

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury, Volume XII

Date: October 13, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 13, 2014

VOLUME XII

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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

5

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7 vs.

8

9 DARREN WILSON

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

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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6 County

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1 GRAND JURY HEARING VOLUME XII

2

3 MS. ALIZADEH: Good morning.

4 (Everyone says good morning.)

5 MS. ALIZADEH: Let's see, Monday,

6 October 13th, at 8:38 a.m. This is Kathi Alizadeh
7 with the prosecutor's office, present is Sheila
8 Whirley, all 12 grand jurors are present, as is
9 , the court reporter. He's taking down what is
10 being said and recording, audio recording.

11 So for today, the first witness, let me
12 back up a little bit and talk about scheduling.
13 There was a question brought up, I think it might
14 have been during a break we had last week about
15 whether or not three days a week was helpful or if
16 it was not very productive. And so Sheila and I
17 have talked about it, as well as with some of our
18 investigators.

19 You know, as I mentioned to you that some
20 of these people are reluctant to come in and that
21 means going out and serving them subpoenas and even
22 then, that's not a guarantee they're going to show
23 up.

24 We have been lucky so far. We have been
25 able to get the people in, but, you know, every day

1 is going to be a challenge. We talked about it and
2 first of all we felt that it was, it was going to be
3 problematic for us to try to corral or wrangle up
4 enough people to fill three days of your time.

5 Neither Sheila nor I wants you sitting
6 here. I know you have taken out from your personal
7 lives and from your jobs and it is just really wrong
8 for us to waste your time for you to sit here for
9 two hours when we don't have anything scheduled for
10 you or anything to put on.

11 I think the two day a week is going to be
12 better, hopefully we will use that time
13 productively.

14 Another reason for it is because we have
15 doing the transcripts and we need those done
16 as quickly as possible, because there's another
17 investigation going on, that as you know, there's a
18 federal investigation that's kind of parallel to
19 ours. And doesn't just work when he's in the
20 room with us, he goes home and he works to try to
21 transcribe everything that is going on. And news to
22 me, he mentioned the other day one hour of testimony
23 may take him three hours to transcribe.

24 He's working diligently to try to get
25 these transcripts out. And when we have back to

1 back days, he's not able to work on the transcripts
2 and the three days a week, we're finding he's not
3 able to keep up with the transcripts the way we need
4 them.

5 Another reason is, you know, once this
6 case is concluded and given to you for your
7 deliberation, once, assuming you arrive at a
8 decision, we don't want to have to delay that
9 decision for two or three weeks while we're waiting
10 for the transcripts to be done.

11 So he's, , trying to do those as we
12 go so we can keep up on those. So we felt that that
13 was another reason why the two day a week would be
14 better for just our purposes and getting this done
15 efficiently and as quickly as possible.

16 So I think the word went out to you last
17 week after we canceled Thursday, that we also are
18 canceling tomorrow, but we do have witnesses lined
19 up for all day today, assuming they show up and then
20 we have witnesses lined up for all day Thursday.
21 Including, you know, we're going to hear statements
22 when we're not having witnesses boom, boom, boom
23 there will be times that you are listening to
24 statements of witnesses that we anticipate that are
25 going to be called.

1 We also have , she has a
2 couple of statements that we will play before she
3 testifies. One of them is very brief, like three
4 minutes long, but the other one I have to tell you
5 we just got because it was the result of a federal
6 interview.

7 I can't remember if it was done by the FBI
8 or Department of Justice, but we have that, we have
9 the recording of that, but I don't have a transcript
10 of that. So we'll just listen to the recording of
11 that statement before she testifies.

12 And then we have a witness that's
13 scheduled to be here at 1:00 in the afternoon. His
14 name is . He's made a number of
15 statements as well.

16 So after testifies, we'll
17 go on with the statements, recording statement for
18 the next witness, all right.

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1
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and
4 nothing but the truth in the case aforesaid,
5 deposes and says in reply to oral
6 interrogatories, propounded as follows, to-wit:

7 EXAMINATION

8 THE WITNESS: I want to be sure that I
9 understood what it was.

10 BY MS. ALIZADEH:

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

13 A It is one ,
14 please, in .

15 Q Mr. , good morning.

16 A Good morning.

17 Q We've met before. I'm Kathi Alizadeh and
18 you know that I'm one of the prosecuting attorneys
19 who is putting on the grand jury investigation with
20 Sheila Whirley as well, right?

21 A Yes.

22 Q And I know you were here last week and you
23 and your wife came in, and I apologize that we
24 didn't have time to get to you, but you were good
25 enough to come in today. So we will get you out of

1 here as soon as we can, okay?

2 **A** Sure.

3 **Q** The microphone that's in front of you,
4 does not amplify your voice. So just make sure you
5 keep your voice up so we can hear you all the way
6 back here.

7 **A** Okay. Most people tend to tell me to tone
8 it down because I project. So I don't think that
9 will be a problem.

10 **Q** Okay. You've got a nice voice there,
11 everybody will raise their hand and let you know if
12 they can't hear you or need you to repeat something.

13 Sir, how old are you?

14 **A** .

15 **Q** And are you married?

16 **A** Yes, I am.

17 **Q** Who are you married to?

18 **A** .

19 **Q** And do you and have any children
20 together?

21 **A** We have,

22 .

23 **Q** Okay. So what is your biological child?

24 **A** They're .

25 **Q** What is her name?

1 **A** There's

2 .

3 **Q** And those are your step or biological?

4 **A** Those are my biological.

5 is my stepdaughter.

6 **Q** Okay. So you --

7 **A**

8 **Q** You and , and who is the
9 other daughter?

10 **A** and she's our youngest and
11 is my stepdaughter.

12 **Q** And are , are they both
13 adults or are they minors?

