

(No date/time given)

FBI St. Louis Office

2222 Market Street

Special Agent (FBI)

DOJ Trial Attorney (DOJ)

AUSA

Attorney (Atty for Witness )

SA = SA

DOJ =

Witness = WITNESS

Atty = Atty

AUSA = AUSA

Unintelligible = (UI)

Unknown male = UM

### PART 1

SA : Ok. We are at FBI St. Louis building right now at 2222 Market Street. Um, I'm here...this is Special Agent , call me , with uh, DOJ Trial Attorney , um, AUSA , and..would you mind saying your name?

WITNESS : .

SA : Ok, and then with her attorney...

ATTY : .

SA : Ok. So, .

WITNESS : Uh huh.

SA : As you like to be called, or it's just easier to say.

WITNESS : Uh huh.

SA : Um, I'm gonna explain to you a little bit what I do because you asked that question so I said...

WITNESS : Ok.

SA : ...I'd address it. So..I'm an FBI Agent. And I am, my spec...we investigate lots of things, anywhere from criminal allegations, to national security matters. And I specifically do civil rights investigations.

WITNESS : Ok.

SA : So that includes what most people think, hate crimes, as well as human trafficking, which is the hot button issue right now, and also color of law violations. So that's kind of where we-we make, we hold the police officer's accountable to make sure they're acting within their duties.

WITNESS : Great.

SA : And when they go outside that- that's where, that's what we go ahead and take a look at.

WITNESS : Ok.

SA : So, you have spoken to St. Louis County. And they have a sep..they have a separate intention. They're invest..they're investigating a homicide. That's, not necessarily, we look at it because this is a police officer. It becomes a federal violation. Ok?

WITNESS : Ok.

SA : Do you have any questions about that? I know if...

WITNESS : Um, think I asked them already...

SA : Ok, so that answers your question?

WITNESS : Uh huh.

SA : Ok. So, I also like to just make sure I have all your information properly.

WITNESS : Ok.

SA : So you spell your..and I know how to spell but I just want to make sure it's right.

WITNESS : Ok.

SA : Can you spell your name?

WITNESS : . . . .

SA : Ok. And where's your address?

WITNESS : . . . .

SA : Ok. And how are things going there?

WITNESS : Pretty decent.

SA : Yeah, not too bad?

WITNESS : Yeah.

SA : Good. You can get. you can get to work ok?

WITNESS : Yeah.

SA : Ok.

WITNESS : (UI)

SA : And what's-what's a good contact number for you?

WITNESS : .

SA : Ok. And your date of birth?

WITNESS : .

SA : Okay. And your social security number?

WITNESS : I think oh - .

SA : Ok. ...

WITNESS : ... .

SA : ... .

WITNESS : Yes.

SA : Ok. Wonderful.

WITNESS : Had to just (UI) soon.

SA : Yeah, it's uh..that's how you.

ATTY :

SA : Like in ?

ATTY : Yes.

SA : Alright. Wonderful. So how are you doing today?

WITNESS : I'm ok.

SA : You're ok. And uh, I believe uh, you told Mr. that you were going you're headed to work today?

WITNESS : Yeah, I'm going to go to work when later on.

SA : Ok. So hopefully we won't hold you up too long. What time are you working at?

WITNESS : 12:30.

SA : And where do you work?

WITNESS : Um, off .

SA : Off ?

WITNESS : Yeah.

SA : Ok. What do you do there?

WITNESS : Uh, .

SA : Oh yeah? How do you like that?

WITNESS : I like it.

SA : Yeah.

WITNESS : It's decent. Yeah.

SA : Yeah. St... uh, do you work the same hours every day?

WITNESS : Yeah.

SA : Oh that's nice.

WITNESS : I was off work for a little while, but now I'm back.

SA : Ok. That's good. And things are going good, they-they were ok with you?

WITNESS : Yeah.

SA : Alright. Um, so what-what we like to do is just let you tell what happened on August 9<sup>th</sup>, in your o..what you remember you saw.

WITNESS : Ok.

SA : Er..wait I'm sorry.

AUSA : Yeah, before-before you get into that, if you could uh,there are a few preliminary things I'd like to do that I do with witnesses generally, ok? At first I want to let you know the reason we're and you probably know this already, but the reason we are meeting with you today is I know

that on August 9<sup>th</sup> of this year you talked to a police detective. But we have, you hadn't talked to the FBI yet. Ok, so we wanted to sit down and talk to you about that. My understanding is uh, that you gave a statement to the detective on (UI, microphone is being moved)...about two hours after all this occurred.

WITNESS : About a hour or so, yes.

AUSA : Yeah. Around shortly after it happened, is that fair?

WITNESS : Yeah. Uh huh.

AUSA : And um, he gave you an opportunity to give your statement. You were able...you felt like you were able to give him a-a full statement about what happened that day.

WITNESS : Uh huh.

AUSA : Ok. Did he treat you fairly that day?

WITNESS : Yeah he treated me fairly well.

AUSA : Ok. And-you were able to give him a statement about everything you knew at that time?

WITNESS : Yes.

AUSA : Ok, great. Um, but we wanted to meet you...with you, because you hadn't met with us or the FBI yet. As uh, you know it, I think it's important to note that we are prosecutors on this case. No decision has been made yet about how this case is gonna go.

WITNESS : Right.

AUSA : ...but if at some point we were to go to a trial, ok..it's possible that you would be a witness. And so we wanna kinda flesh some things out today. Alright?

WITNESS : Ok, Cool.

AUSA : One important thing is, we-we want to be able to determine, and a defense lawyer in any trial would do this. We want to be able to determine you know what specifically you actually witnessed.

WITNESS : Ok.

AUSA : As opposed to what anyone else may have told you...what anyone else was talking about in the neighborhood, ok?

WITNESS : Yeah.

AUSA : That's-that's important today, ok?

WITNESS : Ok.

AUSA : Understand that.

WITNESS : Yes.

AUSA : Uh, this is being recorded so uh, as we go forward just keep in mind that if a question calls for a yes or no answer, to say yes or no as opposed to nodding your head or shaking your head.

WITNESS : Ok.

AUSA : Ok?

WITNESS : Gotcha.

AUSA : Just keep that in mind. Alright.

WITNESS : Uh huh.

AUSA : And I may remind you at some points, it's not to be rude, just because that's so that the tape can pick it up.

WITNESS : Yeah.

AUSA : Understand? Great. Uh, feel free to ask for explanation of any question.

WITNESS : Sure.

AUSA : Alright. If you don't understand, then just ask me for an explanation and I'll ask it a different way. Sometimes I get to the end of a question and even I don't know exactly what I'm asking. Ok. So, uh, if we get to that point just feel free to say you don't understand it, and I'll try to explain it, ok. But don't answer any questions you don't understand.

WITNESS : Ok.

AUSA : Um, if uh, same thing if, at some point during this you know what we expect...what we'll do is have you go through what you saw that day. And then we'll probably follow up with some questions after that. If at

some point we misstate anything that doesn't sound exactly right to you, this is-this is you know what you were a witness to, ok?

WITNESS : Yeah.

AUSA : So if we misstate anything, it's, it won't be rude for you to say well no that's not how it happened, or that's not what I saw. So be sure to correct us if we misstate anything only on accident, ok?

WITNESS : Sure thing.

AUSA : Alright. Uh, I'll remind you this is a federal investigation, ok?

WITNESS : Uh huh.

AUSA : And it's uh, it's important that you tell the truth today.

WITNESS : Yes.

AUSA : Un...Under federal law it's a crime to lie to a federal agent in a federal investigation.

WITNESS : Ok.

AUSA : Alright. So you just need to be sure that what you're telling us today is the truth. Ok?

WITNESS : Gotcha.

AUSA : And make sure that uh, if you're not sure, or you-you know...

WITNESS : Yeah.

AUSA : ...you don't recall or whatever, you can say that. That's fine. Ok?

WITNESS : Ok.

AUSA : Uh, but just be sure that if you're and we don't want you guessing or assuming anything.

WITNESS : Ok, no assumptions.

AUSA : Right.

WITNESS : Facts.

AUSA : Exactly.

SA : Exactly.

AUSA : Just the facts that you witnessed. Alright? Ok.

SA : No biases, nothing. Got you.

AUSA : Exactly. Right. Right. That's and that's our goal here is to-is to find the truth. That's-that's why. Right. Exactly. Um, let's see uh, yeah I mean along the same lines, you know don't-don't feel like you need to fill in any blanks. Not...no witness knows everything that happened, ok?

WITNESS : Ok.

AUSA : So if you're not sure, don't feel like you need to fill in the blanks. Just tell us what you saw or heard, ok?

WITNESS : Gotcha.

AUSA : Um, this-this interview is basically a blank slate. That's what I always tell people is you know, we're sitting down here and this is our first time to actually sit down and talk to you. Ok? So as far as anything else that's been said in the past, or whatever we're not concerned about that. This is blank slate. All we want from you is exactly what you were a witness too.

WITNESS : Ok.

AUSA : Ok. And then um, something I go through with-with every witness also. Uh, basically you came here with your lawyer for an interview uh...

WITNESS : Yes.

AUSA : ...of your own free will, no one forced you to be here or anything like that. Is that fair?

WITNESS : Yes.

AUSA : Ok. No one threatened you or coerced you or anything like that?

WITNESS : No. No.

AUSA : And no one promised you anything?

WITNESS : No. No one. Yes, no one promised me.

AUSA : Right. Right. Right. Uh, you're not under the effects of any drugs or alcohol today?

WITNESS : No.

AUSA : Ok. And I don't think that you are, just I have to ask that, ok?

WITNESS : Gotcha.

AUSA : Um, is there anything else that would affect your ability to be accurate and truthful here today?

WITNESS : Um, not that I can think of.

AUSA : Ok. Alright. Um, ok, that's basically what I wanted to go through. That's just the preliminary stuff and I think uh, will kinda wanna ask you about what you saw that day, and I'll have her...

: Can I-can I just say one other thing?

AUSA : Sure. Uh huh.

: If any point you need a break or you want to go out, I know you came with your mom, if you want to talk to her at any point. I know that we're at the FBI and there's security and all that.

WITNESS : Yeah, but...

: You feel free us know if you don't want to talk anymore or if you want a break to talk to your mom, ok?

WITNESS : Ok. Sure thing.

: Uh, at any point if you...we are not trying to suggest any answers. So if you think that...if you get the feeling..

WITNESS : Impression that...

: Impr...right...impression that we're trying to get you say something. We're not at all.

WITNESS : Got you.

: Um, so we want you as-as just said, to make sure you correct us, 'cause we are just looking for the truth. And along the lines of those inside assumptions, so the example that I like to give. I just want to know what you saw and what you heard. So like if you look outside, and you see that the driveway is wet, we just want to know that you saw the driveway was wet. A lot of times people will say oh it rained...

WITNESS : It rained so...

WITNESS : Right.

WITNESS : Ok.

WITNESS : But like really...

WITNESS : I understand that.

WITNESS : ...it coulda rained, it could have been a sprinkler, somebody coulda poured you know some...a bucket of water, who knows.

WITNESS : Ok. So, no fill in the blanks.

WITNESS : No filling in the blanks.

WITNESS : Ok.

WITNESS : It's totally human nature to fill in the blanks.

WITNESS : Yeah. Uh huh.

WITNESS : Right? We all wanna do that. That's what happens in circumstances. But we really just want to know what you saw, and what you yourself heard. Because if you testify at a trial, I mean, defense attorneys are going to make a big deal about what you actually saw and heard versus what blanks you're filling in.

WITNESS : Gotcha.

WITNESS : Ok?

SA : And also, this door is not locked from this side so you can just...you don't even need me to open it.

WITNESS : Ok.

SA : Just for your, you know fire awareness. Ok, so, you know why we're here today. We're here to discuss August 9<sup>th</sup>, 2014. So just take us through where you were that morning.

WITNESS : Ok. I'm in my room getting re...uh...getting ready for work. And I get ok, I'm sorry.. I get a phone call from earlier sayin' that she's gonna be there, couple hours passed so really I was supposed to be gone already. A couple hours passed, I finally get a phone call and it's the exact same moment that I see my phone ringing, I heard a screech in the middle of the street. Same yeah, same thing, I either saw the phones, heard the screech, it happened at the same time.

