

Case: State of Missouri v. Darren Wilson

Grand Jury Volume XVII

Date: October 28, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 28, 2014

VOLUME XVII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2 STATE OF MISSOURI
3
4 STATE OF MISSOURI
5
6
7 vs.
8
9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 28th day of October, 2014,
17 before XXXXXXXXXXXXXXXX.

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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1 GRAND JURY HEARING VOLUME XVII

2 MS. WHIRLEY: Good morning. Today is
3 October 28th, it is approximately 8:39 a.m. This is
4 Sheila Whirley present, and also the 12 grand jurors
5 are here and XXXXXXXX, the court reporter, is here.
6 Kathi Alizadeh is here, but has stepped out
7 momentarily. We are going to start out the morning
8 with the statement of . You have the
9 transcripts. It is on Grand Jury Exhibit Number 49.

10 (Grand Jury Exhibit Number 49
11 marked for identification.)

12 MS. WHIRLEY: I will play approximately 20
13 something minutes. She has another statement that
14 goes 40 something minutes. We are actually waiting
15 on her to come that's why we are going to go ahead
16 and do the statements. She was supposed to be here
17 at 8:30. Kathi is going to check on that and she
18 had not arrived before we came in this morning. So
19 we are still waiting on her. So that's the way we
20 will start the morning. XXXXXXXX, with that bit of an
21 introduction if you can pause the recording.

22 (This is the playing of the interview of
23 .)

24 MS. WHIRLEY: All right. That was the
25 first statement by We have another

1 statement by . I understand she is on
2 her way. There was a mixup with transportation, but
3 she's on her way. This one is, I think,
4 approximately 42 minutes. And it was an FBI
5 interview that was conducted on September the 25th
6 of 2014. I'm passing out the transcripts. The
7 actual recording is on Grand Jury Exhibit Number 36,
8 and we will play that as soon as the transcripts are
9 distributed.

10 (Playing of the second interview of
11 .)

12 MS. WHIRLEY: That concludes the second
13 interview of . We will take a break,
14 you probably need one and then we'll start with her
15 testimony when we resume.

16 ,
17 of lawful age, having been first duly sworn to
18 testify the truth, the whole truth, and
19 nothing but the truth in the case aforesaid,
20 deposes and says in reply to oral
21 interrogatories, propounded as follows, to-wit:

22 EXAMINATION

23 BY MS. WHIRLEY:

24 Q I'm Sheila Whirley and these are the 12
25 grand jurors. You met Kathi Alizadeh and XXXXXX, the

1 court reporter, sits next to you.

2 Please introduce yourself to the
3 grand jurors and spell your name for us?

4 **A** Hi. My name is , last
5 name .

6 **Q** Okay. , you know why we're here,
7 the shooting of Michael Brown. Did you know Michael
8 Brown?

9 **A** No, I didn't know him. I seen his cousin,
10 I think that's the one that has the dreads. I seen
11 him a couple times, but I didn't know him.

12 **Q** We're going to ask you to speak up. I
13 generally stand back here so you and I can have a
14 conversation loud enough for everybody to hear,
15 okay?

16 **A** Okay.

17 **Q** And that microphone is not going to help
18 you be louder, so you are going to have to raise
19 your voice, okay?

20 I understand what you said about
21 Michael and the person that was with him, had you
22 seen Michael Brown before that day?

23 **A** Probably once.

24 **Q** Okay. When you saw him, did you talk to
25 him or anything?

1 **A** No, we didn't talk or anything.

2 **Q** You lived in Canfield Green Apartments
3 back on August 9th of 2014; is that correct?

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

5 **Q** All right. There you go. All right. So
6 how long did you live there?

7 **A** Since Valentine's Day.

8 **Q** So February 14th of that year?

9 **A** Yes.

10 **Q** Of this year. Show us on the map, you see
11 that map, that's Grand Jury Exhibit Number 25 and
12 there's a laser pointer right near you somewhere.
13 You know how to use it, there's a little button,
14 there you go. And you push that button down, there
15 should be a red light if you push.

16 **A** To show where I live?

17 **Q** I want you to show us where you lived on
18 August 9th, 2014. I don't see the red light.

19 **A** I'm trying to recognize the map.

20 **Q** Get oriented to the map. So does the map
21 help you out?

22 **A** Yeah, I see it, my apartment is right
23 here. (indicating)

24 **Q** So it is like ?

25 **A** Yes.

1 **Q** All right. Now, tell us what you did that
2 morning, what time did you wake up that Saturday
3 morning?

4 **A** That morning I woke up at probably, um,
5 like 9:00. I was supposed to be expecting my
6 boyfriend, the mother of his kids to bring his child
7 over that day.

8 **Q** Was your boyfriend there with you?

9 **A** No, he was at work.

10 **Q** Okay. So when you, did the girlfriend
11 bring the child over?

12 **A** She had brought him over later. I had a
13 whole bunch of errands to do, I had to go to the
14 library to return a movie.

15 **Q** Okay. You went to the library. What
16 library did you guy to?

17 **A** .

18 **Q** Did you walk or drive?

19 **A** I caught the bus up there, but I didn't
20 have no cash, I had to walk back.

21 **Q** Was it a pretty long walk?

22 **A** Uh-huh.

23 **Q** Okay. So what time were you walking back
24 from the library?

25 **A** Um, I was coming down Canfield probably at

1 about 12:20, something like that.

2 Q Noon-ish?

3 A Yeah.

4 Q And on this map, can you tell that West
5 Florissant is over here?

6 A Yes.

7 Q And were you walking from West Florissant?

8 A Yes, ma'am.

9 Q And tell us where you were walking when
10 you first noticed something going on with Michael
11 Brown?

12 A Uh, I was probably about right here by
13 these trees. (indicating)

14 Q Okay.

15 A Because I had paused, I saw a police car
16 sitting over here.

17 Q You've got to talk a little louder.

18 A I'm sorry. Sitting near the lease office
19 with the lights on, you usually don't see a police
20 car just sitting in Canfield.

21 Q Okay. Where is leasing office, do you see
22 that on the map?

23 A Right here. (indicating)

24 Q Okay. That's the leasing office.

25 MS. ALIZADEH: Could you point at it again

1 because I was just looking down.

2 **A** I'm sorry. It is right here.

3 (indicating)

4 **Q** (By Ms. Alizadeh) Building 1?

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

6 **Q** All right. So you pause in that area and
7 you said you saw a police car with its lights on?

8 **A** Yes.

9 **Q** What do you mean by its lights on?

10 **A** Like, uh --

11 **Q** The head bar?

12 **A** Yes, the little red and blue light on top
13 of it.

14 **Q** At the top of the vehicle?

15 **A** Yes.

16 **Q** Not the lights that help you see at night?

17 **A** No.

18 **Q** And the lights that were on, what kind of
19 vehicle was it?

20 **A** It was like the big, I don't know what
21 kind, like SUV.

22 **Q** Okay. What color?

23 **A** A white.

24 **Q** But it was a marked police car?

25 **A** Yes.

1 **Q** Okay. You could see that from Building 1
2 area?

3 **A** Yes.

4 **Q** Then what?

5 **A** Um, so I paused like right about here,
6 right by these trees just to see what was going on
7 because I saw the police car had backed up and he
8 like backed up at a slant, like to the left so that
9 he ended up in the middle of the street.

10 So all the cars that was next to me
11 like backed up right here was just sitting there. I
12 sat there to just to try to see what is going on.

13 **Q** Did you see the car when it backed up or
14 when you first noticed it had backed up?

15 **A** No, when I first noticed it was straight.
16 The car was just straight. It was sitting right
17 there, the car was facing towards West Florissant.

18 **Q** Okay.

19 **A** There was the two boys, they were like
20 behind the car kind of like, like if he would of
21 continued to talk to them the way they was walking,
22 he would of had to back up to follow them. They was
23 like walking away from his car. So he backed up at
24 a slant going to the left to try to like block them
25 off.

1 **Q** Okay. Can you describe the two boys that
2 were walking that he backed up?

3 **A** Yeah, there was a big, really big, I
4 didn't know he was that young. He looked like he
5 was in his 20s and his friend was real skinny with
6 dreads. He looked really young.

7 **Q** Do you recall what the big guy had on?

8 **A** I remember he had on a white T-shirt that
9 was about it, like tan pants.

10 **Q** Was he wearing anything on his head?

11 **A** He had a red hat on.

12 **Q** Okay.

13 **A** A red Cardinals hat.

14 **Q** A Cardinals cap?

15 **A** Uh-huh.

16 **Q** And then the guy, you said he had dreads
17 and he was smaller?

18 **A** Yes.

19 **Q** Do you recall what he was wearing?

20 **A** Looked like he had on a gray, like a dark,
21 gray shirt.

22 **Q** Okay.

23 **A** I don't remember what kind of pants or
24 anything.

25 **Q** Okay. And you said you had, you had seen

1 the smaller guy before?

2 **A** Yeah, I had seen him before.

3 **Q** But not the big guy?

4 **A** No.

5 **Q** We know today that the big guy is Michael
6 Brown, correct?

7 **A** Yes.

8 **Q** Okay. And that's who you saw?

9 **A** Yes.

10 **Q** So when the car back-back, did it
11 back-back like hurriedly or slow or what fashion did
12 the car back-back?

13 **A** It was kind of like a fast, it was quick
14 like. I don't know how to explain it.

15 **Q** Okay. That's fine. Did it appear to
16 touch the two guys that it back toward?

17 **A** It looked like it did. I'm not saying
18 that it did, but the way they jump back, like they
19 were in shock like.

20 **Q** So you saw the two people that the car
21 back towards jump back?

22 **A** Yeah, kind of like what are you doing, you
23 know.

24 **Q** Okay. Now, we read and heard your
25 recorded statements because you made two statements

1 both to the FBI and the Department of Justice?

2 **A** Yes.

3 **Q** Correct?

4 **A** Yes.

5 **Q** And you mention that your vision was
6 somewhat impaired?

7 **A** Yes.

8 **Q** As far as you needing corrective glasses
9 or lenses?

10 **A** Yes.

11 **Q** On that day, did you have what you needed
12 to make your vision very good?

13 **A** No.

14 **Q** How would you rate your vision that day?

15 **A** Um, from one to ten, I would say like
16 five.

17 **Q** Okay. So like me. I could probably read
18 from here to Forsyth without glasses, but up close I
19 cannot see anything, okay. So was your long vision
20 better than up close vision?

21 **A** Um, I'm nearsighted, so I can't see far.

22 **Q** Okay. You need glasses to help you to see
23 far?

24 **A** Yes.

25 **Q** Are you pretty confident in what you saw

1 that day because how far would you say you were
2 away? Let's look at that again. When you first saw
3 it, where were you?

4 **A** Uh, probably like right there.
5 (indicating)

6 **Q** Okay. About right here. And where were
7 they when you first noticed them?

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

9 **Q** Okay. Anyway to judge that in feet or
10 yards, I'm not good at that, but if you can tell us?

11 **A** I'm not certain. I would probably be
12 really off.

13 **Q** Okay. We got kind of a visual picture of
14 the map that you showed us. Am I getting too close?

15 No.

16 **Q** (By Ms. Whirley) You felt that you were
17 pretty secure in what you were looking at?

18 **A** Yes.

19 **Q** Even though you need contacts?

20 **A** It is not that bad. I can see the big
21 vehicle and how he pulled back like that.

22 **Q** Okay, just checking. How about your
23 hearing?

24 **A** I couldn't really hear much of anything
25 they were saying, there was a lot of other stuff

1 going on.

2 **Q** You have good hearing?

3 **A** My hearing is fine.

4 **Q** You don't need assistance to hear well or
5 anything?

6 **A** No.

7 **Q** Okay. So they back-back, the officer
8 back-back, it looks like they hit them because they
9 jump a little bit and look perturbed and look like,
10 hey, what are you doing, and then what?

11 **A** Well, the big dude, Michael Brown, like he
12 got mad kind of, he just went immediately to the
13 driver's window and they got into it. I don't know
14 how it started. I just know he went around to the
15 window and it looked like they was fighting.

16 **Q** Okay. Did the little guy seem to be
17 helping?

18 **A** No.

19 **Q** Did you notice him?

20 **A** He was standing there for a while, but
21 once they started fighting, he just ran.

22 **Q** Was he next to Michael Brown on the same
23 side of the car?

24 **A** Yeah, he was on the same side of the car
25 still at the back of it.

1 **Q** They're at the driver's side of the car
2 since they were fighting?

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

4 **Q** Did it look like anybody else was in the
5 car with the officer?

6 **A** No, I couldn't tell if anyone else was
7 next to the car.

8 **Q** You never saw anybody else get out or
9 anything like that?

10 **A** No.

11 **Q** Now, describe for us why it looked like
12 they were fighting, what did you see?

13 **A** Um, it was like his arms.

14 **Q** You have to tell us whose arms?

15 **A** I'm sorry, Mike's arms are reaching into
16 the car. It looked like some type of struggle cause
17 he was like bobbing in and out like they were doing
18 something. Like I said, I couldn't exactly see what
19 was going on, what they were doing, but his actions
20 looked like there was some type of fight.

21 **Q** Could you see the officer's arms?

22 **A** Not really. His body was kind of blocking
23 the window.

24 **Q** Okay. And you could just see Mike's arms?

25 **A** Yeah.

1 **Q** So you're standing on this side?

2 **A** Yes.

3 **Q** And the car is over here?

4 **A** Yeah, about.

5 **Q** Facing West Florissant?

6 **A** So it was a little farther, like right
7 there.

8 **Q** So would you have been closer, would your
9 view have been closer to the passenger side of the
10 car or the driver's side of the car?

11 **A** The driver's side.

12 **Q** Okay. Because the car was going --

13 **A** It was facing towards West Florissant and
14 then he backed like a slant going to the left, like
15 right in the middle of the street almost. That's
16 why the cars couldn't go through, he was right in
17 the middle of the street.

18 **Q** What other cars did you notice?

19 **A** I saw, it was like a black van. I don't
20 know models of cars, but right beside me there was a
21 black van, as far as behind that going down, I'm not
22 sure.

23 **Q** Okay. What did you see after that?

24 **A** Um, after that I see they were struggling
25 in the window for about, it was not that long, a

1 couple seconds and then I heard the first gunshot.
2 And that's like, you know, kind of got everybody's
3 attention, people started paying attention after
4 that.

5 **Q** How do you know that people started paying
6 attention after that?

7 **A** Because his friend, after he ran, you
8 know, he just running around looking at stuff.
9 People outside on their porches, you know, because
10 you hear gunshot over there, especially when it is
11 like right in the middle of everything, so everybody
12 could hear it. You know, people start looking out
13 their windows.

14 **Q** You notice this yourself?

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

16 **Q** You are kind of looking around at the
17 scene. You weren't just focused directly on the
18 police officer constantly?

19 **A** Yeah, that's another thing that throws off
20 some of my details, there's so much going on.

21 **Q** Okay.

22 **A** Like even the lady in the car that was
23 beside me, she was just like, you know, just
24 looking, everybody just started to pay attention to
25 it.

1 **Q** Did you talk to anybody while this is
2 going on?

3 **A** I was by myself, I didn't talk to anybody.

4 **Q** Nobody was yelling out anything to you?

5 **A** Not until the rest of the shots fired,
6 that's when everybody went crazy.

7 **Q** The first shot, was the officer in the car
8 when that shot occurred?

9 **A** Yes, the officer was still in the car.
10 Michael Brown was still in the window when I heard
11 the first shot.

12 **Q** Tell us what happened next?

13 **A** After that, he kind of backed up and just
14 looked down at himself.

15 **Q** Show us, if you wouldn't mind
16 demonstrating?

17 **A** Like, stand up.

18 **Q** Like he backed up and was looking at
19 himself?

20 **A** Okay. So I heard the first shot and he
21 was just like, his hands was in the car and after
22 that he backed up like, trying to check himself
23 making sure he wasn't hurt or anything.

24 **Q** Could you see if he was injured from your
25 vantage point?

1 **A** No.

2 **Q** You couldn't tell one way or the other?

3 **A** No.

4 **Q** Okay. And then what?

5 **A** Um, then he kind of stepped back a little
6 bit. I did see something fall on the ground, it
7 sounded metal. So, of course, the first thing I
8 assume was it was a gun.

9 **Q** Okay. You thought that somebody had a gun
10 that fell?

11 **A** Yeah, at first I was thinking he had a
12 gun.

13 **Q** Michael Brown?

14 **A** Yeah.

15 **Q** Go ahead.

16 **A** So the officer got out of the car, you
17 know.

18 **Q** This metal object that fell?

19 **A** Uh-huh.

20 **Q** Did it appear that the officer or Michael
21 Brown or anyone else retrieved that object?

22 **A** I didn't see anybody pick it up because at
23 that point was another point when I was looking
24 around.

25 **Q** Okay.

1 **A** When I did look back, that's when the
2 officer had the gun, he was pointing it at him.

3 **Q** Did you notice if that object that you
4 thought that fell on the ground was still on the
5 ground?

6 **A** It wasn't.

7 **Q** It wasn't there any more?

8 **A** No.

9 **Q** Okay. You did notice that?

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

11 **Q** Okay. So the officer you said at that
12 point when you saw the officer again he was out of
13 the car?

14 **A** Yes.

15 **Q** And what was the officer doing?

16 **A** He was like just standing with the gun
17 facing him and then like.

18 **Q** Show us how he had the gun, the stance?

19 **A** He was just like, you know, officer, just
20 standing like this. Like he was, you know, going to
21 shoot him, like he did something.

22 **Q** Okay. Where was he though and maybe I
23 missed something. Let's go back to the shot went
24 off, Michael Brown checked himself out, was acting
25 like he was looking at himself. Then where did

1 Michael Brown go?

2 **A** He backed up a few steps. At first he
3 tried to run, at first when -- when he first looked
4 at himself he tried to run.

5 **Q** Where was he running to though?

6 **A** Back towards the back of Canfield, like
7 back where his friend ran right there.

8 **Q** So east on Canfield?

9 **A** Yeah, the car was about right here, he ran
10 to about right here. (indicating)

11 **Q** How did he get around the car, did he just
12 go from the back of the car?

13 **A** He was like next to it so he didn't have
14 to, you know, there was too much turning to go down
15 the street.

16 **Q** Okay. And you said at first he tried to
17 run?

18 **A** Yeah, he made a couple little steps like a
19 quick sprint, nothing more than like five to seven
20 steps.

21 **Q** And then what?

22 **A** He didn't get that far. And then he
23 turned around, the officer had the gun pointed at
24 him and then you just heard the rest of the shots.

25 **Q** Let me ask something though. Did the

1 officer like pursue him when he was running away?

2 **A** No, I didn't see him run after him.

3 **Q** The officer just got out of the car?

4 **A** Yes, I saw him standing there. I didn't
5 see him get out of the car.

6 **Q** Okay.

7 **A** You know, certain things I saw and certain
8 things I didn't see.

9 **Q** But when you caught it again, Michael
10 Brown had turned around?

11 **A** Yes.

12 **Q** Did you see him turn around?

13 **A** Yes.

14 **Q** Can you show us how he did that?

15 **A** Just. (indicating)

16 **Q** So like run that way, I mean, or walk that
17 way of however he was doing it?

18 **A** Okay. He just turned around like, you
19 know, he put his arms about shoulder length and just
20 stopped, like looking at him. And then, um, that's
21 when I heard the rest of the shots. I heard the
22 first two, I didn't see them. And then when I
23 looked at him, I saw him still shooting him.

24 **Q** Okay. So you heard two shots?

25 **A** Yes.

1 **Q** As part of this set of shots or two
2 separate shots and then a pause?

3 **A** No, it was all in a set. It was like in a
4 row like that. (indicating)

5 **Q** Okay.

6 **A** The first two of them I didn't see. I
7 wasn't looking. The rest of them I was looking
8 straight at him and I saw the actual shots going
9 into him.

10 **Q** It looked like the shots were going into
11 him?

12 **A** Yes.

13 **Q** How could you tell, what was it looking
14 like?

15 **A** I mean, I can't tell, you know, I can't
16 really tell. I'm just saying based on him pointing
17 the gun at him and hearing all the pops and seeing
18 the smoke coming off his gun.

19 **Q** You saw the smoke?

20 **A** Yeah, I saw the smoke and you could smell
21 it like, it was like firecrackers almost.

22 **Q** You could smell it from where you were?

23 **A** Yes.

24 **Q** Was it a windy day?

25 **A** I don't remember.

1 **Q** Was his arms up the way you showed us when
2 he was being shot?

3 **A** Yes, about, like his palms were out facing
4 forward, they were about at his ears, I'd say, like
5 shoulders, about like that.

6 **Q** Okay. What did that mean to you to have
7 your arms like that?

8 **A** That meant surrender, that meant take me
9 to jail.

10 **Q** You thought he was surrendering?

11 **A** Yeah.

12 **Q** Did you ever see him rush the officer
13 like, you know what I mean by rush?

14 **A** Yeah, like he was mad.

15 **Q** Was he running toward the officer or
16 charge him?

17 **A** I didn't see that.

18 **Q** Okay. Did you ever hear anybody ever say
19 anything?

20 **A** As soon as the shots got fired, like I
21 said, I was up here by these trees, I was behind a
22 mailbox. I was standing right there after the rest
23 of the shots got fired. His friend that was with
24 him was running around, he was running. He was like
25 here, I guess. I don't know what he was doing. He

1 was standing with some dudes, he started running
2 around the complex, they shot him, they shot my home
3 boy, he didn't even deserve that.

4 It was the police that killed him, it
5 was the police that killed him. That is what got
6 the big crowd out there real fast.

7 **Q** Just to go back to when those last shots
8 was fired. You thought it was about how many shots?

9 **A** It sounded about like six.

10 **Q** Did you see Michael Brown fall?

11 **A** Yes.

12 **Q** Were you watching him then?

13 **A** Yes.

14 **Q** How did he fall to the ground?

15 **A** He fell face forward. There wasn't no
16 pause on his knees or nothing, it was just straight
17 down. (indicating)

18 **Q** You didn't see him go down on his knees
19 and then fall, it was just from standing to
20 facedown?

21 **A** Yeah.

22 **Q** Okay. And then what did the officer do?

23 **A** The officer walked up to his body and was
24 standing over him like he was going to get back up.
25 He was just looking at him like, just looking down

1 at him like, I don't know.

2 **Q** Did the officer still have his weapon in
3 his hand?

4 **A** He still had his weapon in his hand.

5 **Q** Did you notice what he was doing with the
6 weapon or if he was doing anything?

7 **A** No, I just know he still had the gun right
8 at his side in his hand. He was just looking down
9 at him, just like walking around him, you know, just
10 like walking a circle around him like. I don't
11 know, it was just strange.

12 **Q** So he didn't holster the weapon at that
13 point after Michael Brown was down?

14 **A** No.

15 **Q** Okay. Show me where you saw the body fall
16 on the map?

17 **A** It was probably like right here. Like
18 right there, went a couple steps and fell.

19 (indicating)

20 MS. ALIZADEH: Can you do that again?

21 **A** About right here is where his body was.

22 (indicating)

23 **Q** (By Ms. Whirley) Where were you again?

24 **A** By this time I was over here.

25 **Q** Okay. What did you do after the body

1 fell?

2 **A** I ran in the house.

3 **Q** Which way did you go home?

4 **A** Back this way.

5 **Q** Okay. And again, you live in building?

6 **A** .

7 **Q** So you went back this way?

8 (indicating)

9 **A** Yes.

10 **Q** Okay. Did you see, at the time of the
11 shooting, were there any other police vehicles
12 there?

13 **A** No, when he first got shot he was laying
14 there I seen another police car pull up probably
15 about ten minutes later. It wasn't that long after
16 the police car pulled up. So there was two police
17 cars out there, they eventually, I guess they told
18 the cop that shot him to go home because he wasn't
19 out there after a couple of minutes.

20 **Q** Did that car that showed up, did it have
21 its head bar lights on too?

22 **A** Yes.

23 **Q** Did you talk to any police officers or any
24 investigators that day?

25 **A** No.

1 **Q** How did you come to talk to the
2 investigators?

3 **A** Honestly?

4 **Q** Honestly.

5 **A** I was at home enjoying myself watching a
6 movie and there's a knock on the door, and two big
7 guys with FBI things on. I told my boyfriend to get
8 the door, I don't want to talk to anybody, go get
9 the door.

10 So he answered the doors and says, I
11 was at work on that day, but my girlfriend was here
12 and saw the whole thing so. Oh, really, can we come
13 inside? I couldn't say no, the first thing he said
14 was just say no. So figure you can't say no to an
15 FBI agent. So, yeah, that's how it went.

16 **Q** Okay. So had you told your boyfriend
17 about what happened that day?

18 **A** Yeah, I told him because his son was
19 coming over. When she finally did get there, she
20 said, did you know somebody got shot? I was like,
21 yeah, I was just out there.

22 **Q** Did you tell her what happened too?

23 **A** No, I don't like her. We don't talk.

24 **Q** Okay. How old is the little boy?

25 **A** He's one.

1 **Q** Okay. All right. But you did share with
2 your boyfriend?

3 **A** Yeah.

4 **Q** All right.

5 **A** Because I never, I've never seen anybody
6 get killed. I've seen police brutality firsthand,
7 but I've never seen nothing like that, nobody's life
8 get taken.

9 **Q** Did you think this was police brutality?

10 **A** Honestly, to me it looked like murder.
11 I've seen the Ferguson police do some really awful
12 things. I've personally myself filed cases against
13 them for them coming into my house and basically
14 beating me up.

15 **Q** Okay. Tell us about that?

16 **A** Okay. So my boyfriend had got into it
17 with his son's mom.

18 **Q** Yeah, baby momma.

19 **A** Yeah.

20 **Q** Go ahead, we know about it.

21 **A** He got into it with her. The two of them
22 were fighting and arguing. I had just got off work.
23 She got off the bus with me so, you know, me and
24 her, why are you getting off the bus and going to my
25 house. It is my son's birthday, you know, I'm just

1 trying to get stuff for him, don't worry about it.

2 So she walked in the house, they get into it. I

3 didn't tell you could come over here.

4 So basically they started fighting,

5 he called the police on her. When the police

6 arrived, which was not that, it was like two minutes

7 later, like they was literally parked down the

8 street. When they arrived he was standing in the

9 doorway.