14 **A** They are all adults. The youngest is
15 currently years old.

16 **Q** And are you familiar with the Canfield
17 Green Apartment Complex?

18 **A** Only that I've ridden out there a couple
19 of occasions with the family. has a friend who
20 lives there.

21 **Q** So you don't have live in the complex?

22 **A** No, I live in north St. Louis.

23 **Q** And none of your family lives in the
24 complex, correct?

25 **A** No, they do not.

1 going into the complex, do you remember what time,
2 approximately, what time of day it was?

3 **A** It was bright and sunny, that's all I can
4 remember.

5 **Q** Do you remember this being a Saturday?

6 **A** Uh, at this point, no, I don't remember
7 what day of the week it was.

8 **Q** Okay. And so were you in a vehicle?

9 **A** My wife's .

10 **Q** And who was driving?

11 **A** My wife.

12 **Q** Where were you in the car?

13 **A** Front passenger.

14 **Q** Were there any other people in the van
15 with you?

16 **A** and I believe two of the
17 grandchildren, but I don't recall which two.

18 **Q** Are the grandchildren, are they minors?

19 **A** They are minors. The oldest one is
20 .

21 **Q** Okay. And so you said you were coming
22 into the complex, was driving into the
23 complex?

24 **A** Yes, she was. We were in traffic.

25 **Q** And do you remember, I'm going to direct

1 your attention to Grand Jury Exhibit Number 25,
2 which is an aerial view of the streets and buildings
3 that comprise the complex?

4 **A** Which way is Florissant?

5 **Q** So what I'm going to tell you is that this
6 is north, up is north?

7 **A** Okay.

8 **Q** And so if you were to see that this is
9 Canfield Drive that goes through the complex, if you
10 continue on here you are going to West Florissant?

11 **A** Okay, okay. We were coming from
12 Florissant down the drive.

13 **Q** Okay.

14 **A** Our destination was this parking area back
15 here behind one of these two houses. We always pull
16 up from the back, so I'm not sure which house it is,
17 but lives in one of these houses.

18 (indicating)

19 **Q** Here, let me have you, let me show you
20 here, this is a laser pointer. So instead of having
21 you stretch yourself, you can use that?

22 **A** Okay, sure.

23 **Q** So you were in the van and you were coming
24 east on Canfield?

25 **A** Yeah. This curve here is, we were coming,

1 we were on this curve when we heard the first shots,
2 which called our attention to it. And we began
3 scanning the distance down the hill here looking for
4 the source of the, looking for the source of the
5 sound.

6 **Q** Okay. Now, let me tell you and remind you
7 that I know that you had other people in your
8 vehicle.

9 **A** Yes.

10 **Q** And I know they all saw things as well.

11 **A** Uh-huh.

12 **Q** What is important is that you testify
13 about what you saw.

14 **A** Right.

15 **Q** And what you heard and observed as opposed
16 to if maybe you and your wife?

17 **A** Right.

18 **Q** Or your daughters talked about this later
19 and they talked about what they saw.

20 **A** I understand.

21 **Q** You're saying we did this and we were
22 scanning the area, what is important is what you
23 did.

24 **A** Right.

25 **Q** Okay. So as the vehicle comes to this

1 bend, which is at the northwest corner of the map,
2 right around Coppercreek Road, you said that having
3 heard what you believed to be fireworks?

4 **A** Right. They sounded a little too loud for
5 fireworks.

6 **Q** Okay.

7 **A** And looking down further down the street,
8 I saw the lights from the squad car.

9 **Q** Okay. So let me stop you. Get some
10 details before we get to that point.

11 **A** All right.

12 **Q** Were your van windows up or down or do you
13 recall?

14 **A** Um, a couple of inches. I like the fresh
15 air, but I don't like the wind blowing in my ear
16 when we drive. It is usually cracked two or
17 three inches.

18 **Q** Okay. Do you recall would you of had the
19 radio on or music playing?

20 **A** No radio, but I had four adults and two
21 children in the car

22 There was a lot of noise.

23 **Q** A lot of chatter?

24 **A** Yes.

25 **Q** Okay. So, and then how is your hearing,

1 Mr.

2 **A** My hearing is pretty good.

3 **Q** What about eyesight, do you wear glasses?

4 **A** I do not wearing glasses. I have trouble
5 reading, uh, I have trouble reading street signs
6 when we're driving.

7 **Q** Okay.

8 **A** But other than that, I don't have any
9 problem. I can read, uh, united we fall, divided we
10 -- united we stand, divided we fall is kind of fuzzy
11 on the seal.

12 **Q** Okay.

13 **A** I can see the MDCCXX, the roman numerals
14 at the bottom. I don't wear glasses.

15 **Q** Okay. So now, as you come around the bend
16 and you said that you looked down, kind of scan down
17 Canfield, which at that point as you are coming
18 around is kind of a straight shot, correct?

19 **A** Right.

20 **Q** And you see, you said you see a squad car?

21 **A** Now, I do not, I still don't know for
22 sure. I didn't recall when I gave my first
23 statement, whether it was a car or an SUV. I didn't
24 pay that much attention to the vehicle, but I saw
25 the lights.

1 **Q** Okay. So lights meaning like the light
2 bar on top of the car?

3 **A** Right, the red and blues.

4 **Q** You saw those were going off?

5 **A** Yes.

6 **Q** And what did you see as far as people at
7 and/or around the vehicle, please vehicle?

8 **A** Um, I saw people, residents and citizens
9 coming from various different directions. I saw the
10 officer out of his vehicle, I didn't see him exit
11 his vehicle. When I first seen the officer, he was
12 already, uh, several feet from his vehicle.

13 **Q** Okay. So can you use the pointer and
14 point to where you believe you first saw the
15 vehicle, not where you were, but where was the
16 police vehicle?

