

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VIII

Date: September 30, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 30, 2014

VOLUME VIII

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1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

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4 STATE OF MISSOURI

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7 vs.

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9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 30th day of September, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Ms. Kathi Alizadeh & Ms. Sheila Whirley

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6 County

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1 GRAND JURY VOLUME VIII

2 MS. ALIZADEH: Good morning.

3 (Everyone says good morning.)

4 MS. ALIZADEH: It is Tuesday,
5 September 30th at 8:32 a.m. Present is myself,
6 Kathi Alizadeh, and Sheila Whirley of St. Louis
7 County Prosecutor's Office. All 12 grand jurors are
8 present as well as the court reporter, who is audio
9 recording and taking down everything that is being
10 said this morning.

11 I want to give a little pep talk to you as
12 it were. I can only imagine the disruption that
13 this causes in all of your lives and schedules, and
14 I hope you know how appreciative that we are that we
15 have the 12 of you who have agreed, even though
16 maybe your arms were twisted a little bit, but
17 agreed to, you know, devote the time and effort that
18 this matter takes.

19 Don't think I'm understating it or
20 overstating it to say how important this is. And I
21 know you all, you know, since you're not a jury,
22 there is no admonition that you not watch the news
23 and anything like that, and I know that you can't
24 really avoid seeing things about this in the news
25 and, you know, not only here locally, but as well

1 throughout the country. This is a very public
2 matter and it is very important that we get this
3 right.

4 And, as you know, Mr. McCulloch made a
5 statement in the very beginning we were going to be
6 as thorough as possible. And that means anybody who
7 says that they saw part of this or knows something
8 about it, is going to be able to be heard.

9 Even people that are reluctant to come in,
10 we're going to do whatever we can to get them here
11 because it is important that you have all the facts
12 and information.

13 And I know sometimes it seems like it is
14 very tedious because some of these eyewitnesses have
15 made multiple statements and again, Mr. McCulloch
16 has promised that there wasn't going to be anything
17 that you didn't have the opportunity or weren't able
18 to see or hear, and that means playing all of these
19 statements for you.

20 And we do that because, obviously, there
21 is times when if a witness makes multiple
22 statements, sometimes over time their statements
23 changes, sometimes dramatically, sometimes only
24 slightly and insignificantly, but I think that those
25 are things that you all have a right to consider

1 when the witness testifies, if they've made previous
2 statements that are different than what maybe they
3 are telling you in the grand jury.

4 That happens in every case, every time a
5 witness makes a prior statement, that statement can
6 be brought up, as you know well, you said this
7 previously, how come you are changing your story.

8 And, you know, neither Sheila and I are
9 prepping these witnesses in the way we would if we
10 were having a trial. We try cases, we have our
11 witnesses come in and we talk to them about what is
12 going to happen, we go over what their testimony is
13 going to be, not in the sense like rehearsing, we
14 want to know what they're going to say before they
15 get up there and testify.

16 And that's just good lawyering. No one
17 would ever expect me to put on a witness in a trial
18 when I didn't know what they were going to say.

19 But in this case, you know, we don't want
20 to have to, we don't want to in any way influence
21 what these people are going to come forward and say
22 to you. And so we don't do any prepping with any of
23 these witnesses, other than to explain to them what
24 is going to happen when they come in here, the
25 process. So I don't know what they're going to say

1 when they get here.

2 I mean, I have an idea because they've
3 made prior statements, I assume they are going to
4 say something like they said before, but the reality
5 is, I don't know, and that's why it is important
6 that we play for you those prior statements so that
7 you know what they have said previously and can
8 compare that to what they say today when they
9 testify.

10 A lot of times, I know it is tedious and
11 it seems redundant, why are we hearing this person
12 say the same thing now three times.

13 If the person makes the same statement
14 three times, you may consider that when you are
15 deliberating about how that, what that means for
16 that person's credibility, their ability to have
17 observed what they say they saw and recall what they
18 say they saw. Those were all things that I think
19 are important because there are a lot of people that
20 see bits and pieces of what happened that day, and I
21 think you can even see right now how, you know,
22 depending on where you were standing, it affects
23 what maybe you say you saw, and that's human nature
24 too.

25 So, again, Sheila and I are not worried,

1 but very, we're concerned about the speed that this
2 is coming in. We're going to do our best to try to
3 kick it up if we can.

4 A lot of these eyewitnesses you are going
5 to hear from who have made multiple statements, we
6 expect that hopefully that's going to be less and
7 less and eventually, you know, we'll get through the
8 eyewitnesses, and then you are going to hear from
9 ballistics people, and lab people, and DNA people,
10 and, of course, those witnesses don't have prior
11 recorded statements that we'll have to present to
12 you. They may have reports that you will get copies
13 of, but at any rate, I know that this is tedious. I
14 know you want your lives back, your lives back the
15 way they were.

16 All I can tell you is that this will be
17 over at some point, this is not indefinite, and
18 we're doing everything we can to try to get through
19 this as quickly as possible.

20 We were hearing the other day that there
21 is rumors that you all are going to be done this
22 week. I'm here to tell you, no, that's not
23 happening.

24 Originally, we had made estimates we would
25 get done about the end of October, early November.

1 We may go into mid November.

2 As I said in the beginning, if this takes
3 until January for you all to have what you need to
4 make this decision, then that's what we're going to
5 have to do.

6 We'll do it as quickly as we can without
7 rushing through it and skipping through things that
8 need to be done.

9 So that being said, I truly, truly
10 apologize for the disruption in your lives. You all
11 really seem to be a great group of people, I'm so
12 glad you all get along as you do, it would be awful
13 if we had people that, you know, had conflicts and
14 bickering going on. You all seem to be, as best as
15 you can, hanging in there with us.

16 So, again, Sheila and I thank you for your
17 patience. So that being said, yes.

18 : I have a
19 question. I try not to watch the news, I try not to
20 read anything about this because I like to have an
21 open mind so I have all the facts that is presented
22 here.

23 My concern is that, um, my concern is that
24 everybody is saying hurry up, hurry up, hurry up,
25 from what I'm hearing. Hurry up, make a decision,

1 hurry up and get this done, hurry up and get that
2 done.

3 And I know that this information has been
4 disseminated. I know Mr. McCulloch before has said
5 there is a process and this is the process that we
6 have to follow.

7 Is the NAACP, or these other, you know,
8 coalitions, are they confirming what he is saying to
9 the people of Ferguson? I mean, I don't know if you
10 can comment on that, but.

11 MS. ALIZADEH: Well, all I can tell you --
12 : I think everybody needs to
13 ratchet it down a little bit and let us do what we
14 can do. I have faith and trust in everybody in
15 here, you know, to make the decision that's
16 appropriate. I'm not saying it is the right
17 decision, I'm not saying it is the wrong decision,
18 but make the decision that's appropriate based on
19 the facts. But is that being disseminated by these
20 groups or whatever to the people there?

21 MS. ALIZADEH: Well, there has been, as I
22 said, there have been rumors, I think there was
23 someone who had tweeted yesterday, a person of
24 public, a public person that, you know, I hear
25 unverified rumor the grand jury is going to have

1 their decision by Friday. I don't know where they
2 get this stuff. I don't know where that comes from,
3 but I know that last week and yesterday
4 Mr. McCulloch did give interviews to the media.

5 Last week he gave interviews to several
6 media outlets describing the process. The fact how
7 a grand jury is selected, you know.

8 My office has nothing to do with how you
9 all are selected. The fact that you were selected
10 way before this even, you know, happened, you know.
11 And then the process of how, you know, when you have
12 regular lives, this is not like a jury in a trial
13 where Monday through Friday from 8:00 to 5:00 you
14 are going to be here until it is done. That's not
15 how it works. In a trial that's how it work, I
16 mean.

17 We have jurors that we have to tell them
18 in advance this is going to be a two-week trial,
19 this is going to be a three-week trial. But he has
20 made those statements and, you know, I can't, I
21 can't help what goes around in the rumor mill. I
22 don't think we have much control over that.

23 But I will express to him those thoughts
24 that if any wisdom in trying to bring together some
25 of the people in the various communities who can

1 disseminate that message that, you know, be patient.

2 I mean, there is that catch phrase people
3 always talk about, rush to judgment. That was a
4 phrase made popular years ago. People keep saying
5 hurry up, hurry up. We're not going to rush to
6 judgment here.

7 If we wanted to, we could present this
8 case as we do any other case. We could have a
9 detective come in here and tell you what he thinks,
10 you know, the evidence is, and then you all would be
11 making your own decision based on that, but that's
12 not how we've chosen to do this because of the
13 importance of letting all sides be heard in this
14 matter.

15 So I will talk to Mr. McCulloch about the
16 strategy behind that, that it might be, because we
17 all want everybody to just calm down. It will
18 happen, there will be an answer, but you have to be
19 patient, you have to let the grand jury do their
20 job, you have to let us do our job.

21 And, you know, the problem is too, we
22 can't tell people how often you're meeting, what
23 days you're meeting, how many witnesses are
24 testifying, because we're prohibited from talking
25 about that.

1 thing I will tell you is that, you know, my friends
2 and neighbors know what I do and they know I'm doing
3 this. And trust me, they are asking me questions
4 all the time.

5 : I hear you.

6 MS. ALIZADEH: All I can say is I don't
7 want to talk about it, I don't want to talk about
8 it. I'm just crazy busy, doing what we can, I'm not
9 going to talk about it. I don't want to talk about
10 it. It is like I go home, I still bring work home,
11 I don't want to be talking about it and I shouldn't
12 and I don't. But I do tell them, we're working, you
13 know, we're working hard and so it is just going to
14 take a while before this process is completed.

15 And, you know, as far as like you saying
16 watching the news and everything, I don't watch the
17 news. I truly don't. I watch the news in the
18 morning so I can see what the weather is, if there
19 is like a traffic accident on the highway on my way
20 in so I need to go a different route.

21 I don't want to see what's going on, even
22 though I know it's there and I hear about it,
23 because, number one, I just need to have a little,
24 you know, of my personal life that isn't affected by
25 this, but also I just don't want any of that to

1 affect what I'm doing.

2 I can't worry about what's going on out
3 there because I can't control it. And as Sheila
4 knows and will tell you, I'm a control freak, and I
5 think you all know that.

6 When I can't control something, I don't
7 want to have, I just have to put that over there.
8 Yeah, I can't listen to too much of this on the news
9 and I can't be concerned, like I said, we were
10 talking yesterday with these rumors, who came up
11 with that, how is that getting out.

12 But it is like, you know, it is like being
13 in high school. These rumors get started, I have no
14 idea who started them, and then it is like the game
15 of telephone because next thing you know the rumor
16 morphed into something different and we can't worry
17 about that, we can't worry about that.

18 Just know that we're working behind the
19 scenes every day, hard to get this put together for
20 you guys. We also, I will remind you and press upon
21 you if there is anything that you think that you
22 need that you don't have, and I know that you have
23 made the comment, , previously, about
24 wanting to hear from the private medical examiner
25 that the family Michael Brown had hired. We're

1 looking into that.

2 You all have asked questions along the
3 way, and trust me, we are not ignoring those
4 questions, we are doing what we can to see. You
5 think there is something we need to know about or
6 hear that we haven't given you, then we're not doing
7 our job and we want to make sure we give you
8 whatever you think you need.

9 MS. WHIRLEY: Did you have a comment?
10 : . Last
11 night on the news, I know you just said you don't
12 watch the news, it was stated that Officer Wilson
13 had a case pending, a previous case pending. My
14 question is, how much does that affect what we're
15 going through?

16 MS. ALIZADEH: It shouldn't affect what
17 you have. I was aware of that. Simply because I
18 saw some cameras out yesterday, and I saw an
19 attorney that was commenting about it and I heard
20 about what it was.

21 But, you know, up until August 9th, he was
22 an on duty police officer who made traffic stops and
23 arrests and did other things other police officers
24 do and so I would imagine, I've not looked, but I
25 would imagine he has pending cases in our office.

1 How those are handled and what comes of
2 those cases shouldn't be your concern. I will tell
3 you that I do not believe, and I will look into
4 this, but I do not believe that he will, I mean, I
5 know he won't be testifying in front of this grand
6 jury any more because you're only hearing this
7 matter.

8 I don't know that, I can't say for sure he
9 wouldn't be called to court or called to testify on
10 anything else, but I think it is unlikely, but I
11 don't know. I don't know that necessarily will have
12 any impact on what you all are doing.

13 That's the best I can say about that.

14 On for today we have a witness here, his
15 name is . He's going to tell you what
16 he knows about this matter and , of
17 course, has made previous statements so we're going
18 to start out by listening to those statements.
19 First statement was done on August 12th, and it was
20 done by the County Police.

21 And, remember, as I said a lot of times
22 when the police do a statement, then the FBI has to
23 come along and do their own statement, so after we
24 hear the statement by the County Police, we will
25 hear a statement that was done by the FBI.

1 is apparent in the statement that there was another
2 drawing done, I don't know if I have that one, I
3 will have to check and see if I have it and if not,
4 I will get that for you as well today.

5 Remember, we talked about they were
6 drawing the car and the position of the car or
7 something.

8 So the next statement is about an hour
9 long as well, so do you all want to take a
10 five-minute break for bathroom and stand up. All
11 right. We will do that. It is 10:09 a.m. How
12 about 10:15, is that enough time?

13 (Recess)

14 MS. ALIZADEH: It is 10:21 on
15 September 30th, we took a short break. This is
16 Kathi Alizadeh. Sheila Whirley, as well as all 12
17 grand jurors and the court reporter. And we are now
18 going to play for you a recorded statement that was
19 done of _____, who was the gentleman who we
20 just played the statement that he made to the County
21 Police.

22 This is the statement that he made last
23 week during an FBI interview. I just looked and it
24 appears to an hour and 18 minutes long, and it is
25 cued up and ready to go. If we don't have

1 transcripts as of right now because the statement
2 was only last week.

3 So if we get transcripts while you're
4 still seated in this matter, I'll get those to you
5 for your review later.

6 All right. And at this time I will ask
7 you, to pause the recording while we play the
8 recorded statement of

9 (This is the interview of .)
10 : Today is September 24th, it
11 is 10:10 a.m. This is Special Agent ,
12 I'm here with DOJ trial attorney and USA
13 . And would you state your name, sir?

14
15 : , okay.
16 : , I met you before.

17 (inaudible) My name is and I am with the
18 Civil Rights Division of the Department of Justice,
19 and is a prosecutor here, federal prosecutor
20 based here in St. Louis. So we are working on this
21 investigation with the FBI, and because we know you
22 gave an interview with the County Police, we didn't
23 get a chance to meet you and we wanted to meet you,
24 okay?

25 : Okay.

1 : So all your answers need to be
2 out loud because this is being recorded, but if you
3 nod your head or shake your head I'll remind you.

4 I understand.

5 : And I'm sure you know this, and
6 I have no doubt that we just want you to know that
7 if you talk, some type of false statement or lie or
8 embellish or exaggerate, it's a crime to make false
9 statements to federal agents, we want you to know
10 that.

11 : I understand.

12 : Okay. And we want what you
13 know versus what you assume. So if there is a
14 distinction when you talking about something and you
15 assume it, we want to know what you assumed versus
16 what you, yourself, know, what you heard and saw
17 that today.

18 : Okay.

19 : It is natural that you've heard
20 other names and we may need to ask you about that as
21 well, but we want your observation. It is important
22 not to guess, if you guess, let us know.

23 : Okay.

24 : If I ask a question, and you
25 answer a question that seems confusing, let us know

1 because if you answer, we'll assume that you
2 understand.

3 Okay.

4 : Okay?

5 : Uh-huh.

6 : And you know you're at the FBI,
7 and you came through security, but we want to make
8 that you know it is voluntary. So at any point you
9 have had enough, you want to leave, you let us know.

10 Okay.

11 : We are not going to force you
12 to stay here.

13 No problem.

14 : Do you have any questions of
15 us?

16 : No.

17 Just real quick, I want to
18 make sure I have your name spelled right. Can you
19 spell it for me?

20 : .

21 : Okay.

22 :

23 : Okay, thank you.

24 : you spoke to County
25 Police back on August 12th. Do you remember

1 speaking to them?

2 : Yes.

3 : Okay. So we are, I'm not going
4 to go through your whole account because I know that
5 you are, you already gave that and going to the
6 state grand jury tomorrow, right?

7 Yes.

8 : I don't want to make you rehash
9 the whole thing.

10 Okay.

11 : and I are with the
12 federal prosecutor's office, we are prosecutors. So
13 we won't have the opportunity to see you tomorrow,
14 so that is why we listened to your recorded
15 statement, we have read the transcript. We just
16 have some specific questions that don't jump out at
17 the recording because we can't see you.

18 Okay.

19 : That is what we want to focus
20 on.

21 : All right.

22 : There were certain things that
23 you, um, you talked about and when you talk about,
24 you said do this or do that. Do this and do that
25 doesn't come across in a recording and it,

1 obviously, won't come across on this recording. But
2 in the beginning when you saw the, the tussle in the
3 car, can you describe for me or show me what you
4 actually saw Michael Brown do and what the police
5 officer were doing?

6 Well, actually, as I just
7 stated to them, from my porch I can only see from
8 the passenger side.

9 : Okay.

10 : I don't know if he had
11 grabbed him or what, but you could see them tussling
12 in the car, they were moving around.

13 : When you say he grabbed him --
14 I don't know who grabbed who.

15 : I know. When you say he?

16 The police officer.

17 : Okay.

18 Because he was walking, he
19 must have said something to him and he was
20 approaching the truck. Then we saw the tussling.

21 : Let me ask you, you said he
22 must have said something to him, you mean --

23 : I think the officer said
24 something to him because Michael started walking
25 towards the truck.

1 : Okay.

2 : But so for his body being in,
3 no, I couldn't say with 100 percent accuracy that
4 his body was, but I'm quite sure it wasn't.

5 : Okay. So you don't know for
6 sure?

7 : No.

8 : What about his hands?

9 : They were inside.

10 : Okay.

11 : Uh-huh.

12 : So his hands were inside, just
13 correct me if I say this wrong. Michael Brown hands
14 were inside the car?

15 : I believe so.

16 : Okay. You couldn't tell if any
17 part of his like shoulders or anything were in it,
18 is that fair?

19 : No, no.

20 : No, you couldn't tell or no
21 they weren't?

22 : I can't tell.

23 : Okay. Can you tell, you said
24 his head disappeared from view. So do you not know,
25 can you tell whether any part of his head was inside

1 the car?

2 : No.

3 : No, it didn't or you can't
4 tell?

5 : No, I can't tell.

6 Okay, fair enough. Were you
7 able to see any movement that the police officer was
8 making inside the car?

9 I could see him jerking
10 around.

11 : Okay.

12 I could see his body, see his
13 torso, I could see maybe from like the shoulders up,
14 jostling around like they are moving back and forth
15 like this, just like some kind of tug of war or
16 something was going on.

17 : Okay. Just for the recording
18 won't pick up what you are. You are kind of leaning
19 back and forth in your chair?

20 Right, they are kind of
21 rocking back and forth, like they were in some type
22 of struggle.

23 : Okay.

24 Okay. That you could clearly
25 see that they were struggling, but I could not tell

1 how much of his body was in the truck.
2 : Okay.
3 I can't say for certain how
4 much of his body was in the truck.
5 : That's fair.
6 : You are referring to Michael
7 Brown?
8 : Huh?
9 : How much of Michael Brown's
10 body was in --
11 How much of Michael Brown's
12 body was in the truck?
13 : The officer was in the truck
14 at the time?
15 : Officer was in the truck.
16 : When you say we, we saw, who
17 are you referring to?
18 : Had some other family members
19 there on the porch with me.
20 : Is that your brother and
21 sister-in-law?
22 : Yes.
23 : Was there too?
24 : Yes.
25 : Okay. And so once the shot

1 rang out and Michael Brown started running, how soon
2 after did the police officer get out of the car?

3 A matter of seconds.

4 : Okay. Was it instantly or was
5 there a slight pause?

6 There was like a slight
7 pause. I would say within two or three seconds, he
8 was coming out.

9 Okay.

10 As Michael was running away,
11 the other gentleman, Mike went one way, the other
12 gentleman went the opposite direction.

13 : The other gentleman was Michael
14 Brown's friend?

15 Michael Brown's friend.

16 : Do you know his name?

17 No, I don't, I don't know
18 him.

19 : Okay.

20 : I've seen Michael Brown in
21 the neighborhood, he passed me. Myself and the
22 other lady, we always sit out. I'm collecting
23 Social Security, she's retired, we just sit out and
24 we talk, watch around. And I seen him walk past
25 because he has a friend who stays in an apartment

1 who is just beyond me.

2 And he would always come by and say, how
3 you doing, sir, how you doing, ma'am, how you all
4 doing, you know, everything else. That's the only
5 contact I had. Other times I may have seen him at
6 the stores in the neighborhood.

7 : Okay. We are veering off a
8 little bit. Just so I can ask you, you have a
9 friend that, Michael Brown has a friend that lives
10 in the apartment complex?

11 : I have no idea.

12 : I thought you just said.

13 Oh, Michael Brown has a
14 friend that stays, not the one that was with him, I
15 don't know him. Him, I know nothing about.

16 : I understand that. I just ask
17 you the friend that Michael Brown stays with in the
18 apartment complex, do you know that friend's name?

19 : It is a female, no, I don't.

20 : Do you know in which building
21 she lives in?

22 : Uh --

23 Here is a map if that helps.

24 I believe it's, it is

25 : Okay.

1 I think so.

2 : Do you know which level?

3 No. Because she was on third
4 floor. I think she moved down, I'm not sure.

5 : Okay.

6 I can't say for certain.

7 : Okay. So back to what we were
8 just talking about, the friend that Michael Brown
9 was with that day, we'll just refer to him as the
10 friend, would that be easier?

11 : Okay.

12 : Okay. You said Michael Brown
13 took off running and there was a pause, police
14 officer chased. What was that friend doing?

15 : After he ran, he disappeared,
16 you couldn't see him. You don't know, we thought he
17 had ran around to the side of the building, but
18 someone is saying and other people was saying one of
19 the reason that I heard and read that he was
20 actually behind the other police truck that was
21 there, he ran behind this other car.

22 : So not straight?

23 : So I didn't see him.

24 : I want to just know, just tell
25 us initially you saw him with Michael Brown,

1 correct?

2 Right.

3 : I'm talking about the friend.

4 Right.

5 : During the tussle that you
6 described, where was the friend?

7 Practically on the sidewalk.

8 : Okay. What was the friend
9 doing?

10 Just standing there watching
11 what was going on between officer.

12 : From your vantage point where
13 Michael Brown took off running, what did the friend
14 do?

15 He ran the opposite way.

16 Did you see him again?

17 No.

18 : So when the police officer took
19 off running after Michael Brown, can you describe,
20 were you able to see his gun?