10 They walked straight up to him, they

11 didn't ask questions, they grabbed him, put him in

12 cuffs, told him to get on his knees. Like how am I

13 going to get on my knees when you're twisting my arm

14 up in the air.

15 They pushing his face all up on the

16 wall. Me and her are in there crying, he didn't do

17 nothing, he's the one that called you. They dragged

18 him outside.

19 She was getting ready to leave. So

20 her son, he wasn't even one at this time. He was,

21 where was he. He was sitting on the porch in his

22 stroller, still on the porch. It was freezing

23 outside, snow on the ground.

24 So they close the front door, left

25 him out there on the porch after they dragged

1 down the steps.

2 So they had me and her, and they sat
3 her on the couch. I come out of the kitchen because
4 it is a walk-around bar in the kitchen. So I come
5 around the bar in the kitchen, I'm like, what are
6 y'all doing in my house, why you doing my boyfriend
7 like that. He's the one that called y'all.

8 Like don't you understand, we had
9 nothing to do with this, we are trying to remove her
10 because we live here.

11 He was like the B word, don't say
12 nothing to me, this has nothing to do with you, this
13 is a police matter now.

14 **Q** They called you the B word?

15 **A** Yes. The Canfield security officer, he
16 came in, come on man, these are kids. Don't do them
17 like that. You shut up because this is a police
18 matter, we're taking over this investigation and
19 stuff like that. What investigation. These are
20 kids. They called you for this girl that don't live
21 here.

22 So I'm like yelling at him, yes, I
23 did get mad. I started yelling at him. I'm like,
24 my name is on the lease. I didn't have nothing to
25 do with this. Why y'all in my house, you tearing it

1 up and all of this.

2 Okay. You don't know how to reason,
3 somebody come put her in cuffs. This big huge
4 officer came and put the cuffs on me. He kicked me
5 all over my back and he got cuffs like this, and
6 there was cuts all around my wrist. I had bruises
7 on my body and then they let her go. They let the
8 momma go. She started crying my baby's in the snow.

9 **Q** She took the baby?

10 **A** She took the baby and walked down the
11 street. They put my boyfriend in the cop car. So
12 I'm in handcuffs walking around the house, so I walk
13 outside. Where's she going. Oh, there she is.
14 Don't you love how they just like to wander around
15 like the walking dead.

16 I'm out there like, where's my
17 boyfriend, looking in the police car and stuff. So
18 they come out there, he put me in the car and I'm
19 like, what am I going to jail for.

20 We search your name, you probably
21 have a traffic ticket. I don't even drive, I have
22 no car. Well, we're going to find out when we get
23 down there.

24 I get down there, they say I have a
25 Metro ticket for the MetroLink. They kept me in

1 there, I was a manager at this time. I had to open
2 my store at 9:00 in the morning. They kept me in
3 there until 2:00 p.m. They let my boyfriend out at
4 like 3:00 in the morning. Well, he called them.

5 **Q** Now, was this officer, you know the
6 officer who is involved in this case, Darren Wilson,
7 correct?

8 **A** Yes.

9 **Q** Was he involved in any of this that
10 happened with you?

11 **A** No, it was another dude.

12 **Q** It was another one?

13 **A** Big guy with a mustache.

14 **Q** Had you ever had any type of altercation
15 with Darren Wilson as a police officer?

16 **A** No.

17 **Q** How long ago did this happen to you?

18 **A** Um, that was probably like March and we
19 had been trying to get some type of justice up until
20 basically this. The security officer at Canfield
21 had everything on tape, like he recorded everything
22 he had taped that he sent to the landlord. He was
23 like, you need to do something. You need to take
24 this to court or sue Ferguson, he's telling her all
25 of this.

1 **Q** So, in your opinion, you mention tape, did
2 you tape any of this --

3 **A** No.

4 **Q** -- shooting?

5 **A** At that time I didn't have a phone that
6 could record.

7 **Q** Do you know anybody who has a tape of the
8 actual shooting?

9 **A** I saw a girl standing out there. It was
10 about that time when he was out of the car, she was
11 recording. She could have got most of the shooting,
12 but one of the officers took her phone.

13 **Q** How do you know that?

14 **A** I was standing there in the crowd at that
15 point. This was like 20 minutes after the shooting,
16 his body was still laying out there.

17 **Q** You saw an officer take her phone?

18 **A** Yeah, this was after I ran in house. I
19 put my bags down from the library, I was just
20 basically out there walking and, you know, mingling
21 around with all the people outside. I saw her
22 before I even went in the house, she was standing
23 like, she was standing like right here.

24 (indicating)

25 **Q** Okay.

1 **A** Her house is right here. She was standing
2 on her porch like over there.

3 **Q** Do you know her name?

4 **A** I don't know her.

5 **Q** Okay.

6 **A** That was my first time seeing a lot of
7 these people. But I saw her, she was like, I got
8 the whole thing, she's standing there like, yeah, I
9 got you on camera too. He came over and took her
10 phone.

11 **Q** Was it a Ferguson office?

12 **A** It was a Ferguson officer.

13 **Q** You know the difference between Ferguson
14 and County?

15 **A** And the County, yeah, it was Ferguson.

16 **Q** It was an Ferguson officer?

17 **A** Yeah.

18 **Q** Okay. One second. So based on your
19 knowledge of what's going on in the community, how
20 would you describe the relationship between the
21 police and the residence there in Canfield Green.

22 **A** From every instance I've been involved
23 with the police, I'm not a criminal. I don't have
24 any record. I don't have any reason to be arrested
25 or brutalized. A lot of people that I know over

1 there is the same way.

2 What I see when the police come, it
3 is like instant panic from people. You know, like
4 who called them, why would you call them over here.
5 We don't need them to solve this problem, you just
6 brought more trouble into the area and stuff like
7 that.

8 And I just see like, I mean, I seen
9 my daddy get beat by the police, I've seen friends
10 of mine will be out, you know, shopping and someone
11 told them we stole something and just get followed
12 by the police cars. I never seen, you know, I don't
13 think he deserves to get killed like that. And that
14 just kind of proves my whole image of what I thought
15 of the police.

16 **Q** Which is what?

17 **A** They abuse their authority to me.

18 **Q** Now, in one of your statements you
19 describe Michael Brown as looking scared when he
20 turned around. Do you recall that?

21 **A** Yes.

22 **Q** Explain to us what you mean by that. You
23 couldn't actually see his face, could you?

24 **A** No, I couldn't see his face.

25 **Q** What did you mean he looked scared?

1 **A** I mean, you know, when you see a really
2 big dude just kind of cowering.

3 **Q** Like stand up for us, demonstrate
4 cowering.

5 **A** Okay. If you stop and you are looking at
6 someone and you're, you know, it is cool, you know,
7 I'm all right, you know. And, you know, I don't
8 know how to explain, but when I see a big dude like
9 that kind of looking like he's afraid, like he's
10 like trembling like a child kind of.

11 **Q** Do it look like he was trembling?

12 **A** Yeah --

13 **Q** From that distance?

14 **A** Yeah, you know, the way his hands was,
15 they was moving or something. He was just like
16 scared to me, he looked scared.

17 **Q** It did not look to you that he was trying
18 to come at the officer when he was cowering or
19 moving his hands?

20 **A** No.

21 **Q** When Michael Brown fell to the ground, did
22 the officer stop shooting?

23 **A** Yes, I didn't hear any more mots.

24 **Q** You didn't hear any more shots. Did you
25 hear any shots when Michael Brown, after that first

1 shot and Michael Brown fled from the car before he
2 turned around, did you hear any shots?

3 **A** Like when he was running?

4 **Q** Yes.

5 **A** I don't remember.

6 **Q** Okay. I don't know if I've asked you this
7 already, but when you said there was one shot was in
8 the police car, did it appear that Michael Brown was
9 shot? You said he looked at himself, but you
10 couldn't tell if he was shot or not?

11 **A** I couldn't tell if he was shot. He just
12 looked at himself, like he was checking to see, like
13 he didn't know himself.

14 **Q** Okay.

15 MS. WHIRLEY: I don't have anything else
16 right now. Kathi?

17 MS. ALIZADEH: Yeah.

18 **Q** (By Ms. Alizadeh) So I'm going to ask you
19 a few more questions just to clarify a few things
20 and you're killing the court reporter because you
21 talk so fast.

22 **A** I'm sorry, I work at a call center.

23 **Q** I know you were getting excited. And I'm
24 really sorry that you had those experiences. Do you
25 think that Officer Wilson, do you hold him

1 accountable for the bad behavior that you've
2 experienced or witnessed or that you are aware of
3 other Ferguson officers?

4 **A** No, I don't hold him accountable really.
5 I think, you know, like I say with authorities, I
6 think he just got beside himself. Like, you know,
7 it turned into, you know, I'm going to tell you kids
8 you do this, you listen to me, you have an attitude.
9 And then it turned into him just being frustrated,
10 that's what it seemed like.

11 **Q** Okay. What I want to make sure, , ,
12 and because this grand jury is going to consider
13 whether or not to indict the police officer for a
14 crime. And they're examining what happened that day
15 so that they can decide that, and I know that you
16 having had unpleasant or, you know, very bad
17 experiences with police officers, you know, it gives
18 you a bad impression of police officers I imagine.

19 But, you know, they need just to
20 relate what you saw today. They can only consider,
21 not that they can't consider other things, do you
22 know what I'm saying?

23 **A** What I saw, not what I heard.

24 **Q** Right. And I want to make sure that we're
25 not bringing all bad police officers behavior into

1 this picture.

2 **A** Right.

3 **Q** And you saw what you saw that day and you
4 have an opinion about what you saw that day and
5 that's fine and that's what we're interested in,
6 okay?

7 **A** Yes.

8 **Q** So when you said you were walking back
9 from the library and you first saw the two boys and
10 I just wanted to clarify, you said that maybe you
11 had seen him once before, were you talking about the
12 littler guy or Michael Brown?

13 **A** The littler one.

14 **Q** The littler one?

15 **A** Yes.

16 **Q** In what setting have you seen him before?

17 **A** One of the little community stores up the
18 street.

19 **Q** Okay. So you recognized him as having
20 seen him up at one of the convenience stores?

21 **A** Seeing him up close. Actually seeing
22 pictures of his face up close, I recognized that was
23 his structure.

24 **Q** So from where you were standing initially,
25 which was somewhere around here; is that right?

1 (indicating)

2 **A** (Nods head.)

3 **Q** And the boys were initially down about
4 here or where were the boys when you first saw them?

5 **A** They were about right here. I was like
6 right there. (indicating)

7 **Q** And you were about right here?

8 (indicating)

9 **A** Yes.

10 **Q** So from that distance you could see enough
11 of the smaller boy's facial features to realize that
12 you recognized him?

13 **A** Yes.

14 **Q** And so now, we know, did you say this
15 Building 1 is the leasing office, correct?

16 **A** Yes.

17 **Q** And you said that you first saw the
18 officer's car by the leasing office and I want to
19 make sure we're clarifying here, was his car always
20 on Canfield Drive when you saw it or was there ever
21 a time when his car was up here on Coppercreek Road?

22 **A** No, it was always on Canfield.

23 **Q** Okay.

24 **A** The closer it got to pulling in somewhere
25 was when I first approached him all the way back

1 here, it was somewhere around here. (indicating)

2 **Q** Did you see him turn into one of those
3 drives or streets at all?

4 **A** He was on this main street, he was about
5 probably like in one of these parking lots. By the
6 time I got right here, he was already up the street.

7 **Q** Did you see him come from a parking lot
8 onto Canfield?

9 **A** No. When I first was like all the way
10 down, the first side street, I saw him somewhere in
11 like one of the entrances to the parking lots.

12 **Q** When you were walking from this direction,
13 did you see any people outside?

14 **A** No, I don't remember. I wasn't paying
15 that close attention.

16 **Q** Okay. So just to clarify then, you're
17 saying that there could have been, but you weren't
18 paying attention?

19 **A** Yeah.

20 **Q** It is not that you say, no, there wasn't
21 anybody else?

22 **A** Right.

23 **Q** All right. But you said that you saw a
24 black van?

25 **A** Yes.

1 **Q** Was this a minivan type of van or the
2 bigger like?

3 **A** Soccer mom van.

4 **Q** Okay. Was there a soccer mom in the car?

5 **A** Uh, she might have been a soccer mom.

6 **Q** Was a woman in the car?

7 **A** Yes.

8 **Q** Was she an African-American?

9 **A** Yes.

10 **Q** And can you give me an idea about how old
11 she was?

12 **A** Probably, um, 36, 40, between 36 and 42
13 maybe.

14 **Q** Was there anybody else with her?

15 **A** I couldn't tell if there was anyone in the
16 back, but not in the front passenger seat.

17 **Q** Okay. And the other cars that you said
18 were lining up, you really didn't get a good
19 description of them?

20 **A** No.

21 **Q** You can't remember anything about those
22 other cars?

23 **A** No.

24 **Q** And when you first saw the police
25 officer's car, was the police officer's car moving

1 when you first saw it?

2 **A** No.

3 **Q** It was stopped?

4 **A** Yes.

5 **Q** And so you had described that the
6 officer's car backed up quickly?

7 **A** Yes.

8 **Q** Is that the first time that you saw the
9 officer's car move or did it go forward and then
10 back up from what you saw?

11 **A** Uh, no, it just backed up, it went forward
12 first.

13 **Q** So the first time you saw the officer's
14 car, it was standing still and were the boys walking
15 away from the car at that point?

16 **A** Yes, they was walking.

17 **Q** Okay. And then you saw the officer's car
18 back up quickly?

19 **A** Yes.

20 **Q** Did the tires make noise or did you hear
21 any screeching or any noise from the car?

22 **A** Yes.

23 **Q** And at this time could you see inside the
24 police car to see who was driving the car?

25 **A** At that point when he backed up I did see

1 him like, you know, with his arm out the car saying
2 something to him like, I don't know, saying
3 something to him. I just saw hand gesture like
4 doing something like that.

5 **Q** So you could see that there was a driver
6 in the police car?

7 **A** Yes.

8 **Q** Could you tell it was a man?

9 **A** Yes.

10 **Q** Could you tell whether he was
11 African-American or white at that point?

12 **A** Yes.

13 **Q** Okay. How about anybody else in the
14 police car, could you see if there was anyone else?

15 **A** No, I couldn't see if there was anyone
16 else.

17 **Q** But you could tell there was a policeman
18 in the car?

19 **A** Yes.

20 **Q** What about, now, you said you saw the red
21 and blue lights on the top of his car on?

22 **A** Uh-huh.

23 **Q** Were those always on from the first time
24 you saw the car or did he turn them on?

25 **A** From the first time I saw him all the way

1 down the street the lights was on.

2 **Q** The lights were always on from the first
3 time you saw the car?

4 **A** Yes.

5 **Q** Did you ever see the lights get turned
6 off?

7 **A** I don't remember that.

8 **Q** Now, you described when you saw Michael
9 Brown come to the window of the car. He went to the
10 window of the car kind of quickly, in your opinion
11 it looked like he was angry?

12 **A** Yes.

13 **Q** And then you described his hands and
14 shoulders and arms inside the vehicle. And today
15 you said he was bobbing in and out?

16 **A** Yeah, it was like, you could see the back
17 of his body, like his shoulders were just like
18 moving, like they were doing something in the car.

19 **Q** Okay. Did he ever leave his feet? In
20 other words, did he ever get like to the point where
21 he, you know, jumped halfway into the car or
22 anything?

23 **A** I wouldn't remember.

24 **Q** Okay. And you said that the struggle
25 lasted a few seconds; is that right?

1 **A** Yes.

2 **Q** I think in one of your previous statements
3 I think you said about 15 seconds, but does that
4 seem about right?

5 **A** Yeah, around that time.

6 **Q** All right. And then another thing I
7 wanted to clarify is that while this whole thing is
8 going on, you're moving. At some point you stand
9 still and then you move?

10 **A** Yes.

11 **Q** Can you narrate for me, I'm not telling
12 you this is what I want you to say, I'm just giving
13 you an example. If you say I'm walking down here
14 and right here is where I see, I see the police car,
15 so I stop right here. And then after the guy starts
16 running, I walk over here. So can you kind of move
17 the laser pointer.

18 **A** Yeah.

19 **Q** And give us an idea of how you were moving
20 and what was going on while you were moving?

21 **A** Okay. So like you said, I did come down
22 this street. I didn't actually stop until I got
23 like to the last tree.

24 **Q** Okay.

25 **A** That's when I was pretty close enough to

1 see what was going on.

2 **Q** Were you on the sidewalk or the street?

3 **A** Yeah, I was on this sidewalk right here.

4 (indicating)

5 **Q** That's on the south side of Canfield?

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

7 **Q** Okay.

8 **A** I saw the police car sitting about here.

9 (indicating)

10 **Q** Okay. Keep the laser pointer where you
11 are while you are narrating, okay. So I know where
12 you are when you first see things.

13 **A** Okay. I was about right here when I first
14 stop to get a look, when they were at the car. The
15 first shot I was right here. I seen once he got out
16 of the car, kind of started moving towards this way.
17 I was standing about right here in the grass with
18 some people over here. I'm standing right here just
19 listening to them. That's when I heard the rest of
20 the shots. So I hid behind the mailbox kind of and
21 then after that, I just go down here and go home.

22 (indicating)

23 **Q** Where were you when you saw his body fall,
24 were you behind the mailboxes yet?

25 **A** Probably about right here in the grass in

1 this area. (indicating)

2 Q When you said you went behind the
3 mailboxes, I don't know what the mailboxes look
4 like, did you go behind there for shelter, like to
5 get out of the way?

6 A Yeah, I hear all of those shots, you know,
7 I went over there.

8 Q Okay. And so are those mailboxes, what
9 are they like, are they metal?

10 A Yes, ma'am, they're metal.

11 Q How tall are they?

12 A From the ground, they're about this tall.
13 (indicating)

14 Q I'm a little over 5 foot and I've got
15 heels on, so let's say today I'm 5'4".

16 A On the ground there about this tall, I can
17 reach up and touch the top.

18 Q So that's maybe about 5 foot high?

19 A Yes.

20 Q And is it a solid box with little
21 mailboxes in it?

22 A Yes, a solid long box with just a whole
23 bunch of little doors.

24 Q If you are standing behind the mailboxes,
25 does the mailboxes block your view of where Michael

1 Brown's body fell?

2 **A** No, I'm standing completely behind them.

3 **Q** Yes, okay. But you saw Michael Brown's
4 body fall?

5 **A** Yes.

6 **Q** You weren't behind the mailboxes?

7 **A** Not completely behind it, you know, just
8 kind of look around it kind of, like right here.

9 **Q** Okay.

10 **A** No cars right there, there is no cars, you
11 can see all the way down to right almost right here
12 on the street.

13 **Q** This white rectangle here that I'm
14 pointing at in front of this row of cars, these are
15 mailboxes?

16 **A** Yes.

17 **Q** Okay. And so were you on the west side of
18 the mailboxes when you finally got behind the
19 mailboxes?

20 **A** Oh yeah, back here. (indicating)

21 **Q** Okay. Can you people see what I'm
22 pointing at right here, the mailboxes?

23 But you were able to see everything
24 until about, including when Michael Brown fell on
25 the ground?

1 **A** Yeah.

2 **Q** And then you also describe that you saw
3 the officer walk up to the body and kind of walk
4 around it with his gun at his side?

5 **A** Yeah.

6 **Q** So were you behind the mailboxes at that
7 point peeking around or were you still out in the
8 open?

9 **A** I was still at this point just looking
10 around until everything was over and people started
11 coming outside and I went in the house.

12 **Q** Okay. And now you said today that when
13 Michael Brown turned around and he put his hand up
14 and you demonstrate that, that he looked like he was
15 scared; is that right?

16 **A** Yes.

17 **Q** When you saw that, were you over in this
18 area when he turned around?

19 **A** Yes.

20 **Q** Okay. And you described him being where
21 when you saw him turn around?

22 **A** Um, about right here. (indicating)

23 **Q** Okay. So just so I can help with trying
24 to understand things and with trying to get you to
25 understand things, are there, when he turns around

1 and he gets shot, does he ever move backwards or
2 forwards after he turns around?

3 **A** I don't remember that specific.

4 **Q** Do you remember telling the investigators
5 that you saw him taking steps backwards?

6 **A** Yes, after he ran, he moved a couple steps
7 with his hands up.

8 **Q** Yes?

9 **A** Yes.

10 **Q** He runs a few steps and he turns around
11 and he puts his hands up like next to his ears?

12 **A** Yeah, and takes like some short half
13 steps.

14 **Q** Backwards?

15 **A** Yes.

16 **Q** So what's the furthest point backwards
17 that he walks?

18 **A** He doesn't take too many backward steps.
19 The most move he made was running about here. He
20 didn't get much farther than this area. (indicating)

21 **Q** Okay. Now, eventually when he was shot
22 and hit the ground and his body laid there for quite
23 some time, is that where the memorial is now on the
24 street?

25 **A** Yes.

1 **Q** And so can you point on the map where the
2 memorial is?

3 **A** There's one right here by the Ferguson
4 apartment complex, one right here and one at the end
5 of my street and there's one on the street right
6 here where Canfield ends.

7 **Q** Where the word Canfield is?

8 **A** Yes, memorial right there.

9 **Q** Okay. So where the body laid and where
10 the memorial is, that's the farthest east that you
11 saw him get?

12 **A** Yes.

13 **Q** Okay.

14 **A** They kind of built the memorial on top of
15 the blood stain that was there. So that's where he
16 was.

17 **Q** So you never saw him from the farthest
18 point that he was east, you never saw him move
19 toward the officer?

20 **A** I didn't see him move toward the officer.
21 He could have, but I didn't see him do it.

22 **Q** So this would have been when you were kind
23 of over by the mailboxes?

24 **A** Yes.

25 **Q** And would you have been like peeking out

1 or whatever?

2 **A** Yes.

3 **Q** And you also said today and in previous
4 statements that, you know, you were kind of at that
5 point noticing that people were kind of coming out
6 and milling about?

7 **A** Yes.

8 **Q** So you were taking your eyes off of what
9 was going on a little bit?

10 **A** Yes.

11 **Q** Now, you said that you saw a woman come
12 out and say that she had videoed this on her phone?

13 **A** Yes.

14 **Q** Where did you see her when she came out?

15 **A** When I first saw her she was standing
16 right here in front of her apartment complex. After
17 I had went in the house and came back out, she was
18 over here with a big group of people over by the
19 apartment right here.

20 **Q** Okay.

21 **A** That's where I thought he took her to take
22 her phone, she was standing like right here, still
23 in front of her building. (indicating)

24 **Q** Okay. So you think she lives in
25

1 **A** Yes.

2 **Q** Do you know that?

3 **A** I don't know that.

4 **Q** Why do you think she's lives in that
5 building?

6 **A** She was standing on the balcony of, I know
7 the man that lives there, I know she was standing on
8 the balcony with them.

9 **Q** You don't know her name?

10 **A** No.

11 **Q** What about the man that lives there, do
12 you know his name?

13 **A** No.

14 **Q** If somebody, could you point to what
15 balcony it was?

16 **A** Yeah, I can point to what balcony it was.
17 If I saw him on the street, I would know him.

18 **Q** Okay so was the gal an African-American?

19 **A** Yes.

20 **Q** About how old?

21 **A** Probably her 20s.

22 **Q** Have you seen, after this happened, have
23 you seen people on the news who came forward who
24 said they saw it and describing what they saw?

25 **A** I did.

1 **Q** Did you ever see that girl, the one who
2 the officer took her phone, did you ever see her on
3 the news?

4 **A** No, I was expecting to see that video, but
5 I didn't.

6 **Q** Okay. Now you describe when you said
7 Michael Brown turned around and you said it looked
8 like he was scared and today you used the word
9 cowering. In previous statements you said it was
10 like he was crouched over.

11 **A** Yes.

12 **Q** On your recording from previous statements
13 we can't see what that means because it's an audio
14 recording. But you demonstrated today, and XXXXXX
15 was in between you and I so I didn't have a good
16 look at it. Can you describe or demonstrate what
17 you meant when he was crouched over or cowering.

18 **A** Okay. It was like his hands were about
19 like this. (indicating)

20 **Q** Can you stand up? He was standing up at
21 this point, right?

22 **A** Yes. His shoulders were like almost
23 touching his hands, um. No, that's kind of like the
24 stance for self-defense to me. So that's how I said
25 crouched over.

1 **Q** And so before when you were talking to the
2 FBI agents and the assistant U.S. attorney, remember
3 the guy with black hair that you talked to, the
4 attorney?

5 **A** Yes.

6 **Q** Okay. And you said to him that Michael
7 Brown was kind of crouching over and it sounded to
8 me like maybe you were trying to demonstrate it and
9 you said, so kind of bent over?

10 **A** Yes.

11 **Q** When you demonstrated it to them, was your
12 body bent over in any way?

13 **A** Yes, neck kind of bent forward, shoulders
14 going inward.

15 **Q** Okay. How about at the waist. Would the
16 body be upright or is the body bent over?

17 **A** No, the body is upright.

18 **Q** Body is upright?

19 **A** Like from the forearm up is kind of what I
20 meant.

21 **Q** Kind of like shoulder slumped?

22 **A** Yes, like, you know.

23 **Q** Okay. Okay. And just to be clear, from
24 the time after you heard one gunshot while Michael
25 Brown was at the vehicle.

1 **A** Yes.

2 **Q** And then you see him run. Does the
3 officer fire at Michael Brown while he's running
4 away?

5 **A** That I don't remember. I wasn't paying
6 attention at that point.

7 **Q** Okay.

8 **A** It is from the time that the officer got
9 out of the car from the gun, or whatever it was on
10 the ground being picked up or whatever, that part
11 I'm not sure.

12 **Q** Okay. And just to be clear, you said from
13 the gun being picked up off the ground, but you
14 don't know for sure what was on the ground; is that
15 right?

16 **A** Right.

17 **Q** It was black?

18 **A** Yes, it was black. It made like kind of a
19 plastic metal clink when it hit the ground. That's
20 all I know as far as the shape and what I know
21 exactly.

22 **Q** Did you see any yellow on it, was it black
23 and yellow?

24 **A** I didn't see any yellow.

25 **Q** It looked like it was all black and about

1 the size that a handgun would be?

2 **A** Yes.

3 **Q** You didn't see who picked it up, you just
4 know that later it was gone?

5 **A** Yes.

