okay. Can you put like a little
19 star there? Okay.

20 How about initialing that too? So we can
21 look at this later and know that it was you that
22 marked it and exactly where it is that you are at.

23 Is that where you were at on August the
24 9th, 2014?

25 THE WITNESS: Yes.

1 THE FBI: Were you in your apartment or
2 inside your apartment?

3 THE WITNESS: Inside.

4 THE FBI: About what time is it that you
5 think that this has happened?

6 THE WITNESS: About 12:35, it is right
7 before, about 12:35 at the earliest and the latest I
8 give 12:45.

9 THE FBI: If you could tell me what you
10 were doing that day, walk me through what happened
11 right before and right through when you heard the
12 shots?

13 THE WITNESS: I was in my room, I probably
14 (inaudible) Before 12:35 but I know I was in the
15 house. I never did anything that morning. I was at
16 home all day. And I was talking at approximately
17 12:35, the time that I gave, I heard the shots while
18 I was talking to my friend on Glad.

19 THE FBI: What is Glad?

20 THE WITNESS: Glad is a social app that
21 you can download on your phone and you can have a
22 multimedia experience through texting and video.

23 THE FBI: Okay. Is that on a Google
24 phone, iPhone, what kind of phone?

25 THE WITNESS: Android phone, Google phones

1 and iPhones, I think have the access to that.

2 THE FBI: Okay. Your phone is what kind
3 of phone?

4 THE WITNESS: Android.

5 THE FBI: Android, okay. So it is an app
6 that you downloaded that you can use to video text
7 people, regular text messaging that you type out a
8 message, that kind of thing?

9 THE WITNESS: Right. It is a social app
10 where you can talk and meet people, and you can also
11 talk to friends, meet friends and send texts and
12 video.

13 THE FBI: Who was it that you were talking
14 to go on Glide that day?

15 THE WITNESS: I was talking to ,
16 .

17 THE FBI: Can you spell that for me?

18 THE WITNESS:

19 THE FBI: Do you know 's last name.

20 THE WITNESS: It is a name. So
21 it is .

22 THE FBI: .

23 THE WITNESS: .

24 THE FBI: .

25 THE WITNESS: .

1 THE FBI: .

2 THE WITNESS: Yeah.

3 THE FBI: So you were talking with
4 that day?

5 THE WITNESS: Yeah.

6 THE FBI: So you think about 12:35, 12:45
7 in that time period?

8 THE WITNESS: Yeah.

9 THE FBI: And can you tell me, what was it
10 prior to the recording that you played for us prior
11 to us starting this recorded interview, can you tell
12 us what was happening before you made that
13 recording?

14 THE WITNESS: In the house with me?

15 THE FBI: Yes.

16 THE WITNESS: I never left the room, I was
17 in the room most of the time. I was laying down on
18 my bed. Calls came in, I was just in my room. Just
19 really have the day, you know, just not doing
20 anything at that moment.

21 THE FBI: Okay.

22 THE WITNESS: But just in the room most of
23 the time laying down on the bed.

24 THE FBI: And prior to sending the video
25 messaging you already showed us, did you see or hear

1 anything prior to that relative to this case?

2 THE WITNESS: Just the shots that I
3 mentioned, and three shots before.

4 THE FBI: You think you heard three shots
5 before you sent the video?

6 THE WITNESS: About three shots.

7 THE FBI: Do you know how long that was
8 before you sent the video, before you made, I'm
9 sorry, made the video?

10 THE WITNESS: Maybe about, I don't know,
11 maybe about five, six seconds maybe.

12 THE FBI: Okay. You heard the shots and
13 you think you heard three shots?

14 THE WITNESS: Yes, it was loud.

15 THE FBI: Okay.

16 THE WITNESS: And I think, I said it to my
17 roommate, one of us mentioned that it was very loud,
18 and then I would need to send him a video. I didn't
19 when somebody talking to you (inaudible.) Then I
20 send the video, the video I heard more.

21 THE FBI: So about five seconds after you
22 heard the shots you started recording the video; is
23 that correct?

24 THE WITNESS: About then, yeah.

25 THE FBI: And then the video that you

1 showed us prior again to us starting this recording
2 has you creating a video message that has both audio
3 and video, correct?

