

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XIV

Date: October 20, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 20, 2014

VOLUME XIV

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1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

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4 STATE OF MISSOURI

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7 vs.

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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 20th day of October, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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6 County

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1 GRAND JURY HEARING VOLUME 14

2 MS. WHIRLEY: This is Sheila Whirley.

3 Today is October the 20th, 2014. It is

4 approximately 8:41 a.m. I'm here present with all

5 12 grand jurors and , the court reporter.

6 Kathi Alizadeh is out of the room right now, but

7 will be joining us a little later in the morning.

8 We're going to start off this morning

9 playing recorded statements. So I have three

10 recorded statements of . He was one of

11 the contractors that was at the apartment complex

12 that morning and he's already testified, but we

13 didn't get a chance to hear his statements because

14 he was present and we wanted to get the live

15 testimony going. This morning we are going to go

16 ahead and do his statements.

17 After that I anticipate we'll listen,

18 we'll have a live person that will testify and that

19 is , who says that he was in one of

20 the cars driving in when all of this took place.

21 There is also one other witness,

22 that is scheduled to testify hopefully this

23 morning, and then we will probably have recorded

24 statements toward the conclusion of the day.

25 So with that bit of an introduction, I'm

1 going to pass out the first transcript of
2 . I don't recall exactly how long this one
3 is, but I don't believe it is very long. If you
4 find any notes, I guess those are probably Kathi's
5 if you see one with notes on it.

6 There is two short interviews of
7 and then there is a longer interview with
8 the police officer. So those are the three that we
9 will play.

10 Probably an hour and a half total maybe.
11 So with that bit of an introduction, I guess we'll
12 pause the recording and go ahead and listen to the
13 statements.

14 (Playing of three interviews of
15 .)

16 MS. WHIRLEY: This is Sheila Whirley
17 again, still October 20th, 2014. The two recorded
18 statements that we just listened to were from Grand
19 Jury Exhibit Number 24.

20 I'm going to now play the interview with
21 that was conducted by two police
22 officers from St. Louis County. That interview is
23 approximately, well, it is less than an hour long.

24 There's plenty of down time in this
25 interview where he's just sitting in a room. I'm

1 going to skip through that. You have seen us do
2 that before, however, the CD or DVD will be
3 available for your viewing later if you want to see
4 the whole thing, including him just sitting there.

5 This one is not marked, and Kathi has a
6 scheme of numbers. I'm not going to give you a
7 number, we will get it marked once I find out where
8 it falls with the scheme of those things.

9 With that bit of introduction, we'll get
10 started so stop the recording.

11 (Playing of interview Number 3 of
12 .)

13 MS. WHIRLEY: That concludes the interview
14 of . They call it DCI. That's the
15 detectives and that's Detective and Detective

16 As I mentioned, I kind of skipped through
17 just to the part where there was an actual
18 interview. There was a lot of down time and the
19 interview began at 15:27 and then it pretty much
20 ended at 18:08:58. And the exhibit number for this
21 interview is Grand Jury Exhibit Number 47.

22 (Grand Jury Exhibit Number 47
23 marked for identification.)

24 MS. WHIRLEY: While we're on the record,
25 did you want to say anything at this moment?

1 MS. ALIZADEH: Good morning. I've been
2 over in court doing other cases. No, I don't.

3 MS. WHIRLEY: At this time we'll take a
4 break, thank you.

5 (Recess)

6 MS. WHIRLEY: October 20th, 2014. Present
7 is Sheila Whirley, Kathi Alizadeh, all 12 grand
8 jurors, , the court reporter, and a witness
9 . I'm not sure exactly what time it
10 is, but we'll let go on the record with his
11 statement and then swear in the witness.

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21 of lawful age, having been first duly sworn to

22 testify the truth, the whole truth, and

23 nothing but the truth in the case aforesaid,

24 deposes and says in reply to oral

25 interrogatories, propounded as follows, to-wit:

1 EXAMINATION

2 BY MS. WHIRLEY:

3 Q All right. I've stated your name, but
4 introduce yourself and spell your name for us,
5 please?

6 A My name is

7
8 Q I'm going to stand close to the back of
9 the room so that you can speak loud enough for us to
10 have a conversation and all the grand jurors to hear
11 you. That microphone that is by you that's sitting
12 up there next to you does not help your voice get
13 any louder, okay?

14 A Yes, ma'am.

15 Q All right. So how old are you, ?

16 A I'm

17 Q And where do you live currently, do
18 you live in Canfield Green --

19 A Yes, ma'am.

20 Q -- Apartments, okay. Now, you see up
21 there, there's a laser light, I believe, looks like
22 a pen. Why don't you pick that up and there's a
23 button right there, why don't you shine it and see
24 if you can get a light to come on. You see the
25 light?

1 **A** Yes.

2 **Q** Okay. Show us where you live?

3 **A** Should I stand.

4 **Q** Yeah, feel free to walk around, stand,
5 before I ask you questions, let me make sure that
6 this map is something that you recognize as the
7 Canfield Green Apartments. And this is Grand Jury
8 Exhibit Number 25.

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

10 **Q** Okay. Show us where you live?

11 **A** I stay here in .

12 **Q** Okay, . Now, you know why we're here
13 today, correct?

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

15 **Q** We're here about the Michael Brown
16 shooting. Where were you on August 9th, let's start
17 that morning, tell us about your morning, how the
18 day went?

19 **A** I had left out around 8:00, 9:00 it was
20 early in the morning.

21 **Q** Was it Saturday as you recall?

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

23 **Q** Okay.

24 **A** I had got a call from my girlfriend to go
25 home and pick up some bills so I can pay them for

1 her while she was at work.

2 Q Did you live with your girlfriend or who
3 did you live with?

4 A Yes, ma'am, I was staying there.

5 Q Okay.

6 A At

7 Q All right. So you got a call from her?

8 A Yes. As I was proceeding to come down
9 Canfield from West Florissant.

10 Q What time of day would this have been?

11 A You know, later in the day, about 11:30.

12 Q Okay.

13 A As I approached Canfield coming from West
14 Florissant, I was, I had stopped because I seen some
15 confusion going on between a young male and an
16 officer.

17 Q Okay. What kind of car were you driving?

18 A Two door .

19 Q Was there any cars in front of you or
20 behind you?

21 A Yes, ma'am. There was a white pickup
22 truck that was behind me.

23 Q And he was stopped too because you
24 couldn't move?

25 A Yes, ma'am.

1 **Q** And you said you were stopped because
2 there was some confusion going on, was it between a
3 police officer, you said, and we know that person to
4 being Mike Brown now?

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

6 **Q** Where was the police car?

7 **A** In the middle of Canfield.

8 **Q** All right. Where you just shined the
9 light?

10 **A** About there. (indicating)

11 **Q** Okay. And what kind of car was it that
12 the police was in?

13 **A** The mobile reserve truck.

14 **Q** Like SUV?

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

16 **Q** And how was the car, what position was the
17 car in as it was stopped there between Canfield
18 Drive, near Canfield Drive?

19 **A** He was slanted.

20 **Q** Caddiefield?

21 **A** He was facing towards West Florissant.

22 **Q** Like his front was facing this way?
23 (indicating)

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

25 **Q** Was it, was he, you know, in the lane as

1 he should have been or was he?

2 **A** He was.

3 **Q** Breaching the lanes?

4 **A** He was in both lanes.

5 **Q** Okay.

6 **A** He was in both lanes.

7 **Q** Okay. He was in both lanes. So you
8 couldn't get around him or could you?

9 **A** I could have, but he was still in both
10 lanes. I could have eased around him if I wanted
11 to.

12 **Q** But you didn't think you should ease
13 around?

14 **A** No, I'm not moving at that moment.

15 **Q** So what are you seeing as you are sitting
16 there?

17 **A** Uh, Mr. Brown struggling to get away from
18 the officer.

19 **Q** Now, I need you to describe what
20 struggling looks like?

21 **A** Like the officer was holding onto
22 Mr. Brown, pulling him towards him as Mr. Brown
23 forcing to get back away from him.

24 **Q** All right. What was Mr. Brown's hands
25 doing?

1 **A** Struggling with the officer to let go of
2 him.

3 **Q** All right. Did you know Michael Brown
4 before this day?

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

6 **Q** How long have you lived in the Canfield
7 Green Apartments?

8 **A** Since the beginning of

9 **Q** Okay. So like

10 **A** Yes.

11 **Q** And you had never met him?

12 **A** No, I don't know anybody out there.

13 **Q** You didn't know the police either?

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

15 **Q** So as he's struggling, is this the very
16 first time you saw the police car in relation to
17 Mike Brown was when you saw them struggling at the
18 car?

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

20 **Q** You didn't see what happened before then?

21 **A** No.

22 **Q** All right. So you never saw the police
23 officer drive in reverse?

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

25 **Q** Okay. All right. So they're struggling

1 as you put it, did you ever see Mike Brown striking
2 the officer with his fist?

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

4 **Q** How close were you to the police car, you
5 know, where the incident was occurring?

6 **A** Uh, I don't know how --

7 **Q** Can you put it in car lengths, uh, like
8 how many car lengths were you from the police car
9 and Mike Brown and the officer?

10 **A** In car lengths, I would say about four or
11 five cars.

12 **Q** Okay. So the distance between four and
13 five cars is how far you were from Mike Brown and
14 the officer?

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

16 **Q** Could you see clearly though what was
17 going on?

18 **A** No, the only thing I could see was just a
19 struggle of Mr. Brown trying to get away from the
20 police officer.

21 **Q** Okay. And could you see the entire police
22 car?

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

24 **Q** Could you see one side better than the
25 other side of the police car?

1 **A** Yes, ma'am, which was the side that
2 Mr. Brown was on, which would be the driver's side.

3 **Q** The driver's side of the police car?

4 **A** Yes.

5 **Q** All right. Do you recall what Mike Brown
6 was wearing?

7 **A** I remember flip flops, some high socks and
8 shorts I, can't remember the shirt.

9 **Q** Did he have on anything on his head that
10 you recall?

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

12 **Q** Do you recall, or you saying he did not?

13 **A** I don't recall seeing him with anything on
14 his head.

15 **Q** Could you see the police officer?

16 **A** No, all I could see was his arms mainly.
17 I couldn't see his face.

18 **Q** You couldn't see his face?

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

20 **Q** But you saw his arms?

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

22 **Q** What was his arms doing?

23 **A** Pulling Mr. Brown towards him.

24 **Q** Like with two arms?

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

1 **Q** So he had two arms where on Mike Brown?

2 **A** Uh, I see he was holding onto his shirt
3 and struggling to hold onto his neck.

4 **Q** You saw the officer with his hand on Mike
5 Brown's neck?

6 **A** Uh-huh. One was holding his shirt.

7 **Q** One holding his shirt?

8 **A** Holding his shirt and struggling with the
9 other one to hold onto his neck to pull him towards
10 him.

11 **Q** Was he saying anything?

12 **A** No, ma'am, not that I recall.

13 **Q** Were you close enough to hear?

