

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XIII

Date: October 16, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 16, 2014

VOLUME XIII

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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 16th day of October, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

5 Assistant Prosecuting Attorneys for St. Louis

6 County

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1 GRAND JURY HEARING VOLUME XIII

2 MS. ALIZADEH: Good morning.

3 (All say good morning.)

4 WITNESS 34,

5 of lawful age, having been first duly sworn to

6 testify the truth, the whole truth, and

7 nothing but the truth in the case aforesaid,

8 deposes and says in reply to oral

9 interrogatories, propounded as follows, to-wit:

10 EXAMINATION

11 MS. ALIZADEH: Now, this is Kathi

12 Alizadeh. It is October 16th, 2014, it is 9:14.

13 This is the first of the day. We had a little late

14 start today. I'm present, with Sheila Whirley from

15 the prosecutor's office, all 12 grand jurors are

16 present, as is the court reporter and we're getting

17 ready to hear from the first witness of the day who

18 has been sworn.

19 BY MS. ALIZADEH:

20 Q You and I met with your attorney and

21 Sheila prior to you coming in here today; is that

22 right?

23 A That's right.

24 Q And remember that I told you that the

25 court reporter is taking things down and there will

1 be a recording, but before we start the recording
2 I'm going to have you introduce yourself. Do you
3 remember me telling you that?

4 **A** Yeah, uh-huh.

5 **Q** And then I told you that after we start
6 the recording, we are going to refer to you by a
7 number instead of your name, okay?

8 **A** Right.

9 **Q** And your number is going to be 34, okay?

10 **A** Okay.

11 **Q** So could you please state your name for
12 the grand jurors?

13 **A** Witness 34.

14 **Q** And how old are you, sir?

15 **A** .

16 **Q** And whereabouts do you live?

17 **A** (Redacted)

18 **Q** Okay. (Redacted)

19 **A** (Redacted)

20 **Q** How long have you lived in the St. Louis
21 area?

22 **A** I have been in St. Louis since .

23 **Q** Do you live in the Canfield Green
24 Apartment Complex?

25 **A** No, I have a .

1 **Q** And you were driving this direction on
2 Canfield Drive? (indicating)

3 **A** Right.

4 **Q** Okay. Now, right here in front of you is
5 a laser pointer.

6 **A** Uh-huh.

7 **Q** And there's a little gray button right
8 there. So if you press it, you can use that to show
9 on the map.

10 So as you were, let me ask you this,
11 were you with somebody in your ?

12 **A** Yes, one of the guys that work with me.

13 **Q** Is this guy somebody that is a friend of
14 yours?

15 **A** Well, I call him a friend. I help him out
16 a lot.

17 **Q** Do you know his name?

18 **A** , he goes by. I never question him
19 too much, he never likes me getting into his
20 business too much.

21 **Q** You call him ?

22 **A** Right.

23 **Q** And he's

24 **A**

25 **Q** And you've worked with him though?

1 **A** Yeah, I've worked with him several times.

2 **Q** So was he going to work with you that day?

3 **A** Yes, uh-huh, right.

4 **Q** Do you know is he African-American or is
5 he Caucasian?

6 **A** African-American.

7 **Q** Okay. So is just a name you call
8 him?

9 **A** Right, uh-huh.

10 **Q** So as you entered, were coming into the
11 Canfield Green Apartment Complex, did you see
12 anything unusual?

13 **A** Yes, when we got turned into Canfield,
14 coming up Canfield, all of the sudden, I call it a
15 truck, but it is like a van, more like a van, you
16 know what I'm saying? And it is parked kind across
17 the street and there is a car in front of us, okay.
18 And we saw the police and a young man struggling.

19 **Q** Okay. So let me stop you. Use that
20 pointer and show me was the police car on Canfield
21 Drive on this main street?

22 **A** Yeah, it was headed back towards West
23 Florissant. It is on this street. If this is West
24 Florissant, it is on this street here. I can't
25 think of exactly whereabouts in there, but somewhere.

1 But anyway, his car was headed back towards West
2 Florissant.

3 Q Okay.

4 A The police car was. There was one car
5 right in front of me when I was there. My car
6 there, I'm just not saying definitely this is the
7 spot. My car there and another car right there and
8 the police car right there headed back that way.
9 (indicating)

10 Q Okay. So he was, you were facing the
11 police car?

12 A Right.

13 Q And his police car was facing you?

14 A I'm sorry, say that again?

15 Q Was the police car then facing?

16 A Right, right, right, like coming back
17 toward West Florissant.

18 Q Okay. Now, was this a marked police car?

19 A It had police on it, Ferguson Police.

20 Q You could tell by looking at it, it was a
21 police car?

22 A Yeah, uh-huh.

23 Q And did it have like a light bar on it, do
24 you remember?

25 A Yeah, yeah, it was one of the regular

1 police cars of Ferguson, like the van thing like.
2 You know, it looked like a SUV or something like
3 that. I'm not for sure.

4 **Q** Were the lights on the car going, like the
5 red and blue lights, do you recall them being on?

6 **A** No, I don't, I don't recall that.

7 **Q** Okay. So was that police car when you
8 first saw it, was it moving or was it standing
9 still?

10 **A** It was sitting still, but it was kind of
11 like across the street so nobody can really get by,
12 you know what I'm saying?

13 **Q** Okay. So did you have to stop your car?

14 **A** Yes, yes, we had to stop.

15 **Q** And the car in front of you, was it
16 stopped also?

17 **A** Yes, it was stopped.

18 **Q** Do you remember anything about the car in
19 front of you?

20 **A** It was white and he turned around and then
21 I remember, I had to be close to one of those exits
22 there, one of those because I turned around in one
23 of those exits and went back out. And then I came
24 around to the back part and came in off of Chambers,
25 I came in off of Chambers back there.

1 **Q** So we'll get to that part. That happens
2 in a little bit, right?

3 **A** Right, uh-huh.

4 **Q** So you don't turn around immediately?

5 **A** No, no, I don't turn around immediately.

6 **Q** Okay. So there is a white car in front of
7 you?

8 **A** Uh-huh.

9 **Q** And could you see the people in the white
10 car, people or person?

11 **A** I wasn't really paying attention to them,
12 you know, I don't remember seeing them. I was
13 looking at the police truck really.

14 **Q** What did you see at the police truck?

15 **A** Well, the police and the young man, they
16 were struggling. The young man was standing outside
17 the window and the police inside the window. And he
18 had ahold of the young man, and the young man had
19 ahold of him, and they are struggling with one
20 another.

21 **Q** Okay. So could you see the police officer
22 inside the truck?

23 **A** I could see him, but not clearly, you
24 know, I could see him.

25 **Q** And how many police officers were inside

1 the truck?

2 **A** As far as I could tell, one.

3 **Q** Now you say there was a young man standing
4 outside the truck?

5 **A** Yeah, uh-huh.

6 **Q** Was he the only other person you saw
7 outside or around the truck?

8 **A** Yes, he was the only person that I really
9 saw, you know, by the police.

10 **Q** Can you describe anything about the man
11 that was standing outside the truck?

12 **A** Uh, as far as I could tell he was a young
13 man, tall, you know, and like I say, at the time,
14 you know, like I couldn't really see him clearly,
15 you know what I'm saying? I could see he was a
16 black young male standing there. I turned to Mr.
17 , I said, man, you see this, we've got to get
18 out of here.

19 We didn't leave immediately, you know
20 what I'm saying? I didn't want to get blocked in.
21 I had an appointment to be at, you know what I'm
22 saying?

23 **Q** Okay. Now, when you say that they were
24 struggling.

25 **A** Uh-huh.

1 **Q** And you said he had ahold of the officer's
2 shirt and the officer had ahold of his shirt?

3 **A** Right, uh-huh.

4 **Q** Okay. Was the officer sitting in the
5 driver's seat of the police car?

6 **A** Yeah, uh-huh.

7 **Q** All right. And as best you could tell,
8 was the police officer' window down?

9 **A** Yeah, uh-huh.

10 **Q** So each one is reaching through the
11 window?

12 **A** Right, uh-huh.

13 **Q** Did you see anything else going on in this
14 struggle?

15 **A** The next thing I heard was a shot, pow,
16 and then the young man took off running.

17 **Q** When they were struggling, did you see
18 anybody, either one of them punching or hitting the
19 other one?

20 **A** It looked like, looked like they were
21 going at it because I could see the young man, you
22 know, I could see him hitting at the policeman and
23 the policeman, you know, as far as I could tell was
24 going like this. And it looked like he was going
25 for his gun, you know what I'm saying? So I was

1 like.

2 **Q** Okay. So when you say it looked like he
3 was going --

4 **A** I say looked like it, I'm not for sure,
5 I'm not for sure.

6 **Q** Sure. And that's what we want to make
7 sure you describe why you think that.

8 **A** Right.

9 **Q** What was he doing that made you think --

10 **A** Because like when he leaned over like
11 this, I see his right hand disappear, you know, and
12 when we heard the shot, that's when I said, hey, it
13 is time for me to go. You know, I turned around,
14 like I said, one of those driveways down there it is
15 to the left, because I was headed on West Florissant
16 is from behind.

17 I was going up this way, I turned
18 around in one of them driveways. I see people
19 standing out and stuff like that. And then I backed
20 out and I headed out. As I was leaving, I heard
21 three more shots as I was leaving. I didn't see
22 them, I heard three more shots as I was leaving.
23 (indicating)

24 **Q** Let's go back to the point where you are
25 still on the street.

1 **A** Okay.

2 **Q** So the police officer was a man, correct?

3 **A** Right.

4 **Q** And the guy outside the truck, he was also

5 a man?

6 **A** Right.

7 **Q** Did you know, when you saw the man at the

8 truck.

9 **A** Uh-huh.

10 **Q** Outside the truck?

11 **A** Right.

12 **Q** Had you ever seen him before that day?

13 **A** No, I haven't.

14 **Q** Was he white or African-American?

15 **A** African-American.

16 **Q** Could you tell whether the officer was

17 white or African-American?

18 **A** He's white.

19 **Q** Okay. So do you now know that the guy

20 outside the truck, do you know what his name is?

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

22 **Q** What do you know now his name was?

23 **A** Michael Brown.

24 **Q** Let's use his name, even though you didn't

25 know him back then.

1 **A** All right.

2 **Q** And that way we will know, we will be
3 clear on who is doing what. Had you ever seen that
4 police officer before?

5 **A** No, I haven't.

6 **Q** Do you know any Ferguson police officers?

7 **A** No, I don't.

8 **Q** Do you know that officer's name now?

9 **A** No, I still don't know his name. I heard
10 it on TV, like I say, it don't stick with me, you
11 know.

12 **Q** So for now let's call him the police
13 officer?

14 **A** All right.

15 **Q** And then we will talk about the other man
16 being Michael Brown, okay?

17 **A** Uh-huh.

18 **Q** So when you say, let's go back then just
19 to clarify. Michael Brown had his hand on the shirt
20 of the officer?

21 **A** Yes.

22 **Q** And the officer had his hands on Michael
23 Brown's shirt?

24 **A** As far as I could tell, looks like both of
25 them had ahold of each other.

1 **Q** Okay. And you describe somebody is
2 punching or doing punching motions, which one was
3 doing the punching or both?

4 **A** I saw Michael punching a couple times
5 through the window, I would say a few times.

6 **Q** Okay. And did you ever see the officer
7 punching Michael?

8 **A** No. It seemed like, first when hitting
9 and stuff and the officer hand disappeared, I saw
10 the officer hand disappear and I heard a shot, that
11 was it.

12 **Q** Okay. About how long from the time you
13 came around here to see the officer, when you came
14 around and first saw the truck, was Michael Brown
15 already at the driver's --

16 **A** He was already there at the truck. They
17 was right in the middle of the street.

18 **Q** Okay. When you first saw them, were they
19 already struggling?

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

21 **Q** So for the time you first saw them until
22 you heard the gunshot.

23 **A** Uh-huh.

24 **Q** How long did you see that struggle?

25 **A** To me it look like they struggle before

1 the officer got his hand on his gun. They struggle
2 probably about, I don't know what, as far as I could
3 see two or three minutes, I say two or three
4 minutes.

5 **Q** Okay. And from what you could see.

6 **A** Uh-huh.

7 **Q** And I'm asking you to give me an
8 assumption, and if you can't, then say I couldn't
9 really tell you.

10 **A** Okay, all right.

11 **Q** Did it look like one person was winning
12 the struggle or one person had the advantage in the
13 struggle or was it even?

14 **A** I really can't answer that because like it
15 was happening so fast. And like I told you, you
16 know, if I can't tell the story right away,
17 sometimes I forget things, you know, so I don't want
18 to put that, but as far as I could tell, you know,
19 like Michael hit him a few times. He had ahold of
20 Mike real close through the window and the officer,
21 both of them struggle to hit one another.

22 And I see Michael hit him a couple
23 times and then all of the sudden I see the officer
24 lean over, one of his hands disappear and then the
25 guy I was with , I heard a shot, pow, and Mike

1 Brown took off running.

2 Q Did you ever see the officer's gun when
3 you heard that pow?

4 A I didn't see it when I heard the pow, I
5 heard the gun once the officer got out of the truck.

6 Q Okay. So when you heard the pow, you
7 didn't see the gun outside the car?

8 A No, no, no, no, I didn't see it outside
9 the car. All I heard was a pow. I was in the midst
10 of getting out of there then.

11 Q Okay. And when you heard the pow, is that
12 when you're like, okay, I got to get out of here?

13 A Oh, yeah, I said it was time to go. As
14 soon as we got room enough to turn around, we left.

15 Q But you saw some things before you got
16 turned around?

17 A Before I got turned around, yes.

18 Q So let's go back now. From the time of
19 the pow, the gunshot. Did you recognize that as a
20 gunshot, had you ever heard a gunshot before?

21 A Oh, yes, yes, I recognize the gunshot.

22 Q Okay. You just heard the one at that
23 point?

24 A At that point in time, yeah.

25 Q And so what did Michael Brown do when you

1 heard pow?

2 **A** He took off running, and then the officer
3 got out of his truck and the officer had his gun
4 down to his side like that. Looked like the officer
5 was reaching up to his thing he had on his shirt
6 that he talked through, and then the kid ran a piece
7 off. And he stopped, he was behind a car, looked
8 like he had both of his hands on the car.

9 (indicating)

10 **Q** When you say he, are you talking --

11 **A** Michael Brown.

12 **Q** Okay.

13 **A** And then the officer was coming towards
14 him and then look like Michael Brown started coming
15 back towards the officer, right. And then that's
16 the last I saw of him, right. And then I was turned
17 around like this, I was backing out, turned around,
18 I seen it was clear, I took off. I heard three more
19 shots right before I started forward, like pow, pow,
20 pow, like that. And that was the last that I saw
21 until I heard the rest on the news.

22 **Q** Okay. So let's go back then from the time
23 that you saw Michael Brown start to run away, which
24 direction was he running?

25 **A** He was coming back this way. Michael

1 Brown, say if the police car was sitting right
2 there, he was coming back this way and then there
3 was another car sitting like here or something, I'm
4 not for sure, but that's where he stopped at. And I
5 said to myself in my head, you know, I think that
6 kid probably got hit, man. (indicating)

7 **Q** Hit, what do you mean hit, by a car?

8 **A** Got shot, got shot.

9 **Q** Got shot. Okay. When you say, man, that
10 kid probably got hit?

11 **A** Right.

12 **Q** You mean Michael Brown?

13 **A** I mean Michael Brown.

14 **Q** Okay. So let's go step by step here. So
15 when you saw Michael Brown turn, run away from the
16 police car.

17 **A** Uh-huh.

18 **Q** Did he stay in the street or did he run to
19 a building?

20 **A** Right in the middle of the street.

21 **Q** Running down the middle of the street?

22 **A** Right.

23 **Q** You said saw the officer get out of his
24 car?

25 **A** Yeah.

1 **Q** Did the officer get out of his car right
2 away or was there a few moments before he got out or
3 do you recall?

4 **A** As far as I can recall, after Michael
5 Brown took off running, the officer got out of his
6 car. It was pretty quick, you know what I'm saying?
7 I couldn't say he sit there a long time, it was
8 pretty quick he got out of his car.

9 **Q** Okay. I'm just guessing, you tell me if
10 I'm wrong. So if Michael Brown started running.

11 **A** Right.

12 **Q** By the time the officer got out of his
13 car, Michael Brown had a little bit of a head start?

14 **A** He wasn't that far away from him as far as
15 I could remember. Michael Brown probably run about
16 two and a half car lengths or maybe three, something
17 like that.

18 **Q** Okay. And so you said the officer had his
19 gun when he got out of the car?

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

21 **Q** Where was his gun, in his hand?

22 **A** Yeah, he had it in his hand down by the
23 side.

24 **Q** All right. And you used your right hand,
25 do you recall it being his right hand?

1 **A** As far as I can tell. When he got out of
2 the door, he's in front of me and he had the gun
3 down to the side of his leg like this, and you know,
4 watching which way they run and he started to chase
5 Michael Brown too. (indicating)

6 **Q** Okay. So when you say he started to chase
7 Michael Brown.

8 **A** Uh-huh.

9 **Q** Let's clarify also. Was Michael Brown
10 running, was he walking?

11 **A** He was running. And then it looked like
12 he couldn't go no further, he stopped and put his
13 hand on the back of the car. And I recall that car
14 was brown or gold or something like that, as far as
15 I can recall.

16 It looked like Michael Brown, when
17 he's coming toward Michael Brown, Michael Brown took
18 his hands off the car and was coming towards the
19 officer.

20 **Q** Okay. So when you saw Michael Brown
21 running away.

22 **A** Uh-huh.

23 **Q** Could you tell if he had been shot? Could
24 you see anything?

25 **A** I couldn't tell if he had been shot.

1 That's when I said, well, he must have got hit
2 because that's all the further he ran. I know if
3 somebody shot at me, I would run further than that.

4 **Q** Sure.

5 **A** You know what I'm saying?

6 **Q** So you only are guessing that he might
7 have been hit because he didn't keep running?

8 **A** Right, he might have been hit from the
9 first shot in the car.

10 **Q** So from the time the officer got out of
11 his car, and you said he chased Michael Brown, so
12 describe how he was moving, was he running, was he
13 walking?

14 **A** The officer?

15 **Q** Yes.

16 **A** The officer, can I stand up?

17 **Q** Yeah.

18 **A** The officer kind of got out of the car, he
19 is doing this over here, looks like he was talking
20 through his thing and Michael Brown was running
21 probably from here to that young lady there. And
22 he's coming behind him and look like Michael Brown
23 just got tired all at once or couldn't run no
24 further, put his hand on the back of the car.

25 And then the police still coming at

1 him, he took his hand off the car and was walking
2 towards the police, I guess, it was walking or
3 running, I'm not sure, but he was coming towards the
4 officer and that's the last I saw.

5 **Q** Okay. When you saw the officer, you said
6 you saw him chasing Michael Brown, but what you did
7 was kind of like, I'm doing this? (indicating)

8 **A** It was a trot.

9 **Q** A trot?

10 **A** Yeah, a trot.

11 **Q** So you describe that as a trot?

12 **A** Right, uh-huh.

13 **Q** He had his gun down at his side.

14 **A** Right.

15 **Q** Did you ever see him once he got out of
16 the car, did you ever see the officer point his gun
17 at Michael Brown or in Michael Brown's direction?

18 **A** Not after he got out of the car.

19 **Q** You never saw that?

20 **A** I never saw that.

21 **Q** Okay. Did you ever hear the officer say
22 anything?

23 **A** I wasn't close enough to hear.

24 **Q** What about Michael Brown, did you ever
25 hear him say anything?

1 **A** No, I couldn't hear him say anything.

2 **Q** How about at the truck, could you hear
3 yelling cursing --

4 **A** No, I couldn't hear nothing.

5 **Q** When you saw Michael Brown, you said he
6 ran a good piece or a piece, and then he stopped and
7 he put his hands on the back of the car?

8 **A** Uh-huh.

9 **Q** Was this a car that was in the roadway?

10 **A** Yes, it was parked back towards West
11 Florissant the car was.

12 **Q** Okay. Did it appear that it was parked
13 out in the street?

14 **A** It was stopped like somebody stayed there.

15 **Q** Like somebody else who had to stop?

16 **A** No, there was no one in that car, I
17 remember that.

18 **Q** Okay. You didn't see anyone?

19 **A** I didn't see anyone in that car.

20 **Q** Let's be clear on this. Could you see
21 inside the car and say no one was in it?

22 **A** It was clear. Usually you see a shadow.
23 I was further enough away from the car if someone
24 was sitting in there, I probably could have seen a
25 shadow. I didn't even see an shadow from someone

1 sitting in it. So I can't say 100 percent there was
2 someone in there or not.

3 **Q** So you didn't see anybody in that car?

4 **A** No, I didn't see anybody in that car.

5 **Q** You think it was a brown or gold car?

6 **A** Right, it was a brown or yellow car.

7 **Q** Was it regular car or was it a SUV or a
8 van?

9 **A** It look something like a Mercury, you
10 know, like one of the older Mercuries. I'm not for
11 sure it is even a Mercury or not, maybe a Ford. It
12 was something on this side of the street headed this
13 way. (indicating)

14 **Q** Okay. And so, and the way you described
15 it that he put, Michael Brown put both of his hands
16 on the back of that car?

17 **A** Right, right, uh-huh.

18 **Q** Now, we know Michael Brown was a tall guy,
19 big guy?

20 **A** Right.

21 **Q** When you say the back of the car, was it
22 like on the trunk area?

23 **A** Right, it was on the trunk.

24 **Q** So was he leaned over at all?

25 **A** Right, right, he had his hands on the

1 trunk. (indicating)

2 Q All right. And so how long in seconds or
3 minutes, if it was minutes, did he stay there,
4 Michael Brown, stay there with his hands on the
5 trunk of that car?

6 A As far as I know maybe a minute and a
7 half, two minutes maybe.

8 Q When he was staying there with his hands
9 on the trunk of the car, did the officer continue to
10 move toward him?

11 A The officer continued towards him.

12 Q Was the officer firing his weapon as he
13 was moving towards him?

14 A No, I didn't see him fire.

15 Q And then you said at some point you see
16 Michael Brown walk towards the officer or come
17 towards the officer?

18 A Right.

19 Q So can you describe how he was coming,
20 running, walking, trotting, staggering, stumbling?

21 A He was walking towards the officer, but it
22 wasn't trotting. Can I get up?

23 Q Sure.

24 A Say he was the officer, and he has got his
25 hands like that, so the officer started coming

1 toward him, so he got off the trunk and he was
2 coming towards the officer like that. (indicating)

3 Q Okay. So when he was, had his hands on
4 the trunk.

5 A Uh-huh.

6 Q Was he totally behind the car?

7 A Yeah, yeah, he's behind the car. But the
8 right on the edge. Say this is the car there and
9 that's West Florissant over there, he was like on
10 this side, you know what I'm saying? That side was
11 toward the curb and he didn't have to walk too far
12 around the car.

13 Q So when he had his hands on the trunk,
14 would he had been facing the officer at that point?

15 A Yes.

16 Q So when he was running away, at some point
17 then he had to turn to get behind that car and put
18 his hands on the car?

19 A Excuse me, as he's running away, looked
20 like he got tired, and he did like that. He just
21 got turned like that. (indicating)

22 Q After a minute or two, or whatever, you
23 said he had his hands on the back of the car?

24 A Uh-huh.

25 Q On the trunk of the car, did he then stand

1 back up and come towards the officer?

2 **A** He never did go down. He was just
3 standing behind the car. The officer --

4 **Q** I stand back up, that was my choice of
5 words, that was wrong. I meant, you know, you
6 talked about he was leaning over a little bit.

7 **A** Yeah.

8 **Q** So did he come back up standing upright
9 and then move towards the officer or did he stay in
10 that leaning position?

11 **A** He wasn't bent over coming towards the
12 officer, as far as I could tell. That's about the
13 last I saw of him.

14 **Q** Okay. When he was coming toward the
15 officer, and I know you're in the process at this
16 point of thinking, how can I get out of here, right?

17 **A** Oh, yeah.

18 **Q** And there was a car in front of you and
19 you were worried about hitting that car, right?

20 **A** Right, uh-huh, right. Before I turned
21 around, as the car was turning around, I was turning
22 around, you know what I'm saying?

23 And I seen a bunch of people out
24 there and I was backing out and was telling
25 me, come on back. And, you know, I came on back and

1 I turned around. By the time I got back to West
2 Florissant, there was a bunch of other officers car
3 coming.

4 **Q** Okay. So was there a car behind your
5 truck?

6 **A** Oh, yeah, there was a car behind me, but
7 they wasn't right up on me, you know what I'm
8 saying?

9 **Q** So when you saw Michael Brown coming
10 towards the officer, how were Michael Brown's hands?

11 **A** As far as I can tell, you know, after he
12 got out of the car, the last I saw him, that's the
13 last I saw him. (indicating)

14 **Q** And at that point, at some point towards
15 the end of this, though, are you looking at cars so
16 that you could try to back up?

17 **A** Yeah, because I made one turn. I make
18 that one turn up in here, I backed out and then I
19 head on out.

20 **Q** Okay.

21 **A** I never looked back after that. But after
22 I was backing out, I heard pow, pow, pow, I took
23 off.

24 **Q** So you heard another round of gunfire?

25 **A** Uh-huh.

1 **Q** Were you still on Canfield Drive?

2 **A** I was still on Canfield Drive, right.

3 **Q** And so when you saw Michael Brown walking
4 toward the officer, can you give me a guess or
5 estimate as to how many steps he took or how far he
6 walked?

7 **A** As far as I can tell it looked like two or
8 three steps to me, you know, something like that.