4 THE WITNESS: Yes.

5 THE FBI: There is shots heard in that
6 message as well?

7 THE WITNESS: Yes.

8 THE FBI: And then do you hear anything
9 more after that, you stopped the video, did you hear
10 any more shots afterwards?

11 THE WITNESS: No.

12 THE FBI: Was there any time during that
13 time where you went outside of your apartment that
14 you would have seen anything?

15 THE WITNESS: No, I was inside the
16 apartment the whole time.

17 THE FBI: Okay. Can you give us your
18 roommate's name as well.

19 THE WITNESS: Uh, .

20 THE FBI: Can you spell that for me?

21 THE WITNESS: . .

22 THE FBI:

23 THE WITNESS: Yeah. I'm sorry, ,
24 her name is , . I'm sorry about
25 that.

1 THE FBI: . The , get
2 rid of that, that's not right.

3 THE WITNESS: Yeah.

4 THE FBI: and he's your
5 roommate there?

6 A She, it is a girl.

7 THE FBI: And she is your roommate at the
8 apartment. Do you have any other roommates?

9 THE WITNESS: Along with , a couple
10 people staying there, but you know, just at that
11 time it was three of us.

12 THE FBI: Okay. was there,
13 yourself, was there as well?

14 THE WITNESS: wasn't there, after
15 she moved in, he came after.

16 THE FBI: He came after.

17 THE WITNESS: Yes.

18 THE FBI: Can you spell his name for me?

19 THE WITNESS: , .

20 THE FBI: How much later did he come to
21 the apartment.

22 THE WITNESS: Um, after 1:00, maybe about
23 1:30.

24 THE FBI: All right. So definitely at the
25 apartment during the time of the shooting?

1 THE WITNESS: He wasn't there. And then I
2 remember him asking me is it okay to come in the
3 doors and he eventually came.

4 THE FBI: Okay. I think the other piece
5 of information that you wanted to tell us about was
6 a video recorder that was removed, video camera that
7 was removed. Can you tell me a little bit about
8 that?

9 THE WITNESS: That came into my mind when
10 I spoke, another eyewitness who was giving me
11 details of the entire thing.

12 THE FBI: Who was that that you are
13 talking to?

14 THE WITNESS: The eyewitness, was
15 telling me that.

16 THE FBI: Okay. And how do you spell
17 's name?

18 THE WITNESS: It is kind of a name,
19 I don't know how to. I think it is , ,
20 something it is .

21 THE FBI: Okay.

22 THE WITNESS: .

23 THE FBI: Do you know 's last name.

24 THE WITNESS: .

25 THE FBI: .

1 THE WITNESS: Yeah.

2 THE FBI: Okay. So you were talking with
3 about this incident, the shooting of Michael
4 Brown?

5 THE WITNESS: Yes.

6 THE FBI: And it sparked something in your
7 head about cameras or?

8 THE WITNESS: Well, I was just trying to
9 get information or details about what happened.

10 THE FBI: Okay.

11 THE WITNESS: Since I live in the
12 community I was just curious what happened.
13 (inaudible.)

14 THE FBI: So she's the one that told you
15 that this camera had been removed?

16 THE WITNESS: Yeah.

17 THE FBI: You didn't see the camera
18 removed?

19 THE WITNESS: No.

20 THE FBI: Okay. Do you know which camera
21 it was, did she tell you?

22 THE WITNESS: No.

23 THE FBI: Well, then that's something we
24 can follow-up with her since you don't have any
25 independent knowledge of that camera, it is

1 something that she has the knowledge of which camera
2 and who removed it from where it was?

3 THE WITNESS: Right.

4 THE FBI: Was there anything else in the
5 shooting of Michael Brown that would be helpful for
6 us?

7 THE WITNESS: No, I can't think of
8 anything.

9 THE FBI: I asked you before about whether
10 you would be willing to share the video that you
11 showed to us today, is that something you are
12 willing to share with us?

13 THE WITNESS: Yes.

14 THE FBI: We will go ahead and have you
15 sign a form that allows, you know, gives us
16 authorization to take that off your phone and take a
17 copy of that directly off your phone.