SA : Ok.

WITNESS : And so, I looked out of my window and saw the police cruiser sitting in the middle of the street. And I saw my \_\_\_\_\_, my manager vehicle in front of it. So it was facin' um which way is this? East...towards, um, I don't know directions but it was facing towards West Florissant...oh perfect (laughs) it was facing, where's my apartment at?

SA : If you want to use this pen right here...

WITNESS : Yeah. Ok, this West Florissant right. Ok. It was facing towards West Florissant, so...

SA : Can you circle your apartment building? Or kinda where...if you can, where you are in the apartment.

WITNESS : Pretty sure this me. Yeah. Think I'm right there.

: If you're not sure...

WITNESS : Yeah, this my house.

: ...I don't want you to guess.

WITNESS : No, this is definitely it, 'cause it the leasing office right there.

: Ok.

WITNESS : That's the first building, around the little circle, 'cause car was right there, his body right there.

SA : Ok. So, go ahead.

WITNESS : That's me right here. Ok, so as I look out my window, I see oh I'm sorry, I heard the um, the phone ring and said \_\_\_\_\_ and I heard the tires screeching in the street. So I just automatically assumed she screeched for some reason or...

SA : Ok.

WITNESS : ...got in some kind of car accident or something. So I just automatically look right out in my window and right now I'm lookin' at the window to the right of me. And I see the police car in the middle of the street. And I see a young man standin', well, I can't see his whole body, but I see the top of his head, standin' next to the front of the police door, on the driver's side. And from that angle, you know, you cannot tell what's

goin' on. So I assume, I don't, well not gonna assume...I couldn't really tell what was goin' on, it was just a lot of movement goin' on by the window of the car. And I'm lookin' at pull into the driveway after a shot was fired. Now, the shot was fired out of the window, and then (talks quietly to herself)okay let's see (UI) ok, I turned around, got my purse, I gathered some items 'cause I was already gettin' my purse together. I gathered some items into my purse and turned right back towards the window. And at this time Michael was runnin' down the street and Darren is chasing him. So, I'm- I'm looking at the officer chase Michael down the street, and my attention gets turned to uh, Monte Carlo or whatever car whatever vehicle was in the middle of the street 'cause I then saw Dorian duckin' behind the car.

SA : Ok.

WITNESS : So, I saw him. And he was also um, duckin' towards or kind of um, how do I...what's the word...crouching and walkin' towards um, West Florissant area 'cause the car was facin' that way. And they were runnin' right past the car behind 'em. So I initially thought that he was in trouble and he was the one hidin'. So, at that point, I turn, go to the next window. 'Cause you can't really see after, from that window anymore. And, go to the next window. And at this time, I heard another shot fired while they were running. After that, he then turn, had his hands in the air, by the time that I saw him have his hands in the air, he got shot I heard two shots like specifically in my head I saw those two shots. And he dropped down like kinda drop hands first, then knee, then face and everything else. So that's why I did not see him move towards the police at any time.

SA : Ok. And then what did you do?

WITNESS : Ok, then after that. I just I immediately ran and got my phone. It was on the charger for like, it was horrible, it was cracked everywhere, so it was on the charger, so surprisingly I even got to the camera, and by the time I walked, actually outside of my door was two police officers on the scene.

SA : Ok.

WITNESS : So that happened really quickly. And the other police officer's car was right here, wait a minute it was right here. And the first one was over here. So now it's two police officers on the scene, and he's standin' over the body. Both of them, sorry...

SA : Ok.

WITNESS : ...are standin' over the body. But..I know that Darren Wilson was the one who shot him because they-they didn't look similar. One was tall and skinny and the other one was kinda shorter, and darker and so he was standin' on the right side, and at that moment, I was just video tapin' him and cryin' at the same time um, just walkin'...

SA : Sure.

WITNESS : ...just walkin' and just pacin' next to the body. And just lookin' like weirded out kind of like not-not I didn't think that was how police look like mostly they look confident after...

SA : Uh huh.

WITNESS : ...you know something...he just looked kinda weirded out. And-and at no point did I see any injuries on him as well.

SA : Ok.

WITNESS : And um,so after that, just recorded the whole scene that took place um, minutes after that. Um, so I saw everything that happened afterwards as well.

SA : Ok.

WITNESS : And that includes when they put the tape around, they kept backing the tape up more and more and more as people were drawin' closer.

SA : Uh huh.

WITNESS : And um, people are just wantin' to know information like what's goin' on? His family got in the...

SA : Right.

WITNESS : ...middle of the street and just you know so people were tryin' to figure out what happened. So before I talked to any media, I gave my statement to the police in um, his vehicle. And that was located right here in this parking lot.

SA : Ok.

WITNESS : So, yeah we were sittin' there, he has my video and recording too.

SA : Ok.

AUSA : He-he audio recorded your statement that day?

WITNESS : Yes.

AUSA : And you had an opportunity to tell him everything that you knew at that time.

WITNESS : Yes.

AUSA : Ok.

SA : But, I just wanna ask up some follow ups before you get in just-just a little clarifying. So if you can do me a favor...so...let's see. Can you...I see you circle can...and, that-that's- that's where your apartment is?

WITNESS : Yes.

SA : What floor is that on?

WITNESS : The third one.

SA : The third floor? So, your-you hear the screech.

WITNESS : Uh huh.

SA : And you say you look out the window.

WITNESS : Yes.

SA : And the phone rings at the same time. What which...

WITNESS : The side one.

SA : The side one right there.

WITNESS : On this window right there.

SA : Ok, and-and you saw where's ...where do you see ?

WITNESS : She's about right here. And the police was about right there. Here...

SA : Ok, draw, let you view, however you want to draw the police..if you want to make an X.

WITNESS : Ok.

SA : Or you wanna draw a rectangle.

WITNESS : He just a straight line 'cause his car was kinda slanted here...

SA : Ok and which way was he, what...which way was the driver? Like make it an arrow.

WITNESS : Ok.

SA : Or there, whichever.

WITNESS : Sure. It was-it was turn..

SA : Faced that way.

WITNESS : Facing that way, yes.

SA : Ok. So you see the officer's car like that.

WITNESS : Yes.

SA : And you said you just saw it moving, you, um, and where was...

WITNESS : No, I didn't, I hadn't seen it move by the time I looked out it was already stopped in the middle of the street.

SA : I'm sorry, let me but you saw the car, you saw Mike standing next to the car.

WITNESS : Yes.

SA : Now...

WITNESS : I could see the top of his head and everything.

SA : ...did you know Mike before this day?

WITNESS : I didn't know that I knew him.

SA : Ok.

WITNESS : And I don't-and I don't I still don't, of course not know his personally so, before this day it was just me and a mutual friend of him, Mike's, his name is \_\_\_\_\_ And we were at his house. So Mike was sittin' in a corner, kinda just sittin' to hisself. I didn't know that it was him. I didn't even know his name.

SA : Gotcha.

WITNESS : He just told me that I had met the guy before.

SA : Ok.

WITNESS : Basically, so I didn't know him personally.

SA : Fair enough. And where does live?

WITNESS : He stay somewhere in Northwinds.

SA : stays in Northwinds?

WITNESS : Yeah.

SA : Do you know-do you know what his address is?

WITNESS : I don't know it. But it's-it's like on the...I know that it's on the right side of the Northwinds complex.

SA : Ok.

WITNESS : If you're goin' this way toward it.

AUSA : Is that ?

WITNESS : I don't know his last name.

AUSA : Or ?

WITNESS : I only know the first name.

AUSA : How long have you know ?

WITNESS : Um, months.

AUSA : Months?

WITNESS : Since last year. I-I know I met him last year but I don't think it's been a full year, probably that I've known him.

AUSA : Close to a year.

WITNESS : Yeah, I might him through my stepbrother.

AUSA : Ok. And uh...

WITNESS : Who also stays in Oakmont.

AUSA : Have you talked to about this as well, since all this happened?

WITNESS : Yeah, we've spoken.

AUSA : Ok. And then uh-uh, Dorian Johnson. I think you referred to him as DJ?

WITNESS : Uh huh.

AUSA : And you did you know him through ?

WITNESS : No I met him um, actually movin' into these apartments.

AUSA : Alright.

WITNESS : It was probably like the first person I met there which is ironic.

AUSA : You moved in about a month before...

WITNESS : Yeah.

AUSA : ...all this happened. You met around then?

WITNESS : Yes. No-no-no I'm sorry. I met ...

AUSA : I'm sorry.

WITNESS : ....awhile ago. Yeah.

AUSA : I meant Dorian.

WITNESS : Yeah.

AUSA : Around then. And, how did you meet Dorian?

WITNESS : I was walkin' down the street and I was like I didn't know anybody so I spoke to him and said hey I'm going to be your new neighbor. That was pretty much it.

AUSA : And did-did the two of you hang out?

WITNESS : Yes.

AUSA : After that.

WITNESS : Yes.

AUSA : Ok, about how often?

WITNESS : Um, well I would see walkin' down the street, would invite him over, just hang out. So probably once a week or every other week after that. Not too often, but not too rarely.

AUSA : After you met him...

WITNESS : Yeah.

AUSA : ...you're hangin' out every week or every other week?

WITNESS : Yeah. 'Cause I know that he lived in Canfield. There was some more people that I knew here.

AUSA : Have you also talked to Dorian about this?

WITNESS : I haven't seen him since it happened.

AUSA : You haven't. Ok. But you have talked to ?

WITNESS : Yes.

AUSA : Ok. And um, just to kinda follow up a little bit on August 9<sup>th</sup>...

WITNESS : Uh huh.

AUSA : You said was comin' to pick you up for work.

WITNESS : Yes sir.

AUSA : Were you working in Illinois at that time?

WITNESS : Um, our office is not in Illinois but we um, our job is based out of Illinois, 'cause we can only do it in Illinois.

AUSA : And but is that...

WITNESS : ...regulation of laws...

AUSA : ...the same job you have on now?

WITNESS : Yes.

AUSA : Ok, so you still have that same job?

WITNESS : Yeah.

AUSA : Alright. And uh-uh, that's on there in the city?

WITNESS : Yes.

AUSA : Ok. Um, at what time were you going to work that day?

WITNESS : Well, we were supposed to...I was supposed to be at the office at eleven or something or...I know no-no, ok we were supposed to be at the office at either 12:30 or 1:00, but she was supposed to pick me up a little

earlier than that. So I think she guess she was supposed to be there around elevenish. But, so she was comin'. She was callin' tellin' or textin' sayin' she was on her way and then I finally got the phone call sayin' probably uh, lettin' me know she was here.

AUSA : Ok. You got a phone call from her?

WITNESS : Yeah. But we never got to actually talk on the phone because right as that happened, it was like gunshots and everything was goin' on so, and I couldn't hear, I'm like hello-hello-hello..she wasn't sayin' anything. And she later just told me she was actually tryin' to get a camera out when she first saw what was goin' on from in front of 'em. (UI)

AUSA : Hmmm.

WITNESS : So that's why she has accidentally called me.

AUSA : Ok. And again, let's not worry too much about what she told you later.

WITNESS : Ok, sure.

AUSA : 'Cause we don't want to mix up what you knew at the time, and what someone told you, ok?

WITNESS : Ok.

AUSA : That's-that's uh, um, alright so she-she called at about the same time that you heard the tire squeal?

WITNESS : Yeah.

AUSA : Was that right? And were the first shots around that time as well?

WITNESS : Yes.

AUSA : Ok, they were all at about the same time.

WITNESS : Yes..

AUSA : And uh, but you actually, you didn't actually connect with when she called, the two of you didn't actually talk at that time?

WITNESS : Yes.

AUSA : But you did that call, is that right?

WITNESS : Yes. Yes sir, we did not talk.

AUSA : Ok. Alright.

WITNESS : (UI)

AUSA : Did you-did you actually see did you actually see the police vehicle when it screeched it's tires?

WITNESS : No, I saw it after it was already in the middle of the street.

AUSA : Ok. Uh, did you see it uh, swerve towards the two young men who were in the street?

WITNESS : Uh-uh.

AUSA : You did not.

WITNESS : No.

AUSA : And again, you just have to remember to say yes or no.

WITNESS : Oh I'm sorry, yes. I'm...no, I did not see that.