6 **Q** Okay. Did you see, as the boys were first
7 walking toward the car, after the officer backed up
8 and the boys approached the car, did you see
9 anything in Michael Brown's hands?

10 **A** No.

11 **Q** Did you ever see Michael Brown hand
12 anything to the little guy?

13 **A** No, I wasn't paying attention.

14 **Q** Okay. So just cause you were kind of
15 talking softly, you said, no, you weren't paying
16 that close of attention?

17 **A** Yes.

18 **Q** Okay. And so after the first gunshot and
19 Michael Brown backs away, kind of checks himself out
20 looks like and then he starts to run away, you say
21 he gets a few steps before he turns around, did you
22 hear any shots before he turns around?

23 **A** I don't remember.

24 **Q** Okay. And then after he turns around and
25 puts his hands up, and you said in your statement

1 and today, you said he took a few steps, half steps
2 backwards?

3 **A** Yeah, just like a little shuffle.

4 **Q** Okay. And then did it appear to you that
5 he had been shot at that point, could you see?

6 **A** I couldn't tell, that was too far for
7 that.

8 **Q** Okay. And then you heard several shots in
9 a row after that?

10 **A** Yes.

11 **Q** And then after those several shots in a
12 row, was there another series of shots?

13 **A** Um, after, while his body was out there,
14 but it wasn't.

15 **Q** I know there's been people who said there
16 were gunshots going off in the complex, but I'm
17 talking about from the officer?

18 **A** No.

19 **Q** Okay. So the one in the car or at the
20 car, and then several shots after Michael Brown had
21 turned around and that's all the gunshots you heard?

22 **A** Yes.

23 MS. ALIZADEH: I don't have anything else.

24 MS. WHIRLEY: Questions?

25 . I'm

1 trying to get some idea on this distance here. If
2 we can probably put it in terms of car lengths, like
3 a four-door vehicle, can you picture that in your
4 mind?

5 **A** Yes.

6 : Okay. Now, when you
7 started off, when you saw the officer's car, can you
8 give me an idea how many cars, 4-door cars can fit
9 between where the police officer's car is and where
10 you are when you first see him?

11 **A** Okay. It will be about probably four or
12 five car lengths.

13 : Okay. Four to five car
14 lengths, okay.

15 **A** Yes.

16 : Okay. And then when you
17 got to, were you still at that point when you heard
18 the first shot go off?

19 **A** Yes, ma'am. When I heard the first shot,
20 I was still by the tree.

21 : Okay. Then when you're at
22 the bank of the mailboxes, okay, are you still,
23 okay, where are they then?

24 **A** They're still in the same place about
25 right here. They're still in the same area.

1 (indicating)

2 : Okay. And so from there
3 to where they are, about how many car lengths would
4 that be you think?

5 **A** From where I was to the police car? From
6 where I was here to the police car?

7 : Yeah.

8 **A** I was closer, I was probably about two or
9 three car lengths.

10 Two to three car lengths.
11 And then at that point you're there about two or
12 three car lengths, at that point that's when you see
13 Michael Brown, you see the other bank of shots or
14 the other shots go off?

15 **A** Yes.

16 : Okay. I think that's all
17 I have.

18 Okay. On
19 August the 16th, your interview when you told the
20 authorities that you were walking home from the
21 library, you first said that you saw the police
22 officer back-back, you know, not hard but --

23 **A** Quick.

24 : Quick stop and almost
25 hitting the boys?

1 **A** Yes.

2 : I call them young men.

3 You said that, okay, what I need to understand,
4 cause you are on the same side as them, right?

5 **A** I'm on the opposite side of the street.

6 At the time when you saw
7 the police?

8 **A** Yes, during everything I was on the
9 opposite side of the street from the police car.

10 : Opposite side would be --

11 **A** This side of the street. The car was on
12 this side of the street, parked about right here at
13 first. (indicating)

14 : Okay. Let me rephrase the
15 question, you are so right. You are facing the same
16 side as you are facing to the back of everything
17 that's going on.

18 **A** Yeah, well, I'm facing towards the front
19 of the police car, but I'm facing the back of the
20 police officer, but while he was getting shot, I was
21 still facing toward Michael Brown.

22 : Right. My point is, when
23 you saw the action going on at the car and the
24 vehicle, I call it MB and PO, police officer. Did
25 it look to you when he came back at that quick stop,

1 even though they may have almost gotten hit, you
2 know, and they jump back, how soon would you say
3 that the action between MB and the PO took place?

4 **A** How soon did he walk up to the car window?

5 : Cause when you say walk up
6 to the car, I'm thinking somebody almost got hit,
7 it's like it's right here, I mean, it is like
8 instant, it is right directly in front of me?

9 **A** Yes.

10 : It would be like boom,
11 boom, you know.

12 **A** Uh-huh.

13 Just a jerk more than not
14 jump far back.

15 **A** Right.

16 : But when you say walk up
17 to the police car, did he have to like walk some
18 feet?

19 **A** No, just walk from the back of the car to
20 the driver's window. It wasn't like a walk, it was
21 just like, you know, probably like three steps. He
22 was already there by the car. He just walked from
23 the bumper to the driver's window.

24 : How soon did the
25 conversation that you did not hear take place?

1 **A** How soon after he backed up the car?

2 : Yeah.

3 **A** Um, like less than five seconds. It was
4 like instant after that happened, he just charged
5 right up to the window, he just went right over.

6 : So, and you said that you
7 saw his body waist up in the car?

8 **A** About his arms, shoulders right here like,
9 you know, somebody reaching, he's reaching in there.
10 Like they're in there fighting, he's reaching for
11 something but he's doing something in the car.

12 : His head and chest was
13 inside the vehicle too?

14 **A** His head was in the vehicle at one point
15 reaching in.

16 On August the 16th you
17 never mention that his body was inside the vehicle,
18 but on September 25th you mention that his body was
19 inside. You just said that it was his arm, it
20 looked like they were fighting.

21 So I'm just confused because like that's a
22 big gap, that's almost like a month after you had
23 your first interview. Did you like hear anything on
24 television or hear anyone in the neighborhood
25 talking about, you know, what they actually saw?

1 **A** No, it was just what I remember. It might
2 be off, but it was like a grapple, you know, head
3 bobbing and shoulders moving, arms moving.

4 : Okay. Thank you.

5 : . Continuing on
6 that same thought. You know the car backs up,
7 nearly hits Michael Brown and Dorian. You said
8 Michael Brown makes his way almost immediately, five
9 seconds or so, to the driver's side of the car.

10 Can you tell from your perspectives were
11 there words exchanged first, or was there kind of
12 immediate action with the arms?

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

14 : Okay. Thank you.

15 : When you
16 moved from the tree to the mailbox, were you walking
17 or running at that time?

18 **A** It was a mix, kind of like a jog almost I
19 say.

20 : That's a pretty good
21 distance, that's 50, 60 feet maybe?

22 **A** From the tree to the mailbox?

23 From the tree to the
24 mailbox?

25 **A** It's not really far when you are there.

1 It is not even this little amount of trees, I think
2 there is another one right here and there's another
3 one right here as well, that's not on this map.

4 : Is that the picture, you
5 are watching the ground as much as maybe you are
6 looking back at the scene too, so you're not seeing
7 everything?

8 **A** Yes.

9 : You are concentrating on
10 moving.

11 **A** Yes, that's what I stated earlier as well.

12 : Did you make it to the
13 mailbox before you heard the shots or was it as you
14 were moving that you were hearing shots?

15 **A** It was while I was there. At this point I
16 was kind of on the edge right here when the rest of
17 the shots rang out.

18 : You had already stopped.

19 **A** Yes.

20 : And turned around and were
21 facing him?

22 **A** Yes.

23 : When you saw
24 Michael Brown turn around, you indicated earlier
25 that you couldn't identify any facial expressions.

1 Could you tell, and you said clearly that you
2 couldn't hear anything. Could you tell whether he
3 was saying anything or not?

4 **A** No.

5 : Or trying to say words?

6 **A** I wouldn't be able to see his mouth moving
7 or anything. I wasn't really listening for him
8 saying anything.

9 You didn't see his mouth
10 moving?

11 **A** I can't see his facial expressions.

12 : So you didn't hear
13 anything or you couldn't see anything?

14 **A** No.

15 Okay. Thank you.

16 : I just want to
17 go back to what were talking
18 about.

19 When I look at the transcript from
20 September 25th, and I compare it to the transcript
21 from August 16th, to me it looks like you are saying
22 something very similar.

23 From the 16th on page 15, it says he
24 approached the window of the vehicle, Mr. Brown, he
25 approached the window of the vehicle. Could you

1 tell if he reached in or the officer reached out. I
2 don't know.

3 And then you said, yet like his head and
4 shoulders were. And the FBI agent says, his head
5 and shoulders were in the window. And you said,
6 yeah.

7 Were his arms in the window as well. You
8 said yeah, his arms basically, you know, steady
9 reaching in. His whole top half in the window and
10 popping back out?

11 **A** (Nods head.)

12 : And then the one from the
13 25th, basically to me it looks like you are saying
14 the same thing. I want to make sure that I'm
15 reading this correctly.

16 **A** Okay.

17 : When he saw him go into
18 the window, it seemed like he just ran. And then
19 one of the lady officers, she says, was he in the
20 window or parts of his body inside the window. And
21 you said yeah, like his head and shoulders were.
22 And you said yes, that's what it looked like.

23 And then later you said you saw Michael
24 Brown, you said his whole top half in the window and
25 you said yes, just about.

1 I want to make sure I'm understanding.

2 **A** Yes.

3 : His head, shoulders and
4 arms were in the window?

5 **A** Yes.

6 : And that's what you said
7 in both statements.

8 **A** Yes.

9 : You said here, did you
10 see the police officer's face after Michael Brown
11 left the scene and the officer was getting out?

12 **A** After Mike Brown left the scene?

13 : After Mike Brown was
14 running away and the officer got out of the car, did
15 you see the officer's face?

16 **A** No, no.

17 : You didn't see if it was
18 bruised or anything?

19 **A** No, I couldn't tell. I didn't even see
20 him really get out of the car. When I looked up he
21 was already out.

22 : Do you know if Michael
23 Brown reached for his chest or under his waistband?

24 **A** I don't remember.

25 MS. ALIZADEH: His own or the officer's?

1 : Michael Brown.

2 **A** I don't remember.

3 : In one of the statements
4 the first two shots you didn't see?

5 **A** A couple of them I wasn't looking, but I
6 heard them ring back, to back, to back. After it
7 had to be like, I don't remember exactly, but they
8 were back to back. After about the third one, I did
9 look and see.

10 : And you said to officer
11 or district attorney, whatever her name is,
12 , in one of your statements that you had looked
13 away. And she said, if I told you we had evidence
14 that he moved forward toward the police officer,
15 what would you say about that. You said that might
16 have been one of the times I was looking away.

17 **A** Yeah.

18 : So I understand, you're
19 doing very well by the way, there's a lot going on,
20 you are scared?

21 **A** There was a lot going on.

22 : I understand, Hon. I
23 just want to make sure just because you are saying
24 you didn't see it, doesn't necessarily mean it
25 didn't happen.

1 **A** Right, right, that's the point I tried to
2 make.

3 : Okay. You said today
4 that you felt like this was murder. Can I ask you
5 how you felt, I want you to put yourself in the
6 officer's position. I want you to tell us what you
7 think he should have done?

8 **A** Okay. I mean, even if I heard that people
9 said that he reached in the truck, even if he did
10 attack you, he was unarmed. I feel like at the
11 point he tried to surrender, he could have put
12 handcuffs on him. They could have maced him, that's
13 why they have those nightsticks, that's why you have
14 all these other options.

15 This is a boy who has no weapons at
16 all, you exhaust your other options. Injure him,
17 but why kill him.

18 : Thank you so much.

19 MS. ALIZADEH: I have a question.
20 I can't remember from your previous statements, but
21 you've never heard the officer yelling any commands
22 or anything, did you?

23 **A** No.

24 MS. ALIZADEH: Your hearing is okay?

25 **A** It's okay.

1 MS. ALIZADEH: This thought just now
2 occurred to me because you are a young person. And
3 I've never asked anybody else, but did you have
4 headphones or ear buds that day as you were walking
5 back from the library?

6 **A** No.

7 MS. ALIZADEH: Kids walk around with
8 headphones on, so you didn't have anything in your
9 ears?

10 **A** No, I just wasn't really, I mean, it was a
11 lot of noise, a lot of commotion. It's usually a
12 lot of noise over there. So if they weren't where
13 they were, I probably wouldn't have heard it.

14 MS. ALIZADEH: You didn't hear any
15 screaming from anybody?

16 **A** No, I wasn't paying attention to it.

17 MS. ALIZADEH: Okay.

18 **A** Like I said, it's a possibility they could
19 have been, but I didn't catch anything or anything I
20 would remember word for word.

21 MS. ALIZADEH: All right, thank you.

22

23 I have one more question. You said that you saw
24 something hit the ground, you thought it was a
25 weapon?

1 (End of the testimony of)

2 MS. WHIRLEY: We're still working
3 together. It is October 28th, 2014, approximately
4 11:21 a.m. We've concluded the testimony of
5 . Now we're going to start with the recording
6 of . You have transcripts of that.
7 The Grand Jury Exhibit Number 55, which is the
8 recording for her. We will play that. We are
9 anticipating she will be here as a witness probably
10 after lunch. It is somewhere around 30 minutes
11 long. With that said, XXXXXXXX, stop the recording.

12 : Who are the other people
13 listed on here?

14 MS. WHIRLEY: We didn't do these
15 transcripts. I'm not sure how, why all of these
16 folks spoke. This is what I did notice and you will
17 notice it when you hear the transcript, hear the
18 recording, there are several people at the house.
19 I'm glad you asked that question. Actually, there
20 are several people at the house, and then they kind
21 of isolate and the bulk of the
22 testimony is from her, but a few other people are
23 speaking.

24 : They may be family
25 members or bystanders?

1 MS. WHIRLEY: People that are in the house
2 when the FBI arrived there to find out what
3 happened. And then, I guess, they narrow her down
4 as really the witness. Okay. Good question.

5 (Playing of the interview of
6 .)

7 MS. WHIRLEY: That concludes the recorded
8 testimony of We do anticipate that
9 she will be here this afternoon, however, we are
10 going to break for lunch now. We'll see if your
11 lunch is here, first of all. And it is 11:55 a.m.,
12 October 28th, 2014.

13 (Lunch recess taken)

14 MS. WHIRLEY: I'm Sheila Whirley. We are
15 resuming our afternoon session in the shooting of
16 Michael Brown. It is October the 28th, 2014, at
17 approximately 12:56. Kathi Alizadeh is present, all
18 12 grand jurors are present and so is XXXXXXXX, the
19 court reporter. We are going to start with our
20 first witness, .

21 As you recall, you listened to one of her
22 statements this morning before lunch. She's here
23 live for testimony and she did also meet with the
24 federal investigative parties this morning. So she
25 has another statement that we don't have for you

1 yet. So we will see what she has to say today.
2
3 of lawful age, having been first duly sworn to
4 testify the truth, the whole truth, and
5 nothing but the truth in the case aforesaid,
6 deposes and says in reply to oral
7 interrogatories, propounded as follows, to-wit:

EXAMINATION

9 BY MS. WHIRLEY:

10 Q Hi, as I introduced myself a little
11 earlier, I'm Sheila Whirley.

12 A How you doing, Miss Whirley.

13 Q I'm good dear, thank you. You met Kathi
14 Alizadeh, the 12 grand jurors are here, XXXXXXXX, the
15 court reporter, is here and I want you to introduce
16 yourself to the grand jurors and spell your name,
17 please?

18 A Yes. My name is .
19 .

20 Q Okay. And you know why we're here today?

21 A Yes, ma'am.

22 Q I know you talked to several people. How
23 many interviews have you given?

24 A Well, two.

25 Q Two, okay. And do you recall when your

1 first interview was?

2 **A** Uh --

3 **Q** If I say August the 16th, like a week
4 after, a little bit earlier than, I guess, a week
5 after, does that sound right?

6 **A** I want to say it was probably before that.
7 It could have been before then, it could have been
8 that day.

9 **Q** It could be August 16th, kind of around
10 like 11 in the morning?

11 **A** Yeah.

12 **Q** And then you had another interview today;
13 is that correct?

14 **A** That's right.

15 **Q** That you finished?

16 **A** This morning.

17 **Q** This morning. Okay. We just need you to
18 tell us what happened, so that's basically what
19 we're here for. I'm going to ask you to start at
20 the beginning. This would have occurred August the
21 9th of 2014, on a Saturday, is that how you recall
22 it?

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

24 **Q** Do you live in Canfield Green?

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

1 you're driving through Canfield Green Apartments?

2 **A** That I couldn't say. I honestly forgot
3 what time it was, but I was riding through coming
4 from the store and I seen a friend, I was going to
5 visit a friend, but he wasn't at home. So I seen a
6 couple of people that I knew outside and stopped to
7 ask one of the guys for a cigarette.

8 **Q** Are those all people that live in Canfield
9 Green, your friend and the other people that you
10 saw?

11 **A** Yeah, but my friend wasn't there.

12 **Q** All right.

13 **A** I didn't see him at all.

14 **Q** If I tell you it was around noon or so,
15 does that sound right?

16 **A** Yeah.

17 **Q** Where did you come from? I mean, this is
18 West Florissant over here just to orient you to the
19 map.

20 **A** Okay.

21 **Q** So where did you come from?

22 **A** I was, I came the back way through the
23 Northwinds Apartment.

24 **Q** So you're traveling, is it east on
25 Canfield toward West Florissant?

1 **A** Toward West Florissant.

2 **Q** That's a laser pen, it has a red light.

3 If you push the button, so why don't you pick that
4 up and there's a little button right there and,
5 yeah, okay. So show us how you were traveling?

6 **A** Okay. I was coming down Canfield.

7 **Q** Uh-huh.

8 **A** And I had stopped, this is a driveway
9 before you get to Coppercreek.

10 **Q** Okay.

11 **A** I pulled in there and I got out of the
12 car, I was talking to a friend.

13 **Q** And is this before everything happened?

14 **A** Before everything had happened.

15 **Q** Were you riding alone?

16 **A** Yes, I was.

17 **Q** What kind of car were you in?

18 **A** I had a .

19 **Q** What color?

20 **A** Burgundy.

21 **Q** Burgundy?

22 **A** I saw a friend, I got out and asked him
23 for a cigarette. He was just sitting there, we was
24 just talking in general. And as we was in the midst
25 of talking, Mike Brown and his friend was walking

1 across the lot.

2 Q Which way were they walking?

3 A They was walking towards --

4 Q Show us on the map if it is on the map.

5 A They was walking down Canfield on the lot
6 by the trash cans, they crossed and then they walked
7 down the street. I don't know where they was going,
8 I can't say.

9 Q Okay.

10 A So they walk towards West Florissant.

11 Q Okay.

12 A I can say that, don't know where they was
13 going.

14 Q Okay.

15 A So we just out there generally talking.

16 Q So when you saw them walking towards West
17 Florissant, nothing was going on then?

18 A Was nothing going on.

19 Q Did you know Mike Brown before this day?

20 A No, I didn't.

21 Q Did you know his friend?

22 A No, I didn't.

23 Q Describe Mike Brown so we know we are
24 talking about the same person?

25 A He was a big, tall, heavy set guy. He had

1 on like some khaki type shorts with like a gray like
2 T-shirt and flip flops, he had a hat on.

3 **Q** Okay. Do you remember the color?

4 **A** I'm not for sure.

5 **Q** Okay. And what did his friend look like?

6 **A** He was dark skin with dreads, he had on, I
7 think he probably had on like a white T-shirt.

8 **Q** Are you guessing or is that what you
9 recall?

10 **A** Well, I'm guessing. I really wasn't
11 paying no attention.

12 **Q** Okay.

13 **A** What really they had on.

14 **Q** You don't have to guess.

15 **A** All right.

16 **Q** If I ask you to give me an approximate
17 amount feet or something like that is a distance,
18 maybe as long as you let us know you are kind of
19 guessing.

20 **A** I was at the dumpster that's on
21 Coppercreek that I'm standing by. When they walk
22 past, they was like a little distance away from me.

23 **Q** Show me again where you were when they
24 walked past?

25 **A** This, I don't know where directly

1 Coppercreek is.

2 **Q** This is Coppercreek is going all the way
3 around.

4 **A** The dumpster is like right here on the
5 first parking lot.

6 **Q** Okay.

7 **A** My car was parked right behind it, but I
8 was standing not that far from the dumpster.

9 **Q** So you are having a smoke, you're talking,
10 you're chilling, this is a Saturday, you're enjoying
11 life, right?

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

13 **Q** I saw your testimony or read it on the
14 transcript where you were happy to be out there?

15 **A** Yeah, it was a beautiful day.

16 **Q** Is that what you meant by that?

17 **A** Yeah.

18 **Q** Then what?

19 **A** So we was out there talking, notice
20 Ferguson was coming from the back, from the
21 Northwinds Apartment.

22 **Q** When you say Ferguson, you mean a police
23 officer?

24 **A** Ferguson police officer was coming.

25 **Q** He was in a marked police car?

1 **A** Yes, he was in a SUV.

2 **Q** And why did you notice him?

3 **A** I mean, because we was all standing on the
4 parking lot and they was coming.

5 **Q** When you say they, more than one?

6 **A** There was two in the car.

7 **Q** But just one car?

8 **A** Yes, SUV.

9 **Q** And tell me again why you notice the car?

10 **A** Because they was riding through. And, I
11 guess, that's their way of making their rounds or
12 whatever. So I really didn't pay no attention, but
13 in the midst of that I guess Mike Brown and his
14 friend, not guessing, they was on their way back up.

15 **Q** Which way were they walking down?

16 **A** They was coming back towards, like they
17 was coming towards the Northwinds Apartment.

18 **Q** Show me?

19 **A** They was coming back that way.

20 (indicating)

21 **Q** All right. And the police car, did it
22 have its light on or anything like that?

23 **A** No, it did not.

24 **Q** Was it like driving fast --

25 **A** No, they was like --

1 **Q** -- or like patrolling?

2 **A** Like patrolling.

3 **Q** All right. So Mike Brown and his friend
4 are walking east on Canfield Drive and what happens
5 then?

6 **A** They was walking in the middle of the
7 street.

8 **Q** Okay.

9 **A** I didn't hear what the police had said to
10 'em or what the remark was, but they was in the
11 middle of the street. I want to say the guy, his
12 friend was, we didn't stay that far, I heard him
13 say, we didn't stay far.

14 **Q** You heard the friend say that?

15 **A** I heard the friend say, we didn't stay
16 that far.

17 **Q** We didn't stay that far?

18 **A** Right.

19 **Q** Don't know what was going on with that?

20 **A** Don't know what was going on or what was
21 said.

22 **Q** Did you hear Mike Brown say anything?

23 **A** No, I didn't.

24 **Q** Did you hear the police officer say
25 anything?

1 **A** I didn't hear anything.

2 **Q** Now, I need you to show me again where you
3 were when you heard his friend say, we didn't go
4 that far or what he said?

5 **A** I was standing like right in the parking
6 lot, I was still standing like, not that close from
7 the dumpster.

8 **Q** Okay.

9 **A** And they was sort of walking like in the
10 middle of the street.

11 **Q** So where were they when you heard it?

12 **A** Right up in there. (indicating)

13 **Q** Where was the police car, right next to
14 them or something?

15 **A** It is like right next to 'em, they like in
16 the middle of the street, right in the middle of the
17 street.

18 **Q** Okay.

19 **A** He pulled up like, they divide each other.
20 They in the middle walking up the street, the police
21 coming down, of course, they like split up so the
22 car can go through.

23 **Q** Okay. So you saw them split up, they were
24 on either side of the police car?

25 **A** Yes.

1 **Q** What side of the police car was Mike Brown
2 on?

3 **A** On the driver's side.

4 **Q** What side was Dorian?

5 **A** The passenger side.

6 **Q** So they were on opposite sides of the car?

7 **A** Yes.

8 **Q** Was Dorian talking to anybody on the
9 passenger side?

10 **A** Huh-uh.

11 **Q** Okay. And then what did you see?

12 **A** I seen the police pull off and then next
13 thing you know, he pulled back.

14 **Q** In what manner did he pull back, was it
15 quick, was it just normal, was there anything
16 noticeable about how he pulled back?

17 **A** Wasn't noticeable.

18 **Q** So he pulls back?

19 **A** Pulls back.

20 **Q** Does he pull back straight in a line or
21 some other way?

22 **A** I want to say straight back in a line.

23 **Q** So like if I'm going to back, he just went
24 straight back, he didn't move one way or the other?

25 **A** No.

1 **Q** Okay, go ahead.

2 **A** So as he pulled back, I guess that's when
3 he went to go and try to grab him.

4 **Q** Did you say you guess?

5 **A** Well, no, he grabbed, he went to go and
6 grab him, that's when they start tussling.

7 **Q** So the police officer pulls back and grabs
8 Mike Brown?

9 **A** Yes, and they was tussling.

10 **Q** Could you see the officer's arm?

11 **A** He grabbed him from the outside, just
12 grabbed him.

13 **Q** I want to kind of focus on what you saw.
14 Did you see the officer's arm?

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

16 **Q** You didn't see the officer's arm, but he
17 was grabbing him?

18 **A** Like I say, I just seen a little
19 altercation. I didn't know if he was, oh Lord,
20 excuse me, I got nervous.

21 **Q** Don't get nervous, we're just trying to
22 find out what you saw.

23 **A** They was tussling I, can say they was
24 tussling. I didn't see his arm or anything.

25 **Q** You didn't see the officer's arm?

1 **A** No.

2 **Q** Could you see Mike Brown's?

3 **A** I did see him shy back, like he went to go
4 and jump back.

5 **Q** Okay.

6 **A** And that's when we first was like what's
7 going on. Then, that's when we heard the first
8 shot.

9 **Q** Okay. Now, before we get to the shot, I
10 want to make sure I understand. Can you see, where
11 you are looking at Mike Brown and the officer,
12 because all of this is real important, and I know
13 you probably know this because that's why you had
14 these interviews.

15 When you see Mike Brown and the
16 officer and you believe they're tussling, are you
17 looking, is your vision at the passenger side of the
18 car or the driver's side of the car?

19 **A** The passenger side.