18 Okay. Anything else?

19 I don't want to get into what she told
20 you, what you talked with her. Do you have any
21 information, a way to contact her?

22 THE WITNESS: No.

23 THE FBI: You don't.

24 THE WITNESS: I mean, well, she has a
25 sister that I talk to, so her sister.

1 THE FBI: What's her sister's name? Is
2 there a cell phone number we can reach her at?

3 THE WITNESS: .

4 THE FBI: What's 's last name.

5 MS. WHIRLEY: I don't know her last name.

6 THE FBI: Okay. Do you have a number for
7 ? s sister is the one who supposedly
8 saw what happened?

9 THE WITNESS: 's sister is the one
10 who lives in the apartment complex. .

11 THE FBI: Do you know where she lives at
12 in the apartment complex?

13 THE WITNESS: doesn't live in
14 apartment complex, does. Okay.

15 THE FBI: Again, was the one
16 telling you about this camera?

17 THE WITNESS: Yeah.

18 THE FBI: Did you talk to, your other
19 roommate wasn't there, but your roommate
20 , did you talk to that roommate, did that
21 roommate, did she see anything, was she outside?

22 THE WITNESS: No, she was inside.

23 THE FBI: She was inside.

24 THE WITNESS: She was inside.

25 THE FBI: So she may have heard something,

1 she was not outside to be able to see anything.

2 THE WITNESS: Right.

3 THE FBI: Okay. Again, any other
4 questions?

5 Do you have s address?

6 THE WITNESS: No.

7 THE FBI: Okay. All right. The time is
8 now 7:26, we'll go ahead and stop the recording.

9 (End of the recorded interview.)

10 MS. WHIRLEY: Is that the only thing that
11 we're listening to?

12 MS. ALIZADEH: This is Kathi Alizadeh, we
13 just played off of Grand Jury Exhibit Number 49,
14 which is a disc, we just played a statement from
15 , which was recorded by the FBI
16 previously, previous to his testimony before this
17 grand jury.

18 Are there any other recorded statements
19 that I indicated to you that we have available?
20 Just for the record's sake, as well as for y'all to
21 know, on that list I should indicate what exhibit
22 the statements are on. So if at any time, even
23 during your deliberations you want to hear it, I can
24 play it for you.

25 Sheila and I talked about the fact that if

1 you want to listen to a witness' statement on a disc
2 where there are multiple statements, probably if you
3 can ask us to go ahead and cue it up. We can leave
4 the room if you want to be alone and talk while its
5 playing, there is a lot of people's statements on
6 there that didn't get played because they say they
7 didn't know anything or what have you.

8 And then, but I will tell you statements
9 that I did not have previously that I since have
10 gotten. This is the statement of which
11 was done, it is a two and a half hour statement that
12 was done the night before he testified, and I've
13 marked that as Grand Jury Exhibit Number 109.

14 This is a disc that has a statement of
15 that was done by the FBI on
16 September 2nd of 2014. I didn't have that
17 previously, that's Grand Jury Exhibit 108. And a
18 recorded statement of that was done
19 the day before she testified for you guys and that's
20 Grand Jury Exhibit 110.

21 So all of the statements that I've
22 indicated that you have not heard you either have
23 the transcripts for or I have them on disc for you
24 to listen to whenever you need to, all right.

25 With that being said. Any other

1 statements you want to listen to? You just let me
2 know.

3 At this point let's go ahead and take our
4 break for y'all to take a bathroom break if you want
5 and then reassemble here and then we will go look at
6 the evidence in the room, is that all right? And
7 then you guys can let us know what your decision is
8 about 's report.

9 (Recess)

10 MS. ALIZADEH: It is November 21st,
11 2:47 p.m.

12 MS. WHIRLEY: And my understanding is
13 you're ready to get instruction on the law so that
14 you can begin your deliberation. You've also made a
15 decision you asked us to check on the report,
16 autopsy report by . I checked on it, I
17 reported back and he said it was not ready, but he
18 could have it ready by noon, which is on the east
19 coast is my understanding, by noon on Monday. My
20 understanding is you have agreed that you will wait
21 for that report before turning in your decision; is
22 that correct? Yes. However, you want to begin your
23 deliberations now, correct?

24 (Jurors indicate yes.)