AUSA : You did not see the police vehicle swerve...

WITNESS : Right.

AUSA : ...at the two young men?

WITNESS : No.

AUSA : Ok. Um, but you did hear the tires squealing?

WITNESS : Yes.

ATTY : She also identified there's a mark in the street where the tires screeched at.

WITNESS : Yes.

AUSA : Ok. Alright.

WITNESS : Right there.

AUSA : Right there. Um, and then when you looked out you could see Michael Brown on the driver's side of the police vehicle?

WITNESS : Yes.

AUSA : Something was going on there?

WITNESS : Yes.

AUSA : Like in the past you've described it as reaching or hassling through the window something like that?

WITNESS : Yes.

AUSA : Is that fair?

WITNESS : Only because it seemed as he was if he was tryin' to yank away.

AUSA : That Brown was tryin' to yank away?

WITNESS : Yes.

AUSA : Um, looked like they were arm wrestling?

WITNESS : Yes.

AUSA : I mean, that's kind of how you described it. Ok. Um, so there was some sort of a tussle or a struggle between Mr. Brown and the police officer.

WITNESS : Yeah.

AUSA : Alright. Um...

WITNESS : You could-you could just tell.

AUSA : I think you said that Brown was a bigger fellow.

WITNESS : Yeah.

AUSA : And he was-he was able to get away.

WITNESS : Yes.

AUSA : Alright. Um, while watching this you heard additional gunshots?

WITNESS : Yes.

AUSA : Ok. And uh, those were uh, a couple shots were fired before Michael Brown fled?

WITNESS : Yes.

AUSA : Is that right?

WITNESS : Yes.

AUSA : Ok.

WITNESS : Yes.

AUSA : Alright.

WITNESS : (UI)

AUSA : And I- I think you stated before that a couple of those uh, hit Mr. Brown. And one hit a building on the opposite side of you.

WITNESS : Yes.

AUSA : Is that correct?

WITNESS : Yes. The very first shot.

AUSA : Ok, and you...

WITNESS : ...that I...

AUSA : Did you witness that that day? Or is that something that someone had told you about?

WITNESS : No. Um, I'm sorry what happened was the shot came out the window. I didn't originally see where it went.

AUSA : Mm hm.

WITNESS : But, later on I saw the bullet hole in the wall, so of course I...

AUSA : Ok.

WITNESS : ...did the connection, but I did not see where it went at the time as it was happening.

AUSA : Alright.

WITNESS : I saw the bullet.

AUSA : But Mr. Brown did then get away. He was able to pull away from the side of the police car? Is that right?

WITNESS : Yes.

AUSA : Ok. And um, you mentioned before that the...this seemed to upset the police officer, he got and chased Mr. Brown.

WITNESS : Yes.

AUSA : Now around that time I think you told us today that you turned around and you got your purse...

WITNESS : Yes.

AUSA : ... and uh, went to the living room window.

WITNESS : Yes.

AUSA : Is that right? Ok. Um, and at that time you saw Mr. Brown running down the street?

WITNESS : Yes.

AUSA : Ok.

WITNESS : And so at the, oh I also want to point out, at the time of the actual um, the fatal shots...what I-I did not see Darren Wilson actually holding his gun and shootin', I saw when I could only see Brown only because it's a little part in my building that blocked him. So I'm seeing Brown fall to the ground with his hands up.

AUSA : Ok, you couldn't actually see the officer...

WITNESS : Yes.

AUSA : ...shooting?

WITNESS : Yes.

AUSA : You only saw...

WITNESS : But I saw him run towards him, and he stopped basically exactly where I couldn't see him anymore, but I saw Brown.

AUSA : Ok. So you saw Michael Brown but you did not see the officer at the time those two shots...

WITNESS : Yes.

AUSA : Alright. And uh...

SA : Just to clarify, so you were at this window to start you said living room window does it face this way?

WITNESS : Um, my living room window's in the very front right there, and I was..I went basically went to three windows that day tryin' to be nosey, so I started the corner one, looking that way and I then I went to the one right uh, perpendicular to it, on my front, in the front of the building.

SA : Mm hmm.

WITNESS : Which is um, standin' right there, and then is when I went to living room to peek out the blinds.

SA : Ok.

AUSA : And you we talked about you initially looked out that west facing window. That's your bedroom window?

WITNESS : Yes.

AUSA : Ok. And then uh, alright. And at some point you saw the officer get out of the vehicle, he was running , and uh, was he-he was chasing Mr. Brown at that time?

WITNESS : Yes.

AUSA : And did you see Mr. Brown at that time?

WITNESS : Yes.

AUSA : Ok. And you saw Mr. Brown at the side of the police vehicle?

WITNESS : The br...I saw the very-a very..briefest view of Brown.

AUSA : Uh huh.

WITNESS : Until he got blocked by the piece, and I saw the officer, and then I could not see the officer anymore and I could see Brown.

AUSA : Ok.

WITNESS : So it happened in that kinda way.

AUSA : And so when was the first time that you saw Michael Brown during all this?

WITNESS : By the vehicle.

AUSA : Alright.

WITNESS : He was by the vehicle.

AUSA : By the when he was by the police vehicle and they were wrestling there?

WITNESS : Yes.

AUSA : Ok. Uh, at some point you saw a black Monte Carlo. Was that in front of the police vehicle?

WITNESS : Yes.

AUSA : Ok.

WITNESS : Oh no-no, I'm sorry. The Monte Carlo was... if the police vehicle was right there, it was actually behind the police vehicle.

SA : Go ahead and draw it.

WITNESS : Sure thing.

SA : Whatever you wanna do. Yeah, just go ahead.

WITNESS : I keep losin' it. Ok so this is the police vehicle.

SA : Uh huh.

WITNESS : It was right here in front of my building.

SA : Ok.

WITNESS : So that's where the car was parked.

SA : Ok. And I'm just gonna make, I'm gonna put um...

WITNESS : A box or something.

SA : No, I'm just going to say MC, so we know that's you mean Monte Carlo.

WITNESS : Ok. Yeah.

AUSA : Alright, so that was...

WITNESS : And there was also another um.. vehicle...

SA : Go ahead.

WITNESS : ...at the scene. Ok. So. (talking quietly) vehicle was right there. I believe that it was somebody right behind her, and the other vehicle at the scene was on this side of the street.

AUSA : Ok.

WITNESS : But not right there, I'm sorry let me put that...

SA : That's ok.

WITNESS : (UI)

SA : That's fine.

AUSA : You have-you have to keep your voice up so the recorder can hear you, ok?

WITNESS : Ok, I'm sorry. 'Bout right there.

SA : Oh, don't worry about it.

AUSA : You talked about uh, Dorian tryin' to hide behind the Monte Carlo.

WITNESS : Yes.

AUSA : Right. And uh, he was ducking down and hiding?

WITNESS : Yes.

AUSA : Um...

WITNESS : And the Monte color, uh, Monte Carlo, I'm just not sayin' it right for some reason..Monte Carlo doors were open at the time.

AUSA : Mm hmm.

WITNESS : So.

AUSA : And he was back towards the back of the Monte Carlo? Is that right?

WITNESS : No he was towards the front of it.

AUSA : He was towards the front of the car?

WITNESS : Yes.

AUSA : But he was I think you described it as him creeping...

WITNESS : Yes.

AUSA : ...sort of west...

WITNESS : Yes.

AUSA : ...ward...

WITNESS : Yes.

AUSA : Ok.

WITNESS : He start...it's like you can say he started from the back he was goin' towards the front of the door.

AUSA : Uh huh.

WITNESS : Which were was open, so I thought he was just gonna jump in and take off, but that didn't happen.

AUSA : Uh huh.

WITNESS : I also saw at least two people in that vehicle.

AUSA : Alright. And, but Dorian is sorta creeping along, down on his knees westward.

WITNESS : Or not on his knees but like, yeah.

AUSA : Oh creepin' like crouched down?

WITNESS : Yeah. Yes. He was crouched.

AUSA : Ok. Alright. Good.

WITNESS : ...west...

AUSA : And I'm glad you corrected me, that's a good example, ok. If-if there's anything that's not exactly right feel free to correct me, ok?

WITNESS : Yeah.

AUSA : And so he would have been creeping away from the direction of the police officer...

WITNESS : Exactly.

AUSA : ...who was chasing Mr. Brown?

WITNESS : Yeah.

AUSA : Ok.

WITNESS : They were actually going just like this the police officer right here as he's...

AUSA : Ok.

WITNESS : ...kind of right there.

AUSA : Ok.

WITNESS : ...he passed him right up.

AUSA : Alright. And so as they, as the police officer and Mr. Brown continued running east, Dorian had his back to them as he was creeping along the Monte Carlo there?

WITNESS : Yes.

AUSA : Ok. Alright. (clears throat/pauses)...

WITNESS : That-that scene, 'cause that's really the only person that I knew. So that scene was the...particular and that's where my attention was drawn there.

AUSA : And you...so your attention was drawn to the Monte Carlo and what DJ or Dorian...

WITNESS : Exactly.

AUSA : ...was doing, ok.

WITNESS : Yeah.

AUSA : I think before you'd said that it is was ten, twenty, thirty seconds you were focused on what he was doing in the Monte Carlo, is that right?

WITNESS : Yes.

AUSA : Ok. At some point you indicated also the police officer's face was completely red, I think you told Detective that back on August 9<sup>th</sup>, that as he was approaching Mr. Brown, his face was all red. Is that right?

WITNESS : Yes, and it seemed that it was red of anger to me though.

AUSA : Ok.

WITNESS : Not of bruises or anything.

AUSA : Ok. But I don't want you to uh, I mean what makes you think that?

WITNESS : Only because it was like a-a pigmentation kind of like...

AUSA : Uh huh.

WITNESS : ...it wasn't like a-a big red blotch you know what I mean, it was just like a pigmentation of red.

AUSA : Ok.

WITNESS : Like a, you know when you hold your breath kinda red.

AUSA : Ok. But his face was all red. Is that right?

WITNESS : Yes.

SA : So you're sayin' more like all over his face versus in one particular spot?

WITNESS : Yes. That's what I was sayin'.

: So can I ask you just , when you say r..red because of anger, how do you know it's not red because of any other emotion? I mean I understand the distinction between red and bruised.

WITNESS : Uh huh. Yeah.

: But how do you know that you saying anger. How do you it's not, I mean...

WITNESS : Only because...

: Being frustrated, hot, or scared...

WITNESS : ...when people...

: ...or anything else.

WITNESS : Well it could be.

: It could be.

WITNESS : Well yeah I shouldn't associate any emotion particularly with it...

: Yes.

WITNESS : But I was just thinkin' it was more 'cause of maybe emotion or maybe wind hitting your face or something.

: Ok.

WITNESS : Rather than an impact or something.

: Ok, so you're just distinguishing between like you said a-a injury, impact versus emotion?

WITNESS : Yes.

: Ok. But there's nothing that you can tell based on what you saw what kind of emotion.

WITNESS : Yeah.

SA : Like other facial expressions or anything like, you know other things that would indicate.

WITNESS : I mean only as he was runnin' that's the-that's just probably the clearest look I got of him.

SA : Ok

: Ok

WITNESS : ...as he was runnin' down the street. And by the time I came out the door was two people standin' there. And I had already started video recording so I didn't fixate on it too much.

SA : That's fine.

AUSA : Mr. Brown turned towards the officer at one point and uh, is that right? Mr. Brown afte... as as

WITNESS : Oh Mr. Brown, I'm sorry...

AUSA : Yes, Mr. Brown.

WITNESS : I was thinking (UI, talking over one another).

AUSA : Michael Brown turned back, turned back towards the officer.

WITNESS : Yes.

AUSA : Is that right? Ok. And I think you said before that um, uh, in one of your media statements that he tried to put his arms up and you sort of gestured how he did that. That they were sort of can you-can you...

WITNESS : Yes.

AUSA : ...kind of...

WITNESS : 'Cause as I saw it...

AUSA : ...indicate for me.

WITNESS : Yes. As I saw it, it was kind of like a, this like I didn't see it get all like all the way up there so it was like...

AUSA : Ok. He wasn't reaching all the way up in the air?

WITNESS : Not like all the way, like not all extending. So it was like partially is what I was tryin' to get at when I said that.