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

15 **Q** All right. And what's your vision like,
16 do you have good vision?

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

18 **Q** Do you wear glasses or contacts?

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

20 **Q** What's your hearing like, is your hearing?

21 **A** I've got good hearing.

22 **Q** Good hearing? So if they were saying
23 something, I'm not clear, do you think you would
24 have heard it or you weren't close enough?

25 **A** I don't think I was close enough to hear

1 anything.

2 Q But you were close enough to see clearly?

3 A Yes, ma'am.

4 Q And then what happens after the
5 struggling?

6 A Uh, that's why I see the first shot go off
7 and Mr. Brown, I don't want to say I'm guessing,
8 Mr. Brown was hit at close range and he gets loose
9 and proceeds up Canfield.

10 Q Which way?

11 A Towards Northwinds, not going towards West
12 Florissant, going deeper into the apartments.

13 Q Let's talk about when you heard the first
14 shot. So the first shot that you heard, was the
15 officer still in the car?

16 A Yes, ma'am.

17 Q And Mike Brown was still at the driver's
18 side window?

19 A Yes, ma'am.

20 Q Was the window down?

21 A Yes, ma'am.

22 Q Did you see the officer's gun when you
23 fired the shot?

24 A Yes, ma'am.

25 Q Tell us what that looked like, what you

1 were seeing?

2 **A** A black, I say a black handgun.

3 **Q** Did the gun come out of the window or was
4 the gun still inside the car?

5 **A** He came out his window.

6 **Q** Where was Mike Brown when the gun came out
7 the window?

8 **A** Still at the side of the police door
9 window.

10 **Q** So Mike Brown was at the driver's window
11 and the gun comes out the window?

12 **A** Shots fired, when the first shot was
13 fired.

14 **Q** And the first shot, was it right up on his
15 body as you saw it?

16 **A** Yes.

17 **Q** Like I don't want, I'm sorry, I hope not
18 to touch you, but you understand like if this is
19 gun?

20 **A** Close range.

21 **Q** How close?

22 **A** Right there.

23 **Q** My hand was like maybe a foot from you?

24 **A** Yes.

25 **Q** Okay. Actually, a few inches, 6 to

1 12 inches from you?

2 **A** Yes.

3 **Q** It didn't touch?

4 **A** It wasn't too far away from him, it was at
5 close range.

6 **Q** It was out of the car window where you
7 could see it?

8 **A** Yes.

9 **Q** It appeared to you that Mike Brown was
10 hit?

11 **A** Shot, yes.

12 **Q** Why did you think he was hit?

13 **A** Because as he got hit, the officer let him
14 go, he kind of clenched and took off up Canfield.

15 **Q** I want to know what he looked like when
16 the shot went off?

17 **A** Like, I don't know.

18 **Q** You can stand up and show us as much as
19 you can.

20 **A** After the first shot got hit, it hit him,
21 he clenched and turned and took up Canfield.

22 **Q** (By Ms. Whirley) Okay, all right. And
23 which side of his body did it appear to hit?

24 **A** My right side.

25 **Q** Your right side?

1 **A** Yes.

2 **Q** Okay.

3 **A** Yeah, I say my right side.

4 **Q** On your right side, you hit your left
5 side, I mean, you tell us maybe, this is your left
6 here.

7 **A** My left, I'm sorry, my left.

8 **Q** So it appeared to hit him in the left?

9 **A** Yes.

10 **Q** Did he clutch the left, what did you say
11 he did?

12 **A** It impacted him, he kind of gave a fold.

13 **Q** Towards his left?

14 **A** Yes.

15 **Q** And he took off running?

16 **A** Yes.

17 **Q** Was he running fast or stumbling?

18 **A** Slow-ish.

19 **Q** Slow-ish, okay.

20 **A** Like he barely even gave it a pursuit. I
21 want to say that the shot affected him. He barely,
22 like, he barely gave it a run.

23 **Q** Okay. Did you hear just one shot at the
24 car window?

25 **A** Yes.

1 **Q** And then what happened?

2 **A** Uh, that's when I kind of gave it a duck
3 as I see Mr. Brown pursuing up, my passenger that
4 was with me was jumping, scared out of her mind.

5 **Q** Who was your passenger?

6 **A** I don't know her name, I just gave her a
7 ride. She stays in the apartments that's right by
8 the McDonald's, but I have told her I just want to
9 grab my bills first before I dropped her off.

10 **Q** Where did you pick her up at?

11 **A** West Florissant and like Jennings Station
12 Road.

13 **Q** Okay, but you don't know her name?

14 **A** No. I just known her from being around my
15 mother's house.

16 **Q** She saw it too, right?

17 **A** Yes.

18 **Q** Do you know if she's contacted the police
19 or anything?

20 **A** I don't know.

21 **Q** Okay. You know how we might be able to
22 get ahold of her to get her information?

23 **A** I haven't seen her I haven't had a number,
24 if I have a way to get in touch I can give her all
25 your info.

1 **Q** Let her know we want to hear what she has
2 to say too.

3 So at this point there's one shot out
4 the window at Mike Brown, it appears he's hit he
5 runs and then the officer does what?

6 **A** Uh, gets out of his automobile and pursues
7 behind Mr. Brown.

8 **Q** Is he running?

9 **A** Yeah, he gave, he ain't give it too much
10 of a run but he's running.

11 **Q** And what's his position, I mean, show us
12 is he, where is his gun at this point?

13 **A** Whose the step.

14 **Q** Uh-huh?

15 **A** In his hand pursuing behind Mr. Brown.

16 **Q** How is he holding?

17 **A** Like at his side.

18 **Q** At his side, okay. Did Mike Brown have a
19 gun?

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

21 **Q** Did you see a gun rather?

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

23 **Q** That's my question. Did you see a gun?

24 **A** I didn't see Mr. Brown with a gun, a
25 stick, a knife or nothing.

1 **Q** Okay. And then what happens when the
2 officer is pursuing him with the gun at his side,
3 what hand was the officer holding the gun?

4 **A** I say his right.

5 **Q** All right. And then what?

6 **A** I guess Mr. Brown was getting tired or
7 whatever the cause was, the shot must have affected
8 him, he stopped and threw his hands up.

9 **Q** Show us how he did that. I mean, at this
10 point he's running away from the officer; is that
11 right?

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

13 **Q** Were shots being fired?

14 **A** His friend that was with him, I took it as
15 he was trying to see where his friend went because
16 Mr. Brown slowed up and looked at him like what you
17 doing, you stopped.

18 **Q** Let me back up a little bit so we can all
19 be clear.

20 **A** Okay.

21 **Q** When did you see his friend?

22 **A** At the same time I was seeing the
23 struggle.

24 **Q** What was the friend doing when Mike Brown
25 was struggling?

1 **A** He was just standing there. I don't even
2 know what was actually being said, but he was
3 standing there like he's confused on what was going
4 on.

5 **Q** Okay. Let me ask a question though. Was
6 he doing anything, the friend?

7 **A** No. As far as trying to help him get away
8 from the officer, no.

9 **Q** He was just standing at the car, where was
10 he at?

11 **A** He was behind Mr. Brown.

12 **Q** The passenger side of the driver's side?

13 **A** No, was behind him. He is with Mr. Brown
14 on the driver's side.

15 **Q** Right behind him?

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

17 **Q** Was he behind him towards the passenger,
18 the back seat passenger or toward the hood of the
19 car?

20 **A** The back of the SUV.

21 **Q** Okay. What did he look like? Make sure
22 we are talking about the same person.

23 **A** Short guy, dreads.

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

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

1 **Q** All right. So when the shot went off,
2 what did he do?

3 **A** The friend, he ducks behind the police
4 car.

5 **Q** To the rear of the car?

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

7 **Q** And then Mike Brown then runs?

8 **A** Yes, and I seen him, he stopped and looked
9 back at his friend.

10 **Q** Who is he?

11 **A** The friend.

12 **Q** No, you said he stopped and looked back at
13 the friend?

14 **A** Mr. Brown. As he stopped, I guess he
15 realized that the officer was approaching him, he
16 stopped and threw his hands up.

17 **Q** Okay. You said that his friend was behind
18 the police car?

19 **A** Uh-huh.

20 **Q** So how did he stop and look at him?

21 **A** I don't mean to go past anybody, he was
22 jogging, but he stopped like this and if this is the
23 back of the police car.

24 **Q** Yeah, okay.

25 **A** And this is the car that was behind the

1 police car. His friend was ducking behind like
2 this.

3 Q Okay.

4 A Mr. Brown he do like, uh, he turned around
5 and looked, by the time he looked, the police
6 officer was already behind him.

7 Q Okay.

8 A And he was like this. (indicating)

9 Q So did he do like this with the officer
10 behind him?

11 A With the officer? No, he was turned
12 around facing the office.

13 Q Tell me how that happened, that's what I
14 want to know. The last thing I know, if I'm Mike
15 Brown, you're the police officer, you said that Mike
16 Brown was trotting or moving?

17 A By then he turned around and his friend
18 duck down behind the car.

19 Q Okay.

20 A And that's when the officer was
21 approaching him, he stopped and did like that.
22 (indicating)

23 Q So he wasn't facing the officer when me
24 did like this? (indicating)

25 A So as soon as he faced the officer, he

1 threw his hands up.

2 **Q** I want to know how he got to facing the
3 officer since the officer was behind him.

4 **A** Turned around.

5 **Q** Show us, please?

6 **A** As his friend like this behind the police
7 car and the other car that's behind the police car,
8 which was a black, small four door. (indicating)

9 MS. ALIZADEH: Small what?

10 **A** Black four door, small car. Mr. Brown was
11 running, he looks, the officer approached him and he
12 did like this.

13 **Q** (By Ms. Whirley) Okay. So you showed that
14 his hands are above his head?

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

16 **Q** Raised up toward the sky?

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

18 **Q** Did he say anything?

19 **A** Not that I know of. I was able to hear
20 him at that time, I was still in the same spot.

21 **Q** He's farther away from you now?

22 **A** Yes.

23 **Q** So show us on the map where he turns
24 around and raises his hand?

25 **A** Right up in there. Right up in there.

1 (indicating)

2 Q Is the light on? Yeah, okay. And then
3 what happens?

4 A That's when I hear another shot fired.

5 Q One shot?

6 A Yes, ma'am, and that's when Mr. Brown hits
7 the floor, hits the ground rather.

8 Q Let me make sure I'm keeping track of the
9 shots. The first shot you heard was when the
10 officer put his gun outside the window and shot at
11 Mike Brown, you said at pretty close range?

12 A Yes.

13 Q No other shots until Mike Brown runs,
14 turns around with his hands up and then he shoots
15 him again?

16 A Yes.

17 Q Is that right?

18 A Yes.

19 Q And do you see any blood or anything?

20 A Uh --

21 Q On that second shot?

22 A Not until he hit the ground.

23 Q All right. Did you see any blood on fist
24 shot, I don't think I asked you that.

25 A No.

1 **Q** So on the second shot, could you tell
2 where he was hit?