25 MS. WHIRLEY: We have prepared the law for

1 you, we have prepared the relevant statutes, and
2 Kathi is going to grab the indictments, they are
3 ready. We just need to bring them in here and I'll
4 pass this around.

5 We have kind of reduced down the statute
6 so that it is applicable to this case and easier to
7 understand and read. Of course, if you have any
8 questions along the way you can ask us by knocking
9 on the door or ringing the bell. I guess ringing
10 the bell would be better. And definitions that you
11 think are applicable to the statutes.

12 So we're going to the statutes, and will
13 give the foreperson the indictments and I will pick
14 up the extras.

15 MS. ALIZADEH: So the indictments that we
16 have prepared there is an indictment for murder in
17 the first degree, a Class A felony and armed
18 criminal action and unclassified felony, there is
19 two copies.

20 There is indictment for murder in the
21 second degree and armed criminal, two copies.

22 An indictment for voluntary manslaughter,
23 a Class B felony, and armed criminal action, two
24 copies.

25 An indictment for involuntary manslaughter

1 in the first degree and armed criminal action, two
2 copies.

3 And involuntary manslaughter in the second
4 degree and armed criminal action, two copies.

5 MS. WHIRLEY: The relevant statute it
6 pretty much lays out the elements of the crimes that
7 you have indictments for. It also has definitions
8 that might be applicable to the crimes that are laid
9 out in the statutes that you are looking at, it is
10 not a statute, it is an indictment.

11 The standard of proof is probable cause,
12 we did confirm that. So you guys, that is what you
13 have been working with probable cause all along
14 since you have been grand jurors and that doesn't
15 change. Even though this has been a very long,
16 arduous task going through this evidence. Your
17 standard of proof is still probable cause. You're
18 not here to determine guilt or not guilty, it is
19 probable cause, is it enough to go to trial.

20 Now, what makes this a little bit
21 different is that if you will look on page, the
22 first page, it talks about assault of a law
23 enforcement officer in the first degree. And that's
24 part of the indictment because the officer is saying
25 he was arresting him for assaulting him. So that's

1 what you would be considering in your deliberation
2 and we have provided you with definitions of assault
3 in the first degree, on the second page is assault
4 in the second degree and the third degree. And then
5 also a law enforcement officer's use of force in
6 making an arrest. An officer can use force in
7 making an arrest, got that laid out for you.

8 MS. ALIZADEH: Real quick, can I interrupt
9 about something?

10 MS. WHIRLEY: Sure.

11 MS. ALIZADEH: Previously in the very
12 beginning of this process I printed out a statute
13 for you that was, the statute in Missouri for the
14 use of force to affect an arrest.

15 So if you all want to get those out. What
16 we have discovered, and we have been going along
17 with this, doing our research, is that the statute
18 in the State of Missouri does not comply with the
19 case law.

20 This doesn't sound probably unfamiliar to
21 you that the law is codified in a written form in
22 books and they're called statutes, but courts'
23 interpret those statutes. And so the statute for
24 the use of force to affect an arrest in the State of
25 Missouri does not comply with Missouri Supreme, I'm

1 sorry, United States Supreme Court cases.

2 And so what Sheila has come up with is a
3 statement of the law as to when an officer can use
4 force to affect an arrest, that does track our
5 Missouri Statute, but also takes into consideration
6 what the Supreme Court says, okay.

7 So the statute I gave you, if you want to
8 fold that in half just so that you know don't
9 necessarily rely on that because there is a portion
10 of that that doesn't comply with the law. And then
11 the thing that Sheila is giving you, that statement
12 about use of force to affect an arrest, I don't know
13 is that what you called it, is that the title.

14 MS. WHIRLEY: Law enforcement officers use
15 of force in making an arrest, yes.

16 MS. ALIZADEH: That does correctly state
17 what the law is on when an officer can use force and
18 when he can use deadly force in affecting an arrest,
19 okay.

20 I don't want you to get confused and don't
21 rely on that copy or that print-out of the statute
22 that I've given you a long time ago.

23 MS. WHIRLEY: Did you have a question?

24 GRAND JUROR: So we're to disregard this.

25 MS. ALIZADEH: It is not entirely

1 incorrect or inaccurate, but there is something in
2 it that's not correct, ignore it totally.