AUSA : Basically his hands were gesturing or hi-his hands at shoulder level?

WITNESS : Exactly.

AUSA : Ok. Not up above his...

WITNESS : ...not here...

AUSA : Not up above his head, or up...

WITNESS : Yes.

AUSA : ...up other than that.

WITNESS : I didn't see that.

AUSA : Ok.

WITNESS : Or any higher than that.

AUSA : Alright. And I think you said that Brown's hands slowly went up. But did he-he didn't get 'em all the way up before the last shot. Is that right?

WITNESS : 'Cause when I...the final...or the one...the two shots that I remember distinctly as he was falling down...it was like two shots hit him and then it was just-it just went down. So if he did have it up, there was no way I saw that 'cause I just saw it when he went down.

AUSA : You just saw him as he was going down?

WITNESS : Yes.

AUSA : Ok. And at that point he didn't have his hands all the way up?

WITNESS : Yes.

AUSA : Ok. Um, you uh, as I..I think you indicated today that Mr. Brown did not you didn't him move towards the officer at all?

WITNESS : I didn't.

AUSA : Ok. Um, and when Mr. Brown fell to the ground, his arms were at basically at ninety degree angles?

WITNESS : Well that...

AUSA : as he was laying on the ground?

WITNESS : ..his..um..yes, his arms dropped first. Then, to the knee, then his body.

AUSA : Ok. And how were his arms when was laying there in the street?

WITNESS : Think they fell like behind him kind of so they were on the ground, his face like that.

AUSA : Ok. His arms were at his sides?

WITNESS : Yes.

AUSA : Ok. And so his hands would have been down around his hips, and his arms were at his sides, when he hit the ground?

WITNESS : When, while he's on the ground.

AUSA : Ok. Alright. Ok, now I want to um, you know as we go forward here, um, we talked about this a little bit at the beginning. I just wanna you know be clear. I wanna kinda go back through this in some detail. We've done some follow up questions, but I wanna go back through this in some detail uh, just based on some uh, previous statements you made to the detective and to the news media ok? And I know there are a quite a few of them, we tried to go through each of those, ok? Um, but uh, basically as we said before we need to we need to make sure that we're uh, getting what you actually witnessed versus what anyone would have told you or what you would have heard, ok?

WITNESS : Ok.

AUSA : And I just wanna go through you know in detail here what you-what you saw that day, alright? Um, and you know in your I noticed in your initial interview actually you mentioned to the detective, and we already talked about it a little bit today...you mentioned to the detective that uh, the lady across the way's window was shot? And then he asked you about that, whether you had actually seen that. You said no, that..you know people told you about it later, right? And I think that's a good example.

WITNESS : The detective window? I'm sorry..I don't understand your question.

AUSA : Yeah, when-when you first met with the detective on August 9<sup>th</sup>, uh, having listened to that statement, basically that day you had mentioned to him that a lady's window across the way had been shot during this..

WITNESS : Oh ok, yes.

AUSA : You remember that?

WITNESS : Yes.

AUSA : Ok. Yeah. I'm sorry I didn't mean to confuse you. Um, and he asked you a little more about that, but then you made it clear that people had told you about that, that you didn't actually see that happen.

WITNESS : Yes.

AUSA : Is that right?

WITNESS : Yes. (UI)

AUSA : Ok, and that-that's an example of what I'm talking about here, ok? As we...

ATTY : Well let me just interject for a second but you heard that shot, right?

WITNESS : Yes, that shot.

ATTY : She heard it hit the building.

AUSA : Right. And ok, you actually heard the shot...

WITNESS : Yes.

AUSA : ...hit the building?

WITNESS : But, I did not physically see it. No.

AUSA : Ok. And that's fine. That's, but that's what we need to...that-that's just an example of what I'm talking about here..

WITNESS : Ok.

AUSA : If there's something you actually didn't see and-and I know you talked in an initial interview a lot about hearing different shots at different times.

WITNESS : Yeah.

AUSA : Right? And, we need..wh-what we're trying to do is just parse out 'cause it wasn't real clear from prior statements exactly what you heard that day...what you saw that day..

WITNESS : Got you.

AUSA : ...and then, just what other people may have told you.

WITNESS : Right.

AUSA : And just like as we were sitting here today at one point you were talking about how la-later told you...

WITNESS : Oh ok, yeah.

AUSA : ...that the reason you didn't connect on the phone...

WITNESS : Ok yeah.

AUSA : ...was because she tried to take a picture with her phone and you didn't...you never connected on the phone. Now you knew that later.

WITNESS : Yeah.

AUSA : And that's fine. I mean, we want to know that too. But p...we just need to be able to determine..

WITNESS : Just what happened...

AUSA : ...that's because she told you that. Not because you saw that or you...

WITNESS : Ok.

AUSA : ... knew that's how it happened. You understand what I'm sayin'?

WITNESS : I understand, yes.

AUSA : Ok. Great. Alright. Uh, my understanding again is that called you at the same time as the tires squealed. You heard the tires squeal?

WITNESS : Yes.

AUSA : ...and then uh, the first gunshots happened at the same time.

WITNESS : Yes.

AUSA : Is that right? And how many gunshots did you hear at that time?

WITNESS : I heard like about two.

AUSA : Ok, and, uh, you did not actually see those shots though?

WITNESS : No.

AUSA : Ok. And...but all of these things are going on at the same time.

WITNESS : ...But it came...

AUSA : She's calling you...

WITNESS : I'm sorry wh-when I say I didn't see that, one came out of the window, I didn't see where it hit.

AUSA : Mm hmm.

WITNESS : That's what I was tryin' to say. I did not see where it impacted at.

AUSA : Ok.

WITNESS : But then I later saw the police crowded around the building. (talks quieter, UI)

AUSA : Ok. So you're sayin' those first shots that you heard at the times the tires squealed, you did actually see those come out the window?

WITNESS : Yes. At first I seen 'em.

AUSA : Ok. Alright. Alright. And...

WITNESS : (UI) yeah.

AUSA : Ok, so...you-you...ok..and so you that was at the same time th-the tires squealed..you heard those shots?

WITNESS : Yes.

AUSA : Alright. And so did you actually see the police vehicle when it came to a stop...

WITNESS : No.

AUSA : ...that it squealed. Ok. But you did see the shots?

WITNESS : Yes.

AUSA : Which occurred at about the same time as the squealing tires?

WITNESS : Yes.

AUSA : Ok. Um, you were looking out your west...

WITNESS : It all happened so fast.

AUSA : ...facing window? Yeah.

WITNESS : Yes.

AUSA : No, I understand. And this is all going on at the same time right? There's a lot going on.

WITNESS : Yeah.

AUSA : Is that fair?

WITNESS : Uh huh.

AUSA : Ok. You refer...and that's when you're looking out your bedroom west facing window?

WITNESS : Yes.

AUSA : Ok. Um, and then as-as the officer got out of his car, that's when you turned and grabbed your purse to go to the living room window. Is that right?

WITNESS : Yes.

AUSA : And so from the time that you grabbed your purse there, until the time you got to the living room window, you actually did not see what was going on at that time out on the street. Is that right?

WITNESS : Okay, yes. But I saw from when he was by the car running. So I got to it in time from me to see him running.

AUSA : Ok. And that's in front of the living room window?

WITNESS : Yes.

AUSA : Ok, but you didn't see what happened between there?

WITNESS : Yes.

AUSA : Is that right?

WITNESS : Yes.

AUSA : Ok. So you go to the living room window and is that a separate window from the-from the balcony door?

WITNESS : No, that is the balcony door.

AUSA : Ok there's a window in the balcony door. And that's the window you're talking about?

WITNESS : Yeah. And it's just a clear balcony door.

AUSA : When you get there, the uh, blinds are actually closed. You had to open the blinds on the door? I think you've mentioned that previously before, do you recall that?

WITNESS : Um, probably trying to say I had to scoot the blind over, maybe?

AUSA : Yeah. Yeah. I think you said before to uh, Detective ..

WITNESS : I mean they were closed.

AUSA : Yeah, the blinds were closed. You had to open the blinds.

WITNESS : Yeah.

AUSA : Ok.

WITNESS : I didn't, well I didn't if I said that I didn't mean like physically open them like-like draw the little string or anything, I just moved it to the side.

AUSA : Moved it to the side?

WITNESS : Yeah.

AUSA : Ok. Alright. But safe to say then, from the time you left the bedroom window until the time you were able to move the blinds to look out, you weren't able to see what was going on outside at that time?

WITNESS : Yes.

AUSA : Ok. And I'm just trying to get the time frames down...

WITNESS : Gotcha.

AUSA : Ok? Alright. Ok. Alright, um, and um, in-in that August 9 interview you mentioned that...you said something about the way that you heard it, was that Brown was shot while he was trying to pull away from the guy. Do you recall that-that?

WITNESS : Yes, that was the first shot I was talkin' about.

AUSA : Ok, and was that something that you heard from somebody...that someone said Brown was tryin' to pull away? At the time the first shots happened? Is that something that someone would have told you, or is that something that you actually would have witnessed at the time the tires squealed and the first shots.

WITNESS : Well, that's-that's actually what I witnessed because that's what I was talkin' about when I said it was like a tussle...

AUSA : Mm hmm.

WITNESS : ...then that first shot...the first (UI)

AUSA : And you witnessed Mr. Brown at that time and the officer tussling?

WITNESS : Yes.

AUSA : Ok.

WITNESS : Of course I had a limited view of that. But what I...from what I could tell, but as far as you sayin' something like um, he was trying to pull away, that is something that may have been said later on as well, but that is something that I saw as well.

AUSA : Ok. Alright. But you're sayin' that you actually did see that that day?

WITNESS : Yes.

AUSA : Not just something...

WITNESS : Yes.

AUSA : ...that's not just something that you heard later?

WITNESS : Definitely.

AUSA : Ok. Um, you uh, indicated in that interview before you actually exit the house on the balcony, you heard additional shots.

WITNESS : Yes.

AUSA : Is that right? Ok. You...so you heard those, but didn't actually see them at that time?

WITNESS : Yes.

AUSA : Ok. You heard the shots, but didn't see them.

WITNESS : Yeah.

AUSA : And so that's the second group of...

WITNESS : There were a lot of shots. Yes.

AUSA : ...that's the second group of shots.

WITNESS : Yes.

AUSA : Ok. Uh...

WITNESS : 'Cause at that time, I was goin' to get my phone.

AUSA : Mm hmm. Ok. At the patio door you heard additional gunshots?

WITNESS : Ok, wait a minute. Wait let me get the timeline right. When I was at the...by the time I was at the window, there had already been the shots. So the door, by the time I went and got my phone, I'm pretty sure the shots were over because he was lying in the street dead already.

AUSA : Ok.

WITNESS : So yeah, by the time I was getting my phone, the shots were over, and I- I think they had been done.

AUSA : Ok, so you didn't go back get your phone until after Michael Brown was laying in the street?

WITNESS : Yes.

AUSA : Alright. But uh, at the patio door though you hear these additional gunshots, you didn't see those shots, you heard them?

WITNESS : At the...yes.

AUSA : Ok.

WITNESS : Now, the...oh, the additional gunshots as I was movin' from my bedroom to the living room.

AUSA : Ok. And to the patio door there? But that's where you were going, in the living room?

WITNESS : Yes.

AUSA : Alright.

WITNESS : And then, as I got to the door, that's the moment that I saw when Brown turned around.

AUSA : Ok. Um, you'd mentioned in that interview that at one point you were kinda tryin' to stay behind the door because of the shooting that was going on. Is that right that you were sort of trying to stay behind the door while the shooting was going on?

WITNESS : Behind my balcony door.

AUSA : Yeah.

WITNESS : Yes.

AUSA : Ok. Um, he...I think you'd even mention in that interview at that point you thought maybe someone was shooting at the police. Obviously that turned out not to be the case. But at that point that might...that was one of your impressions that maybe...

WITNESS : 'Cause there was so many...

AUSA : ...someone was shooting at the police?

WITNESS : ...so many shots. Yes.

AUSA : Ok. Alright. You um, yeah, you'd indicated that you heard several more gunshots and it sounded like chaos out there.

WITNESS : Yeah, like...

AUSA : That's you...

WITNESS : ...it sounded like it was a back and forth shot motion, but it was just one gun.