20 **Q** Okay. So you're standing here and the car
21 is going west, so you're at the passenger side and
22 the driver's side --

23 **A** On the left side, so I really couldn't
24 see. So, therefore, when they was on the passenger
25 side, he grabbed back, that's when the first gunshot

1 went off.

2 **Q** Right. I know you want to get to that
3 gunshot, but I really want to make sure that we're
4 clear on your vantage point, you know, like where
5 you could see it, like where you were.

6 **A** I was standing right by the dumpster.

7 **Q** You can see Dorian still?

8
9 Just to help us a little bit, we don't know where
10 the dumpster is. Can you mark that on there for us,
11 please?

12 **A** Let's see. It may not even be on the
13 photo I don't think. I don't want to do it wrong.
14 There's another parking lot. I want to say it was
15 like right up here, dumpster right here, dumpster
16 right here. (indicating)

17 : You were right next to the
18 dumpster you said?

19 **A** I was like right up in there by the
20 dumpster. (indicating)

21 MS. WHIRLEY: Where are they when you saw
22 them, like you said, tussling?

23 **A** This is Coppercreek, this is Canfield,
24 here is the tree, they was like right up in here.
25 (indicating)

1 MS. WHIRLEY: Okay.

2 A Like right up in there. (indicating)

3 : Thank you.

4 MS. ALIZADEH: Can I ask while you were
5 standing up there. I couldn't see around you, use
6 the pen and where is the dumpster? No, just sit
7 down if you can.

8 A It is, I need glasses, it is right there.
9 (indicating)

10 MS. ALIZADEH: Good, all right, I just
11 couldn't see.

12 Q (By Ms. Whirley) Now, we've got to ask you
13 about your vision.

14 A I do need glasses, excuse me.

15 Q What do you need glass for?

16 A For?

17 Q To see far way?

18 A Yes, ma'am.

19 Q Do you need glasses like me to read up
20 close also?

21 A Yes.

22 Q Do you wear glasses?

23 A I don't have them, but I do.

24 Q Do you have contacts instead?

25 A No.

1 **Q** So you need help with your vision, but you
2 don't have any?

3 **A** No.

4 **Q** Okay. So that particular day were you
5 wearing anything to help your vision?

6 **A** Huh-uh.

7 **Q** But you did need some help?

8 **A** I mean, it was light so.

9 **Q** You were okay?

10 **A** I was okay.

11 **Q** So you're pretty firm and secure about
12 what you saw you are telling us about?

13 **A** Yes.

14 **Q** Even though your vision is not perfect?

15 **A** Yes.

16 **Q** How about your hearing?

17 **A** Fine.

18 **Q** No problem with the hearing?

19 **A** No problem.

20 **Q** Don't need an aid or anything?

21 **A** No.

22 **Q** Okay. You know, I'm going to ask you, do
23 you think you were as close to the scene where the
24 officer and Mike Brown were tussling as this room
25 depicts or was it much further than this room?

1 Like from where you are, I start
2 walking, is it beyond this wall, how close you were
3 to them?

4 **A** Yeah.

5 **Q** Okay.

6 **A** There was the street and the dumpster was
7 kind of a little ways.

8 **Q** So it was a pretty good little distance?

9 **A** Yeah.

10 **Q** But you see?

11 **A** But I could see.

12 **Q** And you're sure of what you saw?

13 **A** Yeah.

14 **Q** Now, you did tell us today that you
15 weren't sure what they were doing in the car, but
16 they were tussling?

17 **A** They was tussling.

18 **Q** At one point you thought that the officer
19 grabbed Mike Brown?

20 **A** When he pulled back.

21 **Q** When he pulled back, did he grab Mike
22 Brown. Are you sure or unsure about that today?

23 **A** I'm sure he pulled back.

24 **Q** When the officer pulled back, you mean
25 backed the car up?

1 **A** When he backed the car up.

2 **Q** He grabbed Mike Brown?

3 **A** Yes.

4 **Q** That was the first physical thing that

5 happened? Is that a yes?

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

7 **Q** So how did he grab him, where did he grab

8 him at?

9 **A** Like by the shirt, like the neck collar

10 part.

11 **Q** So was the car window down?

12 **A** Yes, it was.

13 **Q** So did you see his arm?

14 **A** When it went out the window.

15 **Q** Uh-huh.

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

17 **Q** Okay. You weren't clear on that earlier.

18 **A** Yes.

19 **Q** So you say you did see his arm?

20 **A** When he went out the window.

21 **Q** You could see, what color was he?

22 **A** He was white.

23 **Q** He was white. He didn't have --

24 **A** Uniform.

25 **Q** I mean, did he have on a uniform?

1 **A** Yes.

2 **Q** Long or short sleeve?

3 **A** Short sleeve.

4 **Q** Okay. And he grabbed him and what
5 happened when he grabbed him?

6 **A** That's when the tussling started, and
7 that's when the first pow went off.

8 **Q** Did you see them tussling once the officer
9 grabbed him, there was a tussle?

10 **A** There was a tussle.

11 **Q** How long would you say that tussle went
12 on?

13 **A** It wasn't long. It wasn't long at all.

14 **Q** Seconds, minutes?

15 **A** It was probably, maybe like two minutes.

16 **Q** Okay. We know that's a guess, correct?

17 **A** Yes.

18 **Q** All right.

19 **A** I'm not going to be --

20 **Q** Did you see Mike Brown hit the officer?

21 **A** No.

22 **Q** Okay. Did you see him with his fist, did
23 you see his hands?

24 **A** It was as if he was trying to get away.

25 **Q** Show us what you mean?

1 **A** He was like, when the police grabbed him,
2 it was like as if he was trying to, like break away
3 from the police.

4 **Q** Okay. So you didn't see his hands inside
5 the police car?

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

7 **Q** You didn't see him, his body inside the
8 police car?

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

10 **Q** Okay. So then what did you see?

11 **A** When the police grabbed him by the neck,
12 he shied away from him, that's when the first shot
13 went off. His friend Dorian ran and hid beside a
14 black Monte Carlo that was also parked on Canfield
15 in front of an apartment building. Not that far,
16 like right up in here. (indicating)

17 **Q** Okay.

18 **A** He hid right here. That's when Mike
19 Brown, on the first shot, he turned around and ran.
20 I was trying to run and there was another lady who
21 was also coming out of her apartment was in the
22 midst of running.

23 **Q** Did it appear that Dorian was hit by that
24 first shot? Not Dorian, Mike Brown, was hit by the
25 first shot?

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

2 **Q** Why do you say that?

3 **A** Because when he turned around, I seen a
4 red spot on his shirt.

5 **Q** Now, you are pointing to your upper right?

6 **A** He got shot up in this area. (indicating)

7 **Q** Are you saying the right or the left?

8 **A** When you turn around, I want to say might
9 have been on the left.

10 **Q** I don't want you to guess.

11 **A** The left I will say.

12 **Q** Are you sure about that?

13 **A** Yeah, I'm sure.

14 **Q** Okay. And you saw a red --

15 **A** Red spot on his shirt.

16 **Q** Okay.

17 **A** And that's when he stopped and when he
18 stopped.

19 **Q** When you say he stopped, did he stop right
20 at the car?

21 **A** No, he stop, actually, like it's like a
22 light pole and a tree. He stopped right there at
23 that tree and the light pole.

24 **Q** We have to kind of take it step by step, I
25 know you are getting tired of all of this, but

1 that's how we have to do. I tell us how far he got
2 away from that car when he stopped, did you see him
3 leave the car.

4 **A** When I seen him break away from the car,
5 he was running. That gave me the assumption that I
6 was going to run.

7 **Q** Okay. What did he do when the shot was
8 fired, did he just break and run?

9 **A** He broke and run, but he stopped, he
10 stopped in stride.

11 **Q** I want to know about him running though,
12 where did he go behind the car?

13 **A** No, he didn't go behind no car.

14 **Q** What did he do?

15 **A** His friend ran behind the car.

16 **Q** Where did Mike Brown run to?

17 **A** He ran towards the light, he was running
18 like towards the light pole, like towards my
19 direction.

20 **Q** Okay. The dumpster you show us was here?

21 **A** Yeah, and he was running like towards that
22 way.

23 **Q** So in the grass?

24 **A** And he stopped his stride and stopped
25 right there like by the tree in between the light

1 pole.

2 Q Okay.

3 A He stopped, hands was up.

4 Q Can you show us how he, well, first of
5 all, you didn't say he turned around, did he turn
6 around or was he running backwards?

7 A No, he was running like towards my
8 direction.

9 Q Okay.

10 A Looking toward like my way.

11 Q Okay.

12 A He stopped.

13 Q Uh-huh.

14 A And that's when he turned around.

15 Q Show us that. Show us like, you know, go
16 that way and then show us how you turn around?

17 A He, I'm standing over there, he's running
18 and then he turns around and he was like that way.

19 (indicating)

20 Q Did you hear him say anything?

21 A He might of.

22 Q You don't have to guess, did you hear him
23 say anything?

24 A That's where I thought I heard him say he
25 gave up.

1 **Q** You heard him say what?

2 **A** I give up.

3 **Q** You're not sure?

4 **A** I heard him say don't give up.

5 **Q** Don't give up?

6 **A** I give up, I mean.

7 **Q** I give up.

8 **A** I give up.

9 **Q** Where did he say that?

10 **A** That's when he started walking back
11 towards the officer.

12 **Q** So how was he walking towards the officer?

13 **A** He went like this with his hands up, and
14 when he reached that way that's when the police
15 started four shots. (indicating)

16 **Q** How did he reach. You say he reached that
17 way?

18 **A** I mean, he had his hands up like this, he
19 never went down or reached out, he still had his
20 hands up. And that's when the police started
21 letting off more shots.

22 **Q** You never saw him like go to his waist?

23 **A** His hands never went down.

24 **Q** When the officer was shooting?

25 **A** When the officer start shooting, his hands

1 never went down.

2 **Q** How many shots did the officer fire?

3 **A** Uh, it was over six, it was six to nine
4 rounds.

5 **Q** All about --

6 **A** The first shot pow, pause.

7 **Q** And that was at the car?

8 **A** That was at the car.

9 **Q** Okay.

10 **A** When he turned around to go back, as if he
11 was surrendering, that's when the rest of the shots
12 started going off.

13 **Q** Okay. So when Mike Brown was surrendering
14 and he was walking towards the officer, what was the
15 officer doing before he started shooting or did he
16 just start shooting?

17 **A** He just started shooting.

18 **Q** The officer didn't back up or walk toward
19 Mike Brown?

20 **A** He just started shooting.

21 **Q** Did he say anything to him, like get down?

22 **A** No, he just started shooting.

23 **Q** He didn't tell him to stop or anything?

24 **A** If he did, I didn't hear that part, I just
25 know the gunshots start ringing off.

1 **Q** Were you close enough to hear it?

2 **A** The gunshots?

3 **Q** Were you close enough to hear if the
4 officer said something?

5 **A** No.

6 **Q** You were not close enough?

7 **A** No.

8 **Q** But you were close enough to hear Mike
9 Brown?

10 **A** He screamed like, I give up.

11 **Q** He was screaming?

12 **A** He screamed, I give up.

13 **Q** So if the officer was screaming a command
14 or something, do you expect to have heard it?

15 **A** I would have heard it.

16 **Q** Okay. Now, this other officer, when did
17 you see him, you said it was two officers in the
18 car?

19 **A** Yes, I mean, when he got out of the car, I
20 didn't really get no description of him.

21 **Q** Before you kind of jump too far. Are you
22 saying the officer, the other officer?

23 **A** He was in the passenger seat.

24 **Q** He was in the passenger seat, in the
25 front?

1 **A** The front seat.

2 **Q** Did you see him get out of the car?

3 **A** (Shakes head.)

4 **Q** Okay. So he did not get out of the car?

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

6 **Q** Okay. From what you could see, what did
7 you, what did you tell us about the other officer
8 was he a black or white man?

9 **A** He was a white cop too.

10 **Q** Did he look young or old?

11 **A** He could have been middle age or young, I
12 don't know.

13 **Q** Did he look to be in uniform?

14 **A** They both was in uniform.

15 **Q** Okay. But he never got out of the car?

16 **A** No.

17 **Q** Or you didn't see him?

18 **A** I didn't see the passenger door open at
19 all.

20 **Q** Okay. And since your vantage point was
21 from the passenger side, that's where Dorian was?

22 **A** Yes.

23 **Q** You could see this other officer in the
24 car?

25 **A** Yes.

1 **Q** And that officer never got out to assist

2 --

3 **A** I never --

4 **Q** I have to ask the question and then you
5 answer. He can't take us both down at the same
6 time.

7 **A** I'm sorry.

8 **Q** You never, when the officer, when the
9 gunshot went off, you never saw the other officer do
10 anything?

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

12 **Q** And when Darren Wilson we know is the
13 shooting officer, when he got out, the other officer
14 never got out to assist him?

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

16 **Q** But you're positive there was another
17 officer in the car?

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

19 **Q** Okay. Did you ever see a weapon fall?

20 **A** (Shakes head.)

21 **Q** Did you ever see Mike Brown with a weapon?

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

23 **Q** And when I ask you about a weapon falling,
24 what was your answer?

25 **A** No.

1 **Q** Okay. When you saw Mike Brown stop and
2 turn around, I think your first statement on August
3 the 16th, and we've had your statement so we know,
4 at least the first one, of course, I think you
5 mention that he turned around as if he was defending
6 himself or giving up, which are two different
7 things.

8 **A** Well, there was so much going on, I meant
9 to say he was surrendering himself. I didn't say to
10 defend himself, I meant to say surrendering.

11 **Q** Okay. Surrendering or giving up?

12 **A** Giving up.

13 **Q** Is what you meant?

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

15 **Q** Did it look like at any time he was trying
16 to defend himself from the officer to you?

17 **A** As far as getting away, he grabbed him,
18 yes, it was like as if he was like, why is you
19 grabbing me, like what did I do, that type.

20 **Q** Okay. Now, when Mike Brown was running
21 away, you were trying to explain to me how he ran.
22 So you said he didn't run very far, so explain that
23 to me?

24 **A** I mean, from the middle of the street to
25 the light pole like where, it is like light pole and

1 there is some trees right there in front of his
2 apartment building right there.

3 **Q** Uh-huh.

4 **A** Like the parking lot, he didn't run that
5 far from Mike from right here to there. It wasn't
6 far at all. (indicating)

7 **Q** Okay. Before he turned around?

8 **A** Before he turned around.

9 **Q** And when he was running away from the
10 officer, when he had his back to the officer, did
11 you hear any shots being fired?

12 **A** No.

13 **Q** How many shots would you say you heard
14 total from the start of the car?

15 **A** One, I'm going to say like it's about six,
16 between six and nine shots.

17 **Q** Okay. And when he was walking towards the
18 officer?

19 **A** He had his hands up.

20 **Q** He had his hands up?

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

22 **Q** Did you ever see him like run towards the
23 officer?

24 **A** No, ma'am. He stopped and he turns around
25 and he like was walking back towards the officer.

1 **Q** What was your opinion of why he was
2 walking towards the officer?

3 **A** Like as if he was surrendering, and that
4 first shot, I guess, he noticed he was shot. So he
5 was surrendering hisself like, I give up. Like,
6 what did I do?

7 **Q** Did it look like he was falling into the
8 officer's body or something?

9 **A** No, it was like as if he was walking back
10 towards him. He was going back towards him, that's
11 when the police started letting off the shots.

12 **Q** Now, did you take any video or pictures of
13 the shooting?

14 **A** No, I didn't. I didn't get none of that
15 at all.

16 **Q** Did you get anything like after the
17 shooting?

18 **A** I got after the shooting, it's not much,
19 but I got some of it.

20 **Q** What did you do with that video, was it
21 video or pictures?

22 **A** I got videos on my phone.

23 **Q** Do you have it with you?

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

25 **Q** Just hold tight, we will have to deal with

1 that later. Did you turn that over to the police?

2 **A** To the FBI.

3 **Q** The FBI have it?

4 **A** Yes.

5 **Q** Okay. That's what I need to know.

6 Do you know ?

7 **A** No.

8 **Q** Okay. Do you remember when you talked to
9 the FBI at the house, I guess it was in Canfield
10 Green?

11 **A** Uh-huh.

12 **Q** Whose house were you at when you were
13 talking to them?

14 **A** I was at my friend's house.

15 **Q** What is her name?

16 **A** No, that was a guy.

17 **Q** What's his name?

18 **A** .

19 MS. ALIZADEH: I'm sorry, what's his name?

20 **A** .

21 MS. ALIZADEH: ?

22 **A** Uh-huh.

23 **Q** (By Ms. Whirley) And he lived at Canfield?

24 **A** Yes.

25 **Q** Where was that apartment at that

1 lived at?

2 **A** Uh, this one right here. (indicating)

3 **Q** Is that

4 **A** Yeah.

5 **Q** Now, in the statement , so it could
6 have been ?

7 **A** I was at the house next to it.

8 **Q** who you were visiting?

9 **A** Yes, he was at work at the time. So I
10 stepped over here to a house next door.

11 **Q** At , not that you had to go?

12 MS. ALIZADEH: Sheila.

13 MS. WHIRLEY: How did you happen to go.

14 MS. ALIZADEH: It says we are at apartment
15 and then the person says .

16 MS. WHIRLEY: Okay. Thank you for that
17 correction. So you were right, is where you
18 were?

19 **A** Uh-huh.

20 **Q** (By Ms. Whirley) So what was , is that
21 where lives?

22 **A** Yes, he stay in , I was at .

23 **Q** How did you get to ?

24 **A** I was standing outside and I was talking
25 to the people the night before, I was talking to

1 them.

2 **Q** Okay.

3 **A** And the agent, all of them pulled up. It
4 was a burden on my chest just to know that it
5 happened like that and I felt like I should say
6 something, just give my opinions because I was
7 there.

8 **Q** Okay.

9 **A** So I just went on and I told them I seen a
10 little bit and I went on in and told them what I
11 saw.

12 **Q** Okay. You didn't know the people that
13 were at who lived there?

14 **A** No.

15 **Q** Because there was a few people there, they
16 were all talking?

17 **A** Yeah, they was talking. I don't know them
18 like that so, like I said, that was my friend's
19 house. Basically I can come over there and talk to
20 them in there.

21 **Q** You didn't know

22 **A** No.

23 **Q** Did anybody ever there show you a video of
24 the shooting?

25 **A** No.

1 **Q** Okay. Or say they had a video that you
2 know of?

3 **A** No.

4 **Q** All right. Now, you said you wanted to
5 say something because of the way it happened?

6 **A** Yes.

7 **Q** Well, tell us what you mean by that?

8 **A** I mean, I just fell like, I mean, he
9 didn't do anything wrong. I mean, from him walking
10 from the store or anything, or whatever, to the
11 place out in the street or what the police did, I
12 didn't know. But I just felt like it was wrong, why
13 would you shoot an unarmed child with his hands up.

14 **Q** And the part you did actually see some
15 kind of scuffle at the car or you said the officer
16 snatched him at the car or grabbed him?

17 **A** Grabbed him by his shirt.

18 **Q** You didn't see Michael Brown start any
19 type of physical skirmish or anything?

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

21 **Q** You saw it from the very beginnings?

22 **A** From the very beginning, I was talking on
23 the phone. We was all out there just talking like I
24 said the police was riding down the street, they was
25 walking in the middle of the street, pulled up and

1 said something and he pulled back and that's when he
2 went to grab him by his shoulder.

3 **Q** Now, let's go back to when Michael Brown
4 turned around, had his hands up as you tell us, and
5 he was shot at least five or six times as he was
6 walking towards the officer. And did you see him
7 hit the ground?

8 **A** When he hit the ground, he fell hands up
9 and that's how he was laying.

10 **Q** Did he fall, how did he fall?

11 **A** He fell, like fell down like on his knees
12 and he just fell.

13 **Q** Did he go down on his knees for a minute
14 first, or how did he do?

15 **A** He dropped down and he fell.

16 **Q** Where did he land?

17 **A** In the middle of Canfield, like right up
18 in there. (indicating)

19 **Q** And was he, face on the beyond?

20 **A** Face on the ground.

21 **Q** All right. And what did the officer do
22 once he fell?

23 **A** I seen an officer walk over, check his
24 pulse, stand up, and he walked away.

25 **Q** What officer was that that checked his

1 pulse?

2 **A** I don't have the slightest idea, I don't
3 know.

4 **Q** Was it the officer that did the shooting?

5 **A** I don't know.

6 **Q** You're not sure?

7 **A** Not sure.

8 **Q** Initially you thought it was?

9 **A** I thought it was.

10 **Q** Why did you decide it may not have been?

11 **A** Because the picture of the police, didn't
12 look like the picture of the man who checked his
13 pulse.

14 **Q** What picture now?

15 **A** On the news, that didn't look like Darren
16 Wilson who took the pulse.

17 **Q** You said you didn't see the other guy who
18 was riding with him?

19 **A** No.

20 **Q** Now, on one part of your statement, let's
21 see, it is on page 17, have you ever looked at your
22 statement?

23 **A** Huh-uh.

24 **Q** We can let you if you need to, but I just
25 had a question about, um, you said that before, on

1 page 17 at the top, before the first shot, you talk
2 about slamming his hand and like I said once, I
3 guess once he flung his hand, that's when the first
4 shot rung off and it hit him. What did you mean by
5 slam his hand?

6 **A** I guess when he grabbed him by his shirt,
7 you know, reaction from a person grabbing your
8 shirt, you are going to initially grab his hand to
9 try to snatch it away or smack his hand away.

10 **Q** You talking about Mike Brown slamming the
11 officer's hand away?

12 **A** Yeah.

13 **Q** Did you see Mike Brown strike the officer?

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

15 **Q** And once Mike Brown is down on the ground,
16 did the officer shoot any more?

17 **A** Somehow, all I know, I didn't know if he
18 got in the head. We notice there was a blood trail
19 coming from his head as he was laying on the street.

20 **Q** Okay. But my question is, you saw him hit
21 the ground?

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

23 **Q** Did the officer shoot any more?

24 **A** No, ma'am, I don't think he shot any more
25 after he hit the ground.

1 **Q** You didn't hear any more shots after he
2 hit the ground?

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

4 **Q** What did the officer do when he hit the
5 ground, do you recall?

6 **A** Nothing.

7 **Q** Okay. Was there any point that you
8 thought maybe when you first talked to the FBI
9 agents that the officer shot him while he was on the
10 ground?

11 **A** It could have happened that way like once
12 he fell.

13 **Q** Did you ever think that?

14 **A** Yes, I did.

15 **Q** Tell us why, tell us a little bit more
16 like that?

17 **A** There was too many shots. After a certain
18 many shots he fell. And I guess he was going to
19 make sure, I didn't know if he was absolutely there,
20 I don't know. It is how it happened.

21 **Q** But it seemed to you he was still shooting
22 at him once he fell?

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

24 **Q** Does it seem that way today?

25 **A** Yeah.

1 **Q** Okay. But you didn't see it?

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

3 **Q** You just assume it?

4 **A** I mean, I saw it.

5 **Q** I know, don't be nervous.

6 **A** It's crazy.

7 **Q** Try not to be.

8 **A** I think he did, I think he did shoot him
9 once while he's down on his knees.

10 **Q** But you're not sure?

11 **A** No, I'm not.

12 **Q** Was he on his knees for a minute?

13 **A** No, like once he fell, as he was shooting,
14 he was falling and.

15 **Q** So he wasn't like on his knees and the
16 officer was shooting him?

17 **A** Like um, um, um, he could have been
18 shooting him as he was going down, yes, ma'am.

19 **Q** But you didn't see him stand over him once
20 he is down?

21 **A** No.

22 **Q** You're sure of that?

23 **A** Yes, I'm positive.

24 **Q** Now, why did you think you needed to come
25 forward, you said you didn't like that, what are

1 your thoughts about that, did you feel that the
2 officer was being threatened by Mike Brown?

3 **A** He could have.

4 **Q** What are your thoughts on that in viewing
5 what you saw?

6 **A** I can't say on behalf of the police if he
7 felt threatened, he could have cause he was a big
8 guy. I thought he was a grown man when I saw him.

9 **Q** Okay.

10 **A** He could have felt threatened because of
11 his height and his weight. He could have felt
12 threaten by him.

13 **Q** I guess I should have asked that a little
14 differently. Did it appear to you that Mike Brown
15 was threatening him?

16 **A** No, it didn't seem like that at all. They
17 wasn't causing no trouble at all period. They was
18 like walking.

19 **Q** And why did you want to come forward and
20 tell what happened?

21 **A** Because it was wrong.

22 **Q** What was wrong?

23 **A** For the police to shoot him like that
24 numerous times. After the first shot, I mean, after
25 the first shot that should been enough if he's

1 surrendering with his arms up and not making no type
2 of movement saying that he had a weapon or anything,
3 I felt that was wrong.

4 **Q** So that from what you could see, there was
5 another officer to assist him in the car?

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

7 **Q** You actually saw another officer?

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

9 MS. WHIRLEY: I don't think I have
10 anything else. Kathi?

11 **Q** (By Ms. Alizadeh) Okay. Ma'am, I'm going
12 to ask you some more questions and they might seem
13 kind of tough questions, okay?

14 **A** Okay.

15 **Q** One thing we need to slow this down. That
16 means when I speak and answer a question, try to
17 wait until I'm finished with the question before you
18 answer.

19 **A** Okay.

20 **Q** It helps them to follow what's going on
21 and it certainly helps the court reporter because
22 his fingers are on fire right now trying to keep up
23 with this, okay.

24 And I might slow you down
25 occasionally.

1 **A** Okay.

2 **Q** I'm going to ask you a question. I don't
3 ask you this to embarrass you in any way. Do you
4 take any medication?

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

6 **Q** Okay. Is there anything that you are
7 supposed to be taking medication for?

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

9 **Q** Okay. So I see you raise your eyebrows.
10 I'm just asking because kind of ADHD and
11 sometimes he talks very fast and I didn't know if
12 anybody ever told you that?

13 **A** Huh-uh.

14 **Q** You're a fast talker.

15 **A** Yes, I am.

16 **Q** Okay. So let me back up, see if I can
17 understand. When you say that you were going into
18 the complex, I'm not sure if I understood the reason
19 that you were going in there.

20 You said you were coming back from
21 the store?

22 **A** I have a friend who stays right next door
23 to the apartment who I was, , he stays
24 in that apartment where I was going to visit.

25 **Q** Okay. Were you specifically going to

1 visit him or were you cutting through to go back to
2 your place and you were going to stop?