3 GRAND JUROR: It is because of the
4 federal?

5 MS. WHIRLEY: Of a Supreme Court case and
6 we must follow Supreme Court of the United States.
7 It is Tennessee v. Garner, not that that matters
8 much to you.

9 GRAND JUROR: The Supreme Court, federal
10 Supreme Court overrides Missouri statutes.

11 MS. ALIZADEH: As far as you need to know,
12 just don't worry about that.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Just disregard that
15 statute.

16 MS. WHIRLEY: We don't want to get into a
17 law class.

18 That's that one and is that all you want
19 to say on that?

20 MS. ALIZADEH: Yeah, I wanted to point
21 that out.

22 MS. WHIRLEY: Use of force and defense of
23 a person, and we've added use of force and it is
24 actually, I'm sorry, we consider it a self-defense
25 instruction. So the first one is self-defense as it

1 relates to the information that you may have heard
2 regarding Michael Brown.

3 The second one is self-defense as it
4 relates to the law enforcement officer. As you
5 deliberate and looked at the indictment, if you have
6 questions about definitions, again, we have provided
7 definitions, so just refer to that sheet that you
8 have. And then also, probable cause is the
9 standard, but Kathi, something she added that, you
10 know, I need to tell you unless you want to do it, I
11 can do it.

12 MS. ALIZADEH: No, you do it.

13 MS. WHIRLEY: Is that in order to vote
14 true bill, you also must consider whether you
15 believe Darren Wilson, you find probable cause,
16 that's the standard to believe that Darren Wilson
17 committed the offense and the offenses are what is
18 in the indictment and you must find probable cause
19 to believe that Darren Wilson did not act in lawful
20 self-defense, and you've got the last sheet talks
21 about self-defense and talks about officer's use of
22 force, because then you must also have probable
23 cause to believe that Darren Wilson did not use
24 lawful force in making an arrest. So you are
25 considering self-defense and use of force in making

1 an arrest.

2 You have all the information you need in
3 those documents that we gave you to help in your
4 deliberation. But again, if you have additional
5 questions, we're here, we're not going anywhere, did
6 you have something?

7 GRAND JUROR: No.

8 MS. WHIRLEY: And that's enough to get you
9 started and hopefully this will clarify things for
10 you as you go through the indictments. And I think
11 we have already talked about, you'll decide how you
12 want to go through the indictments if you want to
13 look at them one at a time, but you must make a
14 decision whether it is true bill or no true bill for
15 each indictment.

16 MS. ALIZADEH: And as was brought up at
17 the very beginning of this and what we have
18 researched and discussed, the possibility of well,
19 what if there's, you know, five people want to
20 indict on murder first and five people that want to
21 indict on murder second, and two people that don't
22 want to indict. If you have nine people that vote
23 indict on anything, then there will be an
24 indictment. What that indictment is we will deal
25 with if that happens, but there was some question,

1 well, is it kind of like a hung jury if we all can't
2 agree on the charge. No.

3 If there are nine people to vote for an
4 indictment, regardless of what charge you are
5 indicting on, then know that there will be an
6 indictment and we will give you further instruction
7 on what that indictment, what offense it will be.

8 And the one thing that Sheila has
9 explained as far as what you must find and as she
10 said, it is kind of in Missouri it is kind of, the
11 State has to prove in a criminal trial, the State
12 has to prove that the person did not act in lawful
13 self-defense or did not use lawful force in making,
14 it is kind of like we have to prove the negative.

15 So in this case because we are talking
16 about probable cause, as we've discussed, you must
17 find probable cause to believe that he committed the
18 offense that you're considering and you must find
19 probable cause to believe that he did not act in
20 lawful self-defense. Not that he did, but that he
21 did not and that you find probable cause to believe
22 that he did not use lawful force in making the
23 arrest.

24 So if you guys need clarification on that
25 when you get down to discussing it, I can print that

1 out or something, you understand the difference, the
2 distinction, okay?