AUSA : Ok. And, at that time your impression was that maybe somebody was shooting at the police, not vice versa. Is that right?

WITNESS : Not vice versa?

AUSA : Or...

WITNESS : I mean, I was just, you know sayin' like as an example when I said that. But as...it..didn't..I mean I couldn't tell you know who...whom was shooting.

AUSA : Ok.

WITNESS : By the time I was just out, you know not at the window at the time.

AUSA : Right.

WITNESS : But it just sound like if I had already heard the police shoot, I didn't think they were just keep shootin'. I thought maybe somebody was shootin' back..kinda thing.

AUSA : Ok.

WITNESS : So yeah, I didn't think the police would have shot that many times, so that's what I was sayin' that.

AUSA : Right, and on the way...

WITNESS : ...maybe somebody was shooting at them.

AUSA : ...on the way to the balcony door, you're not able to see what's going on out there but you're-you're hearing what you described as chaos..

WITNESS : Exactly.

AUSA : ...all these shots. Ok. And one thing that crossed your mind is that someone might be shooting at the police. But that was just again...that was sort of an assumption on your part. Is that right?

WITNESS : Yes.

AUSA : Ok. Um...

WITNESS : So in all, probably saw a good three shots. Just the first one that had exit the window and then the last one...or the final two that I remember that.

AUSA : Ok.

WITNESS : Yeah.

AUSA : Alright. So you think there was just the one shot at the vehicle, at the beginning?

WITNESS : At the beginning but then there's another shot as he was running away.

AUSA : Ok. And you did not witness that shot though?

WITNESS : No.

AUSA : Ok. Um...

WITNESS : I saw the police runnin'.

AUSA : ...ok you saw the police officer and Michael Brown running?

WITNESS : Yes.

AUSA : Ok. After you saw the officer running initially that's when you focused on the Monte Carlo and Dorian Johnson for somewhere around ten...

WITNESS : Yes.

AUSA : ...twenty thirty seconds, is that right?

WITNESS : Yes.

AUSA : And like you mentioned he was...

WITNESS : And that's when I heard the shot.

AUSA : Right, and that-that was a person though that you knew out there.

WITNESS : Yes.

AUSA : Dorian Johnson. And that's when you heard the shot but didn't necessarily see it?

WITNESS : Yes.

AUSA : Ok.

WITNESS : I'm looking at him but I'm noticing they're running, but I heard that shot while I'm lookin' at him.

AUSA : Ok. And while you're looking at him, then you're not focused on the officer and Mr. Brown...

WITNESS : Exactly.

AUSA : ...or what's going on there. Ok. Um, and you see what I'm doing here. I'm basically just trying....

WITNESS : Yeah.

AUSA : ...to determine what you saw...

WITNESS : Exactly.

AUSA : ...as we go through this.

WITNESS : And what I heard.

AUSA : Right. Ok. Um, and did you see...we've talked a little bit about what all went on here, but, a-and it's not real clear to me. Did you see Mr. Brown for the first time at right before he was-right before the last two shots? I mean is that when you f...when as you went onto the balcony. Is that when you first saw Mike Brown?

WITNESS : Um, before I got to the balcony.

AUSA : Ok.

WITNESS : Well, I'm-I'm-I'm mean at...before I actually stepped foot outside of the...

AUSA : Ok.

WITNESS : ...my apartment.

AUSA : Is that-that was the first time that you actually Mike Brown that day?

WITNESS : Yes.

AUSA : Ok. Alright. So you hadn't actually seen Mr. Brown as he's running from the police?

WITNESS : No. Before that yeah. Ok what, are you saying' for the whole entire day?

AUSA : Yeah.

WITNESS : Ok, yes. No. I saw Mike Brown the very first time I saw him was when he was at the police door.

AUSA : Ok.

WITNESS : That was the very first time I saw Mike Brown.

AUSA : Ok. Alright. And then you see him again as the police officer is chasing him...

WITNESS : Yes, he-he ran then he got blocked by that view. And then I ran..I'm sorry, then the police officer ran.

AUSA : Mm hmm.

WITNESS : And that's when I'm lookin' out the um, at the Monte Carlo as well as he's runnin'.

AUSA : Ok.

WITNESS : So that police officer is runnin' as I'm lookin' at the Monte Carlo.

AUSA : Right.

WITNESS : As I'm lookin' at the Monte Carlo I heard the shot. So I looked back up. And then I'm lookin' at Brown turnt around, already with his hands up.

AUSA : Ok.

WITNESS : And so then it must have been...I didn't see additional shots hit him. That's the thing, I only remember those final two. I guess I can't recall, I can just remember those-those final two shots that I saw.

AUSA : Alright. And, when...at the time that you, I think you said before, at the time that you looked over there at Michael Brown and the officer, you took your attention from the Monte Carlo to them. Michael Brown...you saw the shots and you see him basically falling towards the ground when you-when you first see him at that point.

WITNESS : Exactly.

AUSA : Is that right? Ok. And his hands or...you don't know if he got 'em all the way up or not but they're basically sort of at shoulder height.

WITNESS : Uh huh.

AUSA : And they're coming down as he's falling?

WITNESS : Yes.

AUSA : Ok.

SA : I'm sorry. I'm confused. And this is just could be because I was writing during it, but, you saw...you were at your bedroom 'cause it just helps me to picture where you're at.

WITNESS : Ok.

SA : You're at your bedroom. You hear a screech...you're in your bedroom..you go to the window. You see Mike Brown standing next to the car...

WITNESS : Mm hmm.

SA : And some sort of movement.

WITNESS : Yes.

SA : You hear a shot? Or you see a shot?

WITNESS : Yes.

SA : You see a shot. And you hear, you think..it went..it hit a building?

WITNESS : Yes.

SA : One shot or two shots?

WITNESS : I-I heard one that one shot.

SA : One shot. Ok.

WITNESS : Yeah, at the car.

SA : Ok. And, he...they start running, or Mike starts running away?

WITNESS : Mm hmm.

SA : And that's when you move...

WITNESS : Yes.

SA : ...So you move to the living room? Because I think where I'm getting confused is here when you get to the window is exactly when he was shooting. Or were...or when you get to the window you're looking through your blind..you're peeking through the blinds...

WITNESS : Uh huh.

SA : ...moving up however, but we'll just 'cause that's what I think of peek. You see Mike running away and you...

WITNESS : Ok so let me tell you the exact two things that I saw. It's like I missed-I missed...

SA : ...but when you go...

WITNESS : ...some part of it.

SA : Ok. But tell me...so you moved to the living room?

WITNESS : Uh huh.

SA : What is... (WITNESS talking quietly)...that's what I  
wanna clar...when you said three windows but during all this is going on,  
is it just the two. It's just your bedroom and then a living room?

WITNESS : There's two windows in my bedroom. They're right next to each other.

SA : Oh ok.

WITNESS : Yeah. So it's...they're right next to each other.

SA : Ok. Ok. So your, well, we'll just say bedroom.

WITNESS : Ok, yeah.

SA : So bedroom window. So now, Mike starts to run away you go to the  
living room window?

WITNESS : Yes.

SA : Ok. So take me from there.

WITNESS : Ok. Now, as I'm at the living room window. Ok, this is the part that I  
said...I feel like where you're getting confused 'cause like this is the part  
that I missed myself. So, he's runnin', he's scattered already. As I see  
what I see as I get to the window is Brown, I'm sorry um, Wilson runnin'  
this way.

SA : Ok.

WITNESS : Monte Carlo's right there. I see uh, my attention draws to Dorian.

SA : Ok.

WITNESS : Ok, now at that point, I draw my attention upward just to see Mike  
Brown as he's turnin' around.

SA : Ok.

WITNESS : Now there's somethin' I missed right there 'cause I didn't see the uh,  
like any...all the additional shots hit him 'cause I only remember those  
final two before he fall.

SA : Where did he turn around?

WITNESS : Around there.

SA : Around...

WITNESS : This area.

SA : Ok.

WITNESS : Yes.

SA : You wanna just draw, draw a "B". And where he turned around, is that the same place where he fell?

WITNESS : Yes.

SA : Ok.

WITNESS : That's what I saw. That's why I said I did not see him move anywhere. 'Cause I saw him turnt around...

SA : This right here.

WITNESS : Yes.

SA : Ok, let me just, I'm gonna just...

WITNESS : And I did say that missed the...whatever shots hit him or whatever, but as I looked again, he got hit two extra times but he was in the same spot.

SA : Ok.

AUSA : Ok. And um, now, uh, at one point in the-in the previous interview and this wasn't real clear to me, in August 9 of 2014, when you talked to Detective .

WITNESS : Uh huh.

AUSA : At one point you'd in-you had indicated that when you actually, when you got to the door there, and were exiting onto the patio, Mike Brown was already down. When you f...when you saw...when you walked out there, he was down on the ground, and I don't know if he was actually falling to the ground or he was actually down on the ground...

WITNESS : He was on the ground.

AUSA : ...but, he was on the ground?

WITNESS : Yes.

AUSA : Ok. So when you actually got to the patio door and were exiting there, he was-he was down on the ground at that point?

WITNESS : By the time I got back with my phone.

AUSA : Ok, you're talkin' about going to get your phone and then going back outside?

WITNESS : Yes.

AUSA : Ok. And he was already down on the ground?

WITNESS : Yeah, he had already been killed.

AUSA : Ok. And, now, but-but in that-in that interview you at one point you seemed to indicate that you didn't see Mr. Brown a...at that...on that...during all this...didn't really see Mr. Brown until he was actually...until you were exiting onto the balcony. Ok? Do you recall that...that you had a discussion with the detective?

WITNESS : No, what I said was I meant was I didn't see him while I was looking out my balcony.

AUSA : Ok.

WITNESS : I saw...looking out...when I exit the balcony everything had been said and done. So by the time I was outside of my apartment he was already down on the ground. I saw everything before I exited my apartment.

AUSA : Ok. Alright.

WITNESS : So, if I mighta said...

AUSA : Um...

WITNESS : ...that I was on-on my balcony, I didn't see anything from on...like standing...

AUSA : Or that you were...

WITNESS : ...outside.

AUSA : ...that you were exiting onto the balcony...

WITNESS : Yeah.

AUSA : at...and...

WITNESS : What I meant was...

AUSA : ...that's-that's when you first saw Mike Brown?

WITNESS : Yes. No, but that's not when I first saw Mike Brown.

AUSA : Ok.

WITNESS : I had already seen Mike Brown.

AUSA : Ok.

WITNESS : I first saw Mike Brown dead as I was exiting the balcony.

AUSA : Alright.

SA : Ok.

AUSA : I wanted to clear that up. Ok. Um, we had talked a little bit about you know the-the issue with where the bullet...that-that bullet that hit the neighbor's window?

WITNESS : Uh huh.

AUSA : And, you know, people telling you later that that's where it hit and that kinda stuff.

WITNESS : 'Cause that was the loudest shot. That's the one I remember because, it was actually the closest to me as well so that was the loudest shot I heard.

AUSA : Alright. At one point during the interview on uh, August 9 of 2014 you'd mentioned that um, someone had-had indicated to you that the guy was unarmed and put his hands up. You-you said that she said that the guy was unarmed and put his hands up. And was that just about...I mean, did you know at the point...at that time?

WITNESS : I didn't know if he was unarmed or not.

AUSA : If he was armed or not.

WITNESS : Yeah, but..

AUSA : But someone else had told you he was unarmed...

WITNESS : Yeah.

AUSA : ...and put his hands up. Is that right?

WITNESS : Yeah, everybody was saying he was unarmed.

AUSA : Ok. Alright. Was that that you would have been referring to?

WITNESS : Um, no.

AUSA : If you know...

WITNESS : She didn't tell me if he was armed or not.

AUSA : Ok.

WITNESS : I don't remember, maybe.

AUSA : Do you know who-who she was?

WITNESS : It was a couple of people talkin' outside. They were sayin' he was unarmed, he was unarmed, so...

AUSA : Ok. Alright.

WITNESS : That's where I heard the expression.

AUSA : They were saying that he was unarmed and put his hands up?

WITNESS : Yes.

AUSA : Ok. And, if I understand your statement today, you didn't actually see his hands go up above his head...

WITNESS : Yes.

AUSA : ...or straight up. When you saw him...