3 **A** No, I was too much of a distance. I know,
4 they was facing each other.

5 **Q** How close was the officer and Mike Brown
6 when the second shot went off?

7 **A** Like this, me and you.

8 **Q** As close as we are?

9 **A** Yes.

10 **Q** We are just a couple feet apart, right?

11 **A** Yes.

12 **Q** So the officer shot him, he hits the
13 ground?

14 **A** Yes.

15 **Q** How does he hit?

16 **A** Uh --

17 **Q** I mean, what position is he in when he
18 hits the ground?

19 **A** He is like this with his hands in the air
20 and also -- like this. (indicating).

21 **Q** Okay. So his face is facedown, do it
22 again, I'm sorry, facedown and his behind is kind of
23 poked up a little bit right?

24 **A** Yes.

25 **Q** Okay.

1 **A** I heard another shot fired as he was on
2 the ground.

3 **Q** One more shot?

4 **A** Yeah.

5 **Q** And what was the officer's position could
6 you see the officer at that time?

7 **A** Yes, he was just standing up over up over
8 him.

9 **Q** Like be the officer and Mike Brown is
10 laying on the ground and what is the officer doing?

11 **A** By then he's just standing up on him, I
12 guess, calling.

13 **Q** You said you heard another shot when he
14 was on the ground?

15 **A** As far as another shot, he was like this
16 up on him.

17 **Q** While he is on the ground, facedown?

18 **A** Standing up over him.

19 **Q** He's standing up over him and he shoots
20 again?

21 **A** Yeah.

22 **Q** Where does that shot seem to go?

23 **A** Uh, for just me looking from where I was
24 at, I would say it was in the head because he was on
25 the ground.

1 **Q** You thought he was shooting him in the
2 head?

3 **A** Yeah, he was shooting him in the head.

4 **Q** You only then heard then two shots total?

5 MS. WHIRLEY: That would be three.

6 MS. ALIZADEH: Three?

7 **A** Three, yes.

8 **Q** (By Ms. Whirley) I'm sorry, you have a
9 another shot, that's three. So you overheard, thank
10 you, three shots total?

11 **A** Yes, I was caught up with what was going
12 on, that's all I heard.

13 **Q** So one at the car, one he turns around
14 with his hands up and then one when he's laying on
15 the ground?

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

17 **Q** Those are the only shots you heard?

18 **A** Yes.

19 **Q** Okay. Did you ever hear the officer say
20 anything?

21 **A** As far as.

22 **Q** Anything at any time?

23 **A** No, not until I was proceeding to go past
24 the parking lot which is

25 **Q** So after the officer you said shoots him,

1 you thought in the back of the head?

2 **A** Yes.

3 **Q** Let me just go back a minute. You've
4 probably been watching this being covered, this
5 being covered on television?

6 **A** I, actually -- actually, I haven't. I
7 don't know what's going on behind it or anything. I
8 just know I been getting talked to or interviewed.

9 **Q** Okay.

10 **A** I try to stay clear just remember as much
11 as I can remember.

12 **Q** And that's good. And you talked to our
13 chief investigator here at the prosecutor's office,
14 ?

15 **A** Yes, and they asked me, it took a family
16 member of mine. Cause I was just going to stay away
17 from it and let them handle it, but an uncle of mine
18 was like, you should at least have somebody hear
19 what you saw or at least tell what you saw. That's
20 what I looked up number and contacted him
21 without anybody.

22 **Q** From our office, you spoke with him on the
23 telephone, correct?

24 **A** Yes.

25 **Q** And then you were interviewed by the

1 police; is that correct?

2 **A** As far as I know, yes.

3 **Q** And maybe FBI?

4 **A** Yes.

5 **Q** Have you only been interviewed once by the
6 police and FBI or were you interviewed more than
7 once?

8 **A** I was interviewed first time by
9 had set it up, the second time probably no longer
10 that know a week ago and today.

11 **Q** Today, you mean being here today?

12 **A** Yes.

13 **Q** You may not have heard since you said you
14 haven't been listening to it, but there were no
15 shots to the back of his head. So do you still
16 think he was shooting at him from the back while he
17 was down on the ground?

18 **A** Uh, okay, when he was on the ground the
19 shot was fired. I don't know whether it was to his
20 head or not.

21 **Q** And, again, there were only three shots
22 that you heard?

23 **A** That I know of, yes.

24 **Q** All right. So after the officer fired
25 that shot at him while he was know on the ground,

1 what did the officer do?

2 **A** Just stood over and, I guess, got on his
3 radio to call for help.

4 **Q** Okay. And then what did he do, were you
5 still watching?

6 **A** Yes, I was. I actually, I actually was, I
7 parked slanted. There was actually a video released
8 of the two construction workers that was up there
9 and that quick glimpse was me walking back over
10 there to see what was going on.

11 **Q** Okay.

12 **A** I had on a white and black stripe shirt.

13 **Q** Okay. Were you saying anything?

14 **A** Yes, I was like, he was no fucking threat,
15 I'm sorry for cursing.

16 **Q** Yeah, we want to hear what you said.

17 **A** I was just letting him know that he was no
18 fucking threat.

19 **Q** So that was you on the --

20 **A** It was just a quick, that's the only thing
21 I had cause somebody came to me like, cause they
22 realized the shirt that I had been wearing. I seen
23 you on CNN when they released a video of the two
24 construction workers, which was working in my
25 parking lot complex where I stay.

1 **Q** Okay.

2 **A** And it was a quick glimpse of me walking
3 past saying, he wasn't no fucking threat.

4 **Q** At that point where was the officer who
5 did the shooting when you were saying that he wasn't
6 no no fucking threat?

7 **A** He was still there until the police
8 officer came.

9 **Q** He was still where?

10 **A** Standing in the middle of Canfield.

11 **Q** Was he near the body?

12 **A** Near Mr. Brown.

13 **Q** Okay. Did he try -- appear to give
14 Mr. Brown any type of emergency help or anything?

15 **A** No, ma'am, no, ma'am.

16 **Q** But it does seem like he was calling for
17 other police?

18 **A** Yes.

19 **Q** And tell us how you got up here closer to
20 the scene, what did you do?

21 **A** Okay. By then I went around.

22 **Q** You were back here?

23 **A** Mr. Brown and the officer was where
24 Mr. Brown was laying at, and that's when I went
25 around Mr. Brown and then went to my apartment

1 complex.

2 Q Okay, slow down just a minute. Where was
3 Mr. Brown laying?

4 A I want to say right where this car is
5 right here. (indicating)

6 Q And you were where when you saw it?

7 A When I first started it was up here.

8 Q How did you get past that?

9 MS. ALIZADEH: Can I ask you to step to
10 the side and use the pointer so we can see?

11 A Yes, ma'am.

12 MS. WHIRLEY: I'm going to go over here,
13 it might make it easier if you step that way.

14 Q (By Ms. Whirley) Show us where the area --

15 MS. ALIZADEH: I didn't see where you said
16 you were when you saw this?

17 A (Indicating)

18 MS. ALIZADEH: You were right there?

19 A Yes, ma'am. And after everything was
20 over, I went on around and that's where I seen
21 Mr. Brown laying on the ground bleeding from his
22 head, I guess from the impact from the ground.

23 Q Okay. And then what?

24 A Him and the officer in the middle of the
25 street, I was able to go around to get to my

1 apartment complex where I was at in here.

2 (indicating)

3 **Q** Go ahead, what were you going to say?

4 **A** No, that's how I got around and I was able
5 to get in here. I had parked slanted and that's
6 when I came and I was up here on the little grass
7 watching everything.

8 **Q** You parked and came back up to see what
9 was going on?

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

11 **Q** And that's when you said, he was no
12 fucking threat?

13 **A** Yes, ma'am. I was screaming it through
14 the whole thing.

15 **Q** And did you see any police officers other
16 than the one who did the shooting?

17 **A** No, not for about, I say about five
18 minutes max.

19 **Q** All right.

20 **A** And that's when I see, that's when the
21 rest of the officers came, you know.

22 **Q** Did you have any interaction at all with
23 Darren Wilson, the officer who did the shooting, did
24 you talk with him at all?

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

1 **Q** Did he say anything to you?

2 **A** No, not until I went past. I go, why in
3 the fuck did you shoot him like that. And he's
4 like, you keep fucking going.

5 **Q** All right. So you go past Darren Wilson?

6 **A** Yeah, in the middle of the street.

7 **Q** You walking or in your car?

8 **A** I'm driving.

9 **Q** So as you drive past?

10 **A** Uh-huh.

11 **Q** Before you parked and got out of the car?

12 **A** Yes. I was like, why the fuck did you
13 shoot him like that. He was like, mind your fucking
14 business. I kept going. That's when I came up in
15 here and I walked across.

16 **Q** So just make sure I'm clear. You're
17 driving by, you shout out, why did you fucking shoot
18 him?

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

20 **Q** And he said, mind your own fucking
21 business, keep going?

22 **A** Yes.

23 **Q** And then you parked the car?

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

25 **Q** And you get out and you come up to the

1 area --

2 **A** I ain't go no farther than this.

3 **Q** That's where you say, he was no fucking
4 threat?

5 **A** I was walking across the parking lot to
6 come right here when that video was captured.
7 (indicating)

8 **Q** I'm more interested in what really
9 happened versus the video.

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

11 **Q** Tell me what you meant, he was no fucking
12 threat?

13 **A** Um, like as far as --

14 **Q** You can have a seat for a minute.

15 **A** As far as being a threat, like if he had a
16 gun or a knife or even if he did assault the officer
17 or what happened, I didn't see him do none of that.
18 So I took it as he was no threat and you gunned him
19 down like that.

20 **Q** And you were clear, in your mind, you were
21 clear what was going on at the police car?

22 **A** Yes, I literally saw Mr. Brown struggling
23 to get away.

24 **Q** You never saw Mr. Brown's hand inside the
25 police car?

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

2 **Q** What was he doing with his hand again?

3 **A** Struggling to get the officer's hands off
4 of him. As far as swinging and hitting the officer,
5 I didn't see that.

6 **Q** As he's struggling, did you ever see his
7 hands go in the officer's face?

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

9 MS. WHIRLEY: Kathi?

10 MS. ALIZADEH: Yeah.

11 **Q** (By Ms. Alizadeh) So when you said you
12 drove up onto Canfield, you had a passenger in your
13 car?

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

15 **Q** Have you ever told anybody that before?

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

17 **Q** And so you were driving this way around
18 here? (indicating)

19 **A** Yes, coming off of West Florissant.

20 **Q** You said you stopped right about here, or
21 thereabouts. You said it was right about here?

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

23 **Q** So how many cars were between you and the
24 officer's car?

25 **A** Total like in the middle, it was in the

1 middle of us? It was just his car and the car
2 behind him, it was me and the truck behind me.