21 Let me stop you.

22 : Sure.

23 : He did not take off running
24 after Michael.

25 : Okay.

1 away, the officer was not shooting at him; is that
2 correct?

3 : No, he didn't shoot then.

4 : Okay.

5 : He didn't fire, he already
6 had fired one shot when he came around to the back
7 and assumed the position. He yelled at him to stop,
8 which Michael had already stopped, when Michael
9 turned around, he told him again, stop.

10 : Okay.

11 Michael took a step off the
12 sidewalk. As soon as his foot hit the street, the
13 officer let loose, wham, wham, wham.

14 : Okay.

15 Right.

16 : So that initial shot though
17 occurred inside the vehicle, correct?

18 : Correct.

19 : Okay. So you're saying that
20 the next time any shots were fired was when Michael
21 Brown was facing the officer; is that correct?

22 : Correct.

23 : And that was after the officer
24 said stop?

25 : Right.

1 : And then he didn't shoot until
2 Michael Brown made a movement?

3 : Made a movement.

4 : And the movement was totally
5 opposite, correct?

6 : Right. He took a step to the
7 street. It looked like he was giving up. Because
8 that is what we were saying. He is giving up, he is
9 giving up, you know, we're looking at him, he's
10 giving up. But then as soon as he took a step, he
11 got his foot in the street, he fired three shots.

12 : All right. Let me ask you
13 about when you said he had his hand up. You had
14 described previously that he was standing, as you
15 said, his hands up around where the shoulders were,
16 his palms were facing him.

17 : No, they were like this.
18 Palms are facing the officer, they were like this.
19 Indicating)

20 : Okay.

21 : You are the police officer, I
22 turned around and I did like this.

23 : Okay. Show your palms are out?

24 : Right, right.

25 : Okay. Just so I can

1 understand. From my understanding when the police
2 were interviewed by the County Police, you described
3 he kind of stopped and looked down to his right?

4 When he stopped at this time,
5 yes. He kind of, when he stepped off, he was still
6 like this, but he had his hands up, he was still
7 trying to find out where he was shot to me.

8 : And then tell me what makes you
9 say that?

10 : Because he looked down to his
11 side.

12 : Okay. You said his right side?

13 : Yeah, this side, yeah,
14 looking on this right side and then he took a step
15 out. And he had his hands up and as soon as he took
16 that step and got to street, maybe about to, he is a
17 big guy, he could have made it about three steps.

18 : Let me ask you this, when he's
19 running, he stops in front of the driveway. Based
20 upon your vantage point, you think that he stopped
21 because he was looking at to see where he was shot?

22 : Yes.

23 : Okay. So when he did that, at
24 that moment he stopped, where were his hands
25 initially?

1 Like this, he had them like
2 this. He took them away from his body to see, he
3 was like looking, he was looking.

4 : All right. That's a little bit
5 different --

6 No, I told it before, I said
7 when he stopped he was looking, he was like this,
8 his hands were not steady like this, but he had them
9 up to look at because he's a big guy, he had to look
10 and see what was up.

11 : He was like moving his arms.

12 Moving his arms to see what
13 was going on.

14 : You have your palms sort of
15 facing you like he was checking --

16 Right, he's checking out his
17 own body.

18 : Okay.

19 Okay. But when he turned to
20 face the officer he was like this. He had his hands
21 up, palm facing the officer like, okay, you got me.
22 He had already told him to stop.

23 : All right. I need to just go
24 back and try and (inaudible) a little bit. When he
25 was checking out his body, were you able to see?

1 I can't tell.
2 : Is there anything that stood
3 out to you?
4 : Nothing stood out to me.
5 : Okay.
6 You know.
7 : And so when he turned around
8 and took that step is when he had his palms out?
9 Right.
10 : So right after that when the
11 officer started shooting, what did Michael Brown do?
12 : After he fired that first
13 round, that first volley. He hit him, he started
14 staggering, he first kind of went back like, pow,
15 from the impact.
16 : Okay.
17 And then he started
18 staggering. And he was looking at the officer as he
19 brought his head up, he looked down, oh, God, I've
20 been shot. He looked up at the officer and he was
21 looking at him and he was staggering, he was trying
22 to stay on his feet. And myself and my family is
23 telling him stop, dude, stop, stop, stop.
24 : Were you actually saying that
25 out loud?

1 : Yes, he couldn't hear us, you
2 know, from where we live.

3 : I know he couldn't hear you,
4 but were you actually yelling it in hopes?

5 : Hoping that he would hear but
6 he was staggering. We could see that he was
7 staggering and he took about, I don't know, three or
8 four more steps, but as he was taking his steps
9 forward at that time, the officer took a few steps
10 back, he was still in his spot. When Michael took
11 the other steps and he was staggering, his body was
12 like -- can I stand up, please?

13 Yeah, absolutely.

14 Okay. He was standing up, he
15 was shot. He was leaning like this, but his head
16 was like this. And he was standing up staggering,
17 he was trying to stay up on his feet like this.

18 : Okay.

19 And he was definitely, we
20 were yelling at him stop, stop, stop. My
21 sister-in-law and said, oh, God, he's
22 getting ready to kill him, he's getting ready to
23 kill him. And no sooner than he said that, no
24 sooner those words came out of their mouth, he was
25 going down, it looks like he was going down. And he

1 let off four more shots pow, pow, pow, pow.

2 : Okay. When the officer was
3 shooting was when Michael Brown was coming towards
4 him; is that right?

5 Yeah, he was not charging
6 him, he was defenseless, hands up, he was trying to
7 stay on his feet and you could see that his knees
8 was beginning to buckle, he was going down. When he
9 shot him as he was going down, he hit face first,
10 splat.

11 Where were his arms when he
12 fell to the ground? You are showing arms at either
13 side of his head?

14 When his body hit is when I
15 ran up there his arm, one was like, I can't exactly
16 tell on the body, one was like this when he hit
17 down. I guess they moved when he hit the ground,
18 but he was dead on the way down.

19 Can you picture where his arms
20 were on the ground?

21 Kind of like.

22 : I don't want you to guess if
23 you don't know.

24 No, I can't say for sure.
25 I'm trying to picture it, but to tell you the truth,

1 I didn't really want to see it, you know, because
2 when I ran up there and I saw who it was, I'm like,
3 oh, my God. I just saw him earlier this morning.

4 : I'll get to that in a second,
5 but let me just clarify. So you saw two additional,
6 two volleys of shots --

7 : Right.

8 : Correct?

9 : Right.

10 : Each time the officer was
11 firing, Michael Brown was coming towards him?

12 : Yes.

13 : Okay. And at no time did
14 Michael Brown say anything, correct?

15 : I could not tell or hear if
16 he did say anything.

17 : You didn't hear him yell, don't
18 shoot?

19 No, I didn't.

20 : Were you able to hear the
21 officer say stop?

22 Oh, yeah, he was very loud.

23 : You didn't hear Michael Brown
24 say anything like okay, okay, okay?

25 No, I didn't hear that.

1 : Okay.

2 : Listen, I'm dealing with two
3 very excited . One is , and this is the
4 first time seen anything like that and
5 right here.

6 : Talking in your ear?
7 Right.
8 You were able to hear the
9 officer?

10 : Oh, yeah.
11 : You didn't hear anything from
12 Michael Brown?
13 No.
14 : From your vantage point, you
15 didn't see his mouth moving as though he was saying
16 anything?
17 My eyes was really focused on
18 the officer because when he started moving,
19 staggering forward, I wanted to see what he was
20 getting read to do cause everybody was like, he is
21 getting ready to kill him.

22 : Okay.
23 So I wanted to see what he
24 was getting ready to do, but Michael was staggering.
25 You could see him clearly staggering, you know. And

1 then when he started like he was going down, he
2 fired again and that's when I said, oh, my God, he
3 just killed him.

4 : Okay. So I just want to
5 (inaudible), when this was all happening, your
6 attention shifted to the officer, correct?

7 : I could still see Michael, I
8 wanted to see what he was going to do. I had both
9 of them in line of sight.

10 : Okay. Is it fair to say that
11 Michael was more, just based on how you are
12 describing it and the visual you just gave me, is it
13 fair to say that Michael was more in your peripheral
14 vision at that point?

15 : Both of them, both of them.
16 From my vantage point, I can see both, okay. But to
17 say, now I'm trying to make this as clear as I can.
18 I can see both of them, but as Michael was
19 staggering toward him, you know, trying to keep his
20 balance, as he was moving forward, you could see, I
21 could see the officer stepping back.

22 When he took those steps back and Michael
23 was staggering forward, I thought, oh, my God,
24 that's when they said he is getting ready to shoot
25 him. Sure enough, as soon they said that, he let

1 loose.

2 : That's when you all are
3 yelling stop, stop, stop, you wanted Michael to
4 stop?

5 Yeah, we wanted Michael to
6 stop. They anticipated in a split second,
7 , he's getting ready to kill him.

8 : Let me ask you this,
9 . On August 12th, I want to take you
10 through what you said at that time.

11 You said as he faces the officer, this is
12 Detective asking you this, as he faces the
13 officer, you say that his hands go up to a point
14 where you said about to his shoulders almost.

15 Right.

16 : That's when he has his palms
17 sort of facing himself and he's looking over his
18 body?

19 When he got first shot and he
20 got to the driveway, his hands were up facing
21 himself because he was looking like at himself.

22 : Right, let me --
23 When he turned around.

24 : Uh-huh.

25 He gave up, his hands was up

1 to the shoulder, that's when he went up facing the
2 officer.

3 : Okay. You went on to say
4 back on August the 12th, Detective says, your
5 arms are like palms up and hands and fingers are
6 roughly shoulder height, is that fair enough to say?

7 You say yeah, about close to his shoulder.

8 Do you agree with that?

9 Yeah, yes.

10 : With his palms facing
11 towards himself like this?

12 No, not turned, his hands are
13 like this.

14 : No, I'm talking about --

15 They're not, excuse me, what
16 you are saying, the hands are pointed toward him,
17 they were not, I didn't say they were pointed toward
18 him. I said his hands were like this. I described
19 it. I didn't say they were pointed toward him. The
20 only time I said his hands was anywhere near is when
21 he first got shot.

22 When he turned, they were this way.

23 : All right. Let me just take
24 you through this, okay, and just see if you agree
25 with this. On August 12th, Detective asked

1 you, your arms are like palms up, and hands and
2 fingers are roughly shoulder height, is that fair
3 enough to say?

4 You say, yeah, close to his shoulder,
5 right?

6 Uh-huh.

7 : And he asked you at somewhat
8 of angle? You say at 35 to 45 degree angle from the
9 body. About like this, and you have the palms up,
10 right?

11 : Oh, yeah.

12 : And you say he is standing
13 there, he looks, he looks down looking at his body.
14 That's where you're saying you thought he was
15 looking to see if he was shot?

16 : Right.

17 : Okay. And then after that,
18 you go on to say that Detective asked you,
19 Michael Brown is standing facing the officer at this
20 point with his hands at his rib cage. And you say,
21 yeah.

22 And Detective says hands, palms up,
23 like at his rib cage.

24 And you say, uh-huh. Does that sound
25 right?

1 Right, he wasn't that far
2 from me.

3 : Okay.

4 His friend was still, when he
5 looped around, Mike was still in the street, his
6 friend had backed up. His friend had actually --

7 : That's when he goes to the
8 sidewalk?

9 Yeah, he steps back, you
10 know.

11 : Let me ask you this.
12 had asked you this a little while ago about, and you
13 sort of were very clear about where everyone was.
14 But she had asked you about when the officer went
15 after Michael, where was his gun at that time, or
16 could you see it. And you corrected her and said,
17 well, he just went to the back of the vehicle and
18 assumed his stance.

19 : When he came out from around,
20 he must of already pulled it out of his holster as
21 he was coming around.

22 : And that's what I'm
23 wondering. Could you see that, could you see where
24 the gun was before he assumed his stance?

25 It was in his hand and he

1 brought it up.

2 : Okay. Before he brought it
3 up in a stance, it was in his hand.

4 : It was in his hand.

5 : You are directing like out
6 by itself?

7 Right. He's pulling it out
8 and as he came around so he could get a line sight
9 on Michael, he whipped his hand up, gun is already
10 in his hand, put it in his palm and aimed.

11 : Shortly after that he said
12 stop?

13 : He said stop. When he said
14 stop, Michael had already stopped.

15 : Uh-huh.

16 When he turned around, he
17 said stop again. When Michael took another step, he
18 said stop. As he hit the street, after he said
19 stop, he fired. That's when he started staggering
20 around. You could tell he got hit the way his body
21 jerked, okay. And as he was coming forward, trying
22 to keep his balance, I guess keep from falling, he
23 couldn't stand. He was trying to get himself in a
24 position, I believe, so that he could stand up.

25 As he took those steps, the officer took

1 about two, three steps back. As he did that at the
2 same time, he yelled stop again. Michael was then,
3 you could tell he was about ready to fall. At the
4 angle of his body, torso practically straight, knees
5 wobbly, but the torso was almost at a 45 degree
6 angle, his hands are slowly coming down.

7 : His hands were coming down?

8 : Right, coming down.

9 : And he was bent toward the
10 officer?

11 : He was bent toward the
12 officer.

13 : Let me stop you there real
14 quick. On August 12th, again, I want to take you
15 back to what you said. Detective asked you
16 where you describe exactly this point, Detective
17 asked you, and where are his hands at this
18 point.

19 And you say, after he hit him with the
20 three shots, they were down.

21 Right.

22 : Detective says, okay,
23 where at?

24 You say, down beside his body like this.

25 And then he says, you were basically putting your

1 hands down at your side.

2 And you said, yeah, they, like they were
3 down.

4 : Right.

5 : Is that the way you recall
6 it today?

7 : Right.

8 : That was after three shots?

9 : After the three shots.

10 : Because he was going down?

11 : Yeah, he was hit. As he was
12 coming forward, he was trying to maintain his
13 balance.

14 And I know this, I've been shot, all
15 right. I've been shot in the leg, so I know how it
16 is to try to get your balance.

17 And as I try to make this perfectly clear,
18 his torso was straight, knees wobbly, but his upper
19 torso was bent and he was still, kept his focus on
20 the officer.

21 : So to be clear, from your
22 vantage point, and I don't want you, I know you were
23 shot so you know how it feels to be wobbly. From
24 what you could actually see, Michael Brown was
25 focused on the officer, correct?

1 : Uh-huh.
2 He was bent forward, correct?
3 : Uh-huh.
4 : Is that yes?
5 Yes.
6 : Okay. His arms were at his
7 side at this point?
8 : Right, right.
9 : He was moving toward the
10 officer?
11 Right, very slowly and
12 wobbly.
13 And the officer had said stop?
14 Right.
15 : At that point, Michael Brown
16 hadn't stopped; is that correct?
17 : It looks like he was falling.
18 He was staggering, he was staggering, trying to stay
19 up. Okay.
20 He was shot, he was hurt. He was trying
21 to keep up on his feet. He wasn't going toward the
22 officer to try to get to him. He was trying to
23 stand up. He was trying to maintain himself, but
24 you could see his body was giving out. And the
25 angle his body was, when he told him to stop that

1 last time when he's looking at him and that's when
2 the comments were made, he's getting ready to kill
3 him.

4 And no sooner than they said that he was
5 going like this, his body was coming like this
6 because he wasn't even looking and he fired. That's
7 the only way he could have hit him in the head, the
8 only way. He was already on his way down. The man
9 was unarmed, you had already put three to four shots
10 in his body.

11 Granted, he is a big boy, but he was hurt,
12 he was hurt.

13 : And this is the point right
14 before that, that final shot you refer to --

15 : Right.

16 : -- trying to tell him to
17 stop?

18 Right, right. When he fired
19 off that last volley, he hit down face first. I've
20 got a very hysterical who has never seen
21 anything like that in her life. My sister-in-law is
22 going berserk. My brother and I look, we didn't
23 even see the other officer, he had just moved away.

24 Our focus, our focus is So when I
25 got , he got his wife and got them, took in

1 the apartment, got them calmed down, I came back
2 out, I left and I ran up the street because I wanted
3 to see what happened, not what happened, but to see
4 him, you know, just some visible reason I wanted to
5 see the body. As I got there and close and I saw
6 his face, I knew who it was.

7 : You talked before too about
8 at that point people started coming out from
9 everywhere?

10 : From everywhere.

11 : Can you tell us about that,
12 what was going on at that time?

13 : They all, they running out,
14 from my vantage point I can see every apartment on
15 the opposite side of the street. The gentlemen who
16 were working, my apartment, my bedroom, I can see
17 them and the apartment that they are working on and
18 I'm watching them. They are making a lot of noise,
19 but anyway, from the front of my house, I couldn't
20 see them. I knew they were there, I knew they were
21 there. People on my side and my street, no one was
22 there.

23 : The immediate apartment building where he
24 was shot, I couldn't tell if anybody was up there.
25 The apartments that are already in the back of the

1 driveway where he was stopped at, where the memorial
2 is, I didn't see anyone on this side of the street
3 in my sight.

4 The other part I can't see that.

5 : Just tell me about when you
6 went out there, you know, you mention people coming
7 out from sort of everywhere from the back of the
8 complex.

9 : From the back of the complex,
10 from everywhere.

11 : And you talk about
12 August 12th, the one reason you came forward is in
13 your own conscious you wanted to make sure the
14 family got the truth about what really happened,
15 that is why you decided to come forward?

16 Yes.

17 : You were concerned about
18 what other people were saying. What were you
19 concerned about?

20 You have to understand out
21 there, they were looking for anything. Majority of
22 them that came running out from the other sides and
23 the back, those three or four gentlemen that run up,
24 oh, he had his hands up like this.

25 : Like straight up in the air?

1 whole time I've been out there, came up, you all
2 better not say nothing. You all snitching and all
3 of this and that upset .
4 : They said this to you
5
6 They were talking. I was
7 looking at the officers. was down there and I
8 happen to turn when said like what, what. You
9 know, I was like, wait a minute, I said turn around,
10 everybody was still doing this. But she and this
11 other girl had made a point to say something to .
12 To ?
13 Right.
14 : About not snitching?
15 About not snitching.
16 Two females?
17 Yeah, I'm like what? And I
18 told the girls, I tell you what, you all used a very
19 derogatory term, turn around. Everyone is pointing
20 that way, you know. For three days I had to deal
21 with because that shook to the core, just
22 not use to anything like that.
23 : Can you explain this, what
24 prompted these girls to come over to ?
25 Because everybody was

1 pointing, you know, when they heard the shot. I was
2 pointing. Where did it come from. I said right up
3 there.

4 : Because you were telling the
5 police where the shot came from?

6 Right, but the thing was, the
7 whole crowd was pointing up to the top of the hill.
8 And I'm like, wait a minute, they single out and
9 wasn't even pointing.

10 I understand, okay.

11 : Okay. So the thing is, I
12 live there, when it comes to saying certain things,
13 I've got to protect I don't care. I'm sorry
14 that happened to Michael Brown, I'm sorry for his
15 family's loss, but I have a ,
16 that's number one. I don't care about nothing. I
17 really wasn't going to say anything. I really
18 wasn't because I got to protect and
19 scared, was scared for three weeks, she was
20 scared.

21 : Let me ask you this, before
22 whenever we was talking about people coming out and
23 hands up in the air, you said there were workers
24 nearby who were saying hands in the air?

25 No, no, no, they didn't say

1 that.

2 : What did they say?

3 : They said the same thing I
4 said and my brother did. His arms were shoulder
5 length, just above his shoulders.

6 : Can you describe these workers?

7 : They working, they are
8 plumbing, some plumbers.

9 What they look like
10 physically?

11 : Younger, white hair gentleman
12 and --

13 Both white?

14 Uh-huh.

15 : But they were actually there
16 with you correcting all of these other younger
17 people?

18 No, everyone did that. It
19 wasn't until a couple days later, because I saw him
20 when I was out there watching everything going on.
21 I saw him talking to a couple officers, but he was
22 talking to a plain clothes detective and a Ferguson
23 officer, I think, I'm not sure. I couldn't see, but
24 I know he had a blue shirt on, Ferguson wears blue
25 shirts. I assume it was a Ferguson officer and the

1 other gentleman was in a suit.

2 And he was talking to him. The younger
3 guy, he was like, oh, he was going nuts, you know,
4 but the older gentleman was talking about what he
5 saw.

6 A few days later because he was coming
7 around and doing something on every building. And
8 he gets out, eventually said, yeah, everybody out
9 there talking about the poor man had his hands up in
10 the air. He said, I didn't see that, he said, did
11 you see that? I said, no, I didn't see that. So
12 the young guy say, he was with him, I didn't see it
13 either.

14 : These are the two white
15 workers that you are talking about?

16 : Yeah, right.

17 : They were back there a few
18 days later and talked to you personally?

19 : They didn't talk to me, just
20 in the course of conversation they were working on
21 our building.

22 : You were there and had that
23 conversation?

24 : Right, right. I'm standing
25 there, he come down there and working on the pipe.

1 I was barbecuing, that's how the conversation
2 started. And we got, he said, man, I'm so shook up
3 and everything else about this and that. He said,
4 well, it got crazy all of these guys over there,
5 everybody running around, they're talking about the
6 man had his hands all the way up in the air, he
7 didn't. Did you see that? I know you saw it,
8 didn't you? I said, yeah. He said, did you see
9 what I see? I said, yes. He didn't have them all
10 the way up. And we both, at the same time, same
11 position, okay. Young guy quit after that. He
12 said, I'm not coming out here.

13 : You said there was a lady with
14 you during this conversation?

15 Older lady, she didn't see
16 the incident though.

17 : Who is she?

18 : She's the downstairs lady.

19 : Was there any other
20 conversation within that day about this?

21 : No, uh-huh. All he had to do
22 was connect the pipe. They had missed a connection
23 on the pipe and then we got to talking about
24 barbecuing, talking about, started talking about
25 other things. He lived in Jefferson County. He

1 said how bad it is down there, you know. Now I have
2 to come here, stuff happens everywhere.

3 : Everywhere.

4 You know, he said, this was
5 crazy, you know.

6 : Did he have anything else to
7 say about it, anything crazy about it?

8 No, that's just the way the
9 people reacted.

10 : Let's go back to that. You
11 first started talking about the two white workers
12 that were there when you first came down.

13 : Uh-huh.

14 : People were coming out and
15 saying all kind of things. And you talked about
16 people talking about him having his hands straight
17 up in the air you kind of said, no, that's not what
18 I saw.

19 Uh-huh.

20 : Maybe I misunderstood. Did
21 you say also that the workers were down there at the
22 same time saying, no, we didn't see that either at
23 that time?

24 No, he didn't say that at
25 that time. When I came down after the shots were

1 fired and everything else, I came back down because
2 the crowd was big, it grew in a split second. I
3 walked down to the edge of my driveway and I looked
4 over to see the building, I can see the building
5 they are working on from my bedroom window.