3 **A** It was a little bit of both.

4 **Q** And correct me if I'm wrong. I think you
5 said that it is not unusual for you to go through
6 Canfield to get to where you live, can you get to
7 where you live by going through Canfield?

8 **A** Uh-huh.

9 **Q** Okay. So when you were going through that
10 that day, were you going home, or were you going
11 through there to stop and visit your friend?

12 **A** I was going home, but just by me going
13 through, I was just generally just stopping to see a
14 friend.

15 **Q** Okay. And we know it was a beautiful
16 Saturday day?

17 **A** Uh-huh.

18 **Q** Do you know other people in the complex?

19 **A** No, I mean, I know just because I've been
20 over there with my friend. So, I mean, I just stop.
21 I saw them when my friend wasn't at home, saw them
22 and just generally speaking.

23 **Q** So your friend, I think ,
24 you've been inside his apartment before?

25 **A** Uh-huh.

1 **Q** How about anybody else that lives in
2 Canfield, have you ever been inside anyone else's
3 apartment?

4 **A** No.

5 **Q** The other people you met in Canfield was
6 kind of in passing by?

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

8 **Q** And so on that day, you said you were
9 coming this direction?

10 **A** No, I was coming.

11 **Q** Oh, okay, I'm confused. You are coming
12 from this direction?

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

14 **Q** And you turn onto Coppercreek Court?

15 **A** Yes. It is a lot like right here. I was
16 on the back lot. I pulled directly in front on the
17 lot in the back, back by the dumpster.

18 **Q** You are in the lot that's on Canfield
19 Court?

20 **A** Yes.

21 **Q** You were going to go visit this person
22 at --

23 **A** Yes.

24 **Q** -- at ?

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

1 **Q** And is there, just out of curiosity, a
2 reason you didn't go and park closer to his
3 apartment?

4 **A** Like I say, it was neighbors standing out
5 right there and I stopped right there.

6 **Q** Okay. Who was standing out?

7 **A** His name is and I want to say
8 , I call her .

9 **Q** You saw a man named , you
10 call him ?

11 **A** Uh-huh.

12 **Q** And a woman named ?

13 **A** Uh-huh.

14 **Q** So when you pulled up into the parking
15 lot, were they outside?

16 **A** Yes, they were.

17 **Q** Were they on the ground or were they like
18 on a balcony?

19 **A** On a balcony.

20 **Q** Okay. Do you know what building number
21 where they were on the balcony?

22 **A** Uh, stayed in the next apartment on
23 the other side, on this side on the second floor and
24 he was up on the balcony.

25 **Q** Okay. So was on the balcony on the

1 second floor on , did you point right there?

2 **A** Not the apartment where I was standing at,
3 on the other side. I don't know quite what that
4 address is on the other side.

5 **Q** Just where I'm pointing, is that where you
6 had the laser pointer right here, he was on the
7 balcony?

8 **A** Yes, on the second floor.

9 **Q** On the second floor. And your friend
10 lives?

11 **A** Yes, over there on that side.

12 **Q** Did you get out of your car?

13 **A** Yeah, and walked right over toward
14 thing, and we was all standing right
15 there by the dumpster. Well, was
16 standing over there by the dumpster.

17 **Q** Okay. There's a dumpster here?

18 **A** Uh-huh.

19 **Q** That's in the parking lot of Coppercreek
20 Court?

21 **A** And my car was parked right there.
22 (indicating)

23 **Q** Hang on, let me finish. And there's a
24 dumpster here that's in the parking lot of Canfield
25 Court?

1 **A** Uh-huh.

2 **Q** Which dumpster was standing by?

3 **A** The one right there on Coppercreek.

4 **Q** The one on Coppercreek Court?

5 **A** (Nods head.)

6 **Q** Do you know was she standing, if this is
7 south, okay. Was she on the south side of the
8 dumpster, on the north side of the dumpster, was she
9 in the parking lot or was she behind?

10 **A** Parking lot.

11 **Q** In the parking lot. And was on his
12 balcony?

13 **A** Balcony.

14 **Q** So point to the map where you parked your
15 car?

16 **A** Like right up in here. (indicating)

17 **Q** Okay. And when you walked, where did you
18 walk to?

19 **A** I walked over to the balcony, got a
20 cigarette from , and then I walked over there to
21 talk to .

22 **Q** Okay. When you got the cigarette from
23 , did come down off the balcony?

24 **A** Not just yet, he didn't come down until
25 the commotion started.

1 **Q** Okay. Let's get to that in a minute.

2 **A** Okay.

3 **Q** But when he, so did he toss a cigarette to
4 you?

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

6 **Q** Or did you go up?

7 **A** No, he tossed it down to me.

8 **Q** Okay. So you know him well enough, hi
9 can I have a cigarette?

10 **A** Yeah.

11 **Q** All right. So when you say, after you got
12 the cigarette, you walk down here?

13 **A** Uh-huh, because I was talking to

14 .

15 **Q** You call her

16 **A** Uh-huh.

17 **Q** You said you saw, at some point, maybe I'm
18 confused, when you first saw the boys, which
19 direction were they walking?

20 **A** They was walking towards West Florissant.
21 There was a lot right up here, this is a grass area.

22 **Q** Yes.

23 **A** They walked from somewhere up in this
24 area, they walked across the lot and go down
25 Canfield.

1 **Q** Okay. When the officer's car pulled up
2 and confronted the boys, is that as they were
3 walking this direction down Canfield?

4 **A** No, they was coming back.

5 **Q** Okay. That is what I was confused about.
6 So you're standing there talking to ,
7 smoking a cigarette and how long were you there
8 before you saw those boys again?

9 **A** Maybe 20, 25 minutes.

10 **Q** Just standing in the parking lot talking?

11 **A** We was just standing there talking.

12 **Q** Did you see any other people around this
13 area?

14 **A** It was some people standing out like by
15 the Canfield Court. I mean, there was lot of people
16 standing, I mean there was people standing in the
17 Canfield Court area. There was some people outside.

18 **Q** Did you ever see anybody that looked like
19 they were working on buildings or working on things?

20 **A** Some construction workers?

21 **Q** Yes.

22 **A** Yes.

23 **Q** Where were they?

24 **A** They was like, they was like on Canfield,
25 like back up in the this area by Canfield Court.

1 (indicating)

2 Q So you got the laser pointer on a grassy
3 patch between the sidewalk that's on the north side
4 of Canfield Drive and the actual street?

5 A Yeah.

6 Q In between Coppercreek Court and Canfield
7 Court. So what were they doing in this area?

8 A Can't say what they was doing, probably
9 working on some sewer lines.

10 Q So were they like digging or could you
11 tell?

12 A I want to say they was digging. They was
13 doing a lot of digging around there, so I say they
14 was digging.

15 Q Okay. Now remember when we talked before
16 we came in here, I don't want you to guess at
17 things. So remember I said if, I really don't know
18 is the right answer, that I'd rather have you say
19 that.

20 A Okay. I don't know.

21 Q Okay. Did you stay here with
22 the entire 30 minutes from the time the boys left to
23 when they came back?

24 A Yeah.

25 Q was still there when the boys

1 came back. So was she standing there at the
2 dumpster when the whole thing with the police car
3 happened at the police car?

4 **A** Yeah.

5 **Q** You mention that eventually came down
6 when the commotion started.

7 **A** He sat on his balcony so, when the police
8 did all the shooting, that's when he came down. He
9 knew I forgot to call the ambulance and stuff like
10 that.

11 **Q** Were you still standing, and I've got the
12 end of my pen here where that dumpster is on
13 Coppercreek Court, there's a little, looks like
14 painted lines in a little box so people don't park
15 in front of it, would that be fair to say?

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

17 **Q** Were you like in that box?

18 **A** I was somewhere up in there.

19 **Q** Somewhere up in there. And so you saw a
20 police vehicle coming westbound on Canfield Drive?

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

22 **Q** At this point did you see the boys walking
23 back?

24 **A** Well, not at that time, but when they got
25 closer up toward this apartment building, that's

1 when I saw them, like right up in here.

2 (indicating)

3 **Q** Now, let me ask you, ma'am, because if the
4 initial encounter at the vehicle, after the vehicle
5 backed up and the shooting occurred, did you ever
6 see that vehicle move again?

7 **A** No.

8 **Q** And so if I were to tell you that vehicle
9 was photographed by crime scene detectives right
10 around in this area, would that be about your
11 recollection?

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

13 **Q** Can I ask you, ma'am, how it is if you are
14 at this dumpster, you can possibly see what's going
15 on at the police car because wouldn't this building
16 obstruct your view?

17 **A** No.

18 **Q** So you're saying if you stand at this
19 dumpster, I'm going to use a piece of paper as like
20 a straight edge.

21 **A** Uh-huh.

22 **Q** We all know people can't see around
23 corners, right?

24 **A** (Nods head.)

25 **Q** And so if the police vehicle was somewhere

1 around here and you are at that dumpster, do you see
2 that the line of sight for that area goes through
3 this building, doesn't it?

4 **A** Yes.

5 **Q** So can you explain to me how it is that
6 you can stand there and see what happens at that
7 police car?

8 **A** I mean, I saw. Cause it is like two
9 dumpsters on Canfield, on Coppercreek.

10 **Q** Okay.

11 **A** But it might be the second one, but it is
12 more like there is one right there closer toward the
13 street. I was closer toward the street.

14 **Q** So you think that you were closer toward
15 Canfield Drive?

16 **A** Yes, I was. The dumpster right there up
17 there by the apartment and then dumpster right down
18 here.

19 **Q** Despite the fact that you just for the
20 last 15 minutes or longer, when Sheila was
21 questioning you too.

22 **A** Uh-huh.

23 **Q** You put yourself here? (indicating)

24 **A** I mean, there's the dumpster that I see.
25 I mean, there is two dumpsters, so it can be either

1 one.

2 **Q** Okay. Do you believe that there's two
3 dumpsters there today?

4 **A** I mean, the one dumpster up there by the
5 apartment and the one down here closer to Canfield.

6 **Q** So you think there is another dumpster
7 that's in this parking lot that's closer to
8 Canfield?

9 **A** Yes.

10 **Q** Because I'm confused.

11 **A** Okay.

12 **Q** And I'm not trying to put you on the spot.

13 **A** No.

14 **Q** You remember I said we have got to ask
15 tough questions.

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

17 **Q** And remember I said at some point you say
18 you know what, maybe I really didn't see that. If
19 that's the true answer, that's what we want today,
20 okay?

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

22 **Q** And if you say absolutely not, I know I
23 saw it. If that's the true answer, that what I want
24 you to say, okay?

25 **A** Uh-huh.

1 **Q** But based upon what you're telling me
2 earlier, do you understand how it would be very
3 difficult for me to believe that you could see that
4 vehicle if you were at that dumpster and the police
5 car were here? (indicating)

6 **A** Uh-huh.

7 **Q** So now you're saying you were closer to
8 the street. Were you in the parking lot or on the
9 grass?

10 **A** I was on the parking lot.

11 **Q** Was with you at that location
12 or was she farther up the parking lot?

13 **A** She was like right there in the same area
14 where I was at.

15 **Q** She was next to you?

16 **A** Uh-huh.

17 **Q** Were you having a conversation?

18 **A** We was all having a conversation.

19 **Q** Okay, all right. I have to use my glasses
20 to read what I write, okay. Now, you said that when
21 the officer was driving west on Canfield, you see
22 him stop and talk to the boys?

23 **A** He said something.

24 **Q** And you hear --

25 **A** And then he pulled off.

1 **Q** But you said you heard the other boy?

2 **A** I didn't say, he said it loud enough to
3 where I don't say that far.

4 **Q** And then there was, did you see any
5 confrontation right then?

6 **A** No, the police pulled off.

7 **Q** Were the boys at the driver's window at
8 that moment?

9 **A** They was in the middle of the street.

10 **Q** I know you've said there were two
11 policeman in the car, were they at the driver's side
12 talking through the driver's window or were they on
13 the passenger side?

14 **A** They was on each side, one was on one
15 side.

16 **Q** Which one was on what side?

17 **A** Dorian was on, he was on the sidewalk
18 part, closer by the sidewalk, and Mike Brown was
19 like in the middle of the street like crossing over.

20 **Q** And then you said the officer pulled
21 forward, did the boys keep walking?

22 **A** They kept walking like as if they was
23 coming back towards where they was coming from, back
24 towards this way. (indicating)

25 **Q** All right. And how far did the officer

1 get toward West Florissant before he backed up?

2 **A** They wasn't down there this way.

3 **Q** No, no, I meant toward.

4 **A** They didn't go far at all.

5 **Q** Would it have been more than two car
6 lengths?

7 **A** Maybe, I would say.

8 **Q** And then you said he backed up, quickly or
9 normal?

10 **A** Normal.

11 **Q** All right. So you didn't hear any tires
12 squealing?

13 **A** No.

14 **Q** And then when he backed up, I'm so sorry
15 because I get confused with what everybody else has
16 said and I've listened to so many statements.

17 **A** That's fine.

18 **Q** If my pen is the police car and this is
19 obviously way bigger on the map, when somebody is
20 driving down the street, they drive in a lane and
21 they drive straight, correct?

22 **A** Uh-huh.

23 **Q** So when the officer backed up, did he back
24 straight?

25 **A** Backed straight.

1 **Q** He didn't angle his car in any way?

2 **A** (Shakes head.)

3 **Q** You are shaking your head no.

4 **A** No.

5 **Q** He didn't angle his car?

6 **A** No.

7 **Q** If I tell you that there is photos of that
8 vehicle after the fact where that vehicle is
9 actually angled in the middle of the street, you
10 don't recall that?

11 **A** No.

12 **Q** And when he backed up, and the boys now,
13 are they both on the driver's side when he backs up?

14 **A** No.

15 **Q** Still Dorian is on the passenger side?

16 **A** On the passenger side.

17 **Q** And Michael Brown --

18 **A** Is on the driver's side.

19 **Q** And then if you were in this position now,
20 or somewhere on this parking lot farther south than
21 the dumpster, than this dumpster that we have been
22 talking about.

23 If the officer's car is right around
24 in this area and Michael Brown was in the window.
25 If that car was angled, wouldn't you agree with me

1 that the car would be between you and Michael Brown?

2 **A** Yes.

3 **Q** And when you were at this location and
4 looking at the vehicle when Michael Brown was at the
5 driver's door, was the car in between Michael Brown
6 and you, the police car, yes?

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

8 **Q** Okay. So the car is blocking part of your
9 view?

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

11 **Q** And wouldn't you agree with me, now
12 Michael Brown we know that he was 6'5", right, and I
13 would imagine --

14 **A** I thought he was an adult, I didn't know
15 he was no child.

16 **Q** I would imagine if he was standing there.
17 He's probably taller than the car, would you think
18 maybe he was?

19 **A** Yeah.

20 **Q** When he was standing at the driver's
21 window of the car, could you see the top of his head
22 or any part of his head over the roof of the car?

23 **A** I'm not sure.

24 **Q** You're not sure?

25 **A** Yes.

1 **Q** That is the correct answer if you are not
2 sure, okay?

3 **A** Yeah, I'm not sure.

4 **Q** And so you said you saw the officer's arm
5 come out of the window and grab him by the shirt
6 collar. Let me ask you this. If the vehicle is in
7 between Michael Brown and you, are you looking
8 through the vehicle to see that?

9 **A** Yes.

10 **Q** Okay. So is the passenger window of the
11 vehicle open?

12 **A** Yes.

13 **Q** You remember the passenger window was
14 down, and obviously, if the officer puts his hand
15 through the driver's side window, we know that
16 window was down?

17 **A** Yes.

18 **Q** Okay. So you're saying that you could see
19 through those windows, and you saw the officer grab
20 Michael Brown by the shirt collar?

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

22 **Q** Okay. So you're actually looking into the
23 car, if you are seeing through those windows, you
24 have to see into the car, right?

25 **A** (Nods head.)

1 **Q** And then you would see the front portion
2 of Michael Brown's body?

3 **A** Yeah.

4 **Q** And so if Michael Brown, I mean, if his
5 hands were up, at or near or inside that vehicle --

6 **A** His hands were not in the vehicle at all.

7 **Q** Okay. Do you remember saying before that
8 you couldn't really see either of their hands as far
9 as what their hands were doing?

10 **A** I know when he grabbed him by his shirt.

11 **Q** Right.

12 **A** I seen him when he went to go and like
13 knock his hands back. And that's when the first
14 shot was fired.

15 **Q** Well, you've said in your other statement
16 that when you talk about the officer putting his
17 hand out of the car, you say he pulled out and
18 grabbed him. This is difficult for me to do because
19 you guys talk over each other in these statements
20 and so I'm going to do my best and I'm going to show
21 you this so it will be easier for you to follow
22 along.

23 On page 11. So you're in this
24 conversation and SA, that's special agent, so that's
25 the FBI guy. So you were talking about, you know,

1 that the officer hadn't got out of the car, but I
2 mean was that, you said he pulled and then you said
3 he pulled.

4 And then the officer says, reach out
5 of the car? And you say, he pulled out and grabbed
6 him.

7 You mean the officer reached out and
8 grabbed Michael Brown, is that what you mean?

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

10 **Q** He had already, he had his hand on his
11 gun?

12 **A** Yeah, I mean, for him to shoot while he
13 was sitting in his car.

14 **Q** Did you see that?

15 **A** No, I heard the pop.

16 **Q** My question is, did you see that the
17 officer had his hand on the officer's gun?

18 **A** Did I see?

19 **Q** Remember, I said don't guess at things.

20 **A** No.

21 **Q** Okay. When you were looking through the
22 vehicle?

23 **A** I didn't see the officer have his hand on
24 no gun.

25 **Q** Did you ever see the gun until the officer

1 got out of the car?

2 **A** I heard the pop, that's what I heard. I
3 heard the shot, I didn't see the gun, I heard the
4 shot.

5 **Q** Okay.

6 **A** And I didn't know that the cop went out of
7 his car.

8 **Q** Okay. And you understand that it is those
9 little details that matter?

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

11 **Q** And you say evidently he already had his
12 hand on the gun, I was gathering by his word
13 evidently, that you were guessing at that?

14 **A** No, I was saying, what I was saying was
15 that evidently he had to have his hand on the gun in
16 order for him to shoot first cause he never had got
17 out of the car.

18 **Q** Okay. You're just guessing at that,
19 right?

20 **A** (Nods head.)

21 **Q** Is that right?

22 **A** Yeah.

23 **Q** Okay. And from your vantage point, you
24 never saw the gun in the officer's hand while the
25 officer was in the car?

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

2 **Q** And so would it be safe to say that if the
3 officer had his gun in his hand, and if Michael
4 Brown had his hand on the officer's gun, you
5 couldn't see that either, is that fair to say?

6 **A** Yes.

7 **Q** Okay. Now, you testified today that when
8 Michael Brown turned around and he had his hands up,
9 I don't want to frustrate you, do you want some
10 water or anything?

11 **A** I'm fine.

12 **Q** And when he turns around with his hands up
13 you said that, I'm not sure how sure you were to
14 date on this because you said I think so and then
15 you said yes. You said that you heard Mike Brown
16 say, I give up.

17 **A** He did.

18 **Q** And then you also said you never heard the
19 officer saying anything?

20 **A** He didn't.

21 **Q** Okay. And I'm going to ask you again in
22 your first statement to the police, and this was on
23 August 16th, this happened on August 16th, would
24 have been the next Saturday when you are talking to
25 the officers on page 17. And the officer, and

1 you're and this is the special agent. And
2 you say, and that's when he turned around and he was
3 going back toward the police, defend, to give up.
4 And the officer asked, could you hear what was being
5 said.

6 And then another officer said do, and
7 then you said, no, I could not but I --

8 And then the agent says, can't hear
9 anybody yelling back and --

10 **A** I said no.

11 **Q** And you said no. Back on the 16th you
12 didn't hear anybody say anything?

13 **A** No. Like I said, when the first shot went
14 off, I know I heard him turn around and say, I give
15 up. Now, as far as him, I say him defending
16 himself, I meant to say he was surrendering himself.

17 **Q** Okay. I'm sorry, I started before you
18 finished.

19 **A** No, I was just saying that he was going
20 back to surrender himself. Like I say when he went
21 back and he turned around, his hands was up.

22 **Q** Okay.

23 **A** He never reached down or like if he had
24 anything or any type of weapon on him or anything.

25 **Q** Okay. I think you clarified that with

1 Sheila that you didn't mean --

2 **A** Right, I really didn't mean to say defend
3 hisself.

4 **Q** My question has to do with the fact that
5 today you testified that you heard Michael Brown say
6 I give up?

7 **A** He did say I give up.

8 **Q** But back on the 16th, a week after this
9 happened, you said you didn't hear either of them
10 say anything back and forth, back and forth?

11 **A** No, I didn't mean that.

12 **Q** Okay. Do you think it's possible, have
13 you talked to a lot of people since this has
14 happened about what you saw?

15 **A** No.

16 **Q** You're friends with _____, right?

17 **A** Uh-huh.

18 **Q** And she was there?

19 **A** She was there. She's just a neighbor and
20 she talks to everyone.

21 **Q** Yeah, I know, I've met her. So I'm asking
22 you since this happened this is a big deal.

23 **A** Yeah, it is, it is a very big deal.

24 **Q** You saw something and I know we already
25 talked about this, you wish you weren't there. You

1 were in the wrong place at the wrong time. And
2 there were a lot of people that wish they weren't
3 there to see that. And you people that were witness
4 to this share some special bond, I think, because
5 you were the ones who saw this. And I would think
6 it would be a natural thing to want to talk to the
7 other people because you have this, you know,
8 affinity with them. I saw it too, you have an
9 ability to kind of relate to each other. You don't
10 talk to people about this? You are shaking your
11 head no?

12 **A** No, I don't.

13 **Q** How about , did see it?

14 **A** He was on his balcony.

15 **Q** And did you ever talk to since
16 then about what he saw?

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

18 **Q** All right. Do you watch any of the news
19 accounts about this?

20 **A** I try not to even look at it no more.

21 **Q** Okay.

22 **A** I saw enough.

23 **Q** After it first happened, did you watch
24 some of the news?

25 **A** No.

1 **Q** Okay.

2 **A** Only thing I saw on the news is when they
3 brought up the video saying he's at the store.
4 That's the only thing I saw. After that, I never
5 paid attention to it.

6 **Q** Have you joined in any of the activities
7 about, you know, whether it be to demonstrate or to
8 help raise money?

9 **A** (Shakes head.)

10 **Q** No?

11 **A** No.

12 **Q** Let me ask you this, you testified today,
13 you didn't actually come forward, you actually were
14 there, the police came, the FBI came and went to the
15 apartment, correct?

16 **A** Yes.

17 **Q** So you didn't come forward, but when they
18 were there, you told them what you saw?

19 **A** That's right.

20 **Q** You said it was somebody that encouraged
21 you to tell what happened?

22 **A** I mean, at first I wasn't going to say
23 anything, but it was a burden on me.

24 **Q** Uh-huh. I'm glad you did. But let me ask
25 you this. I know that you were interviewed today

1 and you were interviewed by a woman named ,
2 do you remember?

3 **A** Uh-huh.

4 **Q** There was a man named there,
5 do you remember him?

6 **A** Yes.

7 **Q** And when they talked to you today --

8 **A** I didn't talk to no man today.

9 **Q** Okay.

10 **A** It was three women.

11 **Q** Two female FBI agents?

12 **A** Yeah.

13 **Q** Do you --

14 **A** It was three, it was a prosecutor and I
15 want to say maybe two.

16 **Q** Okay. When you talked to them today, did
17 you tell them that one of the reasons why you're
18 coming forward and telling what you saw is because
19 you empathized with Michael Brown's mother?

20 **A** (Shakes head.)

21 **Q** You are shaking your head yes?

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

23 **Q** So what does that mean?

24 **A** Because she's hurting, she lost a child.

25 **Q** Yes.

1 **A** I lost a brother, so.

2 **Q** So you know what it is like to lose
3 somebody. Did you lose your brother to violence?

4 **A** Two.

5 **Q** You are shaking your head yes?

6 **A** Yes, I did.

7 **Q** And that's a painful thing to have to live
8 through, I understand.

9 That's one of the reasons why you
10 wanted to help Michael Brown's family. And you are
11 shaking your head yes?

12 **A** (Shakes head.)

13 **Q** You need a minute? You want some water?

14 **A** (Shakes head) No.

15 **Q** Ma'am, I'm not saying that that's a bad
16 thing, okay. I think that that is totally
17 understandable because again, you share something
18 with them in a sense that you have a similar
19 experience. And you know what it feels like, it
20 would be normal to want to help bring them comfort
21 or closure, okay?

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

23 **Q** Do you know Michael Brown's mother?

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

25 **Q** Have you ever spoken to her?

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

2 **Q** Have you ever spoken with anyone from his
3 family?

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

5 **Q** How about attorneys that represent his
6 family?

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

8 **Q** Other than the FBI agents that have
9 interviewed you now twice and coming in here and
10 talking to the grand jurors.

11 **A** This is it.

12 **Q** And finally, I want to clarify when you
13 said that you saw Michael Brown, the final shots,
14 okay. And Sheila asked you about did you see the
15 officer stand over him and shoot him. I'm not
16 really sure because in a way you said, it seems like
17 it happened that way, or something to that effect?

18 **A** It might as well.

19 **Q** It might as well. But you were there to
20 see it, right?

21 **A** I mean, he was like at the back of the
22 SUV. Mike Brown was going toward him and he was
23 just shooting at him like as he was walking toward
24 them, he's shooting and he's falling down face first
25 with his hands up.

1 **Q** So when he was on the pavement, were his
2 hands still in that position?

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

4 **Q** Okay. And you saw his body on the
5 pavement?

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

7 **Q** Did you stay at the scene for any amount
8 of time afterwards?

9 **A** I had stayed there until the whole thing
10 was over because I couldn't go nowhere.

11 **Q** Because your car was --

12 **A** My car was trapped in.

13 **Q** Okay. Did you stay down on Canfield
14 during that when the crowd started gathering?

15 **A** I moved further back away from it.

16 **Q** So you moved away from the body?

17 **A** (Shakes head.)

18 **Q** You are shaking your head yes?

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

20 **Q** What I'm trying to clarify is, I want to
21 make sure we're getting what you saw and not what
22 you think happened.