9 **Q** And then you took your eyes off of what
10 was going on?

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

12 **Q** So whatever happened after that you didn't
13 see it?

14 **A** Right, no. All I heard, when the police
15 officer coming, most of them, say if this was to
16 turn, I backed out and I turned and I was headed
17 that way. By the time I got up in there, all I
18 heard was pow, pow, pow.

19 **Q** So were you, when you heard pow, pow, pow,
20 this round of gunfire?

21 **A** Right.

22 **Q** Were you already facing --

23 **A** Yes. And the gentleman with me that I
24 call , he was looking back, you know. He said,
25 I think he just shot him again, you know what I'm

1 saying? I was watching traffic and trying not too
2 run into the policemen coming.

3 Q Okay. So the last time you saw Michael
4 Brown he was still walking?

5 A Right, he was still walking.

6 Q He wasn't on the ground?

7 A No, he wasn't on the ground.

8 Q Okay. And you heard a series of shots,
9 pow, pow, pow?

10 A Something told me like, to me it sounded
11 like three.

12 Q Okay.

13 A It sounded like three to me.

14 Q Did you ever hear any more shots after
15 that?

16 A No, after the three, I was almost at the
17 curb. I was West Florissant again, I was trying to
18 turn right to come in the back. Police cars was
19 coming with their sirens and stuff on, you know.

20 Q Okay. Number 34, do you remember seeing
21 another young African-American guy at or near those
22 cars that you described?

23 A I can't remember if there was somebody
24 else there or not, you know. Only somebody I seen,
25 I can't really remember.

1 **Q** Okay. Do you remember that when you, and
2 you remember September 3rd, so it was over a month
3 ago, but you remember on September 3rd, or
4 thereabouts, going and talking to a FBI agent and an
5 attorney named ?

6 **A** Right, right, right.

7 **Q** Do you remember telling them back then,
8 and I told you I was going to have a transcript of
9 your statement.

10 **A** Right.

11 **Q** But to be fair, you haven't heard your
12 statement?

13 **A** No.

14 **Q** Since you gave it, right?

15 **A** No, I haven't.

16 **Q** You know they recorded it right?

17 **A** Yes.

18 **Q** But you haven't had an opportunity to
19 listen to it?

20 **A** No, I haven't.

21 **Q** You haven't got a copy of the transcript?

22 **A** No.

23 **Q** But I told you I was going to maybe talk
24 about this if there were things that you didn't
25 remember?

1 **A** Right.

2 **Q** So when you say these things, you know,
3 you have to tell me if you remember saying this.

4 **A** Right, okay.

5 **Q** So do you remember on page seven, and I
6 will give you a copy that doesn't have my highlight
7 on it. So here is a copy of your transcript so you
8 see your name right there.

9 **A** Right.

10 **Q** And that's your attorney's name?

11 **A** Right.

12 **Q** So I'm just going to take you to about
13 page seven.

14 **A** Uh-huh.

15 **Q** And I don't say this to embarrass you, can
16 you read, okay?

17 **A** No.

18 **Q** Okay. You want me to go ahead and read it
19 for you?

20 **A** Yes, please do.

21 **Q** Okay. So on page seven, do you remember
22 the county police officer's name, Detective ,
23 do you remember that at all, ?

24 **A** No, I don't remember his name. I remember
25 him coming to me.

1 **Q** Okay. So do you remember up at the top
2 and saying, okay. How many people did you see
3 outside the car?

4 And then you say, outside the car?

5 And he says, uh-huh.

6 And you say, there was just him and there
7 was another black guy standing back behind the
8 police car.

9 **A** If I said it, you know, like it is true.
10 But like I say, you know, I do have a problem with
11 my memory sometimes like I say, let me go too long,
12 I can't tell you what I ate for breakfast this
13 morning.

14 **Q** And that's me to.

15 **A** Yeah, uh-huh.

16 **Q** Remember I said I'm only using this to see
17 if you remember saying that.

18 **A** Okay, uh-huh.

19 **Q** Now, and you're saying, hey, if I said it,
20 I said it, I believe you, right?

21 **A** Right, right, I believe you, right.

22 **Q** But what I'm saying is that me saying
23 that, does that remind you of it?

24 **A** All right. Well, as far as I can tell,
25 really, I can't recall the other black guy. But

1 like I said, the gentleman with me, he told me, you
2 know, me and him, you know, we had talked about it.

3 **Q** Okay.

4 **A** And he said, yeah, there was one black guy
5 that was standing back there by the car also, you
6 know what I'm saying?

7 **Q** Okay.

8 **A** If I said it to them like at that time,
9 you know, that's what I said.

10 **Q** Okay. So when you spoke to the federal
11 agents and the county detective back on
12 September 3rd. At that time were you telling them
13 as best you could what you remember from that day?

14 **A** As best I could, right.

15 **Q** So did you, were you truthful about
16 everything as best you could?

17 **A** I was truthful about everything that I
18 remember, that I could remember.

19 **Q** All right. And so after you and got
20 out of there, where did you go?

21 **A** Uh, I came back around and I came into the
22 back of the Canfield Apartment, came back up to
23 Chambers, I came back up West Florissant to
24 Chambers, took a right on Chambers and I went down
25 right there by the fire station, I think it is Green

1 or something like that you come in, I'm not for
2 sure. I think the name of the street is Green.

3 I came into the back of the Canfield
4 Apartment, back there where they have that gate,
5 they have a gate back there like a railroad
6 crossing, you know, I came through that.

7 **Q** So it is blocked, there is a gate?

8 **A** It was open that day.

9 **Q** Okay.

10 **A** So I came through there. I went on back
11 around to the

12 Then
13 left, coming up there to see, you know, how
14 people come to see what's happening, you know. I
15 went back, went out the same way I came in and went
16 on to work.

17 **Q** So when you left, you left out west?

18 **A** Coming back toward West Florissant.

19 **Q** And then you somehow?

20 **A** Took a right on West Florissant and took a
21 right on Chambers and then I came into the back of
22 Canfield.

23 **Q** Okay.

24 **A** There's only two way in there that I know
25 of from right there and from the back side.

1 again?

2 **A** No.

3 **Q** You didn't see his body in the street or
4 anything when you came back?

5 **A** No, no.

6 **Q** From where you were?

7 **A** I wasn't on this street any more where him
8 and the officer were. I never did come back to that
9 street until afterwards, maybe the next day or
10 something, you know. I seen where they had the
11 flowers and stuff like that out there.

12 **Q** But that day when you came back and went
13 to your ?

14 **A** Right.

15 **Q** From you could not see this?

16 **A** No, huh-uh. You couldn't even get back in
17 there no more, I just use the back way, I always use
18 the back way.

19 **Q** Did you ever see that police officer
20 again?

21 **A** No, I never saw him again.

22 **Q** Now, when you said that when you got out
23 of there, you saw officers coming into the complex?

24 **A** Right, uh-huh.

25 **Q** But the whole time you watch what was

1 going on between Michael Brown and the officer, was
2 he the only officer there?

3 **A** Yeah.

4 **Q** Okay. And then, so you say you went to

5

6

7 **A** Yeah, right.

8 **Q** And did you then walk down to this area at

9 all?

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

11

12

13

14

15 **Q** Okay. So --

16 **A** So that was that evening I had went to
17 work for about two or three hours and I came back.

18 **Q** All right. Now, so you know that there
19 were a bunch of police down here later after the
20 shooting?

21 **A** Oh, yeah, I seen them coming in and
22 passing me. As I was making it to Chambers, police
23 started coming, you know.

24 **Q** But you didn't tell the police, you didn't
25 stick around that day to tell them what you saw?

1 police officers?

2 **A** Yes, I do.

3 **Q** So you don't like to be --

4 **A** I don't like them. I know we can't live
5 without the police, okay, because this world would
6 be messed up, you know. You turn the TV on all the
7 time people killing people every day, but I don't
8 like it when they make a mistake like that and don't
9 try, you know, to straighten them out.

10 If someone is telling you over and
11 over, hey, I didn't do it. At least take the time,
12 you know, try to see what's going on, you know what
13 I'm saying?

14 Like I say, I don't want to see
15 Michael Brown's family, I don't know how to say
16 this, I don't want to see nobody hurt. I'm the type
17 of person, I don't believe in convicting nobody. I
18 don't believe in accusing nobody of nothing, I don't
19 really know, you know, what I'm saying. I just
20 don't like hurting people.

21 **Q** So that day you didn't go talk to the
22 police, but at some point you were talking to
23 federal authorities and a county detective on
24 September 3rd, how did that come about?

25 **A** They came to my house, they came to my

1 house and because, I guess, they seen the
2 or they heard somebody saying that I told I
3 know something or something, I don't know, but
4 anyway, but Wednesday they showed me a picture of my

5
6 They got my , which is my
7 , but I drive it. They went to my
8 and they talked to

9 As far as I can tell, he told
10 them

11 He told them my name and stuff so they start
12 looking me up. I used to live on , I moved
13 off , I moved to a different street and now,
14 you know.

15 **Q** I don't want you to stay where you live,
16 okay?

17 **A** Right, right.

18 **Q** So you're saying that basically the police
19 found you?

20 **A** Right, right.

21 **Q** It was because of your ?

22 **A** Right, right, and then I went to talk to
23 them then because I didn't want to get involved and
24 they gave me a subpoena to come down there to talk
25 to them. The subpoena, I guess, like you sent me,

1 you know what I'm saying? So I called my lawyer and
2 asked him, you know, could they do that, you know.
3 I said, man, I'm here to mind my own business just
4 trying to enjoy my life, you know what I'm saying?
5 I want to live what I got left. He said, yes, you
6 got to go, he said instead of going, he called the
7 officer and I don't know if he called the officer or
8 the officer called them so he could meet with them.
9 So we met with them and talked to them and then I
10 didn't have to go to this thing here, right. So we
11 met them the day before or two days before, I'm not
12 for sure.

13 Q Let's go back just to clarify. You
14 actually were given a subpoena to testify in a
15 but a
16 different one?

17 A Right, right, right, not this one.

18 Q And that's because the police somehow
19 found you because of your ?

20 A Right, that's what I'm figuring.

21 Q And that's what they told you, they showed
22 you a picture of your and said this is your
23

24 A Yeah.

25 Q And you said, yeah?

1 **A** Yeah, I was driving.

2 **Q** And here is the subpoena?

3 **A** Right. They want something that I didn't
4 really care for, they said, you come down here of
5 your own free will. No, I didn't come on my own
6 free will, I came because you told me I had to, you
7 know what I'm saying?

8 **Q** So once you got the subpoena, you talked
9 to your attorney and your attorney arranged for you
10 to come in and be interviewed?

11 **A** He said he would be there with me because
12 like, like you say, I don't trust the police to sit
13 there and talk to them. There's some type of way,
14 you know, I don't use all my words right like most
15 people, but, you know, like they take what I say and
16 twist it towards me, you know, like ever since then,
17 I just haven't been comfortable.

18 **Q** Okay. So that's how you ended up making a
19 statement to federal agents is because your attorney
20 worked it out that you could come in and be
21 interviewed rather than testify, right?

22 **A** That's right.

23 **Q** And now you know that I had you served
24 with a subpoena to come here today, right?

25 **A** Okay, uh-huh.

1 **Q** And so when you say you're here of your
2 own free will, you are only here because I
3 subpoenaed you?

4 **A** Right, correct.

5 **Q** Are you telling the truth today?

6 **A** Yes, yes, you know, like I said, you know,
7 I've been called a lot of names, but lying isn't one
8 of them.

9 **Q** I told you are not in any trouble?

10 **A** Right, right.

11 **Q** We want you to tell us what you saw,
12 right?

13 **A** Right, right.

14 **Q** Have I treated you fairly?

15 **A** Oh, yes, you know, right, but do you
16 believe me when I say I just want to be left alone
17 and just live my life, you know, treat everybody
18 nice, go to church every now and then. I just want,
19 that's all I want, you know.

20 **Q** I think a lot of people would have really
21 rather not have been involved in this?

22 **A** Yeah, you know.

23 **Q** But here we are, right?

24 **A** Yeah, you know.

25 MS. ALIZADEH: I don't have any further

1 questions and I told you Sheila may have some
2 questions.

3 **A** Right, uh-huh, okay.

4 MS. WHIRLEY: Okay. Number 34, using that
5 map, when you heard the first shot at the car.
6 First of all, do you have a good idea looking at
7 this map where you were when you heard that first
8 shot?

9 **A** Map, I can't really be sure, but it was
10 somewhere. I figure it was somewhere in between
11 here and here. (indicating)

12 **Q** (By Ms. Whirley) The car was here?

13 **A** I can't say definitely, you know what I'm
14 saying? But it was somewhere between there I was,
15 you know what I'm saying?

16 **Q** Can you say in car lengths how far away
17 you were?

18 **A** Yeah, from the police, about from I say --

19 **Q** About how many car lengths would you say?

20 **A** One car was in front of me, I say about
21 two, three car lengths.

22 **Q** Okay. From the police car?

23 **A** Right, uh-huh.

24 **Q** You didn't see the beginning of the tussle
25 is my understanding?

1 could hear him mumbling, but I couldn't hear him,
2 you know what I'm saying? Sounds like he was
3 mumbling, I'm not say he was mumbling, you know what
4 I'm trying to say?

5 **Q** You can hear me pretty well I can tell?

6 **A** I can hear you very well.

7 **Q** And you mention your memory, tell us what
8 problems do you have with your memory?

9 **A** Well, you know, , my
10 and God knows I pray I don't
11 have it. I forgets a lot of things.
12 I just
13 told you, my , I'm with my tells me
14 I just told you, you know, like that. And some of
15 the for, I had to go back to them like
16 a few times and asked them is this what you said you
17 wanted. I think they may have told me.

18 **Q** You say you have a family history of
19 ?

20 **A** Yes, I do.

21 **Q** You have problems with your memory now?

22 **A** Yes, uh-huh. I have a doctor appointment
23 for the that was the earliest he could get me
24 in there. I'm on different medications.

25 **Q** Are the medications for your memory?

1 **A** No, not yet, but I have seen a
2 before and now they're sending me to, I
3 guess, you call it a memory doctor, you know. I'm
4 supposed to meet with them on the that I can
5 think of.

6 **Q** Were you having memory problems back in
7 August, when did your memory problems start, is the
8 question?

9 **A** Oh, it has been before then. It has been
10 with me for a while, you know what I'm saying? Off
11 and on.

12 **Q** Okay. You take, you do or you don't take
13 medicine for it?

14 **A** No, not for the memory yet.

15 **Q** Okay.

16 **A** I take medicine for those migraines I have
17 like every morning, I mean.

18 **Q** Okay. At some point it sounded like you
19 said it appeared that Michael Brown was injured when
20 he, you know, ran and then stopped at the car. What
21 made you think he was injured?

22 **A** Because like anybody, I know I was a young
23 man once before myself. I know if I got shot at by
24 anybody, police or anybody, I would have ran farther
25 than that, you know what I'm saying?

1 **Q** Right. Was there anything physically that
2 he was doing that made you think he was shot?

3 **A** It looked like he was kind of out of
4 breath or something, you know, or just couldn't go
5 no further to me.

6 **Q** Okay. And that was the reason why you
7 thought he was injured?

8 **A** Right, uh-huh.

9 **Q** Okay. When you said that, let's go back
10 to the car when they were tussling at the car and
11 you saw the officer with one hand trying to, I
12 guess.

13 **A** I don't know what he was trying to do, but
14 I know both of them had ahold of one another's
15 shirt.

16 **Q** I want to go to the part where you said
17 that the officer, you could see him as if he was
18 going for his gun?

19 **A** I saw him like this, I seen him lean over
20 like this, right, and next thing I heard was a shot,
21 pow. (indicating)

22 **Q** Okay. Let me ask you a question. When
23 you saw him leaning as if he was getting a gun right
24 before you heard that shot, could you see Michael
25 Brown's hands?

1 **A** Yes, you know, he was outside the window,
2 you know, looked like he was -- was staring at the
3 officer too.

4 **Q** Were both his hands outside the windows?

5 **A** No, looks like one of them trying to hit
6 the officer.

7 **Q** He was hitting the officer?

8 **A** Looks like he was trying to hit him, okay,
9 right. But to me the officer was like this and the
10 officer went like this, there wasn't no time I heard
11 pow. (indicating)

12 **Q** Okay. So the officer went like, the
13 officer -- Michael Brown's hands and the officer's
14 hands are kind of at each other?

15 **A** Right, uh-huh.

16 **Q** And then the officer goes like towards the
17 gun?

18 **A** He leans inside.

19 **Q** Let me finish that question. He appears
20 he goes to get his gun?

21 **A** Uh-huh.

22 **Q** You don't see Michael Brown inside the car
23 going like to the gun too?

24 **A** No, I didn't see that, no.

25 **Q** Okay.

1 weapon at this guy, like this guy had threatened my
2 life, okay.

3 **Q** Okay.

4 **A** That was back in the day, that was back in
5 the early, late , it was late , right.

6 **Q** Anything else, any burglary or stealing?

7 **A** No, no, that was about it.

8 **Q** Okay.

9 **A** I'm sorry, I'm sorry, ma'am, yes, I did.
10 They charged me with a burglary crime also.

11 **Q** Was that an unjust charge?

12 **A** Uh, well --

13 **Q** Did you get convicted of it?

14 **A** No, I don't think I did, but it is still
15 on my record, it still was on my record. Now it is
16 probably off it has been over years ago.

17 **Q** Okay. That day when you talked to the
18 federal agents, I think it was back in September I
19 think Kathi said. Let me see, I have September 3rd.

20 **A** Uh-huh.

21 **Q** Did they ask you was anyone with you and
22 you said no?

23 **A** I said no at first because I didn't want
24 to put nobody else in that, you know what I'm
25 saying? But my lawyer stopped it. He told me, he

1 said, , you know, tell them the truth. Was
2 somebody else with you? I told my lawyer no, I
3 don't want to put nobody else into, you know, the
4 mess. I didn't even want to be there.

5 **Q** That's why you didn't want to tell them
6 about that person that was with you?

7 **A** Right, uh-huh.

8 **Q** Okay. When you said that there was a shot
9 and then Michael Brown ran and then you saw Michael
10 Brown hesitate on the car as if he's maybe injured
11 or something, and then he turns around and faces the
12 officer?

13 **A** When he was on the car, he could see the
14 officer coming. Like I say, if this is the car,
15 that gentleman right there, the policeman coming at
16 me with the glasses on, okay. Michael Brown, the
17 whole car, he was on this side of the car and if the
18 car, West Florissant down here and Canfield right
19 like this, he is on this side of the car. And the
20 officer was trying to come up towards Michael.

21 **Q** The officer was trotting towards Michael?

22 **A** Right, right, right, with his gun down to
23 the side.

24 **Q** Was Michael facing the officer?

25 **A** Yes, oh, yeah, he was there, you know what

1 I'm saying?

2 Q Okay. At this point he had turned around
3 from running?

4 A Right, right.

5 Q So he's facing the officer and the officer
6 is trotting towards him?

7 A Right, uh-huh.

8 Q And then Michael is then walking towards
9 the officer?

10 A Right, uh-huh.

11 Q What I want to know is what the officer
12 was doing when Michael was walking toward him, you
13 said he was trotting?

14 A Yeah, yeah, he was coming up toward him.

15 Q Show us, please, I'll walk towards you.

16 A Right, right. You come closer.

17 Q Okay.

18 A Michael Brown like that, and Michael Brown
19 came off the car and then by that time everybody --

20 Q I'm walking towards you, I want you to be
21 the officer and show me what the officer is doing.

22 A All right. You know, he's like this.

23 Q Okay. He did not have his gun?

24 A He had his gun holding it right here.

25 (indicating)

1 **Q** He's holding it down, that's what you saw?

2 **A** Right, that's what I saw.

3 **Q** And is that the last thing you saw?

4 **A** That's the last thing I saw.

5 **Q** You didn't see Michael Brown's hands up?

6 **A** No, I didn't. Like I say, when I seen
7 Michael Brown, he was one or two steps from the car.

8 **Q** Okay.

9 **A** As a matter of fact, when I seen him
10 coming off the car like this, that's the last I saw
11 of him. (indicating)

12 **Q** You didn't see Michael Brown charging the
13 officer?

14 **A** No, no, I didn't see him charging.

15 **Q** Okay.

16 **A** As far as I can remember, I don't remember
17 him charging. I remember he was coming off the car
18 and when I turned around, like I said, I heard three
19 shots and my friend was looking back. And he said,
20 I call him my friend, but anyway oh, man, he shot
21 him again, you know. Hey, I'm trying to watch these
22 policemen coming in and watch the people, you see
23 what I'm saying?

24 **Q** You didn't see if he was shooting at him
25 when he was running away from him?

1 fall on the ground or lay on the ground, you know,
2 like that's what I am used to from police come up,
3 keep your hands clear or lay down on the ground or
4 something, you know what I'm saying?

5 MS. WHIRLEY: That makes me think of a
6 question. Did you see Michael Brown ever go for, as
7 if he was going for a weapon?

8 **A** No, I never saw that.

9 MS. WHIRLEY: You never saw a weapon?

10 **A** No, I never saw.

11 MS. WHIRLEY: Did you ever see him like
12 reach in his pants as if he is going for a weapon?

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

14 MS. WHIRLEY: All right.

15

16 It is about the timeframe, the amount of time that
17 you said that this all took place. I do this too, I
18 will say a minute or two. A minute or two is kind
19 of long.

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

21 : So do you think that
22 Michael Brown was behind that car holding on for a
23 full minute or two, or do you think you were just
24 doing that to describe, you know, like a minute is,
25 the police officer would have plenty of time to get

1 to him if it was a full minute or two?

2 **A** Right, it may have been quicker, I can't
3 really say, but you know, I say a minute or two
4 cause I tell you at home, I see you in a couple
5 seconds. I know it isn't going to be a couple
6 seconds but I say a couple seconds, you know what
7 I'm saying?

8 : Right.

9 **A** I say a minute or two, that's the best of
10 my knowledge.

11 : Okay. And on your
12 recorded statement, they have asked you what was
13 going through your mind and what was happening as
14 you were turning around. And you said it just blows
15 your mind. What blows your mind. And you said, it
16 blew my mind because like I couldn't believe, you
17 know, like this ain't happening, why are people
18 tussling with the police, just talk to them, you
19 know.

20 So do you believe that if he would have
21 stopped and gotten on the ground, do you believe
22 that things would have turned out differently or do
23 you believe that it still would --

24 **A** I believe it would have turned out
25 differently as most people, when the police stop

1 you, first thing you do, put both hands out and put
2 both of your hands on the steering wheel. When I
3 say that, because I've been through things with
4 police officers and by police officer telling me,
5 you know, by me making a mistake not putting my
6 hands up, I made a mistake, have thrown my hand back
7 like this, and police have pulled guns on me, you
8 know what I'm saying?

9 He said well, hey, keep your hands on
10 the wheel at all times. But you know, like I said,
11 you've some police officers are not that bad, but I
12 have ran into some nasty police officers, you know
13 what I'm saying? But I still don't get nasty with
14 them, but that's my attitude.

15 You take these young people coming up
16 today, you know, they're not going to take it like I
17 took it, you know what I'm saying?

18 See where I come from, I mean, I
19 couldn't even walk on the sidewalk when the police
20 come. I had to get off the sidewalk, you know what
21 I'm saying?

22 Without being asked?

23 **A** Right, right, without being asked. I just
24 had to get off, you know what I'm saying? I
25 couldn't understand that, but my father would tell

1 me, you know, like this is what you got to do.

2 Cause I come up in rough time, you

3 know.

4 I understand, thank you.

5 . To

6 get some clarification on something. You had let me

7 see, from the time that first, the shot went off,

8 Michael is down the street, he is, hands on the back

9 of the brown car and he's actually facing the

10 officer still at that time, okay.

11 **A** Uh-huh

12 : You see him come away from

13 the back of the car?

14 **A** Uh-huh.

15 : And his hands are down by

16 his side, is that the correct stance?

17 **A** As far as I can tell, I couldn't swear on

18 they were down by his side. It looked, you know, to

19 me like when he took his hand, you first take your

20 hand off the car, you know, you're standing. He

21 took a step and that's when everything just sped up.

22 : Okay. And you see him at

23 that time, he said it appeared to you that he took

24 maybe about two or three steps forward?

25 **A** Right, uh-huh.

1 : That's what you said?

2 **A** Uh-huh.

3 : Then you said that you
4 want to get the heck out of Dodge?

5 **A** Right.

6 : You had to back your car
7 up?

8 **A** Right.

9 : Do you recall when you are
10 backing your vehicle up, this is a two-lane road?

11 **A** Right, right.

12 : The officer's vehicle is
13 already obstructing the roadway.

14 **A** Right, right.

15 So when you're backing up,
16 are you looking in your side view mirror, your rear
17 view mirror, side or did you actually turn around?

18 **A** Gotcha. Let me say this before, when I
19 backed up, , I said look to the right, what's
20 coming to the right. I mean, I was looking to the
21 left, right, because I couldn't hit nothing coming
22 out the back because the back was just the sidewalk
23 back there. So I took off ahead this way, and
24 police hadn't made it there yet, the police hadn't
25 made it in there until I got back to West

1 Florissant, that's when the police start coming in.

2 Okay. So you didn't
3 encounter the other police cars?

4 **A** When they got there, no, no, I just see
5 them coming in past me.

6 Coming in past you?

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

8 : And then from that point
9 in time, when you are backing up, at what point did
10 you hear -- you heard the three shots?

11 **A** When I backed up, I got like that, by the
12 time I got straight, pow, pow, pow, I just kept
13 going.

14 : So you are facing the
15 other way on Canfield?