WITNESS : They were not all the way extended, no.

AUSA : ...he was-he was, when you f..correct me if I'm wrong, when you first saw him he's falling towards the ground and he has his hands sort of at his shoulder area.

WITNESS : When I first him, he was turning around.

AUSA : Mm hmm.

WITNESS : And that's where I said I missed some part because I didn't see any other extra bullets hit him.

AUSA : Uh huh.

WITNESS : I saw those last two.

AUSA : Ok.

WITNESS : And that's when he was fallin' but he was in the same spot when I saw him.

AUSA : Ok. Great. Alright. Uh, you did talk to...

WITNESS : And I didn't...and also I couldn't see actual Darren Wilson firing at him because he was blocked by the little blockage in front of mine.

AUSA : So those...those final two shots. You did not actually see Officer Wilson fire those shots?

WITNESS : Yes, I couldn't see him.

AUSA : Ok. Um, ok. Why don't we uh, take a quick break and um,  
: Alright.

AUSA : Ok? Yeah, we've been going for a little while now. Why don't we take a quick break, alright, just a couple minutes, and we'll leave the recorder going just so you know...

WITNESS : Ok.

AUSA : ...roll on. You know, don't have to explain that we shut it off, or...

WITNESS : Ok.

AUSA : ...turned it back on or whatever. We just wanna have a complete record. Ok?

SA : You don't have to stay in the room though. If you want you go...

WITNESS : Oh yeah, I was fittin' to get up.

AUSA : Ok.

SA : I was gonna...I didn't-I didn't want you to stop.

(break, voices in background, interview starts up again at 56:35)

(UI)

AUSA : Alright. Ok, I don't think we have a whole lot longer here.

WITNESS : Ok, I was just fittin' to say.

AUSA : Uh, and I know you're tryin' to get to work.

WITNESS : Yep.

AUSA : Ok. Now uh, I wanted to uh, one thing...one reason we took the break is, you know I, we've talked a little about your statement to Detective back on August 9 of-of this year. That was uh, at 2:19 p.m. which is just shortly after the shooting right,.that's...

WITNESS : Ok, right.

AUSA : Yeah. And um, there were, basically there were uh, some things in that that we a little bit different from what you're sayin' today and uh, and I talked about it, she's actually has listened to that.

WITNESS : Uh huh.

AUSA : Ok, and is-is familiar with it. And we had talked about it and just wanted to uh, before we finish here today, just kinda go over that, ok?

WITNESS : Ok.

AUSA : Alright. And...  
: Yeah, I know, there was just, I mean, there was a part and will go over the specific parts, but, you know, on that day when you talked Detective um, you-you basically denied ever seeing anything, any kind of tussle at the car or anything like that. And so, we just wanted to talk to you about that. Because, look I know afterward, everyone's been talking. I mean clearly it's been all over the news. And it's-it's the biggest you know conversation not only on your block but you know everywhere. And so, like if we talked about, it's natural human nature to fill in the gaps to try to figure out what happened.

WITNESS : Uh huh.  
: Um, from talkin' to or your other friends, and we won't go and say told us this, I mean this is why we-we do these interviews separately. We-we like to keep everyone separate so we can figure out what you know. 'Cause, I...everyone has a piece of the puzzle. You know, you don't...it doesn't rise and fall on you. You just have a small slice of what you know.

WITNESS : Yeah.  
: And so, that day...you, I mean right afterward you denied ever seeing it, and so, and then you know, then being on the media and in here...

WITNESS : Which part um, did I say? 'Cause I said that I had um, originally saw the vehicle stop and saw Michael right there.

AUSA : Well let's-let's talk about that.

: So-so-so...

WITNESS : Ok.

AUSA : And we'll...and we'll just, and that's...I-I want you to be aware of what we're talkin' about.

WITNESS : Ok yeah.

AUSA : And on uh, August 9<sup>th</sup> when you talked to Detective um, and I know that, you know you've indicated he gave you an opportunity to say what you wanted to. And-and I think even in the statement you-you indicated that. So I just...that's why this was kind of a question we had. Um, you indicated to Detective uh, that you did not see the-the "hassle" between the officer and Mr. Brown.

(voices talking quietly)

AUSA : Yeah, that's your mom at the door?

WITNESS : Yes.

AUSA : Ok.

(voices talking quietly – talk about purse and lighter)

WITNESS : Ok. Sorry about that.

SA : No worries.

AUSA : Ok.

WITNESS : Ok. Where were we?

AUSA : Is uh, you had indicated to Detective that you heard the scurr... or the-the squeal of the tires, right? And you-you indicated you thought that somebody might be hurt, or said something was going on. 'Cause you didn't actually see that?

WITNESS : Yes.

AUSA : Ok. Is that right?

WITNESS : Yes.

AUSA : Alright. And then you indicated to him that you didn't see the hassle or the tussle at first, and then you went on to say I did see him uh, get out of the car and run in a hurry. But you indicated at that time that you did not see what was...you did not see the tussle between the police officer and Mr. Brown at that time. Ok?

WITNESS : Well actually what I saw wh...I have...what I was tryin' to tell everybody is that I had a very limited view of what I saw.

AUSA : Uh huh.

WITNESS : So, I may have interpreted what I call as a tussle, but it looked as if they were...he was pulling away from the car.

AUSA : Ok.

WITNESS : Because I saw Brown, the top of his head at the car. From where I was standing. And he was doing that kinda thing, like yanking away.

AUSA : Ok. And so what you're telling us here today is you did see the tussle between...

WITNESS : Yes.

AUSA : ...the officer and Mr. Brown?

WITNESS : Yeah.

AUSA : Ok. And, but that's what I'm trying to make clear is that on-on August 9<sup>th</sup> you told the officer that you did not see the tussle. Um, you said that you heard the tires squeal, you thought that somebody was hurt. You heard three gunshots and then you came to the window at that point, so that you wouldn't have seen the-the tussle before. Ok?

WITNESS : Um, well...

AUSA : That's what you'd indicated to Detective .

WITNESS : No, I came to the window right as the car screeched and my phone rang, it was simultaneously, so...

AUSA : Ok. So if you told Detective that on that day then-then...

WITNESS : I don't know.

AUSA : That-that wasn't...

WITNESS : 'Cause after...

AUSA : ...the case, is that right?

WITNESS : ...after I did um, talk to the police, I then...like after that whole day, I wrote down the time of everything what I saw.

AUSA : Uh huh.

WITNESS : And then that's what I've been going off of.

AUSA : Ok.

WITNESS : I wrote down to myself everything that I saw. 'Cause people were sayin' that, you know, people are gonna try to get me to...

AUSA : Uh huh.

WITNESS : ...you know say a lot of stuff, so I just literally wrote down what I saw...

AUSA : Ok. And...

WITNESS : ...and I still go along with that.

WITNESS : And we're not trying to get you to say anything. We just want to make sure what you're telling us is what you yourself...

WITNESS : Yes.

WITNESS : ...observed versus sometimes we-we don't even realize we're doing it. We're filling in the blanks in our own minds.

WITNESS : Uh huh.

WITNESS : Like when you look at a picture of a birthday party from when you were five.

WITNESS : Uh huh.

WITNESS : And the picture, you think you remember it, but really you don't remember the actual party, you just remember what you see in the picture.

WITNESS : Ok.

WITNESS : And so we're trying to...I don't know if that makes sense or not. We're just trying to figure out what you actually saw. Because...

WITNESS : Ok.

: ...you know when you with Detective right within a couple hours, it's-it's, I mean you told him that you didn't see that part, so we wanna...we, you know so it's natural for us to assume you don't have that piece of the puzzle. That's not to say it didn't happen.

ATTY : Well, could I say something? One of the things that she told me was that she could not...because of her vantage point, and because they were on the other side of the car, she couldn't really state definitely what was going on.

AUSA : Right, but...

ATTY : But she could see...

AUSA : That's-that's not what...

ATTY : ...the pulling away.

AUSA : ...that's not what she said on August 9<sup>th</sup> though...

ATTY : Ok.

AUSA : ...what...and-and I'm referring to pages five and eight here of her statement. Um, on page eight you said "as soon as I heard the scurrrr"...which that would be your...how you describe the...

WITNESS : The screech.

AUSA : ...the screech of the tires. "I heard three gunshots. Boom. Boom. Boom. And then I came to the window." So what you're saying on that day is that you didn't go to the window until after, you know calls, you hear the tires squeal, and you hear the shots, right? All at the same time, and then you went to the window. That's what you were saying here on August 9<sup>th</sup>, ok?

WITNESS : Ok.

AUSA : Um, and uh, I mean today you've told us obviously something other than that. Uh, but at that time and again this is two hours after all this occurred, you're telling Detective that you did not see that tussle.

WITNESS : Right.

AUSA : You did not see the first three shots.

WITNESS : I specified that it was three?

AUSA : You did. Yes.

WITNESS : Ok. So I said I heard three shots?

AUSA : Right. And I know today that you-you said you thought it was...

WITNESS : Two.

AUSA : ...you know two but...

WITNESS : Yeah. (UI)

AUSA : The-the-the more important thing is that at that time, just shortly after, and would you agree with me, that obviously at that time your memory would be better of an event that happened two hours before, than today. Is that fair?

WITNESS : But it, I think it also has to do with how comfortable I felt with talking to police in general.

AUSA : Well, I understand that, but you know we talked about that today.

WITNESS : Yeah.

AUSA : And he gave you the opportunity to tell him everything you wanted him to know, right?

WITNESS : Yeah he did.

AUSA : Right. Ok.

WITNESS : Definitely everything I wanted to tell him.

AUSA : Or everything you wanted to tell him.

WITNESS : Yes.

AUSA : Right? In-in fact on page 28 of your statement, uh, he asked you if there was anything else that you feel is important that we should know.

WITNESS : I didn't think I should tell him anything else.

AUSA : Right. And you...

WITNESS : Especially and not until I got a lawyer.

AUSA : Ok. Well, and-andhe asked you "Is this your best recollection of the incident?" And he asked you, "You're not leaving anything out?" And

you said "No." And then he said "You're not embellishing anything?"  
And uh, you said "No, not exaggerating anything."

WITNESS : Yeah.

AUSA : And he asked you "Is this your most truthful statement that you have?",  
right? And you said "Yes sir". Ok? So, now, you know we've talked a lot  
about it. I mean if-if afterwards people are...in fact, in this actual  
statement, you mentioned um, that the wh...you-you actually told him  
the way you heard it, Brown was shot while trying to pull away from the  
guy. Ok, 'cause you had already told him you didn't see the tussle, but  
you told him "The way I heard it, he was trying to pull away from the  
guy." And, I don't know if that's why today you think you saw it, but at  
that time you didn't. If someone told you at that time...and this would  
be just two hours after...

WITNESS : Uh huh.

AUSA : ...so you would have already talked to somebody who would have said  
to you "He was shot while he was trying to pull away." You see my  
point?

: We're just concerned, we just want to make sure that we, you know...

WITNESS : Yeah, I understand.

: ...you're telling us what you saw. And so when we-when we listen to  
that statement...

WITNESS : Right.

: ...we're like ok.

WITNESS : And now I'm tryin' to differentiate like...

: ...yeah. And that, and take whatever time you need. We need you to like  
have a picture in your mind what you saw.

WITNESS : Ok.

: Alright, so if it's...

WITNESS : And I've written it down. I've talked about it. This is like, this is the  
act...this is my account that, ya know I remember.

SA : Do you still have that?

WITNESS : No.

AUSA : Well and today...

SA : The written (UI)

WITNESS : I burned it

AUSA : ...um,are you going-are you going today by what you wrote down or by your independent recollection of what actually what happened that day?

WITNESS : What I wrote down.

AUSA : Ok.

WITNESS : 'Cause this is what I've been talk...I mean this is...well, what I-I recollected everything and then I wrote it down.

AUSA : Ok.

WITNESS : Of course, and then I've been goin' off of that.

AUSA : Do you still recall it today or are you just going by what you wrote? I mean...

WITNESS : Well, same thing.

AUSA : Ok.

: And when you picture it in your mind, right?

WITNESS : Yeah.

: And so...

WITNESS : And I've been doin' that a lot. That's why I've been tryin' to get all my facts clear, like this is where I...this is when I saw him to this, and, is what happened when I saw him turn around and then I was tryin' to tell you I didn't see exactly every little piece of bullet that hit him and then...