17 **A** There's an image of a vehicle on your map
18 here and it is near that one, it is near this side
19 road here in between this one and this side road
20 here. (indicating)

21 It was in this area here.

22 (indicating)

23 **Q** Okay. So was the vehicle when you first
24 observed it, was it moving or was it stationary?

25 **A** Stationary.

1 **Q** Okay. Did you ever see it move after
2 that?

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

4 **Q** Okay. So when you came around, you said
5 you saw the officer and he was already out of the
6 vehicle?

7 **A** Yes, with his back to me.

8 **Q** And you said he was a ways away from the
9 car?

10 **A** Yes.

11 **Q** So in what directional was he away from
12 the car?

13 **A** He was down the street because he was
14 moving down the road away from his vehicle. The
15 officer was near the yellow line.

16 The vehicle was about 45 degrees from
17 the curb and the officer was out near the yellow
18 line moving down the road away from the vehicle.

19 **Q** Okay. So when you say the vehicle was
20 about 45 degrees away from the curb, do you mean
21 that the vehicle was angled or do you mean that it
22 was, I don't understand?

23 **A** It had been like it had been pulled in and
24 the right front wheel was at the curb and the
25 vehicle was about 45 degrees, like it had been

1 parked at an angle.

2 Q Okay. So it wasn't in the lane as if, you
3 know, if you were driving down that street, you
4 would be going straight down the lane?

5 A You will have to see people parked at an
6 angle on Sundays out in front of churches, it was at
7 an angle by the curb.

8 Q Was the officer's vehicle blocking the
9 road so that other vehicles could not go past?

10 A Uh --

11 Q Or do you know? Don't guess if you don't
12 know.

13 A I don't think it was blocking. I'm not
14 positive, but I don't believe it was blocking the
15 road. It was closer to the curb.

16 Q Okay. So you said when you first saw the
17 officer, he was, his back was toward you?

18 A Yes.

19 Q And he was moving away from you?

20 A He was moving away from us toward the guy
21 that he was shooting at. I first seen the officer,
22 the officer was between me and the guy he was
23 shooting at. The officer was facing the other guy
24 and guy that he was, I'm sorry, I don't know what to
25 call the other guy.

1 **Q** We now know that the person who died was
2 named Michael Brown.

3 **A** Okay.

4 **Q** So it is okay --

5 **A** Mr. Brown.

6 **Q** And just to be clear, so you didn't know
7 Mr. Brown before that day?

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

9 **Q** And is that the bigger black gentleman
10 that you described having seen?

11 **A** Yes, the one that was shot.

12 **Q** Okay. So let's back up for a second so
13 when you see the officer.

14 **A** Uh-huh.

15 **Q** You said he's a ways away from the car
16 with his back towards you and he's moving away from
17 you.

18 **A** Yes.

19 **Q** So are you good at distances?

20 **A** Not that good.

21 **Q** Okay. Can you give me an idea how many
22 feet or car lengths or a football field?

23 **A** A car length, maybe two, between them or
24 between us.

25 **Q** Between the officer's vehicle and where

1 you first saw the officer you said he was aways from
2 his car?

3 **A** Not more than a car length from his
4 vehicle.

5 **Q** Okay.

6 **A** A couple of strides.

7 **Q** And when you say he was moving away from
8 you, can you describe how he was moving? Was he
9 running, was he walking, was he walking quickly,
10 jogging?

11 **A** Uh, a trot, a brisk trot.

12 **Q** Did you see at that time if he had a gun
13 in his hand?

14 **A** I couldn't see what he had in his hands,
15 his back was to me.

16 **Q** Okay. And so, now as you look and you
17 said you saw the officer, did you also, when you
18 first looked, could you also see Michael Brown?

19 **A** Yes, my first, that was my first view of
20 Michael Brown. He was in direct line just past the
21 officer and he was pointing in our direction.

22 **Q** Okay. So he was facing in this direction?

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

24 **Q** Okay. So the first time you saw him, you
25 saw his front?

1 **A** Yes.

2 **Q** Okay. You never saw the back of him?

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

4 **Q** Okay.

5 **A** He appeared to be pointing directly at the
6 vehicle we were in, he was pointing at the officer
7 in the officer's direction and because of our point
8 of view, he appeared to be pointing at us.

9 **Q** Okay. Did you see anything in his hands
10 or anything that he was doing with his hands?

11 **A** I believe I saw a flash of light off of
12 something.

13 **Q** Okay. And now you had mentioned earlier,
14 and I believe in your statement as well, you said at
15 first you thought he had a gun?

16 **A** Yes, that was my belief.

17 **Q** So that was an impression you got --

18 **A** Yeah, I was scared the bullets were going
19 to start coming through the windshield.

20 **Q** Now, let's back up just a bit. When you
21 were coming around that bend and you heard what you
22 now know are gunshots, how many shots do you think
23 you heard?

24 **A** Three or four.

25 **Q** Okay. And then when you saw, you first

1 saw the officer, did you see him after you heard the
2 gunshots?

3 **A** After.

4 **Q** After, okay. So when you saw the officer
5 and he's moving away from you, could you tell was he
6 firing a weapon as he was moving away from you?

7 **A** Uh, the next shot I heard was after
8 Michael Brown started running, the officer fired and
9 I saw Michael Brown stagger and fling his arms out.
10 At which point he turned around and came back toward
11 the officer.

12 **Q** Okay. Now, let's back up. When you first
13 see Michael Brown, he's facing the officer?

14 **A** Yes.

15 **Q** And you said it appeared that he was
16 pointing?

17 **A** He looked like he was pointing at us, yes.

18 **Q** Can you stand up and show the grand jurors
19 how you saw what it looked like he was doing?