3 Q So you're saying that there were no cars
4 between you and the police officer's car?

5 A No, ma'am.

6 Q And then you had a white truck behind you?

7 A A white pickup truck was behind.

8 Q A white pickup truck?

9 A Yes.

10 Q Did you see a blue pickup truck?

11 A No.

12 Q No?

13 A (Shakes head.)

14 Q Did you see anybody standing around here?
15 (indicating)

16 A No, not that I remember.

17 Q And so when you came about, you said there
18 was already, I'm guessing, there was already an
19 altercation going on?

20 A As soon as I approach Canfield to go to my
21 apartment complex, the struggle is already going on.

22 Q And you said Mike Brown was trying to get
23 away?

24 A Yes.

25 Q And I don't understand why you conclude

1 that, what was he doing, why did you think he was
2 trying to get away from the officer?

3 **A** Because the officer was pulling,
4 struggling.

5 **Q** Did you see Mike Brown with his hand on
6 the officer's shirt?

7 **A** As far as his arm, yes, trying to get the
8 officer's arm to release him.

9 **Q** You said the officer had him by the shirt?

10 **A** As if you were, if you were just
11 strangling, I'm going to go for your arms to release
12 my neck, that's how it was.

13 **Q** So you know Mike Brown was like 6'5", big
14 guy?

15 **A** Big guy.

16 **Q** 280 pounds or something?

17 **A** Yeah.

18 **Q** And so you're telling me if somebody had
19 ahold of his shirt, you don't think he could get
20 away?

21 **A** I'm guessing if he wanted to he could.

22 **Q** If I grab ahold of your shirt, stand up.
23 How tall are you?

24 **A** I say about 5'9", 5'10".

25 **Q** How much do you weigh?

1 **A** 170.

2 **Q** So do you think if I grab ahold of your
3 shirt?

4 **A** If you got a good enough hold, I can't
5 getaway from you.

6 **Q** If I'm sitting in the car and I grab ahold
7 of your shirt, if you just fell backwards.

8 **A** Uh-huh.

9 **Q** Don't you think that I would lose my grip
10 when the shirt would rip?

11 **A** Not if you got a good enough grip.

12 **Q** Okay. So you say that you think Mike
13 Brown was trying to get away from the officer and
14 that's what you were witnessing?

15 **A** Yes.

16 **Q** And then you said you saw the officer's
17 gun come out of the window of his car?

18 **A** Yes.

19 **Q** And fire one shot?

20 **A** Yes.

21 **Q** The gun was within half a foot?

22 **A** Yes.

23 **Q** Of Mike Brown?

24 **A** Close range, yes.

25 **Q** And that would have been pointed where on

1 his body?

2 **A** Chest, chest.

3 **Q** In his chest area?

4 **A** Yes.

5 **Q** So that would be an entrance wound in his
6 chest and it would be pretty much straight back,
7 right?

8 **A** Yes.

9 **Q** The gun, was the gun angled in anyway, was
10 the gun like this, or was it like this?

11 **A** No, it was pointed right at him.

12 **Q** And then you say Mike Brown at that point
13 pulls back and runs?

14 **A** Yes.

15 **Q** Did you see any blood when he got shot?

16 **A** No.

17 **Q** And then when he ran away and turned
18 around, I mean, could you see the blood then?

19 **A** No.

20 **Q** You said he was shot at point blank range
21 on his chest?

22 **A** Yes.

23 **Q** You telling me when he turned around, you
24 didn't see any blood?

25 **A** Huh-uh.

1 **Q** What about the other guy, did you see
2 anything in his hand?

3 **A** No.

4 **Q** Did you see Mike Brown hand him anything?

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

6 **Q** And so you say that you saw Mike Brown as
7 he was running away look at his friend?

8 **A** Uh-huh.

9 **Q** Look at him kind of slow down and look at
10 him and then keep running?

11 **A** No, as he slowed down, turned around,
12 that's when he threw his hands up cause he realized
13 the officer was not that much of a distance from
14 him.

15 **Q** So you're saying it was, his friend was
16 close to him when he turned around? You said he
17 stopped about when he saw his friend is where he
18 turned around?

19 **A** Uh-huh.

20 **Q** Yes?

21 **A** Yes. I mean, he wasn't that far. No
22 further this man right here in this chair.

23 **Q** This man right here?

24 **A** Yes. That's when he turned around and
25 realized that his friend was ducked behind a police

1 car.

2 Q The friend was behind the police car, did
3 the friend ever run away or run behind another car?

4 A No. When I seen him he was ducked between
5 the police car and the vehicle that was behind the
6 police car.

7 Q Now, you have a red car, right?

8 A Yes, ma'am.

9 Q What color was the car behind the police
10 car?

11 A Black.

12 Q And so the friend was not ducked behind
13 that car?

14 A Yes.

15 Q He was behind the police car?

16 A Yes.

17 Q So when you say Mike Brown turned around,
18 the officer was right there; is that right?

19 A Yes.

20 Q Did he walk toward the officer at all?

21 A No.

22 Q He didn't come toward the officer?

23 A No.

24 Q And you say that from the point he turned
25 around is when he got shot?

1 **A** Before he turned around he had his hands
2 in the air. I didn't see him take a forward step,
3 or a back or flench like he was going to try to run
4 at him or nothing.

5 **Q** So you didn't see him move forward or back
6 after he turned around and put his hands up?

7 **A** Put his hands up, that was it.

8 **Q** And the officer was within how close?
9 Tell me to stop when I -- I'm going to walk toward
10 you, you tell me when?

11 **A** Right there.

12 **Q** Right here.

13 **A** Right there.

14 **Q** Okay. So this is probably about four,
15 five feet?

16 **A** Roughly, yes.

17 **Q** Okay. And the officer, was his hand fully
18 extended or was his hand down here?

19 **A** Extended.

20 **Q** Fully extended?

21 **A** (Nods head.)

22 **Q** All right. And you saw him then shoot
23 Mike Brown and you said in the head?

24 **A** Uh-huh.

25 **Q** In his head?

1 **A** That's why I was afraid of them being so
2 close and he just tipped right over.

3 **Q** Are you saying you saw it or you just
4 figure that?

5 **A** I saw him shoot, but I figure that it was
6 in the head, how he just limped over and just fell.

7 **Q** So you don't know where he was shot?

8 **A** No.

9 **Q** You're just guessing because he fell over?

10 **A** Yes.

11 **Q** And then once he's on the ground you see
12 the officer standing right over him and shoot him
13 while he's lying face first on the ground?

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

15 **Q** So after the police car is a black car you
16 said, is there another car after the black car?

17 **A** Not that I remember.

18 **Q** And you're saying where this white car is
19 on the map is about where Mike Brown stopped running
20 and turned around?

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

22 **Q** And that would have been where he fell
23 then since you said he didn't move forward or
24 backward at this point?

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

1 **Q** Now, from where you were then you drove
2 past the officer and parked in your parking space
3 here.

4 **A** After everything was over, yes.

5 **Q** Did you ever come back up here and talk to
6 people up in this area?

7 **A** No.

8 **Q** Did somebody ever give you a business
9 card?

10 **A** No.

11 **Q** Nobody ever gave you a card, told them
12 they saw it too?

13 **A** No.

14 **Q** And you say you did another interview with
15 the FBI a week ago?

16 **A** I don't know the exact date, but it was no
17 longer than a week ago.

18 **Q** Where did that happen?

19 **A** The interview?

20 **Q** Uh-huh.

21 **A** I'm guessing at headquarters on Market.

22 **Q** Downtown?

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

24 **Q** And the passenger that you said that was
25 in your car.

1 **A** Uh-huh.

2 **Q** So what happened to her?

3 **A** She end up taking off walking up to the
4 apartments where she was going, which is behind the
5 McDonald's, I don't know the name of the apartments,
6 but she had proceeded to go there.

7 **Q** When did she get out of your car?

8 **A** After I had parked.

9 **Q** So you -- she would have been in your car
10 when you passed by the police officer and heard what
11 the police officer said to you?

12 **A** Uh-huh.

13 **Q** You don't know this person's name?

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

15 **Q** Why did you give her a ride?

16 **A** She was a familiar face, stayed by my
17 mother's house.

18 **Q** She's somebody you've seen before?

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

20 **Q** And you know whereabout she lives?

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

22 **Q** Is she African-American or white?

23 **A** She's black or African-American rather.

24 **Q** I'm sorry?

25 **A** African-American rather.

1 **Q** She is about how old?

2 **A** I say 20, 21.

3 **Q** You don't have any name for her?

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

5 MS. ALIZADEH: All right. I don't have
6 anything else.

7 MS. WHIRLEY: I just have a couple things.

8 **Q** (By Ms. Whirley) When Mike Brown was
9 running, was the officer shooting at him at that
10 point while he was running?

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

12 **Q** Okay. Did you ever talk to Mike Brown's
13 mother?

14 **A** I have seen her. She was out there, but I
15 didn't get to talk to her as far as like anything
16 dealing with this.

17 **Q** Did she know you were a witness to all of
18 this?

19 **A** Yes, not from me though, from other people
20 seen me out there or heard me out there yelling.
21 They must have told her that.

22 **Q** How do you know she knew that?

23 **A** I don't know that she knew if I seen it or
24 not.

25 **Q** You said from other people?

1 after the first shot?

2 : The very end of the scene.

3 **A** The very end of the scene?

4 : Yeah. You said you could
5 see Officer Darren Wilson's back, but you were also
6 stating that you could that he see him shot in the
7 head, or you assume he shot him in the head. I'm
8 just trying to understand was that at an angle to
9 where he could see the front of Michael Brown and
10 the back of Officer Darren Wilson. Were they
11 straight on, what was your angle from your
12 perspective with respect to the vehicle?

13 **A** No, he was, whatever the officer name, he
14 was facing toward this way now on his intercom or
15 whatnot.

16 So you could see Officer
17 Darren Wilson's back?

18 **A** No, I couldn't. After everything is over
19 and Mr. Brown is on the ground, I see his face, back
20 side.

21 : You understand what I'm
22 saying?

23 Yeah, I do
24 understand what you are saying. I think you say you
25 could see Michael Brown turn around.

1 **A** Yeah, turned around. Oh, after I see
2 Mr. Brown when he turned around?

3 : Yes. Were you facing
4 Mr. Brown when he turned around and fell?

5 **A** As far as in my car, yes.

6 : And your back was to the
7 police officer at that time?

8 **A** The police officer's back was towards me.

9 Yes. The police
10 officer's back was towards you?

11 **A** Yes.

12 When he shot him while he
13 was laying on the ground?

14 **A** No, while he shot him while he was laying
15 on ground he's facing towards me.

16 : So how did he get from
17 facing Michael Brown and watching him fall, he
18 walked forward and shot him on the ground, how did
19 the officer's face get towards you, did he walk
20 around the body?

21 **A** Yes, he was just proceeding around the
22 body and got on his intercom, yes.

23 : So he was walking around
24 Michael Brown's body and then he shot him after he
25 walked around the body?

1 **A** No.

2 MS. ALIZADEH: I have a question to maybe
3 clear this up. From the point that Michael Brown
4 stops running and turns around, okay.

5 **A** Uh-huh.