: And-and we appreciate that you-that you was making that-making that distinction for us. But when you hear the tires squeal.

WITNESS : Mm hmm.

: Um, by the time you go over to the window...is...I mean is Michael Brown getting out of a car and running?

WITNESS : Michael Brown was at the...he was at the door while-while I was looking out the window. 'Cause he had not ran yet.

: Ok, and you say...

WITNESS : He was still at the car.

: ...you said your view was obstructed.?

WITNESS : Yes.

: What was your view obstructed by?

WITNESS : Ah, no, um, it was just limited...

: Limited.

WITNESS : Um, only because the way the police officer was...his car was and the way I was at the window. It was limited.

AUSA : And I-I had mentioned this a little bit before but Detective asked you after you'd explained to him that you didn't see the tussle at the side of the car, you-you said you did see the police officer running uh, but you didn't see Brown at that time. And he asked you "Where were you at when you first saw him?" referring to Brown. You said, "I was looking out my door," and he says "Ok, so were you inside your apartment or outside your apartment?" and your response was "I was in it, but the door was open so I was exiting-exi-exiting out as I was looking at him." So what you're saying that day is that the first time you saw Mike Brown that day, as opposed to the police officer was actually as you were ex-exiting the balcony. Ok?

WITNESS : No, and...I actually saw Brown...like the whenever I exited was after he was dead, so...

AUSA : Mm hmm. Well, and that's...

WITNESS : As I'm seeing Brown...

AUSA : ...that's my question is...I mean did you...at the time that you fir-first saw him that day was that when he's falling to the ground? Or when he's on the ground? Because at this time, what you'd indicated on August 9<sup>th</sup>, what you indicated to Detective was...you did not see the tussle. You did see the police officer running.

WITNESS : Ok, no. Ok, I-I know what you're talkin' about. I remember now. When he asked me that he said did I see the initial interaction and that was

before the police officer car had screeched. I told him that I did not like when he...when they were sayin' "Get the fuck," all of that, I was tellin' him that I had not saw that part. So I think that's exactly what I was referring to, 'cause I kept saying that I didn't see not..anything that happened before the tires screeched which was the actual interaction, and they said um, Michael Brown and um, Dar..Darren Wilson had a physical interaction or something like that. I was tellin' him I did not see that. I only saw while he was next to the car.

AUSA : I understand that you wouldn't have seen what happened before the tires screeched and all that. But what you said on August 9<sup>th</sup> is that...

WITNESS : ...after tires screeched.

AUSA : Yeah...the tires screeched, on August 9<sup>th</sup> you said the tires screeched, you heard three shots. And uh, and then you-then you went to the window. Um, and uh, so you-you say "I did not see the tussle at first, but I did see him get out of the car and run in a hurry." So, what you were saying on August 9<sup>th</sup> is that you didn't go to the window until after those first shots were fired. And that you didn't see the tussle but you saw the officer running. You've indicated at uh, pages 10 and 12 that the first time you saw Michael Brown was as you were exiting on to the balcony. Um, and uh, that was the first time that you him. You did not see him until he...until you were exiting the door onto the balcony. Um, and-and that obviously in the-in the statement on August 9<sup>th</sup> that made sense because you had already said that you didn't see the tussle. You saw the police officer running but not Mr. Brown at that point. And then you went into the Monte Carlo with the things you talked about today. That Dorian was there at the Monte Carlo, your attention was drawn to that. Ok, so I just wanted to point that out. As we said at the outset...

WITNESS : Uh huh.

AUSA : ...you know if at some point as prosecutors we're looking to charge this and try it. Then you may very well be a witness. And that's why we need answers to these things ok?

WITNESS : Ok.

AUSA : Because these are things a defense lawyer would certainly point out. And we just wanna know what we can rely on. You know, what you actually saw versus what someone may have told you. And as I said at the time, you'd indicated that someone had-had said to you that he was unarmed and...

WITNESS : Exactly.

AUSA : ...uh, and had his hands up. Right? Um, and then on-on that day, on August 9<sup>th</sup> also, you said that uh-uh, similarly you said that uh, the way you heard it, Brown was shot while he was trying to pull away from the guy. Um, that was on page 17 of the-of the interview. So, that...what that indicated was that someone may have said that to you...

WITNESS : Uh huh.

AUSA : ...but you had already indicated in that statement that you did not actually see the tussle at the side of the car, ok?

: Which, would make sense why you then say "the way I heard it"...

WITNESS : Uh huh.

: Which is totally fine. I mean, we get it. We just need to...we need to be sure, like I said...

WITNESS : Right.

: ...of what you actually saw versus what, I mean 'cause so many people were talkin' we know they...

WITNESS : Yeah.

: ...we know they were talking within minutes, seconds probably after this was happening. Um, and we know from our experience and when we're standing in a courtroom, we need to be able to ask you questions okay what happened, but then when the defense attorney gets up, they're gonna have all these statements. And-and you know, basically try to paint you like you...like you really don't know the difference between what someone told you versus what you saw.

WITNESS : Uh huh.

: So that's why we're just trying to figure out. Like I said, it doesn't rise and fall on you. Everyone just got a little piece, right?

WITNESS : No, I get it. Yeah.

: So..'cause it sounds to us like-like when you say "the way I heard it"...right?

WITNESS : Uh huh.

: I mean, wouldn't you agree with us, like that makes it sound like someone told you. So that's what we're tryin' to figure out today.

WITNESS : Oh...was I sayin' "the way I heard the gunshots"?

AUSA : No, you said that um, you said uh, let me just make sure I've got it right. The way you heard, you said "The way I heard it, Brown was shot while tryin' to pull the guy." And then, at the point is when the detective actually stopped you and said "Now I just want firsthand" and you said "Ok, you got firsthand." And-and you explained that you weren't going to get into things you just heard. Because you started to say "The way I heard it, Brown was shot while tryin' to pull the guy." And then you trailed off because the detective cut you off and said "No I just want firsthand information." Ok?

WITNESS : Ok.

AUSA : And then you said um, you know that uh, you also talked about how someone, uh, someone had told you that uh, Mr. Brown was unarmed and had his hands up. And I mean that...again that sounds like someone was telling you that. And obviously you've already...we've already talked about you wouldn't know whether he was armed or not.

WITNESS : Right.

AUSA : Ok. But, the...at that time, it makes perfect sense because at that point you're telling Detective uh, "I didn't see the tussle. I saw the officer run after those first three shots. I didn't see the shots. I didn't hear the tires squeal," uh, "I heard the tires squeal."

WITNESS : I saw one gunshot.

AUSA : "I heard the tire squeal, I didn't see"...at the time though, you-you were indicating on August 9<sup>th</sup>...

WITNESS : Uh huh.

AUSA : ... "I didn't see the..the tires squeal, but I heard them. I heard three shots, then I went to the window." And then you say that you didn't the-the tussle, but you did see the officer running. And then...but then that you didn't see Brown at that time until you were going out on your-

on your balcony. Um, and so obviously that's somewhat different than what you had to say today.

ATTY : Can we um, pause for a second?

AUSA : Sure.

ATTY : And let me just talk to her for a minute.

: Sure.

AUSA : Yeah. Yeah. Absolutely.

WITNESS : Yeah.

SA : Let me shut this off.

\*\*\*\*\*

AUSA : Ok.

SA : So we're just starting back with the tape in front of Witness and Ms. with Special Agent , and AUSA .

AUSA : Ok. Uh, we took about a 15 minute break. Your lawyer had asked to just be able to talk to you for a few minutes, and she's been here in the interview the entire time, is that right?

WITNESS : Yes.

AUSA : And then, so when the tape when off, we all left the room, and you and your lawyer were able to talk for about for about 15 minutes or so, is that right?

WITNESS : Yes.

AUSA : Ok. And um-um basically uh, I just wanted to wrap things up at this point. Um, I think we've asked uh, everything we intended to. And I think you understand kind of the issues as-as we're looking at them, ok?

WITNESS : Yeah.

AUSA : Is there anything that we haven't asked today that you think we should? Is there anything we should get into that we haven't at this point?

WITNESS : Um, no. I just want to um, clarify like more reasons of like why my story would be any different or anything.

AUSA : Mm hmm.

: Ok.

WITNESS : I'm not tryin' to add anything to my story, I just know that as I was um, as I re-collected, this is I said ok, I remember everything this is what I'm goin' by and I had did that after I talked to the police and found my lawyer. So, I have but the...I gave the story to the police generally, like I was very vague and general with them.

AUSA : Ok.

WITNESS : And especially after like they had asked for my phone. And I was like, it was like this sinking feeling in my stomach that I felt like...ok what do they need my phone for?

AUSA : Ok.

WITNESS : And just (UI) untrusting (UI)

AUSA : But, and-and just to be-just to be to clear to you-you cooperated that day and you did...he did give the police consent to...

WITNESS : I did.

AUSA : ...to go through you phone, correct?

WITNESS : Yeah.

AUSA : I mean, you were cooperative at that time...

WITNESS : Yes.

AUSA : ...is that right?

WITNESS : Yes sir. Had to be.

AUSA : Ok. And I mean you never refused to let them have that phone or the video that you took or anything like that. Is that right?

WITNESS : Yes.

AUSA : Ok.

WITNESS : I did not refuse it.

AUSA : And uh, and on that day...

WITNESS : I was here to help.

AUSA : ...that uh, Detective did ask you if-if that was your complete statement, or if there was anything that you wanted to add. He did ask...

WITNESS : Yeah.

AUSA : ...you at that time?

WITNESS : Said "nothing."

AUSA : At that time there was nothing you wanted to add, is that right?

WITNESS : Exactly.

AUSA : Ok, great. Now since that time you've gotten your lawyer and Ms. , ok. But obviously um, is it fair to say that Ms. hasn't um, hasn't uh...

WITNESS : Influence.

AUSA : ...tried to influence what you remember. ...

WITNESS : Yes.

AUSA : ...or not. Is that right?

WITNESS : At first, she's just been asking me what I remember.

AUSA : Right, ok. Alright. And um...

WITNESS : Oh...

AUSA : Ok, so when...

WITNESS : Um, oh I'm sorry, one more thing. Um...

: Go ahead.

WITNESS : As they were sayin' about the vehicle, and I remember as I was sayin' I stay...I saw the top of his hat, as...at the vehicle. Of course at that time, I did not know that it was Mike Brown, until after I had known that his body was dead on the ground.

AUSA : Sure.

WITNESS : Because I could not see face, I could only see hat.

AUSA : Yeah, and we should clarify that. At-at the time that this was going on...

WITNESS : Exactly.

AUSA : You didn't necessarily know that it was Mike Brown that was out there in the street.

WITNESS : Exactly.

AUSA : Is that right?

WITNESS : Yeah.

AUSA : Ok.

WITNESS : So I kinda gained more facts durin' the time as well.

AUSA : Ok. And that, is that just from talkin' to other people, or...

WITNESS : And watching the news and media and things like that.

AUSA : Ok, alright. So you gained more facts by doing that.

WITNESS : Yes sir.

AUSA : My understanding is that before you talked to Detective on August 9<sup>th</sup>, also, did come up to your balcony and the two of you did talk about this before you actually talked to the police. Is that right?

WITNESS : We didn't really discuss anything. It was so...it was like really emotional. I was just cryin' and she was just like "What just happened?" and she automatically called the news people and...

AUSA : Ok.

WITNESS : ...we were...we didn't really talk about...talk about all until afterwards (UI)

: And , it's human nature to talk to people when this happens, right?

WITNESS : Yeah.

: Like, you know...

WITNESS : When she came up all she said was "Did you just see that?" And I had just started cryin', so it's like we couldn't-couldn't kinda talk about it.

: Ok.

AUSA : Ok.

WITNESS : (UI)

AUSA : And on..on August 9<sup>th</sup> of this year, um, Detective asked you um, "Did you talk to anybody about the actual incident before you talked to me?" And you said "My co-worker, my roommate" and then he asked "Your co-worker meaning" and you said " ." And he said " , ok that would be ?"

WITNESS : Yes.

AUSA : Ok. So that...

WITNESS : I didn't talk we (UI)...(microphone gets moved) specifics about the investigation, but of course we had words...but...