20 **A** He's about my size, young black guy and he
21 looked like he was pointing. I can't tell one
22 finger or two, I can't tell what he had in his hand,
23 but I thought I saw a glint. I believe it was a
24 gun.

25 **Q** Okay. Now, when you saw him, when you

1 first saw him, was he moving or was he standing
2 still or standing in place?

3 **A** I'm not certain.

4 **Q** Okay. As you then come around the bend
5 and you see this, describe for me, you can sit down,
6 we'll go through this again step by step, but
7 describe for me what you see next happened?

8 **A** Well, after seeing him and the officer and
9 seeing him point and getting this impression that he
10 was going to start shooting in our direction, uh,
11 like that, Mr. Brown spun and started to run away
12 down the street going this direction.

13 **Q** Okay. So that would be east down
14 Canfield?

15 **A** Yes, down Canfield away from Florissant
16 and away from our vehicle. At which point the
17 officer fired one shot and I saw Mr. Brown stagger.

18 **Q** Okay. Let's back up now then. You had
19 said when you saw the officer he was, his back was
20 to you, he's moving ago way from --

21 **A** Moving away from us, moving toward
22 Mr. Brown.

23 **Q** And you said he was near the yellow line?

24 **A** Yes.

25 **Q** Where was Michael Brown standing when you

1 first saw him? Was he in the street, was he in the
2 grass?

3 **A** Out in the middle of the street.

4 **Q** Okay. And what was the distance when you
5 first saw them between Michael Brown and the
6 officer?

7 **A** Uh, perhaps the length of this courtroom.

8 **Q** Okay. So maybe --

9 **A** From me to the flag.

10 **Q** Okay.

11 **A** 15, 20 feet.

12 **Q** Okay. And so then you say you saw Michael
13 Brown, he was pointing when you first saw him?

14 **A** Right.

15 **Q** You saw him spin around?

16 **A** Spin and run.

17 **Q** And run where?

18 **A** Down the street.

19 **Q** So he stayed in the street?

20 **A** Um, he might have been angling toward this
21 side of the street, but he was running straight down
22 the center of the street that's turning, so, he was
23 running straight away from us.

24 **Q** Okay. When you saw him, did you notice
25 how he was dressed, and I mean, Michael Brown, did

1 you pay any attention?

2 **A** Blue jeans, white T-shirt, tennis shoes.

3 **Q** And so, and you said you thought you saw a
4 glint in his hand, but did you see anything once he
5 turned around and was running, did you notice
6 anything in his hands?

7 **A** I thought I saw him throw something or
8 lose something when the officer wounded him and he,
9 when he was wounded, he flung his arms out and spun
10 back around. And I thought something might have
11 flung from his hands. I wasn't certain at the time
12 I gave my original statement. This was an
13 impression that I got that I thought he may or may
14 not have lost what he had in his hand.

15 **Q** Okay. Could you tell when you first saw
16 Michael Brown, did he have a hat on?

17 **A** I don't remember a hat at all.

18 **Q** Okay. And so you say that he was running
19 away from the officer and the officer was, you said
20 a fast trot, I think?

21 **A** A trot or a jog.

22 **Q** A jog?

23 **A** He was trying to close the distance.

24 **Q** And when the officer was running, after
25 Michael Brown spun around and started to run east

1 down Canfield Drive, did the officer fire at him?

2 **A** Yes.

3 **Q** And then you said, you had said something
4 about Michael Brown being wounded.

5 **A** Yeah, when Mr. Brown was running away from
6 the officer, one shot was fired. Mr. Brown
7 staggered a little to the left and his arms went
8 out. It looked to me like he was shot in the left
9 leg or low on the left side and he spun around.

10 **Q** Did you see any blood coming from him?

11 **A** No, I wasn't close enough to see blood.

12 **Q** So it was just by the way he reacted that
13 you thought he was shot?

14 **A** The way his body jerked.

15 **Q** Okay. And so you say he spun around, so
16 when he spun around, was he facing the officer at
17 that point?

18 **A** He spun 180 degrees and came back toward
19 the officer.

20 **Q** All right. When you say he came back
21 toward the officer?

22 **A** Several steps back toward the officer.

23 **Q** Okay. Now, can you stand up again, sorry,
24 up down, up down.

25 **A** That's okay.

1 **Q** It is like church.

2 **A** It's all right.

3 **Q** So can you describe for me when you say he
4 spun around and he flung his hands out.

5 **A** Yeah.

6 **Q** Show the grand jurors what you mean by
7 that?

8 **A** Okay. Pardon me. His left leg kind of
9 jerked a little and his arms went out as he was
10 running. He kind of, and he came about.
11 (indicating)

12 **Q** Okay.

13 **A** He continued the turn.

14 **Q** Now, you're doing something with your
15 hands, is that what he was doing?

16 **A** His arms came down.

17 **Q** Okay.

18 **A** After he completed, after he completed his
19 turn and recovered his balance, his arms came down.

20 **Q** Okay.

21 **A** And he proceeded to take several steps
22 toward the officer with his arms down.

23 **Q** Okay. And did you, so at this point when
24 you say down, do you mean at his side?

25 **A** I mean hanging loosely at his sides.

1 **Q** And the steps that he took toward the
2 officer, can you describe how he was doing that,
3 walking, walking quickly, running?

4 **A** Walking.

5 **Q** Walking?

6 **A** Yeah.

7 **Q** And about how many steps did he take
8 toward the officer?

9 **A** He got three, maybe four steps.

10 **Q** From where he had turned around?

11 **A** Yes, he had gotten three, maybe four
12 steps.

13 **Q** Was the officer still going toward him?

14 **A** Yes, they were still closing the distance.