6 He was talking, as I said, he was talking
7 to a detective because his car was parked up on the
8 grass on my side of street. And another officer in
9 uniform had on a blue shirt. I didn't see the
10 insignias, but I'm just saying that because Ferguson
11 wear that types of collar, that may be a Ferguson
12 officer that I had not talked to that man at all
13 that day.

14 : Okay.

15 : I did not speak to him.

16 : All right. Let's back up a
17 little bit then. When you come down and there are
18 people saying things that you didn't see, how
19 quickly after those last shots were fired was that
20 happening? I mean, where people were actual
21 actually saying things like that?

22 : After he hit the ground, I
23 would say it took at least about a minute.

24 : That's when the crowd starts
25 to gather, it was like an instant?

1 and shot him in the back.

2 : That's not true?

3 Not true.

4 What else?

5 : He had his hand straight up
6 in the air, not true. Then some guy, I don't know
7 who the heck it was, I had never seen him before, he
8 came out of the blue. He was coming out saying that
9 Mike had reached in and got the gun out of his hand,
10 not true.

11 : You mention on August 12th
12 that after that it was everyone started coming from
13 the back saying, oh, my God, he had his hands up in
14 the air telling him don't shoot, don't shoot, don't
15 shoot. And you said he never uttered a word, right?

16 : Right.

17 : Referring to Michael Brown?

18 I said that I could hear.

19 : Right, right. Just what you
20 saw and heard.

21 That I could hear.

22 : And you went on to say,
23 that's when everyone come back and all of them
24 started saying things, oh, he was on his knees.

25 Yeah.

1 : When he shot him, he shot
2 him on his knees?

3 : Right.

4 : And then he came by and they
5 said he was lying down and the officer came and shot
6 him in the head.

7 That was false.

8 : None of those things
9 happened?

10 None of those things
11 happened, none of those things.

12 : I also want to ask you, you
13 said early on when we were talking you saw Michael
14 Brown earlier in the day?

15 Uh-huh.

16 : Can you describe your
17 interaction of what you saw?

18 : Me and the lady was sitting
19 outside, sitting on the step. She was sitting in
20 her chair on the lower level and he come up, instead
21 of going through the driveway, they cut across the
22 grass right there.

23 : When you say that was he with
24 his friend that he was there during the incident?

25 : No, he was with some girl. I

1 never seen her before either. And he came through
2 and he say, how you doing, sir, how you doing,
3 ma'am. I said, how you doing. I said, you all
4 doing okay? Yeah. He said all right, looks like it
5 is going to be a good day. All right. And he
6 walked up.

7 : About what time was that.

8 About, it was early. It was
9 early. I don't know, probably around 8:00,
10 somewhere after 8:00.

11 Did you see him at all that
12 morning.

13 : Next time I saw Michael he
14 was laying on the ground, or the street.

15 : Have you seen that girl he was
16 walking with, have you seen her since.

17 : I think I have. I can't say
18 100 percent sure. I wasn't paying too much
19 attention to her. He was talking to me. You
20 talking to me, I'm looking at your face.

21 : Do you know her name?

22 No, no, I don't know.

23 Let me ask you.

24 : I don't want to know anybody
25 else.

1 : Let's talk about that. You
2 talk about the things, the crowd grew and the young
3 guys out there saying things that were not true.

4 August 12th, you said something about this, I want
5 to ask you about it. By living out there if you go
6 against what they are saying, you think they might
7 nut you up and go crazy. What do you mean by that?

8 They had it in their mindset
9 of what happened. They're set. They are looking
10 for a reason to explode because they don't have
11 anything to do.

12 Why, why look for a reason to
13 explode?

14 They got nothing else to do.
15 They are running all day, they are drinking and
16 they're getting high all today. We see this all the
17 time.

18 We have been on Canfield Green apartment
19 management to get all the drugs out of there. Okay.
20 All the time. Northwinds got so bad they put gates
21 up. When the gates up, the crime went up. You
22 know, I don't trust anyone out there.

23 They all walking around with their pants
24 below their butts and everything else, no T-shirts
25 on and they are so strong they will stand right

1 there in front of you and roll that stuff up.

2 I had to run two of them off my porch who
3 and came and sit on my porch while and
4 grandkids are inside, I'd been to the doctor's
5 office. (inaudible) They are sitting on my porch,
6 on my chairs rolling up their blunts. That's how it
7 is.

8 And if they strong enough to do that and
9 they feel you are going up against them, huh-uh,
10 never, I've got I have to protect.

11 : What would happen to somebody
12 like that?

13 Oh, shoot, they'll jump you,
14 they'll jump you.

15 : Do you think that's the general
16 feeling there if someone say something to either us
17 or the local police, goes against what they want,
18 that they will go against them.

19 I think now as it is getting
20 longer in time, the majority of them in our
21 neighborhood, my community, want the truth. It is
22 that outside forces that are coming in. When they
23 burnt that thing down yesterday, 80 percent of the
24 people were from the city, not from there. Cars
25 were coming in, the parking lots were full. That

1 lets us know immediately this is not Canfield, this
2 is not Ferguson.

3 : You mention the burning down
4 issue, the memorial?

5 Yes.

6 : Did you see that?

7 Oh, yes.

8 : What did you see?

9 : I was standing outside in the
10 morning, I come out every morning, step out, try to
11 smoke a cigarette outside. I stepped outside, there
12 was a gray car and a red car, I mean, a white and
13 black car, sorry, sitting there. A gray, dark gray,
14 charcoal gray car pulled up there, now there's three
15 of them.

16 The first two, they were taking pictures.
17 In fact, a girl was in the white car, she got out
18 and stood on the driver's side, took a couple
19 pictures, got in. And I saw those two drive off.

20 The charcoal gray car pulled up beside it.
21 I said, oh, I forgot my cigarette butt, I left it on
22 the kitchen counter. So I walked in, I got it, I
23 came back out, I left and I walked to the other side
24 of the porch, just look around, I like to look
25 around, see the cars and see who is out and

1 everything else. By the time I reach my door step,
2 my front door, he gunned it or she gunned it or they
3 gunned it and the car peeled off.

4 Next thing I know, whoosh.

5 : It shot up?

6 It just blew up and there
7 wasn't no slow flame, it just whoosh.

8 : You talking about the memorial?

9 Yes.

10 : Did you see anybody go other
11 and do anything?

12 : I didn't see anybody. They
13 could have done anything from the car window. They
14 could have threw something out of the window. But
15 that was definitely to me an accelerant because the
16 way the fire went up, it just went whoosh. It
17 wasn't a slow burn. I mean, they talking about a
18 candle, candle, most of that stuff was wet.

19 : Okay.

20 : Most of it was wet.

21 All right. We are going to
22 leave this running.

23 I'll talk to myself.

24 Okay.

25 : We'll be back in just a

1 minute, thank you.

2 MS. ALIZADEH: There is no conversation
3 during this break, so I'm going to try to fast
4 forward it, it is not long.

5 : All right. , I
6 don't think we have much. We don't want to take up
7 a lot of more of your time. We just have a few more
8 questions for you, okay.

9 My understanding is before we took the
10 break, you talk about one concern you had,
11 obviously, after this shooting occurred, people
12 coming out and saying things that were not true
13 based on what you saw, correct?

14 Yes.

15 : One of those things these
16 young men coming out saying that Michael Brown had
17 his hands all the way up in the air like
18 surrendering at the time that the shooting was going
19 on; is that correct?

20 : Right.

21 : You didn't see that?

22 : I did not see that.

23 : Okay. I just want to
24 clarify that. If I could, I referred you to some of
25 your statement on August 12th and I just want to

1 make sure that I understand your statement then and
2 now, okay. And if you like, I have another copy
3 here, you can refer to if you want to or I can read
4 you these portions, is that fine?

5 : That's fine.

6 : Okay. At the bottom of page
7 seven it said, you are referring to Michael Brown,
8 you said that he had like one foot on the grass and
9 one foot on the driveway, which you told us today.
10 And then he turned around and he was like this. So
11 that is why people thought he raised his hands, and
12 I think you are talking there about people claiming
13 that he had his hands raised. You said he did
14 something like this, is that what you are referring
15 to him looking at his body?

16 Looking at his body. And I
17 stated there they embellish, they embellish.

18 : Okay.

19 He had them up, to make it
20 clearer that he was giving up, they went from one,
21 which is what I saw to something that they probably,
22 they assumed he did and stuck them straight up in
23 the air.

24 : Right, okay.

25 Okay.

1 shoulders almost.

2 And then you go on to page 18, and you say
3 like this. And Detective says, kind of
4 raised? And you say he had his hands up like this.

5 And, of course, you can't see that on the
6 tape so the detective narrates and he says, your
7 arms are like palms up, and hands and fingers are
8 roughly shoulder height, is that fair enough to say?

9 You say, yeah, about close to his
10 shoulder, yes, uh-huh.

11 Not in the position that you
12 got.

13 : Okay.

14 : When I said it, I said like
15 this, not like this. They were close to the
16 shoulder, yeah, about shoulder height.

17 : About shoulder height?

18 About shoulder height.

19 : With palms up?

20 His hands were out, his arms
21 out away from the body, not like this. His were out
22 like this. Away, they are away from his body.

23 : Okay.

24 : Not like this, not like this,
25 not like this, they are away from his body. This is

1 my shoulder, this is exactly how I showed him.

2 Okay. With the palms up?

3 : Palms are up.

4 : All right.

5 : Nothing, I got nothing, I'm
6 giving up.

7 : Okay. You say that they are
8 about close to his shoulder and Detective
9 says they are at about somewhat of an angle. And
10 you say, what would you say, a 35 or 45 degree angle
11 from the body.

12 And you go on to say on page 18, he's
13 standing there and he's looking, he's looking down
14 at his body. And he looks up at the officer and you
15 say, he looks up at the officer and by this time he
16 was standing facing him after he turned around in
17 this position.

18 On page 19 you say, Detective asked
19 you, Michael Brown is standing facing the officer at
20 this point with his hands at his rib cage. So now
21 his arms are further down, his hands are at his rib
22 cage?

23 After the shots.

24 : Okay.

25 : Someone left out it was after

1 the shots.

2 : I just want to make sure.

3 The first volley of shots?

4 After the first volley of
5 shots, his arms came down because he was staggering.
6 Like he was coming, as he got hit like, oh, shoot,
7 he was staggering around, all right.

8 They had to come down a little bit, they
9 were coming down. Like I said, when they weren't at
10 his body, I didn't say they were next to his body.
11 He asked me a question, I demonstrated and he said
12 something that his narration is not what I showed,
13 okay.

14 : The narration is not?

15 : Whatever he wrote, I don't
16 know, he just stated, yes, but his depiction of what
17 I said of what I showed him is incorrect.

18 : Let me just finish running
19 through it, okay, and we can talk about it.

20 Okay.

21 : Bottom of page 19, Detective
22 says, Michael Brown is standing, facing the
23 officer at this point with his hands at his rib
24 cage. And you say, yeah.

25 And Detective says, hands, palms

1 up, and so they're at his rib cage, palms up.

2 And then you say well, they weren't up
3 against his rib cage, it was out because he was
4 looking down, slightly away from his body.

5 : Uh-huh.

6 : And Detective says
7 that he was looking down at his body at some point.
8 And you say, right, right, uh-huh.

9 And then you go on to say on page 20.
10 Detective says, is anybody saying anything at
11 this point?

12 And you say the officer as he raised his
13 head, he told him to stop. As Michael Brown raised
14 his head, the officer told hold to stop; is that
15 right?

16 Right.

17 : And he says, as Michael
18 Brown raises his head? And you said, as he raises
19 his head, he says stop right there. He asked you,
20 the officer says this? And your response was, yeah,
21 he did say stop. And when he left from that fixed
22 spot, then he was walking toward him.

23 And he asked you, towards the officer?
24 And you say, towards the officer. When he, as soon
25 as he put his foot on the street, he hit him three

1 times.

2 And he asked you like, how many steps do
3 you think he took before the officer fired? He
4 said, big boy, he didn't take that many steps, I
5 really couldn't count, yeah.

6 And so that's the first volley that he has
7 his hands down near his ribs at the time of the
8 first volley?

9 : Right.

10 : Okay. I just wanted to make
11 sure of that. That's why I wanted to ask you about
12 this, sir. You know, there were three or four times
13 where Detective , or you went back to when
14 Michael Brown turned around and where his hands
15 were. And on August 12th, I mean, there wasn't even
16 any mention with him having his hands up with his
17 palms facing the officer or all the way up.

18 : I didn't say, when he turned,
19 his hands was up, he was looking down to see where
20 he was hit.

21 : Uh-huh.

22 : His back was turned like
23 this. As he was turning around, still looking, when
24 he faced the officer, there they were.

25 Above his shoulders now?

1 : All right. One thing that
2 concerned me though is that people are coming
3 forward and saying that he had his hands up.
4 : Above his head.
5 : Above his head.
6 : Like this, all the way up.
7 : All right.
8 He didn't.
9 : But consistently as it is
10 described on August 12th, you have your palms up,
11 right? And not facing towards the officer, but
12 palms up, correct?
13 Right. When he turned to
14 face the officer, his hands were in this position.
15 : Okay. With his palms facing
16 out, sir, or were the palms facing up?
17 This is what I consider up.
18 So you consider this up?
19 : We need to be able to
20 describe this for the tape, that's --
21 This is facing forward, to
22 clarify?
23 Well, he was facing up then
24 facing forward.
25 Okay.

1 : Not like this. They were
2 facing him, hands u like this is my hands palms
3 facing the officer they weren't like this pointed
4 towards the sky. They were pointed toward him.

5 : That's what I wanted to ask
6 you is because on August 12th, I mean, you never
7 said anything at any time about his palms actually
8 facing the officer.

9 I said his hands were up. I
10 never said his palms were facing the sky. I said
11 his hands were up, about shoulder length, arms out
12 away from the body, that's what I said. I'm going
13 to stick with that because that's what I saw.

14 : Before the first volley
15 though, his hands were coming down towards his rib
16 cage?

17 Yeah, he was looking for
18 them, he's still looking like. He's searching to
19 see where he was shot. His arms were like this.

20 : All right. Now you have
21 your palms sort of facing --

22 Right, like this. He is
23 searching his body and looking at his arms and
24 everything to see where he was shot.

25 : All right.

1 : When he turned around and
2 faced the officer, I'm going to say it again, this
3 is what I saw. His hands was up shoulder length,
4 palms facing the officer, not up toward the sky.
5 That is my definition of palm, hands up, okay.

6 Now, when the people down the street
7 demonstrate they say hands up, they are like this.
8 Not like that, but like this.

9 : Hands straight up in the
10 air?

11 Right.

12 : And that didn't happen?

13 : No.

14 And just to clarify there,
15 you were then demonstrating that after he turned
16 around, his hands come back down towards his rib
17 cage and you were demonstrating, I want to make sure
18 this is clear for the tape. If you don't agree with
19 what I say, correct me, and I know that you will.

20 Uh-huh.

21 : When his hands come back
22 down, you're demonstrating that his palms are then
23 sort of facing towards himself as he is looking at
24 his body seeing if he is injured?

25 : Right, still looking, he's

1 looking again.

2 That was immediately before
3 that first volley of shots?

4 Right.

5 : And that was at the time
6 that the Officer Wilson was staying stop.

7 He had already stopped. He
8 was looking, he was turning around, still looking.
9 The officer said stop, he was turning. Okay. He's
10 doing this, my back is to the officer. He is
11 looking at his body like this. And just as he
12 started turning, the officer said stop and he was
13 still looking.

14 And then he looked up, and when he was
15 caught looking at the officer, his arm proceeded to
16 go out like this. Palms away from, facing the
17 officer, arms away from the body, palms facing in I
18 give up stance, I give up.

19 The officer again says stop. He wasn't
20 moving, he took a step up. He stepped out on the
21 street, his hands were still in the exact same
22 position, palms facing up, arms away from the body
23 and he shot him.

24 : Now, you just said though
25 that before he shot, before that volley, his hands

1 had come back down towards the rib cage.

2 He came down, right. He
3 still turned around before the shots, he looked up
4 and as he faced the officer, his hands went up. He
5 was still doing this as he was turning, looking at
6 himself. He was checking his body out to see what
7 was going on it.

8 As he turned, I'm looking, I'm turning,
9 I'm looking, his hands like this.

10 : You have your hands and your
11 arms --

12 Right, like this. It was
13 away from the body, palms are facing like this.

14 : Palms are facing towards his
15 own body?

16 Okay. I'm looking up, I see
17 you, you're the officer. His arms went up. That's
18 when I demonstrated to him as I was standing there,
19 okay.

20 Now, he asked me a question, yes. Hands
21 were up, that's it. This is what I say hands were
22 up. Not this. Every depiction of everything that
23 these people are doing out in the street so far,
24 photographs and T-shirts, hands up. Not palms up,
25 hands up.

1 : The hands straight up.
2 Right.
3 : That's what they are saying.
4 My definition what I saw his
5 hands were up like this, same way.
6 : Shoulder height?
7 But only they were here.
8 All right. But if I
9 understand correctly, what you said today and what
10 you said on August 12th is, he then takes a step or
11 two forward off that curb.
12 Uh-huh.
13 : The officer was saying stop
14 again.
15 : Uh-huh.
16 : And at the time of that
17 first volley, his hands had come back down towards
18 his rib cage where again he is looking to see if he
19 had been shot.
20 I have to say he already had
21 them down. As he turned, he started to face the
22 officer, his hands were up. They didn't come back
23 down again until after the volley was fired.
24 : The first volley?
25 : The first volley.

1 : I know we went over that at
2 length. So now, so tell me (inaudible) if so he's
3 running away, he stops.

4 : Uh-huh.

5 : I'm looking around, seeing
6 what's going on. He turns over this shoulder?

7 No, turn your back, you are
8 looking at yourself.

9 : I'm looking at myself, okay.

10 : All right. Now slowly turn
11 to me during the same thing.

12 : Over this shoulder?

13 : Whatever. And then as you
14 turn and you turn around and face me, then your
15 hands go like this.

16 I go like this. A round of
17 shots go off, his hands are still here.

18 His hands are here and then
19 he steps forward, stop.

20 As he's turning around, you
21 said going like this, does he take a step forward?

22 : As he did that, he took a
23 step forward, he said stop, but his hands was up by
24 the time he said stop.

25 Stop.

1 : He took a step, he was out in
2 the street. When his foot hit the street, bam, bam,
3 bam.

4 : So that's the first. So then
5 where do his hands go?

6 He is like this, he is like
7 this, they moving down.

8 He started doing this?

9 He didn't really tell, but he
10 got hit.

11 You show it was kind of like
12 a round.

13 It was like, oh, and then he
14 stopped. And then he was staggering to stay on his
15 feet, I'm staggering to stay on my feet, you're the
16 officer.

17 Yes.

18 I'm staggering to stay on my
19 feet and then I raise up like this, my hands are
20 still in this position.

21 Okay.

22 All right. I'm staggering,
23 I'm like this, I'm falling forward, I'm just
24 staggering towards you, I'm coming towards you.

25 : Okay.

1 : He takes three steps back as
2 he started staggering. He's still in the position.
3 When he started staggering forward, he let loose
4 again.

5 : But he is staggering forward.
6 : That's how he was. He was
7 barely up. He was trying to keep focus on the
8 officer.

9 : When you say he fell, he
10 didn't hit his knees, he fell face first.

11 : No, face first.

12 : The whole time he never moved
13 his hands down like this?

14 : They were coming down as he
15 was falling.

16 : His hands could have been at
17 his side when he fell?

18 : It could have been.

19 : Okay.

20 : Let me ask you one more
21 time, they weren't --

22 : They weren't up under his
23 body.

24 : You say on August 12th, you
25 said Michael Brown standing facing the officer at

1 this point with his hands at his rib cage or

2 Detective says that and you say, yeah. And

3 he says, hands, palm up and you say uh-huh.

4 And he was looking, he says he was looking

5 down at his body at some point and you say, right,

6 right.

7 You said the officer as he raised his head

8 he told him to stop. He asked you, as Michael Brown

9 raised his head. You say as he raises his head, he

10 says stop right there. You say the officer said

11 this. And you say, yeah, he did say stop and he

12 left from that big spot that he was walking towards

13 him.

14 And he asked you, towards the officer?

15 And you say, toward the officer when he, as soon as

16 he put his foot on the street, he hit him three

17 times.

18 How many steps do you think he took before

19 the officer fired? You told him you didn't count

20 it.

21 So what you indicated there was at the

22 time he takes the steps toward the officer, and the

23 officer says stop right there, and then fires that

24 first volley, you say that just before that, Michael

25 Brown is standing, facing the officer at this point

1 with his hands at his rib cage, hands, palms up. So
2 this is while he is looking?

3 : They are about like this.

4 Yeah, but they're not, they are like this, they are
5 up.

6 That's fine. On August 12th
7 you said that at the time --

8 : Right.

9 : -- the first volley
10 happened, he was facing the officer with his hands
11 at his rib cage hands, palms up. Is that accurate?
12 Is that accurate what you said?

13 Yes, uh-huh.

14 : And then that's the first
15 volley of shots?

16 : First volley.

17 : Okay, I think I understand.
18 Hands up, no matter how you
19 say it, hands up.

20 : At his rib cage.

21 Right, about right in here.
22 He's a big boy.

23 : Right.

24 : All right. He had definitely
25 given up.

1 : The hands are at his rib
2 cage at the time of the first volley of shots?

3 Right.

4 : And with his hands, with his
5 hands --

6 Away from his rib cage, away.
7 Not at his rib cage, away, his arms are still
8 extended.

9 : Okay. So you have your hands
10 kind of out by your sides now.

11 Is this my rib cage?

12 I'm just trying to understand
13 for the tape. Your hands are now, they are lower
14 now, hands down by the side.

15 All right. (inaudible) The
16 ribs.

17 : Is it fair to say that at
18 the time of that first volley, Michael Brown is
19 standing, facing the officer, with his hands at his
20 rib cage, hands, palms up. Is that yes?

21 : I don't like the phrase palms
22 up because when you say palms up, I'm saying his
23 hands are like this.

24 : all I'm doing is
25 asking about your statement on August 12th.

1 the interview resumed. Would you all agree with
2 that? You heard resume the interview, correct, all
3 right? Everybody is shaking their head, okay.

4 So we have here. Are we
5 ready to bring him in? Everybody ready?

6 Anybody need to stand up, go to the
7 bathroom? Let's take a two minute break.

8
9 of lawful age, having been first duly sworn to
10 testify the truth, the whole truth, and
11 nothing but the truth in the case aforesaid,
12 deposes and says in reply to oral
13 interrogatories, propounded as follows, to-wit:

14 EXAMINATION

15 BY MS. ALIZADEH:

16 Q Would you please state your name and spell
17 it for the court reporter, please?

18 A .

19 Q And, , I'm going to walk back
20 here because if I can't hear you, and I have
21 actually not the best hearing in the world, but I
22 know we might not be able to hear you. The
23 microphone that is in front of you does not amplify
24 your voice, it is recording.