16 **A** On the last three shots. I'm facing West
17 Florissant on the three shots, I got turned around.

18 : So during that particular
19 point in time you can't honestly say, if I can word
20 this correctly, I don't want to put words in your
21 mouth or anything like that.

22 **A** Right, uh-huh.

23 : It was asked if you ever
24 saw Michael Brown approach the officer aggressively,
25 but you said you couldn't see that?

1 and, you know, for me watching the street, watch the
2 other cars as they start coming in, you know what
3 I'm saying? He was looking back yeah, uh-huh.

4 As far as I could tell, he was
5 looking back like this like towards, the passenger
6 look like that. (indicating)

7 All right. Thank you.

8 **A** All right.

9 Again, when you
10 were leaving the scene in your vehicle you said you
11 passed multiple police cars as they were arriving on
12 the scene?

13 **A** Right.

14 : Do you recall if they had
15 their lights and sirens on?

16 **A** Yeah, some of them did. The first one I
17 think, I scene the second one, I'm not for sure, but
18 he was behind the first one that had a light on and
19 then his siren and stuff coming on down, it seemed
20 like it was coming from the police station right
21 there on Chambers and across West Florissant on the
22 other side. I think that's Dellwood, I'm not for
23 sure.

24 : Thank you.

25 MS. ALIZADEH: Just real quickly. Number

1 34, I think we understand and it is pretty clear
2 that you were not looking, you didn't see the very
3 end of this; is that correct.

4 **A** No, ma'am, I didn't.

5 MS. ALIZADEH: Correct. Do you remember
6 when you were talking to the federal officers back
7 on September 3rd on page 15. Do you remember when
8 they were asking you, they asked you, did it look to
9 you like Mike was coming back to talk with the
10 officer or did it look like Mike was coming after
11 the officer, what did it look like to you cause you
12 said you were scared.

13 Do you remember saying, you know, I,
14 something to myself an awful lot, ma'am. Really
15 honest to God truth, I can't say either way, but you
16 know, if I was the officer, I would look nervous
17 too. You coming back toward me and you just hit me,
18 and you know what I'm saying? You know how like,
19 you know, but, but I really can't say about that,
20 ma'am. I'm telling you the truth, do you know what
21 I'm saying?

22 Do you remember kind of describing that to
23 them?

24 **A** Oh, yes, ma'am, I remember saying that.
25 It is just like now, if you slap me now, you walk

1 back over here again, I'm going to be ducking. I'm
2 going to be getting out of your way, you know what
3 I'm saying? I mean, that's just instinct, do you
4 know what I'm saying?

5 If someone hit me and I see you, you
6 know like coming out or whatever, you know, like
7 that's the way I feel. I'm speaking for me now, you
8 know what I'm saying?

9 **Q** Okay. So if someone had punched you and
10 then ran away from you, but then turned around and
11 came back in your direction, you would be a little
12 on edge or fearful?

13 **A** Oh, yes, ma'am. If I had a gun, I
14 probably would have shot too, really, I'm just
15 telling you like it is, you know what I'm saying?
16 You know like, that's just like, I would call it
17 like, uh, violating. I'm sure if I go to punch that
18 young fellow, he ain't going to just sit there, you
19 know what I'm saying? He's going to get up and
20 knock my teeth out, you know what I'm saying? So
21 something, you know.

22 MS. ALIZADEH: All right, thank you.

23 That
24 begs a question from me. So do you feel like it
25 was, um, it could have possibly been self-protection

1 that caused him or do you feel like it was anger
2 that caused the police?

3 **A** Caused the police to shoot him?

4 Yeah. If somebody's
5 going to hit me, I'm not going to turn --

6 **A** I never thought about it like that, I
7 never thought about it being prejudiced or nothing
8 like that. I feel in my heart if I was the officer
9 and if I seen somebody coming towards me and they
10 don't have a weapon or something, I'm going to try
11 to shoot both your legs out first if I can hit them,
12 you know what I'm saying? I want to make killing to
13 be the last resort because I don't believe in
14 killing, you know. I know if I hit you in both your
15 legs or one of your legs, you got to go down, you
16 know what I'm saying?

17 Let me ask you one more
18 question about that.

19 **A** But I can't say for him because I don't
20 know what's going through the police mind, you know
21 what I'm saying?

22 So do you think if it was
23 a police officer, a person of authority and somebody
24 that was attacking the police officer, that that
25 would have changed the whole way that the officer

1 might have thought?

2 **A** I'm sorry, ma'am, I didn't catch the whole
3 thing.

4 Since the police officer
5 was of authority and that authority was being
6 disregarded.

7 **A** Right.

8 Do you think that would
9 change the way he was thinking?

10 **A** You saying if somebody else would have
11 been at the police?

12 No, no, no. I'm saying
13 since he was a police officer, do you think that
14 would have made him more afraid of the person coming
15 toward him was because he was a police officer?

16 **A** I don't know. But, you know, like --

17 Because the man had no
18 regard, if he had no regard for his authority, would
19 that mean --

20 **A** Right, right. You asking me do I believe
21 the police shot him because he had the authority to
22 shoot, is that what you're asking me?

23 If I think he maybe, that
24 because of Michael Brown's disregard for his
25 authority.

1 **A** Oh, now I see now where you are coming
2 from. Because Michael Brown disrespect him?

3 : Right.

4 **A** Okay. Well, I don't know, you know like,
5 they do make me angry when people disrespect me,
6 especially, you know, if you know you're right, you
7 know what I'm saying? And then sometimes, you know,
8 like, you can never tell what their frame of mind is
9 in when they disrespect you, you know what I'm
10 saying?

11 Like I say, if I go there and punch
12 that man, that's disrespecting him. I don't know
13 how his reaction is going to be. He might say,
14 well, hey, don't do that no more. He might just
15 jump up and lay me out, you know. So I don't know,
16 you know. So yeah, you know. I can't say, you
17 know, yes, ma'am.

18 Thank you.

19 MS. ALIZADEH: But just to be clear,
20 Number 34, there were moments before that series of
21 gunshots where you don't know what happened?

22 **A** Right, that's true, yes, ma'am.

23 MS. ALIZADEH: Hands up, hands down.

24 **A** Right.

25 MS. ALIZADEH: What his hands were doing?

1 **A** That's true.

2 MS. ALIZADEH: What was happening between
3 the two of them, you don't know?

4 **A** That's true, ma'am, right, uh-huh.

5 MS. ALIZADEH: Okay. Any other questions?

6 MS. WHIRLEY: All right.

7 (End of the testimony of Witness Number
8 34.)

9 MS. ALIZADEH: It is October 16th at
10 10:51 a.m. This is Kathi Alizadeh with the
11 prosecutor's office, Sheila Whirley with the
12 prosecutor's office is present, as well as all 12
13 grand jurors and , the court reporter, who is
14 going to take down testimony from the witnesses.

15 And what's being said here next I am going
16 to play a recorded statement from a witness, his
17 name is , I
18 believe. This is on Grand Jury Exhibit 24 which is
19 a disc that I'm going to play and we have a
20 transcript of that statement.

21 When I begin to play the statement, I will
22 ask to pause the audio recording. He does not
23 need to take down the dictation or the transcription
24 while this is being played since we have a
25 transcript.

1 (Playing of the audio recording of the
2 interview of is being played at
3 this time.)

4 MS. ALIZADEH: All right. We just
5 completed playing a statement on a disc labeled
6 Grand Jury Exhibit Number 24, statement of
7 or

8 Now we're going to play a statement that
9 is contained on Grand Jury Exhibit Number 36. It is
10 a statement of I don't have a
11 transcript for this. And then so as soon as I get
12 this set up, I'll have pause the audio
13 recording, and yet I will ask that you transcribe it
14 as best you can the conversation. There is no
15 transcript of this and this is the audio recording
16 of

17 MS. : Today is October 3rd, 2014,
18 the time is 10:48 a.m. We are at the FBI building
19 at 2222 Market Street. This is Special Agent
20 , DOJ trial attorney ,
21 assistant U.S. Attorney . Attorney?

22 MS. : .

23 MS. : And we're going to interview.

24 MR.

25 : All right. , we're

1 here, we wanted to meet with you, we had some
2 follow-up questions from the last interview you
3 gave, okay. We had some specific questions we
4 wanted to ask you about.

5 Keep in mind the interview is being
6 recorded, okay, so you have to keep your voice up.
7 I know you are kind of soft spoken.

8 MR. Yeah.

9 : When I ask you a question
10 that calls for a yes or no answer, you have to be
11 sure to answer out loud, okay, instead of shaking
12 your head or nodding, okay, because the recorder
13 wouldn't pick that up, you understand.

14 MR. : All right.

15 : Okay. Don't answer any
16 questions that you don't understand, okay. If I ask
17 you a question and you're not getting exactly what
18 I'm trying to ask you, you can ask me to explain it,
19 okay. I don't want you to answer any question you
20 don't understand, got it?

21 MR. : Okay.

22 : And then also a lot of times,
23 and I know in the prior interview that happened
24 there were times where you might state some things,
25 I will go back and restate it to you just to make

1 sure I understand. If I misstate anything at any
2 time correct me, okay, this is your statement.

3 If I get any detail wrong or whatever, you
4 feel free to say no, that's not what I meant, or no
5 that's not exactly what I said. Okay, will you do
6 that?

7 MR. : Yeah.

8 : We're not trying to trick you
9 or confuse you at any point. So we want to make
10 sure that at any point you feel confused, you let us
11 know. We just want to get out what happened, all
12 right?

13 MR. All right.

14 : We're the prosecutors
15 assigned to this case, okay. And I will just remind
16 you this is a federal investigation, okay. So
17 you've got to be sure to tell the truth here today.
18 This is basically a blank slate. I'm not all that
19 concerned what was said before, you just tell us
20 what you know today, all right? You need to be sure
21 it is the truth, you understand?

22 MR. : Uh-huh.

23 : Okay. That's basically our
24 goal here. We're investigating the case, we are
25 just trying to find the truth.

1 how did you know him?

2 MR. : He was one of my best
3 friends. We went to high school together, he was
4 around me every day. And come to find out, I found
5 out he was a family member after the fact of him
6 getting killt. (sic)

7 : How was he a family member?

8 MR. : He was one of my cousin's
9 cousin. His little brother and his little sister's
10 daddy got killed in about, I think about 2006. Come
11 to find out that was my cousin.

12 : Okay. So you are actually a
13 blood relative of Mike Brown.

14 MR. Yeah.

15 : But you didn't know that
16 until after he was killed?

17 : I didn't know until after.
18 After my cousin popped over there and that's when I
19 found out that.

20 : Okay. But you basically saw
21 him every day?

22 MR. : Yeah, he was with me every
23 day. The day before he was being killed, he was
24 living with me.

25 : Okay. How long did he live

1 at your house?

2 MR. Just about a week. His
3 granny was in the hospital. He didn't have nowhere
4 else to go.

5 : And even before he was
6 living at your house, you would see him every day?

7 MR. Yeah, every day we will go
8 record music, play video games, everything.

9 : Okay.

10 MR. It was just like he knew all
11 my family, I knew all his family.

12 : Uh-huh.

13 MR. : And just we were --

14 : You were tight?

15 MR. We were real, real close.

16 : When you see him every day,
17 how much time did you spend together? I know every
18 day is different.

19 MR. : All day.

20 : All day long?

21 MR. : Just walk to the store, come
22 home, playing games and just being kids.

23 : Okay, all right. And how
24 about Dorian Johnson, what was your relationship
25 with Dorian?

1 MR. : That's, that's like a friend
2 of the family. I knew him and all his brothers and
3 sisters and all that so.

4 : He's actually a blood cousin
5 also, is that right, Dorian?

6 MR. : He's not blood, but we grew
7 up around each other, so to me it is blood.
8 I thought before you
9 described it as a blood cousin, but he was basically
10 kind of a friend of the family?

11 MR. : Yeah.

12 : Okay, all right. Can you
13 just tell us basically what you saw on August 9th
14 when Michael Brown was killed?

15 MR. : The day of it happening, it
16 was around 4:00 in the morning. I was on the phone
17 with a lady friend of mine and something came over
18 my body and I felt, I didn't feel right. I was like
19 something was going to happen. And Mike, he's on
20 the couch right next to me, so he just told me to go
21 to sleep, nothing going to happen, that's all right.

22 So in the morning, the reason why we woke
23 up was because my mother called and was like, she
24 needed me to help her put my nephews in the car for
25 her and my sister. So I was asleep at that point, I

1 didn't feel like getting up. Michael Brown put my
2 nephews in the car for me and everything.

3 And he can use my phone cause I told him
4 to call his grandmother to make sure she's okay
5 before you do anything cause he wasn't talking to
6 her because they had a little dispute the day
7 before. So I told him to call her and make sure --

8 : He had a dispute with his
9 grandmother?

10 MR. Yeah, you know, just her
11 telling, you know how it is with family.

12 : Do you know what the dispute
13 was about?

14 MR. : No, sometimes just have, you
15 know, families have little arguments from time to
16 time. So I guess it was a little argument and she
17 went to the hospital that day. So he was staying
18 with me for that week.

19 : Was he staying with you
20 because she was in the hospital or because of this
21 dispute?

22 MR. Because she was in the
23 hospital.

24 : Okay. Let's talk about then
25 what happened though, what did you see on

1 August 9th.

2 MR. Yeah, I was leading up to
3 that. So he had put my nephews and everything in
4 the car. He used my phone, he came back and threw
5 me my phone. He was like, me and Dorian is going to
6 walk to the store and we will be back. I'm like,
7 all right, hopefully I will be up by the time you
8 all get back from the store.

9 I say it was about, I say about 15, 20
10 minutes after they had left for, I guess they was on
11 their way back from the store, that's when I heard
12 the first gunshot.

13 : Where were you when you
14 heard the first gunshot?

15 MR. I was in my room.

16 : Were you still in bed.

17 MR. : Yeah, I was still laying
18 down. It was loud and close to where I could hear
19 it enough to where it would wake me up like to see
20 what was going on.

21 : So that first shot actually
22 woke you up?

23 MR. Yeah, the first shot
24 actually woke me up. I wasn't in no deep, deep
25 sleep, it was enough to hear what was going on.

1 : Okay. Then what happened?

2 MR. : I heard the first shot, and
3 then I went to the window and what I saw was the
4 officer had a gun drawn and Michael Brown's facing
5 him on his knees.

6 : And you actually personally
7 saw this?

8 MR. : Yes, I personally saw him on
9 his knees with his hands in the air?

10 : Okay. And then what
11 happened?

12 MR. And then I say maybe about a
13 few seconds later, I looked and I was still looking
14 out the window and I seen him shoot him in the head.
15 By the time I tried to get out of the house, like by
16 the time I hit the stairs, I heard four more shots
17 go off.

18 And then I live all the way on the third
19 floor, so I say when I first came out of the house,
20 I heard the four gunshots and then by the time I got
21 to the end, when I got to the end of the steps, I
22 heard seven more shots.

23 : How many shots did you see?

24 MR. How many shots did I see?

25 : Right.

1 MR. : I saw one.

2 : Okay.

3 MR. : But I heard multiple.

4 : Okay. All right. So you
5 just saw, you heard the first shot?

6 MR. : I heard the first shot.

7 : You go to the window and
8 right, yes or no?

9 MR. : Yes, yes, yes.

10 : And then you go to the
11 window?

12 MR. Yes.

13 : And when you look out the
14 window, what do you see?

15 MR. : Michael Brown on his knees
16 with his hands up and I couldn't even, from my angle
17 I could not even see if it was him or not. The way
18 I found out it was him because I knew everything he
19 had on because he was just at my house 20 minutes
20 prior to what happened.

21 The reason why I really new who it was
22 cause he had on some socks, and I remember exactly
23 what socks cause he loved wearing them.

24 : What socks were those?

25 MR. : They were some yellow and

1 green like marijuana leaf socks.

2 : Okay. They had marijuana
3 leafs on them?

4 MR. : Yeah.

5 He loves to wear those?

6 MR. : Yeah, like a month prior to
7 that he had bought a whole bunch of them. I don't
8 know why, that's what he wore. I can tell you
9 everything he had on, he had on a gray T-shirt, he
10 had on some khaki pants, or khaki shorts, some Nike
11 white and black flip flops and then them specific
12 socks I just mentioned.

13 : Okay. So today what you're
14 indicating is as you look out the window, you
15 actually saw Michael Brown out there?

16 MR. Yes.

17 : Okay. And you could
18 recognize him by what he was wearing?

19 MR. : Yes.

20 : Do you see the police
21 officer shoot him one time?

22 MR. : Yes.

23 : And where did he shoot him?

24 MR. In his head.

25 : What did Michael Brown do at

1 that time?

2 MR. : By that time when I seen the
3 gunshot go off, he fell. He got shot in the head,
4 it looks like he was already gone.

5 : So he fell down?

6 MR. : Yeah.

7 : When you looked out the
8 window was he already down or you actually saw that
9 shot?

10 MR. : No, when I looked out my
11 window, he was on his knees.

12 : Okay.

13 MR. : I don't know if he had
14 already got shot before then because I heard the
15 first gunshot, I don't know, I'm just stating what I
16 saw.

17 : All right. When you looked
18 out the window, did you think that he had been shot
19 from that first shot?

20 MR. : Yeah.

21 : Why did you think that?

22 MR. : Because I knew it, why would
23 he be on his knees like surrendering like.

24 : Did you see any kind of
25 injures that would lead you to believe he was shot?

1 MR. : No, cause like my window, it
2 was facing towards his back, it wasn't facing toward
3 his front to see if he had got shot. From his back
4 I didn't see anything.

5 : Okay. You couldn't see any
6 blood or anything?

7 MR. : Not from his back.

8 : Any wounds or anything like
9 that?

10 MR. : No.

11 : Then you say the police
12 officer shot him in the head one time?

13 MR. : Yeah.

14 : And he fell to the ground?

15 MR. : Yeah.

16 : How did he fall when he
17 fell?

18 MR. : He just fell. Like I
19 couldn't explain.

20 : Did he fall on his back or
21 his stomach.

22 MR. : He fell like this.

23 (indicating)

24 : And you are motioning face
25 like down?

1 MR. : Yeah, he fell facedown.

2 Question, were both hands on
3 the side?

4 MR. I couldn't tell you, I just
5 know he fell face first.

6 : Okay. And so when he was
7 laying in the street, he was face first?

8 MR. : Yeah.

9 : He wasn't on his back or on
10 his side?

11 MR. : No, he was face first.

12 : Okay.

13 MR. : Even when they show what
14 happened on the news, he still is face first and you
15 can see the blood rushing from his head.

16 : What you are telling me
17 today you only saw that one shot to the head?

18 MR. : Yes.

19 : You heard the first shot
20 that woke you up?

21 MR. : Yes.

22 You were looking out the
23 window and saw the shot to the head.

24 MR. Yes.

25 And then after that, after

1 Michael Brown falls to the ground what do you do?

2 MR. : I run outside.

3 : Okay.

4 MR. (Inaudible) To the end of
5 the steps.

6 : And what happens when you
7 get to the end of the steps?

8 **A** I ran out there, I ran because there is
9 like a grass hill right there. And I said they just
10 killed my little brother for nothing. Those were my
11 exact words.

12 : Okay. And did you see any
13 other shots after you got inside there?

14 MR. : No.

15 : So you saw a total of one
16 shot that day?

17 MR. : I saw one shot, but I heard
18 several.

19 : Okay, all right. You're
20 sure you didn't see four shots after that shot to
21 the head?

22 MR. : I didn't see it, I ran
23 outside.

24 : Okay.

25 MR. : I didn't see it, I heard it.

1 : Okay.

2 MR. : I was close enough to it
3 where I could hear everything that was going on.

4 : Let's back up a little bit.
5 You mention that he was staying with you about a
6 week before all this happened?

7 MR. : Uh-huh.

8 : And, in fact, I think you
9 said before you and your mom were kind of taking
10 care of him?

11 MR. : No, it wasn't my mom, he was
12 at my sister's house. I wasn't even living with my
13 mom during that point in time.

14 : You and Michael were staying
15 at your sister's place?

16 MR. : Yeah.

17 : You were with him every day
18 at that time?

19 MR. : Yes.

20 : (Inaudible)

21 MR. : It was every day because he
22 lived right across the street.

23 : Pretty much all day?

24 MR. : Yeah, all day.

25 : You mentioned his socks, the

1 marijuana leaf socks.

2 MR. : Yeah.

3 : He liked to wear those, did
4 you know him to be involved in marijuana at all?

5 MR. : Yeah.

6 : How so?

7 MR. : He just started smoking I
8 guess about four months ago.

9 : Okay. Four months before
10 this happened?

11 MR. : Yeah. He wasn't no head, he
12 wouldn't do it like just on a regular day basis, I
13 would say occasionally.

14 : Occasionally, how often,
15 once a week, twice a week?

16 MR. : Just holidays, birthdays,
17 stuff like that. It was not like he smoked regular
18 everyday thing.

19 All right. Would you ever
20 smoke with him?

21 MR. Yeah, I have.

22 : Okay. Would you smoke with
23 him basically the same kind of occasion?

24 MR. : Yeah.

25 : Did you smoke the same as

1 Mike, would you smoke more often than him or less
2 often?

3 MR. : Less often.

4 : Less often than Mike?

5 MR. : Like I'm saying, holidays
6 and special occasions.

7 : Do you have any idea where
8 he would get it from?

9 MR. No.

10 : Okay. Did you know any
11 white contractors or workers that were working there
12 that were digging out the trenches to put drain tile
13 or drain pipes in there, did you know those guys at
14 all?

15 MR. : No, I didn't, but it's funny
16 you mentioned that because my sister was just
17 telling me that he was taking my nephews out to the
18 car, she was talking to some construction workers
19 and they was talking about that and police and all
20 this type of the stuff. It's funny that you
21 mentioned that.

22 : That's just something that
23 you've heard?

24 MR. Yeah, that's something I was
25 asleep most of the day until actually heard the

1 gunshot.

2 : Okay. Did you know those
3 guys, the construction workers to be involved with
4 weed at all or anything like that?

5 MR. : No.

6 : Have you ever heard of wax,
7 do you know what wax is?

8 MR. No, I don't know what that
9 is.

10 : Had you ever heard Mike talk
11 about wax or anything like that, Mike Brown?

12 MR. : No, I'm thoroughly confused.
13 I don't know what that is.

14 : Okay, that's fine. You're
15 not aware of what wax is?

16 MR. No.

17 : And so you and Mike, you
18 would smoke together sometimes?

19 MR. : Yeah.

20 : That morning before he left
21 there, did you guys smoke that morning or overnight?

22 MR. No.

23 : You're sure about that?

24 MR. Yeah.

25 : Okay.

1 : What about Mike, do you know if
2 he did even if you didn't?

3 MR. : Yeah, he could have cause he
4 left my house a couple of hours before we actually
5 went to sleep. I can't vouch for what he did, you
6 know what I'm saying?

7 : Nobody asked you to.

8 MR. : So I can't tell what he did
9 when he wasn't around me.

10 : Okay.

11 MR. I'm just telling you my
12 experience.

13 : We're not expecting you to tell
14 us.

15 MR. I just telling you just my
16 experience.

17 : I'm just talking about when
18 he was around you, did he smell like weed that day
19 at all or did you have any reason to think he smoked
20 weed that day?

21 MR. I don't know, he could have,
22 I don't know.

23 : Okay. I'm just asking if
24 you know.

25 MR. : He could have, I don't know.

1 : Okay. What makes you think
2 that he could have? Just that it's possible?

3 MR. : Anybody can smoke at any
4 time.

5 : What I'm asking you though,
6 is there anything that led you to think that maybe
7 he smoked that morning?

8 MR. I don't know, he was with me
9 this morning, so I didn't smoke I was still in bed.

10 : Okay.

11 MR. : I can't tell you what he did
12 when he wasn't around.

13 : I can tell you that the
14 evidence was that he had smoked weed or basically
15 THC somehow that day, all right, that's the
16 ingredient in weed or marijuana. The two of you had
17 smoked before, I'm just curious about, when you were
18 up overnight, did he smoke at that time maybe?

19 MR. : Neither one of us smoked
20 that day. Neither one of us had no money.

21 : Okay.

22 MR. : Well, I didn't have no money
23 at that time.

24 : Do you know if he had any
25 weed, any marijuana that day?

1 MR. : I don't know.

2 : Did you see any?

3 MR. : No, I didn't see none

4 though. (inaudible) He didn't make it his

5 obligation to tell me if he had some or not. I

6 honestly don't know.

7 : When he got up to get dress
8 that day or when he was getting ready to leave, did
9 you see him with any weed or put any weed in his
10 pocket?

11 MR. : No, he just said he was
12 going to walk to the store and he'd be back, him and
13 Dorian.

14 : Let's talk about that. My
15 understanding is he was going to the store to get
16 some Cigarillos. Did he tell you that he was going
17 there to get those?

18 MR. : No, but I wasn't sure if he
19 had it already or that he was going to go get it or
20 I didn't know. All right. I will just be here when
21 you get up. I'll open the door for you.

22 Do you know why he was going
23 to get Cigarillos? Was that for marijuana?

24 MR. Who knows. He had none of
25 that at the point in time he woke me up to let me

1 know that he was going to the store. I didn't see
2 none of that.

3 : Okay. But he did tell you
4 that is why he was going to the store?

5 MR. Yeah, that's what he tell
6 me.

7 : Did you know him to use
8 Cigarillos to smoke weed.

9 MR. : Yeah.

10 : To make a blunt?

11 MR. Yes.

12 : Is that the way the two of
13 you would normally smoke?

14 MR. : Yes.

15 : With Cigarillos? Is that a
16 yes?