15 **Q** Okay. Did you hear anybody saying
16 anything at all during this time?

17 **A** At this point lots of bystanders had
18 started screaming, but I couldn't make out what they
19 were saying.

20 **Q** Okay. Could you tell if there was any,
21 whether the officer or Michael Brown was saying
22 anything?

23 **A** I couldn't hear them.

24 **Q** Okay. Could you tell if they were saying
25 anything, like did you see?

1 **Q** And he's taking a few steps toward the
2 officer?

3 **A** Yes.

4 **Q** What happens then?

5 **A** The officer unloaded on him.

6 **Q** And what do you mean by that?

7 **A** I mean, he fired four or five shots in
8 rapid succession. He gunned him down.

9 **Q** And what did you, did you see, what did
10 you see Michael Brown doing as the officer was
11 firing his weapon?

12 **A** Fall.

13 **Q** In what direction did he fall?

14 **A** Uh, he crumpled, he crumpled in, well, on
15 the map he would have crumpled to the north, but
16 basically he crumpled to his right going this way
17 and fell and collapsed.

18 **Q** Was he in the street or in the grass or on
19 the sidewalk?

20 **A** He was still in the street.

21 **Q** In the street. Did he fall forward or on
22 his side?

23 **A** He crumpled to the right and I believe he
24 landed on his back, but he appeared, it looked like
25 his right leg gave out. He crumpled to the right

1 and fell away from the officer who at this point was
2 a little more to one side of him.

3 Q Okay. Now, let me ask something I haven't
4 clarified yet.

5 When you were coming around the bend
6 and driving, correct?

7 A Uh-huh.

8 Q Did you all, did she continue to drive as
9 this was going on?

10 A No, no.

11 Q Did she stop the ?

12 A No, we saw, we saw the police and the
13 crowd and we turned onto, excuse me, we turned onto
14 this side road here and drove around the back to
15 house. I still can't remember which one of
16 these two houses it is, but we drove around to avoid
17 the scene.

18 Q Okay. So you took a left onto Coppercreek
19 Road?

20 A Right.

21 Q You drove around Coppercreek Road, all the
22 way to Stonefield Road?

23 A Uh-huh.

24 Q All right. So fair to say then that you
25 never got farther east than this intersection?

1 **A** Right. And was never more than, was never
2 any closer than two blocks from the shooting.

3 **Q** Okay.

4 **A** Like I said, I wasn't close enough to see
5 any blood or to hear any verbal exchange between.

6 **Q** Okay. So after you saw Michael Brown
7 collapse you said and he landed in the street.

8 **A** Uh-huh.

9 **Q** At that point, were you already on
10 Coppercreek Court or --

11 **A** That's the point where we were looking for
12 somewhere to turn off because we were like, we got
13 to get out of here. Traffic had held us up at this
14 bend.

15 **Q** So there were other cars?

16 **A** The street was blocked all the way down to
17 this point here. The whole street was lined with
18 traffic.

19 **Q** So there were other cars in front of your
20 van?

21 **A** Yes, we were caught in traffic.

22 **Q** And so I'm guessing, or I shouldn't guess,
23 so when you were driving down here, did you
24 immediately turn or was there a time where you were
25 stuck in traffic or stopped in the road?

1 **A** We turned, we turned a few seconds after
2 Mr. Brown hit the street, after he collapsed because
3 as soon as he collapsed, we started looking for an
4 exit.

5 **Q** Okay. As you went left onto Coppercreek
6 Road and traveled in this direction north and then
7 east, could you see any more what was going on over
8 there on Canfield Drive?

9 **A** Uh, I didn't have any feel, I didn't have
10 any clear line of sight. We saw people running and
11 walking to and from, and we saw police cars coming
12 from every different direction, but I couldn't see
13 anything beyond that.

14 **Q** From the time you came around this bend
15 and you said you saw the officer's car?

16 **A** Uh-huh.

17 **Q** I know you said police came later, but was
18 that the only police car that you saw when you came
19 around the bend?

20 **A** That is the only car that I observed.

21 **Q** Okay. And then you said you saw an
22 officer, was he in uniform?

23 **A** Yes.

24 **Q** And do you know any Ferguson police
25 officers?

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

2 **Q** So did you see any other uniformed
3 officers at that time when you first looked down the
4 street? Were there other officers with him?

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

6 **Q** Okay.

7 **A** I don't recall. My attention was focused
8 on where the shots were coming from.

9 **Q** And so when you say you saw Michael Brown
10 turn around or now, you see him turn actually twice,
11 correct? You first see him, he's looking toward the
12 officer?

13 **A** Right, he turned to run and he spun back
14 around when he was wounded or like, I still think he
15 was, I still think he was wounded when he was
16 running.

17 **Q** How, from the time he first turned around
18 and ran away from the officer until he stopped and
19 spun around.

20 **A** Uh-huh.

21 **Q** How much distance did he cover in that
22 time?

23 **A** 50 feet maybe.

24 **Q** Okay.

25 **A** Give or take a little bit. I'm two blocks

1 up the street. I'd say about 50 feet.

2 Q Now, you have demonstrated for us that
3 when he was, when Michael Brown was running away,
4 and you said he kind of?

5 A Staggered.

6 Q Staggered and his arms flung up and you
7 demonstrated that.

8 A Uh-huh.

9 Q Can you just stand up and put your arms in
10 that position so I can describe it?

11 A Sure.

12 Q Let me turn around.

13 A Okay.

14 Q Put your arms up the way he had them?

15 A Okay. The way the flung out, yes.

16 Q So your left arm is extended away from
17 your body at about a 45 degree angle?

18 A Down and out.

19 Q Down and out?

20 A Yes, and the right arm was higher,
21 shoulder level as he spun.

22 Q Okay. And, okay, thank you. And then
23 when he spun around, what did his hand do?

24 A As he came about to face us again, his
25 arms came down to his sides and hung loosely at his

1 sides.