25 So, and if any of you at any time

1 can't hear what he says, you need him to repeat
2 something, please raise your hands.

3 So, can you tell me how
4 old you are?

5 **A** .

6 **Q** And where do you live?

7 **A** .

8 **Q** That's in the Canfield Green Apartment
9 Complex?

10 **A** Yes, it is.

11 **Q** And how long have you lived there?

12 **A** Uh, about years.

13 **Q** And back in August of this year you were
14 living there; is that right?

15 **A** Yes.

16 **Q** And you lived there, I'm not going to ask
17 you the names, but you lived there with ;
18 is that correct?

19 **A** Correct.

20 **Q** And I'm going to show you, this is a
21 laser pointer. So there is a little button right
22 here and there is a map that is next to the witness
23 stand. It is marked Grand Jury Exhibit 25. We have
24 been using this for the past few meetings.

25 Do you recognize this as being the

1 streets and the buildings that comprise the
2 apartment complex of Canfield Green?

3 **A** Yes.

4 **Q** Okay. And just to situate yourself, this
5 is Canfield Drive that goes all the way through the
6 apartment complex, correct?

7 **A** Correct.

8 **Q** I will tell you over in this direction is
9 West Florissant?

10 **A** West Florissant.

11 **Q** As you are going down Canfield in this
12 direction you are going east and then the Northwinds
13 Apartments are east of the Canfield Apartments,
14 would that help orient you to how this is set up,
15 correct?

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

17 **Q** So now can you use the laser pointer and
18 point to what building you were living in in August?

19 **A** Right there. (indicating)

20 **Q** Okay. And so just so we can understand
21 these buildings, these are apartments; correct?

22 **A** Correct.

23 **Q** Do you have to enter the building before
24 you get into your apartment or does each apartment
25 have an exterior door?

1 **A** We have a porch, you walk up the steps, I
2 stay on the second floor and I go through the door.

3 **Q** So from the outside of the building you
4 walk up exterior steps?

5 **A** Yes.

6 **Q** And then your front door is on the
7 exterior of the building?

8 **A** Correct.

9 **Q** And so is there like a little, is it
10 wooden steps?

11 **A** Yes.

12 **Q** So is there like, uh, you said porch, like
13 a little decking area?

14 **A** Yeah, a little small wooden porch.

15 **Q** Okay. And that's right where your front
16 door is?

17 **A** Yeah, off, go from one side of the
18 building, from one side of the steps all the way up,
19 one continual porch.

20 **Q** So where you were pointing before, this
21 little jet out on the roof of the building.

22 **A** Yes, there are steps right here. You come
23 around and you go up these steps.

24 **Q** Okay.

25 **A** This is the overhang right over the steps.

1 **Q** Okay. So this part is like an overhang
2 that covers the steps from the elements?

3 **A** Right, yes.

4 **Q** And so you said that the decking or the
5 porch, some people call it a balcony?

6 **A** Right.

7 **Q** It goes all the length of the building?

8 **A** Yeah, right. It spans almost halfway
9 between where I am now where the red dot is and the
10 end of the building, so just to about the middle.

11 **Q** Okay. Are there other apartments front
12 doors on this side of the building?

13 **A** Mine is on this side, this is this is
14 and the third floor and

15 **Q** If this is the west side of the building,
16 there is other front doors is what I'm saying.

17 **A** There's one more.

18 **Q** Okay. And you all share that balcony
19 then?

20 **A** Correct.

21 **Q** And you said you are on the second floor?

22 **A** Right.

23 **Q** So is there another way to get out of the
24 apartment besides the front door?

25 **A** No.

1 **Q** No slider, no glass or anything?

2 **A** Well, we have sliding glass doors, excuse
3 me, other than the front door that opens out onto
4 the porch. So we can get a breeze.

5 **Q** Okay. So you can go out onto the porch
6 through the sliding glass door?

7 **A** Correct.

8 **Q** As well as the front door?

9 **A** Yes.

10 **Q** Okay. And so, um, from when you stand,
11 now, is there any furniture on your porch?

12 **A** Yes, I have two chairs and a table.

13 **Q** Do you have a habit or just something you
14 like to do is to sit out on the porch?

15 **A** Yeah, I like to sit out on the porch early
16 in the morning. Sometimes, especially when the kids
17 are going to school I sit out and keep an eye on
18 them. And I have a neighbor downstairs who lives in
19 the lower level and sometimes her and I sit out and
20 talk, you know, since I'm collecting Social
21 Security, I don't work and she's retired, and keep
22 each other company, just keep an eye out.

23 **Q** Okay. And just, again, so I'm clear, does
24 this porch or deck or balcony, whatever we are
25 calling it, does it wrap around to the other side of

1 the building?

2 **A** No, it doesn't.

3 **Q** So when you sit on your chairs, are you
4 north of the little staircase?

5 **A** I'm right here. (indicating)

6 **Q** Okay. And so from that position when you
7 are on your balcony at that position you have a good
8 shot down Canfield?

9 **A** I can see all the way down to this end.
10 Almost right to the bend.

11 **Q** Okay. So now, let's talk about the 9th of
12 August. You know the exact times are not important,
13 but this occurs a little after noon on the 9th?

14 **A** Yes.

15 **Q** Do you remember was there anything that
16 memorable about your day prior to that? Do you
17 remember anything happening or special?

18 **A** It was normal. I was watching the
19 gentlemen that were working on this side here. They
20 were making a lot of racket, they were doing a lot
21 of plumbing and excavation over here.

22 My bedroom window is located on this
23 side, so I can see this building completely and I
24 can see up to about right here from my window.

25 **Q** Was home that day?

1 **A** Yes, was.

2 **Q** Okay. Now, we know that other people
3 arrived at the apartment, but in the morning, was it
4 just you and your home that day?

5 **A** Yes.

6 **Q** And so just to be clear, from your bedroom
7 window, which you say is on the north side of the
8 building, there is no balcony?

9 **A** No.

10 **Q** You can't get out of your bedroom from
11 there?

12 **A** No.

13 **Q** Okay. So, and it was a clear day?

14 **A** Yes, it was.

15 **Q** Sunny and hot, right?

16 **A** Right.

17 **Q** Do you have air conditioning in that unit?

18 **A** Yes, central air, yes.

19 **Q** Pardon me?

20 **A** Central air, yes.

21 **Q** So would you of had your windows closed, I
22 mean, it is August 9th I would imagine you probably
23 have the AC running?

24 **A** Well, we didn't turn it on, we like to
25 keep it off for a while. We will turn it off early

1 in the morning and wait until the temperature rises
2 because can't take the cold that much. So I
3 usually wait until maybe 1:00 or 2:00 and then I
4 will turn on the air when it starts to get hot.

5 **Q** When you don't have the air on, do you
6 have the windows open or closed?

7 **A** Open.

8 **Q** How about the sliding glass door, would
9 that be open, do you have a screen for that slider?

10 **A** Sometimes has it open, sometimes
11 doesn't. occupies the living room.

12 **Q** Okay.

13 **A** That's domain.

14 **Q** All right. So, at some point, we know
15 that your brother and his wife come over to you and
16 apartment, correct?

17 **A** Correct.

18 **Q** But at some point there is something that
19 draws your attention to the street, correct?

20 **A** Correct.

21 **Q** Whatever it is, and we'll talk about it in
22 a second, whatever draws your attention to the
23 street, is that before or after your brother and his
24 wife get there?

25 **A** It is practically simultaneous.

1 **Q** Okay.

2 **A** I was looking out the window and I saw two
3 gentlemen walking down, they were right on the
4 middle line walking down the street. I couldn't
5 overhear, but they were saying something to the
6 workers. They were walking in the very middle of
7 the street, which caught my attention.

8 I saw my brother's truck coming this
9 way, so I got up to meet him at the door. That's
10 what happened.

11 **Q** Okay. You saw two gentlemen walking down
12 the middle of the street you say?

13 **A** Right.

14 **Q** And they were walking west toward West
15 Canfield?

16 **A** Right.

17 **Q** I mean West Florissant.

18 **A** Yes, towards West Florissant.

19 **Q** Just to be clear about this, did you see
20 them walking and then do you see them later in a
21 different position?

22 **A** When I, as I saw them pass, I saw my
23 brother's truck coming down, I got up.

24 **Q** Did you see --

25 **A** By the time I got to the door and opened

1 the door, my brother had just pulled in.

2 Q Okay.

3 A They were located right about right here.
4 (Indicating).

5 Q Okay.

6 A They had progressed past this one driveway
7 and they were right about here, almost close to the
8 next driveway.

9 Q Okay. And now the two men we're talking
10 about, was one of the men Michael Brown?

11 A I later found out it was, yes.

12 Q But it is the same person that you later
13 see get shot in the street?

14 A Yes.

15 Q And we know, we've heard from your
16 previous statements that you knew who he was from
17 the complex, but you didn't know his name on that
18 date?

19 A No, I didn't.

20 Q And you weren't friends with him other
21 than a polite greeting in passing?

22 A Yes, he has a friend who lives in this
23 building right here. He would come through every
24 now and then, he would speak to me and the lady
25 downstairs or sometimes I see him at the store, at

1 the QuikTrip or any of the other stores. He would
2 always speak to me, I would speak to him.

3 **Q** But you recognized him as someone you had
4 seen in the complex?

5 **A** Right.

6 **Q** What about his friend?

7 **A** I had never seen him before.

8 **Q** Okay. And Mike Brown, we know is a big
9 guy?

10 **A** Yes.

11 **Q** He was 6'5" or something like that?

12 **A** Yes.

13 **Q** And the other gentleman, was he shorter?

14 **A** Shorter.

15 **Q** Skinnier?

16 **A** Thin, dreadlocks I think it was, braids,
17 whatever you call them.

18 **Q** And so you saw those two guys walking
19 from, they stopped, you saw them talking to the two
20 construction workers?

21 **A** Yeah, kind of slowed down, they were
22 talking to them as they were steadily walking.

23 **Q** Okay. So they didn't stop and chat for
24 like 30 minutes or anything like that?

25 **A** Not for long, I don't think they stopped

1 that long, no.

2 Q And at this point, other than you saw them
3 walking down the middle of the street, was there
4 anything that was odd to you?

5 A No.

6 Q Nothing?

7 A Nothing odd, no.

8 Q And so you see your brother driving his
9 truck down and he pulls onto Caddiefield, does he
10 park and he and his wife get out of the truck?

11 A He parks, almost immediately as soon as he
12 comes in because right behind him was an officer,
13 excuse me, he was coming in this direction. And my
14 brother got out and heard him say something, I
15 couldn't overhear what he said.

16 Q Okay. Let me stop. You said your brother
17 got out and you couldn't hear what he said. Are you
18 talking about your brother?

19 A No.

20 Q Saying something?

21 A No, by the time he got to the porch, the
22 truck was coming down, the officer's vehicle was
23 coming this way. By the time my brother got to the
24 porch, he was just past the two guys. He slowed
25 down and then he kind of went a little further and

1 then he backed around and he turned around and he
2 came in, like cut them off.

3 Q Okay. So let's stop. So your brother has
4 got, what is it a pickup truck or SUV?

5 A He has a SUV.

6 Q SUV. So he's coming in from this
7 direction, does he pass this Mike Brown and the
8 other kid walking in the street?

9 A Yes, he had just passed. He had to pass
10 them when he got to my driveway. They were past my
11 entranceway right there, they were about right here.

12 Q So your brother goes past them, did he
13 have to go like around them, are they still in the
14 middle of street?

15 A Yeah.

16 Q They are still in the middle of the
17 street?

18 A Right.

19 Q Your brother then goes this direction and
20 you said you see a police vehicle?

21 A Right.

22 Q And is it an SUV?

23 A Yes, it is.

24 Q And it is a Ferguson vehicle?

25 A Yes.

1 **Q** And you see it driving in which direction,
2 coming from here?

3 **A** Going this way, going eastbound.

4 **Q** When is the first point you notice the
5 Ferguson vehicle, where was it?

6 **A** When my brother pulled in, he was about
7 right here. (indicating)

8 **Q** And you say he was driving this way?

9 **A** Yes.

10 **Q** East?

11 **A** Right.

12 **Q** And then does he pass the two guys that
13 are walking in the street?

14 **A** I'm looking, my brother's back there, we
15 looked around, him and his wife. He kind of slowed
16 down and said something. And he had just got maybe
17 a few feet past them, right about here, all right,
18 and they were steadily walking. I couldn't hear
19 from the distance, I couldn't hear anything that
20 they are saying.

21 **Q** Okay.

22 **A** Next thing we know.

23 **Q** Let me stop you. Are you now, where are
24 you in your apartment?

25 **A** I'm on the my porch.

1 **Q** By the front door?

2 **A** I'm outside my on the front door right at
3 the railing.

4 **Q** Okay. And so you stayed, you couldn't
5 hear if anything was said?

6 **A** No.

7 **Q** And then what happens next?

8 **A** The officer backs his car up and he kind
9 of put the car at an angle with the front pointed,
10 okay. Let me see right here. His car was pointed
11 toward that tree, there is a tree right there if you
12 can see it. And I'm looking at the passenger side,
13 we're looking at the passenger side, we couldn't see
14 the driver's side.

15 **Q** So you're saying that the police vehicle
16 was still pointing east?

17 **A** Yes, he was still pointing east, sort of
18 east. He was sort of at an angle. I've got a 45
19 degree angle.

20 **Q** But he never turned around in the street?

21 **A** No.

22 **Q** So he passes the boys and then backs up?

23 **A** Yeah, and cuts them off.

24 **Q** Okay.

25 **A** He cuts in front.

1 **Q** And then the vehicle stops at somewhat of
2 an angle?

3 **A** Yes.

4 **Q** Okay. But from your vantage point here,
5 you are seeing the passenger side of the car?

6 **A** Yeah, I couldn't see the driver's side.
7 We're looking at the passenger side, and Michael and
8 the gentleman were on this sidewalk, on this side.

9 **Q** So, let's be clear --

10 **A** No, they were close to the side -- they
11 are on the sidewalk side, but they were still in the
12 street.

13 **Q** Were they on the driver's side of the
14 vehicle?

15 **A** At that time, when he cut them off, they
16 were both on the driver's side.

17 **Q** Okay. So let me ask you, when they were
18 walking down the street, did they stay on the yellow
19 line in the middle of street?

20 **A** Yeah, they stayed in the street.

21 **Q** But the officer cuts them off?

22 **A** Right.

23 **Q** And so, but they're on the driver's side
24 of the car at this point?

25 **A** Yes, but they are still in the street,

1 they're not on the sidewalk, they are still in the
2 street.

3 Q All right. And so is the officer's
4 vehicle between you and the boys?

5 A Yes.

6 Q Now, we know Mike Brown was tall, could
7 you see his head over the roof of the car?

8 A A little bit, yes.

9 Q Okay. But did you, was it, what about the
10 smaller guy?

11 A Couldn't see him.

12 Q Couldn't see him?

13 A No.

14 Q Then why don't you describe what happened
15 next?

16 A Okay. After the officer stopped and
17 pulled in that position. Michael walked, something
18 he was saying, I don't know what he was saying or
19 whatever. He proceeded to walk towards the
20 officer's truck on the driver's side. They was
21 still located right here. (indicating)

22 Q Okay.

23 A Okay. Then my brother noticed, he said
24 wait a minute, looks like they're struggling. We
25 are looking at the car, we can see them tussling,

1 all right. His head was above the truck for a
2 moment and then it went below it.

3 Q Okay.

4 A All right. And it was still tussling.
5 His friend had backed up a step back on the
6 sidewalk, then we heard a shot. His friend ran this
7 direction, Michael ran to this driveway right here,
8 beside this building.

9 Q Just so we can be clear, this street is
10 Copper Creek Court?

11 A Right.

12 Q So you are saying, you had the pointer,
13 the little laser --

14 A Right, right here.

15 Q -- at the corner of Canfield Drive and
16 Copper Creek Court?

17 A Right, he had ran towards this way. As
18 he's running --

19 Q He's running east down Canfield?

20 A As he's running this way, the officer got
21 out of his truck, came around from the back, got to
22 this side where he was now on the driver's side
23 because he had a clear line of Michael over here.

24 Then he assumed his position with the
25 pistol. As he turned around, as he came around, he

1 was coming up with the gun. He held the gun up like
2 this. (indicating) When he got to here, Michael was
3 standing right on the grass and he was like looking
4 down at his body.

5 **Q** Okay. Let me stop you here. At this
6 point have you seen anything in Michael's hands?

7 **A** No.

8 **Q** When he was stopped, when they were
9 talking down the street, did you see anything in his
10 hands?

11 **A** No.

12 **Q** How about the other boy, anything in his
13 hands?

14 **A** No.

15 **Q** They weren't carrying anything that you
16 saw?

17 **A** No.

18 **Q** And then you said, you know how important
19 some of this gesturing has been, right?

20 **A** Uh-huh, right.

21 **Q** So they are here to actually witness what
22 you are going to do. And so you say when Michael
23 Brown gets to, is he in the grass actually?

24 **A** He's is standing at the very edge. Okay.
25 The driveways are blacktop, he is stopped right at

1 the blacktop right, at the very edge.

2 Q Okay.

3 A His back was turned to the officer.

4 Q Okay.

5 A And he had his hands like this, like he's
6 looking down at his body to see.

7 Q Okay. Can I ask you to stand up that will
8 really help them to see what you're doing and he's
9 stopped now?

10 A He's stopped with his back towards the
11 officer and he stopped and he was doing this. As he
12 was trying to see where he was shot.

13 Q Okay.

14 A All right.

15 Q Uh-huh.

16 A As he was turning, at that time the
17 officer had already been around to the back of his
18 truck and got into his spot. By the time he got
19 there, while Michael was there, he was slowly
20 turning around and the officer said stop. When
21 Michael turned around, he just put his hands up like
22 this. They were shoulder high, they weren't above
23 his head, but he did have them up. He had them out
24 like this, all right, palms facing him like this.

25 The officer said stop again. Michael

1 then took a step, a few steps it took for him to get
2 from that blacktop to the street. When he stepped
3 out on the street, the officer said stop one more
4 time and then he fired. He fired three to four
5 shots. When he hit him, he went back. Can I stand?

6 **Q** Sure.

7 **A** When he hit him he, did like this, and he
8 went like, like his balance -- he started staggering
9 and he looked up at the officer like why.

10 **Q** Now, just to be clear, you can't hear him
11 say anything?

12 **A** I can't hear him say that, but he's
13 looking at him and he is doing, you know. So then
14 as he's stopped, he's trying to steady, he starts
15 staggering, my brother says, he's not going to stand
16 up, he's getting ready to fall, he's getting ready
17 to fall.

18 He looks like he was trying to stay
19 on his feet, and he started staggering toward the
20 police officer and he still had his hands up.

21 At some point between the officer's
22 truck, which by that time this is about 30, 35 feet,
23 when he reached out into the street, he started
24 walking toward the officer, the officer took three
25 steps back and he yelled out stop to Michael again

1 three times.

2 Michael's steadily walking toward
3 him. More or less to me and to my brothers, he was
4 staggering.

5 **Q** Okay. To your brothers, did you have more
6 than one brother?

7 **A** Well, I mean my brother. I didn't mean to
8 say brothers, my brother. He was staggering, you
9 know. And as he was staggering forward, his head,
10 his body kind of went down at an angle. He was like
11 this, more or less fighting to stay up. You could
12 see his legs wobbling.

13 **Q** Were his hands the way you had them?

14 **A** His hands were coming down like this, all
15 right. And he had his head up and he's facing the
16 officer like this and he is steadily moving, and the
17 officer was moving back, stop. He yelled stop the
18 third time, he let off four more shots, but as he
19 was firing, Michael was falling. After he stopped
20 firing, Michael, he went down face first, smack.

21 When that happened, another police
22 truck SUV pulled in behind him, again, assumed
23 almost that exact same spot. He pulled in almost at
24 the exact same angle.

25 The officer, when we looked around,

1 he was gone, we didn't see him. His friend, we
2 never saw him.

3 Q When you said we looked around, the
4 officer was gone?

5 A He left.

6 Q Are you talking about --

7 A He didn't drive off, he walked away. He
8 must have walked back to the other officer.

9 Q Okay. Are you talking about the officer
10 who did the shooting?

11 A Who fired the shot.

12 Q Okay. He had walked away from Michael
13 Brown's body?

14 A Right.

15 Q Okay.

16 A He walked back and the other officer was
17 coming towards the driveway. We never saw him.

18 This is when I lost sight of what was
19 going on.

20 Q Why did you lose sight of what was going
21 on?

22 A Because [redacted] freaked out,
23 and sister-in-law freaked out.

24 Q Did you go inside your apartment?

25 A No, [redacted] was standing right at my shoulder.

1 **Q** Okay.

2 **A** Okay. All I did was turn around, was
3 like oh, my God, was about ready to collapse.
4 , oh, I never seen anything like that. That's
5 when my attention turned to
6 My brother's attention turned to his
7 wife. She was standing to right. My attention
8 was to . So when I grabbed to try to calm,
9 because get together and got in, backed
10 up and went in and sat down. I told hold on,
11 I'll be right with you.

12 My sister-in-law came in and she
13 walked in the door and she was freaking out. She is
14 running all through the house. And when we looked
15 back, we never saw the sight of the other officer.
16 We saw the other police officer walked up to the
17 sidewalk. He stopped right there. And then
18 everyone from this side, from this building, this
19 building, started running up to the front. And then
20 there was a crowd that came from this way.

21 It is almost like someone had,
22 whatever kids are doing and the crowd is whoosh,
23 came right there, that was it.

24 **Q** Okay. Now, you wear glasses I see?

25 **A** Yes.

1 **Q** Do you need them for distance or reading
2 or both?

3 **A** Both.

4 **Q** Did you have them on that day?

5 **A** Yes.

6 **Q** So when you wear your glasses, would you
7 say your vision is good?

8 **A** Yes.

9 **Q** Okay. Now, after the officer shot Michael
10 Brown and he went down in the street, did you ever
11 see anybody move Michael Brown's body or than when
12 they took it away?

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

14 **Q** What about the officer who shot, did you
15 ever see his car move after that?

16 **A** No, it stayed in that position the whole
17 time.

18 **Q** Okay. And then you know that, did you see
19 later in the day that there were multitude of police
20 officers there?

21 **A** Tremendous amount.

22 **Q** And did you see that they were doing crime
23 scene work, they're collecting things, they're
24 taking measurements, did you see any of that?