6 MS. ALIZADEH: And the officer has been
7 chasing him and he's within 5 feet of him at that
8 point.

9 **A** Uh-huh.

10 **Q** He's directly in front of Michael Brown,
11 correct?

12 **A** Yes.

13 **Q** And you are behind the officer?

14 **A** Yes, facing him. That's the point where I
15 was --

16 MS. ALIZADEH: How could you see what
17 Michael Brown was doing if the officer is between
18 you and Michael Brown?

19 **A** Like you say, he was a big guy and that's
20 a nice amount of street where I can see. I saw him
21 with his hands up, yes.

22 **Q** But wasn't the officer partially blocking
23 your view of Michael Brown?

24 **A** Yes, partially, yes, he was blocking my
25 view, yes.

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

2 : And then the officer shot,
3 he shot the gun at that time?

4 **A** He fired, yes, ma'am.

5 And that would have been,
6 I think, the second shot I think you said?

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

8 : Okay. And then Michael
9 Brown falls forward, he is falling toward the
10 officer then; is that correct?

11 **A** He didn't like fall stumbling towards him,
12 once he shot him with his hands in air, he fell
13 right on the ground.

14 : Okay. All right. Into a
15 dead fall basically?

16 **A** Yes.

17 Okay. And so you said
18 that he never moved, you did not see Michael Brown
19 move any steps forward or any steps backward from
20 the officer?

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

22 : At any time when you heard
23 that second shot, okay, before Michael fell, did you
24 see the officer move back, or forward or to the
25 right or to the left of Mr. Brown?

1 **A** Once Mr. Brown hits the ground, the
2 officer takes a step back.

3 A step back.

4 **A** Uh-huh.

5 My question is, I don't
6 know if you know the answer to this.

7 **A** I can answer it to the best that I can.

8 With Michael Brown being
9 6'5", and we have four to five foot difference, why
10 did Michael Brown's body not hit the officer when he
11 fell?

12 **A** I mean, I wouldn't know.

13 You wouldn't know, okay.

14 **A** I wouldn't know.

15 MS. WHIRLEY: If nobody else has
16 something, I have something.

17 You talked to the police, well, actually
18 the FBI, two agents on August the 18th. This is the
19 second interview, the first time you talked to
20 someone at our office.

21 **A** Uh-huh.

22 **Q** (By Ms. Whirley) On August 12th you talked
23 to a couple federal agents. Do you recall that, the
24 second time you interviewed?

25 **A** Uh-huh.

1 **Q** And was there too at that interview.
2 And on August the 18th, and I have a transcript of
3 it and nobody's seen it yet, but they will.

4 You told them, and tell me if this
5 refreshes your recollection or not. You told them
6 that there was one shot in the car and Mike Brown
7 was shot at four times while he was running away and
8 then he was shot two more times in the face once he
9 turned around, and then when he fell on the ground,
10 he was shot four or five more times?

11 **A** Uh-huh.

12 **Q** Do you recall saying that?

13 **A** No, ma'am. The majority of it, yes.

14 **Q** What part do you recall?

15 **A** As far as being shot at as he was
16 proceeding to run.

17 **Q** Okay. So today you said he wasn't shot at
18 while he was running, but you remember him being
19 shot at four times while he's running away now that
20 I refreshed your recollection?

21 **A** Yes.

22 **Q** Do you remember telling the officers that
23 he was shot two times in the face?

24 **A** No.

25 **Q** And you actually said face-to-face he was

1 shot, do you remember that?

2 **A** Yes.

3 **Q** Don't you remember telling the officers
4 that after he fell on the ground, he was shot four
5 or five more times while the officer stood over him?

6 **A** Yes, I remember that.

7 **Q** You remember that? Today I think you told
8 us he was shot once, right?

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

10 **Q** What's the change for you?

11 **A** As far as like the FBI said in my last
12 interview, none of my forensic science added up to
13 it.

14 **Q** Okay. We want to know what you say. You
15 don't have to be concerned with forensic science,
16 none of us are forensic scientist.

17 **A** Yes.

18 **Q** We just want to know the truth and what
19 happened. So tell me why you changed your
20 statements as far as about how many times he was
21 shot or shot at?

22 **A** My calculation was off. How many shots
23 was fired. I had counted as far as how many shots
24 was fired, I had heard about eight or nine shots,
25 yeah.

1 **Q** And today you told us only three?

2 **A** Yes, only three that I know that he was
3 hit.

4 **Q** No, no, I asked you about the shots, this
5 is really important. I mean --

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

7 **Q** We're here, we're spending a lot of time
8 trying to figure out what happened. And it's okay,
9 I just need to know the truth. I'm not trying to
10 give you a hard time, we just need to know the
11 truth.

12 **A** I understand.

13 **Q** You understand what I'm saying?

14 **A** Yes.

15 **Q** So which one is true, did you hear only
16 three shots total or this is like, he was shot once
17 and then shot four times and he's running away and
18 then shot two more times in the face, and then shot
19 four or five more times. That is like 10 or 11
20 shots total that you told them on August the 18th.

21 **A** Yes.

22 **Q** So was it actually three shots you heard
23 or was it 10, 11 shots you heard?

24 **A** Altogether I heard approximately about
25 eight or nine shots if I ain't hallucinating or

1 making it more than what I heard, about eight or
2 nine shots.

3 **Q** Now, you weren't hallucinating back when
4 you talked to the police, were you?

5 **A** Not that I know, no.

6 **Q** Could you possibly have been
7 hallucinating?

8 **A** What you mean?

9 **Q** You used the word hallucinating, what did
10 you mean by hallucinating?

11 **A** By how many shots was fired, I could have
12 counted more than what it was.

13 **Q** Do you think that's what happened, you
14 added more?

15 **A** Yes, how many shots was fired, yes.

16 **Q** Okay. And why would you do that?

17 **A** Uh, I mean, I heard about eight or nine
18 shots, but as far as hearing what the FBI was saying
19 and all about how they, how everything was off. I
20 try to push myself to actually concentrate on what
21 actually, how many shots was actually fired.

22 Because after all of this was over, I
23 went into a blur.

24 MS. ALIZADEH: You went where?

25 **A** I went to a blur of everything.

1 MS. ALIZADEH: After what was over?

2 **A** The whole shooting and all that.

3 MS. ALIZADEH: After the shooting?

4 **Q** (By Ms. Whirley) Okay. And again, this is
5 so important so I need to ask you because I'm really
6 kind of confused.

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

8 **Q** How many shots did you really hear after I
9 refreshed your recollection, after what you told us
10 here today, what would you say as far as how many
11 shots you actually heard that day?

12 **A** I say about seven, eight shots.

13 **Q** Okay. Tell us where those shots occurred?
14 Like heard one shot at the car you said?

15 **A** Uh-huh.

16 **Q** Go ahead and tell us about the rest of the
17 shots.

18 **A** Well, I heard, as I'm dealing with my
19 passenger, I heard like two more shots.

20 **Q** What was happening?

21 **A** Mr. Brown was proceeding away.

22 **Q** He was running with his back to officer?

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

24 **Q** When you heard two more shots?

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

1 **Q** Okay, that's three.

2 **A** Yes.

3 **Q** Then what?

4 **A** That's when the officer and Mr. Brown came
5 face-to-face.

6 **Q** Okay. How many shots when he was
7 face-to-face?

8 **A** That was just the one I heard.

9 **Q** Did he appear to be shooting him in the
10 face the way you thought back on the 18th of August?

11 **A** Yes, I would have thought it was in the
12 face.

13 **Q** Okay. So that's like, now we're in four
14 shots, is that right, that's four?

15 **A** And that's when he hit ground.

16 **Q** He hit the ground and then what?

17 **A** I heard another one, two shots.

18 **Q** Okay. Now, back on the 18th you actually
19 told the police that you talked to Mike Brown's
20 mother, do you remember that?

21 **A** Uh-huh.

22 **Q** So you actually, actually I talked to her
23 the same day, but I haven't talked to her since.

24 **A** Uh-huh.

25 **Q** Did you talk to her?

1 **A** Uh-huh. I haven't heard --

2 **Q** No, no, no, did you talk to her the day of
3 the shooting?

4 **A** No, it was brief. I was there and your
5 son wasn't no threat and then after that --

6 **Q** Wait, wait, wait a minute. Okay. Now, my
7 question is, did you talk to her. Is that answer
8 yes?

9 **A** Like did I say anything to her?

10 **Q** You see how we're talking?

11 **A** Yes.

12 **Q** Okay.

13 **A** We didn't have a --

14 **Q** I'm going to ask you that. Did you speak
15 with her, let me rephrase.

16 Did you speak to Mike Brown's mother
17 at all the day of the shooting?

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

19 **Q** Okay. Tell me how you spoke to her?

20 **A** Your son was no threat.

21 **Q** Did she ask you anything?

22 **A** No.

23 **Q** You just walked up to her --

24 **A** All she said was for me to just tell the
25 truth. Whether her son was in the wrong or was he

1 not in the wrong, that was all she said and that was
2 that.

3 Q Okay. And you said?

4 A Okay.

5 Q What did you say to her?

6 A As far as I seen her son wasn't a threat.

7 Q Okay. And then was there anything else
8 discussed?

9 A No, ma'am.

10 Q And tell us again how she knew how to come
11 talk to you about it?

12 A Other people in the complex.

13 Q How did they know that you knew anything?

14 A Some people was on the porch, I guess, and
15 some people I heard yelling out there.

16 MS. WHIRLEY: There may be more questions.
17 I just want to ask you, is there anything you want
18 us to know as far as this investigation goes that
19 you think is important to know and, you know, if you
20 want to change anything that you said, we need the
21 truth. We're not going to hold it against you at
22 this point, we want to know what really happened.

23 A Right.

24 Q (By Ms. Whirley) Is there anything you
25 want to change?

1 **A** No, ma'am. I'm just here to give you all
2 a little vision what I saw. I only remember so
3 much.

4 **Q** Okay. Is there anything else that you
5 think is important for us to know?

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

7 MS. WHIRLEY: Okay. Other questions?

8 MS. ALIZADEH: So just basically,
9 , you're saying that you changed your
10 recollection of how things happened after the feds
11 told you it couldn't have happened the way you
12 originally described it, is that fair to say?

13 **A** Yes, that's when I went and try to
14 actually go on what I remember.

15 MS. ALIZADEH: And so now your memory has
16 changed?

17 **A** No, I'm remembering what I'm telling you
18 now.

19 MS. ALIZADEH: You told three different
20 stories in the time we've been here today. So I
21 want to know which one is really your memory or did
22 you see this at all?

23 **A** Yes, see, this is one of the reasons why I
24 didn't want to get involved because now I feel like,
25 y'all taking me as liar when I'm not and I was

1 there. I'm going to say once again, I know I was
2 there, I can only remember so much of what I'm
3 telling you. Whether that was two, three different
4 stories, I'm only going on so much that I can
5 remember.

6 MS. ALIZADEH: But you today said that the
7 reason that you changed your story today?

8 **A** Is because the FBI say my forensic science
9 wasn't right. So that's why I went back and try to
10 actually remember what I saw.