2 **Q** All right. Did you ever see Michael Brown
3 clutching his torso or have his hands anywhere in
4 his mid section after he turned around and faced the
5 officer?

6 **A** Not that I recall.

7 **Q** Did you ever see Michael Brown put his
8 hands up?

9 **A** No, I never saw his arms up.

10 **Q** Never saw his hands up like that?

11 **A** Never saw his hands up.

12 **Q** Other than the way you have demonstrated?

13 **A** Only when he flung them out in spinning
14 around. I never saw him put his hand up.

15 **Q** Okay.

16 MS. ALIZADEH: Sheila, do you have any
17 questions? I'm out of questions, thanks.

18 MS. WHIRLEY: Okay.

19 **Q** (By Ms. Whirley) So you first saw the
20 officer when he was out of his vehicle, correct?

21 **A** Yes.

22 **Q** So you did not see any tussling or
23 altercation at the police car with Michael Brown?

24 **A** No.

25 **Q** All right. Um, can you describe the

1 officer's demeanor when you first saw him and by
2 that I mean, can you show us what he was doing? You
3 know, like did he have a gun pointed, was he, what
4 was he looking like when you first saw him?

5 **A** When I first saw him, I was looking at his
6 back as he was walking away from me or trotting,
7 toward Mr. Brown.

8 **Q** Okay. And from behind, that's what you
9 could see, could you see his hands from behind, from
10 his behind, I mean, his behind was facing --

11 **A** They looked like they were up. He
12 probably had his, probably had his gun in his hands.

13 **Q** It appeared --

14 **A** I couldn't see the gun. They looked like
15 they were up.

16 **Q** As if he was holding a gun and pointing a
17 gun?

18 **A** Yes.

19 **Q** And just to be clear, the officer was
20 shooting at Michael Brown when he was running away
21 from the officer?

22 **A** One shot.

23 **Q** One shot. And you think that shot
24 actually struck him?

25 **A** The way he staggered, I do believe it

1 struck him.

2 Q But you couldn't tell where?

3 A No.

4 Q Okay. And as Michael Brown was running
5 away, it appeared he had a gun in his hand as he was
6 running away, because you said?

7 A I saw, I saw what I thought was something
8 fly from his hand when he spun, but it was an
9 impression I got and since my original statement to
10 the police, I said that I wasn't certain because of
11 the distance, but I got the impression that
12 something flew out of his hand when he was struck
13 and spun around.

14 Q Okay. So while he's running away, is he
15 facing you or not?

16 A His back, because he was running almost
17 directly away from us down the road.

18 Q Okay. So both the officers back and his
19 back was to you as they were running away?

20 A Yes.

21 Q And the officer was closest to you?

22 A Right.

23 Q But it looked like to you that from the
24 back, Michael Brown had a weapon?

25 A Um, I didn't see anything in his hands

1 when he was running.

2 **Q** Okay.

3 **A** I saw what I thought was something fly
4 from his hand when he spun.

5 **Q** Okay.

6 **A** And I saw a glint off of something in his
7 hand when I first saw him because the first time I
8 laid eyes on Mr. Brown, he was pointing at us. And
9 I thought I saw a glint off of something in his
10 hand.

11 **Q** Okay. All right. So as he ran and the
12 officer fired a shot, he thought he was hit, he
13 staggered?

14 **A** Yes.

15 **Q** He turned around, as you demonstrated for
16 us how he turned around.

17 **A** Yes.

18 **Q** So once he turned around and he was
19 walking towards the officer, you said a few steps,
20 was he staggering still?

21 **A** He did not seem to be staggering. He was
22 walking fairly well.

23 **Q** Okay. He no longer seemed to be
24 staggering?

25 **A** He wasn't moving very rapidly, he was

1 walking slow. At a much more normal walk.

2 Q Can you kind of show us what you mean,
3 please?

4 A After he spun around and walked back
5 toward the officer, it cars more of a, it was more
6 of just, you know, walking across the room. It was
7 just walking like, you know, I'm walking back toward
8 the officer. (indicating)

9 Q Not like he was injured or anything?

10 A It was a fairly normal walk.

11 Q Okay.

12 A It did not appear that he was --

13 Q Okay. As he's walking, that is when the
14 officer said what?

15 A Open fire.

16 Q Open fire. And that's when Michael Brown
17 went down?

18 A Yes.

19 Q Okay. Did it appear to you that Michael
20 Brown was charging the officer?

21 A I didn't get the impression of a charge
22 because it wasn't fast enough to be a charge.

23 Q Okay. Did it appear to you that the
24 officer had to shoot Michael Brown in order to
25 protect himself?

1 **A** I wouldn't say had to. At the time I was
2 relieved because I believed at the time, I still
3 stand by my original statement, but my impression at
4 the time was that it was a shootout between the
5 officer and Mr. Brown in a residential neighborhood
6 surrounded by bystanders who were all stupidly
7 running toward a gun fight.

8 **Q** But you never saw Michael Brown fire a
9 gun?

10 **A** I never saw him fire anything.

11 **Q** So it was just your assumption that it was
12 a gunfight?

13 **A** Right.

14 **Q** Okay. So my question is, when the officer
15 opened fire, did it appear that he had to do that to
16 protect himself in your opinion?

17 **A** Um, I couldn't see Mr. Brown's hands and I
18 wasn't sure if he lost the weapon, if there was a
19 weapon.

20 I felt, at the time I felt the
21 officer did what he had to do.

22 **Q** Is that what you think here today?

23 **A** I still feel that the officer did what he
24 believed was the right thing.