17 MR. : Yes.

18 : You have to speak up for the
19 tape, I'm sorry. Okay. And so when you and Mike
20 Brown would actually, when you would smoke weed, you
21 would use Cigarillos to smoke it?

22 MR. : Yeah.

23 : How do you do that? I mean,
24 what do you do with the Cigarillos? I just have to
25 lay the groundwork.

1 MR. : You just take the tobacco
2 out and then role the marijuana into it.

3 : Okay. You take the tobacco
4 out of the Cigarillo and put the marijuana into it?

5 MR. Yeah.

6 : Okay. And basically you
7 pull all of that tobacco out and fill it with
8 marijuana?

9 MR. Yeah.

10 : The whole Cigarillo?

11 MR. : Yeah.

12 : Okay, all right. Now,
13 Dorian was there that morning too at your apartment;
14 is that right?

15 MR. : He wasn't in, actually in,
16 he was sitting outside waiting. He didn't actually
17 come in my house.

18 : Okay.

19 MR. He was just waiting. Mike
20 came and gave me my phone back and we are off to the
21 store, we be back.

22 : All right. When Mike was
23 talking about going to the store to get Cigarillos,
24 I mean, was he talking about that he was going to go
25 smoke, you knew why he was going to get the

1 Cigarillos?

2 MR. : Yeah, I knew why.

3 Okay. Did he talk about,
4 hey, when I get back, let's smoke, I'm going to go
5 smoke with Dorian, or did he say anything like that?

6 MR. He was like, I'll be back,
7 me and Dorian are going to be back. I don't know if
8 they was going to come smoke with me or not.

9 Mike said when he left they were going to
10 come right back, be about 30 minutes. I make sure I
11 be up so I be up so I can come open the door for
12 'em.

13 : Okay. They were going to
14 come back to your place after the store?

15 MR. Yes.

16 : Both of them were going to
17 come back together?

18 MR. Yeah.

19 : Did Mike say anything else
20 to you that morning?

21 MR. No, he didn't say nothing.

22 : Let me ask you, that morning
23 now, you said you were up overnight that you
24 couldn't sleep and Mike spent the night that night?

25 MR. Oh, yeah.

1 : And he was up with you at
2 that time?

3 MR. Oh, yeah.

4 : Did he say he couldn't sleep
5 or do you know why he was up?

6 MR. I didn't know why he was up,
7 I knew why I was up cause I had an intuition, like a
8 feeling that something was going to happen. I
9 didn't think it was going to honestly happen to him,
10 I knew God send me a sign and I knew something was
11 going to happen the following day.

12 : The two of you were up
13 overnight?

14 MR. : Yeah, I knew it was going to
15 be something, see, I don't sleep at night.

16 : That's what I was going to
17 ask. Do you normally stay up throughout the night
18 or sleep during the day or what?

19 MR. : No, I'm usually the person
20 who just stay up late at night. I don't get too much
21 sleep.

22 : Would Mike stay up with you
23 too late at night?

24 MR. No, he be the one to go to
25 sleep first.

1 : Okay.

2 MR. : So it was kind of strange
3 that he was up all night.

4 : So at some point, though,
5 you fell asleep?

6 MR. : Yeah.

7 : Whatever time you think that
8 was if you know.

9 MR. : Around 4:30, 5:00.

10 : In the morning?

11 MR. : Yeah.

12 : And where was Mike at that
13 time?

14 MS. : He was on the couch, I don't
15 know if he was asleep by then or not. I just know I
16 couldn't take no more and I just passed out.

17 : You were sleeping in your
18 bed?

19 MR. : Yeah.

20 : He was on the couch?

21 MR. : Yeah.

22 : Okay. And so you fall
23 asleep and what's the next thing you remember from
24 that morning?

25 MR. : He came and woke me up and

1 he was like, he said let me see your phone. I'm
2 like all right, man, and take the phone out, unlock
3 it for him, and I went right back to sleep.

4 : Do you know who he was
5 calling on his phone?

6 MR. : I think his grandmother.
7 Yeah, his grandmother. I had told him before he had
8 went to sleep, I'm like, man, when we wake up in the
9 morning.

10 : Uh-huh.

11 MR. Call and check on her to
12 make sure she's all right. Before you do anything
13 call and check on her to make sure she's all right.

14 : Okay.

15 MR. I always told him he had a
16 grandmother and all of that. He didn't need to take
17 her for granted. And that's one thing I always push
18 from our people is to stay with your family.

19 : Okay.

20 MR. : To be --

21 : And let me just, you know,
22 you just try to answer the question, okay. That way
23 we won't spend a lot of time here today, okay. I
24 don't want to have to have you here all day. So
25 just try to answer the question I'm asking, you

1 understand, is that okay?

2 : Uh-huh.

3 : So he borrows your phone,
4 you think to call his grandmother?

5 : He came and tossed me my
6 phone. Me and Dorian is going to walk to the store
7 we'll be back. And I said about 30, 45 minutes.
8 I'm like, all right. I got up, locked the door,
9 went back to my room and went to sleep.

10 : Is that when he said they
11 were going to get Cigarillos?

12 : Yes.

13 Let me ask you this, when
14 you smoked weed with Mike, where would you get it
15 from?

16 Uh --

17 I mean, I don't think he
18 wants to answer that

19 : I don't want to answer that
20 question.

21 : I'll tell you right now you
22 are not going to be in any trouble, okay.

23 (inaudible) To be smoking weed or whoever you get
24 it from or whatever. I'm just curious about, you
25 know, who supplies it to you?

1 : I'm not going to answer that
2 question.

3 : Well, that's kind of up to
4 me to determine, okay, legally whether it matters or
5 not, okay. I'm just asking you, you know, you
6 basically refusing to tell me?

7 : This ain't got nothing to do
8 with this interview.

9 : Basically you're not going
10 to tell me; is that right?

11 : Yeah.

12 : Okay, that's fine.

13 : Can I ask you a question? You
14 describe what it is, what his demeanor was when he
15 got high, what was he like?

16 He was a funny person, like
17 he would sit there and talk about each other, get on
18 the phone with females, play video games, he wasn't
19 no aggressive person at all. At all, like towards
20 nobody.

21 : He wasn't angry towards
22 anybody?

23 : No, he was a big fun person,
24 that's all he was. Whenever we was together, there
25 was no drama, there was no nothing. We would just

1 sit in the room and play the games and just get on
2 her nerves all day. She would be in there going off
3 on him. (inaudible)

4 : When you guys would smoke
5 weed together, did you ever get or did he ever get
6 like scared or paranoid at all from smoking weed?

7 No.

8 : Okay.

9 : If we did do it, it was an
10 enclosed area around his family, it wasn't like,
11 when we did smoke, it was no public thing.

12 : Okay.

13 : We go outside smoke, come
14 back in, play video games, play with his little
15 brother, little sister. There was never nothing out
16 of line or anything like that.

17 : Um, now, after you mention
18 on August 9th you saw the police officer shoot him
19 once in the head and he falls to the ground. And
20 then you ran outside, down the steps and outside,
21 right; is that right?

22 : Yeah.

23 : All right, you have to say
24 so.

25 : Yes, yes.

1 : You ran down the steps to
2 get downstairs?
3 : Yes.
4 What floor were you on?
5 : I live on the third floor.
6 : So you ran down the steps to
7 get down there?
8 : Yeah.
9 : You mention before that by
10 the time you got down there, there is kind of a
11 crowd gathering; is that right?
12 : Yeah.
13 : Tell me about that?
14 : There was people out there
15 before I had even got outside. It was a regular
16 day. There was people walking their kids. It is
17 hot outside, it is just a normal day like.
18 : I'm talking about after the
19 shooting when you got out there?
20 : There was crowds gathering,
21 there was just a whole bunch of chaos after that, a
22 whole bunch of chaos.
23 : What was going on, what were
24 people saying?
25 They were crying, yelling

1 and screaming. They killed him for nothing, they
2 killed this baby for nothing, just everybody was
3 outside.

4 : Okay. And you mention
5 before also that you talked to Dorian a little bit
6 about all of this after it happened?

7 : Yeah.

8 : He said something to you
9 about hiding behind a Monte Carlo?

10 : Yeah.

11 : What else did he tell you
12 about what happened, did he tell you about what
13 happened down there?

14 : We didn't really get a
15 chance to talk to too much, there was too much going
16 on, too much commotion.

17 : What about since that time,
18 there has now been, it has been over a month now.

19 : Eight weeks.

20 : Almost two months. Did you
21 talk to Dorian about it? Other than hiding behind
22 the Monte Carlo?

23 : I haven't had a chance to
24 catch up with him.

25 : He hasn't told you anything

1 other than he hid behind a Monte Carlo?

2 : He said he shoot at Mike.

3 (inaudible) He said he went and hid behind the
4 Monte Carlo.

5 : Did he tell you what he saw?

6 : He said he shot him multiple
7 times, couldn't really do nothing, too much talking.
8 There was too much going on, just like he said, like
9 too much going on. I had no chance for me to talk
10 to him and for him to talk to me.

11 : Did he give you any other
12 details other than he was shot multiple times and
13 that Dorian hid behind the white Monte Carlo?

14 He told me, he told me that
15 it was like he was telling everybody. Like he
16 didn't have no choice but to try and run and hide
17 behind the Monte Carlo while the shooting was
18 occurring. We haven't had a chance to talk.

19 : So was he able to see the
20 shooting then while he was hiding behind the Monte
21 Carlo.

22 : That's what he said, I
23 haven't talked to him.

24 : Okay. Have you seen any of
25 the media coverage of this?

1 : Um, not for real, I try not
2 to watch TV too touch.

3 : Okay. You mentioned before
4 you saw Dorian giving statements on CNN and MSNBC?

5 : Yeah.

6 : Do you recall that?

7 : I don't recall what he
8 actually said, people was just telling me and I saw
9 a YouTube clip of it of him on TV.

10 : Do you know what people were
11 talking?

12 : Like my mother and like
13 people was just talking, he was on TV.

14 : Now, , I've got to be
15 honest with you, okay. I mean, based on what you
16 are telling me today, it is substantially different
17 than what you told the FBI before, okay. You talked
18 about seeing one shot to the head before and then
19 you talked about seeing the police officer stand
20 over Mike Brown and shoot four more times into his
21 body, do you recall that?

22 : Yeah.

23 : Did you see that or did you
24 not?

25 : I heard.

1 : Okay. So you didn't
2 actually see the police officer fire four more shots
3 into Michael Brown?

4 : I didn't actually see it
5 because I was going down the steps.

6 : Okay.

7 : But his --

8 : That's why we need to clarify
9 what you actually saw versus these things that you
10 assume or what you think you heard because it is
11 important.

12 : It is not assuming if I'm
13 going down the steps and I hear boom, boom, boom,
14 but ain't nobody else out there got hit. Ain't no
15 one else out there injured. That is just common
16 sense.

17 : Back when you talked to the
18 FBI previously, that was on August 13th, okay, just
19 a few days after this happened, about four days
20 after this happened. You told them that after the
21 officer shot Brown in the head, he shot him eight
22 more times.

23 : Yeah.

24 : And you said that you saw
25 him fire four more shots into Mike Brown's body as

1 Mike Brown's laying there lying on the ground?

2 Yeah.

3 : Do you remember that?

4 Yeah.

5 : Today you are telling me you
6 didn't see those shots; is that right?

7 More importantly I heard.

8 : That's what I'm just trying
9 to determine. Did you see those shots or did you
10 hear them?

11 : I didn't see them, but I
12 heard them on my way running downstairs.

13 : You said there was a 10
14 second pause and more shots?

15 Yes.

16 : Okay. We're talking about
17 now and then a total of ten shots is what you were
18 talking about?

19 : Yes.

20 : So as you sit here today,
21 how many shots did you actually see.

22 I saw one, but heard nine.

23 : Okay. So you are saying
24 today that you just saw one shot?

25 : When he got shot in the head

1 he fell when he was already basically deceased.

2 : On August 13th when you said
3 that the police officer stood over him and shot him
4 four more times, you didn't actually see that; is
5 that right?

6 Yes.

7 : Okay. You told me today
8 that you actually didn't see any injuries to Michael
9 Brown before the shot to the head; is that right?

10 Yeah.

11 : You didn't see any bleeding
12 or wounds or anything like that.

13 : I couldn't see because his
14 back was turned towards that way.

15 : Okay. See, that's a problem
16 I have today is that back on August 13th you told
17 the FBI that Mr. Brown had blood flowing from his
18 shoulder or rib cage on his left side. Did you
19 actually not see that?

20 : I didn't see exactly where
21 he got shot at. I said, I knew he had got shot I
22 heard the first shot cause he stopped and he was
23 sitting in the middle of the street. Like I told
24 you, with his hands in the air.

25 : Right. But what I'm telling

1 you is that you've told me today you didn't see any
2 injuries to Michael Brown when he was down on his
3 knees in the street. Before you had told the FBI
4 that he had blood flowing from his shoulder and rib
5 cage on his left side, somewhere on his left side,
6 do you recall that?

7 : Yes.

8 : Did you all actually see
9 that or not?

10 No, I didn't actually see.

11 : Okay. So when you told the
12 FBI that on August 13th, you actually did not see
13 that?

14 That was something that I
15 heard. That's why you told me to tell you what I
16 actually saw, so I'm telling you what I actually
17 saw. Someone in the community --

18 : Who was that?

19 : Who told you?

20 I don't know. There was a
21 whole bunch of crowds, people was telling me all
22 type of stuff.

23 : That's why we want to talk to
24 you. You understand that there is a lot of people
25 talking --

1 **A** I'm just telling you what I saw.

2 : Okay. What else were people
3 saying?

4 That's what people were
5 saying, they saying he got shot somewhere in his
6 body at the top, but from my vision I seen his back
7 was toward me and the officer's shooting.

8 : Okay. As you sit here today
9 then, you actually did not see blood flowing from
10 his shoulder or rib cage before he was shot in the
11 head?

12 : No.

13 : Okay. And you say that
14 Michael Brown had his hand in the air at the time he
15 was shot?

16 : Yes.

17 : Did he say anything?

18 : Please, don't shoot.

19 : Okay. And did you actually
20 hear that?

21 : Yes.

22 : You said he was pleading for
23 his life?

24 : Yes.

25 : And the police officer shot

1 him in the head?

2 : Yes.

3 : I think you described before
4 that the police officer was basically standing right
5 in front of him when he shot him; is that right?

6 Yes, his gun was close to
7 him.

8 : His gun almost touching his
9 head?

10 Not almost touching, I said
11 like that far away, but it was point blank range.
12 (inaudible)

13 : You've described it as very
14 close or point blank range?

15 : Point blank range.

16 : Basically the police
17 officer, from what you described before, he just got
18 out of his car and walked over to Mike Brown and
19 shot him in the head?

20 : I didn't see any of it.

21 : You didn't see the police
22 officer get out of the car?

23 I didn't see it.

24 : Okay. You've described on
25 August 13th that the officer got out of the car and

1 shot Mr. Brown?

2 (Inaudible)

3 : That's why we are here today.

4 : We're trying to determine
5 exactly what you saw, okay.

6 Uh-huh.

7 : But basically you said
8 before that the officer shot Brown in the head as
9 soon as he exited the police truck. You saying
10 today you didn't see the police officer exit the
11 truck?

12 I didn't see him get out of
13 no truck. His police cruiser was a couple of feet
14 going up towards West Florissant.

15 : Uh-huh.

16 But I didn't see him get out
17 of no truck.

18 : Okay. So when you looked
19 out there on August 9th, the police officer is
20 already out of the truck?

21 Yes.

22 : And was standing in front of
23 Mike Brown?

24 : Yes.

25 : And then he shoots him once

1 in the head?

2 Yeah.

3 : While Mike Brown was
4 pleading, please don't shoot me.

5 : Yeah.

6 : Again, the officer is very
7 close, basically point blank range at the time of
8 the shot?

9 : Yes.

10 : I think you said before too
11 they were basically right next to the police car at
12 that time the; is that right?

13 : It was not right next, but
14 it was enough to where I could see the police
15 cruiser.

16 : I think before you said it
17 was probably five or six feet away?

18 Yeah, It wasn't too far, it
19 was down toward like West Florissant.

20 : He was actually moving; is
21 that right?

22 Yeah, he was moving, he was
23 facing towards West Florissant.

24 : At the time that the police
25 officer shot Mike Brown in the head and he fell,

1 they were about five or six feet away from the
2 police car?

3 : Yeah.

4 : Okay. And you say today
5 that Mr. Brown, when he was shot in the head, he
6 dropped to the ground flat on his face?

7 Yeah.

8 : Basically facedown?

9 : Basically, yeah.

10 : Do you recall on
11 August 13th, it is another concern I have okay, and
12 I'm just being honest with you, okay?

13 All right.

14 Is it at that time you said
15 you he fell on his side. You said he fell on his
16 side and the police officer shot him four more times
17 in the side.

18 That's what I heard.

19 Okay. Who did you hear that
20 from?

21 : Somebody in my complex.

22 : Okay. Those people were
23 just telling you that?

24 : Yes, there was a whole bunch
25 of people outside, so it is a whole bunch of

1 stories. But I will tell you from what I seen, from
2 what I seen, what I seen he dropped and I heard more
3 shots as I was going downstairs.

4 : So basically you didn't see
5 Michael Brown when he turned or dropped to the
6 ground, you didn't see him turn on his side?

7 : No.

8 : You didn't see that?

9 No. When I got down to the
10 end of the steps, he was facedown.

11 : Okay. All right. So you
12 never saw him turned on his side?

13 No, when I got down he was
14 facedown and blood was rushing from his head out in
15 the street.

16 : And just to be clear here,
17 then you didn't see the police officer stand over
18 him and fire four more shots into his body?

19 Obviously, I didn't see him,
20 I heard eight more shots after the two gunshots from
21 inside the house.

22 : Let me ask you this ,
23 and again, I just want to be upfront here. Are you
24 sure that you saw the police officer fire any shots
25 as oppose to just hearing shots?

1 Yes, I saw him.

2 : You saw one shot?

3 : The one to the head that

4 killed him.

5 : You actually witnessed that?

6 : Yes.

7 : That's not just something

8 that someone told you?

9 No, I actually seen it.

10 : Because my issue is and

11 coming into today, before you were even telling me

12 some things different from before, and I understand.

13 Some of the things you heard you saw before you

14 actually just heard from other people; is that

15 right?

16 : Yeah.

17 : Is that correct.

18 Yeah.

19 : So you didn't actually see

20 those things?

21 : No.

22 : Okay. I just want to make

23 sure you are in here today and you are telling me

24 you saw that one shot, I want to make sure that's

25 just not what someone told you versus what you

1 actually saw, because now is your opportunity, okay?

2 Okay.

3 : You can see our concern, right,
4 because beforehand you told us what you saw that you
5 saw and now you came in here and say you actually
6 heard it, you said that initially. We need to be
7 sure, you know, if we are going to put a case
8 together and put you on the witness stand, we need
9 to be sure that you are telling us what you actually
10 saw versus what you heard from people on the street.

11 : You understand?

12 Yeah.

13 : So, I mean, now is your
14 opportunity, okay?

15 I'm telling you I just told
16 you everything.

17 : You said you heard two shots
18 inside the house and you came out --

19 : And heard eight more, yes.

20 : Okay. But as said,
21 what we are trying to do is evaluate witnesses here
22 and evaluate this case, okay. And I can tell you at
23 this point if we were going to charge this case and
24 go to trial there is just no way I could put you on
25 the witness stand and there's a couple reasons for

1 that, okay.

2 The first is, basically just about
3 everything that you said on August 13th, and much of
4 what you said today isn't consistent with the
5 physical evidence that we have in this case, okay.

6 And now what you are telling us today is
7 actually substantially less detailed than what you
8 said on August 13th and I understand that and we
9 talked about it, all right. But then also what you
10 told us today is quite a bit different from what you
11 said on August 3rd. So those are the issues we
12 have, okay.

13 What you are telling me today or on
14 August 13th is not consistent with the physical
15 evidence we have, okay. Evidence that is not going
16 to change, that's just not just someone else
17 talking, okay. That's what the evidence is.

18 : And is talking about the
19 evidence, he is talking about the scientific
20 evidence and things like that, not what other people
21 are saying.

22 : Right. I'm talking about
23 DNA evidence, I'm talking about just simple things
24 like the way the scene was laid out, right. What
25 you're telling me, it is just not consistent with

1 what happened that day. All right. And that's our
2 concern, you understand?

3 Yes.

4 : I mean, can you explain that
5 to me?

6 : I want to know if you say
7 from a different perspective, why would you ask the
8 witness everybody's perspective wouldn't be the same
9 because there is different angles.

10 : Exactly, that's why I'm
11 saying.

12 : (Inaudible)

13 : I'm not saying other people
14 are saying other things you must be lying here,
15 that's not what I'm saying. What I'm telling you is
16 not from someone else's perspective, okay, or what
17 another witness said. I'm talking about actual
18 physical, forensic evidence at the scene, okay.

19 : So what am I saying that
20 don't match up?

21 : That's what you need to tell
22 me.

23 There's no telling you.

24 : That's what I'm wondering
25 is, can you explain to me why that's the case?

1 steps because I still hear shots ringing off.

2 : That's understandable. That is
3 all we are trying to figure out what you, yourself,
4 actually saw versus what you thought might have
5 happened based on what you were hearing.

6 What I'm going to say --

7 : You understand --

8 Just listen to me. There is
9 not no thought if I know for a fact --

10 : Can I explain generalities of
11 forensics. Not discussing, we're not here to
12 discuss or argue about it. But everything we
13 measure against every testimony here is what we know
14 to be forensics because that is irrefutable.

15 It is not he was at this perspective or
16 that perspective, but here is how he changes. We
17 know whether or not Michael Brown was shot at point
18 blank range in the head based on that, yes or no, we
19 know that.

20 We are here today to tell you what you are
21 saying you saw isn't forensically possible based on
22 the evidence.

23 : And that's just an example.
24 Virtually everything that you told the FBI on
25 August 13th doesn't match up with the evidence,

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: So you're telling me he didn't get shot in the head at point blank range?

: What we are telling you is that the physical evidence doesn't match up with what you are telling us. That's just an example, okay.

The entire layout of the scene is entirely different than what you described, okay. And when you come in here today and substantially change you say you saw and what you claim you saw on August 13th, that leads me to believe that maybe you didn't see this. And if that's the case, you need to tell me, okay.

: We're not even saying this, first of all. When you are running down the stairs, you say a lot of people were out there, you said you were scared, that's --

I tell you can I leave? I don't feel too comfortable right now.

: Okay. Now, if you want to go, that's fine.

: You can go outside.

: I ain't feeling comfortable.

: Why aren't you feeling

1 evaluate that.

2 : If I didn't see what I saw,
3 why for the first two or three weeks I was being
4 harassed.

5 : Who were you being harassed
6 by?

7 : Police go to my mother's
8 house if I didn't see what I saw?

9 : To try to interview you, you
10 mean?

11 : No, they came to my mother's
12 house, tried to swarm my mother's house. People at
13 my back door, at my side window and at the front
14 door and I didn't even live there at the time.

15 : When was this?

16 : It happened in the same week
17 of him getting killed, the same week. And then to
18 know for a fact that someone came down and burnt his
19 memorial.

20 : That happened more recently,
21 right.

22 : Yes, I smelt it burning.
23 Didn't nobody try to put the fire out, no nothing.
24 It took an African-American Ferguson police officer
25 to come with a fire extinguisher to put it out after

1 it was burning for 30 some minutes.

2 There were other people, other Ferguson
3 police sitting on their cars looking at it. And
4 then to tell me I'm lying.

5 : There is a lot that went on
6 in the aftermath of the shooting. A lot of people
7 were scared because they heard gunshots. A lot of
8 people were talking, so the problem is that
9 sometimes people, you know, thought they saw
10 something, really it was because other people were
11 talking so much.

12 So our job is to figure out what each
13 individual actually saw and noticed. Not what was
14 going on in the community, so that's why we wanted
15 to meet with you.

16 : I'm telling you all right,
17 I'm sorry, I'm telling you what I saw, I seen the
18 man execute my best friend.

19 : You don't have to speak any
20 more, it was voluntary. So we certainly don't want
21 you to talk to us any more. So we do thank you for
22 coming in, thank you.

23 Thank you.

24 MS. : End recording at 11:26 a.m.

25 MS. ALIZADEH: And actually, it is

1 12:26 p.m., and I imagine your lunch is here. So
2 we'll go ahead and take a lunch break and, ,
3 can you finalize whatever the disc that we need to
4 do and then let us know when you are done with your
5 lunch break and we'll start up with more evidence
6 and witnesses.

7 (End of the audio recorded interview of
8 .)

9 MS. ALIZADEH: This is Kathi Alizadeh with
10 the prosecutor's office. It is October 16th, 2014.
11 It is one 1:11 p.m. Sheila Whirley is also present
12 from the prosecutor's office, as well as all 12
13 grand jurors are present and the court reporter, who
14 is taking down the testimony of witnesses and
15 recording proceedings in the grand jury.

16 We have our first witness for the
17 afternoon and he is ready to be sworn.

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

24 EXAMINATION

25

1 BY MS. ALIZADEH:

2 Q why don't you state your name and
3 then you're going to want to spell it so we get it
4 right.

5 A How you guys doing? My name is

6
7 Q Okay. Now, , I'm going to stand all
8 the way back here. And, um, the microphone that is
9 in front of you it doesn't amplify your voice, it is
10 only recording, so you're going to have to keep your
11 voice up. You tend to have a softer voice, so if
12 the grand jurors can't hear you, they're going to
13 raise their hand and say what, we can't hear. It is
14 best to just try to speak loudly enough, you know.
15 I naturally do anyway, my kids say I'm yelling at
16 them, but I don't want you to not be heard, okay?