25 **A** I saw a few of them. When they got there,

1 they put tapes up, can't even see there's a pole and
2 another tree right here. They ran it from here to a
3 pole here, across the street and then there's
4 another tree here. They had almost like boxed it in
5 right there.

6 While they were doing it, that's when
7 the stepfather, I later found out was the stepfather
8 and his cousin were coming down the street. She was
9 screaming and hollering, and my focus was on the
10 stepfather because I was trying, they was trying to
11 keep him from crossing the tape. He wanted to go
12 over and see his body.

13 When he got there, I left out of my
14 apartment, went around the street, got right up here
15 where his head was pointing towards this direction
16 to see who he was. I had an idea, but I wasn't
17 sure. When I got there, I saw his face, that's when
18 I noticed who he was. When I saw that, I'm like oh,
19 my God. So I went immediately back. I just wanted
20 to go down there to see.

21 I'm still worried about and
22 my sister-in-law because they was still freaking
23 out. When I got back, the lady that is downstairs
24 with me and I told her. You know that big guy that
25 we see? We call him the gentle giant. You know the

1 gentle giant that comes through? She say, yeah.

2 That's who is laying out in the middle of the
3 street, and then she freaked out.

4 **Q** Right, of course.

5 **A** Uh-huh.

6 **Q** And , I'm not trying to confuse
7 you or have you change your recollection in any way?

8 **A** Okay.

9 **Q** After this occurred, police officers
10 arrive on the scene and were taking photographs, did
11 you see any of that?

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

13 **Q** Okay. I am going to show you a couple of
14 photographs that were taken and these are
15 photographs that have been identified previously as
16 contained in Grand Jury Exhibit 3. Detective ,
17 the crime scene person, had taken these photographs.
18 And I am going to show you what I've marked as Image
19 Number 24.

20 I didn't mark it, it is already
21 marked as Image Number 24, okay. Now, looking at
22 that image, if I tell you that in this direction the
23 cameraman is facing West Florissant.

24 **A** Uh-huh.

25 **Q** And this is the officer's vehicle in

1 street, do you see which direction it is facing?

2 **A** Yes, it is right there.

3 **Q** But it is generally, you're right, it is
4 catty-corner, but it is facing towards West
5 Florissant?

6 **A** Right. I'm thinking, see here is the
7 sidewalk. See where it is looking towards me is
8 right down the street.

9 **Q** So I'm going to show you Image Number 25,
10 which is a little closer view of that vehicle?

11 **A** Yeah, I'm still seeing it's pointing
12 toward the sidewalk from my viewpoint. It is
13 pointing toward the sidewalk.

14 **Q** And this direction is West Florissant?

15 **A** Correct.

16 **Q** Does that change your recollection of
17 which direction the officer's vehicle was facing?

18 **A** Yes, it does. This is wrong, this is
19 wrong.

20 **Q** You are saying this is wrong and I want to
21 make sure we're clear on. Do you believe that the
22 pictures are wrong?

23 **A** From the angle.

24 **Q** You think that the pictures are wrong from
25 the angle. Let me see if I can find different

1 pictures from different angles. This is Image
2 Number 18. That's Officer's Wilson car there.

3 **A** Okay.

4 **Q** This is Number 19, this is Officer
5 Wilson's car?

6 **A** Yes, okay. My apartment is on this side.
7 So, yes, that is correct.

8 **Q** So does that change your recollection
9 about which direction the car was facing?

10 **A** I'm saying, yeah, I still say it was
11 pointed towards the guy, his body. This is the
12 angle, yes, I had it this way. It is that way from
13 my angle from where I'm looking.

14 **Q** Okay. So but you still believe that the
15 officer's vehicle came from this direction?

16 **A** Right.

17 **Q** Okay. And it never turned around in the
18 street?

19 **A** I didn't see it turn around.

20 **Q** Do you know how the officer's vehicle
21 got --

22 **A** He did it, he went past here as he was
23 going, all right. And then he eventually backed up
24 and turned. (indicating)

25 **Q** So it backed up?

1 **A** Yeah.

2 **Q** And so put it in reverse, I assume?

3 **A** Right, in reverse and turned around, cut
4 him off because they were still in the middle of the
5 street. When he passed them, he had to get a better
6 angle so he could get closer to them, I guess.

7 **Q** Okay.

8 **A** So yes, you are right. From my angle, the
9 truck was there.

10 **Q** As we're looking at Image Number 29, which
11 is again West Florissant to the right of the
12 picture.

13 **A** Uh-huh.

14 **Q** This would be the north side of the
15 street?

16 **A** Right, this side right here.

17 **Q** This side of the street is the north side
18 of the street?

19 **A** Right, uh-huh, that's the north side.

20 **Q** You are standing on the sidewalk on the
21 north side of the street, that's the passenger side
22 of the vehicle; is that right?

23 **A** Right.

24 **Q** And your apartment is actually on the
25 south side of the street?

1 **A** No, it bends around. See how it bends
2 around? The truck is pointing this way, I'm still
3 looking down toward it, I'm still, I'm looking at
4 the passenger side.

5 **Q** Okay. Now, from the point that you saw
6 Michael Brown stop and he turned around, to the
7 point where he eventually fell into the street, can
8 you give me an idea, your best estimate of how far
9 that was?

10 **A** I'm only guessing from where the officer
11 was standing the first time he stopped, about 30,
12 35 feet.

13 **Q** Okay.

14 **A** I might be off on that.

15 **Q** Okay.

16 **A** Because you understand also I'm way back
17 here, this.

18 **Q** Right here?

19 **A** Right here.

20 **Q** Okay.

21 **A** They are located right here. So to judge
22 the distance from there to there, you know, I may be
23 off from that.

24 **Q** Sure. But he runs in this direction,
25 comes to about this corner and turns around. Do you

1 recall when he turned around, did he turn around so
2 that he faced your direction or did he turn the
3 other way clockwise or counterclockwise or do you
4 know?

5 **A** He turned over left. So that would be
6 what, counterclockwise, yeah.

7 **Q** So if you are the officer and I'm Mike
8 Brown.

9 **A** Spin to your left, turn around to your
10 left, like that.

11 **Q** So as he turned towards the officer, his
12 back went to you?

13 **A** Yes.

14 **Q** Okay.

15 **A** Uh-huh.

16 **Q** Now, you said in a previous statement that
17 when he was looking down, it looked like he might
18 have been looking at his hands.

19 **A** Hands or side or whatever, he was trying
20 to look, I said looking at his body to try to see
21 where he was shot.

22 **Q** And you said previously that you could see
23 something on his hand?

24 **A** Yeah, it looked like he had something from
25 the distance, we weren't quite sure. In fact, we

1 kind of discussed that. I have told the officer it
2 looks like he had something on his hand, but I can't
3 give you 100 percent, I can't say for 100 percent
4 that it was something.

5 **Q** Okay.

6 **A** Because the distance I'm from him, I can't
7 really tell.

8 **Q** Sure.

9 **A** You know, that's what I thought.

10 **Q** As he turned around and he's turning
11 around away from you to face the officer, then if
12 he's on this corner and you are right here, you're
13 seeing him primarily from behind?

14 **A** Right, his back was turned. When he got
15 to the edge of the driveway where your finger is,
16 his back was turned to us and his back was facing
17 our side of the street. He had stopped. This is
18 the street, he stopped and he did like this. And he
19 was turning around like this, you know, on the left
20 side as you turn, that's the way he was turning.

21 **Q** He turned to face the officer, was the
22 officer in the street actually?

23 **A** Yes, he was at the rear of his vehicle at
24 that time. He had to pull his gun out and he had it
25 in his hand, you know, the defensive spot I guess,

1 or whatever they said it is.

2 **Q** Michael Brown would have been looking back
3 in this direction?

4 **A** He was looking, okay. The officer was
5 standing on this side out in the middle of the
6 street right here. He was looking this direction,
7 not that way.

8 **Q** This is the sidewalk right here.

9 **A** Well, he is looking out this way because
10 the officer's truck is still in the street. He's at
11 the rear of the truck, he's at the rear of his
12 vehicle.

13 **Q** And his vehicle was pretty much in the
14 middle of the road, correct?

15 **A** Right.

16 **Q** So the officer is in the middle of the
17 road?

18 **A** Practically, not in the middle, not in the
19 middle, he's closer to the side, he's closer to the
20 street, to the sidewalk.

21 **Q** On the south side?

22 **A** Yes.

23 **Q** Okay. So when Michael Brown turns, he's
24 looking in this direction?

25 **A** Yes, he's trying to see where the officer

1 is.

2 **Q** So from that direction, and where your
3 vantage point is, you can't really see his face at
4 that point, correct?

5 **A** No, just the side view.

6 **Q** Okay. And so you say, you said then at
7 that point his hands go up?

8 **A** Yes.

9 **Q** And the officer is telling him to stop,
10 but he moves towards the officer?

11 **A** Correct.

12 **Q** Okay. And if I were to tell you that from
13 this corner of Caddiefield, I'm sorry, Canfield
14 Drive and Copper Creek Court to where Michael
15 Brown's feet were in the street, in other words,
16 when he fell down, okay, and his body laid there.

17 **A** All right.

18 **Q** From his feet to that corner is 48 feet
19 and 2 inches, does that sound about right?

20 **A** I couldn't say for a certainty. If you
21 say that's the measurement, that's what it is. I
22 don't know the distance.

23 **Q** Okay.

24 **A** I'm not good at that distance.

25 **Q** Okay. But you saw him travel, when I say

1 travel, he moved from this corner toward the officer
2 until he was down dead in the street?

3 **A** Right.

4 **Q** And if that was measured, I don't want you
5 to comment on somebody else's accuracy, if someone
6 measured it and said it was 48 feet and 2 inches?

7 **A** I would have to agree.

8 **Q** Does that sound about right?

9 **A** I would have to agree, but I'm saying from
10 my vantage point from what I thought or assumed, it
11 looks like it was about 35 feet. If it measured
12 that much, then it is.

13 **Q** Okay. And as you say he turns around, he
14 puts his hand up and he starts to move toward the
15 officer, you hear the officer tell him to stop?

16 **A** Right.

17 **Q** And you said he gets two or three steps
18 and the officer shoots pow, pow, pow, three or four
19 times?

20 **A** Yeah.

21 **Q** And at that point you kind of acted, not
22 acted, I didn't mean to say acted, but you
23 demonstrated that he kind of appeared to have been
24 hit?

25 **A** Yes.

1 **Q** Did you see blood on him at that point?

2 **A** From my distance we couldn't see it.

3 **Q** Okay. And at that point also, I mean, you
4 are seeing him kind of from behind also?

5 **A** No, we're looking dead almost to his side.
6 Turn your shoulder facing her, I'm looking at your
7 side.

8 **Q** Okay.

9 **A** About like that.

10 **Q** A full profile?

11 **A** I'm looking at his profile.

12 **Q** Okay. And then he takes a few more steps
13 toward the officer, I mean, if the measurement is
14 correct, at some point he travels 42, or 48 feet and
15 2 inches from the corner to where his feet were.
16 But he only moves twice, according to what your
17 recollection is, correct?

18 **A** First time when he told him to stop, he
19 moved and stepped out into the street. Then he
20 started to stagger forward, the officer took some
21 steps back. He told him to stop, he yelled stop
22 three times again and after he yelled the third stop
23 he fired again.

24 **Q** Okay. Now, after the first round of
25 shots, not in the car, but after Michael Brown

1 turned around and you say you said his hands were in
2 this position. (indicating)

3 **A** Yes.

4 **Q** Or thereabouts?

5 **A** Correct, about shoulder height.

6 **Q** After he turned around, now you've said
7 previously that his hand kind of went limp by his
8 sides?

9 **A** Yeah, well, they started to come down
10 after he fired off that first volley.

11 **Q** Okay.

12 **A** He started coming, he was trying to keep
13 himself up. He looked like he was hit, so his hands
14 were naturally coming down.

15 **Q** So if you have a profile of him.

16 **A** Uh-huh.

17 **Q** And his hands are like this, as his hands
18 come down, could it be that his hand went somewhere
19 around his torso? (indicating)

20 **A** No, his hands kind of came, they were
21 still out to the side, he was still like this. He
22 was trying to balance himself, his hands came down
23 about chest or waist. He had his head up looking at
24 him and he was staggering, trying to stay on his
25 feet.

1 As he was moving, he was staggering
2 and that's when my sister-in-law and said,
3 oh, my God, he's getting ready to kill him. And
4 that's when the officer was backing up and that's
5 when he fired, I think he yelled stop, excuse me, he
6 fired the next round, next volley.

7 **Q** Okay. I'm not going to be so, I'm not
8 going to belabor this too terribly much. Do you
9 recall in your statement with the County Police, you
10 said after he was shot the first time his arms went
11 limp to his side?

12 **A** I said his arms were coming down, yes,
13 they were coming down.

14 **Q** Okay. And I know you haven't had an
15 opportunity to review your statements and I
16 understand that and your first statement was on
17 August 12th, so this would have been like on a
18 Monday after that shooting happened, 9th, 10th, 11th
19 12th, no, Tuesday, I guess. So I'm going to show
20 you what has been printed up, and this is a
21 transcript that is of August 12th.

22 **A** Okay.

23 **Q** Detective , do you remember
24 him?

25 **A** Yes.

1 **Q** And there was another detective,
2 correct?

3 **A** Uh-huh.

4 **Q** And they spent almost an hour or about an
5 hour talking to you that day. And at some point,
6 I'm going to refer you to page number 21. And you
7 talk about where his hands were after the first
8 volley of shots. And then you say after he hit him
9 with the three shots, they came down?

10 **A** Here, and I stood up and I showed him.
11 Like I said, his hands were about right here and
12 they look like he, looks like his hands, like I said
13 in the statement were limp, they were going down.

14 **Q** Detective says, okay, where at?
15 And you say, down besides his body like this. So
16 obviously you are demonstrating.

17 **A** Yes, coming down. By the time, when I
18 showed him, he asked me where they were, I stood up
19 and showed him that his hands were coming down.
20 They were down almost by his side, they were coming
21 down.

22 **Q** And then he says, okay, and you are
23 basically putting your hands down at your side and
24 you say, yeah, they were like they went limp.

25 **A** Yeah, they were like this.

1 **Q** Okay.

2 **A** This is the way I demonstrated.

3 **Q** Okay. And that's one of the problems
4 because obviously we can't see what you were doing
5 that day.

6 **A** Right.

7 **Q** And so that's why all of these times
8 people have been asking you, they go into, seems
9 like great lengths to try to describe what you are
10 doing, but for these people, if you would stand up
11 please one more time.

12 **A** Okay.

13 **Q** As Mike Brown stops.

14 **A** Right.

15 **Q** At the corner.

16 **A** Uh-huh.

17 **Q** Do what you say you saw him do with his
18 hands?

19 **A** The first time?

20 **Q** Yes.

21 **A** After the shot was fired from the truck.

22 **Q** Yes.

23 **A** When he reached right here.

24 **Q** Uh-huh.

25 **A** His back was turned. He was like this,

1 looking at himself to see what is going on. And he
2 started to turn with his back to me like this, he
3 had his hands up like this, and he looked at the
4 officer. The officer was at the back of his truck,
5 he yells stop.

6 So Michael took a step from the
7 blacktop to the street, he was walking towards him.
8 He was walking towards him, but he had his hands up
9 like this. (indicating)

10 When he stepped out into the street,
11 the officer fired three times. When he hit him, he
12 started to stagger around and his hands started,
13 like this coming down, so his hands were going limp
14 and he was staggering toward the officer.

15 As he was moving towards the officer,
16 the officer was moving back, and the officer told
17 him stop, stop, stop. By the time he said the third
18 stop, Michael was still trying to stay up on his
19 feet. That's when the comments were made behind me,
20 no, he's not going to shoot him again, the man can't
21 even stand on his feet. The next thing I know, he
22 fired the other shots.

23 He couldn't hardly stand up, so when
24 he fired, he was going down. When I went down and I
25 looked and I'm saying okay, that's the only way he

1 could have hit him in the head. He had to be going
2 down.

3 Everyone come back from the back
4 said, oh, no, he went down to his knees. He did not
5 go down to his knees. And then they said, the
6 officer walked up to him and shot him in the back of
7 his head. No, that's not what happened, okay. The
8 officer didn't walk over there and say okay, bam,
9 no, he didn't do that.

10 Michael did not go down on his knees
11 and stand there like that in front of the officer
12 like that. When he shot the last rounds, he went
13 down and he landed face first. Okay. When he hit
14 that ground, that's when my attention went from him
15 to her.

16 **Q** Right.

17 **A** All right. That's when everyone started
18 running up here making accusations and assumptions
19 they saw this young man lying down in the street.
20 They saw this police car, they saw the other car
21 over here, this other officer on the north side of
22 the street, on the sidewalk, then it went from zero
23 to 100 in a split second. Because the crowd got
24 there and then you had everyone that's on this side
25 here in the immediate building right across from him

1 that everyone over here came out.

2 It went from whew, it was terrible.

3 Q And from the time that Michael Brown
4 stopped on that corner until he fell in the street,
5 are we talking about a matter of just a few seconds?

6 A A few seconds. Again, that incident as
7 I've described from the people coming up, that
8 incident after that first shot, initial shot at the
9 truck when they ran it went from zero to 100 in a
10 split second also. It was slow motion to us, but it
11 was moving.

12 Q And just backing up briefly and talking
13 about what happened up at the truck. You said that
14 because the truck was pointed toward Northwinds and
15 they're on the driver's side, the car is between you
16 and them, correct?

17 A Right.

18 Q And so you can't really see what's going
19 on inside the truck, would that be fair to say?

20 A No, we couldn't.

21 Q You said, at some point in the previous
22 statement you said, when the officer fired or when
23 he heard the gunshot, it seemed like he was trying
24 to get him off of him?

25 A I don't know what was happening in that

1 truck.

2 **Q** Okay.

3 **A** I could not tell you. I could not see.
4 All we could see was there was some type of
5 disturbance or altercation at the side of that
6 truck, okay. We could not see if the officer got
7 out of the truck and/or Michael they say he got out
8 and Michael pushed him back in. We can't see that
9 because we are on the opposite side.

10 All I know is that when we heard that
11 shot and his friend went that way and Michael went
12 there, the officer exited his vehicle, came around
13 to the back and assumed the position. That's what
14 we saw.

15 **Q** Okay.

16 **A** And then after that, whew, they scattered.
17 It went bam, bam, bam, bam, it went so fast.

18 **Q** But do you remember on August 12th, again,
19 I'll show you here on a transcript when the officer
20 was asking you, and he's talking about what was
21 happening, what was going on at the car.

22 **A** Right.

23 **Q** And Detective says, who never
24 exited the car? And you said, the officer. And he
25 says, okay. And you said, he never exited. He shot

1 him to get him off of him, that was your impression
2 on the 12th?

3 **A** Right, that's my impression on the 12th.

4 **Q** Okay. Has that changed, do you still feel
5 that the officer, in your opinion, it looked look he
6 was trying to get him off of him?

7 **A** Whatever was going on in that truck, if
8 Michael had a grip on him or he had a grip on
9 Michael, some way he just felt the only way he can
10 get him out or so that he can get control of the
11 situation was to fire. He fired.

12 When he came out and he stepped out
13 into that street and he fired the first volley, we
14 figure okay, that's it. We were also yelling at
15 him, and my sister-in-law yelling, stop
16 man, stop, stop, stop.

17 As he was staggering forward, that's
18 when he said oh, my God, he's getting ready to kill
19 him because he backed up, the officer backed up and
20 then he shot him again.

21 To this day no one is going to change
22 my mind, if he had not fired that last volley, that
23 young man would have been alive. Because even
24 though he was coming toward him, he had no weapon.
25 His hands were coming down. They were not in front

1 of him they, were to his side.

2 Q Okay.

3 A He was staggering, trying to stay on his
4 feet. The only way he could have got shot in the
5 top of his head when he was firing that last round,
6 he was on his way down, he hit him in the top of his
7 head. Eye, top, only way.

8 Q So in a matter of seconds, you can clearly
9 see that Michael Brown was going down?

10 A Right.

11 Q When the second volley went out?

12 A Right.

13 Q When the second volley went out.

14 A That second volley went off, he was
15 coming, you can almost tell his body was going limp
16 because he was like this, he was like this. He was
17 looking up at him, like I'm looking at you and I'm
18 still trying to stay on my feet. Only way he could
19 do was go down, he's top heavy. The man was
20 290 pounds. (indicating)

21 Q But from this point to where he moved
22 toward the officer, you would agree if the
23 measurement said 48 feet, that that's about right?

24 A I said 30, 35, if it says 48, it was 48.

25 MS. ALIZADEH: Sheila, do you have any

1 questions?

2 MS. WHIRLEY: Yeah, just for
3 clarification.

4 Q (By Ms. Whirley) You heard the first shot
5 in the car; is that correct?

6 A At the car.

7 Q And when was the next time you heard
8 shots?

9 A Was when Michael got to this driveway.

10 Q Okay. So when the shot was fired at the
11 police car, Michael ran?

12 A Right.

13 Q Did the officer trot or run after him?

14 A No, he exited his vehicle, Michael was
15 going in this direction to here. He had to come
16 around so he can get an eye on him. If he went
17 around to this side, I don't think he could have
18 seen him. I mean, if he hadn't of stopped, I don't
19 think he would of had a good line of sight on him.

20 I think in his mind, the only way he
21 thought maybe he thought he was going to run back
22 the way he came, I don't know.

23 Q Okay.

24 A What was going through the officer's mind,
25 I don't know his procedure or what they are trained

1 to do. All I know is he came out of the car and he
2 came around to the back. He was standing at the
3 rear.

4 **Q** Okay. Did he shoot at Michael Brown while
5 Michael Brown was running?

6 **A** We didn't hear no shots until after he got
7 there and he moved off. When Michael got there, he
8 had already stopped. He stood right there and the
9 officer told him stop.

10 **Q** Okay.

11 **A** Even though he had already stopped.

12 **Q** Okay. So between the time that Michael
13 Brown ran from the police car and Michael was at the
14 intersection of Copper Creek --

15 **A** Copper Creek and Canfield.

16 **Q** -- and Canfield. You didn't hear any
17 shots fired?

18 **A** No.

19 **Q** So Michael Brown, he tells Michael Brown
20 to stop?

21 **A** Right.

22 **Q** Michael Brown had stopped, but his back
23 was to the officer?

24 **A** Yes, and he was turning, he was turning as
25 the officer yells stop.

1 **Q** At the time that his back was to the
2 officer, did it appear to you that he had been shot?

3 **A** I assume that he was because his hands was
4 up, he was standing with his back to us, but he was
5 looking at his body. As he was turning, he was
6 still looking down. And, you know, when he yelled
7 stop, his head came up and was looking at the
8 officer, and he did like this. (indicating)

9 **Q** Okay. So when he had his back to the
10 officer and he had stopped at that intersection that
11 we just talked about.