AUSA : Ok.

WITNESS : We did not talk about like." Did you, so you saw him when he was..." you know, like goin' into details, specifics.

: And we're not blaming you for that. I mean that's...like I said...

WITNESS : Uh huh.

: Human nature, right?

WITNESS : Right.

: You see something that-that is unexpected, surprising, tragic any of those words.

WITNESS : Uh huh.

: ...and you-you talk about it, right? You don't think to your mind I may have to stand on a witness stand one day or be interviewed, like it's just human nature. So we're not blaming you.

WITNESS : Right.

: We just wanna know what happened, that's all.

AUSA : And uh, and we're...I think we've-we've asked everything and you've been able to clarify. Have you been able to clarify everything you wanted to at this point?

WITNESS : I think so.

ATTY : Well, I just wanted you to address the difference between telling the police that you didn't see the tussle, versus telling them today that you did see him at the car.

WITNESS : Ok, yeah. That's what, that's what I was tryin' to verify about how I didn't know that it was him at the time. I had seen only a hat moving at the top of the police car. And at the time I was under, you know, a lot of pressure of course. And...

ATTY : So...

WITNESS : When I recollected...

ATTY : ...so specifically, and this is what I want you to let them know. So specifically, when you said you didn't see the tussle...

WITNESS : Uh huh.

ATTY : Were you talking about the arms moving, and what was going on inside the window of the car?

WITNESS : Yeah, of course, couldn't deep into the -into the car.

: So you...

WITNESS : I could not see.

: So you couldn't see what was going on with his arms? Is that what you're saying? Is that correct?

WITNESS : Yes, I saw a jerkin' mo..motion though, only.

ATTY : From the top of his head.

WITNESS : Yes.

: Ok.

AUSA : Alright, but you were-...

WITNESS : But it looked like...

AUSA : ...you were-you were not actually able to see them wrestling or tussling? Is that right?

WITNESS : From, okay, wait a minute...go back.what I'm tryin' to say is I could not see what was goin' on under what I'm talkin' about. But I did see his arm move at one point, which is why that I even said something about a arm wrestle. So, that's what I was talkin' about. And I saw the top of his hat moving with the car.

: So, as you sit here today, are you sayin' that...

WITNESS : With the car, not with the car I'm sorry.

: As you sit here today, are you saying that...

WITNESS : (UI)

: I'm sorry I don't want to talk over you, and I don't want to cut you off, so, continue speaking (UI)

WITNESS : No go ahead.

: I'm just tryin' to understand. So you sit here today, you said that you saw, you could see the top of Mike Brown's head at the-at the police vehicle, correct?

WITNESS : Yes ma'am.

: And your vantage point is looking toward the passenger side of the police vehicle, correct?

WITNESS : Yes ma'am.

: And you're able you're say, as you sit here today you were saying that you see...just his head moving. Is that right?

WITNESS : Yes. Jerking away.

: And, what part of him are you saying that you saw jerking away?

WITNESS : I saw an arm. I saw an arm jerk away like that.

: Ok, do you know who's arm?

WITNESS : Michael.

: Ok. And-and that's the-that's the sum total of what you were able to see?

WITNESS : Yes.

: Ok.

AUSA : Did you see...

WITNESS : It just look like a...

AUSA : ..did you see the police vehicle swerve at the two young men, at Brown and Dorian?

WITNESS : No.

AUSA : Ok.

WITNESS : That's what I did not see.

AUSA : Did you see Michael Brown um, sort of..reaching and pulling and tussling through the window of the police vehicle?

WITNESS : That's what I was tryin' to describe, yes.

AUSA : Ok, you-you did see that?

WITNESS : Yes.

AUSA : That's..

WITNESS : That's what I was just sayin'?

: But the tussle that you're saying is limited to the top of his head and then finally it ends...

ATTY : Jerking away.

WITNESS : Yes ma'am.

: So you don't know...you didn't see anything leading up to that point?

WITNESS : No ma'am.

AUSA : And what you saw looked like wrestling and the officer pulling Brown into the vehicle?

WITNESS : 'Cause it looked like he was tryin' to pull away from the vehicle, so yes.

AUSA : Ok.

WITNESS : That's what I was...

AUSA : And did..

WITNESS : That's how I UI)

AUSA : It looked like the officer was trying to mani-manipulate Brown into his vehicle and trying to pull him in while Brown was trying to flee? Is that what you're saying?

: Is that what you saw or is that what you're assuming?

WITNESS : Well, that part...well can you just uh, restate that please?

AUSA : Sure. It looked like the police officer was trying to manipulate Brown into his vehicle. Trying to pull him in while Brown was trying to flee.

WITNESS : Yeah, and that's...

AUSA : (UI)

WITNESS : ...that's how I assumed it to be happening as I saw the jerk.

AUSA : Ok. So there was...

WITNESS : So yeah. That's...

AUSA : ...you were assuming that he was trying to pull him in?

WITNESS : Yes.

AUSA : Ok. Alright.

WITNESS : I was.

AUSA : And um...

WITNESS : But, you couldn't really tell what was goin' on just from where I was lookin' from, it just...

WITNESS : Yeah, that's fine.

WITNESS : That's what I thought was going...

AUSA : And we...and that's fine-that's fine. Um, but you understand on August 9<sup>th</sup> when you talked to Detective [redacted] you told him that you did not see a tussle?

WITNESS : Yes.

AUSA : Ok. Um, anything else you want to clarify?

WITNESS : No.

AUSA : Ok. And is there...

WITNESS : [redacted], was there anything else?

ATTY : Um, what was the other point of contention that you brought up?

AUSA : Oh (UI)

ATTY : The difference...

AUSA : Keep in...I mean, there's no really points of contention here.

ATTY : Right, but I'm just saying...

AUSA : Yeah.

ATTY : ...the difference between then and now.

AUSA : Well, the um, the issue regarding when you first saw Mike Brown. Um, as-as you sit here today, you're confident that you saw him before you went out on your balcony. Is that?

WITNESS : Yes. Yes sir.

AUSA : Ok. Alright. And um, on August 9<sup>th</sup> if you would have told Detective that you-you didn't see the initial tussle uh, or the initial three gunshots and that you went to your window after that...did not see Mike Brown until um, you exited on your balcony. But that is not the way you recall it today?

ATTY : You're saying...let me-let me just ask. 'Cause I'm gonna ask this. You're saying you did not actually have visual contact outside of your apartment until you went out?

WITNESS : Yes.

ATTY : Ok, but you did see everything through the windows that you're saying.

AUSA : Ok. Alright. Alright um...

ATTY : And you didn't know who he was when...

WITNESS : Exactly.

ATTY : ...you first saw him.

AUSA : Ok.

ATTY : You didn't know until later that it was Mike Brown.

AUSA : That was after...

ATTY : Did you know it was Mike Brown when the police questioned you?

WITNESS : No.

ATTY : Ok.

SA : Did you even...and-and...

WITNESS : Well, he said his name.

SA : ...you-you've met him before?

WITNESS : Yes.

SA : You didn't know that you had met him before until told you?

WITNESS : Exactly. Yes.

SA : So even if someone said...

WITNESS : (UI)

SA : ...even if someone said, "Hey that's Mike Brown", you'd be like who?

WITNESS : Yes.

SA : Ok. And that...I just have a question, so you said you knew Dorian? You recognized Dorian. Did you, before you saw Dorian behind the Monte Carlo, had you seen him before that?

WITNESS : I didn't.

SA : You didn't. So you didn't...you...all you saw was uh, Mike Brown's hat up next to the door when you were talking...

WITNESS : Uh huh.

SA : ...you heard the screech, you looked. Could there-could he have been standing next to him and you just...is was ...

WITNESS : Possibly.

SA : ..blocking the view?

WITNESS : Yeah, 'cause it was a big visual...

SA : 'Cause I'm trying to figure out how much you saw. Or-or just that it was two people. Like it was the officer in the car, and then Mike Brown...

WITNESS : I hadn't seen Dorian at all during that point.

SA : Ok.

WITNESS : I only saw him when he was by the Monte Carlo and then I hadn't seen him at all that whole time.

SA : Ok. That's fair.

WITNESS : Mmm.

AUSA : Alright.

: And that one time that you met Mike Brown in the past, when was that? About when?

WITNESS : Year...uh, year ago..I saw...

: (UI)

WITNESS : He-he actually said it had been a couple times that I've seen him, and not known who it was. So at least like one or twice.

: Do you remember it? Or is it just...

WITNESS : Oh no, yeah. I remember. When he uh, told me about it cuz we had gone to house that day. It was me and my brother. And my step brother and we were goin' in there and we played video games, mainly Call of Duty.

SA : How...is your brother older or younger than you?

WITNESS : He's older. He's 20.

SA : Ok. And did you-did you go to school with at all?

WITNESS : Uh uh.

SA : How'd your brother know ?

WITNESS : Um, I think they go to school together. Or they...

SA : Ok.

WITNESS : ...went to school together at the time. 'Cause he lives over here and my father stays like in the apartment complex over there. So I was um, familiar with the area already.

SA : Ok, and where do you, where did you go to high school?

WITNESS : Jennings.

SA : Jennings? Ok. Did you graduate from there?

WITNESS : Yes.

SA : Ok.

AUSA : Well, let me finish up while...where we started, and that is just uh, we haven't threatened you or coerced you in any way today. Is that fair?

WITNESS : Yes, that's fair.

AUSA : Ok. And we haven't made you any promises? Is that right? Ok. And you came here of your own free will today?

WITNESS : Yeah.

AUSA : And gave us voluntary statement, right?

WITNESS : Yes.

AUSA : I mean no one forced you to come down here. You were willing to do that and cooperate and came down, correct?

WITNESS : Yes.

AUSA : Ok. And uh, your lawyer's been here throughout the entire interview?

WITNESS : Yes.

AUSA : And uh, your mother is outside in the lobby but, you understand-understood..actually you were able to meet with her briefly during your in-interview when she came to the door at one time. Is that right?

WITNESS : Uh, yeah. To hand her the lighter.

AUSA : Right. Ok. And obviously you understood that..if at anytime you wanted to end the interview, you and your lawyer could step out and talk to your mother and do whatever you wanted to do. Is that-is that your understanding?

WITNESS : Yes.

AUSA : Ok.

: Do you think we treated you fairly?

WITNESS : Yes.

: Um, do you think we tried to get you to say anything you didn't want to?

WITNESS : No, I think you all just tried to get me to say what I-what I actually saw.

: Ok.

WITNESS : I get that. I'm tryin'-I'm tryin' to...

: And...

WITNESS : ...help you guys.

: And we know you are, and we just...like we said all we want to know is the truth. So there's-there (UI) t helping us, it's just the truth.

WITNESS : Mmm.

: And so there's no...sides or anything like that.

WITNESS : Gotcha.

: But we...we just want to make sure that you don't...that...we don't want you to feel like we've tried, we're trying to get you to say something you didn't want to say.

WITNESS : I understand.

: Uh...

WITNESS : You're tryin' to understand why there is differences between accounts.

AUSA : Right. Exactly.

: And we also want you to feel free and-and certainly has my number. We want you to feel free to...if at any point you want to tell us something else, something else happens, that you-you come across someone that you think might have information for us. If you remember something, you want to clarify something. We're always willing to listen, ok?

WITNESS : Uh huh.

: Ok. So even though we're gonna end this interview now, don't feel like, you know we've-we've closed the book entirely. We're all...we're still investigating, we wanna know from you. If you at any point we want you feel like you can tell us, so, you can call the FBI. can call me. We're ea-easily accessible.

WITNESS : Ok, thank you.

AUSA : Thank you.

SA : Can I ask you too..just because you made notations, this is just in reference to yours, if you wouldn't mind signing and dating this picture?

WITNESS : Sure.

SA : (UI) white.

ATTY : Do you guys have a card?

SA : Sorry I was getting ready to give that to you.

ATTY : Ok.

AUSA : I've been handing out a lot of these. I don't have one with me.

ATTY : Or you can just write your information on the back.

AUSA : I have one here.

SA : Ok.

WITNESS : What's the date? Oh 9/11.

SA : 9/11. It is. Alright, so the time. Well, we're gonna go ahead and shut this off, it's 11:54.

ATTY : Ok.