17 A Okay.

18 Q So, can I call you ?

19 A Yes.

20 Q , how old are you?

21 A I'm years old.

22 Q And I want to just clarify something, you
23 introduced yourself to the grand jury as

24 ?

25 A Yes.

1 **Q** Is that the name you were born with?

2 **A** Yes.

3 **Q** Okay. Now, a recording of a statement
4 that was made by you on August 13th, where you said
5 your name was , , or
6 something like that. Is that the same person?

7 **A** Um, no, it was just a heritage thing. I
8 just had where my roots was from, so I was just
9 learning about it.

10 **Q** Okay. You're going to have to talk
11 louder.

12 **A** No, it was just a heritage thing that I
13 had just learned about, me and my uncle were
14 discussing it, so me and my lawyer.

15 **Q** But the person that was in that statement
16 who said his name was , that's you?

17 **A** Yes, that's .

18 **Q** Okay. And so today do you prefer that we
19 call you or do you want to be
20 ?

21 **A** I want to be , that's my
22 name.

23 **Q** All right. So, , where do you live?

24 **A** I live in Northwinds Apartments in
25 Ferguson, Missouri.

1 **Q** How long have you lived in Ferguson?

2 **A** Since I was about . I guess since
3 eighth grade or middle school.

4 **Q** Okay. Do you currently, do you go to
5 school?

6 **A** No.

7 **Q** Did you go to high school?

8 **A** Yes.

9 **Q** Where did you go to high school?

10 **A** .

11 **Q** And when you were in high school, did you
12 have a friend named Michael Brown?

13 **A** Yes, he was one of my best friends.

14 **Q** And how long have you known Michael Brown?

15 **A** Um, it goes back to me knowing his family
16 when I was young, but we had just reunited like
17 around, I say around my freshman year of high
18 school. And his uncle really recognized me from the
19 old neighborhood and that's how I found out that I
20 knew him and his family for a long time.

21 **Q** So did you and Michael Brown start
22 becoming good friends like early high school?

23 **A** Yes, we was around each other every day up
24 until the day he died.

25 **Q** Okay. Now, did he also go to

1 **A** No, he did not have a car. We actually
2 had a friend that used to chauffeur us around. We
3 used to give him gas money when we needed rides to
4 go places.

5 **Q** So when he was staying elsewhere, you guys
6 would still see each other every day?

7 **A** Uh, yeah, he would come over after school.
8 We would just go to his granny's house and play
9 video games and just hang out and just chill.

10 **Q** Okay. And are you, were you and Mike the
11 same age?

12 **A** No, I was a year older than him.

13 **Q** A year older than him?

14 **A** Yes.

15 **Q** Do you know Dorian Johnson?

16 **A** Yes.

17 **Q** And how do you know Dorian?

18 **A** A friend of the family again. I known
19 from my old neighborhood since I've been young.

20 **Q** And now Dorian is a few years older than
21 you?

22 **A** Yes, yes.

23 **Q** How long have you known Dorian?

24 **A** A couple, few years. It has been since I
25 have been young.

1 **Q** Since you were --

2 **A** Yes, I guess about middle school years.

3 **Q** Okay. And you made some statements in the
4 past, and I told you we're just going to clarify
5 some things.

6 **A** Yeah.

7 **Q** You said before that Dorian was your
8 cousin?

9 **A** He was basically family, like blood could
10 not make us any more related. I grew up around him
11 and all his brothers, so I look at him as family.

12 **Q** There is no blood relation?

13 **A** Not really blood, blood.

14 **Q** All right. But you feel like he's family?

15 **A** Yeah, I feel like he's family.

16 **Q** What about Michael Brown, are you related
17 to Michael Brown?

18 **A** We are not blood related. Only way we
19 would have blood relation is through his youngest
20 siblings, his younger brother and his younger
21 sister.

22 **Q** Okay. And how so, how are you related
23 through siblings?

24 **A** I had found out after he had got murdered
25 that we was all at his granny's house in Northwinds.

1 And one of my relatives that I know for a fact is my
2 relative showed up and he was like, you didn't know
3 these were your little cousins, honestly I didn't
4 know until he told me. And that's how I found out
5 after the fact we kind of are relation.

6 **Q** Do you know how it is that your relation,
7 your father's sister is married to?

8 **A** No, no, it is my father's nephew kids.

9 **Q** Okay. So your father's nephew is Michael
10 Brown's father?

11 **A** No, it was his, not his father, his two
12 youngest siblings father.

13 **Q** Okay.

14 **A** They had different fathers.

15 **Q** Gotcha. So Michael Brown has siblings
16 that have a different father?

17 **A** Yes.

18 **Q** So you're related?

19 **A** To his younger siblings, yeah.

20 **Q** Okay, gotcha. You didn't learn that until
21 after you said that he had passed, right?

22 **A** Yes, it was after.

23 **Q** So when you knew Michael Brown, you just
24 consider him a friend?

25 **A** Yeah, one of my best friends. We was

1 together almost every day.

2 **Q** Okay. And so what about Dorian Johnson,
3 do you know how long prior to Michael's death that
4 Dorian Johnson had moved into the Canfield
5 Apartment?

6 **A** I knew he was living over there for a
7 while, it is just I never did see him or get in
8 contact with him until about two months before this
9 end up happening. So I would have to say around
10 either May or June.

11 **Q** Okay. How close a friend were you prior
12 to Michael's death, how close were you and Dorian?

13 **A** We were close, but I knew him more because
14 of his little brother. His little brother is the
15 same age as me. So that's really how I knew Dorian
16 Johnson mostly was through his younger siblings.

17 **Q** So he was a family friend?

18 **A** Yes.

19 **Q** But you were closer to his younger
20 brother?

21 **A** Yes.

22 **Q** Okay. So Dorian Johnson didn't hang out
23 with you and Mike every day?

24 **A** Uh, the two months prior to it happening
25 when we found out he moved over there, he was also

1 with us every day.

2 **Q** He would be with you every day too?

3 **A** Yes, we go over to his house and play
4 video games, same thing that me and Big Mike I
5 called him.

6 **Q** Okay.

7 **A** That's what I call him.

8 **Q** Is it okay if I call him Big Mike?

9 **A** Yeah, it is all right. I don't have no
10 problem with it.

11 **Q** So let's talk about then the early morning
12 hours of August 9th. We've heard your statements
13 that you and Mike, he was staying at your house; is
14 that right?

15 **A** Yes.

16 **Q** And let me ask you this; where were you
17 staying at the time?

18 **A** I was staying with my sister at the time
19 where she lived in Canfield.

20 **Q** So your house was in Northwinds?

21 **A** My mother's house was in Northwinds. My
22 sister also had her own apartment in Canfield.

23 **Q** And you were staying with her?

24 **A** Yeah, I was staying with her. He was
25 going through a couple things with his family and

1 since we was just best friends, he was just with me
2 every day staying over there. If he needed
3 something, I helped him out. I basically look at
4 him just like a little brother.

5 **Q** And so prior to August 9th when he got
6 killed, how long had he been staying with you at
7 your sister's house?

8 **A** It was about two weeks.

9 **Q** Okay. So right in front of you is a laser
10 pointer, right here. So if you press on that gray
11 button right there, see how you can point at things
12 at the map, okay?

13 **A** All right.

14 **Q** So I'm going to give that to you. I'm
15 going to direct your attention to this map, which is
16 Grand Jury Exhibit Number 25. Do you recognize the
17 streets and the buildings and stuff as being the
18 Canfield Green Apartment Complex?

19 **A** Yes.

20 **Q** Okay. Using the laser pointer, can you
21 point to the building where your sister's place is?

22 **A** I would say it would have to be around, I
23 don't know, it looks different from the sky view, it
24 looks kind of different. I would say it would have
25 to be over, okay, it had to be over here.

1 (indicating)

2 **Q** So let's just, for clarity sake, West
3 Florissant is over here. (indicating)

4 **A** It was over here exactly then.

5 **Q** All right. And so you're pointing at
6 Building Number

7 **A** Yes.

8 **Q** And so what floor did she live on?

9 **A** She lives on the third floor so I could
10 see looking out of the window that I was in, I could
11 see the whole Canfield Drive.

12 **Q** So can you tell me what, where in this
13 building, I guess, obviously, there's units that
14 face this way, right?

15 **A** (Nods head.)

16 **Q** Or east, and there's units that face west?

17 **A** It was a unit that's facing directly
18 towards the street, directly towards Canfield.

19 **Q** All right. I know you don't necessarily
20 want to give her address, but this one unit that's
21 on the northern part of the building, that's
22 and then the southern part of the building is
23 was she on northern part or southern part?

24 **A** She had to be on the southern part, the
25 closest to Canfield Drive, the closest.

1 **Q** Okay. And we've heard some testimony
2 already about these apartments. These apartments
3 have a front door that you go into?

4 **A** Yes.

5 **Q** And there's also a sliding door?

6 **A** Yes.

7 **Q** And there's bedrooms that have windows?

8 **A** Yes.

9 **Q** So from the sliding glass door in your
10 sister's apartment, can you see down onto Canfield?

11 **A** Um, no, not through the sliding glass
12 doors, but through the bedroom window you can.

13 **Q** Okay. Is it a bedroom window that faces
14 west or is there a window on this side on this other
15 side?

16 **A** This is a window on this side that faces
17 right towards Canfield.

18 **Q** Here?

19 **A** Yes.

20 **Q** Or here?

21 **A** The sliding door is on that side.

22 **Q** Right.

23 **A** But the window is right there, which would
24 be my nephew's bedroom which I was staying in.

25 **Q** So the window that you are going to talk

1 about here in a minute is on the southern side of
2 the building?

3 **A** Yes.

4 **Q** And from here you can look out onto
5 Canfield?

6 **A** Yes.

7 **Q** Okay. So on the early morning hours on
8 August 9th, that evening, like the night before and
9 into the early morning hours, was Mike with you?

10 **A** Yes, he was.

11 **Q** What were you guys doing?

12 **A** Um, we really was not doing too much. He
13 was just, I don't know if he was going through a
14 phase, but we just, mostly we did a whole lot of
15 talking that night. We did a whole lot of talking
16 about God, just about the problems that we've been
17 going through. We just did a whole lot of talking.
18 Because the cable was off at that time, we didn't
19 really have nothing to do. We just did a whole lot
20 of talking.

21 **Q** Was anybody else with you?

22 **A** Yes. My sister and my sister's fiancée
23 and my two nephews, that's who I live with at the
24 house.

25 **Q** Are your nephews, are they teenagers?

1 **A** No, they're little, little kids.

2 **Q** Does your sister's fiancee live in that
3 apartment too?

4 **A** Yes.

5 **Q** And your sister lives there?

6 **A** Yes.

7 **Q** So you said that you were talking about
8 things you were going through, problems?

9 **A** Yeah, just like little problems. I was
10 having problems with my mother, he was having
11 problems just trying to find hisself. Just little
12 arguments he would get into with his family, you
13 know, just basically family problems.

14 **Q** Okay. And I know you've talked about in
15 your interviews and stuff, they asked you were you
16 guys smoking any weed that night?

17 **A** Not that night I didn't smoke with him,
18 no.

19 **Q** Did you see Mike smoking any weed that
20 night?

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

22 **Q** Did Mike ever leave the apartment and then
23 come back?

24 **A** He did. He left for about 30 minutes and
25 came back.

1 **Q** About what time of night was that?

2 **A** It was around 11 something when he left,
3 and came back it was around 11.

4 **Q** Okay. Did you guys stay up most of the
5 night?

6 **A** Yes, we did stay up most of the night just
7 sitting up talking. I was on the phone with a lady
8 friend, he had my sister's phone, I don't know what
9 he was doing at the time, but he had my sister's
10 phone. I don't know if he was on Facebook, I don't
11 know what he was doing at that time.

12 **Q** Okay. So Mike didn't have his own phone?

13 **A** He had his own phone, but a couple days
14 prior to that his battery had went out on his phone,
15 and I guess it had fried his phone out or something.
16 He didn't have no phone at the time.

17 **Q** Okay. So what time did you go to sleep
18 that night?

19 **A** I didn't go to sleep until 5:00 that
20 morning.

21 **Q** But you did eventually go to sleep?

22 **A** Yes.

23 **Q** Where did you go to sleep, did you go to
24 bed or did you just kind of pass out in a chair?

25 **A** No, I had passed out in the love seat in

1 the living room, and I say around about 7:00 or
2 8:00 I got up and went and laid with my nephews.

3 **Q** Where was Big Mike when you passed out on
4 the sofa?

5 **A** He was on the bigger sofa, longer one. He
6 was laying there sleeping when I had woke up from
7 when I went in there to get in bed with my nephews.

8 **Q** Okay. Just again to clarify, I cannot
9 remember if it was my term or your term, you said
10 passed out. Were you drinking any alcohol that
11 night?

12 **A** No, I don't know. I was just, I'm more of
13 a staying up at night person. I'm a night owl. So
14 sometimes I just can't help it, I just pass out
15 sometimes because I stay up most of the nights.

16 **Q** When you say pass out, you just kind of
17 like fall asleep?

18 **A** I just dozed off.

19 **Q** Dozed off, wherever you were sitting?

20 **A** Yeah, basically.

21 **Q** So when you got up at 7:00, let me back
22 up, passed out or fell asleep, was Mike Brown in
23 your apartment?

24 **A** Yes, he was already sleeping by the time I
25 had passed out.

1 **Q** When you woke up like at 7:00 in the
2 morning, or whatever, and went to your nephew's
3 room, was he still in the same place?

4 **A** Yes, he was still asleep.

5 **Q** Okay. And just again, so I can clarify,
6 did Mike Brown like go to sleep, was he wearing
7 pajamas or was he wearing street clothes?

8 **A** No, he had on the same clothes that he got
9 killed in, he had on the same clothes.

10 **Q** So you went to your nephews' room and went
11 to bed?

12 **A** Yes.

13 **Q** What's the next thing you remember
14 happening?

15 **A** Uh, he came in there, my sister had asked
16 him because I was being lazy at that time, my sister
17 had asked him could he put my nephews in the car
18 because my mother came to come get my nephews and my
19 sister, and my sister is pregnant now. So she
20 couldn't carry them down the stairs, so he went and
21 put them in the car and he came back upstairs and he
22 asked me could he use my cell phone.

23 **Q** Okay. Let me stop. Remember when we
24 talked about assuming things, you only need to say
25 what you know or saw, okay.

1 I asked you what's the next thing you
2 remember, okay. So you woke up?

3 **A** Yeah, he woke me up to use my cell phone.

4 **Q** Okay. So Michael Brown came into the
5 room?

6 **A** Yes.

7 **Q** And the stuff about him helping your
8 sister, you didn't see that?

9 **A** I was asleep at the time.

10 **Q** Okay.

11 **A** I just woke up and there was nobody there
12 but just him.

13 **Q** All right. You woke up, he's in your
14 bedroom and he asked to use your cell phone?

15 **A** Yes.

16 **Q** Do you know what time it is at this point?

17 **A** I guess it was around, 10:00, 11:00,
18 between 10:00 and 11:00.

19 **Q** All right. And was Mike Brown wearing the
20 same clothes you seen him in the night before?

21 **A** Yes.

22 **Q** Was there anyone with him when he came
23 into your room?

24 **A** Not when he came into my room.

25 **Q** Did you know, did you get up from the

1 bedroom and go out into the apartment?

2 **A** No, he stepped out of the room and used my
3 phone, and tossed me back the phone and told me, me
4 and Dorian's going to walk to the store, I'll be
5 right back. That's the last thing he told me.

6 **Q** So at this point had you seen Dorian that
7 morning?

8 **A** No, he didn't come in.

9 **Q** Don't guess.

10 **A** He wasn't in my house because I was up by
11 that time moving around.

12 **Q** You didn't see him?

13 **A** No, he wasn't in the house at the time,
14 no.

15 **Q** All right. Did Michael Brown leave?

16 **A** Yes, he left.

17 **Q** All right. What did you do after Michael
18 Brown left?

19 **A** Um, I still was laying down, but I wasn't
20 asleep, I was on the phone with a lady friend of
21 mine and we were just talking.

22 **Q** Did something happen that drew your
23 attention to the outside?

24 **A** Yes. I heard, um, I say around, I say at
25 least 30 minutes later I heard a gunshot. And

1 that's what draw my attention to look out the
2 window.

3 **Q** Now, when you heard this, did you
4 immediately realize it was a gunshot?

5 **A** Yes, yes, no, I'm familiar with gunshots.
6 The difference between fireworks and gunshots. I
7 mean, it was loud, it echoed through all the
8 apartments, it was very, very loud.

9 **Q** Was it one gunshot or more than one
10 gunshot?

11 **A** I heard more than one gunshot, that's what
12 drew my attention.

13 **Q** Did you get up from the bed?

14 **A** Yes.

15 **Q** What did you do?

16 **A** I went and looked out the window.

17 **Q** So the window, is it in your nephew's
18 bedroom?

19 **A** Yes.

20 **Q** Is there a window covering on the window?

21 **A** Yes.

22 **Q** Blinds, drapes?

23 **A** Yeah, there's some blinds.

24 **Q** Were the blinds open or closed?

25 **A** They were closed, but I was looking

1 through the blinds.

2 **Q** Do you remember was the window open or
3 closed?

4 **A** Uh, I can't recall.

5 **Q** Would you, now, this would have been
6 around noon on an August day. Did your sister, did
7 she have air conditioning in the apartment?

8 **A** Yes.

9 **Q** Okay. Did she run the air conditioning,
10 did she use it?

11 **A** At the time it was broke.

12 **Q** Bolt?

13 **A** Broke.

14 **Q** Oh, it was broke?

15 **A** Yes.

16 **Q** Do you remember when you made your first
17 statement to the police? Do you remember saying the
18 window was closed, or do you not remember?

19 **A** I don't remember saying the window was
20 closed. I just know I heard the gunshot was really
21 loud, that's what got my attention.

22 **Q** I get that, I understand. My question is,
23 do you know today, do you have a recollection of
24 whether the window was open or closed?

25 **A** No.

1 **Q** You don't know, okay. But you did hear
2 the gunshot?

3 **A** Yes.

4 **Q** And then when you looked out the window,
5 what did you see?

6 **A** I seen my friend Big Mike on his knees
7 with his hands in the air.

8 **Q** Okay. So can you pick up that laser
9 pointer and with the laser pointer show me where Big
10 Mike was on his knees, where you saw it?

11 **A** I was right here, he was around this area
12 right here. (indicating)

13 **Q** Was he in the street, on the sidewalk, in
14 the grass?

15 **A** He was on the street, smack dab in the
16 middle of the street down the yellow line.

17 **Q** Okay. Now, you moved the pointer quite a
18 bit while you were doing that. If you can, I know
19 it doesn't have to be exact, but the best you can
20 recall?

21 **A** He was right there in the middle of the
22 street. (indicating)

23 **Q** So you've got the pointer right around the
24 E or L of Canfield?

25 **A** Yes.

1 **Q** Okay, all right. And so from your vantage
2 point, you could see his whole body?

3 **A** No, I could just see like the back part of
4 it from where I was standing, I couldn't see, I
5 could only see an officer.

6 **Q** Okay.

7 **A** But I could see his back with his hands in
8 the air.

9 **Q** So if Mike Brown's back was to you.

10 **A** Yes.

11 **Q** Where was the officer?

12 **A** In front of Mike Brown.

13 **Q** So use the pointer for me and point, I'm
14 going to show you how I want you to do this. So if
15 Mike Brown is here, was he facing that way, was he
16 facing that way, so point where he is and then make
17 a line in the direction that Mike Brown was facing.

18 **A** He was facing this way.

19 **Q** So he was facing like Caddiefield Road
20 right here?

21 **A** Yes, but from my vantage point, like from
22 my window, it was like his back was turned towards
23 me.

24 **Q** What about the officer, what direction was
25 he facing?

1 **A** He was directly in front of Mike Brown. I
2 say about four to five feet.

3 **Q** So he was in front of Mike Brown?

4 **A** Yes.

5 **Q** But which way was the officer facing?

6 **A** He was facing towards him.

7 **Q** He was in front of Mike, but facing
8 towards him?

9 **A** Yes.

10 **Q** Okay. What about a vehicle, did you see
11 any cars?

12 **A** The vehicle was parked a little bit
13 further up, and I didn't notice the vehicle until
14 after I got outside and got to the bottom of the
15 steps and came outside. The vehicle was up a little
16 bit, going towards West Florissant like it had come
17 from the other way.

18 **Q** Okay. So let's stop there. So you said
19 that you didn't notice the vehicle until you came
20 down afterward?

21 **A** Until I actually got down after, after he
22 was already assassinated.

23 **Q** Do you remember when you made a statement,
24 you drew a picture and you said they were right next
25 to the vehicle?

1 **A** I didn't say they were right next to the
2 vehicle, now I remember saying that, but I didn't
3 say they were right next to the vehicle. I said
4 they was parked a couple feet away from him, but it
5 wasn't right next to him, like it was going towards
6 West Florissant.

7 **Q** Do you remember the picture that got
8 drawn? I'm going to show you, I haven't marked it
9 yet and I will, but I'm going to show you a picture.
10 Do you remember this, is that your signature?

11 **A** Yes.

12 **Q** Do you remember doing that?

13 **A** Yes.

14 **Q** So you remember that this square here was
15 supposed to be the officer's car?

16 **A** Yes.

17 **Q** And then this MB, that circle is where
18 Mike Brown was, you told the officer that's Mike
19 Brown, right?

20 **A** Yes.

21 **Q** And you told the officer that was labeling
22 this, that the distance between Mike Brown and the
23 officer's car was approximately 5 feet?

24 **A** Yes.

25 **Q** Okay.

1 **A** But that wasn't close. The car was
2 pointing towards West Florissant, I didn't say it
3 was right next to him.

4 **Q** Okay. Do you know how long 5 feet is?

5 **A** It is not really that long.

6 **Q** Like I'm 5'1". So if I'm this far away
7 from you, that's like 5 feet. Was the car that
8 close to Mike Brown?

9 **A** Yes.

10 **Q** Okay. So you realize that if Mike
11 Brown --

12 **A** But if he was right here, I couldn't
13 really tell because the building is in the way. I
14 can only see what I saw was the officer and Mike
15 Brown until I got all the way to the bottom of the
16 steps and came and come across the parking lot.

17 **Q** In your statement that you said that he
18 was next to the vehicle and you helped them draw the
19 picture and you said the vehicle was behind Mike
20 Brown about 5 feet, you didn't see the vehicle
21 behind Mike Brown?

22 **A** No.

23 **Q** Okay. So that wasn't correct?

24 **A** No, until I got down there that I actually
25 saw the car.

1 **Q** What about the officer, did you see the
2 officer get out of the vehicle?

3 **A** No, by the time I got all ready, by the
4 time I looked out the window, he was already out of
5 his vehicle with a gun drawn.

6 **Q** Okay. So now the officer was close to
7 Mike Brown when you say he's in front of him facing
8 Mike Brown?

9 **A** Yes, it was point blank range.

10 **Q** Since I don't know what you mean by point
11 blank range, were they this close?

12 **A** It was about, yes.

13 **Q** So maybe 4 feet away?

14 **A** Yeah, 4 to 5 feet away.

15 **Q** Was it close enough that the officer had
16 reached out he might be able to touch Mike Brown's
17 head or face?

18 **A** Yes.

19 **Q** All right. And you say that the officer
20 had his gun drawn?

21 **A** Yes.

22 **Q** And where was the gun pointing?

23 **A** Towards the top of his skull.

24 **Q** Mike Brown's?

25 **A** Yes.

1 **Q** And at this point you say Mike Brown is
2 kneeling?

3 **A** Yes, he is on his knees. For him to kneel
4 down, he was still tall, he was at least about 6'3"
5 or 6'4".

6 **Q** He was tall?

7 **A** He was real tall.

8 **Q** So do me a favor, , so we can get an
9 idea of what you mean. Can you come across here and
10 maybe like right here so that everybody can see you.
11 Position yourself the way you saw Mike Brown when
12 you first looked out your window.

13 **A** I looked out my window, I saw Mike Brown,
14 he was on his knees like this.

15 **Q** Okay. So, for the record, you're kneeling
16 down and that your hands are at about the height of
17 your face, correct?

18 **A** (Nods head.)

19 **Q** And your palms, your fingers are pointing
20 to the ceiling?

21 **A** He was surrendering.

22 **Q** And your palms are facing forward; is that
23 right?

24 **A** Yes.

25 MS. ALIZADEH: You can go ahead and sit

1 back down.

2 Q (By Ms. Alizadeh) And now, at that time
3 could you tell if Mike Brown had been shot?

4 A See, again, that was speculation that I
5 heard. I couldn't actually you tell if he had got
6 shot, but from what I heard he did get shot. I
7 didn't know that personally.

8 Q Well, you know, it is important to talk
9 about --

10 A That why I say I didn't see him shot
11 personally, but that's what I was told.

12 Q All right. I'm not asking you what people
13 told you or what you think happened. I want to know
14 what you saw. So you said Mike Brown's kneeling
15 with his hands up and the officer is in front of
16 him?

17 A Yes.

18 Q About 3 or 4 feet away?

19 A Yes.

20 Q With his gun pointed at Mike Brown at the
21 top of his skull?

22 A Yes.

23 Q What color was the gun?

24 A I was a little too far back to tell,
25 honestly, tell what color the gun was.

1 **Q** Okay. You saw Mike Brown leave your
2 apartment that day, when you looked out and saw him,
3 can you recognize that that was Mike Brown?