12 **A** Right here. (indicating)

13 **Q** He appeared to be shot to you at that
14 time?

15 **A** I assumed he was.

16 **Q** Why?

17 **A** Because of the proximity of him and the
18 officer at the truck.

19 **Q** You felt he must have been shot at the
20 truck?

21 **A** Right.

22 **Q** Okay. So he turned around and you already
23 demonstrated that he had, he was staggering and he
24 had his hands up, was it in your opinion was he
25 surrendering at that point?

1 **A** When he left from here and he was walking
2 toward him, I believe he was giving up.

3 **Q** Why?

4 **A** Because his hands was up, he was walking
5 toward him. Where was he going to go. The officer
6 was standing there with a gun dead aimed on him.

7 **Q** And you never saw a weapon with, you never
8 saw Michael Brown with a weapon?

9 **A** No, no.

10 **Q** Did you ever see Michael Brown appear to
11 be reaching for a weapon?

12 **A** No, no, his arms never went down to reach
13 for his belt, his hands stayed in this position
14 until he stepped off, off of this right here into
15 the street. And then when he got shot, that's when
16 his arms started moving. He was like oh, my God,
17 that's it, okay.

18 At that time when he fired off that
19 first volley right there, it still didn't look like
20 he was trying to reach for any weapon, he was trying
21 to see what was going on, where he was hit, all
22 right.

23 As he was coming off of there and
24 fired that next volley, his hands were coming down
25 beside his body. It was like he got hit, that's it.

1 He started staggering, he was staggering as he was
2 doing it. As he came, his body, his torso, his legs
3 were straight up, but his torso was almost like at a
4 45 degree angle with his head came up to look at the
5 officer.

6 The officer moved back three steps as
7 Michael was walking toward him or staggering toward
8 him, he took about three steps back and he was still
9 yelling. I clearly heard him tell Mike, stop, stop,
10 stop. But you can say that the man was in distress,
11 he was trying to stay on his feet. As he said that,
12 after he said the last stop, he fired.

13 **Q** Could you tell, I know you said you are
14 not good with distances, but could you tell how far
15 the officer was from Michael Brown when he fired
16 those last shots?

17 **A** After looking at it, again, I'm bad at
18 distances, but I would say at least about 20,
19 25 feet.

20 **Q** 20, 25 feet. Okay. I'm going to walk out
21 and by that I mean I'm going to come where you are
22 in this room.

23 **A** Uh-huh.

24 **Q** And then I'm going to start going
25 backwards so you can let us know how far, I'm going

1 to be Michael Brown and you will be the officer,
2 okay?

3 **A** Okay.

4 **Q** So I'm going back, and you let me know
5 when it is the distance that it appears to you how
6 far they were when the officer fired the last shots.
7 Farther than this?

8 **A** Close to.

9 **Q** Close to this?

10 **A** Close, might be a few feet further back.
11 If not 5, less than 5 feet further back.

12 **Q** We are talking 15, 20 feet?

13 **A** Right.

14 **Q** Okay. And in your opinion, right before
15 the officer fired those last shots, well, first let
16 me ask you this, you said that he was going down and
17 that's how you think he got the head shot, how did
18 you know he was shot in the head?

19 **A** We went around there, the amount of blood,
20 excuse me, after they covered him up, they put a
21 white sheet over his body, white sheet covered his
22 head. When I went back up there, the sheet had,
23 this is his head, the sheet extended about this far
24 out, about 2, 3 three feet this way, about 3 feet
25 this way. It was completely soaked. Can only come

1 from the head shot.

2 Q Soaked with blood, the top of it?

3 A The sheet was soaked. It turned from
4 white to complete red.

5 Q So you knew he was shot in the head, did
6 you ever --

7 A I didn't know he was shot in the head.

8 Q Okay.

9 A I didn't know he was shot in the head. I
10 assumed he was shot in the head.

11 Q Got it.

12 A Later on when it came out that he was
13 shot, because when we looked at myself and a few
14 other people looking at it, they say there was
15 another older gentlemen standing up there and this
16 lady oh, my God, he must have been shot, all that
17 blood. He must have been shot, he must have been
18 shot in the head, you know. That's when they were
19 all up over on this side of the street was saying
20 yeah, he walked up to him, pow.

21 Q You knew that wasn't right?

22 A I knew that was wrong.

23 Q Okay.

24 A But I wasn't going to say anything because
25 I lived out there years, okay. To go against

1 anything that they have already assumed would be to
2 put , ,
3 I'm not in good health. My only
4 concern is . I'm sorry that man got killed, I'm
5 sorry for his family, but I wasn't going to do
6 anything that would jeopardize .

7 Q Okay.

8 A That is my main concern. That's why I'm
9 out there.

10 Q And those last shots, in your opinion, the
11 officer did not have to fire because Michael was
12 already disabled?

13 A He was already disabled, yes, in my
14 opinion he was already disabled because you could
15 clearly see the man was in distress and was trying
16 to stay on his feet.

17 Q It does not appear he was charging the
18 officer?

19 A No, he was not charging.

20 Q Or threatening the officer?

21 A He was not threatening, he was staggering
22 toward the officer.

23 Q Okay.

24 MS. WHIRLEY: Anybody else questions?

25 : . The last

1 you guys were just talking about. So your opinion
2 right before the last volley of shots, he had lost
3 control of his body when the yelling stop, stop,
4 stop, your opinion is that he couldn't stop because
5 he had lost --

6 **A** No, he couldn't stop because he was
7 wobbly, you could see he was trying to stand up.
8 You could see clearly, we could see he was trying to
9 stand up. That's when and them were
10 yelling at him, man, stop, please stop, please stop,
11 he was trying to stand up. Because the way of the
12 angle of his body, he was like bent over with his
13 head up. And you could see almost instantaneously,
14 you can see him going down. You know, that's why
15 everyone sitting up there talking about he went down
16 to his knees he went face first.

17 : I'm going to say it again,
18 your opinion then is that you felt like he could not
19 stop?

20 **A** No.

21 He could not control his
22 body?

23 **A** No, he could not control his body, he had
24 been hit. I don't know how many people in here or
25 if anyone has, but I know I have. I've been shot.

1 And when that bullet hits you, you don't immediately
2 feel it. First thing you feel is the heat and when
3 that heat hits you, everything goes haywire.

4 He could not stand it okay.

5 : I have
6 a question. When you and Kathi were talking, she
7 indicated it was 48 feet and 2 inches from where he
8 was first shot at the corner to where he was last
9 shot. When he was last shot and fell to the ground
10 we determined that it was about 20 feet, you said 20
11 to 25 feet, we determined 15 to 20, we are going to
12 split the difference 20 feet, okay. Heated
13 situation, everybody is crazy.

14 **A** Uh-huh.

15 : The officer doesn't know
16 whether or not he has a weapon and Michael Brown is
17 still moving forward.

18 **A** Yes, he is he is staggering forward.

19 : If it took just a few
20 seconds for him to travel 48 feet and 2 inches, it
21 wouldn't take very long for him to travel 20 feet,
22 right?

23 **A** Right.

24 : What do you think the
25 officer should have done?

1 **A** After he fired and he was coming --
2 : He was coming towards
3 him, I know you say he was staggering, but the
4 officer did not know any of these things.

5 **A** I don't know their procedures. Okay.
6 They're saying he's coming, he's probably menacing,
7 I've heard all kind of things.

8 : You can't really see his
9 face though, right?

10 **A** I cannot see his face, but I can clearly
11 see his hands were coming down.

12 : You can see like this?

13 **A** He was not coming at him in a menacing
14 way. He was fighting to stay on his feet, he was
15 steadily walking, he's steadily walking.

16 I understand.

17 **A** As he's walking toward him, he's
18 staggering toward him, the officer is backing up.
19 He backed up. All right. Then he fired the last
20 shot. He kept on going, he made a few steps and
21 then bam, he went down now.

22 Now, I don't know the distance that
23 it was he had moved a certain distance before he
24 fired the last few shots, okay. He staggered, if it
25 took that many steps, then that's what it took,

1 that's what I saw.

2 : .

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

4 : You know now that he
5 don't have any weapon, but at that moment when that
6 happened, you don't know if he has a weapon or not?

7 **A** I cannot see any weapons in his hand.

8 : Okay. You don't see it.

9 **A** I do not know if he had any on his body,
10 but I didn't see any weapons in his hands.

11 I understand, sir. I
12 want you to answer me, at that moment you were sure
13 that he didn't have any weapon?

14 **A** Yeah.

15 : You don't see it?

16 **A** I don't see hit.

17 But you are not sure he
18 don't have any weapon?

19 **A** Right, that's my assumption, yes.

20 Your assumption?

21 **A** Right.

22 : I don't mean to pick
23 apart --

24 **A** Right, that's what your job is.

25 But you said in here in

1 your statement on the 12th, you said I'm going to
2 call it or I'm going to say it, I feel like he was
3 executed. From what you are describing to us, you
4 know, the police officer saying stop, stop, stop,
5 and him continuing to move and even moving after
6 he's injured, um, do you still feel that way?

7 **A** Yes, because I don't believe he had any
8 weapons on him.

9 : You don't believe --

10 **A** They didn't find any weapons on him. He
11 was hit, he was in distress, he was coming at him
12 and he wasn't coming toward the officer to do any
13 harm, he was trying to stand on his feet.

14 And the only direction his body could
15 move was forward, all right. He knew he hit him, he
16 know how many shots, but as big as Michael was, I
17 don't know what's going through his mind. I can't
18 read his mind, the officer's mind. Maybe he thought
19 that Michael was coming at him as big as he is, he
20 could still do some harm to him.

21 Maybe he did.

22 **A** That's why he felt like he had to use
23 deadly force. I'm seeing someone who is hit, who is
24 clearly in distress, who cannot stand on his feet,
25 why?

1 said when the officer exited the vehicle after the
2 first shot is fired what, in your mind, how, can you
3 picture how many seconds it took, he came out, you
4 say, did he come out already, drawn his weapon?

5 **A** I can't see him from the driver's side.
6 As he was coming around, you could see the gun in
7 his hand. By the time he got to the back bumper of
8 his truck, it was in this position. He had already
9 unholstered, he had to cause by the time he got to
10 the back of the truck, it was coming up and he got
11 in that stance quick. (indicating)

12 : If anything would have
13 been in his vision in order to not see Mr. Brown,
14 because you said --

15 **A** Well, he had to turn his back to him for a
16 split second because he's coming around from the
17 back of the truck, he's running this way, Michael is
18 going that way, but he came around to the back of
19 the truck.

20 : Right.

21 **A** To get a line of sight on him. So he had
22 for a split second to come around, but as he's
23 coming round, he could see through his windows. He
24 could look through the windows of the truck to see
25 where he is, okay. But when he came around to the

1 back, he had a better line of sight, but no
2 obstructions to where no one, these two, three
3 people would not be sitting there, then I gotcha.

4 But as I'm coming around, I got all
5 of this glass. I can see through the glass, okay.
6 I see which direction you are going in, okay. I'm
7 coming around, I'm looking through the glass. I'm
8 coming around, I'm at the back of the truck, I see
9 where you are, now you are in the front of my truck
10 the officer's side, now I gotcha.

11 The officer, even though
12 he came around his vehicle, did he ever come at an
13 angle closer because I think I believe I read in
14 your testimony on August the 12th that you said that
15 he had set at angle, like catty-corner --

16 **A** When I said at an angle, I was giving the
17 position that the officer was standing in. He
18 wasn't like this, he stood like this. (indicating)

19 : Right, but then the
20 officer moved closer to curb?

21 **A** So his body was at an angle, his body was
22 like this and his truck --

23 MS. ALIZADEH: Hey, hey, just for the sake
24 of the court reporter, he can't take it down when
25 both of you talk at once.

1 The guy that was with him?

2 **A** Oh, I didn't know his name. I never knew
3 his name. No, huh-uh. Once Michael hit that side,
4 we looked back, I didn't know where he went. We
5 assumed, excuse me, that this is the building, we
6 thought he had ran around to the side of the
7 building over here, but in his statements on the
8 news he was behind one of the police trucks. We
9 didn't see that.

10 I mean, he is a little guy, truck is
11 kind of high, all right. My eyesight was on
12 Michael, for some odd reason we are glued to him,
13 okay. Because as the officer was coming around, we
14 figure that something happened between Mike, we knew
15 Michael was at the truck, we was watching them two.

16 Him, we didn't see him, he
17 disappeared. He was a little guy, he was gone.
18 Okay, but by the time the officer had gotten around
19 here, there was another truck came down and he got
20 in that spot. There was another police officer
21 truck.

22 So he says, Dorian said that he was
23 in there, then standing beside one of the police
24 trucks and he was watching the whole thing. I
25 didn't know that. I never knew him, never seen that

1 guy in my life. All the times that I've seen
2 Michael, I've seen him plenty of times walking
3 through the neighborhood, I never saw him with that
4 guy, never.

5 Did you ever see any other
6 vehicles behind the police SUV?

7 **A** No, after that?

8 : During the shooting?

9 **A** Within what, two, three minutes, police
10 cars from everywhere was coming, you know. But
11 before they, as they were coming, it was the crowd
12 of people were coming from everywhere. From up here
13 at Ellison, this is the first street. From there,
14 from all parts of the complex and from Northwinds
15 they are running up there.

16 The stepfather and them I believe
17 they stayed in Northwinds, he was one of the first
18 ones there. And they started, everyone got on their
19 phones, they were calling and taking pictures, next
20 thing I know there is crowd everywhere, okay.

21 So that is what I was concentrating
22 on because I didn't know what they were going to do
23 because they were getting crazy, all right. They
24 were hyping themselves up.

25 : Thank you.

1 Canfield pointed toward Canfield. I mean, toward
2 West Florissant.

3 We later found out that this
4 gentleman has a friend that stays back here in the
5 back and when the first shot rang off, that car went
6 this way towards West Florissant. I didn't see it
7 ever again.

8 **Q** Okay. But you have on your diagram that
9 the car is actually west of the police vehicle?

10 **A** Yeah, it is on this side. All the cars
11 here. The car is here, his car was closer to this
12 driveway down here.

13 **Q** All right. So you don't recall the car
14 being on that side of the police car?

15 **A** No.

16 **Q** West of the car?

17 **A** No, it was parked right here. That's what
18 I told him, I said he was sitting right there and
19 after the shot rang off at the truck, he pulled off
20 and sped off.

21 MS. ALIZADEH: I'm sorry, there was some
22 other hands?

23 : . when
24 Michael Brown was, let's say at the lamp post, I
25 guess, on the corner of the asphalt, I guess that's

1 Copper Creek Court?

2 **A** Uh-huh.

3 : And he turned around. And
4 at one point you mentioned you could see something
5 in his right hand or on his right hand?

6 **A** It looked like, looked like he had
7 something on his hand, cause he kept looking at it
8 like this, and he started looking at his body.

9 : Can you clarify at what
10 point you actually saw that?

11 **A** As he turned, and he you could see as he
12 is coming around, he's spinning around, looked like
13 we saw something that was on his hand cause he kept
14 doing like this. He kept looking at hit and then he
15 looked down, he looked at both sides of his body.

16 : So I'm guessing he may have touched
17 himself to see if there was blood or something cause
18 you could see there was splotches cause he's real
19 dark and then he turned around and he did that,
20 looked up. And as he spun around, and then he says
21 that's it, boom. When he turned around, he had his
22 hands facing the officer, we couldn't see the palms.

23 : Okay. It was before the
24 first volley of shots?

25 **A** Before the first volley.

1 : Thank you.

2 **A** Yes.

3 : . How far
4 behind the vehicle was the officer when he fired his
5 first volley of shots?

6 **A** He was practically catty-corner to the
7 rear corner.

8 Okay. So then how far
9 was he from the rear bumper when he fired the second
10 volley of shots?

11 **A** Maybe three to four steps behind it.

12 : All right. So he never
13 actually got past his rear bumper?

14 **A** No.

15 : Okay. Thank you.

16 MS. ALIZADEH: Anyone else have any
17 questions?

18 thank you. Is there anything
19 that we haven't asked you or anything that you think
20 is important for this grand jury to know before you
21 conclude your testimony?

22 **A** No, I think you pretty well covered it.

23 MS. ALIZADEH: Okay. This will end the
24 testimony of

25 (This is the end of the testimony of

1 .)

2 MS. ALIZADEH: Good afternoon, it is
3 2:07 p.m. on September 30th. We are in the grand
4 jury, present is myself, Kathi Alizadeh and Sheila
5 Whirley, as well as all 12 grand jurors and the
6 court reporter, and we have just gotten back from
7 our lunch break.

8 I do have two officers who I believe are
9 going to testify this afternoon. One is going to be
10 Detective He's the officer who is
11 the primary case officer investigating this matter.
12 I'm only going, we're not going to get into the
13 entire investigation. I'm simply calling him to ask
14 him some questions about the interview that he had
15 with

16 And then after that, we will have
17 . If you recall he was the crime scene
18 investigator who went to the Ferguson Police
19 Department, and then followed them to the hospital
20 and actually took pictures of Officer Wilson and
21 then he will testify about seizing other items
22 because we had to interrupt him to get Dr.
23 on, if you recall. Hopefully he will just be like
24 another 30 minutes.

25 Neither of them are here yet, I assume

1 they're on their way, but so we're going to go ahead
2 and start playing some statements of a witness that
3 we anticipate will be testifying Thursday morning
4 for you. This is, this is Grand Jury Exhibit 31,
5 which is a disc that contains media clips, clips of
6 interviews that were done by a witness whose name is

7

8 I don't know if you recall this is an
9 employee of that she actually was
10 going to pick up. I'm first playing clip one.

11 As usual, I'm not going to play the clip
12 in its entirety, a lot of these contain comments by
13 the reporter and stuff. I'm starting this at 55
14 seconds and I will play it to a minute and 15
15 seconds, so this isn't long at all.

16 (Clip is being played at this time.)

17 MS. ALIZADEH: All right. I missed that
18 because I was messing around with this. Does
19 anybody need to see that again? I'll start it again
20 because I didn't have the volume up.

21 . Can you freeze
22 it too? I'd like to see the view that she had from
23 her balcony a little better.

24 MS. ALIZADEH: How about I play the whole
25 thing, I go back and freeze it in the middle since

1 some of you didn't hear what was being said. I
2 don't want to stop it in the middle and then we will
3 go back and freeze it.

4 (Clip is being playing at this time.)

5 MS. ALIZADEH: So you want me to go back
6 and look at that video again?

7 Freeze frame it on the
8 intersection and then when we can see that apartment
9 in the background, those two places.

10 MS. ALIZADEH: Okay, I will do my best.

11 (Clip is being played at this time.)

12 : Right there, other time
13 he used the zoom it looked like.

14 : No, that's not his
15 apartment building that we just heard, right?

16 MS. ALIZADEH: Now, if you notice in the
17 street and it is easier to see on the screen that
18 there are some items in the street. It tells you it
19 looks like a couple of those traffic cones and then
20 a looks like a crucifix, and I can't tell what that
21 black thing is.

22 Looks like a statute.

23 (Playing the clip.)

24 Can you show us on the
25 aerial view what building she's in?

1 : She's in .

2 She's number

3 MS. ALIZADEH: Yeah, she's in this
4 building here. And I believe we will hear in
5 her statements, I believe it is , or at least
6 right here. (indicating)

7 Any interest in me going back and freezing
8 again? No, all right.

9 That was a clip that was aired on
10 August 10th, 2014 at 5:30 p.m. on NBC nightly news.

11 This next clip, or the second clip on the
12 disc, Grand Jury 31 aired at 10:00 p.m. on
13 August 10th, 2014 on KSDK.

14 I'm going to start it at 137, if I can.
15 (playing the clip.)

16 MS. ALIZADEH: I'm going to start it at
17 136, it is only going to 149, so this is also very,
18 very brief.

19 (playing the clip.)

20 MS. ALIZADEH: Anybody want to see that
21 again? Next clip aired on 8/15/2014 on CNN program
22 is New Day. I'm going to start this at 28 seconds
23 and this goes until six minutes and five seconds.
24 So this is a lengthier clip. Starting at 27
25 seconds.

1 (playing the clip).

2 MS. ALIZADEH: Anybody need to see that
3 again?

4 Next clip is number four. It aired on
5 August 18th, 2014 at 10:00 a.m. on CNN At This Hour
6 with Berman and Michaela.

7 I'm going to start the clip at 40 seconds
8 and it will play to four minutes and five seconds.

9 (Playing the clip.)

10 MS. ALIZADEH: And then the last clip is
11 clip number five, the fifth clip it aired on
12 August 18th, 2014 at 7:00 p.m. on CNN.

13 I'm going to play this from the beginning
14 until three minutes, it plays until three minutes.

15 (Playing the clip.)

16 MS. ALIZADEH: Anybody need to see any of
17 these clips over again?

18

19

20

21

22

23

24

25

1
2
3
4 of lawful age, having been first duly sworn to
5 testify the truth, the whole truth, and
6 nothing but the truth in the case aforesaid,
7 deposes and says in reply to oral
8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Would you state your name and spell it for
12 the court reporter.

13 A , ,
14

15 Q And you're a detective with St. Louis
16 County Police Department?

17 A Yes, ma'am.

18 Q And how long have you been with the St.
19 Louis County Police Department?

20 A Since January of 2002.

21 Q How long have you been in the detective
22 bureau?

23 A Since March of 2008.

24 Q And are you in the Crimes Against Persons
25 Unit?

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

2 **Q** And were you in that Crimes Against
3 Persons Unit back in August of this year?

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

5 **Q** And are you the primary case officer
6 involved in the investigation of the shooting of
7 Michael Brown?

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

9 **Q** And just so we can make clear on the
10 record, the officer involved in that shooting is a
11 Darren Wilson, are you in any way related to Darren
12 Wilson?

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

14 **Q** Have you testified before this grand jury
15 before, I mean, not on this matter, but this grand
16 jury has been working since May, have you testified
17 since May to the grand jury to your knowledge?

18 **A** I don't recall.

19 **Q** And this is the first time you've
20 testified regarding the shooting investigation in
21 this matter, correct?

22 **A** Correct.

23 **Q** And I'm not going, we're not going to go
24 into every aspect of your investigation right now.
25 But what I wanted to direct your attention to was an

1 interview that you did on August 12th, 2014 and the
2 subject that you were interviewing was a
3 ?

4 **A** That's correct.

5 **Q** And that interview was conducted, it began
6 at 1557, would that be 3:57 or what is 1557?

7 **A** 3:57 correct.

8 **Q** P.m.?

9 **A** Yes.

10 **Q** And it also was at the New Horizon Seventh
11 Day Christian Church; is that correct?

12 **A** That's correct.