23 So even though you say it might as
24 well have happened that way, but you didn't see the
25 officer stand --

1 **A** No, he didn't stand over him. He was
2 shooting as he was walking towards him. And as he
3 was walking towards the guy, he fell down and the
4 last shot. He didn't stand over him like as if he
5 walked over to him and stood over him, no, he
6 didn't.

7 **Q** Okay. You could see the officer as he was
8 firing those last shots?

9 **A** He was standing right there in the middle
10 of the street.

11 **Q** So you could see. You said that somebody
12 walked over and checked the pulse of Michael Brown?

13 **A** The officer, yes, he did.

14 **Q** If you see this officer, was it the
15 officer that you saw shooting that walked over?

16 **A** No, I don't know. It could have been a
17 different policeman.

18 **Q** Okay. Was it, was the scene taped off
19 when the officer checked his pulse?

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

21 **Q** Okay. And I really appreciate your coming
22 in.

23 **A** No problem.

24 **Q** I'm very sorry I upset you.

25 **A** You didn't upset me.

1 MS. ALIZADEH: I don't want to bring up
2 your bad memories, but I appreciate you sharing them
3 with us, okay. Thank you.

4 MS. WHIRLEY: I just have one thing for
5 clarification. When you talked about you were asked
6 that you wanted to help Michael Brown's family, I
7 wasn't watching. I think you shook your head yes.
8 How do you want to help them, I'm not clear on that?

9 **A** As far as bringing, bringing the truth out
10 of what really happened. I mean, I didn't feel like
11 he did anything wrong. He didn't make no --

12 MS. WHIRLEY: You are telling this grand
13 jury that you absolutely saw what you told us here
14 today?

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

16 MS. WHIRLEY: You're not making up
17 anything to help his family?

18 **A** No, ma'am, not at all.

19 MS. WHIRLEY: Are you making it worse than
20 what it really was?

21 **A** I'm going off on what I saw and it just,
22 it's just got to be right. Wrong, everything is
23 just wrong. He didn't do nothing wrong. He was
24 walking, where he was coming from he was walking.
25 It is not like he was attempting to do anything to

1 nobody or harm anyone, he was walking, him and his
2 friend.

3 So, I mean, for the police to assault
4 him or do anything, what was the reason?

5 MS. WHIRLEY: Questions?

6 . I
7 sympathize with your loss, sorry. I understood what
8 you just told Miss Sheila, let me understand your
9 feelings, you feel that the killing of Mr. Brown was
10 not justified to you?

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

12 Regardless, you didn't
13 know what happened beforehand because like you say,
14 you just saw the tussling and after that?

15 **A** Right.

16 : But as far as him being
17 dead on the ground.

18 **A** Okay. What I'm saying is, if he did
19 something wrong, and the police had to protect
20 itself or to defend itself, then that would have
21 been the case, but for this young man to be walking
22 down the street, not causing any problems to no one
23 that was outside, what was the point. You could
24 have tased him instead of shoot him.

25 If you felt like he was harming you

1 in some type of way, you could have tased him. You
2 didn't have to pull your gun first. He didn't go to
3 show that he had any weapon on him at all.

4 So I felt like for him shooting him,
5 it was just too much. You could have tased him. If
6 anybody else run up and have an incident with a
7 police officer, that would be the first thing a
8 police officer will do to defend themselves. If you
9 felt like he had a weapon or anything.

10 He didn't show that he had any weapon
11 at all. He was just walking down the street and him
12 and his friend having a casual conversation, that's
13 what I saw out of them, so.

14 For him to just shoot that young man
15 like that I didn't think that was right.

16 Thank you.

17 . And
18 again, I also sympathize with you, this is a hard
19 thing, it is a hard thing for the parties involved,
20 for the grand jury, actually for the country. Okay.
21 It is some hard issues that are being brought up by
22 this, that's what we are charged to do. We have to
23 know the truth.

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

25 : In order to make the

1 proper decision, okay?

2 **A** Uh-huh.

3 : Sometimes it might be hard
4 on you, it is with love, with love behind it, okay?

5 I have a question here. You said that, I
6 think this is on page 17 of your statement from what
7 is this, August 16th, at the top. When you're
8 saying that the officer backs up and then you know
9 Mike Brown is at the driver's side window, your view
10 is from the passenger side?

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

12 : I think we've already
13 established the amount you can see.

14 **A** Uh-huh.

15 : You have a SUV with tinted
16 windows, Mike is between, his body is between you
17 and the SUV, then you have a cop in the car as well
18 and then Dorian also to the right side?

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

20 Of the vehicle. Okay.
21 You said you heard the first shot, am right about
22 that?

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

24 So if we can't see, you
25 know, hands going off or whatever, and I pose a

1 question, is it a possibility that the first shot
2 may have been an accidental shot and it was not a
3 shot intentionally to injure Mr. Brown?

4 **A** It could have been, but that doesn't count
5 for the rest of the shots that came after that when
6 he turned around. If that was a warning shot, the
7 rest of the shots, them or five or six shots
8 shouldn't have come from behind the first shot that
9 went off.

10 : Uh-huh.

11 **A** I don't feel like it was a warning, I feel
12 like it was intentionally done because the police
13 could have been intimidated. Like I say, I didn't
14 know he was a teenager, I thought he was a grown man
15 when I seen him.

16 So the police probably was
17 intimidated of his height, his weight, I don't know,
18 but I don't feel like it could have been a warning
19 shot.

20 But even if that was a
21 warning shot, that would be an intentional act by
22 the officer, okay?

23 **A** Okay.

24 So in the realm of
25 everything, there's a possibility just like the

1 first shot might have been an accident; is that
2 correct?

3 **A** It could have been yes, ma'am.

4 . As you mentioned
5 again, standing out there, a nice day on a Saturday,
6 talking with a couple people by the dumpster. A lot
7 of stuff going on as you mentioned out there. Was
8 it the act of the police car driving by that drew
9 your attention to then watch the entire scene, or
10 was it the first gunshot that had a big conversation
11 or smoke that drew your attention, what was it that
12 really made you focus solely on --

13 **A** What made me focused is when they pulled
14 back towards them.

15 Okay.

16 **A** What could they do. They was walking
17 across the street, they couldn't have been doing too
18 much, they wasn't doing anything.

19 : There wasn't any sound
20 associated with it, okay. Okay, thank you.

21 : I have a couple
22 questions.

23 **A** Uh-huh.

24 : And I want you to know
25 that these questions are hard for me to ask you,

1 okay?

2 **A** That's fine.

3 : I just want to verify on
4 page 29 of your statement, you said that, just now,
5 that was what I was going to ask you, . You
6 said the gunshot is what made me look for real?

7 **A** Yeah.

8 : We've established you
9 were looking through a car window that was tinted,
10 past one officer to another officer from the
11 opposite side of the street, and you really weren't
12 paying attention until you actually heard that first
13 gunshot, okay?

14 **A** Uh-huh.

15 : We've already established
16 that could have been an accident on either person's
17 side. The officer or Michael, they could have been
18 tussling. You didn't see his head, so you don't
19 know if he was in the car, right?

20 **A** No.

21 : You couldn't see the top
22 of his head?

23 **A** No.

24 : You have stated that he
25 was not in the car?

1 **A** He was not in the car at all.

2 : So, and then we also
3 established when you said the officer stood up over
4 him and emptied, and you didn't finish that, but
5 that's what it felt like to you, right?

6 **A** Yeah.

7 : He did not do that?

8 **A** No, he did not literally stand over him,
9 no.

10 : I just have a question
11 for you about . Was she outside with you
12 from the very beginning when the police car stopped?

13 **A** No.

14 : Because you talked about
15 the first thing that you saw.

16 **A** No, she probably came outside right when I
17 pulled up, so.

18 : Okay. So again, when did
19 you pull up?

20 **A** I can't remember, it was afternoon.

21 : I mean, did you pull up,
22 I'm just trying to determine if you and
23 see the whole altercation?

24 **A** No, she probably did see the whole
25 altercation, I'm not going to say she did or not. I

1 know what I saw.

2 : And so you were visiting
3 a friend, you were going to stop by?

4 **A** Yeah, I just want to stop by and visit a
5 friend.

6 : And you realized he was
7 home?

8 **A** Right.

9 : Did you get of your car
10 and go to his door and knock?

11 **A** Yes, I did.

12 : After you got done, did
13 you see on his balcony?

14 **A** He was on his balcony and I was walking
15 like back towards my car, where the car was. And I
16 asked him for a cigarette and he threw it down and
17 that's when I saw .

18 Outside?

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

20 And then today before you
21 said you heard him as he's walking away, Michael
22 Brown walking toward the police officer with his
23 hands up, you heard him say, I give up?

24 **A** I give up.

25 Then today you said, um,

1 let me find my notes. That you heard him say I give
2 up after the first shot?

3 **A** Yeah, no, no, when he walk, when he come
4 back, when he was running towards, he didn't say
5 when he turned around, when he noticed, I guess,
6 when he was shot, when he turned back around to walk
7 back towards the police, he was giving up. He was
8 surrendering hisself.

9 : I have a question for you
10 about that. I'm not saying he wasn't truly giving
11 up. If you were in the same situation and you were
12 giving up, would you continue to walk toward the
13 police officer or would you stop and get down?

14 **A** I probably would have stopped and got
15 down.

16 : So if you're telling me
17 that you would have stopped and got down, and the
18 reasonable thing would be to stop and get down. And
19 a 6'5", 285 pound man, even though he may have his
20 hands like this coming towards you, do you think
21 it's possible the police officer could have
22 misunderstood his act of surrender? (indicating)

23 **A** He probably could have misunderstood, but
24 that still didn't give him no reason cause he still
25 didn't ever move his hands from out of the air. I

1 she's down by the dumpster.

2 She's already down by the
3 dumpster when you got the cigarette?

4 **A** Yeah.

5 : Before the first shot is
6 fired she's down?

7 **A** She was already outside when the first
8 shot went off.

9 : I just wanted to clarify
10 that.

11 MS. ALIZADEH: Any other questions?

12 MS. WHIRLEY: All right. That will
13 conclude her testimony.

14 (End of the testimony of .)

15 WITNESS 46,
16 of lawful age, having been first duly sworn to
17 testify the truth, the whole truth, and
18 nothing but the truth in the case aforesaid,
19 deposes and says in reply to oral
20 interrogatories, propounded as follows, to-wit:

21 EXAMINATION

22 BY MS. ALIZADEH:

23 **Q** Now, I'm going to tell you that I had
24 already explained to you we are making an audio
25 recording of what is going on in here and the court

1 reporter is going to transcribe what is being said,
2 but at this time I've had the court reporter pause
3 the recording so that I can have you introduce
4 yourself to the grand jurors.

5 I'm going to ask you where you live,
6 but not an address. You can tell me generally, you
7 can say I live in north county, I live in Jeff
8 County, I live in Illinois, something like that,
9 okay?

10 **A** (Nods head.)

11 **Q** And then after we're done with that, I
12 will have the court reporter start the audio or
13 recording again and after that I will refer to you
14 as Witness Number 46.

15 Is that okay with you?

16 **A** (Nods head.)

17 **Q** You have to answer out loud.

18 **A** Yes. I use that on Power Ball number,
19 okay.

20 **Q** Oh, the lucky number for you. Isn't faith
21 weird. So go ahead and introduce yourself to the
22 grand jurors, what's your name?

23 **A** My name is

24 **Q** And how old are you, ma'am?

25 **A** My age is I'm 50 years old.

1 **Q** Okay. And whereabouts do you live in St.
2 Louis?

3 **A** I live in North County area.

4 **Q** Okay. Do you live in the Canfield Green
5 Apartment Complex?

6 **A** No.

7 **Q** Have you ever?

8 **A** No.

9 **Q** Okay. So at this time now I'm going to go
10 ahead and have him start the audio recording. And
11 then I will again, , I will not refer to
12 you by your name after that, I will refer to you as
13 Witness Number 46, okay. And I will probably just
14 call you ma'am while I'm asking you questions, okay?

15 Now, we paused the recording while
16 you introduced yourself to the grand jurors and
17 herein after I'm going to refer to you as Witness
18 Number 46. And you understand that that's you
19 today, Witness Number 46; is that right?

20 **A** (Nods head.)

21 **Q** You have to answer out loud.

22 **A** Yes.

23 **Q** I will remind you if you forget, but as I
24 explained to you, not only are we recording what's
25 being said in here, but the court reporter is also

1 taking down what's being said and he can't take it
2 down if you shake your head yes or no. And so if I
3 can catch you doing that, I will probably say is
4 that a yes or is that a no, okay?

5 **A** Yes.

6 **Q** So try to remember to answer out loud.

7 And then also you know the people at
8 the very end of this table have to be able to hear
9 you, okay? And so --

10 **A** Hi.

11 **Q** When you answer questions, if your voice
12 is too low, they're not going to hear your answers
13 and I think it is very important that they hear what
14 you have to say, okay?

15 **A** (Nods head.)

16 **Q** And you are shaking your head yes?

17 **A** Yes.

18 **Q** And so when I ask you questions, if I
19 remind you to keep your voice up, I'm not trying to
20 be rude, it is just that I want to make sure that
21 they can hear you have to say, is that all right?

22 **A** Yes.

23 **Q** And they will raise their hands if they
24 don't hear what you are saying, okay?

25 **A** Yes.

1 **Q** Okay. Were you going into the complex
2 when something happened or were you leaving the
3 complex?

4 **A** I was going into the complex.

5 **Q** Were you in your car by yourself?

6 **A** Yes.

7 **Q** And what kind of vehicle were you driving
8 that day?

9 **A** A

10 **Q** Okay. What color was it?

11 **A** color.

12 **Q** And so, I'm sorry --

13 **A** My car got stolen after this.

14 **Q** Okay, I'm sorry about that. And so when
15 you came into the apartment complex, did you come
16 off of West Florissant?

17 **A** Yes.

18 **Q** Now, I'm going to let you look at Grand
19 Jury Exhibit Number 25, which is a map. We have
20 been using this because it shows an aerial view of
21 the streets and the buildings of the Canfield Green
22 Apartments.

23 **A** Uh-huh.

24 **Q** Looking at that, does some of that look
25 familiar to you?

1 **A** Uh-huh.

2 **Q** And you are saying yes?

3 **A** Yes.

4 **Q** Okay. And don't, you don't have to worry
5 about talking into the microphone because it won't
6 amplify your voice, it is recording and it will pick
7 you up, don't worry, you don't have to worry about
8 talking to into it, okay?

9 **A** Yes.

10 **Q** Here is a laser pointer, have you ever
11 used one of these? It has a little button right
12 here.

13 **A** Yes.

14 **Q** And when you press it, it will point on
15 something, okay?

16 **A** Yes.

17 **Q** So when I ask you questions, I might ask
18 you to use that laser pointer and refer to Grand
19 Jury Exhibit Number 25 to show us what you are
20 talking about, okay?

21 **A** Yes.

22 **Q** All right. So now, ma'am, about what
23 time, if you recall, was it when you came into the
24 Canfield Apartments?

25 **A** It was like probably about like 2:00,

1 2:30, 2:40, I was coming into the apartment to take
2 her to the grocery store. I just left my other job.

3 Q Okay.

4 A I was really released from work, going to
5 take her to the grocery store and pick me up some
6 items.

7 Q Were you in a hurry or was there anything
8 about your trip that was stressing you out that day?

9 A No, I was relaxed.

10 Q It was a beautiful day?

11 A Beautiful, warm day, not too warm, not too
12 hot, beautiful day.

13 Q So when you were driving in your car, do
14 you remember did you have your windows open or
15 closed?

16 A I had my driver's side open.

17 Q Were the other windows closed?

18 A Yes. My passenger side was half, but not
19 fully down.

20 Q Okay. How about music, did you have music
21 playing in your car?

22 A Yes, gospel music.

23 Q Do you play your music up loud or do you
24 have it a normal level?

25 A It is at a normal level, unless it is a

1 good gospel song I want to hear, then I turn it up
2 loud.

3 Q Then you crank it up?

4 A Then I crank up my gospel.

5 Q Do you remember if you were cranking up
6 your music when you came into the complex that day?

7 A No.

8 Q You don't remember or?

9 A It was not turned up.

10 Q Okay. So when you came into the apartment
11 complex off of West Florissant, did you travel down
12 Canfield Road?

13 A Yes.

14 Q And on the map here, if this map went out
15 this direction, West Florissant would be over here?

16 A Yes.

17 Q So were you traveling eastbound on
18 Canfield Drive if that's east?

19 A Right, I was coming, can I show you?

20 Q Sure, you can sit there and use the
21 pointer, use the pointer?

22 A When I come in through Canfield
23 Apartments, the leasing office is right there, the
24 first.

25 MS. WHIRLEY: Use the pointer so we can

1 see.

2 MS. ALIZADEH: Use that pointer. Where is
3 the leasing office?

4 **A** The leasing office is right up there in
5 the front. Say this is West Florissant right.

6 **Q** (By Ms. Alizadeh) West Florissant you
7 can't see.

8 **A** That's what I'm saying, right over here.
9 This is front of the apartments and Canfield
10 Apartments, and when I turned in this front of the
11 apartments and she stayed right back up in here.
12 (indicating)

13 **Q** Okay. If you were able to get to your
14 destination that day, you would have turned up this
15 street right here and gone?

16 **A** Right, I could turn up that street right
17 there or I can come right here and come back to the
18 back way. (indicating)

19 **Q** Okay. So when you turned into the complex
20 that day, did you see anything unusual?

21 **A** Well, when I turned up into the apartment
22 complex, the first thing, when I was driving in
23 there, I'm going to be honest y'all, God help me.
24 The police was behind me. So most of us think when
25 the police behind us, oh, my God, I've got a ticket,

1 when is the police stopping me.

2 So I pulled over to the side right
3 over here before I got into the apartment complex.
4 I said oh, my God, you know, what do he want with
5 me, you know. I'm driving my speed limit, what is
6 wrong. (indicating)

7 **Q** Okay. So now the police officer, was it
8 in a marked police car that was behind you?

9 **A** Yes.

10 **Q** Did you know if it was a Ferguson officer?

11 **A** It was a Ferguson police officer.

12 **Q** Was it a car, like a sedan or was it like
13 an SUV or was it something else?

14 **A** It was a regular police car.

15 **Q** A regular police car?

16 **A** Right.

17 **Q** Did he have his light bar on, the lights
18 that are on top of the car?

19 **A** It was not really, it was not the sirens,
20 what do you call the thing?

21 **Q** Was there any audible on the cars
22 sometimes, you know, of course there's a siren, but
23 then they also have a thing that kind of squawks or
24 whoop?

25 **A** No.

1 **Q** You didn't hear any of that?

2 **A** Huh-uh.

3 **Q** So if you were coming into the apartment
4 complex, you would have been traveling on the right
5 side of the road; is that right?

6 **A** Right.

7 **Q** And so was he traveling behind you in the
8 same direction you were going?

9 **A** Right.

10 **Q** And so when you pulled over, did you pull
11 over to the right of the roadway?

12 **A** Uh --

13 **Q** Or did you pull off of the roadway?

14 **A** I pulled over to the right before I pulled
15 into that apartment complex. I said oh, my, you
16 know, I thought he was coming, I got a ticket, okay.

17 **Q** Everybody gets that feeling when you look
18 up and you see that.

19 **A** And you see a police, I pulled over to the
20 side and I said oh, my God, I know he got me, you
21 know. I thought he was coming for me.

22 **Q** So use the laser pointer and point on the
23 roadway here where you were when you pulled over?

24 **A** Right over, like right over in here.

25 (indicating)

1 **Q** Okay. And so did the officer pull in
2 behind you?

3 **A** No, he went around me.

4 **Q** Okay.

5 **A** I mean, he was behind me for what I'm
6 saying, he went around me.

7 **Q** Okay.

8 **A** So I stopped. I said thank you, he wasn't
9 for me.

10 **Q** So did you see where his vehicle went
11 then?

12 **A** His vehicle kept going up this way about,
13 about right there. (indicating)

14 **Q** So it stayed on Canfield Drive?

15 **A** It stayed on Canfield Drive.

16 **Q** Okay. And at that point what happened?

17 **A** And at that time it was two black guys or
18 young men or kids or whatever they was, walking down
19 the complex.

20 **Q** Did you recognize either of them?

21 **A** I don't even know the kids.

22 **Q** You hadn't seen them before, right?

23 **A** I might have seen them in the complex, you
24 know, but I don't know you personally enough to wave
25 at you or nothing.

1 **Q** Well, that's my question. Did you
2 recognize them as having been people you had seen in
3 the complex before?

4 **A** No.

5 **Q** So can you describe where they were? Were
6 they in the street, on the sidewalk, in the grass?

7 **A** Mostly over in Canfield, we don't have too
8 much of a sidewalk, you know what I'm saying? So
9 the street thing is where everybody walks anyway
10 because see, as you can see, Canfield don't have too
11 much of a sidewalk. We walk in the street anyway,
12 you know.

13 **Q** Aren't there sidewalks on either side of
14 the street there?

15 **A** Yeah, but that's not too much of a
16 sidewalk. There is trees and stuff over there.

17 **Q** Okay.

18 **A** So everybody is going to walk in the
19 street.

20 **Q** So these kids were in the street and I'm
21 going to call them kids, you call them?

22 **A** I call them kids.

23 **Q** Okay.

24 **A** Because they're kids under me.

25 **Q** And they were in the street?

1 **A** And they was in the street, and I'm
2 looking, you know, what the police doing.

3 **Q** So let me stop you. Were the kids walking
4 in which direction?

5 **A** They was walking up, coming up this way.

6 **Q** So they were walking?

7 **A** They was not walking towards West
8 Florissant area, they was walking like they was
9 going to somebody's apartment complex.

10 **Q** Okay. Use the laser pointer and show me
11 where they were when you first saw them walking?

12 **A** Okay. When I first saw them walking, they
13 was like over here and they was walking like this
14 away. (indicating)

15 **Q** Okay. So they were walking into the
16 complex?

17 **A** Not to the one I was turning into, but I
18 mean straight down, straight.

19 **Q** Okay. You were going to turn this way,
20 when I say into the complex, I'm saying that this is
21 the apartment complex?

22 **A** Right, right.

23 **Q** So they were walking on Canfield Drive?

24 **A** Uh-huh.

25 **Q** And down in this direction, east on

1 Canfield? (indicating)

2 **A** Uh-huh.

3 **Q** Yes?

4 **A** Yes.

5 **Q** Okay. And so when you were pulling in
6 there, you saw their backs, would that be fair to
7 say?

8 **A** Right.

9 **Q** And did you notice anything about them,
10 how could you describe them?

11 **A** They was black men, they was one had a cup
12 of something in their hand, other one had nothing in
13 their hand and they was just walking.

14 **Q** Okay.

15 **A** Like a soda, you know.

16 **Q** There were two?

17 **A** There was two guys. One looked bigger
18 than the other one.

19 **Q** Okay. So let's call the bigger one, the
20 bigger kid or bigger boy or bigger one and the other
21 one we will call the smaller one, okay?

22 **A** (Nods head.)

23 **Q** So had one had a soda or something in his
24 hand?

25 **A** The little one.

1 **Q** Could you see that it was a soda cup or
2 could you see that it was a cup?

3 **A** It was just a cup.

4 **Q** Okay. What about the bigger one, did you
5 notice if he had anything in his hand?

6 **A** Huh-uh.

7 **Q** So are you saying no, he didn't have
8 anything or he didn't?

9 **A** No, I didn't notice that he had anything
10 in his hand.

11 **Q** Okay. And so when you first saw them
12 walking, was the police car still behind you?

13 **A** No, he was in front of me.

14 **Q** Okay. So he had already passed by you
15 when you first saw the boys walking?

16 **A** Uh-huh.

17 **Q** And they're walking in the same direction
18 that the police car is traveling?

19 **A** Right. Let me tell you this, they was --

20 **Q** You can use the laser if you want.

21 **A** Say that my car is right here, right.

22 (indicating)

23 **Q** Uh-huh.

24 **A** And the two young boys or kids, as I call
25 them, walking over here, you know, passed up your

1 car and you see the police was right here, okay, on
2 the other side, because he passed around me.

3 Q Did the boys walk past your car?

4 A Yeah.

5 Q So you were pulled over on the side when
6 the boys walked past your car?

7 A Yeah.

8 Q All right. So was the police officer then
9 already past you when the boys passed your car?

10 A No, the boys passed my car and the police
11 was like, how can I say, say like you right there
12 where I'm at, okay, you walking forward and I'm the
13 police and I'm about 10, 20, 25 feet from you.

14 Q Okay.

15 A And you're passing me up, I'm the
16 policeman and I am right diagonally sideways of you.

17 Q All right. Let me stop you here. When
18 you saw the police officer at first he was behind
19 you?

20 A He was behind me.

21 Q Had you seen the boys yet?

22 A Before the police officer?

23 Q Before you saw the police officer?

24 A I seen them in my mirror, but it wasn't
25 nothing.

1 **Q** So the boys were in your --

2 **A** Was walking, but they was not.

3 **Q** So when you first saw the boys, they were
4 behind you?

5 **A** Well --

6 **Q** You said you saw them in your mirror?

7 **A** In the mirror, but not directly behind me.

8 **Q** Okay.

9 **A** You know what I'm saying on the side of
10 you.

11 **Q** Okay. I thought you said that the boys
12 were like down in this area? (indicating)

13 **A** They was up before me right on the side of
14 you, how can I say this.

15 Here is your car, okay. Here is the
16 young men right here. (indicating)

17 **Q** Let's use, let's say this is your car,
18 don't say your car, it is your, it is my car?

19 **A** This is my car.

20 **Q** Right.

21 **A** You see the young man is right here, they
22 are coming right here walking like this in the
23 middle of the street, okay. Excuse me.
24 (indicating)

25 **Q** So is West Florissant over here?

1 (indicating)

2 **A** West Florissant is behind me.

3 **Q** So which direction is your car facing in
4 this scenario, this thing, is it driving this way?

5 **A** It is driving on Canfield.

6 **Q** Is it driving that way? (indicating)

7 **A** Yeah.

8 **Q** So you're facing that way?

9 **A** Okay. I'm facing this way, I'm driving up
10 Canfield, whatever you call that street from West
11 Florissant, the young men says right here they are
12 walking over here, police that was behind me went
13 around here. (indicating)

14 **Q** Okay. So let me stop you here.

15 **A** On the opposite side.