4 **A** Yes, the reason why I recognize it was
5 Mike Brown is because, first off, I didn't know
6 nobody that big was that young. Like he had been
7 that big since we have been freshman. So that's
8 another reason why I knew it was him.

9 The second reason why I knew it was
10 him, I recognize him by his socks and his khaki
11 pants that he had on when he left my apartment.

12 **Q** But with him kneeling down, you mean, you
13 weren't getting a full body view of him?

14 **A** But his legs were long and him on his
15 knees and his back was towards me, I could see the
16 lower half of his body.

17 **Q** Okay. When he left your apartment that
18 day, how about, was he wearing a hat?

19 **A** Yes, yes, he was.

20 **Q** Okay. What kind of hat?

21 **A** St. Louis Cardinals hat.

22 **Q** What color was it?

23 **A** Red, it was snapback, it wasn't a fitted
24 cap.

25 **Q** All right, was it a baseball style cap?

1 **A** Yes, it was a snapback. It is the hat
2 with the snaps on the back like you can adjust it.

3 **Q** Sure. Could you see that hat on him when
4 he was kneeling down?

5 **A** No.

6 **Q** You didn't see the hat?

7 **A** He didn't have a hat on.

8 **Q** Did you see the hat at all when you looked
9 out?

10 **A** No, I didn't see the hat until I actually
11 got there close enough to see everything.

12 **Q** So when you saw him kneeling down, he was
13 wearing what you remember he was wearing what he had
14 on, but no hat?

15 **A** Yes, he had on a gray T-shirt, he had on
16 some khaki shorts, he had on some marijuana socks,
17 they were yellow with green marijuana leafs on it,
18 and he had on some white and black Nike flip flops.

19 **Q** Now, this is one of those things I want to
20 make sure that this is what you remember seeing as
21 opposed to, like that day, as opposed to after you
22 got down to the scene.

23 You remember that's what he had on?

24 **A** Yes, I know exactly that's what he had on
25 when he left my apartment that day.

1 **Q** Do you remember what your sister's fiancée
2 was wearing that night?

3 **A** No, I can't recall that. I cannot.

4 **Q** How about what your sister was wearing
5 that night?

6 **A** She was in the bed, I don't think she was
7 doing too much, she was pregnant so, she wasn't
8 really doing too much moving around at the time.

9 **Q** So, you know, , one of the things I'm
10 wanting to kind of figure out is if your memory of
11 what he was wearing is based upon the fact that you
12 saw him down at the scene when you went down there
13 as opposed to what you really remember that he had
14 on the night before?

15 **A** I know exactly what he had on cause he
16 didn't change clothes because he couldn't get into
17 his grandmother's house to get more clothes, cause
18 that's where his clothes and belongings were at.
19 Only thing he had brought to my house was some
20 stereo speakers and his laptop.

21 **Q** So he wore those same clothes for like the
22 two weeks he was staying at your house?

23 **A** No, not for two weeks, just like a couple
24 days.

25 **Q** So then did you see the officer actually

1 fire his weapon point blank at Michael Brown?

2 **A** Yes.

3 **Q** And did you see the bullet hit him?

4 **A** Yes, I seen his body drop. And when I
5 seen that, I ran outside. On my way downstairs, I
6 heard several more shots. I didn't actually see
7 them, but I heard.

8 **Q** So did you actually see Mike Brown fall?

9 **A** Yes.

10 **Q** Was he still on his knees when the shot
11 was fired?

12 **A** As soon as the bullet hit him, he dropped.

13 **Q** Okay. And you just made a motion forward?

14 **A** Yes.

15 **Q** Did he fall forward?

16 **A** Yes.

17 **Q** Was he then on his front?

18 **A** Yes.

19 **Q** On his stomach?

20 **A** Yes, on his stomach.

21 **Q** Facedown?

22 **A** When I got downstairs, he was on his
23 stomach.

24 **Q** Okay. And so you said you heard after
25 that first shot, or the second shot, you saw the

1 second shot and after that you saw him fall onto the
2 front, his front?

3 **A** Yes.

4 **Q** And then you said you started running
5 downstairs?

6 **A** Yes.

7 **Q** Okay. When did you first hear another
8 series of shots, were you already out of the
9 apartment?

10 **A** I was out of the apartment. As soon as I
11 hit the front door and got onto the balcony I heard,
12 at least, I say about three to four shots. It was
13 like a pause of me running down the steps, and then
14 when I got to the end of the steps I heard several
15 more shots.

16 **Q** Okay. At that point then did you see what
17 was going on?

18 **A** I didn't see what was going on, but I
19 could hear it. I can't honestly say I did see hit.

20 **Q** After you ran down the steps, did you come
21 out to the front of the building?

22 **A** Yes, I ran, it was a grass hill cause they
23 were getting ready to come across, I guess they was
24 getting ready to come across the grass hill.

25 **Q** Who is they?

1 **A** I guess Dorian and Michael Brown.

2 **Q** Remember, don't guess.

3 **A** When I ran out of the house, I ran over to
4 the grass hill, people were out there crying and
5 yelling. I was just like, they just kill my home
6 boy for nothing, those were my exact words.

7 **Q** Did you see Dorian Johnson when you were
8 out there?

9 **A** No, I didn't see him until I say about
10 five minutes later because I was more worried on
11 going to go tell his family what happened, but by
12 the time I tried to get down to his family's house,
13 his uncle's girlfriend was already coming up the
14 street.

15 And I don't know if she heard about
16 what had happened or if somebody had told her, but
17 she was coming and running up the street.

18 And I guess when she found out it was
19 him, she broke down in tears. And then Dorian
20 walked up to me and he started crying. And he was
21 like sick to his stomach, so he honestly threw up in
22 the parking lot.

23 **Q** Okay. So let's back up a little bit. In
24 your other statement before your first one, you said
25 that you saw Dorian crouching behind a car, a white

1 Monte Carlo, and then you later said, no, you didn't
2 really see that?

3 **A** That's what the community and what people
4 was telling me.

5 **Q** Okay.

6 **A** This is actually what I saw.

7 **Q** So when Dorian ran up to you after you
8 were already out on the street, Michael Brown is
9 already dead in the street?

10 **A** Yes.

11 **Q** That's the first time you saw Dorian that
12 whole day?

13 **A** Yes.

14 **Q** He told you what happened then?

15 **A** He really couldn't tell me. It was a
16 neighbor that honestly told me what happened.

17 **Q** Who told you what happened?

18 **A** It was a neighbor, I don't honestly know
19 his name. It was just a person I used to see. When
20 he had got killt (sic) people thought it was me.
21 People were thinking it was me. He just left out of
22 here, he just left out of here. And that's what I
23 was hearing as I was coming down the steps.

24 **Q** Okay. So when you went down to the
25 street.

1 **A** Yes.

2 **Q** How close did you get to Michael Brown's
3 body?

4 **A** I couldn't get that close. There's police
5 right there by the time I got all the way down there
6 enough to go to the scene when his family arrived,
7 it was already, the tape was up and all that. So I
8 had called my mother first, and then I had called my
9 sister, and then I called my cousin and met up with
10 my cousin.

11 **Q** So by the time you got down like onto the
12 ground level, the tape was already up?

13 **A** No, not when I got down to the ground
14 level. I didn't go close enough to his body. I
15 stopped in the middle of the grass hill and I just
16 broke down.

17 **Q** Okay. So did you see the officers putting
18 the tape up?

19 **A** No, I honestly didn't. I was down trying
20 to go tell his family what happened. I was talking
21 to his auntie actually.

22 **Q** Okay. Use the laser pointer for me and
23 show me where you walked down to when you came down
24 to see what was going on in the street?

25 **A** There is a grass hill right here. I came

1 across. (indicating)

2 Q Okay, now --

3 A Grass hill was right here. Specifically,
4 I know this grass hill. I came across and I
5 stopped. (indicating)

6 Q You're saying you came across?

7 A I came across right here. (indicating)

8 Q From up here? (indicating)

9 A Yes, I came across right here and I
10 stopped and looked, and I just broke down.

11 Q Okay.

12 A On the grass hill, and then I tried to go
13 back to Northwinds and try to go the Northwinds and
14 try to go talk to his family.

15 Q Okay. So when you came down to the scene.

16 A Yes.

17 Q Was Michael Brown's body covered?

18 A No.

19 Q Did you see the officer?

20 A I couldn't recall, but I did, there was a
21 couple officers there. I don't know if he called
22 backup at first when it first got started or
23 something.

24 Q Again, don't guess.

25 A I'm just saying, there was officers on the

1 scene almost immediately.

2 **Q** So by the time you got down there, there
3 was more than one officer there?

4 **A** Yes.

5 **Q** All right. Do you think you got a good
6 enough look at the officer that shot Michael Brown
7 that you would know which one is which?

8 **A** I couldn't even tell. The only thing I
9 can remember is he had on a black hat, and I think
10 had on glasses, that's the only thing I can honestly
11 remember.

12 **Q** Okay, so backup, I don't know if I
13 understood you. He had on what?

14 **A** A black hat, like a black regular hat and
15 some glasses.

16 **Q** A black hat and glasses?

17 **A** Yes. I guess his police uniform.

18 **Q** Okay. And so the officer, is that the
19 officer that shot Michael Brown?

20 **A** Yes.

21 **Q** Was he wearing a black hat and glasses
22 when he shot him?

23 **A** Yes.

24 **Q** Okay. Was he white or black?

25 **A** He was Caucasian.

1 **Q** With the hat on, could you tell what his
2 hair looked like?

3 **A** No, I could not.

4 **Q** And so at some point then you said you
5 went to Northwinds to tell Michael Brown's family?

6 **A** Yes, really I went up to go talk to his
7 granny. By the time I came down, his auntie was
8 already coming up the street, and I couldn't see, I
9 guess --

10 **Q** So you went to tell his grandmother what
11 happened?

12 **A** Yes. By the time I got to Northwinds, she
13 was already walking out of her parking lot.

14 **Q** The grandmother or the aunt?

15 **A** The grandmother. I had walked past the
16 aunt, I gave her a hug, she bust out crying. And
17 then I'm like, where's grandma? I don't know, I
18 think she's down there.

19 So I'm walking towards my house,
20 again, she lives directly across the street from me.
21 And by the time I got to her parking lot, she was
22 already walking.

23 **Q** So when you first talked to the police on
24 the 13th.

25 **A** Yes.

1 **Q** That was because they came to your house,
2 right?

3 **A** Yes.

4 **Q** So you never said anything to the police
5 or called them and say, hey, I saw it, I need to
6 talk?

7 **A** I did not. I was more intimidated because
8 after what I had saw and then I was at a family
9 member's house that lives in Jennings.

10 And my mother called me and she was
11 like, the police are looking for you. I'm like, for
12 what? She was like, I don't know. Even my
13 neighbors told me. They told me there was people at
14 the back door, police officers at the back door at
15 my side windows and at the front door. I don't know
16 how many it was, but people was calling me and
17 warning me. Like they said, they came to my house
18 like I'm the one that had something to do with
19 killing him.

20 **Q** Okay.

21 **A** That's how I can say how deep they tried
22 to swarm my house.

23 **Q** They didn't have a SWAT team?

24 **A** No, it wasn't nothing like that.

25 **Q** With AK-47s.

1 **A** That wasn't necessary if only thing you
2 want to do is talk to me.

3 **Q** All right. And I understand you were not
4 wanting to come talk to the police, I get that. But
5 at some point you did go and talk to the police and
6 you told them about what you saw?

7 **A** Yes.

8 **Q** And you admit today that at lot of what
9 you told them on that day you didn't really see it?

10 **A** Yes, it was more of me just finding out
11 stuff here and there.

12 **Q** , did you feel any pressure from
13 other people in the complex or Michael Brown's
14 family or did you feel like it was an obligation
15 that you had to say that you saw those things when
16 you really didn't?

17 **A** I didn't think it was, I don't think
18 nobody would lie about something.

19 So in my mind, I honestly believe
20 that's what happened.

21 **Q** Okay. You now know that you didn't see
22 those things?

23 **A** I did not.

24 **Q** At some point did you hear about the
25 autopsy that was performed by someone that the

1 family had hired?

2 **A** No, I didn't. I didn't hear about
3 nothing.

4 **Q** You didn't hear about that?

5 **A** No.

6 **Q** You originally told the officers, or told
7 the police that you saw the officer stand over Mike
8 Brown after he fell in the street and stand over him
9 and shoot him four more times.

10 **A** Yes, that is what I was told, yes.

11 **Q** And that would mean he had gunshot wounds
12 in his back, right?

13 **A** I guess.

14 **Q** He's laying on his front, right, facedown.
15 So any gunshots wounds would have to be entry wounds
16 somewhere on his backside, right?

17 **A** Yes.

18 **Q** But you didn't see that?

19 **A** No.

20 **Q** But you did hear eight more shots fairly
21 quick in succession, right?

22 **A** Yes, I don't know if it was eight, but I
23 could say it was more than five.

24 **Q** This is after he was already laying on the
25 pavement?

1 **A** Yes, after I seen him drop, yes.

2 **Q** If the officer were to have hit him with
3 those bullets, again, those bullets would of had to
4 have come, enter his body from behind, don't you
5 agree?

6 **A** Yes.

7 **Q** Okay. Um, and first of all, not first of
8 all, I wanted to tell you, and Sheila and I talked
9 to you before you came in. We're really sorry for
10 your loss of your friend, and I know that he was
11 your best friend and the two of you were very close.
12 You understand when Sheila and I were talking to
13 you, one of the things we said is we want to have
14 everybody who said they saw part of this come
15 forward so we can figure out what happened.

16 **A** Yes.

17 **Q** Okay?

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

19 **Q** You're not in trouble, we just want to
20 hear what you say you saw and they're going to have
21 to figure out what happened, okay.

22 Is what you said today truthful?

23 **A** Yes.

24 **Q** Is there anything important that you're
25 leaving out?

1 **A** No.

2 **Q** Is there anything else that you think this
3 grand jury needs to know that maybe I didn't ask you
4 about?

5 **A** It's just about, not just, I've been
6 dealing with, trust me, I've lived out in Ferguson
7 for, I can honestly say about almost six years.
8 Harassment, yes, I dealt through that growing up
9 over there in that area.

10 I was even like pulled off of my
11 school bus one time telling me I broke in someone's
12 house. And when I asked them why would I break in
13 someone's house when I was at school, it is always
14 harassment. They pull up on you and just ask you
15 questions. Where you going and just all type of,
16 just harassment like.

17 I should be able to live, I should be
18 able to feel safe where I live. I've got nephews
19 growing up around this area. I feel like it's not
20 the right environment for kids to even have to grow
21 up like. Even Michael Brown being shot, that was a
22 regular day, people walking dogs, kids out there
23 playing, that's not the type of scene for anything
24 to go down like that.

25 And then to leave him sitting outside

1 for hours so the whole community can see it, kids
2 and all, I feel like that's the most form of
3 disrespect. Not just to Michael Brown, but to his
4 family. That's not something they should just have
5 to sit there and look at.

6 And then another thing, for his
7 memorial to be burnt down and for me to honestly see
8 that with my own eyes, his memorial going up in
9 flames. Like there was gasoline poured on it. Like
10 they tried to say on the news, I don't know if they
11 said on the news, but they said that candles started
12 the memorial to burn it down.

13 Now, I'm out there, I live out there
14 every day. The candles are always in the middle of
15 the street. There was not a candle over there by
16 the light pole for it to blow up and make that type
17 of explosion and it's on videotape. One of my
18 family members actually got a video tape of it, he
19 put it on viral, he put it on Facebook viral.

20 For me to go out and see two
21 Caucasian Ferguson officers sitting by my sister's
22 parking lot sitting on the car looking at it go up
23 in flames.

24 And it took the only African-American
25 that was out there to come put it out with a fire

1 extinguisher, that's disrespectful. And I honestly
2 feel like that.

3 And he already got killed, people
4 throwing dirt on his name and all of this, for his
5 memorial to be burnt down. I don't think that
6 that's right at all.

7 For a person that was kind hearted
8 who did nothing to nobody. Just because he was big
9 didn't mean a thing, that man had a heart of gold.
10 If he had it, he would given you his leg or vice
11 versa because that was like my brother.

12 **Q** You know, , I think what you are
13 talking about, what has happened since Michael
14 Brown's death.

15 **A** Since the death that I have been going
16 through out there at Ferguson.

17 **Q** But it has opened a lot of people's eyes
18 about what really has been going on. And I
19 understand that both before and after Michael Brown
20 died.

21 What this grand jury is going to have
22 to decide is what's going to happen involving the
23 death of Michael Brown. We can't fix the problems
24 that happened before that and we can't necessarily,
25 you know, we're not responsible in this proceeding

1 to change the future.

2 I understand what you're saying and a
3 lot of people are saying the same thing. What I
4 need to know, and they might need to know, is there
5 anything you might have left out and forgotten about
6 and now you remember?

7 **A** No, no, that's what I remember seeing.

8 **Q** Okay.

9 MS. ALIZADEH: I don't have anything else.
10 Sheila, do you have any questions?

11 MS. WHIRLEY: I don't. Grand jurors?

12 I
13 had a question. Was Michael Brown ever with you
14 when you were harassed by the police or do you know
15 of any situations where he told you a story that he
16 had been harassed?

17 **A** Not him personally, but me, yes. Not with
18 him, but we were harassed by -- because Northwinds
19 has and Canfield have security guards. We both were
20 harassed by the security guards that legally got the
21 right to hold guns and all that type of thing.

22 Police-wise me and him together, no. If I was ever
23 harassed, it was either by myself type of situation.

24 MS. ALIZADEH: , I forgot to ask you,
25 do you wear glasses?

1 not with me he didn't. I can't honestly say if he
2 did or didn't, but with me personally he didn't
3 smoke.

4 You had
5 mentioned before that you guys were talking?

6 **A** Yes.

7 Talking, or early that
8 morning talking and talking over things of life,
9 life lessons or whatever?

10 **A** Yes.

11 You and Michael. And I
12 believe you had mentioned that he was, you're
13 talking about family problems or whatever that some
14 difficulties that you each were experiencing?

15 **A** Yes.

16 In your own lives. Can
17 you tell me why it was that Michael was living with
18 his grandmother at this point?

19 **A** I honestly don't know. From my
20 understanding, him and his mother was always in tit
21 for tat. But I don't know honestly why he was
22 living with his grandmother, I honestly don't.

23 It was like he was bouncing around
24 from house to house. Cause at first he was with his
25 grandmother in Pine Lawn when he graduated from high

1 school, that's where he was living, but during the
2 summer he was out there at Northwinds at his other
3 grandmother's house, which is his mother's house
4 with me basically almost every day. I honestly
5 don't know why.

6 MS. ALIZADEH: where did his mom
7 live?

8 **A** I know currently right now --

9 MS. ALIZADEH: Not now, last summer, where
10 was his mom living?

11 **A** She had just got a house I say, I have to
12 say it was about May she was living on
13 in Dellwood. It really was nothing but like about
14 five minutes away from his grandmother's house.

15 MS. ALIZADEH: But Michael wasn't living
16 with her?

17 **A** No, we would go over there sometimes and
18 go hang out with his little brother and his little
19 sister, which is basically my little cousins now.

20 MS. ALIZADEH: Did Mike ever talk to you
21 about why he didn't live with his mom? Was it
22 because he, they had problems, or was it because he
23 liked living with his friends?

24 **A** I honestly don't know what they were going
25 through between the mother and son relationship,

1 that wasn't really none of my business to, you know,
2 ask him or anything.

3 MS. ALIZADEH: He was like your best
4 friend, you didn't talk about that?

5 **A** But that wasn't none of my business, that
6 was his family. I couldn't really come in between
7 like put some thoughts in his head or none of that.
8 So we ain't never talk about that.

9 **Q** What about why he wasn't living with his
10 grandma? You said you knew.

11 **A** That last little week, I don't know, they
12 was just bickering and arguing a whole lot. And he
13 got mad, I guess, they had an argument, he stormed
14 out of the house and then he was at my house.

15 **Q** Do you know what they argued about?

16 **A** I don't, because I was already at home, he
17 just came and told me. She don't believe in me and
18 I don't know what she said she was going to believe,
19 I don't know if was the music thing we were doing. I
20 honestly don't know, but he was just like she don't
21 believe in me or something.

22 MS. WHIRLEY: Is this the same grandmother
23 that was in the hospital that you are talking about?

24 **A** Yes, yes.

25 MS. WHIRLEY: So she was in the hospital

1 at the time?

2 **A** Yes. I don't know if him storming out had
3 something to do with her going to the hospital or if
4 it was just a whole bunch of stuff just adding up.
5 But, yeah, she was in the hospital at the time,
6 that's why he couldn't go to her house and get any
7 more clothes because there wasn't nobody there.
8 There was no family member there or nothing because
9 she was at the hospital.

10 MS. WHIRLEY: So she went to the hospital
11 after he stormed out?

12 **A** Yes.

13 MS. ALIZADEH: But she was there, she was
14 home on the day of the shooting?

15 **A** Yes, she had just came home that day.

16 MS. ALIZADEH: I'm sorry.

17 You know,
18 I think part of the responsibility of the grand jury
19 is to find the truth in all of this.

20 **A** Yes.

21 We are here also to get to
22 know Mike. We didn't know him.

23 **A** I can guarantee you if he was here today
24 you would all love him. He was a fun, outgoing
25 person. He was never uptight, I'm the one usually

1 with the attitude. He would have to tell me, he
2 used to have to tell me to calm down and stop being
3 so serious about things.

4 We didn't do nothing. We did smoke
5 marijuana, but if we did, it was in an enclosed
6 place, it wasn't like we was out in the public with
7 it, we would just smoke and play video games and
8 just chill like we normally would do.

9 One thing I did want to
10 ask if I could, was there, to your knowledge,
11 or do you know any of the family history, was there
12 any history that Michael Brown may have any type of
13 like what they call ADD, Attention Deficit Disorder,
14 hyperactivity, or anything of that nature?

15 **A** ADD is when you like can't stop moving and
16 got to move around all the time.

17 Well, yeah, lose focus.

18 **A** No, he was more of a home body. I used to
19 have to like go get him and make him put on clothes
20 and walk to the store like. And really and truly
21 his granny was overprotective of him.

22 At that time I was one of them like
23 why is she overprotective, now I know. Now after
24 the fact, I know why she was being so overprotective
25 of him.

1 MS. WHIRLEY: Why was it?

2 A Because of situations like this. Because
3 if you notice, the people that don't deserve it, it
4 usually happens to them. He didn't deserve it.

5 There's been testimony
6 that in speaking with Michael and he was giving a
7 response back to somebody, that Michael would have
8 the action of raising his head and fluttering his
9 eyes while giving a response and doing that
10 repetitively, you know, whenever he gave a response,
11 he would raise up his head and, you know, flutter
12 his eyes. Was that a common practice that you
13 noticed of him?

14 A I honestly, I never really paid attention
15 to that type of thing. I honestly didn't. I can't
16 honestly say I have. But whatever he say he usually
17 meant it and whenever he said something, it usually
18 was deep and had meaning behind.

19 All right. Thank you,

20

21 MS. ALIZADEH: I just want to ask you
22 something because we talked about, you know, knowing
23 something about Michael Brown because, obviously,
24 none of us knew him and you knew him very well.

25 A Yes.

1 MS. ALIZADEH: Have you seen or have you
2 heard that there was video that was aired that
3 showed Michael Brown stealing some Cigarillos.

4 **A** Me, honestly, I wasn't there. I ain't
5 never see the tape so I can't honestly speak on
6 that, I really can't.

7 MS. ALIZADEH: Okay. Would you think that
8 that was out of character for him?

9 **A** Honestly, I don't think that was the case.

10 MS. ALIZADEH: So you don't think that he
11 did that?

12 **A** No, I can't really speak on it, I didn't
13 see the tape or anything. It was just a lot of
14 speculation I heard.

15 MS. ALIZADEH: Okay. I'm saying if you
16 assume that that was him in the video.

17 **A** Me, personally, I couldn't see him doing
18 nothing like that, no.

19 MS. ALIZADEH: So that would be something
20 you wouldn't expect Michael Brown to do?

21 **A** No, huh-uh, that ain't the type of person
22 he was, at least around me.

23 MS. ALIZADEH: You've seen him high
24 before?

25 **A** Yes.

1 MS. ALIZADEH: Did he do things out of
2 character when he would be under the influence of
3 drugs?

4 **A** No, usually he would just fall asleep.

5 MS. ALIZADEH: Okay.

6 **A** He usually just fall asleep and I fall
7 asleep right along with him. And she would come in
8 there waking us up and kick me out of the house like
9 she always do.

10 MS. ALIZADEH: Did you ever know him to
11 have like a quick temper?

12 **A** No, I'm the one with the quick temper. It
13 was usually always him telling me to calm down.

14 MS. ALIZADEH: So like never heard about
15 him getting in any fights or anything like that?

16 **A** No.

17 MS. ALIZADEH: Okay. All right.

18 So you
19 say you don't know why he couldn't live with his
20 family, it was none of your business. I don't mean
21 to disrespect your friend, the problem I have with
22 that is you say he's your best friend and he is
23 living with your sister who is pregnant and has two
24 small children in the home.

25 **A** Yes.

1 : And you never thought to
2 ask him why he couldn't live with his family member,
3 did you think it could be some type of volatile
4 situation your family could be put into?

5 **A** No, cause I didn't think about it like
6 that. We was together all day anyway, so my sister
7 was the one that told me it wasn't no problem with
8 him coming over.

9 : Okay. And you did say
10 that you did --

11 **A** As long as I've known him, he was never
12 living with his mother from the get-go. He was
13 always living with his grandmother, that's how we
14 met from his grandmother's house because we went to
15 school together.