13 **Q** And how is it that you knew that
14 had some information for police?

15 **A** The pastor of the church, Reverend
16 had contacted the St. Louis County Police
17 Department and indicated that one of his church
18 members had information regarding the incident.

19 **Q** All right. And so did you make
20 arrangements to interview he was the
21 church member, correct?

22 **A** That's correct.

23 **Q** You made arrangements to interview him at
24 the church?

25 **A** Yes.

1 **Q** And the grand jury has already heard the
2 statements, so we're not going to go through the
3 statement, but present for the statement was
4 yourself, and then Detective
5 is that correct?

6 **A** Correct.

7 **Q** Was the reverend or pastor , was
8 he present for that interview?

9 **A** He was not.

10 **Q** Where in the church did this interview
11 take place?

12 **A** It took place in a conference room, right
13 outside of Reverend s office.

14 **Q** You had an audio recorder that you used to
15 record the interview that you had that day?

16 **A** I did.

17 **Q** And, in fact, you have recorded numerous
18 witness statements in relation to your investigation
19 into the shooting of Michael Brown; is that correct?

20 **A** Correct.

21 **Q** And are almost all of those interviews
22 audio recordings?

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

24 **Q** And so did you, were you aware that
25 subsequent to your interview, was

1 interviewed by the FBI and an attorney from the U.S.
2 attorney's office and an attorney from the
3 Department of Justice?

4 **A** I was.

5 **Q** Now, were you a part of that interview?

6 **A** I was not.

7 **Q** Were you present for that interview?

8 **A** I was not.

9 **Q** And so at some point did someone that was
10 involved in that interview contact you about the
11 statement that made during that
12 interview?

13 **A** I was contacted, yes.

14 **Q** And were you aware that that interview was
15 also audio recorded?

16 **A** I was.

17 **Q** And have you listened to that interview?

18 **A** I have.

19 **Q** And have you listened to the interview
20 that you did with him?

21 **A** I have.

22 **Q** Now, you and I had a conversation, my days
23 are really running together, when is it that you and
24 I got together and talked about this, was it,
25 today's Tuesday, was it Friday or yesterday? I

1 think it was Friday.

2 **A** I think Friday.

3 **Q** Okay. Actually, you and I speak on a
4 daily basis; is that right?

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

6 **Q** And I see you at my office or over at DCI
7 almost daily, correct?

8 **A** Yes.

9 **Q** At some point did you and I have a
10 discussion about how demonstrated the
11 way he saw Michael Brown use his hands during the
12 incident on August 9th?

13 **A** We did.

14 **Q** And you recall that in the audio interview
15 that you did with , you actually tried
16 to describe how, are you trying to describe what
17 he's demonstrating?

18 **A** I'm describing what the actions that he is
19 making, how he's demonstrating his hands are, yes.

20 **Q** And when you describe it, do you hear him
21 both after having listened to it, but also live,
22 would he either agree or correct you if it wasn't
23 correct?

24 **A** Yes, ma'am, that's correct.

25 **Q** And so can you please stand up for us?

1 **A** Sure.

2 **Q** There's a part of the interview where
3 says as Michael Brown is running away
4 from Officer Wilson, he comes to a point near the
5 corner of Copper Creek Court and Canfield Drive and
6 he stops. And then he does something with his hands
7 that if you recall, describes as if
8 he is looking on his body or on his hands in some
9 manner?

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

11 **Q** Does he demonstrate for you during his
12 interview how he was seeing Michael Brown with his
13 hand?

14 **A** He does.

15 **Q** Can you show the jurors what he showed you
16 Michael Brown was doing?

17 **A** Sure. He was seated, but he said that
18 Michael Brown's hands were essentially, I'll
19 describe it palms up with his hands and fingers
20 roughly at shoulder height, elbows not touching his
21 rib cage, but elbows at a natural fall, just as I'm
22 demonstrating to you right now. (indicating)

23 **Q** When he did that, did he move his head to,
24 again, demonstrate what he saw Michael Brown doing?

25 **A** Did

1 **A** I believe that is correct, yes.

2 **Q** Okay. Now, does he ever describe or
3 demonstrate to you Michael Brown having his hands in
4 front of his torso, whether in his pelvis or belly
5 button region?

6 **A** No.

7 **Q** Does he ever describe for you or
8 demonstrate to you Michael Brown having his hands in
9 the air at the height of his shoulder or head with
10 his palms facing forward?

11 **A** No.

12 **Q** Does he ever use words or describe to you
13 that Michael Brown was surrendering?

14 **A** Use the word surrendering, no.

15 **Q** Are you sure at no time during your
16 interview with him did he demonstrate that Michael
17 Brown's hands were up at his sides with the palms
18 facing away from his Michael Brown's body, facing
19 forward?

20 **A** He did not, no.

21 MS. ALIZADEH: Sheila, do you have any
22 questions?

23 MS. WHIRLEY: Does anyone else have
24 questions? Because I'm kind of reviewing something.

25 MS. ALIZADEH: I'll give you time. I'll

1 your knowledge and information, had it been moved
2 after Officer Wilson stopped it?

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

4 **Q** And is the, I know that the vehicle is
5 somewhat at an angle in the roadway, is the front of
6 the vehicle pointing in a northwesterly direction?

7 **A** Primarily, yes.

8 MS. ALIZADEH: Sheila, have I stalled
9 enough for you to figure out what you want to ask?
10 : This is

11 The view from, that s balcony, did he
12 have a clear view in your opinion of that whole
13 crime scene?

14 **A** Yes, sir.

15 : Okay.

16 **A** Yes, sir.

17 MS. ALIZADEH: Let me follow-up with that.

18 Detective , have you ever been on
19 's front porch.

20 **A** I have not.

21 **Q** (By Ms. Alizadeh) Okay. And we've
22 discussed different points of view and what somebody
23 could see from their vantage point, correct?

24 **A** Correct.

25 **Q** And if was standing on his

1 balcony, he could see the corner of Canfield Drive
2 and Copper Creek Court, would that be fair to say?

3 **A** Yes.

4 **Q** And he could look down the street and see
5 the location where the police officer's vehicle
6 eventually was, correct?

7 **A** Yes.

8 **Q** If Michael Brown had turned around at this
9 corner and walked in a direction down the street
10 toward the officer coming from near the grassy
11 corner toward the middle of the street, would

12 have a straight-on view of Mr. Brown at
13 that point? In other words, could he see his front?

14 **A** No.

15 **Q** Okay. Would he see directly his back or
16 would he see an angle part of that?

17 **A** I would say that he would be able to see a
18 slight angle, but see his back, yes.

19 **Q** Mostly his back?

20 **A** Right.

21 **Q** (By Ms. Whirley) The question I have,

22 I don't know if you have the
23 transcript in front of you, do you?

24 **A** I do.

25 **Q** On page 34. When you are again clarifying

1 whether his hands were all the way up or not and
2 is saying he didn't have them all the way up,
3 but he did have them all the way up, I'm not sure if
4 that's a typo or not. Are you with me?

5 **A** I'm with you.

6 **Q** Enough to notice this officer should know
7 he was not threatening him, he was not in imminent
8 danger, the boy was not threatening him in any way,
9 he's not charging, he was struggling to stay on his
10 feet.

11 So he didn't tell you, he never told
12 you he was surrendering that is as you said,
13 correct?

14 **A** Correct.

15 **Q** But he characterized Michael Brown as not
16 threatening the officer in his opinion?

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

18 **Q** Okay. And then he was, his hands, he
19 didn't say he had them all the way up, he did have
20 them all the way up enough for this officer to know
21 that he was not threatening him, did he demonstrate
22 what he meant by that?

23 **A** I don't believe he did. I took it that he
24 was still making reference to the same posture that
25 I have previously describe.

1 **Q** Say that again?

2 **A** I took it that he was making reference to
3 the same posture that he had previously described to
4 us.

5 **Q** As not threatening, his hands were up, but
6 he was not being threatening?

7 **A** Correct, the hands that I described
8 earlier, hands up, about shoulder height.

9 **Q** Okay. And that was the not threatening
10 gesture you took him to mean?

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

12 **Q** Okay.

13 MS. WHIRLEY: That's all I have.

14 **Q** (By Ms. Alizadeh) Detective , if you
15 can refer to page seven. And near the bottom of the
16 page where you get to the point where
17 is telling you about how Michael Brown had ran and
18 then he turned and then in the last paragraph on
19 that page, , referring to Michael Brown
20 says, right at the, he had like one foot on the
21 grass and one foot on the driveway, and then he
22 turned around and then he like, like this.
23 (indicating) So that is why people thought he raised
24 his hands.

25 Is he gesturing or demonstrating when

1 he says he turned around and he like, like this, was
2 he demonstrating?

3 **A** Again, making reference to what I had
4 previously stood up and described.

5 **Q** Okay. So when he said, he like, like
6 this, that is why people thought he raised his
7 hands, was he making that same motion that you have
8 already demonstrated?

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

10 **Q** Okay.

11 MS. WHIRLEY: Anybody else have questions?

12 . I guess
13 the whole hands up is he -- when you -- I guess,
14 what would be your definition of hands up, all the
15 way up or would they be like this or like that?

16 **A** Well, I mean, obviously the two motions
17 that you made your hands were both up.

18 Okay. I'm actually
19 reading from, I guess, this is page 18. And you say
20 your arms are like palms up and hands and fingers
21 are roughly shoulder length, is that fair enough to
22 say?

23 MS. ALIZADEH: It is close to the top of
24 the page.

25 **A** So if you would, if you would make

1 reference to page 17 on that, at the bottom of the
2 page. We're discussing, this is kind of when we get
3 into the specifics of it, but he says as he faces
4 the officer, I asked him, his hands go up to a point
5 where? And he says about to his shoulders.

6 So he's making reference, again, and
7 this is kind of what I'm explaining. He is making
8 reference to his hands or his fingers being roughly
9 shoulder height, which is as how he was describing
10 as I am explaining it here. And then we make
11 reference to his elbows, and kind of like I
12 described to everyone earlier, that his elbows were
13 again, close to his body. I'm not saying touching
14 his body, but close to his body in a position like
15 this. (indicating)

16 And then it goes on, we again clarify
17 palms are up, hands or fingers are roughly shoulder
18 height, is that fair enough to say? And he says,
19 yeah, about close to his shoulders, yes.

20 So then again, I'm just clarifying
21 with him that we are kind of, we are talking about
22 almost a plane here that would extend from his
23 shoulders to where his fingers or his hands would
24 be. Did I answer your question?

25 Okay.

1 MS. ALIZADEH: Any other questions?
2 : . And then
3 to clarify that, would that be sustained for you to
4 say that he had his hands up?

5 **A** That he, that was saying
6 that Michael Brown had his hands up.

7 : Yes.

8 **A** Yes, ma'am, that he had his hands in the
9 position I described, yes.

10 If you said halt, would
11 you consider that that person had his hands up?

12 MS. ALIZADEH: Well, let me say for the
13 record just so we can make clear on the record you
14 have your palms facing forward when you are doing
15 that, correct?

16 : Maybe I don't know what
17 hands up is. If someone raised their arms, I would
18 think hands up. I would think regardless if my
19 hands are faced this way, my arms are up, to me
20 that's a stop, you see what I'm saying? To me
21 that's what I'm trying to get clarification.

22 **A** Okay. Could you ask the question one more
23 time, please?

24 : My question is, the way
25 that said the way he saw Mr. Brown raise

1 his hands.

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

3 : Would that be substantial
4 for you as a police officer to say that you said
5 stop, stop or halt, halt, and a person raised their
6 hands, would that be okay for you to say oh, he had
7 his hands up, a surrender motion?

8 **A** I would say it would depend on the
9 situation that I was in.

10 : I mean, so this would be
11 stop. Is it fair to say that he might have been
12 hurt somewhere where he couldn't raise his hands all
13 the way up?

14 **A** Well, I think based off of s
15 statement, he was indicating that Michael Brown was,
16 as I kind of described earlier, that he was checking
17 himself to see if he was injured.

18 So, yes, when you and I are sitting
19 here having this conversation, are my hands up right
20 now, and I'm am demonstrating what I had previously
21 demonstrated the position that had
22 described to me. So if I'm sitting here like this,
23 are my hands up? Yes, my hands are up.

24 : . Would you
25 consider there is a distinction between hands up in

1 a surrender situation? Could they be separated?
2 Your hands up in the method you described, that
3 doesn't necessarily 100 percent mean that it would
4 be a surrender, it could be a case by case basis?

5 **A** Again, like what I had said earlier, I
6 think every case is different and it would depend on
7 circumstances, yes.

8 : Yes.

9 **A** Yes, sir.

10 : . And again, in
11 the context of 's first interview with
12 you, this comes right as Michael Brown turns around
13 before this first, there is an initial shot, before
14 the first round of shots, correct?

15 **A** Say that one more time, please?

16 : So when is
17 explaining this to you.

18 **A** Sure.

19 : This whole motion. He is
20 saying this comes before Officer Wilson pursues him
21 and shoots the first rounds of shots, correct?

22 **A** Correct.

23 : That's what I thought.

24 **A** Correct.

25 : . I just want to

1 make sure I understand. Everything that he said
2 from what I can see he is talking about having his
3 hands, palms up, rib cage length, maybe out a little
4 bit and looking at himself searching for injuries?

5 **A** Correct.

6 : There is never anything
7 in here where he puts his arms up to his shoulders
8 with his palms out?

9 **A** With his palms out, no, but again,
10 remember as I described, he does his hands. I'm not
11 saying to his shoulders, like palms forward facing,
12 but he does have his hands at shoulder, yes, ma'am
13 at shoulder height.

14 : Okay.

15 **A** But with palms up.

16 : I'm looking at
17 the line of sight that would have as he
18 is looking at Michael Brown. I don't see how he
19 could see the right side of his right hand from the
20 angle he is at. Seems like he could only probably
21 see the left arm and left hand, would you say that's
22 a fair assessment? I know he is looking down
23 somewhat, maybe he can see something over the
24 shoulder.

25 **A** Yeah, I think --

1 : His hands are down and
2 he's a big body man.

3 **A** I think it would be very, I wouldn't want
4 to comment on that without having been there.

5 Yes, ma'am.

6 : I'm . Do
7 you have cause to study police procedures, not only
8 in other states nationally, but also globally as
9 well.

10 **A** Globally, no, ma'am.

11 Not in other countries
12 whatever?

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

14 Because what I was
15 wondering is there a standard norm, would this be a
16 surrender motion or is this normally the surrender
17 motion that you see from?

18 **A** Again, I think it would depend, every
19 situation is different and every person is different
20 and I think every person reacts differently.

21 MS. ALIZADEH: And just to let you know,
22 Detective will probably appear on future
23 dates because there will be other aspects of the
24 investigation that he will be needed to testify to.
25 And since he's readily available, we will just bring

1 him as needed as opposed to try to cover everything
2 at this point.

3 I'm not trying to say you can't ask him
4 whatever questions you want, but don't feel like you
5 have to ask him all of those questions now because
6 he will be available for later, all right?

7 Any other questions regarding the
8 statement or anything of that nature?

9 : Just one. I guess with
10 that position, I guess that position
11 that you had his hands, I guess you could clearly
12 probably see at that time that he was not armed if
13 you got your hands this way?

14 **A** I wasn't there, but there was never any
15 indication given that thought he was
16 armed.

17 : Okay, thank you.

18 MS. ALIZADEH: That thought
19 he was armed?

20 **A** Correct.

21 MS. ALIZADEH: As opposed to Darren
22 Wilson, whatever was in his mind.

23 : . I'm going to
24 go a little bit. She was talking about, everybody
25 was talking about, could this be the surrender

1 motion and it would depend on the situation. If the
2 situation were you were holding your hands like
3 this, yet still moving toward somebody, would you
4 consider that a surrender?

5 **A** Still moving toward someone?

6 : Uh-huh.

7 **A** No.

8 It would depend on the
9 situation?

10 **A** It would. Obviously, it depends on the
11 situation.

12 But in theory you would
13 not consider this and moving forward a surrender
14 motion?

15 **A** (Nods head.)

16 MS. ALIZADEH: Anybody else. All right
17 this concludes the testimony for today of Detective

18
19 (End of the testimony of Detective
20)

21 MS. ALIZADEH: This is Kathi Alizadeh with
22 the prosecutor's office. Present is myself, Sheila
23 Whirley, all 12 grand jurors and the court reporter.
24 We just had a brief break and now we are going to
25 continue with the testimony of Detective

1 of the St. Louis County Police Department.

2 EXAMINATION

3 BY MS ALIZADEH:

4 Q Detective , I will remind you that
5 you were sworn previously on September 9th and that
6 oath is still I in effect, all right?

7 A Yes, ma'am.

8 Q Just to get back where we had left off.
9 If you recall he has already given testimony about
10 having photographed Darren Wilson's face and neck
11 areas and that he then also talked about having gone
12 back to the Ferguson Police Department and seizing
13 the gun, and you recall he describes swabbing the
14 gun. And now I think we're going to take up from
15 there and Detective , if you want to sit in
16 that chair.

17 A Thank you.

18 Q We will kind of resume where we had left
19 off.

20 I think previously you testified that
21 when Darren Wilson had left the Ferguson Police
22 Department to go to the hospital, he had draped his
23 uniform shirt over a chair, I believe or do you
24 recall?

25 A I didn't testify to that.

1 **Q** Okay. Somebody else did, I'm sorry.

2 **A** Yes, ma'am. His uniform shirt and his
3 department issued weapon were still at Ferguson
4 Police Department. He was still wearing his white
5 T-shirt, his brown uniform pants and his boots.

6 **Q** And now I recall there was discussion that
7 he didn't have anything to change into so he went
8 back to Ferguson wearing his uniform pants?

9 **A** Correct.

10 **Q** And his boots and his T-shirt?

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

12 **Q** So when you arrived back at Ferguson and
13 you've already testified about the gun and how you
14 found it and then what you did with it, did you also
15 photograph and seize the officer's clothing?

16 **A** I did.

17 **Q** And I'll show you, you've already
18 testified about the series of photographs that you
19 took in your, in the course of your investigation,
20 which I had previously shown you were contained in
21 Grand Jury Number 10. And I'm going to start up
22 again with Image Number 24. If you can put that on
23 the overhead and explain what that is that you are
24 seeing.

25 **A** All right. This is the overall view of

1 the front of the officer's shirt as it appeared when
2 it was handed to me. He had just removed it. It
3 was maintained at the Ferguson Police Department and
4 this is what it looked like when I first seized it
5 when photographing it.

6 **Q** So are you actually photographing it at
7 the Ferguson Police Department?

8 **A** I am.

9 **Q** Okay. And so you've laid the shirt out in
10 that manner?

11 **A** Yes.

12 **Q** Now, as you lay the shirt out in that way,
13 do you, are you doing a visual examination with your
14 naked eye to see if you see any stains or any tears
15 or any defects in shirt itself?

16 **A** Yes.

17 **Q** And the manner that you have it laid out
18 right there, did you see any stains or defects or
19 tearings in the fabric of the shirt?

20 **A** No, ma'am, not as it appears, no.

21 **Q** Okay. Then showing you your Image Number
22 25. Can you describe what that is?

23 **A** That is a close-up view of his name tag.

24 **Q** And is there anything that is on the name
25 tag or is there a reason why you got a close-up view

1 of the name tag?

2 **A** Other than get a specific view that his
3 name tag, he was wearing it at the time of the
4 incident and that's how he was dressed.

5 **Q** And so as you see in the image, the name
6 tag is actually still on the shirt?

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

8 **Q** Okay. And then in Image Number 25, is
9 that 25? We just did 25, sorry.

10 **A** 26.

11 **Q** Image Number 26.

12 **A** It is a close-up view of his issued police
13 officer badge from Ferguson Police Department.

14 **Q** And again, the reason for that would be
15 just to show it is on his shirt on the day in
16 question?

17 **A** Yes.

18 **Q** Okay. And again, there's a ball point,
19 looks like a pen that's in the pocket of his shirt?

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

21 **Q** Image 27?

22 **A** This is an overall view of the back of his
23 shirt.

24 **Q** And did you visually examine that?

25 **A** I did.

1 **Q** Did you see any stains or tears or defects
2 in that shirt?

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

4 **Q** And Number 28?

5 **A** It is an overall view of the pocket that
6 is below his name tag.

7 **Q** Now, in this image, is this a breast
8 pocket?

9 **A** It is.

10 **Q** On the left side of his shirt or over
11 where his heart would be, his left or his right?

12 **A** It is over his right.

13 **Q** Over his right, all right. Is this the
14 same pocket that had the pen in it?

15 **A** No, it was not.

16 **Q** So does he have a name tag oh, okay. This
17 is the pocket, I understand. All right. And so did
18 you see anything looking at the shirt in this manner
19 that has any stains or defects?

20 **A** Not in this manner, no.

21 **Q** I'm going to show you Image Number 29.

22 **A** This is next imaging sequence when you
23 flip up that pocket flap, there is a pinkish red
24 mark. So being the sequence would be, we showed you
25 an overall view of the pocket as it was. Now we

1 flipped up the pocket flap and in the next few
2 images and we will go through them, we will get
3 closer and we will put a measuring device in it, a
4 ruler.

5 **Q** Now, as you see the pocket flap on the
6 pocket itself, on the other side of the flap there
7 was a button, correct?

8 **A** Yes, it is a sewn-on button.

9 **Q** And that's just for show, I guess?

10 **A** Correct.

11 **Q** So the pocket, it connects or attaches by
12 the little Velcro on the corner; is that correct?

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

14 **Q** And when you lifted up that flap, did it
15 appear to you that the Velcro was still?

16 **A** Attached.

17 **Q** Attached?

18 **A** Yes.

19 **Q** And then there appears to be some paper or
20 something inside the pocket?

21 **A** Correct, it is a notebook.

22 **Q** Okay. Did you seize that notebook?

23 **A** I did not.

24 **Q** Didn't you examine it?

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

1 **Q** Did you leave it in the shirt pocket?

2 **A** No, ma'am, it was removed.

3 **Q** Okay. I'm going to show you Number 30.

4 **A** That's a closer view of that pinkish red
5 mark.

6 **Q** And Number 31?

7 **A** That's a view of the same mark with a
8 measuring device on it.

9 **Q** And again, you can pass these around when
10 you have time because it is easier to see, but at
11 the time that you are examining this shirt and
12 looking at it, did you know what that pinkish red
13 substance was?

14 **A** I knew it wasn't blood. I do not know
15 what the source was.

16 **Q** At the time that you are photographing it,
17 did you know it wasn't blood at that time?

18 **A** Correct.

19 **Q** So you had already done some kind of --

20 **A** Presumptive test.

21 **Q** -- test, presumptive test before the
22 photographs?

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

24 **Q** Okay. I don't need you to go into detail
25 into the presumptive test, it was a test that you

1 did there at the police department?