16 **Q** Let me stop you here. I don't want to try
17 to confuse you, but in this scenario, are you
18 driving on the correct side of the street?

19 **A** Yeah.

20 **Q** So that would have your car over on the
21 right side of the street?

22 **A** Right.

23 **Q** So the officer wouldn't have passed you on
24 this side?

25 **A** What I'm saying, I'm driving right here I

1 guess in the middle of the street or call it closer
2 to the right side, okay. And the police did this,
3 you pulling over so can get out of the police way.
4 You're scared, you know how Ferguson, I'm scared of
5 the police, y'all, I'm scared of the Ferguson
6 police, I'm telling you.

7 **Q** Let's try to get through this where we can
8 describe what happened, okay. And then we'll talk
9 about that, but I want to try to make sure we
10 understand.

11 You said you were driving on the
12 right side of the road as you are coming into
13 Canfield?

14 **A** Coming, however you say, right side of the
15 middle.

16 **Q** In the middle?

17 **A** Right side of the middle. What I'm saying
18 is right here, the right side, but closer to the
19 middle, you know.

20 **Q** But you also said that when you saw the
21 officer, you pulled over to the right?

22 **A** Right. What I'm saying is right here
23 because I'm pulling in here, I'm closer to the right
24 side, okay, because other people come out of the
25 complex and come down the left side, okay.

1 : To the middle line, okay.

2 **A** Yeah, closer to the complex, whatever you
3 want to call it.

4 **Q** (By Ms. Alizadeh) Okay. Now we've got the
5 officer having passed you on your left?

6 **A** Uh-huh.

7 **Q** And then did he continue down Canfield?

8 **A** He said, the boys is right here. I don't
9 know what he said to the boys. I really wasn't
10 paying attention. I was into my gospel music and he
11 said something to the boys and they kept on walking.
12 And then as you go down here, I seen the boys right
13 here steady walking down Canfield. The police said
14 something to them, I don't know what they said back
15 to them, I cannot say, you know, because I was
16 really not paying attention. I was paying
17 attention, but I was not listening. I was in my
18 own, you know, listening to my gospel music. So I
19 was not open to their conversation.

20 And then I seen the police stop, I
21 don't know if he told them to stop or whatever
22 because young kids stop right up in here, you know,
23 go further down I'm looking, what the hell you
24 doing, excuse my French, what the hell you doing
25 with them kids, what did they do now.

1 **Q** Okay. So let me stop you now. The
2 officer stops his car in the street and you said it
3 looked like he was talking to the boy.

4 **A** Right.

5 **Q** Which side, where were the boys in
6 relation to the officer's car?

7 **A** Towards the, how can I say.

8 **Q** Well, there's the driver's side?

9 **A** The driver's side, you closer to the
10 driver's side, okay, but you mostly in the middle of
11 the driver's side and the other side.

12 **Q** So they were on the side of the car?

13 **A** Not directly on the side, this is your
14 car, right. Here is your driver's side over here.
15 We'll say driver's side right here, okay. And here
16 is the middle side so they directly in the driver's
17 side, driver's window right here. I'm right here.
18 The center of the driver's side. (indicating)

19 **Q** So were the boys in front of the car?

20 **A** Half, yes. So mostly towards the driver's
21 middle, you follow me?

22 **Q** Not really.

23 **A** Anybody follow what I'm saying?

24 **Q** So you said the boys were talking to the
25 officer, were they at the driver's window talking to

1 them?

2 **A** They was not at his window, he was over,
3 okay.

4 **Q** You know what, it is too hard for us to
5 use this because they can't really see what you're
6 doing.

7 I'm going to do my best to help you
8 to explain it, okay? It's just, I think it is too
9 difficult, they are not going to be able to see what
10 you're doing, but if you --

11 **A** You know what I'm doing, don't you?

12 **Q** If the officer is driving his car, right?

13 **A** Right.

14 **Q** And the driver's seat is on the left side
15 of the car?

16 **A** The driver's seat is always on.

17 **Q** The left side of the car; is that right?
18 Yes?

19 **A** I got to think how I drive my car.

20 **Q** In America the driver's seat is on the
21 left side of the car?

22 **A** Yeah.

23 **Q** And so if the officer stops to talk to the
24 boys, did he get out?

25 **A** No, if it's on the left side, he was

1 talking to the boys, I don't know what he said to
2 the young men.

3 **Q** Uh-huh.

4 **A** Okay. And he slowed his car down and I'm
5 looking what's going on here. And at that time the
6 police got out of his car and I'm looking, what the
7 hell is he getting ready to do with these kids?

8 I thought, now wait a minute, this is
9 Ferguson police, what's going on because we scared
10 of our police. I'm scared to be here because of the
11 police.

12 **Q** Ma'am, let's try to keep on track. I
13 don't want you to get emotional, you are doing fine,
14 okay. I know you are doing fine, so let's try to
15 push forward and we will talk about, I know you
16 don't like the police and you don't want to be here.
17 If we can get through this, it will be better
18 because you will be done, all right. You
19 understand?

20 I'm not trying to be mean, I don't
21 want you to get emotional because that makes it
22 difficult for you to tell the jurors what you know,
23 okay?

24 Okay, so let me --

25 **A** Give me strength, Lord, give me strength,

1 Jesus.

2 **Q** Let me have you keep going with what you
3 saw. You said the officer got out of his car?

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

5 **Q** And am I correct in assuming he got out of
6 the driver's door?

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

8 **Q** What did you see happen?

9 **A** He walked up to the police, I don't know
10 what was said or what.

11 **Q** Who walked up to the police?

12 **A** I mean, the police walked up to the young
13 men.

14 **Q** Okay.

15 **A** I don't know what was said or whatever.
16 Then the police went back, was going to his car. I
17 guess they was arguing or something because the boys
18 was saying something to him and stuff, and I'm
19 looking here go another Ferguson incident. And the
20 police kept talking to the boys and the boys were
21 steadily walking, and the police was talking to them
22 or fussing at them or whatever.

23 I'm looking at this and I'm looking
24 what the heck is going on. So I kind of turn my
25 music down to try to hear the conversation, and

1 which I really couldn't hear. I had my windows
2 down. I said, Lord, what's happening now. Next
3 thing I know, I turn my head to answer my cell
4 phone, turn my head, I bent down to pick up my cell
5 phone off my seat and that's when I seen the police
6 pull a gun out.

7 So I seen a little, I guess they was
8 fussing, you know, or whatever, but I seen the
9 police pull his gun and I'm saying, what's the hell
10 going on, excuse me.

11 **Q** That's all right.

12 **A** I'm talking to this lady here. So I said,
13 what the hell is going on. And it was a, I don't
14 know, the one little boy, the little small guy ran
15 behind on the side, of the other side of the police
16 car. And the Big Daddy, I call him Big Daddy.

17 **Q** You call him what?

18 **A** I call him Big Daddy, I'm just using big
19 names.

20 **Q** Big Daddy?

21 **A** I don't know him, but we usually say Big
22 Daddy.

23 **Q** Okay.

24 **A** And Big Daddy and the police officer, this
25 guy, they was arguing.

1 **Q** Now, is the officer, you've already said
2 the officer got out of his vehicle. Is he still
3 outside of his vehicle when they're arguing?

4 **A** Uh-huh.

5 **Q** Yes, okay. So is his car door still open?

6 **A** Uh-huh.

7 **Q** You said he walked back to his vehicle.

8 **A** When he got back to the vehicle, when he
9 got back to his vehicle, I can't use you.

10 **Q** No, no, he's can't, he's got --

11 **A** I was going do grab his arm, I can't use
12 him. But when I walk back to my vehicle, okay. I
13 had one of the boys steady talking to me and I'm
14 talking to them. So then when I turn back to the
15 vehicle, me and you is doing a little tussling.

16 **Q** Now, you were just, in describing that,
17 you were pretending to be the police officer?

18 **A** Right, I'm the police officer and I'm
19 sitting up, what's going on here. And next thing
20 I'm seeing, hear a noise and the little boy had,
21 which is the little guy, was hollering, saying
22 something and the big guy was steady fussing at him,
23 and they are walking back towards the car, police
24 car, not mine. The police car.

25 And next thing I know that the

1 policeman pulled his gun, like I told you, and start
2 firing.

3 Q So was the police officer outside of his
4 car when he was firing?

5 A Uh-huh.

6 Q Yes?

7 A (Nods head.)

8 Q And what or who was he firing at?

9 A He fired at the Big Daddy.

10 Q How far away was the Big Daddy when he was
11 firing at him?

12 A By this time Big Daddy, he's aware from
13 the car, he's laughing at me. Big Daddy was away
14 from the car, and he was walking, the other guy, the
15 little small guy, he was steady walking too. He
16 walked on the opposite side.

17 So Big Daddy was walking in front, I
18 don't know what he said. The only thing I heard he
19 said, I ain't got nothing. And I'm looking, what
20 the heck is going on here.

21 Q So you heard Big Daddy say to the officer,
22 I ain't got nothing?

23 A Right.

24 Q Okay. Have you ever told anybody that you
25 heard him say that before?

1 **A** The people, the FBI -- the people I talked
2 to.

3 **Q** You told the people that you talked to
4 before and they were recording your statement,
5 right?

6 **A** I guess they did.

7 **Q** Okay. That's fine.

8 **A** So by this time I'm sitting up calling
9 people, something happen y'all, Ferguson police
10 messaging with our young men again.

11 So everybody was telling me what's
12 wrong. I said I don't know, you know how these
13 police over here. Something is going to happen,
14 y'all. And everybody was saying, what's happening?
15 I'm saying, I don't know.

16 **Q** Okay. Let me stop you. Who are you
17 talking to?

18 **A** I told you I picked up my cell phone and I
19 started dialing numbers, that's what I just said.
20 And I called and I said, something's happening with
21 these police over hear, they are messing with our
22 young men again. And everybody was telling me
23 what's wrong. I said, I don't know, but by this
24 time the police pulled his gun out.

25 Help me, God, please.

1 **Q** Did you see the officer fire his gun?

2 **A** (Nods head.)

3 **Q** All right. You are shaking your head yes?

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

5 **Q** All right. And did you see whether or not
6 that bullet hit anybody?

7 Do you think that the bullet hit
8 anybody after that first shot?

9 **A** The first shot, I don't think it hit
10 anybody.

11 **Q** Okay.

12 **A** But I seen the little boy when he turned
13 back around he said, I didn't do nothing, I didn't
14 do nothing. He's got his hands up like this and the
15 other guy ran the other way, the small guy, and the
16 police just fired again. There about, I'm trying to
17 think about 20 or 30 feet, 25 feet from me to you.

18 **Q** There was 25 to 30 feet between the big
19 guy and the police officer when he fired again?

20 **A** Uh-huh.

21 **Q** Okay. Was the officer still out of his
22 car?

23 **A** Uh-huh.

24 **Q** And you're saying yes, right?

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

1 **Q** Okay. Do you remember when you talked to
2 the detective and that was, we talked about that
3 before you came in, do you remember talking to
4 Detective at the NAACP, and you are
5 shaking your head yes?

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

7 **Q** Do you remember telling him during your
8 conversation that I heard, I've seen them when they
9 was talking to the police and I thought it was just
10 a friendly talk.

11 **A** I did, I didn't know.

12 **Q** Hang on, okay. Do you remember saying, so
13 the next thing I see the police reach out his car
14 and I seen one boy run behind the police car on the
15 side of the police car.

16 Do you remember telling them that?
17 So when you told them that before you said the
18 officer was inside the car and you put his gun,
19 reached out the car with his gun for the first shot?

20 **A** Right, but it was not, he was out of the
21 car.

22 **Q** So your memory is that he was actually
23 outside of the car when he did the first shot? You
24 are shaking your head yes?

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

1 **Q** Okay. And you also didn't mention at any
2 time when you were talking to Detective about
3 the boy saying anything, do you remember when you
4 said, did you remember telling him about the boy
5 saying anything when they were at the car?

6 **A** They was talking, like I told y'all, they
7 was talking to the police, I thought, like I'm
8 telling you just like I talk to you.

9 **Q** Okay.

10 **A** We think friendly conversation, or
11 whatever, like I told you y'all just know. I don't
12 know what they're talking about.

13 **Q** Okay. But I just want to clarify, today
14 you said you heard the big guy say, I don't --

15 **A** That's after he got up further, the big
16 guy said, I ain't got nothing.

17 **Q** We jumped ahead then. We're still at the
18 car and you heard one shot, the officer is outside
19 of the car, he fires one shot, but you don't think
20 it hits Michael Brown or the big boy at that time?

21 **A** Right.

22 **Q** What does the big boy do after that first
23 shot goes off?

24 **A** He started walking up, further back
25 towards the apartment complex.

1 **Q** Okay. Was he walking in street or did he
2 walk off of the street?

3 **A** In the street.

4 **Q** Does he stay on Canfield Drive?

5 **A** Yes.

6 **Q** Was he walking east then in that
7 direction?

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

9 **Q** Okay. How was he walking, was he running,
10 was he jogging, was he sprinting fast?

11 **A** No.

12 **Q** How was --

13 **A** Walking fast.

14 **Q** Walking fast. Okay. So he's walking away
15 from the police officer?

16 **A** Right.

17 **Q** Now, the officer's out of his car you've
18 already said?

19 **A** Right.

20 **Q** So what does the officer do as the big guy
21 is walking away from him?

22 **A** He was saying something to the young men,
23 I wish to, God knows I wish I would have heard
24 everything, but I was into my music.

25 **Q** Now, you said you turned your music down?

1 **A** I turned my music down, but not completely
2 off down.

3 **Q** Okay.

4 **A** Enough so I can still hear the bass, you
5 know what I'm saying? Down low music.

6 **Q** So do you think the officer said something
7 then after the big guy started to walk quickly away?

8 **A** Yes.

9 **Q** Could you hear him say something?

10 **A** I heard him, you know how you can look and
11 see conversation being done, but you cannot make out
12 what is done, you know what I'm saying?

13 **Q** Yes, that's what I'm trying to get at.

14 **A** Right.

15 **Q** So you couldn't make out the words?

16 **A** Right.

17 **Q** Could you hear something, like
18 (indicating) could you hear something and just
19 couldn't make it out?

20 **A** I heard when the boy screamed out, I ain't
21 got nothing.

22 **Q** Okay.

23 **A** He didn't say it as a low tone of voice.

24 **Q** Okay. That's jumping ahead. I'm talking
25 about Michael Brown is moving away from the officer.

1 The officer is outside of his car and I said what
2 does the officer do, and you said the officer, you
3 heard him say something, but you couldn't make it
4 out?

5 **A** Right.

6 **Q** Is that something you actually heard or is
7 it something you assumed because of the way he was
8 acting?

9 **A** It was something I heard, you know, no
10 way, the police move, you know what I'm saying.
11 When you are talking to a person.

12 **Q** Okay. So you heard the officer say
13 something, but you didn't, you couldn't tell what he
14 said?

15 **A** I could not tell what it was.

16 **Q** Okay. And what did Michael, I'm sorry, I
17 keep wanting to call him Michael Brown, you know
18 that is his name, correct?

19 **A** Right.

20 **Q** You know who we're talking about?

21 **A** I call him Big Guy. I don't know these.

22 **Q** Okay. So when the officer says something,
23 what does the Big Guy do, does he continue to walk
24 away from the officer or does he stop at that point?

25 **A** They was communicating at first.

1 **Q** Who was?

2 **A** Michael Brown and the little small guy,
3 what's his name.

4 **Q** So let's just call him little small guy,
5 you don't know his name, right?

6 **A** No.

7 **Q** So we'll just keep calling him the little
8 small guy?

9 **A** The little small guy and Michael Brown is
10 Big Daddy.

11 **Q** So they were communicating?

12 **A** With the police.

13 **Q** Have we gotten back to the beginning of
14 this then because we've got, you already said the
15 little guy ran?

16 **A** When the boy, we are at the middle right
17 now when the little boy was talking, he was talking
18 to Big Daddy, okay, Michael Brown, okay. And the
19 little small guy was there too. I don't know where
20 little Brown, little Brown, little small guy was
21 saying to the police officer. Little Brown started
22 walking slowly, Big Daddy started walking faster.

23 **Q** Is this before any shots or after shots?

24 **A** Before.

25 **Q** Okay. And that's kind of a problem

1 because it is difficult to follow what you are
2 talking about if we keep skipping around. I want to
3 take this a step at a time so we can be sure.

4 **A** I want to get it over with, I'm scared,
5 I'm scared now.

6 **Q** Let's push forward. So when Michael Brown
7 was moving away from the officer, when Big Daddy was
8 moving away from the officer and you said he was
9 walking quickly. Was his back toward the officer
10 then?

11 **A** At the time his back was towards the
12 officer.

13 **Q** Okay. What happened then?

14 **A** With his back, he kept walking forward,
15 the other guy was walking, how can I say, to the
16 side of the police car. They wasn't together.

17 **Q** Okay.

18 **A** They was together, but one walking on the
19 other side, you know what I'm saying? One walking
20 on one side and the other one was walking.

21 **Q** Okay. What happened then?

22 **A** And that's when the policeman start
23 fussing, I mean not fussing, communicating with
24 them. And they was communicating back and the Big
25 Guy, I guess, walked away and the police start

1 firing.

2 **Q** Okay. Let me ask you. You said that Big
3 Guy, I don't know what word you used, what's the
4 word you used? Sounded to me like you said
5 murder-cate, what did you say?

6 **A** I said Big Daddy.

7 **Q** Big Daddy, communicate?

8 **A** Communicate.

9 **Q** All right, sorry. I just want to make
10 sure I'm clear. Who is communicating with who?

11 **A** Communication was with Big Daddy and the
12 police.

13 **Q** Okay.

14 **A** And the other boy was saying something,
15 the little small guy was saying something.

16 **Q** Okay.

17 **A** But the police was looking at like I'm
18 looking at you.

19 **Q** Now, is this before or after Michael Brown
20 has already started to walk away.

21 **A** While Michael was walking.

22 **Q** So what happens then?

23 **A** The other guy was walking, Michael's
24 walking here, your friend walking on the other side,
25 but he's not directly right next to you, you know

1 what I'm saying? You're not directly right next to
2 me, you are a little farther away from me.

3 **Q** Okay. And what happened then?

4 **A** Help me, Jesus, help me, Lord. Give me
5 strength.

6 **Q** How far did Michael Brown walk, can you
7 show with the pointer on the map, laser pointer how
8 far you saw him walk?

9 **A** I'm sorry, y'all, please forgive me.

10 **Q** I just want help you get through this
11 because I know it is tough for you, and if we can
12 get through it, you'll be done, okay. So here is
13 the pointer, show me how far Michael Brown walked?

14 **A** Okay. They was like up about, okay, say
15 he was right here, I'm over here on the side, they
16 are over there. They walk around here to the middle
17 of the complex thing, or whatever y'all call it,
18 street thing. About right up in here. About how
19 can I say. (indicating)

20 **Q** Okay. You pointed that's fine, you said
21 right up in here. So this is about at the
22 intersection of Canfield Drive and then?

23 **A** That's what about 20, 30.

24 **Q** The eastern leg of this horseshoe like?

25 **A** Right.

1 **Q** All right. So what happened then when he
2 got to this point?

3 **A** The police start shooting.

4 **Q** Was Michael Brown still, was his back
5 still toward the officer at that point?

6 **A** Can I do it?

7 **Q** Yes.

8 **A** Okay. Say the police car here and I'm
9 walking, steadily walking fast and then I'm turning
10 around and then I ain't got nothing, and he kept
11 walking. You see what I'm saying?

12 **Q** Okay.

13 **A** Say this is Michael. You are right here,
14 this is police car, right. And I was walking fast
15 and you saying something to me and I turned, I ain't
16 got nothing, I ain't got nothing like that, he kept
17 walking and the other guy is you, you walking over
18 there, you my friend, hi friend. But you my friend
19 and he's walking on the other side of me.

20 **Q** Okay.

21 **A** He kept turning around like I don't know
22 what the police said. He said I ain't got nothing,
23 what do you want. I heard that he said it in a very
24 large tone of a voice. And I just turned around and
25 start calling, you know I was scared because I

1 didn't know what's going to happen.

2 **Q** Okay. So after the boy had turned around
3 and said he put his hands up and said I ain't got
4 nothing, and you demonstrated kind of in a manner
5 like to show your hands like you didn't have
6 anything in your hands?

7 **A** Right.

8 **Q** And then he kept walking and then what
9 happened?

10 **A** And the police start firing.

11 **Q** Okay. Was the boy still walking away from
12 the police officer when he starts firing?

13 **A** Michael stopped right there, and I don't
14 know if the man said halt, because you was walking
15 like this and when you turn around, I ain't got
16 nothing man, I ain't got nothing like this. Next
17 thing I know, I just start hearing shots going.

18 **Q** Okay. So the shots happen after Michael
19 Brown turns around?

20 **A** The first shot was before when, like I
21 said, before he started.

22 **Q** Okay. How many shots do you think you
23 heard?

24 **A** I'm scared of bullets.

25 **Q** I think we're all scared of bullets.

1 **A** Okay. You can shoot, I'm going to run up
2 and hide on the floor, okay.

3 **Q** Did you hide, you told the police that you
4 put your head down?

5 **A** I put my head down when I heard the second
6 shot, not all the way down. I did my head like this
7 on my driver's, on the steering wheel. Because I'm
8 used to, when I'm young, my parents used to say you
9 hear a bullet, hit the floor.

10 **Q** So there was a time that you had put your
11 head down?

12 **A** Right on the thing.

13 **Q** So did you see Michael Brown fall on the
14 ground?

15 **A** I seen when after, yes.

16 **Q** Okay.

17 **A** I seen, I mean. The police just stand
18 over him and kept shooting like this. (witness
19 starts crying) Jesus, help me.

20 **Q** Do you need to take a break? You want to
21 take a break for a couple minutes?

22 **A** Lord help that child, help me Jesus.

23 **Q** Do you want to take a break for a couple
24 minutes?

25 **A** Yes.

1 communicating mean I don't have anything, but he
2 said it loud, not in a low tone voice, in a holler
3 voice is I don't have anything.

4 And the other young man, which is
5 small ball, he was on the other side, but he was
6 diagonally like a distance from like me and you.

7 And the young man kept walking fast
8 and the police had shot one shot, I don't know where
9 it hit or what, because at that time I put my head
10 down behind, you know, the wheel. I raised back up
11 and the police just kept firing and the second shot,
12 which I seen that hit the boy cause he jumped. I
13 don't know where it hit him at, but it hit the boy.
14 And the police just kept firing and saying something
15 to the boy, and kept firing. The boy kept saying, I
16 got, my hands is up, I don't have anything, what do
17 you want.

18 And next thing I know, I don't know
19 where it hit, but when the boy fell, there was blood
20 shot everywhere.

21 And the police just stand over him
22 and shot him like he playing darts at a board. At
23 that time the police, the other boy was gone, not
24 gone, but standing and off to the side. Mostly
25 toward the passenger side of the street.

1 people, and this is before they put that orange tape
2 around or yellow tape around, and I asked, I said
3 what is going on here. Everybody was hollering and
4 stuff, everybody was crying this, somebody said call
5 the police, and one lady said that is the police.

6 And the only thing I just remember
7 from that that I was screaming and hollering, people
8 was hugging me, I don't even know nobody out there
9 besides my .

10 And I told them, like I told Kathi
11 and the other lady, if I could have saved him,
12 because , I thought I could save him, I
13 wanted to save him, not because he was bleeding,
14 because any time, say for instance if you look at,
15 what if that's your child laying on that ground.
16 What if that's your daughter laying up there that
17 the police shot. What would you do. Would you sit
18 there and see somebody else's child that I don't
19 even know lay on the ground?

20 Flashbacks went in my mind. That's
21 my boy. I don't know these kids, but just think
22 y'all, what if that's your boy. Picture your boy
23 laying on that ground. Picture that blood running
24 out of your boy's face. Picture that boy's arms
25 wide open and saying whatever, you know. His hands

1 up in the air.

2 Take your time right now and close
3 your eyes, please close your eyes, close your eyes
4 for a minute, please. And just think that's your
5 child, your nephew, your daughter, laying on that
6 ground. What would you do, would you sit there and
7 let them bleed?

8 Would you ask them, can you help
9 them?

10 MS. ALIZADEH: Now, ma'am, when I told
11 you, you had said that to me outside and I told you
12 that we know that that boy when he was shot in the
13 head, he was killed instantly. There is nothing you
14 could have done to save him.

15 **A** I feel that maybe I could have stopped the
16 bleeding, sometimes now after that happened, I feel
17 it was my fault. Maybe I should have been speeding
18 so the police can stop me.

19 MS. WHIRLEY: Let us see, Number 46, if
20 there are any questions though, okay?

21 **A** Ferguson police, I'm scared y'all. I go
22 to my now, I'm scared. A week
23 after that, my got stolen. I don't know if it
24 with this stuff, I don't know what it was. But I
25 know y'all if whatever you do, please help our

1 police department. I'm scared of my own police, you
2 know, police is supposed to be your best friend.

3 MS. WHIRLEY: We're just going to see if
4 there are any questions, Number 46. Are there any
5 questions from any of the jurors? No, okay. We
6 really appreciate you coming in.

7 (End of the testimony of Witness Number
8 46.)

9
10 of lawful age, having been first duly sworn to
11 testify the truth, the whole truth, and
12 nothing but the truth in the case aforesaid,
13 deposes and says in reply to oral
14 interrogatories, propounded as follows, to-wit:

EXAMINATION

15
16 BY MS. ALIZADEH:

17 Q This is Kathi Alizadeh and I am with the
18 prosecutor's office as well as Sheila Whirley is
19 present, all 12 grand jurors are present and so we
20 are having our final witness for today testify.

21 Can you state your name, please?

22 A My name is .

23 Q And I'm going to stand back here,
24 , because you are kind of soft spoken.
25 The microphone that's in front of you does not

1 amplify your voice. So it is not going to help you
2 to speak into it, so speak loud enough so that
3 people all the way back here would be able to hear
4 you, okay?

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

6 **Q** , how old are you?

7 **A** I am years old.

8 **Q** And where do you live, you don't have to
9 give me your address, do you live in Missouri?

10 **A** No, ma'am, I stay in .

11 **Q** Okay. And back in August of this year,
12 where were you living?

13 **A** On Canfield Drive.

14 **Q** Okay. Would that be in the Canfield Green
15 Apartment Complex?