16 You don't know why his
17 grandmother was in the hospital, could it possibly
18 have been from their argument?

19 **A** I don't know. I don't know if it was
20 slowly just building up, building up, I don't know
21 if she was depressed, whatever sent her to the
22 hospital. At that point in time she was in the
23 hospital for a few days.

24 : This is his grandmother,
25 he told you he stormed out and left, he couldn't

1 live with her.

2 **A** Yes, they was arguing.

3 Again, I don't mean to
4 talk bad about your friend, you feel like that is
5 okay behavior to do with his grandmother, find it
6 hard to believe he had similar behavior with a
7 stranger?

8 **A** No, it is not like that cause I was going
9 through problems with my mother at the time also,
10 that's why I was living down at my sister's house.

11 I really don't know what their
12 problem was, but I know I was already going through
13 my own little situation to be in his life at that
14 time. I just knew he was my friend and I was going
15 to look out for him. I guess just the way I know he
16 would look out for me.

17 Regardless?

18 **A** Yes.

19 I have on page 16 of your
20 recorded statement, you said with his hands on his
21 knees like this.

22 And then later you said he was on his
23 knee, he was on his knee, he was on his knees, and
24 then today you say he was on his knees with his
25 hands up. Those are three very different.

1 **A** No, I know what I said, and I said he was
2 on his knees with his hands up. When I looked out
3 the window every single time that part has never
4 changed.

5 So you are saying that
6 what we heard is wrong, what we heard you say?

7 **A** I said every time he had his hands up in
8 the air on his knees. I can vouch for that, I know
9 specifically what I said.

10 Okay. And today you said
11 that you heard Michael tell Dorian Johnson to run
12 for his life and you saw Dorian Johnson leave. Now
13 today you are saying you didn't see Dorian until you
14 went downstairs. Did you not actually hear him say
15 run for your life?

16 **A** I didn't, that's what Dorian told me.

17 Okay.

18 **A** He said that's the last thing he heard him
19 say, "Bro, run for your life."

20 Okay. So, again today,
21 let me just check, because I don't remember you
22 telling us in today's statement that Michael was
23 pleading for his life. Because in your past
24 statement you said you heard Michael pleading for
25 his life. Please don't shoot, please don't shoot,

1 but you couldn't hear the police.

2 **A** It is just like what I told her earlier,
3 she told me not stuff that I heard and I admitted
4 the first interview was most speculation and stuff
5 that I heard either from Dorian, neighbors, it was
6 just a whole lot of talk.

7 : And that's why I'm asking
8 you because we don't know, there is three different
9 things that you said and I'm going to ask you this
10 as well, it is a hard question for me to ask, but
11 the first one you have admitted is not really what
12 happened.

13 **A** Yes.

14 And the second one, which
15 is a little less intricate, yeah, it happened, but
16 not so much. How are we, in the first statement you
17 even told somebody to look into your soul and to
18 look into your eyes, that you would never ever lie,
19 how do we know that today's statement is the truth?

20 **A** It is not a lie if the person was actually
21 there, told me exactly what happened. So I didn't
22 feel like it was a lie. I didn't feel like it was a
23 lie at all. And the way that Dorian came to me, the
24 look he gave me in his eyes, he wouldn't lie to me
25 about something like that knowing that that was my

1 best friend.

2 : So you don't feel what
3 you said on the first interview was a lie because
4 somebody you trusted told you the truth?

5 **A** I don't think it was a lie, no.

6 You don't believe you
7 lied?

8 **A** No, I don't.

9 : Thank you.

10 MS. ALIZADEH: Just to clarify then.
11 After that question, you didn't hear Michael
12 pleading for his life?

13 **A** No, that's what I was told.

14 MS. ALIZADEH: Okay. So from where you
15 were you could hear the gunshots?

16 **A** Yes, that's the only thing I could hear.

17 MS. ALIZADEH: You couldn't hear, you
18 didn't hear the officer say anything?

19 **A** No.

20 MS. ALIZADEH: You didn't hear Michael say
21 anything?

22 **A** No.

23 MS. ALIZADEH: You didn't hear Dorian if
24 Dorian was out there, you didn't hear anything from
25 him?

1 laser where you saw that car as soon as you walked
2 out?

3 **A** Michael Brown was right here, the car had
4 to be where the C was at. If he was right here, it
5 had to be in front of the C or where the C was at.

6 : So if we had photograph
7 evidence and again, the FBI, if we have evidence
8 showing the car is not in that location, how would
9 you explain that?

10 **A** Um, really and truly, where the car was
11 located really doesn't have anything to do with what
12 honestly happened because he was unarmed, he didn't
13 put up a fight, and he was assassinated for what
14 reason. So, honestly, what does the car have to do
15 with it?

16 The only reason
17 I ask that is if the car was not moved and it was in
18 that location that we've seen the photographs, then
19 you would have been able to see any altercation if
20 there was a fight by the car?

21 **A** I wasn't really, let me ask you a
22 question. If you just seen your best friend get
23 murdered, you really would be thinking about where a
24 car was located? That's an honest question.

25 I understand you. This

1 is , I know I empathize with you, really I
2 do, but I think what we're trying to determine is
3 what happened. So if the car wasn't where you think
4 it was, where I believe you believe it was, and you
5 couldn't see the car and all you saw was a split
6 second of what happened, you don't know if there was
7 an altercation between Michael Brown and the police
8 before you looked out the window, you don't know
9 that there was or was not?

10 **A** I never said that at all.

11 : That was my question to
12 you, you don't know?

13 **A** I never said that.

14 Okay.

15 MS. ALIZADEH: Any other questions?

16 (End of the testimony of .)

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

23 EXAMINATION

24 MS. WHIRLEY: It is April 16th, I'm Sheila
25 Whirley.

1 MS. ALIZADEH: April?

2 MS. WHIRLEY: I'm sorry, October 16th,
3 2014. Let's make sure we are in the right year.
4 I'm Sheila Whirley, Kathi Alizadeh is present, 12
5 grand jurors are present, and we are here with
6 .

7 BY MS. WHIRLEY:

8 Q Can you spell your name for the court
9 reporter, do that for us, please?

10 A Spelled, .

11 Q All right, You know why we're
12 here, I just like to go right to it. You know why
13 we're here, right?

14 A Yes.

15 Q Because of the Michael Brown shooting that
16 would have occurred August the 9th of 2014; is that
17 right?

18 A Correct.

19 Q Where were you working August 9th?

20 A At the Canfield Apartments.

21 Q In what capacity, what were you doing?

22 A We were trenching downspouts.

23 Q Okay.

24 A Piping out downspouts.

25 Q What company did you work for?

1 **Q** I understand. Are you college educated?

2 **A** Yes, I have a bachelor of arts, graduated
3 from Webster University, majored in marketing, minor
4 in advertisement. And, like I said, that's the
5 sales is what I was there for.

6 **Q** All right.

7 **A** Happen to be working in the field that
8 day.

9 **Q** How long had you been working for this
10 particular company?

11 **A** Um, since November, so nine months
12 roughly.

13 **Q** Had you known _____, right, had
14 you known him the whole time?

15 **A** I knew him for two months at most.

16 **Q** At most. Was this your first time working
17 with him in the field as a laborer?

18 **A** I believe that was the first time we were
19 out in the field together. I don't recall being, it
20 might have been the second time out there.

21 **Q** Okay.

22 **A** We might have been out there through the
23 week. It was really the first time I worked with
24 him.

25 **Q** Tell us how your day started that Saturday

1 morning, what time did you start at Canfield Green
2 working?

3 **A** I'd say we got there about 8:00, 8:15.

4 **Q** In the morning, of course?

5 **A** Right. And we moved, we parked at the
6 office, top left up there.

7 **Q** Okay. Before you move on, we're looking
8 at Grand Jury Exhibit Number 25, and it is a map of
9 the Canfield Green Apartment Complex; is that
10 correct?

11 **A** Yes.

12 **Q** And you recognize it as that?

13 **A** Yes.

14 **Q** Where is the laser, you know how to use
15 that laser pen, right?

16 **A** Sure.

17 **Q** Okay. Now talk us through what you were
18 saying, where were you working?

19 **A** We were working right on this Building
20 here. (indicating)

21 **Q** In the very beginning when you first got
22 there that morning?

23 **A** No.

24 **Q** I want to start --

25 **A** In the morning at 8:00 when we pulled in

1 and parked right about here, you know, we did some
2 work around this building here, up to about 10:00.
3 Moved around Building and Building We kind of
4 were working on these downspouts in this area.
5 There was a big root where this tree was and about
6 11, 11-ish, that's when we first encounterer Mike.
7 (indicating)

8 Q Okay. Were you with the
9 whole time while you were working, or were you
10 working --

11 A No, we were working together. We had our
12 truck parked here initially, you know, about 10:00,
13 11:00. We were working on this corner of the
14 building.

15 Q You said you were at that location, which
16 you identified on the map as Building

17 A Right.

18 Q Near Building when you first saw Michael
19 Brown?

20 A Yeah. It was, we had moved over to the
21 middle of the building, and when we first saw him,
22 he came down, and was actually cutting some
23 roots, and that was the first time we saw him.

24 Q Where was he coming from?

25 A He came down the stairwell.

1 **Q** From that apartment building?

2 **A** Correct.

3 MS. ALIZADEH: I'm sorry, can you show me?
4 I was looking down, what stairwell?

5 **A** This one right here. (indicating)

6 MS. ALIZADEH: Okay.

7 **Q** (By Ms. Whirley) So he comes down the
8 stairwell, do you remember how he's dressed?

9 **A** Yes, he was wearing a gray shirt, jean
10 shorts, Cardinals cap, he had yellow socks with pot
11 leafs on them and sandals.

12 **Q** With pot leafs on them?

13 **A** Yes.

14 **Q** You recall him wearing jeans?

15 **A** Jean shorts.

16 **Q** Jean shorts, okay. When he comes down, is
17 he alone?

18 **A** He was alone.

19 **Q** All right. And what made you even notice
20 him?

21 **A** Uh, he mentioned something, said something
22 about cutting through a root and how he was a
23 little frustrated with having to cut through it.
24 You know, he said one of you two mad about
25 something? I'm getting a bad vibe.

1 **Q** He was talking to ?

2 **A** Yeah.

3 **Q** But you were in earshot?

4 **A** I was standing right behind him getting
5 ready to hand him whatever tool he needed to get the
6 job done.

7 **Q** I see. And when he said, he said what now
8 again?

9 **A** He said, one of you two mad about
10 something I'm getting a bad vibe.

11 **Q** And did say anything back or did
12 you?

13 **A** said something to him in the effect
14 of, it was what he told me and what he told him were
15 two different things. It was something to the
16 effect that my boss shorted me 60 cents on my
17 paycheck, you know, just making light of the
18 situation.

19 **Q** Did he say that in your presence to Mike
20 Brown?

21 **A** Uh, I didn't hear what said, but
22 that's what told me he said. That's kind of
23 hearsay, I don't know exactly what he said to him,
24 it was something to diffuse the situation. Just
25 kind of a light comment.

1 **Q** Okay. To diffuse the situation, was there
2 a situation?

3 **A** He came up and said, one of the two of you
4 mad about something, I'm getting a bad vibe.

5 **Q** Did you hear them discuss anything else?

6 **A** At that point, no. I know that they had a
7 long conversation in this area right here where the
8 truck was initially parked. I was working on
9 digging the trench.

10 **Q** But at that point, they weren't talking,
11 they didn't have a long conversation really when he
12 first came down the stairs?

13 **A** After said something, I didn't
14 really catch what said, but I heard Mike say,
15 you know, if you turn to Jesus, he'll save you,
16 whatever, something to that effect.

17 **Q** So Mike is talking about Jesus?

18 **A** Right.

19 **Q** And did they continue to talk, or what
20 happened next?

21 **A** Uh, yeah, the conversation kind of, you
22 know, started here and then went back to the
23 truck for a tool or something, and Mike followed him
24 over there. And they talk and I continued to work
25 on the hole, I don't know what all they talked

1 about.

2 **Q** You couldn't hear them?

3 **A** Not from the other side of the truck. I
4 did go over after a few minutes and kind of go, hey,
5 we're trying to work here. You know, they were
6 talking about pictures of Jesus on the wall and
7 different things.

8 **Q** Okay. Did Mike, and we know who we are
9 talking about Mike Brown, the young man that was
10 killed. Did he appear to you to be in an agitated
11 mood or aggressive, or anything like that?

12 **A** He flinched his fist a couple times and
13 looked up at the sky when they were over here
14 talking, I came around to see what's going on, he
15 flinched his fist a couple times and like looking
16 up. I kind of found it odd.

17 You know, take a step back whenever
18 we were over here in this conversation, they were
19 talking about the socks, and Mike said, you know,
20 you've got to try everything in this life, you know,
21 everything to figure out where you want to go in
22 this world. And that kind of led me to believe he
23 is probably high.

24 **Q** Okay.

25 **A** And he kind of seemed that he came down

1 when he was talking to over here, like he came
2 down from the high.

3 **Q** Describe what that looked like, him coming
4 down from a high?

5 **A** It was them talking about pictures of
6 Jesus on the wall and said something to the
7 effect of how you might have a picture of Jesus on
8 your wall, well, the devil has got a picture of me
9 on his wall. Whenever I come down, he's going to be
10 the person in charge. he's a character. I
11 don't know if you guys have seen him.

12 At the end of the conversation when
13 it was all said and done, Mike said, you know, nice
14 talking to you, and he shook hand. I could
15 kind of tell that he was grounded, you know.

16 **Q** Okay. Describe to me why you think he was
17 coming down from a high, what was he doing that made
18 you think that he was high?

19 **A** I can't say for sure.

20 **Q** Because of the socks?

21 **A** It is more of an assumption.

22 **Q** Let me ask a question or two. Did you
23 smell marijuana?

24 **A** No.

25 **Q** All right. Did you see him smoking any

1 marijuana?

2 **A** No.

3 **Q** Did you see him handling marijuana?

4 **A** No.

5 **Q** Okay. So tell me about your assumption
6 again.

7 **A** The socks.

8 **Q** Oh, the socks, okay. He said nothing was
9 wrong with smoking?

10 **A** I was up there for four weeks and it was a
11 day-to-day thing I smelled marijuana a lot around
12 all of the apartment buildings. Don't get me wrong,
13 you know, I don't want to stereotype anybody, but a
14 guy with marijuana leafs on his socks is probably
15 smoking marijuana.

16 **Q** I was curious about whether you thought he
17 appeared high though that morning when you saw him,
18 and that's why I was asking a few detailed questions
19 about it. There was nothing that made him appear
20 high except for the socks?

21 **A** Right. And the fact that he came down
22 asking if one of us were mad, you know, kind of
23 paranoid, you know.

24 **Q** To you that seem kind of paranoid?

25 **A** Right.

1 **Q** All right. You said, show us again where
2 he followed .

3 **A** So our truck was parked kind of
4 catty-corner to this building here, you know,
5 directly out. And they were on the driver door
6 here, they were over here talking. I was over here
7 digging this trench. I walked around and kind of
8 came up and heard the end of the conversation.

9 **Q** What was that, is that when they're
10 talking about Jesus on the wall you mean?

11 **A** Right.

12 **Q** And then what happened?

13 **A** He said he was, see, at this point he went
14 back up into the apartment.

15 **Q** Went back upstairs?

16 **A** Yeah, he went back upstairs. And, you
17 know, we went back to work after that.

18 **Q** Do you recall when you saw him the next
19 time?

20 **A** We were moving around this L shape here
21 and moving up into this corner and into that. And
22 he came walking from this direction. Next time I
23 saw him, he came walking from this direction with
24 that fellow with the dreadlocks. What's his name?

25 **Q** We know him as Dorian Johnson.

1 **A** Dorian, right. They came up and was
2 back over here talking to them.

3 **Q** And how long ago, tell me the timeframe
4 from when you, when he went back upstairs and then
5 you saw him later with Dorian?

6 **A** I would say 10, 15 minutes, you know,
7 somewhere roughly in there.

8 **Q** Had he changed clothes, Michael Brown, or
9 was he in the same clothes?

10 **A** Same.

11 **Q** Okay. All right. So he comes back with
12 Dorian, do they come and talk to you?

13 **A** No, they had a conversation over here with
14 . I was over in this area by then moving my
15 way around.

16 **Q** So you weren't within earshot to hear what
17 they were saying?

18 **A** Correct. And you know after a while I
19 came back over to the truck, kind of see what's
20 going on, hey, let's get back to work here and they
21 dispersed.

22 **Q** You say they dispersed, describe --

23 **A** Well, I walked over and, you know, hey,
24 let's get back to work. was like, all right.
25 The two guys, Mike said that they were going to

1 continue the conversation when they got back. And
2 that's when they went to the convenience store.

3 Q Which way did they travel?

4 A Uh, they just went up the street here.

5 Q This would be West Florissant here?

6 (indicating)

7 A Right.

8 Q Okay. And then what was the next time you
9 saw them?

10 A I never saw Darian?

11 Q Dorian?

12 A Dorian, I never saw him again.

13 Q Okay. When is the next time you saw Mike
14 Brown?

15 A He was in this vicinity right here.

16 (indicating)

17 Q And what was he doing?

18 A He was moving down the street.

19 Q Okay. Did you ever see him in a tussle
20 with a police car?

21 A Never did.

22 Q Police officer?

23 A No, I think that happened back here. And,
24 like, I said, at this point, so they went just to
25 timeframe here. So they went to do whatever, and I

1 had to go get the bobcat, which was parked up here
2 and in my process of going over here and coming back
3 and started digging some trenches with the bobcat, I
4 was in about this location here and heard a gunshot.
5 (indicating)

6 **Q** Okay.

7 **A** I heard a loud bang. I didn't know what
8 it was. It sounded like a bunch of PVC pipe hitting
9 the ground, if you know what I'm talking about.

10 I stepped out in about this location.
11 We had our truck parked right about here. At this
12 point, like I said, we were moving around. I
13 stepped out, I was about right here. I saw Mike
14 Brown come out behind the building, he was moving at
15 a pretty good clip. (indicating)

16 **Q** He was doing what?

17 **A** He was moving at a pretty good, you know,
18 kind of getting away.

19 **Q** Like trotting or walking fast?

20 **A** Right.

21 **Q** Okay. And what else did you see?

22 **A** I saw what appeared to be him getting shot
23 in the back.

24 **Q** Shot in the back. Why do you say it
25 appeared that way?

1 **A** Well, he was running, I heard a gunshot.
2 He was about here at this point. I heard a gunshot
3 and he kind of stumbled, and then he turned around.

4 **Q** Can you do us a favor and stand up,
5 please?

6 **A** Sure.

7 **Q** And show us, you know, what happened that
8 made you think he might have been shot from the back
9 or somewhere in the back, and then turn around for
10 us the way he did?

11 **A** It was more of --

12 **Q** Why don't you face the door?

13 **A** It was more of a, you know, kind of like,
14 I don't know how fast he was moving exactly, he was
15 going like this. I saw him, you know, kind of take,
16 you know, take a little step down and he caught
17 himself and turned around and had his hands up.
18 (indicating)

19 **Q** He had his hands all the way up like that?

20 **A** Right.

21 **Q** Sure of that?

22 **A** Positive.

23 **Q** Did he say anything?

24 **A** He yelled okay, okay, okay, multiple
25 times.

1 **Q** Okay. And at that point, what is the
2 officer doing?

3 **A** His gun's drawn, standing there pointing
4 at him. I never heard him say anything.

5 **Q** But you were within earshot to hear
6 Michael Brown?

7 **A** I heard him screaming.

8 **Q** And you never heard the officer say, did
9 it appear that the officer was saying anything, you
10 just couldn't hear it, it didn't appear he was
11 saying anything?

12 **A** Right.

13 **Q** And what was he doing, I know you said he
14 had his gun drawn, did he just stand there with the
15 gun drawn?

16 **A** Yes.

17 **Q** And never did anything else?

18 **A** Well --

19 **Q** Why don't you tell us what happened?

20 **A** So they were about right here at that
21 point kind of, you know, on the street, and Mike
22 Brown started walking back at him okay, okay, okay,
23 hands up and he just started shooting at him.

24 **Q** Okay. If I'm the officer, how was Michael
25 Brown walking toward him with his hands up?

1 **A** Like this. (indicating)

2 **Q** Okay, all right. Was he saying, stop, get
3 down, nothing?

4 **A** No.

5 **Q** Okay. And any idea how many shots were
6 fired at Michael Brown as he was walking towards
7 him?

8 **A** Six to seven, and I would say after the
9 third shot he kind of went like this and it was more
10 of a, he moved a little quicker, and then kind of, I
11 saw him falling and disappeared behind a building.
12 I was right here behind the truck at that point, and
13 then the shots must have been, you know, right here
14 going towards this building, and I'm standing right
15 here.

16 And I'm seeing, I'm like, what the
17 heck, I'm standing behind this truck and, you know,
18 they kind of come together there and he, I don't
19 know what else to say.

20 **Q** Okay.

21 **A** He fell, he fell on his face behind that
22 building, but I didn't see.

23 **Q** You saw him going down, you couldn't see
24 him hit the ground is what you mean?

25 **A** (Nods head.)

1 **Q** Later at some point you came from behind
2 that building and could see him on the ground?

3 **A** After it all happened, we walked up to
4 this knoll right about here and that's when they
5 were taping it off and everything.

6 **Q** Could you see the officer when he hit the
7 ground, from your vantage point?

8 **A** Where this car is at, I mean, they were
9 about 10 feet apart. And the officer kind of backed
10 up. He might have been standing right here at this
11 corner, the officer and I didn't see the final part
12 of that so.

13 **Q** Could you tell, and maybe you just told
14 us. I'm going to ask to make sure, could you tell
15 how far apart Mike Brown and the officer was when
16 you saw him shoot him six or seven times?

17 **A** I'd say less than 15 feet.

18 **Q** You see where we are, I'm going to walk
19 out.

20 **A** That's about it.

21 **Q** Not any further back?

22 **A** No.

23 **Q** From where you are to me?

24 **A** Right.

25 **Q** Is about how close they were?

1 **A** Yeah.

2 **Q** All right.

3 **A** And the officer was backing up as he was
4 firing.

5 **Q** As he was firing. Okay. Now, you wrote a
6 written statement, you made a written statement; is
7 that right?

8 **A** Yes.

9 **Q** And when did you write your statement?

10 **A** Uh, approximately 2:00, August 9th.

11 **Q** That day. So right after it happened you
12 wrote a statement?

13 **A** Yes.

14 **Q** Why did you do that?

15 **A** The guy I was working with, he was talking
16 to his old boss. Well, you should probably write
17 that down what happened, and then I probably should
18 too.

19 **Q** Did you guys sit down and write your
20 statements together at the same time?

21 **A** Uh, probably about as far apart as him and
22 I, but no words were spoken. It was our own
23 judgment or our own take on the matter.

24 **Q** So you didn't like talk about, hey, what
25 are you going to write, I'm going to write this,

1 what are you going to write, that kind of thing?

2 **A** Right.

3 **Q** You each wrote independently of one
4 another?

5 **A** Yes.

6 **Q** Did you look at his statement when you
7 finished writing?

8 **A** I did read it.

9 **Q** Did he read yours?

10 **A** I read it to him.

11 **Q** You read your statement to him and did
12 that make him change his statement?

13 **A** No.

14 **Q** And you reading his statement, did you
15 change yours?

16 **A** No.

17 **Q** Why don't you have a seat for us. I'd
18 like you to read that statement. You have it,
19 right?

20 **A** Yes.

21 MS. WHIRLEY: We have copies for you. I
22 just want him to read it now.

23 **A** On Saturday, August 9th, at approximately
24 12:15, I witnessed one white male police officer gun
25 down and kill one black male.

1 Initially, I heard a single shot
2 fired and peered around the corner to see a black
3 male walking away, at which time I heard another
4 shot and saw the white cop behind the black man. I
5 was about 50 to 60 yards away watching the black man
6 stumble away from the officer and turn with his
7 hands raised yelling, okay, okay.

8 Officer proceeded to unload his clip
9 into the black man, at least six to seven more
10 shots.

11 Thirty minutes before the incident,
12 fellow co-worker spoke with the black
13 man who spoke of Jesus and life and honest people.
14 Mike was his name. He was wearing a Cardinals ball
15 cap, gray shirt, jean shorts, with yellow pot leaf
16 socks and sandals.

17 At the time of the incident after
18 hearing the first and second shots, I stood there
19 like a deer in the headlights, stunned to see and
20 believe what was happening.

21 Mike said he was going to the
22 convenience store to get a few things and would be
23 right back. We were working on his building and
24 engaged in conversation. He seemed like a nice guy.

25 Q That is accurate as to how you remembered

1 it that day?

2 **A** Yes.

3 **Q** Okay. Now, you didn't mention anything in
4 your written statement about him appearing high or
5 intoxicated or anything?

6 **A** Right.

7 **Q** You didn't think about it then or what
8 made you think about it later?

9 **A** Just the pot leafs on the socks.

10 **Q** Okay.

11 **A** It was more, you know, I got to thinking
12 about it, you know, why was he questioning if we
13 were upset and why was he, not that I have a lot of
14 experience with it, I've seen it. That was the
15 evidence for me.

16 **Q** He didn't try to sell you any pot or have
17 a smoke with you or Steve or anything?

18 **A** No.

19 **Q** Okay. Did he appear at the time that you
20 saw him to be a threat to the officer when he was
21 being shot, when he was coming toward the officer?

22 **A** No.

23 **Q** Okay. Did he appear to be coming toward
24 the officer in an aggressive way?

25 **A** I mean, that's subjective.

1 **Q** I'm talking your opinion?