25 **Q** Okay. And I noticed in your statement

1 that you gave to the police back on August 13th of
2 2014, you said you did ?

3 **A** Yes.

4 **Q** Tell us about that, what was that for?

5 **A** I'm a . I'm a
6 convicted felon and I don't have any love for the
7 police.

8 **Q** Okay.

9 **A** My wife and I felt that we should do our
10 civic duty and come forward and tell everybody what
11 we saw. I'm not comfortable being here, but I'm
12 trying to do the right thing.

13 **Q** Okay. Questions?

14 MS. ALIZADEH: Let me ask a couple just to
15 clarify, and I didn't ask you about this earlier,
16 Did you see another black younger
17 male that was smaller than Mr. Brown at, near,
18 around the vehicle or running in that area?

19 **A** I have no idea who you might be speaking
20 of. The neighborhood was filled with young black
21 people. They were all over the place. It is a
22 neighborhood full of them.

23 MS. ALIZADEH: So you don't recall seeing
24 anybody near, or besides Mike Brown, and you've
25 already described where you saw him, did you ever

1 see another black gentleman at or near the police
2 vehicle?

3 **A** No, my attention was on the officer and
4 Mr. Brown. I did not.

5 **Q** Okay. And, you know, from what you've
6 stated, you didn't see anything that occurred prior
7 to you coming around that bend, correct?

8 **A** Correct.

9 **Q** So if there was anything that happened
10 prior to you coming around the bend, whether it was
11 between the officer and Mike Brown or anyone else
12 that was there, you didn't witness that?

13 **A** Correct.

14 **Q** And let me ask you because Sheila Whirley
15 had asked you about whether or not you felt the
16 officer had to fire, if there was something that
17 occurred prior to the officer running after Michael
18 Brown, you have no idea what that was?

19 **A** No, I do not.

20 MS. WHIRLEY: Just one last follow-up. As
21 Michael Brown is running away from the officer and
22 he fired at him.

23 **A** Uh-huh.

24 MS. WHIRLEY: Did it appear that Michael
25 Brown was a threat at that time in your opinion?

1 you said to face the police officer?

2 **A** He had started around here and was running
3 this way.

4 Okay.

5 **A** And had gotten perhaps 50 or 60 feet.

6 : Okay. And then he
7 started walking back and where was he at when he
8 fell, did you see where he fell?

9 **A** Somewhere in this area. (indicating)

10 Okay. And you said
11 throughout everything that Michael Brown spun
12 around, do you feel that he spun around on his own
13 accord or do you feel it was due to the impact of
14 being shot.

15 **A** The bullet, the impact of being shot, uh,
16 certainly appeared to have started him turning. And
17 whether he continued of his own volition or not, I'm
18 not certain. It looked like the impact started to
19 spin him around and when he completed the turn, he
20 was facing us again and came back toward the
21 officer.

22 : Okay. So you feel that
23 maybe if he hadn't been shot, he might have
24 continued to run that way?

25 **A** Right.

1 St. Louis office?

2 **A** Yes, I have.

3 **Q** And so were you assigned as a special
4 agent with the FBI St. Louis office back in the
5 month of August of this year?

6 **A** Yes, I was.

7 **Q** Have you had occasion to assist in the
8 investigation into the shooting of Michael Brown?

9 **A** Yes, I have.

10 **Q** And have you as part of that
11 investigation, have you interviewed some witnesses?

12 **A** Yes, I have.

13 **Q** Did you interview a witness named
14 ?

15 **A** Yes, I did.

16 **Q** And did you do that by your yourself or
17 with another agent?

18 **A** There was another agent assigned with me
19 to do that interview.

20 **Q** Where did that interview take place?

21 **A** At residence at the Canfield
22 Green Apartment Complex.

23 **Q** How is it, how is it that you knew to
24 contact , do you recall?

25 **A** We were assigned, every team of agents was

1 assigned a specific building and a specific venue.

2 And that particular apartment was in our venue.

3 Q And so was this then as a part of an area
4 canvas?

5 A Yes, it was.

6 Q And just to be clear, so a canvas is
7 basically you're going door to door and knocking on
8 doors and stopping people when they pull into the
9 parking lot, get out of their cars, asking them if
10 they saw anything or know anything; is that right?

11 A That's correct.

12 Q And so when you went to see ,
13 this wasn't as a specific purpose to interview

14

15 A That's correct.

16 Q So when you went to ' ,
17 apartment, was someone home?

18 A Yes.

19 Q Who was there?

20 A We knocked on the door and
21 answered the door.

22 Q Do you recall what day this was?

23 A It was on a Saturday following the
24 shooting, I believe it was on the 18th.

25 Q So this is a week after the shooting, the

1 shooting happened on the 9th, which was a Saturday,
2 so this would have been the following Saturday?

3 **A** Correct.

4 **Q** And so when answered the
5 door, were you dressed similarly as to how you are
6 now?

7 **A** Yes.

8 **Q** Did you identify yourself as an FBI agent?

9 **A** Both of us did.

10 **Q** Did he invite you into his apartment?

11 **A** Yes, he did.

12 **Q** Was anyone else in the apartment?

13 **A** His fiancée was there and her younger
14 brother was also there.

15 **Q** Do you recall the fiancée, is it
16 ?

17 **A** Yes.

18 **Q** And her younger brother, was he a child,
19 was he teenager, was he a young adult?

20 **A** He was a teenager who did not live there,
21 he was just there for the weekend.

22 **Q** Okay. And so did you talk to
23 about whether he was home on August 9th and
24 heard or witnessed anything involving the shooting?

25 **A** Yes, he did.

1 **Q** He told you he witnessed a part of it; is
2 that right?

3 **A** That's correct.

4 **Q** And specifically, well, let me ask you
5 this, did you record your interview with
6 ?