11 MS. ALIZADEH: So what is your memory
12 today, what is it? Were there nine shots, were
13 there ten shots, were there three?

14 **A** It wasn't nine, ten shots.

15 MS. ALIZADEH: What do you remember
16 happening as you sit here today, how many gunshots
17 did you hear?

18 **A** I can only remember when Mr. Brown got
19 shot leaving the vehicle, so when he got hit on the
20 ground.

21 MS. ALIZADEH: One shot when he was at the
22 car?

23 **A** Yes.

24 MS. ALIZADEH: And when was the next shot?

25 **A** When he was proceeding to run from the

1 vehicle.

2 MS. ALIZADEH: How many shots?

3 **A** Like two.

4 MS. ALIZADEH: Two now. Okay. And then
5 you saw him turn around?

6 **A** Yes.

7 MS. ALIZADEH: How many shots then?

8 **A** Just that one and that's when he landed to
9 the ground.

10 MS. ALIZADEH: And then he hit the ground?

11 **A** Yes.

12 MS. ALIZADEH: And then after he hit the
13 ground, how many shots?

14 **A** About two or three more shots.

15 MS. ALIZADEH: So now there's seven shots?

16 **A** Yes.

17 MS. ALIZADEH: All right. I don't have
18 anything else. Anybody else?

19 I just want to
20 proceed if you can provide any more context to that
21 statement you made right there at the end that he
22 wasn't a threat. You shared it with the officer,
23 you shared it with Michael Brown's mother, what
24 specifically was it that you personally that day
25 saw, heard, witnessed the actions that made you

1 assume that Michael Brown was not a threat?

2 **A** When he stopped and threw his hands in the
3 air.

4 : I have a couple
5 questions, this is When you first saw
6 this happen, at one point you said you were directly
7 behind the police officer's car?

8 **A** Huh?

9 : You were directly --

10 **A** In front of him.

11 : In front of the police
12 officer's car?

13 **A** Yes.

14 : And then at one point you
15 said you were maybe four or five car lengths away.
16 Did you stop four or five car lengths away?

17 **A** Before I was able to approach them, yes.

18 Okay. When you saw the
19 struggle going on even though there were no cars
20 between you, you were four or five car lengths away?

21 **A** Yes.

22 That is probably longer
23 than this whole room, right?

24 **A** Yes.

25 . At

1 least twice this room or more.

2 Twice this room. And you
3 are saying you can tell from twice the length of
4 this room that Michael Brown was trying to get away
5 from the police officer?

6 **A** Yes.

7 And the police officer
8 was pulling his shirt and his neck?

9 **A** Yes.

10 : And you could tell that
11 that far away and there's no possible way that there
12 was a struggle and Michael Brown could have been
13 trying to fight the police officer?

14 **A** No, that ain't what I saw.

15 : From that far away?

16 **A** Yes.

17 : So that leads me to
18 another question. So you're saying that the police
19 officer had his hand on Michael Brown's shirt?

20 **A** Yes.

21 : And his neck.

22 **A** Yes.

23 : And that is why he
24 couldn't get away?

25 **A** Yes.

1 : Because he had two hands
2 on him?

3 **A** Yes.

4 : And then you saw the gun
5 come out of the car?

6 **A** Uh-huh.

7 : And shoot Michael Brown
8 in the chest?

9 **A** Yes.

10 So whatever hand's left,
11 that leaves him one hand on Michael Brown to get the
12 gun?

13 **A** Yes.

14 : And then he shoots him?

15 **A** Yes.

16 : And it's at that point
17 after Michael Brown is actually injured that he's
18 able to get away?

19 **A** Yes.

20 : Why was he not able to
21 get away with all of his strength, non-injured but
22 he is able to get away injured. If the police
23 officer is that strong from a sitting position and
24 Michael Brown is over him, why was he not able to
25 get away when the police officer let go of one his

1 arms?

2 I mean, you got to understand, and I don't
3 mean any disrespect. I know what you had to see was
4 probably horrific, this is just not making sense to
5 me.

6 **A** Yeah, I got that 150 times.

7 I'm not saying you're
8 lying.

9 **A** If none of my stuff is making any sense,
10 like why do y'all keep contacting me, y'all keep
11 bothering me. I didn't want to get involved in the
12 first place.

13 : This is very important.

14 **A** I understand that and that's what drew me
15 to actually come in to say what I say and tell what
16 I saw.

17 : Can I ask you one more
18 question? Have you ever been in trouble with the
19 police?

20 **A** Yes, I've been to penitentiary and all of
21 that.

22 : Okay.

23 **A** So why would I bring myself here, why
24 would I give myself a free ticket to jail if y'all
25 want to accuse me of lying.

1 : I'm not accusing you of
2 lying, I want you to know that.

3 **A** No, I understand that. I'm just saying
4 that everybody is saying my stuff don't match up.

5 I would be true to
6 myself.

7 **A** I wouldn't bring myself here just let
8 y'all put me away from my family.

9 One more question. How
10 far up were Michael Brown's hands?

11 **A** They was in the air.

12 Were they here, where
13 they here, where they here? (indicating)

14 **A** I don't know, I don't have a direct
15 estimate, they was in the air.

16 Okay. Thank you.

17 From
18 where your position on the roadway on Canfield --

19 **A** Canfield.

20 -- Drive? The roadway
21 there, is it straight and level, or are you looking
22 on a downhill slope or --

23 **A** No, it don't do nothing but swerve.

24 It is straight and level?

25 **A** Yes.

1 It is level and curvy?

2 **A** Yes.

3 One quick
4 question. I think at one point you mentioned the
5 passenger in your car was a distraction. Can you
6 maybe go into what was distracting?

7 **A** She was yelling, screaming and jumping
8 telling me to get away from there, which I wasn't
9 going to pull off, you know, drive away from the
10 scene. I don't know what was capable of happening
11 me moving, so I just stood there.

12 A lot of chaos and
13 emotion.

14 **A** Yes.

15 Could that have distracted
16 you a little bit from the scene in front of you?

17 **A** Yes, sir.

18 Did that go on for how
19 long until you actually --

20 **A** Pulled up and parked, and that's when she
21 proceeded, she was sitting, she was watching what
22 was going on too. She proceeded to do what she was
23 doing. I didn't see her until there was a bunch of
24 police and people everywhere that she had come back
25 with some of her and her folks.

1 Okay.

2 When you
3 drove past the officer there, and you have made a
4 comment to the officer, I don't think I wrote it
5 down correctly, could you tell me what you said to
6 the officer again as you drove by?

7 **A** Why the fuck you shoot him like that.

8 Why the fuck you shoot him
9 like that. At any time did you think, I mean, if
10 you reportedly saw the officer shoot this guy in the
11 head, that he might turn and just shoot you and your
12 passenger?

13 **A** Yes, I felt that, I felt that. But at the
14 time I didn't, I mean, at the time I'm guessing he
15 didn't realize what he put himself into. So I
16 expected him like he might shoot me too, but I
17 wasn't too much worried about it. And that's why I
18 went on and proceeded to park and got out of my
19 vehicle.

20 Okay.

21 MS. WHIRLEY: Anybody else?

22 All right. , thank you for
23 coming. I know it seemed like we were really
24 questioning you.

25 **A** No, you are only doing your job. Like I

1 say, I only come here to give what I can remember.
2 Like as far as what she said, how they were saying
3 it at the FBI, if you wasn't there, just say you
4 wasn't there, but I was there and I'm not going to
5 say that. I'm not going to bring myself here to
6 give you y'all a free ticket to take me away from my
7 family.

8 MS. WHIRLEY: You were there, we don't
9 know exactly when you were there, but we certainly
10 saw on the video you talk about where you said he
11 was no fucking threat, that was you --

12 **A** Yes.

13 MS. WHIRLEY: -- on the video, okay. So
14 thank you again for coming and that concludes this
15 portion of the question and answer period. Thank
16 you , I'll take you out.

17 (End of the testimony of)

18 MS. ALIZADEH: This is Kathi Alizadeh. It
19 is 11:37 in the morning on October 20th. Sheila
20 Whirley is here with me as well as all 12 grand
21 jurors and the court reporter who is taking down and
22 recording what's being said.

23

24 of lawful age, having been first duly sworn to
25 testify the truth, the whole truth, and

1 nothing but the truth in the case aforesaid,
2 deposes and says in reply to oral
3 interrogatories, propounded as follows, to-wit:

4 EXAMINATION

5 MS. ALIZADEH: At this time we're going to
6 pause the recording and I will have the witness
7 introduce self and identify self and then
8 after that I will refer to by a number, by
9 Witness Number 38.

10 BY MS. ALIZADEH:

11 Q would you introduce yourself for
12 the grand jurors, please?

13 A My name is

14 Q you are a little soft spoken
15 and that microphone in front of you does not amplify
16 your voice.

17 A I'll speak louder.

18 Q If you speak loud enough that I can hear
19 you back here, I know that they can all hear you.

20 A My name is

21 Q And, how old are you?

22 A I'm years old.

23 Q And where do you live?

24 A On Canfield.

25 Q So you live in the Canfield Green

1 Apartment Complex?

2 **A** Yes, I do.

3 **Q** And how long have you lived in those
4 apartments?

5 **A** I have lived in those apartments for
6 years.

7 **Q** And so at this time, I will instruct the
8 court reporter here in a second to begin the audio
9 recording. And after we begin the audio recording,
10 I'm going to refer to you as Witness Number 38, is
11 that all right?

12 **A** Okay.

13 **Q** You understand that?

14 **A** I understand.

15 **Q** So, Witness Number 38, you just mentioned
16 to the grand jurors a bit ago that you live in the
17 Canfield Apartment Complex, correct?

18 **A** I do.

19 **Q** And can you use the laser pointer that's
20 in front of you, and I'm going to direct your
21 attention to a map, which we have marked as Grand
22 Jury Exhibit Number 25. Do you recognize the
23 streets and buildings here as an aerial view of the
24 apartment complex?

25 **A** I guess.

1 **Q** So here is Canfield Drive?

2 **A** Okay.

3 **Q** And this street runs through the complex?

4 **A** Right.

5 **Q** So to the left of the map, out of sight, I
6 guess, not on the map is West Florissant?

7 **A** Uh-huh.

8 **Q** And driving this direction or east you hit
9 the Northwinds Apartments?

10 **A** That's correct.

11 **Q** Now, do these streets look familiar to
12 you?

13 **A** Yeah.

14 **Q** Can you say, can you use that pointer and
15 show me what building you live in?

16 **A** I guess the address.

17 **Q** There are numbers on it if it would help
18 you, I can bring it closer to you if you want to see
19 if you recognize the number of your unit.

20 **A** Oh, yes, I do, sorry.

21 **Q** So using that pointer, can you point where
22 your apartment is?

23 **A** (Indicating)

24 **Q** So this apartment is the front of this
25 apartment on Canfield Drive?

1 **A** Yes, it is.