2 **A** See, I kind of have a mixed opinion on it.

3 **Q** Okay.

4 **A** I take the hands going down and kind of
5 moving quicker towards the cop as either I'm falling
6 to my death or okay, you've already shot me a couple
7 times, I'm coming at you.

8 **Q** So it could be either of those. So when
9 he had his hands up, what was your impression then
10 when he was saying okay, okay, okay?

11 **A** Initially I was like okay, he's giving up,
12 you know, that was my impression.

13 **Q** Okay. And did you ever see a weapon in
14 his hand?

15 **A** No.

16 **Q** Were you close enough to see if he had a
17 weapon?

18 **A** Yes.

19 **Q** How is your eyesight?

20 **A** I wear contacts, so it is 20/20.

21 **Q** You had them on that day?

22 **A** Yes.

23 **Q** And your hearing is good?

24 **A** As far as I know.

25 **Q** You hear me pretty well, right?

1 **A** Yes.

2 **Q** The other person, and his name is Dorian
3 that we talked about, did you see him at any point
4 when the shooting was going on?

5 **A** No, like I said earlier, I never saw him
6 after he was, they were going to the convenience
7 store.

8 **Q** Okay. You never, I think you already
9 answered this too, so bear with me. You never, once
10 you came back after the shooting was over and you
11 came out, what did you see as far as the scene was
12 concerned, describe that for us after the shooting
13 was over.

14 **A** All I saw was there was, at this point,
15 there was three cops. The other two cops showed up,
16 it must have been as it was happening or right
17 after. They came up and they are all staring,
18 looking at the ground. Mike Brown's laying about
19 right here, and one of the cops grabs a roll of tape
20 and starts taping it off.

21 **Q** Did you notice a police car or just a lot
22 of police cars around at that point?

23 **A** There was an SUV, I believe, right about
24 in this vicinity and that was --

25 **Q** Near the body?

1 **A** Yeah, a little past it. He bled out on
2 the street.

3 **Q** Were you there much longer after this
4 shooting occurred or did you get out of there soon
5 after?

6 **A** We got out pretty quick. and I, you
7 know, he said we probably should go, you know, being
8 two white guys, that's just my feeling. He said we
9 should probably get out of here. I think things
10 about to go -- sorry.

11 **Q** I'm sorry.

12 **A** Things are about to escalate, all kind of
13 people out here.

14 **Q** Was it escalating?

15 **A** Yeah, people coming out of the freaking
16 apartments like nobody's business.

17 **Q** Were they saying anything?

18 **A** Um, there was a fellow that came up here
19 in a red car, he pulled up about right here, he
20 jumps out and he yells, he was no fucking threat.
21 If you saw the video, goes, yeah, he had his
22 hands up. He had his fucking hands in the air, or
23 whatever he said.

24 **Q** Right. And that was you and in that
25 video?

1 **A** Yes.

2 **Q** was wearing the pink shirt?

3 **A** Yeah.

4 **Q** Okay. You're not still working for that
5 same place; is that correct?

6 **A** Correct.

7 **Q** And does it have something to do with the
8 shooting?

9 **A** Yes.

10 **Q** Tell us a little bit about that.

11 **A** Uh, essentially my anxiety was so high I
12 couldn't return to work, took off that Monday, the
13 11th, filed I didn't want to
14 miss pay for that day and my boss let me go.

15 **Q** Did he tell you why he let you go, did he
16 actually tell you he let you go because you filed
17 ?

18 **A** It was, he said it was my performance.

19 **Q** Okay. And you had worked for him for nine
20 months?

21 **A** Right.

22 **Q** Had he ever complained about your
23 performance before this day?

24 **A** No, and I wasn't a laborer, I was out
25 there making sure the job got done.

1 MS. ALIZADEH: I couldn't hear what you
2 said, that last part.

3 A I said that I wasn't a laborer, my job
4 wasn't to labor, I was out there just to make sure
5 that the job got done.

6 Q (By Ms. Whirley) Now, how did you come to,
7 since you left that, you did write a statement that
8 same day, but you left. How did you get to talk to
9 the police or the FBI about what you saw, how did
10 that happen?

11 A Uh, they showed up at my house. I had a
12 St. Louis County detective show up, and after that
13 another St. Louis County detective, along with an
14 FBI agent. And then a third time they picked me up,
15 took me down to Clayton down here and put me in an
16 interrogation room and asked me a bunch of questions
17 that I answered the best I could.

18 Q Do you know how they found out about you?
19 How they knew to come to your house?

20 A I don't know for sure, but if I had to
21 guess, I'm thinking they probably got the name of
22 the company I work for from the apartment complex
23 and so on and so forth.

24 Q They are the police, they can find out,
25 sure. When you say the first shot is what drew your

1 attention that something was going on and then I
2 believe you said you heard a second shot; is that
3 right?

4 **A** Yes.

5 **Q** And where were you when you heard the
6 second shot?

7 **A** At that point I was behind the truck which
8 is parked about where that white car is. I'm
9 standing about where the driver door is in that
10 white car.

11 **Q** And as you're hearing, I'm sure the first
12 shot got your attention as you just said?

13 **A** Right.

14 **Q** When you hear the second shot, are you
15 looking in any particular direction to try to figure
16 out what is going on?

17 **A** I was back here, I kind of came out here
18 and was over here working on something. And,
19 um, you know, I'm looking over at , you know,
20 thinking is that a bunch of pipes going on the
21 ground, which didn't make sense to me we had a lot
22 of pipe on the ground. So I didn't know what it
23 was.

24 **Q** All right. Could you see anything
25 happening when you heard the second shot?

1 **A** Yes.

2 **Q** Tell us what you saw.

3 **A** I saw Michael Brown, just Michael Brown
4 walking to the right as we are looking. He was
5 walking down the street here.

6 **Q** Like going east?

7 **A** Right.

8 **Q** Away from the officer?

9 **A** I couldn't see the officer, but yes, it
10 was away from the officer.

11 **Q** Was he walking or running?

12 **A** It was a fast pace.

13 **Q** Fast pace?

14 **A** Like we talked about earlier.

15 **Q** You heard a shot as he is moving away from
16 the officer and that's why you thought he was shot
17 in the back?

18 **A** And that's when he stumbled.

19 **Q** Okay.

20 MS. WHIRLEY: Kathi, do you have anything?

21 **Q** (By Ms. Alizadeh) I stepped out and I
22 missed part of this so I don't want to get too
23 repetitious, but did you hear when Michael Brown, at
24 any time Michael Brown was talking to
25 did you hear them talking about marijuana or weed?

1 **A** Just the comment of the socks.

2 **Q** Okay. Did you hear say
3 anything about wax?

4 **A** No.

5 MS. ALIZADEH: Did you already ask about
6 that, Sheila?

7 MS. WHIRLEY: Not about wax.

8 MS. ALIZADEH: I didn't want to repeat
9 things if that was already covered.

10 **A** I was asked that by the detectives when
11 they brought me up here, but I never heard anything
12 like that that day.

13 **Q** (By Ms. Alizadeh) So just so I can be
14 clear, you first saw Mike earlier in the morning and
15 he was by himself and he spoke to a little bit
16 and you were kind of not involved in the
17 conversation?

18 **A** Right.

19 **Q** All right. And what you heard of that
20 conversation was basically him talking about what,
21 Jesus and being angry or something, you're shaking
22 your head, but that doesn't, nobody --

23 **A** Oh, yeah, that is correct.

24 **Q** You have to say out loud.

25 **A** Yes, that's what I got from it.

1 **Q** All right. At that point did you see them
2 touch each other, shake hands, exchange pieces of
3 paper with anything, did you see them in any contact
4 with each other?

5 **A** No, just the end of the conversation when
6 Mike shook hand and said, you know, we'll
7 continue this.

8 **Q** So I'm trying to get at, there is this
9 first encounter where he's talking to and then
10 he goes, he leaves and then there is a second
11 encounter where he and Dorian are talking to ,
12 okay, right?

13 **A** Right.

14 **Q** So did Dorian shake hand after the
15 first encounter or after the second encounter?

16 **A** Dorian never shook his hand.

17 **Q** I'm sorry, Michael Brown?

18 **A** That was the first encounter, Mike shook
19 his hand.

20 **Q** Okay. And then you also talked about that
21 at some point Mike and went over by his truck,
22 on the side of Steve's truck?

23 **A** The initial conversation.

24 **Q** That was the initial conversation?

25 **A** Yes.

1 **Q** Okay. Could you see what was happening
2 when they were by truck?

3 **A** I saw them talking.

4 **Q** Okay.

5 **A** I mean, until I went over there and heard
6 them talking about pictures of Jesus, I really
7 didn't, you know, I just kind of saw them over there
8 talking.

9 **Q** Okay. So you really weren't paying that
10 much attention at that point?

11 **A** Right.

12 **Q** So when I said though, when I said could
13 you see them, what I'm trying to get at is, were
14 they at a place where your view of them was
15 obstructed by anything?

16 **A** Yeah, they were on the other side of the
17 truck.

18 **Q** Okay. So there is a time when the two of
19 them walked to the other side of the truck and you
20 can't see what's going on?

21 **A** Yeah, the whole initial, the first
22 conversation, they were on the other side of the
23 truck. I mean, I came in on the last bit of it, but
24 I really couldn't see them except their heads
25 through the windows.

1 **Q** Okay. So, and then Mike Brown leaves, you
2 said when he initially came out, did you say he came
3 out of this building, Number

4 **A** Yes.

5 **Q** And then when he left, did he go back in
6 that building or leave?

7 **A** Yes, yeah, yeah.

8 **Q** Yes? And then you said then the next time
9 you saw him he was somewhere around here?
10 (indicating)

11 **A** Right.

12 **Q** You didn't see how he came out of that
13 building --

14 **A** Correct.

15 **Q** -- at some point? So the next time you
16 see him he's around here? (indicating)

17 **A** Right.

18 **Q** Is that when he's with Dorian?

19 **A** Yes.

20 **Q** Do they walk back to your direction?

21 **A** Yeah, they walk to about right here where
22 the truck was parked. (indicating)

23 **Q** And they start talking to again?

24 **A** Yeah.

25 **Q** Do you see either of them go back into

1 this building?

2 **A** No.

3 **Q** So my question is, they could have, but
4 you didn't see it or they did not go back into the
5 building?

6 **A** I can't say, I mean, I was over here doing
7 some work, I don't know. I mean, I don't know if
8 they went back up here and they came back down here.
9 I saw them.

10 **Q** Okay.

11 **A** I just saw them. I don't know how they
12 got there.

13 **Q** Okay. And so at that point then, after
14 they left and they said they would be back, was it
15 Mike that said that or was it the other man, Dorian?

16 **A** It was Mike.

17 **Q** And then the next thing you notice, you
18 hear a gunshot, correct?

19 **A** (Nods head.)

20 **Q** And that's several minutes later, I guess?

21 **A** Yeah, I'd say 10, 15 minutes, somewhere
22 around there.

23 **Q** All right. And when your attention is
24 directed in that location or in that area, do you
25 see Mike Brown before you hear the second gunshot,

1 or do you hear the second gunshot and then see Mike
2 Brown?

3 **A** No, the first.

4 **Q** So you turn and you see Mike Brown and
5 he's, I want to be clear on how he's moving because
6 at one point you said a good clip, and then you said
7 walking and then you said walking fast?

8 **A** He was running from the cop. I mean, it
9 wasn't a run, but it wasn't a walk.

10 **Q** Okay. All right.

11 **A** He was moving away going down the street.

12 **Q** Okay. And then --

13 **A** He's a big guy, I mean, you know a run for
14 him might be a jog to me.

15 **Q** I'm not trying to be argumentative, I'm
16 just trying --

17 **A** No, I just want to explain the difference.

18 **Q** So then you hear the second gunshot?

19 **A** Yes.

20 **Q** And you said at that point you think that
21 that second gunshot hit him?

22 **A** Yes.

23 **Q** And that was because of what?

24 **A** Why I think that?

25 **Q** Yeah.

1 **A** Because he stumbled.

2 **Q** And then he turns around, okay. Now at
3 this point, have you seen the officer at all?

4 **A** Not yet. I mean, it was shortly after he
5 turned around that I saw the cop.

6 **Q** Okay. So when he turned around, is Mike
7 Brown's back to you?

8 **A** Uh, they're kind of maybe at a 45 degree
9 angle from me.

10 **Q** Okay. When he was coming in your
11 direction, whatever pace that is, I didn't want to
12 say running, okay, coming toward your direction,
13 could you see his face?

14 **A** No.

15 **Q** Is that because of your position?

16 **A** Well, I mean, I saw the side of his head.
17 I'm standing right here where that white car is and
18 he's right here and that's a pretty good distance.

19 **Q** Okay.

20 **A** I mean, I couldn't see his facial
21 expressions or whatever.

22 **Q** All right. And you said you heard Michael
23 Brown screaming?

24 **A** Yes.

25 **Q** Was that before he turned around or after

1 he turned around?

2 **A** Before I turned around.

3 **Q** No, Michael Brown.

4 **A** Oh, that was after he turned around.

5 **Q** Okay. Could you make out what he was
6 screaming?

7 **A** He was yelling, okay, he said it about
8 six, seven times.

9 **Q** All right.

10 **A** I wrote it down.

11 **Q** Okay.

12 MS. WHIRLEY: If I can just ask something
13 while you are looking, Kathi. Was his hands up and
14 he's saying, okay, okay, okay, before he was shot
15 again?

16 **A** Yes.

17 MS. WHIRLEY: So when he was being shot,
18 his hands were up?

19 **A** Yes.

20 MS. ALIZADEH: And so when he turned
21 around, he moved in toward where the officer comes
22 from in that direction, right?

23 **A** Yes.

24 MS. ALIZADEH: About how many steps or
25 feet did he move?

1 **A** In total? I would say about 20.

2 MS. ALIZADEH: 20 feet or 20 steps?

3 **A** 20 feet.

4 MS. ALIZADEH: Okay. And so at some point
5 you see the officer appear beyond the building,
6 correct?

7 **A** Yes.

8 MS. ALIZADEH: And then Michael Brown
9 turns and moves towards the officer. Does the
10 officer move then? Is he still coming toward
11 Michael Brown?

12 **A** I mean, after he turned around and had his
13 hands up, he kind of just stopped and stood there.
14 And then that's when the shooting occurred. I mean,
15 he was going, turned around and then started
16 shooting, and then Michael Brown, Michael Brown was
17 kind of moving at him like I'm giving up, hands up.

18 MS. ALIZADEH: So, now, you said I'm
19 giving up, hands up. You didn't hear him say that?

20 **A** He said, okay, okay, okay, that to me
21 means --

22 MS. ALIZADEH: I just want to be clear.
23 When you said that, that was what you are
24 interpreting, right?

25 **A** Yes.

1 MS. ALIZADEH: So what I'm trying to
2 figure out is you didn't see Michael Brown fall,
3 correct?

4 **A** He was falling and then he went behind the
5 building.

6 MS. ALIZADEH: So the building blocked, he
7 goes beyond the building from your vantage point?

8 **A** Yeah, about this area right here.
9 (indicating)

10 MS. ALIZADEH: Right.

11 **A** I saw him to about where that white car is
12 and then he was going down.

13 MS. ALIZADEH: So where is the officer
14 when that happens?

15 **A** He was about, right about this
16 intersection right here. (indicating)

17 MS. ALIZADEH: So you can still see the
18 officer when Michael Brown disappeared from your
19 view?

20 **A** That is correct. He was kind of going
21 straight when the officer was kind of moving back
22 and sideways, and he kind of moved at an angle. At
23 one point, the shots were this way and more went
24 almost at me.

25 MS. ALIZADEH: Okay. And once Michael

1 Brown disappeared from your view, did you ever hear
2 any more gunshots?

3 **A** No.

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

5 MS. WHIRLEY: When you mention anger, or
6 Kathi said something about angry, just to make sure
7 I'm clear, it was that was angry about
8 some work he was doing and Mike Brown said he could
9 feel anger, is that what you told us?

10 **A** Yes.

11 MS. WHIRLEY: Questions?

12 MS. ALIZADEH: I thought you said he's
13 getting a bad vibe?

14 MS. WHIRLEY: That's the words. Those
15 were my words, I said angry, but you said vibe. I
16 meant the same thing. Those are not your words?

17 **A** I'm getting a bad vibe, were you two angry
18 about something, that's what he said.

19 MS. ALIZADEH: I'm sorry, I just want to
20 say, this is very important.

21 **A** I hear you.

22 MS. ALIZADEH: All we're trying to do is
23 best figure out what happened, okay. I know it
24 feels like we are picking at you and we're not.
25 Some of this stuff is very important and if you

1 don't remember exactly, it is best to say I'm not
2 sure, I don't remember exactly. That's why when we
3 ask you exact specific things, okay.

4 **A** I'm just trying to be honest.

5 MS. ALIZADEH: Okay.

6 At the
7 point when Michael Brown turns around with his hands
8 up and the police officer, I guess, starts shooting
9 at him, did you ever see him or appear that he was
10 reaching in his shirt or reaching in his pants like
11 he had a weapon?

12 **A** No.

13 Thank you.

14 MS. ALIZADEH: Did you ever see Michael
15 Brown clutching his torso or with his hand where he
16 might have been touching his torso?

17 **A** After about the third shot, he did have
18 his hands kind of over his belly, you know, like,
19 oh, I've got shot in the belly.

20 MS. ALIZADEH: Okay. So after the third
21 shot, the total third shot, or after the third shot
22 when you saw him?

23 **A** Yeah, it would have been like the fifth
24 shot then.

25 MS. ALIZADEH: Okay. So from this

1 position his hands came down to clutch his torso at
2 some point?

3 **A** (Nods head.)

4 MS. ALIZADEH: That was about the fifth
5 shot?

6 **A** Yes.

7 MS. ALIZADEH: Did you, could you see any
8 blood or anything on him?

9 **A** Uh, no, I didn't see any blood. I did see
10 the back of his shirt, you know, like somebody
11 pinched your shirt or whatever, looked like a bullet
12 went through him.

13 MS. ALIZADEH: Okay. And when you said,
14 you said, uh, I'm shot, something like that just
15 now, was that you interpreting his actions or did
16 you hear him say that?

17 **A** No, that's my interpreting.

18 MS. ALIZADEH: I just want to make sure.

19 **A** That's the gray area. I don't know, it
20 all happened so fast.

21 MS. ALIZADEH: I understand. That's why
22 I'm asking is this something you heard or was that
23 just something that was just your impression?

24 **A** That was my impression.

25 MS. WHIRLEY: Questions, anyone?

1 After
2 Michael turned around and he's advancing towards the
3 officer and you hear the shots, was it a continuous
4 burst of shots, was there a shot and a pause and
5 more shots?

6 **A** It was continuous.

7 You think it was three or
8 four, or how many?

9 **A** It was at least six, maybe seven, like I
10 said, he unloaded his clip it seemed like. It was a
11 barrage. It seemed unnecessary.

12 Again,
13 after Michael Brown turned around, his hands are up,
14 either he started walking first or the gunshots
15 started first, that series of shots?

16 **A** He was advancing prior to the shots.

17 MS. WHIRLEY: And just to be clear, how
18 long had you worked in that Canfield area?

19 **A** Four weeks.

20 MS. WHIRLEY: Four weeks. Had you met
21 Mike Brown before that day? You may have told us
22 already.

23 **A** No.

24 MS. WHIRLEY: Had you met Dorian?

25 **A** No.

1 MS. WHIRLEY: Did you know any of the
2 Ferguson police officers?

3 A No.

4 MS. WHIRLEY: And the officer that did the
5 shooting then, you wouldn't have known him?

6 A Correct.

7 MS. WHIRLEY: You don't know any of these
8 people involved?

9 A I have no connection to anybody up there.

10 MS. WHIRLEY: All right.

11 Having
12 worked there for four weeks, like you said, and it
13 sounded a bit like PVC hitting the ground or
14 something like that. Have you ever had occasion to
15 hear another sound essentially echo off any of those
16 buildings, any loud sound or anything like that, you
17 know, when you're working you drop a tool or
18 something like that?

19 A Uh, no.

20 Nothing remarkable in that
21 respect?

22 A I mean, it was right after the 4th of
23 July, heard some fireworks, but they didn't bounce
24 off the building. I didn't hear it echoing or
25 anything. I don't quite understand what you're

1 asking.

2 I'm trying to get a sense
3 the way that's it laid out, it is tough for us to
4 kind of visualize how it is laid out. If sound
5 echos or travels through there very easily or it is
6 absorbed by the buildings?

7 **A** Well, it wasn't like a normal gunshot. It
8 sounded different and, you know, that's kind of why
9 I thought PVC to begin with, but that wasn't the
10 case.

11 MS. WHIRLEY: Anybody else?

12 . You
13 said sound different. You were there, you have
14 experience in all of those kind of things that you
15 say this is something different to you.

16 **A** I never said I was in the Army.

17 That is not what I asked.
18 You answered with him that the sound of it was
19 different to you?

20 **A** Right.

21 Different with compared
22 to what?

23 **A** It sounded far away. It sounded far away.
24 You don't have experience
25 in those kind of arms?

1 Since you read from your statement, I'm going to
2 show you Grand Jury Exhibit Number 45. Is that a
3 copy of it?

4 **A** Yes.

5 MS. WHIRLEY: We will pass that out.

6 : Have you really been in
7 trouble with the law before yourself?

8 **A** No.

9 MS. WHIRLEY: Nothing else. Thank you
10 very much.

11 (End of the testimony of)

12 MS. ALIZADEH: This is Kathi Alizadeh on
13 October 16th, it is 3:44 p.m. and Sheila Whirley is
14 here as well. All 12 grand jurors and the court
15 reporter, , and we're going to play now a
16 videotaped statement of , a witness
17 that you heard previously testify. His statement is
18 recorded on a disc that is marked Grand Jury Exhibit
19 Number 40.

20 And, um, before we start recording, I was
21 explaining to the grand jurors that there is about
22 an hour and ten minutes of actual time where
23 is being interviewed by the police. And so
24 there is quite a bit of time where nothing is
25 happening. He will be sitting in a room by himself.

1 We are going to fast forward, as it were, on the
2 counter it will be 16 hours 17 minutes and 45
3 seconds, or whereabouts, as close as Sheila can get.

4 That will be about where the interview
5 begins, and then the interview, there's a break in
6 the interview at 1726, 17 hours, 26 minutes and 38
7 seconds. Where asked for some water and
8 the interview, there is a break in the interview but
9 the interview never resumes after that.

10 So we're going to stop it at the point
11 where he asked for water and the detectives leave
12 the room to get water, all right?

13 So, at this time, also just for the sake
14 of the recording, one of the grand jurors has
15 indicated he is expecting a phone call that he has
16 to take. So if I get the high sign during the
17 recording that he's getting a call, we will go ahead
18 and pause the video so that he can quickly take that
19 call because we have to make sure you all are
20 hearing the same thing, okay. So at this time,
21 you can --

22 MS. WHIRLEY: One last thing I wanted to
23 say, even though we're going to focus on the time
24 when the interview is being conducted, you guys will
25 have access to the whole video. So if you want to

1 watch him just sitting there doing nothing, you can
2 certainly do that at a later time.

3 MS. ALIZADEH: So at this time, , if
4 you will pause the audio while we play the statement
5 on Grand Jury Exhibit 40.

6 (Playing audio recording of
7)

8 MS. ALIZADEH: It is October 16th it is
9 about a quarter after 5:00. Kathi Alizadeh, Sheila
10 Whirley had to leave. And we are finished for the
11 day. I just wanted to make a point in stating that
12 we finished, or we watched a videotape interview and
13 after a few technical glitches, we had started the
14 interview, watched a few minutes of it in the
15 beginning when was put in the
16 interview room, and there was conversation between
17 him and a detective that come in.

18 And then we fast forward to approximately
19 16 hours 17 minutes and 45 seconds when the
20 interview began. We listened to it until just about
21 17 hours 26 minutes and 38 seconds when
22 asked for a drink of water, and then that's
23 pretty much the conclusion of it.

24 There was about five or six statements
25 after that when they brought him some water. You

1 all agreed you didn't need to fast forward to watch
2 that part.

3 Does anybody have any questions or issues
4 about this? And as always, this tape will be made
5 available for you if you wanted to go through it
6 again or watch the whole thing in its entirety, but
7 if that's fine for today, we'll conclude now and see
8 you next time.

9 (End of Grand Jury Hearing Volume XIII.)

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2 State of Missouri

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County of St. Louis

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Reporter by the Supreme Court in and for the State

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of Missouri, duly commissioned, qualified and

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authorized to administer oaths and to certify to

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depositions, do hereby certify that pursuant to

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Notice in the civil cause now pending and

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undetermined in the County of St. Louis, State of

12

Missouri.

13

The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

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cautioned and sworn to testify to the truth, the

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whole truth, and nothing but the truth in the case

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aforesaid, thereupon testified as is shown in the

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foregoing transcript, said testimony being by me

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reported in shorthand and caused to be transcribed

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into typewriting, and that the foregoing page

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correctly sets forth the testimony of the

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aforementioned witness, together with the questions

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propounded by counsel and grand jurors thereto, and

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is in all respects a full, true, correct and

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complete transcript of the questions propounded to

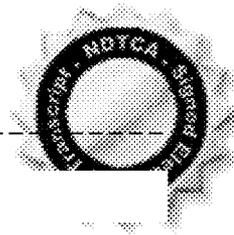
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1 COURT MEMO

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5 State of Missouri vs. Darren Wilson

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XIII

12

13 10/16/2014

14 Name and address of person or firm having custody of
15 the original transcript:

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19 Clayton, MO 63105

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11 Commission expires

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13 Notary Public

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