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

3 **Q** Using tools or equipment or substances
4 that you carry in your crime scene van?

5 **A** Correct.

6 **Q** And a presumptive test will show you what?

7 **A** It is a two-part test. Once you moisten
8 your two swabs with the first agent and then swab
9 this area, you remoisten it with a second reagent.
10 If it turns a bright color of pink, it is
11 presumptive for blood.

12 It's not positive because that's
13 what -- we can't do that, but I did not get a
14 positive reaction. And based on the color and my
15 training and experience I was pretty confident at
16 the time that it wasn't blood, however, if I'm going
17 to be able to testify to the results of that, then I
18 have to do a presumptive blood test. I can't just
19 automatically say, well, that's not blood.

20 So that's why we confirm this and did
21 not have a positive reaction with phenolphthaleine.
22 Phenolphthaleine, which is as I explained, a two-part
23 presumptive test. I did not get a positive
24 reaction, so it was not blood.

25 **Q** Okay. Now, I'm going to show you your

1 Image 32. At this point we have already talked
2 about that he wore the pants back to the police
3 station, did he ultimately remove the pants for you
4 to examine and photograph?

5 **A** He did.

6 **Q** Is that what we're seeing in this image?

7 **A** These are the image of his uniform pants
8 that are displayed. Officer Wilson or Darren Wilson
9 did tell me that there was blood on his pants. It
10 is easier to see when you look at these photographs
11 at your convenience, but my orange indicator is
12 pointing to the area which did have red stains on it
13 that was identified by Darren at the time of my
14 investigation.

15 So the pants were removed, he changed
16 into other clothes, the pants were displayed just
17 like his uniform shirt and for orientation purposes,
18 and that is why I put that orange indicator in there
19 so it draws your eye to the center of the photograph
20 so you know what the focal point of that is.

21 **Q** And so that would be on the left leg. Are
22 we looking at the front or the back of his pants?

23 **A** It is the front, it is his upper left
24 thigh area.

25 **Q** Okay. And then showing you your Image 33.

1 **A** That is a closer view of that same area.

2 **Q** And then finely, your Image 34.

3 **A** Again, it is the same area. Now we have a
4 measuring device in there for scale.

5 **Q** Now, did you do a presumptive test on that
6 substance, did you swab that pant leg?

7 **A** I did.

8 **Q** And what was the result of your
9 presumptive testing?

10 **A** That was a positive reaction indicating
11 that it was blood.

12 **Q** And the shirt and the pants, were they
13 both seized and packaged by you?

14 **A** Yes.

15 **Q** Now, regarding the shirt, did you remove
16 the badge and the officer's name tag from the shirt?

17 **A** I did.

18 **Q** You have already indicated you took the
19 notebook out?

20 **A** Yes, ma'am, his personal property and that
21 belonging to the Ferguson Police Department was
22 removed.

23 **Q** Okay. And so any further examination of
24 any stains on either the shirt or pants or any other
25 substance that might be on there, that would have

1 our crime lab to immediately have a DNA sample from
2 Darren Wilson that they can compare to make sure,
3 either confirm or dispel or verify whether that
4 blood that we believe to be blood on his uniform
5 pants was his.

6 So to expedite that process, we take
7 a DNA sample from him that was also seized and
8 submitted.

9 Q That was also conveyed by you to the crime
10 lab?

11 A Yes.

12 Q Okay. Was that the conclusion of your
13 investigation while you were at the Ferguson Police
14 Department?

15 A At the Ferguson Police Department, yes.

16 Q Okay. What did you do then, this is all
17 still, we're on the 9th?

18 A Yes, ma'am.

19 Q Okay. What did you do after you were
20 finished at the police department?

21 A I went back to the original scene because
22 I was also tasked with the completion of the
23 processing of the Ferguson Police Department marked
24 Tahoe vehicle. We requested one of our contract
25 towing services to meet me there on scene. I

1 watched him load the vehicle and he was escorted to
2 our crime lab where we have a vehicle processing
3 area.

4 So when that vehicle was escorted by
5 me, it was unloaded, placed in our processing area
6 and I completed the processing of their police
7 vehicle.

8 Q So now the jurors have already seen some
9 photographs of the vehicle at the scene, those were
10 not taken by you; is that correct?

11 A No.

12 Q Your photographs were at the processing
13 area?

14 A Correct, 111 South Meramec.

15 Q Did you do anything to process the vehicle
16 while it was at the scene?

17 A No, ma'am.

18 Q So once you got the vehicle towed to the
19 garage where you were going to begin the processing
20 of that vehicle, what did you do?

21 A Once it was placed into our processing
22 area, the area of concern was the driver's door
23 area. The driver's mirror had been pushed back, it
24 has flexible mirrors that was an area of concern.

25 There was broken glass inside the

1 door. I had already been informed that Darren
2 Wilson had fired a round through the door, so I had
3 a certain defect in the driver's door.

4 I was requested to fingerprint the
5 outside of the door and also swab for potential DNA
6 sources on the top edge of the door where the window
7 comes out of the door there is a rubber strip there.
8 And also there was some red stains, which we
9 believed to be blood on the inside of the driver's
10 door. So all of that was completed in my
11 investigation.

12 **Q** And so initially, and I know you took
13 photographs of the vehicle while it was in your
14 garage?

15 **A** Yes.

16 **Q** Is that done first or do you do the other
17 testing and investigation first?

18 **A** That's done first.

19 **Q** The photographing?

20 **A** Yes.

21 **Q** And so let's start with your first image
22 of the vehicle, which is Number 35.

23 **A** This is an overall view of the interior of
24 the driver's door so you can see the entire door
25 panel.

1 **Q** Now, I know we'll see photographs in a few
2 minutes, this white or lighter color marking right
3 here, is that a defect in the panel of the door?

4 **A** Yes. That's where the projectile entered
5 the door.

6 **Q** All right. Showing you your Image 36.

7 **A** This is a closer view of the interior door
8 handle area. You have red stains here, you might
9 have to pass this around.

10 : . If you could
11 push it down a little bit lower.

12 MS. ALIZADEH: This might, I don't know if
13 that battery is going dead. All of this area here
14 has red stains on it here and here, all of these
15 darker marks are also red stains. There is a line
16 here. The reflection is such it is difficult for
17 you folks to see, so please look at it later when
18 you folks have the opportunity.

19 **Q** (By Ms. Alizadeh) Those red stains that
20 you pointed out, did you suspect that could be
21 blood?

22 **A** Yes.

23 **Q** And did you do any presumptive testing of
24 the door handle at this time?

25 **A** Yes.

1 **Q** Okay. And what was the result of that
2 presumptive testing?

3 **A** It was positive.

4 **Q** And then did you also swab that area and
5 preserve those swabs and packaged them to send them
6 to the lab?

7 **A** I did.

8 **Q** And just so we're clear on this, when you
9 do the presumptive testing, you do that by using
10 swabs, correct?

11 **A** Yes, a very small area.

12 **Q** Okay. Is that the same swab then that you
13 sent to the lab for further testing?

14 **A** No.

15 **Q** So you do a separate swab?

16 **A** Correct.

17 **Q** And when you do that second swab, you
18 don't use those same chemicals that you talked
19 about?

20 **A** No. When we are taking swabs for DNA, all
21 we use is sterile water. All we do is moisten the
22 tips of the cotton swabs. If it is a dried
23 material, which this was by this time that I was
24 involved in this. So to get a complete sample, all
25 you need to do is moisten the tips of those, swab it

1 and then replace it in the container and then
2 forward it to the crime lab.

3 Q And then on your Image Number 37.

4 A That's a closer view of the door handle
5 with those red stains with a measuring device.

6 Q Image 38?

7 A Another area on the top sill of the
8 driver's door interior, also red stain again, again
9 with the measuring device.

10 Q And those are your fingers in the
11 pictures?

12 A Yes.

13 Q So you are gloved the whole time you are
14 processing this car; is that correct?

15 A Always.

16 Q And then Image Number 39?

17 A It is just further back toward the door
18 handle, the same area of that door with a scale.

19 : . Are you
20 also taking fingerprints too?

21 A Yes, ma'am. We did that on the outside of
22 the door.

23 : On the outside?

24 A Yes, ma'am.

25 : Did you take any on the

1 inside of the leather?

2 **A** No, ma'am. That's not a conducive surface
3 for me to get a decent fingerprint evidence. It is
4 rough, there could be some other foreign materials
5 on it when it was cleaned. I really need a decent
6 surface to retrieve that fine ridge detail, that's
7 why I did not fingerprint.

8 **Q** (By Ms. Alizadeh) So the exterior of the
9 vehicle would be the painted metal?

10 **A** Yes.

11 **Q** There's no glass in this window, correct?

12 **A** Correct.

13 **Q** And the trim that went around the window?

14 **A** Yes.

15 **Q** Showing you exhibit, or your Image Number
16 40.

17 **A** This is an overall view of that defect
18 where the arm rest meets the door panel. There's a
19 defect in there from earlier, this is just a closer
20 view, going to be a series which we will walk
21 through.

22 You can also see in this that there
23 is also wet stains here and here and here.

24 **Q** Showing you Image Number 41?

25 **A** That is a closer view of that same area.

1 **Q** Image Number 42?

2 **A** That's a closer view of that same area,
3 specifically the bottom edge with the measuring
4 device.

5 **Q** Now, starting with Image Number 43, can
6 you describe what you're seeing and what those
7 things are on the edge of the car. Let's do this.

8 **A** As asked, the exterior of
9 that is processed with fingerprint powder. Once I
10 developed latent fingerprint evidence, then those
11 lifts are removed by placing lifting tape on there.
12 We also photograph those latent lifts in place and
13 our system is that there are always, we always use
14 letters on latent lifts and we try to use numbers on
15 evidence.

16 So every one of those is numbered A
17 through E. and they're always photographed in place.

18 This was the area that I developed
19 latent fingerprint evidence and so based on the
20 information that I received, that's where we
21 determined to be the best area that they were
22 concerned about as far as retrieving latent
23 fingerprint.

24 **Q** Now, the tape that you see in these
25 photographs, when you remove that from the surface

1 of the vehicle, what do you do with that tape in
2 order to preserve it?

3 **A** They're placed on what's referred to as a
4 liftback. In essence, it is a bright white card.
5 So you would have contrast or latent fingerprint
6 examiners can compare that to known or ink
7 impressions. Be it from other police officers,
8 Darren Wilson, anyone.

9 That's how they make those
10 comparisons.

11 **Q** You're not the person who makes those
12 comparisons, correct?

13 **A** No, ma'am, I'm not a latent examiner.

14 **Q** So your job is to search for areas, make a
15 determination of where you might find some latent
16 fingerprint or palm print perhaps?

17 **A** Correct.

18 **Q** And then you did visualize it by putting
19 that?

20 **A** Develop those with fingerprint powder.

21 **Q** And then lift them off the surface?

22 **A** Correct. And then they're submitted to
23 our fingerprint unit.

24 **Q** Okay. And how many lifts did you do in
25 this case?

1 **A** I had prints A through E.

2 **Q** Did you process any other part of the
3 vehicle for fingerprints?

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

5 **Q** I'm going to show you your Image Number
6 44. Can you describe what we see in there?

7 **A** Once we had photographed the outer part of
8 the interior door panel, in order to retrieve that
9 projectile, that door panel was removed.

10 Also when that projectile went
11 through there, it also damaged part of the inner
12 door skin. And also went through and struck the
13 outside of the door, which I believe another
14 detective had photographed. It looks like a bump.

15 So once I retrieved that projectile
16 and there is some other documentation there also in
17 the bottom of this, so we have overall view of it.
18 All of that glass I had to sift through in order to
19 retrieve that projectile.

20 So to tie this into a photographic
21 series, we take an overall view of the door, meaning
22 the source of where we recover the projectile from.
23 We orange triangle by indicator in that pile of
24 glass is where I retrieved the projectile after
25 scooping all of this out from inside of the door.

1 So that is displayed there for you
2 and further sequencing.

3 **Q** So when you say you scooped the glass out,
4 was the glass inside this area down?

5 **A** All down in there, yes.

6 **Q** Down in this area, but behind this metal
7 panel?

8 **A** Right.

9 **Q** So you had to actually scoop it out with a
10 tool or with your hands?

11 **A** My hands.

12 **Q** As you scoop it out, are you just dumping
13 it on the ground then or does it fall on the ground
14 there?

15 **A** No, I'm taking out small handfuls by small
16 handfuls. I don't want to lose anything else, maybe
17 this projectile fragmented, maybe there are sharp
18 edges to it. So we're very cognizant as far as
19 trying to retrieve as much evidence as we can.

20 The good thing for me as an
21 investigator is the projectile is pretty much
22 intact. So we didn't have a lot of small, minute
23 pieces of metal that were not directly related to
24 that projectile.

25 So as I'm doing it, I'm carefully

1 putting in a pile, going through every handful.
2 When I finally retrieved, determine that it was a
3 projectile. It is left right there and we start our
4 sequence as far as taking photographs.

5 **Q** So showing you your Image Number 45, what
6 do you see in that image?

7 **A** This is an overall view of where that
8 projectile, once it went through that plastic door
9 panel entered the interior metal skin of that door.

10 Is just an overall view of it. The
11 focal point in the center of the photograph will be
12 right about here, which you will see when you get
13 further into the seats.

14 **Q** Image 46?

15 **A** This is a closer view of it. The area of
16 concern is right here. (indicating)

17 **Q** And so a little clearer, actually, looking
18 at the image with your own eyes.

19 I guess from the very top of it,
20 maybe at the one or two o'clock position, there is a
21 defect on the metal?

22 **A** Yes.

23 **Q** Okay. Showing you Number 47?

24 **A** That's a closer view with the scale next
25 to it. The area of concern, again, is this upper

1 portion right here. (indicating)

2 Q So when you could see the car in your
3 garage, could you see that defect that was on the
4 outside of the door?

5 A Yes, it was pushed out or bowing out.

6 Q And does the location of that defect
7 correspond with where that mark, the defect was on
8 the my of the insides of the door?

9 A I would say it is consistent.

10 Q Okay. You didn't take any measurements to
11 or anything to determine?

12 A No, ma'am.

13 Q Okay. All right. Showing you your Image
14 48.

15 A This is a closer view, one of a series as
16 far as we orientated originally as far as the
17 source. The interior of the door, we have the pile
18 of glass that I had gone through, the projectile
19 with the orange indicator, and that was just a
20 closer view of the same area with the indicator and
21 projectile.

22 Q Image 49?

23 A This is a close-up view of it. Again, the
24 indicator and the projectile recovered hasn't moved.
25 It is just a closer view of it.

1 **Q** Is that 50?

2 **A** It is and this is a closer view now with a
3 scale.

4 **Q** And so can you use the laser pointer and
5 point to what we're seeing as the projectile?

6 **A** Right here.

7 **Q** You recognize that as a spent projectile?

8 **A** Yes.

9 **Q** So what did you do with that projectile
10 once you found it?

11 **A** It was packaged, marked and forwarded to
12 our firearms examiner.

13 **Q** And is that the same place where you
14 forwarded the weapon and the pieces of the weapon,
15 the magazine and the spent round?

16 **A** Correct.

17 **Q** Not spent round, a live round?

18 **A** Live round.

19 **Q** Okay. Did you do any testing to determine
20 if there was any substance on that spent projectile?

21 **A** No, I wouldn't do that. Our firearms
22 examiner would do that.

23 **Q** So if there is blood or anything on there
24 that's not something that you would have looked at
25 or tested for?

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

2 **Q** Did you have any other investigative
3 things that you did in regard to this investigation
4 into the shooting of Michael Brown?

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

6 MS. ALIZADEH: Does anybody have any
7 questions?

8 Okay that will be it for the testimony of
9 the Detective .

10 (End of the testimony of Detective
11)

12 MS. WHIRLEY: We ready? We're resuming,
13 it is approximately 4:03 p.m. I'm Sheila Whirley,
14 not Shirley Whirley, also Kathi Alizadeh is here,
15 the 12 jurors, and the court reporter. We're going
16 to hear the recording that was an interview with
17 , Detective on August
18 the 9th, 2014. The day that Michael Brown was shot.
19 And this is approximately 2:19 p.m. that the
20 interview was being conducted. And this interview
21 was . And we'll spell , it is
22 spelled . So I'm going
23 it commence now, it is a little less than a hour so
24 should take us up to a good time.

25 MS. ALIZADEH: We don't need, for the sake

1 of the court reporter, we have provided a transcript
2 to all the jurors, as well to the court reporter,
3 and also at this time we can pause the audio
4 recording while we play this so as not to duplicate
5 things.

6 MS. WHIRLEY: Okay. This is the playing
7 of the interview of .

8 (The interview of is being
9 played at this time.)

10 MS. WHIRLEY: That concludes the recording
11 of It is approximately 4:38 p.m.
12 our time. And her interview went from 2:19 p.m.
13 until I believe 2:52 p.m. on August the 9th of 2014.
14 Do you have anything else, Kathi?

15 : What was the
16 Grand Jury Number Exhibit?

17 MS. ALIZADEH: Of the disc?

18 : Yes.

19 MS. ALIZADEH: This was Disc Number 24,
20 which has a bunch of different recordings on it. We
21 don't have anything else lined up for today. So I
22 guess we'll let you go at this point. And
23 hopefully, we're going to end at 2:30 on Thursday.
24 So hopefully we'll have our plan is to play another
25 taped statement of which is about another

1 hour. And then hopefully have
2 testify for you and then we have a couple other
3 witnesses coming in so we will hear their statements
4 before they come in as well. So hopefully we will
5 get three eyewitnesses done tomorrow.

6 MS. WHIRLEY: Thursday.

7 MS. ALIZADEH: Or Thursday. So we are
8 chugging along. Any questions anybody has or any
9 concerns? And I hear, I'm going to meet with Bob
10 McCulloch about maybe communicating with people out
11 there about the process of the grand jury and why it
12 is not going to be done this Friday and so forth.

13 : . I think
14 he has done pretty much getting it out there. I
15 think the community leaders need to back him up and
16 confirm what he's saying, I mean. I'm quite sure
17 the process is written somewhere in the book or law
18 books or whatever and it is pretty out there what
19 the process is, they just need to tell, I think, the
20 community to try and get some stability back into
21 the community.

22 This is what, this is what they're doing,
23 this is what they need to do. I mean, if I were in
24 Michael Brown's or Darren Wilson's shoes, I would
25 want somebody to know everything before you make a

1 decision what happens to me or my life or what I did
2 or what I didn't do.

3 MS. ALIZADEH: And that was, you know,
4 Mr. McCulloch's, pledge at the very beginning that
5 you all would hear everything. I know it is very
6 tedious at times, but as you are beginning to see,
7 there is a lot of people that see different bits and
8 pieces, a lot of different viewpoints, a lot of
9 different statements and so, you know, it is going
10 to be up to you guys to sift through that. We don't
11 want to leave anything out. Down the road after
12 this decision is made, I don't want somebody saying,
13 well, you didn't call this person.

14 But as far as the community leaders, you
15 know, that's going to be something that is up to
16 Mr. McCulloch. And as you know, there have been a
17 lot of those same people have called for him to
18 recuse himself and not be the prosecutor on this
19 case. I don't know what kind of communication would
20 happen between them if there would be, but I hear
21 you and I know what you're saying. But ultimately,
22 Sheila and I are we're just doing this part of it,
23 it will be up to Mr. McCulloch to decide how to
24 handles that kind of public relations issue.

25 MS. WHIRLEY: We will convey it to him

1 ever happened or was that in the history of that or
2 kind of like you were going through what the debate
3 time we would also continue if we didn't have a
4 certain number going to look into that. I'm curious
5 as well if there had been any historical point of
6 grand juries doing that. I don't even know if we
7 would even want to.

8 MS. ALIZADEH: I'm not aware of anything
9 like that ever happening.

10 : I don't think, one thing,
11 I don't want them to know me or know anything. I
12 don't want anything out there.

13 Yeah, we would never make
14 a statement with names.

15 : But for me, I don't want
16 nothing to do with any release, the press, the news.

17 : Just to be clear, it
18 wouldn't be an individual statement.

19 : I do the best that I can.

20 MS. ALIZADEH: I'm not sure what your
21 charge is. I know that the judge read the charge to
22 you as to what your duties and obligations are. I
23 don't know how that extends beyond your term. Like,
24 you know, I know when we have a trial, the jury is
25 told they can't discuss this with anyone, but at the

1 conclusion of the trial that admonition is lifted
2 and they're told you can discuss this with whomever
3 you wish or not at all, it is up to you.

4 I haven't seen what the charge is that the
5 grand jury gets. I don't know that if the grand
6 jury is allowed to talk about this after the fact.
7 I'm not sure about that and we can look into that,
8 but what I'm guessing or I'm thinking, and you all,
9 you know, again, there's nothing written in stone
10 right now, but you are talking about the possibility
11 as the grand jury as a group preparing some kind of
12 formal statement that would accompany your decision.
13 And it wouldn't be like your names would be attached
14 to it, you would agree on some kind of statement
15 that you would want to make about whatever you would
16 want the public to know about that.

17 I'm not aware of that ever happening and
18 so I'll look into that to see if that's even
19 possible. Obviously, if they say no because your
20 admonition is not lifted after, then you can't talk
21 about your, the process and your deliberations and
22 the evidence that you heard.

23 So I will look into that.

24 Thank you.

25 MS. ALIZADEH: I haven't forgotten about

1 the fact that you all are interested in getting some
2 law and we have talked about that too. We just
3 haven't had a lot of time.

4 We do have another attorney who is going
5 to help us do some of the background research and
6 stuff like that, we just kind of got him. I feel
7 like we have an assistant now. So it will be
8 somebody that can help do some of this background
9 research and go over some things. Give you whatever
10 answers or information you think you, need, okay?

11 Everybody have a great evening and this
12 concludes the session of this afternoon on
13 September 30.

14 (End of the September 30, 2014 Grand Jury
15 Proceedings.

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Notice in the civil cause now pending and

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undetermined in the County of St. Louis, State of

13

Missouri.

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The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

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cautioned and sworn to testify to the truth, the

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whole truth, and nothing but the truth in the case

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aforesaid, thereupon testified as is shown in the

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foregoing transcript, said testimony being by me

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reported in shorthand and caused to be transcribed

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into typewriting, and that the foregoing page

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correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

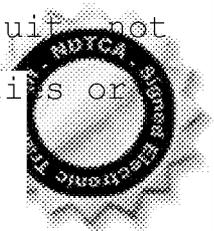
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1 complete transcript of the questions propounded to
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7 attorney for either of the parties to said suit, not
8 related to nor interested in any of the parties or
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1 COURT MEMO

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5 State of Missouri vs. Darren Wilson

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume VIII

12

13 9/30/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

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2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
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8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires
12 _____

13 Notary Public

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