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

17 **Q** And who did you live there with?

18 **A** .

19 **Q** So did you have an apartment with

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

21 **Q** And I'm going to direct your attention to
22 a map that's Grand Jury Exhibit Number 25. And
23 right here is a laser pointer. So if you press that
24 button, the dot comes out and can you use that and
25 show the grand jurors? Does this look familiar to

1 you, the street of Canfield Drive that cuts through?

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

3 **Q** And this is over in this direction if you
4 went and drove this way is West Florissant?

5 **A** Okay.

6 **Q** Can you show where your
7 was?

8 **A** (Indicate.)

9 **Q** So you pointed right here, is his
10 apartment face Canfield?

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

12 **Q** All right. And so were you home on, or at
13 your dad's, were you living there or were you just
14 visiting?

15 **A** I was living there.

16 **Q** Okay. Did you know many people in the
17 Canfield Apartment Complex?

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

19 **Q** How long had you been living with your
20 at that point?

21 **A** About a month.

22 **Q** Okay. Were you working or going to
23 school?

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

25 **Q** Do you, now, you know that we're here

1 regarding the investigation of the shooting of
2 Michael Brown?

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

4 **Q** Did you know who Michael Brown was before
5 this day?

6 **A** Something like that.

7 **Q** Okay. How is it that you knew Michael
8 Brown?

9 **A** He's a friend of a friend.

10 **Q** And who is the mutual friend that you
11 have?

12 **A** His name is .

13 **Q** ?

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

15 **Q** So you met Michael Brown through your
16 friend,

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

18 **Q** And so how well do you think you would say
19 you knew Mr. Brown?

20 **A** I didn't know him very well.

21 **Q** So would it be accurate to say you guys
22 were just acquaintances?

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

24 **Q** Did you know his last name?

25 **A** Uh, no, ma'am, I didn't.

1 **Q** All right. What did you call him, what
2 was his nickname or did you call him Mike?

3 **A** I mean, we only saw each other one time.
4 So I didn't really say his name at all.

5 **Q** Okay. Had you seen him in the complex?

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

7 **Q** So you just met him the one time and
8 that's the only time you'd seen him?

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

10 **Q** Did you tell officer's previously that you
11 called him, you believed him or knew him to be
12 Mike-Mike?

13 **A** Yes, that's what everybody called him.

14 **Q** Mike-Mike?

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

16 **Q** So on the 9th of August of this year,
17 which was a Saturday, were you at your
18 apartment that day?

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

20 **Q** And you remember was anything special
21 about that morning?

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

23 **Q** Did you have any special plan for that
24 day?

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

1 **Q** And did something during the day direct
2 your attention to the outside?

3 **A** No, ma'am, I just go outside every day.

4 **Q** So you were hanging outside or did you go
5 outside to go see somebody?

6 **A** I was just hanging outside.

7 **Q** Okay. So your unit being right
8 here, I know we know there's three floors to each
9 building?

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

11 **Q** What floor was he on?

12 **A** The second.

13 **Q** So when you say you were outside, were you
14 like on the balcony or were you down elsewhere in
15 the complex?

16 **A** I was on the balcony.

17 **Q** Okay. Were you by yourself?

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

19 **Q** And what were you doing?

20 **A** Just looking around.

21 **Q** Watching people?

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

23 **Q** Okay. And so did something happen that
24 you thought was unusual or drew your attention?

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

1 **Q** Okay. Did you go back into your
2 apartment?

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

4 **Q** And why did you go back into your
5 apartment?

6 **A** Because I had to go get my cell phone.

7 **Q** Why did you have to get cell phone?

8 **A** Because of the Michael Brown incident, I
9 was going to go record it.

10 **Q** Okay. So let's get back and that is kind
11 of why I was trying to get at while you were
12 outside, an incident started; is that right?

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

14 **Q** Okay. And so tell the grand jury, or I'm
15 going to let you kind of tell your narration and
16 then if need be, we'll go back and kind of clarify
17 things.

18 Why don't you tell them what you saw
19 while you were standing on the balcony of your
20 apartment?

21 **A** Okay. Well, as I was sitting down, I
22 notice Mike Brown and another young man walking down
23 the street. They were in the middle of the street,
24 and then moments later a police cruiser pulls up.
25 I'm not sure if they exchanged any words or

1 anything, but that's when I went in the house to go
2 get my cell phone. I heard a gunshot and I rush
3 back outside, and I went to the other side of the
4 balcony and that's when I seen Mike Brown turning
5 around holding his wounds and then the police
6 officer continued to fire.

7 **Q** Okay. Keep your voice up, I know it is
8 natural for you to kind of talk to the person that's
9 closer to you, and your voice kind of goes down.
10 Will you do that? Make sure you are talking so we
11 did hear you back here.

12 I'm sorry to interrupt you, but go
13 ahead, you said, and I missed part of what you said.
14 So you said when you came back out after getting
15 your cell phone, let's start at that point.

16 **A** Came back out from getting my cell phone,
17 I seen Mike Brown holding himself, like holding his
18 wounds. And he turned around and took, I guess,
19 like a step towards the officer, whether he was
20 lunging forward because he was falling from his
21 getting shot. I know the officer just kept firing.
22 And as he was going to the ground, the officer fired
23 a couple more shots and then that was it.

24 **Q** Okay. So during this whole incident,
25 other than to go in to get your cell phone, did you

1 stay on the porch or the balcony, what do you call
2 that area that's right outside the front door?

3 **A** The balcony.

4 **Q** The balcony. Did you stay there during
5 that entire incident other than like you said, you
6 went in to get your phone?

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

8 **Q** Where did you, where did you go?

9 **A** I just went in the house and back outside.

10 **Q** Okay. Was that, I'm talking about you've
11 already said that you were outside and you see a
12 police officer and some boys?

13 **A** Yes.

14 **Q** And at this point you hadn't heard any
15 gunshots, right?

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

17 **Q** Then you went in your house to get the
18 phone?

19 **A** Yes.

20 **Q** While you were in your house, you heard a
21 gunshot?

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

23 **Q** And then you come out?

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

25 **Q** So from the time you come back out until

1 Mike Brown is lying in the road, did you stay on
2 your balcony?

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

4 **Q** Okay. And so, um, so can you use the
5 laser pointer, so you stayed right around this area
6 and can you show the grand jurors where the police
7 car was when you first saw it?

8 **A** Around this area. (indicating)

9 **Q** Do you recall what direction it was
10 facing?

11 **A** It was facing towards this way.
12 (indicating)

13 **Q** If this is east and the police car was
14 facing east?

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

16 **Q** Now, when you looked, when you first
17 noticed it, was it standing still or was it moving?

18 **A** It was standing still.

19 **Q** Okay. So you didn't notice anything
20 before you looked and you saw the police car
21 standing, or not moving and it was in the middle of
22 the street?

23 **A** Correct.

24 **Q** And where were the boys when you first saw
25 the police car?

1 **A** Um, they were sort of kind of in front of
2 it.

3 **Q** Okay. Were they walking or standing
4 still?

5 **A** They were walking.

6 **Q** And which direction did it look like they
7 were walking?

8 **A** They were heading east as well.

9 **Q** Okay. So they were going in that
10 direction as well?

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

12 **Q** And so from your vantage point then, could
13 you see the driver's side of the car?

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

15 **Q** So you are looking at the passenger side?

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

17 **Q** And so could you see the officer inside
18 the car from that at this point from your balcony?

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

20 **Q** And so you said that you saw the two boys
21 and the officer appear to have some kind of
22 communication?

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

24 **Q** Could you hear what was being said?

25 **A** No, ma'am, I was too far away.

1 **Q** Could you hear anything like, you know,
2 words, but you couldn't make it out?

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

4 **Q** No screaming?

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

6 **Q** Okay. And what, if anything, could you
7 see going on while the boys were at the vehicle?

8 **A** Just look like they were talking.

9 **Q** Okay.

10 **A** Like exchanging a few words and that's
11 when I went to go get my cell phone.

12 **Q** Okay. Can you give me an idea or an
13 estimate as to how long you were in the house
14 getting your phone before you came back out?

15 **A** Probably about 30 seconds to a minute.

16 **Q** Okay. And while you were inside is when
17 you heard the first gunshot?

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

19 **Q** And then did you come right out after
20 that?

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

22 **Q** Did you have your phone with you?

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

24 **Q** Did you start videotaping anything?

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

1 **Q** And so why did you go in to get your
2 phone?

3 **A** To videotape, and actually to check it
4 too. I usually don't go outside without bringing my
5 phone, I just happen to leave it in there.

6 **Q** So you went in to get your phone because
7 you thought maybe something was going to happen and
8 you wanted to record it?

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

10 **Q** And then you went in, you got the phone,
11 you hear a gunshot when you came out, but you didn't
12 start recording?

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

14 **Q** Why not?

15 **A** Because it all happened too fast.

16 **Q** Okay. Too fast for you to really react?

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

18 **Q** And so when you came out after hearing
19 that first gunshot, where was the officer? Was he
20 still in the police car or was he outside the police
21 car?

22 **A** He was outside the police car.

23 **Q** And where was Michael Brown?

24 **A** He was right across from me.

25 **Q** Was he standing up in the street or was

1 he, is this a point where he's down in the street?

2 **A** He was standing up.

3 **Q** Okay. What about the littler guy, where
4 was he?

5 **A** He was nowhere to be found.

6 **Q** Okay. So he somehow disappeared from your
7 view?

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

9 **Q** And did you ever see him again during the
10 incident?

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

12 **Q** Okay. So when the officer, you come back
13 and the officer is outside of his car, is the door,
14 driver's door of his car open, do you recall?

15 **A** I don't remember, I didn't look at the
16 police officer's car.

17 **Q** Did you notice, did the officer have the
18 lights on on top of his car?

19 **A** Not that I remember.

20 **Q** All right. And when, so you said you saw
21 the officer out of his car and Michael Brown was
22 right there, can you describe for the grand jurors
23 like where they were in relation to the officer's
24 car?

25 **A** They were probably about a good 10 feet

1 from the officer's car.

2 **Q** So who was closer to the car, the officer
3 or Michael Brown or neither?

4 **A** The officer, where they was probably
5 directly across from each other, I probably say the
6 officer was.

7 **Q** Okay. So was the officer, if he's
8 standing next to his car, was he facing the rear
9 part of his car or was he facing the front part of
10 his car or was he directly facing the car?

11 **A** Here was, can you repeat the question,
12 please?

13 **Q** Sure. If this, for example, is the
14 officer's car and the officer is outside of the car
15 now, is he facing his vehicle as I'm facing this
16 now, or if this is the front of the car, is he
17 facing the front of the car, is he facing away from
18 his car or is he facing the rear of his car or
19 something else?

20 **A** Well, they weren't by the car at that
21 point.

22 **Q** You said they were about 10 feet away?

23 **A** Yes, ma'am, but he was facing towards Mike
24 Brown. They were --

25 **Q** Were they facing each other?

1 **A** Yes, they were facing each other.

2 **Q** Did you see the officer's gun at this

3 point?

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

5 **Q** Where was the gun?

6 **A** He had it drawn.

7 **Q** Okay. So it was out of his holster?

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

9 **Q** Do you recall which hand it was in?

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

11 **Q** And how was he holding it?

12 **A** I don't recall.

13 **Q** So you don't recall if it was by his side,

14 if it was pointed?

15 **A** It was pointed, I know that.

16 **Q** It is pointed?

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

18 **Q** Okay. And so, and Mike Brown is facing

19 the officer at this point?

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

21 **Q** How far away from the officer is Mike

22 Brown?

23 **A** Probably about seven or eight feet.

24 **Q** Seven or eight feet?

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

1 **Q** And then what happens?

2 **A** And then the officer starts to fire.

3 **Q** Okay. And does he fire in the direction
4 of Mike Brown?

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

6 **Q** So the officer is outside of the car?

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

8 **Q** And he's seven to eight feet from Mike
9 Brown at that point?

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

11 **Q** Do you see if he hits Michael Brown?

12 **A** Judging from Mike Brown's reaction, it
13 looks as if he hits him.

14 **Q** Okay. Did you see any blood?

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

16 **Q** So can you describe, or even if you can
17 demonstrate what you mean when you say judging from
18 Michael Brown's reaction?

19 **A** Well, he was holding his wounds as the
20 officer was firing, he started to fall towards the
21 ground. He fell to his knees first and then
22 collapsed all the way.

23 **Q** Okay. So let's, I think I understand that
24 there's a section missing here, so you said the
25 officer's vehicle was stopped here?

1 **A** Yes.

2 **Q** Did he ever move that car?

3 **A** No.

4 **Q** So when you came back out and you saw the
5 officer and Michael Brown facing each other, and the
6 officer had his gun drawn, can you use the pointer
7 and show me where on the map they were?

8 **A** This area right here. (indicating)

9 **Q** And so what do you see happen then?

10 **A** I see the officer use excessive force to
11 take down Mike Brown.

12 **Q** Okay. So let's back up a little bit. You
13 said Mike Brown was standing facing the officer and
14 it looked to you like he, the officer fired at him
15 and it looked like he was hit?

16 **A** Yes.

17 **Q** And you describe that Michael Brown looked
18 like he was holding his wound at this point?

19 **A** Yes.

20 **Q** Was he holding his wounds before the
21 officer fired the shot that you saw or did he grab
22 his wounds after that shot?

23 **A** He was holding before.

24 **Q** Before?

25 **A** Yes.

1 **Q** Can you demonstrate to the grand jurors
2 how you saw Michael Brown holding himself? Can you
3 stand up so they can all see you?

4 **A** Like this. (indicating)

5 **Q** So you have your right arm across your
6 torso, a little bit above your belly button area?

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

8 **Q** And so you said Michael Brown had his arm
9 in that fashion and the officer fired a shot that
10 looked to you like it hit him?

11 **A** Yes.

12 **Q** And then what did Michael Brown do then?

13 **A** It looked like he just took the impact and
14 the officer kept firing and then that's when he
15 started to fall towards the ground.

16 **Q** Okay. Now, did you say a little bit ago
17 you saw Michael Brown take some steps?

18 **A** I seen him take one step.

19 **Q** One step?

20 **A** I don't know if he was taking the step or
21 if he was just, you know, falling forward.

22 **Q** Okay. And so you only saw him take one
23 step?

24 **A** Yes.

25 **Q** And this is first thing that you see when

1 you come back out of your apartment is that they are
2 already at a point somewhere around here. You said
3 where they're facing each other and the officer
4 fires and then Mike Brown lands at that point on the
5 ground?

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

7 **Q** Okay. So whatever happened from the time
8 you saw Mike Brown at the vehicle until they're
9 here, you didn't see any of that?

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

11 **Q** And so how close did you say that the
12 officer was eight to ten feet away from Michael
13 Brown when he was firing the shots?

14 **A** Seven to eight feet.

15 **Q** Seven to ten. Did Michael Brown, did you
16 ever see him put his hands up in the air?

17 **A** No, ma'am, I did not see that.

18 **Q** But like I said, there's parts that you
19 didn't see since you come out and at this point
20 Michael Brown already has his hand here?
21 (indicating)

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

23 **Q** If he had his hands up prior to that, you
24 didn't see it?

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

1 **Q** And you didn't see him running from the
2 officer?

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

4 **Q** Now, you said, did you see, did you ever
5 see him run from the officer?

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

7 **Q** Okay. From the first gunshot that you
8 heard while you were inside, is the next gunshot you
9 hear the one that you see when he fires, when he's
10 face-to-face with him?

11 **A** I'm not, I don't remember.

12 **Q** Okay. How many total gunshots do you
13 think you heard?

14 **A** Six or seven.

15 **Q** And you said that you saw Michael Brown
16 fall forward?

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

18 **Q** Did he fall to his knees first or did he
19 just fall straight down?

20 **A** He fell to his knees first.

21 **Q** Okay. Did he remain on his knees for any
22 amount of time even if it was a couple of seconds?

23 **A** Yes, ma'am, it was probably a couple
24 seconds.

25 **Q** Okay. So he fell to his knees, did the

1 officer continue to fire?

2 **A** Yes, I think he let go one more shot.

3 **Q** And then you saw Michael Brown from his
4 knees, then did he fall forward?

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

6 **Q** And when he was on his knees, did you see
7 him put his hand up?

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

9 **Q** And when he was falling forward, did you
10 see him put his hands up?

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

12 **Q** So when you saw him, he had a hand across
13 his torso?

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

15 **Q** What was the other hand doing?

16 **A** I'm not sure, I couldn't see.

17 **Q** Okay. And did he keep his hand in the
18 position that you saw his hand the whole time you
19 saw him?

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

21 **Q** Did he fall that way with his hand across
22 his torso?

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

24 **Q** Did you, after he fell to the ground, did
25 the officer continue to fire?

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

2 **Q** Did you see what the officer did then?

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

4 **Q** And why not?

5 **A** I was too busy looking around to see if
6 anybody else saw what I saw.

7 **Q** Okay. And did you see other people around
8 there?

9 **A** No, ma'am, not at the time until like
10 after, you know, a couple of minutes went by and
11 then I saw other people start to come outside.

12 **Q** Okay. Did you see, now you're in this
13 building, right?

14 **A** Yes.

15 **Q** Did you see anybody on the balconies over
16 here?

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

18 **Q** And did you see cars, how about cars on
19 the street that might have been stopped?

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

21 **Q** Did you see cars in either direction?

22 **A** No, ma'am, I didn't see any cars.

23 **Q** And, okay, so let's clarify. Are you
24 saying that there weren't cars there or you saying
25 you don't know if there were cars there?

1 **A** I don't know if there were cars there.

2 **Q** Okay. And the same thing with somebody
3 being on the balcony here, are you saying there
4 wasn't anybody on the balcony next to you or you
5 saying you don't know if there was?

6 **A** I don't know if there was.

7 **Q** Okay. And then did you see the officer
8 who did the shooting, did you see him approach
9 Michael Brown's body after he fell on the ground?

10 **A** I don't remember.

11 **Q** Okay. Did you see what he did after that,
12 after Michael Brown fell on the ground?

13 **A** I don't remember.

14 **Q** During the time you saw the initial
15 encounter until Michael Brown was dead on the
16 ground, did you see any other police officers?

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

18 **Q** Did you see any other police cars?

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

20 **Q** Eventually did other police officers and
21 cars come?

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

23 **Q** Did you go down to the street afterwards?

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

25 **Q** Did you stay up in your apartment?

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

2 **Q** Did they have a good or bad reputation or
3 if you know?

4 **A** I'm not sure.

5 **Q** Okay. So you not wanting to be involved
6 is just because you just didn't want to be involved
7 or was it because of distrust of the police officers
8 or?

9 **A** I just didn't want to be involved. I
10 didn't want that attention.

11 **Q** Do you know how it was that the police
12 found you?

13 **A** No, ma'am, I don't.

14 **Q** But eventually on August 18th, you recall
15 a couple FBI agents coming to talk to you ?

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

17 **Q** Did you tell them what you saw?

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

19 **Q** And now you actually here with
20 your mother to testify in this case; is that right?

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

22 **Q** And did you do that willingly?

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

24 **Q** And you met with the FBI, was it
25 yesterday?

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

2 **Q** And you made a recorded statement with
3 them?

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

5 **Q** Okay.

6 MS. ALIZADEH: I don't have any more
7 questions. Sheila?

8 MS. WHIRLEY: Thank you.

9 **Q** (By Ms. Whirley) Why do you say it was
10 excessive force?

11 **A** After the first shot, it's excessive.

12 **Q** I'm sorry?

13 **A** After the first shot that was excessive.

14 **Q** You thought after?

15 **A** After I came outside and I seen him
16 holding his wound, he didn't really have to keep
17 shooting. Mike Brown didn't pose a threat, to my
18 knowledge, he didn't pose a threat.

19 **Q** And you didn't see anything happening at
20 the police car, you just said, why did you go, what
21 was happening when you went and got your cell phone
22 again?

23 **A** They were just at the police cruiser.

24 **Q** You didn't see any tussling or car moving?

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

1 **Q** Any loud noises or anything?

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

3 **Q** And then you went in to get your cell
4 phone because you always have it?

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

6 **Q** You heard a shot?

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

8 **Q** While you were getting your cell phone?

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

10 **Q** You didn't see what was happening when the
11 shot first went off?

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

13 **Q** All right. And then was it just one shot
14 you heard before you got back out?

15 **A** I know one shot for sure, but I don't
16 remember.

17 **Q** Where were you at like on the balcony or
18 something?

19 **A** When I heard the shot?

20 **Q** Yeah, when you came back out and saw
21 everything?

22 **A** I was on the balcony.

23 **Q** So you never went downstairs?

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

25 **Q** You were watching from the balcony?

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

2 **Q** So after you came out to the balcony with
3 your phone, a shot had already occurred?

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

5 **Q** You say you saw Michael Brown facing the
6 officer?

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

8 **Q** When he was holding his torso and that's
9 when all of these shots, you heard some more shots?

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

11 **Q** Okay. Could you hear him saying anything?

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

13 **Q** You weren't close enough to hear them
14 talking?

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

16 **Q** What do you think the officer should have
17 done?

18 **A** Anything other than kill him. I'm pretty
19 sure the police training and police training they,
20 you know, have any other means of, you know,
21 corralling a suspect other than killing him.

22 **Q** You said he was wounded when he was shot
23 dead?

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

25 **Q** I wasn't clear, did you record any of the

1 incident, even afterwards?

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

3 **Q** So what did you record?

4 **A** I just recorded his body laying right
5 there and the officer just, I guess he was walking
6 around, I'm not sure.

7 **Q** But you didn't record the actual shooting,
8 you weren't quick enough to do that?

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

10 **Q** Did at any time when you saw him with his
11 hands, we call this the torso, right?

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

13 **Q** Around his torso, did he appear to be
14 going for a weapon?

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

16 **Q** It was clear to you that he appeared to be
17 wounded?

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

19 **Q** Could you see blood?

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

21 **Q** Okay. And so why do you think he was
22 wounded again?

23 **A** Because I heard gunshots.

24 **Q** Okay. And it didn't look like he was
25 going for a weapon?

1 all that big.

2 : All right. You were at
3 an angle?

4 **A** Yes, ma'am -- yes, sir, I apologize.

5 : That's close enough.

6 I just
7 need to clarify something. Did you hear any shots
8 while you were walking back into the apartment to
9 get your cell phone?

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

11 The first shot you
12 actually heard when you came back out?

13 **A** The first shot I heard was when I was
14 inside.

15 : You heard one while you
16 was on the inside?

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

18 : That was the shot you
19 heard?

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

21 : Okay.

22 MS. ALIZADEH: Anyone else?

23 . I guess, did you
24 have head phones or anything on, were you listening
25 to music out on the balcony or playing a video game

1 or anything, or were you just sitting out there?

2 **A** I'm just sitting out there.

3 : Just watching?

4 **A** Just watching, looking around.

5 : I had another question. I
6 guess you know when you looked up and saw Michael
7 Brown at the police car, something must have made
8 you want to think it is more than just an innocent,
9 you know, stop right there. Because you ran in to
10 get your phone, can you think of why or what made
11 you think there was something to record? Did you
12 hear loud voices, did you look at Michael's face,
13 did you know something was about to happen.

14 **A** It was just a gut feeling. Something just
15 toll me in my mind that you might want to go get
16 your phone.

17 : So you just saw a few
18 seconds of that, whatever happened there. And then
19 it sounds like you just saw the very last few
20 seconds at the end before Michael Brown was shot to
21 death?

22 **A** Yes, sir.

23 : Okay. Thank you.

24 . Your cell
25 phone, what room was your cell phone in?

1 **A** It was in the kitchen.

2 : It was in the kitchen.

3 Was it plugged in a charger at that time?

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

5 : Okay. When you came from
6 the balcony into the house to get your cell phone, I
7 think you have to enter through the sliding doors in
8 the living room, is that how you enter your
9 apartment?

10 **A** You can or you can just go through the
11 main door.

12 : The main door, how did you
13 get in there?

14 **A** I went through the door.

15 You went through the door?

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

17 So where is that in
18 relationship, you have to walk to your left to the
19 right of the sliding glass doors or where are you
20 exactly positioned to the main door?

21 **A** It is on the right.

22 : On the right. And how far
23 were you away from the main door at that point?

24 **A** Probably about two or three feet.

25 Two or three feet. You

1 know about how many feet you traveled in the
2 apartment to get to your cell phone?

3 **A** I'm not sure.

4 : Not sure?

5 **A** I'm not sure.

6 : Okay. When you came back
7 out, did you also go back out through the main door,
8 the same path?

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

10 : Okay, all right, thanks.

11 : I don't have anything any
12 more.

13 MS. ALIZADEH: No more questions from you.
14 At this point if there is no more questions, that
15 will end the testimony of this witness.

16 (End of the testimony of .)

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2 State of Missouri

3 SS.

4 County of St. Louis

5 I, XXXXXXXX, a Licensed Certified Court
6 Reporter by the Supreme Court in and for the State
7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 Missouri.

13 The said witness, being of sound mind and being
14 by the grand jury first carefully examined and duly
15 cautioned and sworn to testify to the truth, the
16 whole truth, and nothing but the truth in the case
17 aforesaid, thereupon testified as is shown in the
18 foregoing transcript, said testimony being by me
19 reported in shorthand and caused to be transcribed
20 into typewriting, and that the foregoing page
21 correctly sets forth the testimony of the
22 aforementioned witness, together with the questions
23 propounded by counsel and grand jurors thereto, and
24 is in all respects a full, true, correct and
25 complete transcript of the questions propounded to

1 and the answers given by said witness.

2 I further certify that the foregoing pages
3 contain a true and accurate reproduction of the
4 proceedings.

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

9

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1 COURT MEMO
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5 State of Missouri v. Darren Wilson
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7
8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10
11 DEPOSITION OF Grand Jury, Volume XVII
12
13 10/28/2014
14 Name and address of person or firm having custody of
15 the original transcript:
16
17 St. Louis County Prosecuting Office
18 100 South Central, 2nd floor
19 Clayton, MO 63105
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1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:
2
3 St. Louis County Prosecuting Office
4 100 South Central, 2nd floor
5 Clayton, MO 63105
6 Total:
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1 Upon delivery of transcripts, the above
 2 charges had not been paid. It is anticipated
 3 that all charges will be paid in the normal course
 4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
 6 515 Olive Street, Suite 700
 7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
 9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

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