3 GRAND JUROR: Tell us those three again,
4 one is committed the offense?

5 MS. ALIZADEH: Probable cause to believe
6 that he committed the offense, which means that he
7 met all the elements of that offense. You remember
8 that from your grand jury days. And you must find
9 probable cause to believe that Darren Wilson did not
10 act in lawful self-defense and you must find
11 probable cause to believe that Darren Wilson did not
12 use lawful force in making an arrest. And only if
13 you find those things, which is kind of like finding
14 a negative, you cannot return an indictment on
15 anything or true bill unless you find both of those
16 things. Because both are complete defenses to any
17 offense and they both have been raised in his, in
18 the evidence. So any other questions about the law?

19 Okay. And then just one last thing is
20 that Sheila and I talked about making, we can't make
21 a closing argument to you and we're not going to,
22 but I wanted to say something and I asked Sheila if
23 she would, if we could prepare a statement together
24 to say and so I just wanted to first thank you. We
25 both wanted to thank you and how difficult this has

1 been and the sacrifice that we know you all have
2 family and jobs and we understand the burden it has
3 been for you to be here for now 24 days, 25 days
4 that you've actually been here.

5 We also want you to understand that your
6 decision, whatever it is, should be based on the
7 evidence that you heard in here and the law that
8 we've explained to you, not based upon what the
9 media says, not based upon public opinion, not based
10 upon your fears, you have to base it on the evidence
11 and the law.

12 And whatever that decision is, it will be
13 the correct decision and we will stand by that
14 100 percent, whatever your decision is.

15 And then finally I wanted to say, and
16 Sheila agrees, but we wanted to point out that if at
17 times it seemed like in our questions we were
18 somehow expressing our opinions either about what we
19 think the evidence is, or about the credibility of a
20 witness. We want you to understand as attorneys it
21 is our job to challenge witnesses' statements and
22 that sometimes, you know, you don't get to the truth
23 unless you challenge a witness statement.

24 We have not had any particular rhyme or
25 reason what witnesses we have taken, we have kind of

1 traded off just because we are sharing the workload,
2 but if at any time you felt that we were trying to
3 express our opinion to you, we certainly were not.

4 Sheila said, as attorneys either of us can
5 argue either point effectively and well because
6 that's what we do, but in challenging witnesses, and
7 I know that many of you have asked challenging
8 questions of the witnesses as well, it is up to you
9 to determine the facts and it is up to you to
10 determine the credibility of the witnesses that
11 testify and don't read into anything about what you
12 think our opinions are because really our opinions
13 don't matter, it is up to you and what you guys
14 think.

15 So with that being said, thank you, thank
16 you very much.

17 MS. WHIRLEY: Thank you very much. And I
18 just want to add, you know attorneys, they cannot
19 stop talking. I have to have the last word. That I
20 totally agree with that and we were trying to give
21 you a balanced presentation of the evidence. So you
22 might see us go back and forth because we are trying
23 to keep it balanced for you, and get to the truth
24 and hopefully that was accomplished.

25 And I think you are going to make the

1 right decision, I think you are very bright, I have
2 said that since I first met you many, many months,
3 ago it seems now. Do you work, if you need
4 anything, we will be out here. Thank you.

5 MS. ALIZADEH: Now, do you want to go on
6 record and say what time it is and that we are then
7 leaving the room.

8 I know I got the last word in, didn't I.

9 (Grand jury starts deliberations at 3:04
10 p.m.)

11 MS. ALIZADEH: It is approximately 5:55
12 p.m. and we are going to recess for the evening and
13 reconvene Monday morning at 9:00 a.m. We are
14 waiting on the autopsy report of and we
15 are hoping it will be here before noon Monday. So
16 with that, we are in recess for today.

17 (End of Grand Jury Hearing Volume XXIV.)

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State of Missouri

SS.

County of St. Louis

I, Randy R. Dunn, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions

1 propounded by counsel and grand jurors thereto, and
2 is in all respects a full, true, correct and
3 complete transcript of the questions propounded to
4 and the answers given by said witness.

5 I further certify that the foregoing pages
6 contain a true and accurate reproduction of the
7 proceedings.

8 I further certify that I am not of counsel or
9 attorney for either of the parties to said suit, not
10 related to nor interested in any of the parties or
11 their attorneys.

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Randy R. Dunn RPR, CRR, CCR No. 193