2 **Q** And is your apartment unit actually facing
3 Canfield Drive?

4 **A** Yes.

5 **Q** What floor do you live on?

6 **A** I live on the

7 **Q** We've had other people kind of, we've seen
8 pictures of the building and had people describe it
9 for us, but am I correct that there's a front door
10 to your unit that leads to like a deck area?

11 **A** Yes, porch, deck area.

12 **Q** Okay. And then there's steps, exterior
13 steps that you would take to get down to the ground
14 level, correct?

15 **A** That's correct.

16 **Q** Is there any other way out of your
17 apartment?

18 **A** One way in, one way out.

19 **Q** Okay. So on the day of August 9th of
20 2014, which was a Saturday, were you home that
21 morning?

22 **A** Yes, I was.

23 **Q** To the best of your recollection, was
24 there anything unusual or special that was going on
25 that day for you?

1 **A** A normal day.

2 **Q** And somewhere during the day, at some
3 point during the day did you leave your apartment
4 building?

5 **A** Yes, I did.

6 **Q** And where were you going to go?

7 **A** To the trash dumpster in the back.

8 **Q** And so did you have some trash with you?

9 **A** Yes, I had a bag of trash.

10 **Q** And do you recall like what time of day it
11 was?

12 **A** I'm sorry, I don't.

13 **Q** Was it light outside?

14 **A** Oh, yes.

15 **Q** And from what we know, is that August 9th
16 was a sunny day?

17 **A** Yes.

18 **Q** No rain, is that your recollection?

19 **A** No rain, sunny day, uh-huh.

20 **Q** And so when you exited your apartment, you
21 would of had to have come out the front; is that
22 correct?

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

24 **Q** Did you go directly down the stairs?

25 **A** Yes, I did.

1 **Q** Can you use the laser pointer and show me
2 where the dumpster is that you were taking the
3 trash?

4 **A** Let's see, that's kind of hard to say
5 because it is in the back of the building.

6 **Q** I'm going to use my finger and point, is
7 this the back of the building or is this the back of
8 the building?

9 **A** Let's see, that's kind of hard to say,
10 that's Canfield.

11 **Q** Look at me for a second. Think to
12 yourself when you walk out of the building, which
13 direction do you turn?

14 **A** I turn to the left.

15 **Q** Okay. And then you go downstairs and when
16 you go down the stairs, are you facing Canfield when
17 you come off the stairs or?

18 **A** Facing Canfield.

19 **Q** Okay. So you're facing Canfield. So what
20 direction do you turn to get to the trash?

21 **A** To the left.

22 **Q** To the left?

23 **A** Uh-huh.

24 **Q** Do you turn all away around 180 degrees.
25 So, in other words, you come down here now?

1 (indicating)

2 **A** Right.

3 **Q** Is this a walkway?

4 **A** That's a walkway.

5 **Q** Is this the walkway you take to get to the
6 trash dumpster or did you go this way? (indicating)

7 **A** Let's see, that's a little confusing. All
8 I know is I turn to the left where the parking area
9 is. I go around the building to the back by the
10 trash dumpster.

11 **Q** Okay. So you were walking in this
12 direction down this parking area? (indicating)

13 **A** I would think so.

14 **Q** Okay. So when you came out of your
15 apartment, did you see anything unusual?

16 **A** Well, saw a few people around, you know,
17 and other than two boys walking down the street.

18 **Q** Okay. So you saw two boys walking down
19 the street?

20 **A** Uh-huh.

21 **Q** And did you recognize either of those
22 boys?

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

24 **Q** And when you say boys, are we talking
25 about little boys, we talking about teenagers or

1 adults?

2 **A** Well, I assumed they were teenagers, they
3 were big kids.

4 **Q** And where were they walking, what street
5 were they on?

6 **A** They were on Canfield.

7 **Q** And were they walking, if going down this
8 way is east, were they walking east or were they
9 walking that way?

10 **A** West. I would say west because they was
11 headed back towards the Northwinds Apartments.

12 **Q** So they were headed towards the
13 apartment --

14 **A** They wasn't headed towards West
15 Florissant, they was headed away from West
16 Florissant.

17 **Q** Okay. Like they had come from that?

18 **A** Yes, like they had come from the West
19 Florissant area.

20 **Q** And can you use the pointer and show me
21 where they were when you first saw them walking down
22 the street if this is your building?

23 **A** That's my building. I'm sure they was a
24 little east of my building, so I guess maybe right
25 along in there or something. (indicating)

1 **Q** Okay. There's a white car that's in this
2 map, it just happens to be there when the satellite
3 took this picture, was it around the area where that
4 car is?

5 **A** See, I didn't see a car at first until I
6 saw --

7 **Q** Okay. This car wouldn't have been there,
8 this is just a map, this was there when they took
9 the aerial shot. So you saw them and where were
10 they in the street?

11 **A** They were walking along by the sidewalk.

12 **Q** Okay. Could you see the fronts of them or
13 the backs of them?

14 **A** I guess the sides of them, you know.

15 **Q** Okay. And so were they actually in the
16 street or on the sidewalk?

17 **A** They were like along the curb sides of the
18 streets.

19 **Q** Still in the street?

20 **A** Yes.

21 **Q** And when you first saw them, did you
22 notice anything about them?

23 **A** No, I just glanced and came around the
24 building.

25 **Q** Anything about them like one was bigger,

1 one was smaller, one was older, one was younger,
2 anything like that?

3 **A** I couldn't tell their age, but one was
4 bigger, a bigger kid and the other kid, excuse me,
5 was a thinner kid, you know, uh-huh.

6 **Q** Do you remember anything about what the
7 bigger kid was wearing?

8 **A** I sure don't because I didn't focus in on
9 that.

10 **Q** Okay. And what about the smaller kid, do
11 you remember anything about him, like his hair?

12 **A** I think he had maybe like dreadlocks or
13 something, uh-huh.

14 **Q** Do you remember long dreadlocks or shorter
15 dreadlocks?

16 **A** I don't think they were long. Maybe at
17 the end of the neck or a little below that.

18 **Q** Okay. Could you hear if they were
19 speaking to each other?

20 **A** No.

21 **Q** And what did you witness next?

22 **A** Uh, next I notice the police car saying
23 something to them because he had kind of cut in
24 front of them, kind of angled his car in front of
25 them.

1 **Q** So you recognize that car as a police car?

2 **A** Yes.

3 **Q** Do you remember what kind of car? I don't
4 mean like brand or the model, was it a sedan, was it
5 a truck, was it a SUV, was it a van?

6 **A** I probably say it was something like a SUV
7 or something, a cruiser car or something.

8 **Q** All right. And so you said that the
9 officer's car, looked like it cut them off?

10 **A** Yes, he was saying something to them and
11 then he angled his car kind of in front of them.

12 **Q** Which direction was the car, was the
13 police officer's car on Canfield then?

14 **A** Yes.

15 **Q** And which direction was the police
16 officer's car facing?

17 **A** West, I would say just like he came from
18 West Florissant area too.

19 **Q** Just to clarify, this is east and that's
20 west.

21 **A** Okay.

22 **Q** And this is West Florissant over here.

23 **A** West Florissant over there.

24 **Q** Yeah, West Florissant is over here. So
25 does that change what you think about, you still

1 recognize that as where you live?

2 **A** That is where I live, yes.

3 **Q** Okay. Do you know if the officer's car
4 was actually moving and driving, would it be going
5 toward West Florissant?

6 **A** No.

7 **Q** Or toward Northwinds?

8 **A** Northwinds.

9 **Q** So did you see the officer's car moving?

10 **A** Well, I saw the officer pull up next to
11 them and he was saying something to them, I don't
12 know what. And then I saw him just kind of cut
13 angle in front of them.

14 **Q** Okay. And so is it you don't know what
15 because you couldn't hear anything from that
16 distance?

17 **A** No, I didn't hear anything.

18 **Q** Why is it that you said that he said
19 something to them, what makes you think that?

20 **A** Well, I saw him, I mean, I heard, I didn't
21 hear what he was saying, but I saw him talking to
22 the boys, you know. What he said, I don't know.

23 **Q** Okay. So both boys were at the officer's
24 car at that point?

25 **A** Yeah, they were both together walking.

1 **Q** Okay. And so then you said you saw the
2 officer then angled his car and kind of cut them
3 off?

4 **A** Yes.

5 **Q** And what did you see happen then?

6 **A** I kept on going toward the dumpster and
7 then I heard, I guess it turned out to be a shot. I
8 kind of looked over my shoulder and looked back. I
9 didn't see anything, so I kept going around to the
10 dumpster head around the corner.

11 **Q** Okay. So after the officer angled his car
12 and kind of cut the boys off.

13 **A** Yes.

14 **Q** You then continued to the dumpster?

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

16 **Q** Does that mean you went around to the back
17 of the building?

18 **A** Right.

19 **Q** After you continued to the dumpster then,
20 was the building in between you and the car and the
21 boys to where you couldn't see them?

22 **A** I couldn't see them, huh-uh.

23 **Q** And now you said you heard a gunshot?

24 **A** Before I turned the corner, yes.

25 **Q** And so before you turned the corner, you

1 heard a gunshot, how many gunshots?

2 **A** I'm sorry, I thought it was only one.

3 **Q** All right. And have you heard gunshots
4 before?

5 **A** Oh, yeah.

6 **Q** Did you recognize that as a gunshot or did
7 you think maybe it was firecrackers?

8 **A** I just assumed it was a gunshot.

9 **Q** Okay.

10 **A** Uh-huh.

11 **Q** And so when you said you looked back at
12 that point.

13 **A** Uh-huh.

14 **Q** And you didn't see anything?

15 **A** I didn't see anything, so I kept going.

16 **Q** And so you kept walking toward the
17 dumpster?

18 **A** Kept walking toward the dumpster.

19 **Q** And then what happened?

20 **A** And then after I turned the corner of the
21 building going to the dumpster, I heard a series of
22 gunshots. And then I ran and I ducked between some
23 cars because I didn't know what was going on, if it
24 was a battle out there or not, and I ducked between
25 the cars.

1 **Q** Can you give me an idea of how many
2 gunshots, when you said it was a series of gunshots?

3 **A** I can't say. I knew it was more than
4 five, I would say I knew it was more than that.

5 **Q** Okay. Were these gunshots in a quick
6 succession like one after another or were there
7 pauses between them?

8 **A** Seemed like one after another.

9 **Q** From the time of the first gunshot until
10 the succession of gunshots, can you give me an idea
11 of how much time past?

12 **A** No, not really because I kept walking and
13 I turned the corner of the building going to the
14 dumpster, so it wasn't that long.

15 **Q** So from the time it would take you to walk
16 and turn the corner toward the dumpster?

17 **A** Uh-huh.

18 **Q** And so you said after you heard the series
19 of gunshots, you ducked behind some parked cars?

20 **A** Yes, I did.

21 **Q** And did you see anything else after that?

22 **A** People coming out of their building.

23 After that, hearing the gunshots, a lot of people
24 started coming out of the buildings. And I stayed
25 back there for a few minutes because I didn't go in

1 the front, but people was coming on the front.

2 Q Okay. So now you know the boy that got
3 shot, Michael Brown, you know his name now?

4 A I know his name, but I did not know him
5 before that.

6 Q Okay. Did you see him get shot?

7 A No.

8 Q All right. So what about the officer,
9 when he was inside his police car, could you see
10 him?

11 A No, I couldn't.

12 Q Did you ever see that officer get out of
13 his car?

14 A See, I wasn't looking then. My back was
15 toward that.

16 Q Okay. Did you ever see the officer at the
17 scene later where you said oh, that's the guy?

18 A No, I couldn't.

19 Q Do you think if you saw him today you
20 would recognize him?

21 A No, even seeing him on television I still
22 wouldn't recognize him.

23 Q From your vantage point he was always
24 inside the vehicle?

25 A Yes.

1 **Q** When you were, when you looked and you saw
2 the boys at the vehicle after the police car cut
3 them off.

4 **A** Uh-huh.

5 **Q** What side of the police vehicle were they
6 on? The driver's side or the other side?

7 **A** Well, they were on the street curb and the
8 car came at an angle, I guess they was on the other
9 side, yeah.

10 **Q** So not the driver's side, but the other
11 side?

12 **A** The other side, right.

13 **Q** Okay. And that's because you think the
14 officer's car was headed towards Northwinds?

15 **A** Yes.

16 **Q** If the officer's car was headed toward
17 West Florissant, what side would they have been?

18 **A** They would have been on the driver's side
19 then.

20 **Q** Okay. When you turn and you saw the boys
21 at the car, were they near the front, near the back
22 bumper or near like a window?

23 **A** Near the door I would think.

24 **Q** And when you turn and look and saw the
25 boys at the car, was the car, was the police car in

1 between you and the boys?

2 **A** Oh, yes.

3 **Q** So could you see if the boys were standing
4 at the car, could you see the boys' hands and what
5 they were doing?

6 **A** No, the car was blocking it.

7 **Q** Okay. Could you see the bigger boy, was
8 his head taller than the police car, could you tell
9 he was standing there?

10 **A** You know, I don't know because I didn't
11 focus in on that, you know. I know people are
12 stopped all the time, so I'm not focusing in on
13 that. I'm trying to get to the trash dumpster, I
14 had food on the stove.

15 **Q** So did you ever make it to the dumpster?

16 **A** Yeah, eventually after I stayed back there
17 for a while and everybody started coming out of
18 their apartments, then I went to the trash dumpster
19 and then I came back around to the front of my
20 building, already they had put the yellow tape up
21 and wasn't letting anybody by. I told the officer I
22 live here in this building, I just went to the trash
23 dumpster, I have food on my stove cooking and he let
24 me beyond the yellow tape.

25 **Q** Okay. So after you came out from where

1 you were crouching or hiding?

2 **A** Uh-huh.

3 **Q** You went and put your trash in the
4 dumpster and then came, walked toward Canfield Drive
5 at that point?

6 **A** Yeah, back around to my building, yes.

7 **Q** You could see the yellow tape was up?

8 **A** The yellow tape was already up.

9 **Q** And then did you go into your building
10 after the officer let you past the yellow tape?

11 **A** Yes.

12 **Q** And then did you ever come out of your
13 building again?

14 **A** Oh, yes. I came back out because people
15 was congregating. I heard all the noise outside and
16 everything. I checked my food and then I came back
17 out on my porch.

18 **Q** So you came outside, but you didn't come
19 down to the ground?

20 **A** Oh, no, I didn't come back down.

21 **Q** So when you came out, well, let me ask you
22 this. When you came back around to get back in your
23 building, did you go in the front way?

24 **A** There's only one way in.

25 **Q** Could you see Michael Brown's body in the

1 street?

2 **A** Yes, I did.

3 **Q** Did you recognize him as the same boy?

4 **A** See, they had a cover on him.

5 **Q** Okay. So by the time you saw him the body
6 was covered up?

7 **A** Covered up, uh-huh.

8 **Q** And then later that day police officers
9 knocked on your door and asked you if you saw
10 something; is that right?

11 **A** Uh, was it that day? I think it was later
12 that day. I'm not sure if it was that day or the
13 next, a detective came up there.

14 **Q** A detective?

15 **A** Yes.

16 **Q** And you talked to him for a couple
17 minutes?

18 **A** Yes.

19 **Q** And then about a week later some FBI
20 people?

21 **A** Yes.

22 **Q** Knocked on your door?

23 **A** Yes.

24 **Q** And you talked to them for a few minutes?

25 **A** I talked to them.

1 **Q** Okay, all right. Ma'am, how is your
2 vision, how is your eyesight?

3 **A** My eyesight is not bad.

4 **Q** Okay. And you and I talk a little bit
5 before you came in here?

6 **A** Uh-huh.

7 **Q** You had told me that sometime after this
8 incident you had cataract surgery?

9 **A** That's correct.

10 **Q** Prior to having the cataract surgery, was
11 your vision impaired by the cataracts?

12 **A** My vision is about the same after I got
13 the cataracts off, uh-huh.

14 **Q** So you didn't think you had a problem with
15 your vision?

16 **A** No.

17 **Q** Did you even know you had cataracts?

18 **A** No, not until the doctor told me they was
19 growing.

20 **Q** Okay. So what about your hearing, ma'am,
21 how is your hearing?

22 **A** I have pretty good hearing.

23 **Q** Okay. And what about, so you don't need
24 anything to aid you with hearing?

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

1 **Q** And how about your memory, I asked you, I
2 told you I was going to ask you about your memory?

3 **A** My memory is pretty good for a person of
4 my age, I would say my memory is pretty good.

5 **Q** Okay. Is there anything about what you
6 saw that day, anything else that you think is
7 important for us to know?

8 **A** I've told you all I've seen, you know.
9 Nothing else I can tell you other than what I saw
10 that day, you know. And I just got through saying
11 what I saw that day.

12 I didn't see the whole incident, like
13 I told the detective and the FBI. All I can tell
14 you is the little bit that I did see.

15 **Q** Okay. And I told you how important it is
16 that everybody who saw something --

17 **A** Yes.

18 **Q** -- comes in and tells what they saw.

19 **A** Right.

20 **Q** All right. And since this has happened.

21 **A** Uh-huh.

22 **Q** Have you participated in any like protest
23 or vigils?

24 **A** Oh, no.

25 **Q** Do you know Michael Brown's family?

1 **A** Other than seeing them downstairs when the
2 incident happened and seeing them on television, no,
3 I don't know them.

4 **Q** How about Ferguson police officers, do you
5 know any Ferguson police officers?

6 **A** I don't know any Ferguson police officers.

7 MS. ALIZADEH: Okay. I don't have any
8 others request.

9 **Q** (By Ms. Whirley) Witness 38, hi, how long
10 have you lived in the apartments?

11 **A** I have lived there years.

12 **Q** Okay. I bet you've seen a lot change over
13 those years?

14 **A** I've seen a lot change, yeah.

15 **Q** What's the relationship with the police
16 then and the residence in that area?

17 **A** I haven't had any incidents with them, so
18 I can't say.

19 **Q** Okay.

20 **A** You know.

21 **Q** You don't know of any particular incidents
22 that have occurred there with the police?

23 **A** No.

24 **Q** Okay. When the officer, I'm going back to
25 the incident, when the officer was inside the police

1 car, I think you said you were going toward the back
2 to empty the trash?

3 **A** Yes.

4 **Q** You heard a series of shots, you thought
5 about five shots?

6 **A** Five or more.

7 **Q** Five or more?

8 **A** Uh-huh.

9 **Q** You may or may not be able to answer it.
10 What I'm trying to find out is was the officer
11 inside the car when you heard the shot or you don't
12 know?

13 **A** See, I had turned the corner when I heard
14 the shots, and then I ran and duck behind some cars.
15 So I couldn't tell you whether he was outside of the
16 car or inside, because I couldn't see. I was around
17 the corner.

18 **Q** Okay. The first shot he was in the car?

19 **A** Yes.

20 **Q** Okay. The others you don't know?

21 **A** No, I don't know.

22 **Q** And you never saw Michael Brown after he
23 was in the street talking to the officer?

24 **A** No.

25 **Q** Was he in the middle of the street?

1 **A** No.

2 Did you notice any other
3 vehicles coming the opposite direction, like they're
4 coming off the West Florissant direction if they was
5 stopped there?

6 **A** No, I didn't. Because I didn't really
7 focus in on that, you know, this is just an everyday
8 Saturday thing where I'm taking my trash down. So I
9 didn't see any, I just didn't focus in on that.

10 Okay. Thank you.

11 **A** Uh-huh.

12 MS. ALIZADEH: Anyone else? All right.
13 This will conclude the testimony of this witness.

14 (End of the testimony of Witness 38.)

15 MS. WHIRLEY: It is October the 20th, 2014
16 it is approximately 1:22 p.m. We are resuming our
17 evidence in the Michael Brown shooting. I'm Sheila
18 Whirley, the 12 grand jurors are present and also
19 the court reporter. Kathi Alizadeh is out of
20 the room right now, she will join us probably
21 momentarily.

22 We're going to start this afternoon with
23 two statements, as much as we can get through, of
24 . He testified here this morning.
25 And as he testified, he spoke to a chief

1 investigator from our office, his name is
2 , I think he pronounces it ,
3 the G is silent. He actually talked with
4 on the phone. That's Grand Jury Exhibit
5 Number 17.

6 And then we have another statement from
7 , which Grand Jury Exhibit Number 49,
8 where he spoke with the FBI. With that bit of
9 introduction we can stop the recording and we'll go
10 ahead and play the phone call. The phone call is
11 like 16 minutes or so, and I think that his
12 statement is less than an hour, so we'll see how
13 much we can get through.

14 (Grand Jury Exhibit Number 49
15 marked for identification.)

16 MS. WHIRLEY: All right. We're back on
17 the record. We are going to top this recording at
18 39:13, 39 minutes, 30 seconds. And then we'll start
19 up there when we meet again.

20 It is approximately 2:29 p.m. This is the
21 end. I'm Sheila Whirley, here with Kathi Alizadeh,
22 all 12 jurors and the court reporter. That
23 will conclude our day, thank you.

24 (End of Grand Jury Volume 14.)

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2 State of Missouri

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County of St. Louis

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of Missouri, duly commissioned, qualified and

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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.

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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

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

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is in all respects a full, true, correct and

25

complete transcript of the questions propounded to

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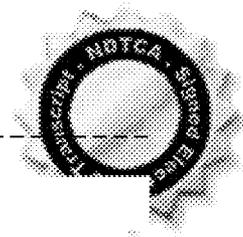
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1 COURT MEMO

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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 XIV

12

13 10/20/2014

14 Name and address of person or firm having custody of
15 the original transcript:

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17 St. Louis County Prosecuting Attorney's Office

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19 Clayton, MO 63105

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2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
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11 Commission expires

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13 Notary Public

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