7 **A** Yes.

8 **Q** All right. And did you later listen to
9 that recording?

10 **A** Yes.

11 **Q** And did that, your recorder accurately
12 record the interview that you had with

13

14 **A** No.

15 **Q** So your recorder malfunctioned or didn't
16 work for some reason?

17 **A** It was either a mechanical malfunction or
18 operator error.

19 **Q** So you don't have a recording of the
20 interview you had with ?

21 **A** That's correct.

22 **Q** Shortly after your interview with him, did
23 you, let me ask you this. Did you make notes as you
24 were interviewing him?

25 **A** Yes, we did.

1 **Q** And shortly after that, did you go and use
2 your notes and your recollection to prepare a report
3 about that interview?

4 **A** Yes, we did.

5 **Q** And did you do that within a couple of
6 days after the interview?

7 **A** Yes.

8 **Q** So when you made your report, that
9 interview was fresh in your mind?

10 **A** Absolutely.

11 **Q** Okay. And so, and did you also have your
12 partner on that day review your report after you
13 completed it in order for him to see if he recalled
14 the same thing that you had recalled?

15 **A** Yes.

16 **Q** Okay. And so how long were you talking to
17 in his apartment, approximately?

18 **A** We were probably there for 35 minutes.

19 **Q** And was he cooperative with you?

20 **A** Yes, he was.

21 **Q** And so he told you that he saw, he was in
22 his apartment when he heard some shots, correct?

23 **A** Correct.

24 **Q** And what did he say he did after he heard
25 the shots?

1 **A** He initially heard the shots, he was
2 sitting on the couch when he got up, he heard the
3 shots, he went up and looked out his window and he
4 had a partial view of Canfield Drive from his
5 apartment window.

6 **Q** All right. And what did he tell you who,
7 if anybody, did he say he saw when he looked out the
8 window?

9 **A** He saw who he now knows to be Michael
10 Brown in the street walking away from the apartment
11 building, kind of walking going down the street.

12 **Q** Okay. There is a laser pointer in front
13 of you, you were gesturing with your hands toward
14 the map, which is Grand Jury Exhibit Number 25. Do
15 you recall, does this look familiar, these
16 buildings?

17 **A** Yes.

18 **Q** Do you know what buildings he was in?

19 **A** , which is right here. (indicating)

20 **Q** Okay. And so you had gestured that he saw
21 Michael Brown walking and you went like that?
22 (indicating)

23 **A** Correct.

24 **Q** What direction did he see Michael Brown
25 walking?

1 **A** His apartment window would have been right
2 here. He would have seen Mr. Brown walking this
3 direction. (indicating)

4 **Q** So he would have been facing west on
5 Canfield Drive walking in a westerly direction if
6 this is west?

7 **A** That's correct.

8 **Q** Okay. And did he see any police officers
9 from that vantage point?

10 **A** Initially, no.

11 **Q** And what did he say he saw Michael Brown
12 do?

13 **A** He heard the first couple of shots, three
14 shots, went to his window, looked out and saw
15 Mr. Brown walking westward down Canfield Drive. He
16 heard approximately six more shots, saw Mr. Brown
17 grab his torso with one hand and had another hand
18 up, drop to his knee and fall to the ground.

19 **Q** And so when you interviewed
20 let me ask you this. Had he just like gotten up out
21 of bed or was he intoxicated or under the influence
22 of something that you thought might make it, might
23 affect his ability to recall what he told you?

24 **A** No, he answered the door, he was alert and
25 willing to answer any questions.

1 **Q** Okay. And so he told you that he saw
2 Michael Brown walking away from him. In other
3 words, away from where he was in his apartment. And
4 then in the direction where he would have been
5 walking west on Canfield Drive?

6 **A** Correct.

7 **Q** Okay. Did you ever go back and actually
8 clarify that with him as far as whether or not he
9 saw Michael Brown moving in the direction, moving in
10 that direction or whether or not Michael Brown was
11 standing still?

12 **A** We clarified that with him at least three
13 times during the interview just to make sure that we
14 understood what he was saying, and the other agent
15 made sure what he was saying.

16 He was very clear that he saw
17 Mr. Brown, he now knows it's Mr. Brown, at the time
18 he did not know who it was, walking, walking west on
19 Canfield.

20 **Q** And this was after he had heard a series
21 of gunshots, correct?

22 **A** Correct.

23 **Q** And then he observed him, he heard another
24 series of gunshots, did he tell you if he could see
25 who was firing the weapon?

1 **A** He could not see who was firing the
2 weapon.

3 **Q** And then did he say he saw Michael Brown,
4 you said, clutching his torso or holding his torso
5 and then one hand up. I can't recall which hand,
6 you demonstrated. I think you demonstrated your
7 right hand up?

8 **A** That's how he demonstrated it.

9 **Q** Okay. And then he went down to one knee
10 and collapsed in the street?

11 **A** Yes.

12 **Q** Did he tell you then he saw a police
13 officer after that?

14 **A** After Michael Brown had fallen to the
15 ground, he saw an officer approach Michael Brown
16 from the west and approach Michael Brown.

17 **Q** And so the officer was coming from the
18 west, was he walking east on Canfield then?

19 **A** Correct.

20 **Q** Did he approach the body of Michael Brown?

21 **A** Yes.

22 **Q** And so from vantage point, he
23 could see where Michael Brown came to rest in the
24 street?

25 **A** Correct.

1 **Q** And after Michael Brown collapsed, he saw
2 the officer walk up towards him?

3 **A** Correct.

4 **Q** Did you clarify with him that the
5 direction that Michael Brown was traveling, walking,
6 was in the direction from where the officer
7 eventually came?

8 **A** Yes.

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

10 MS. WHIRLEY: The only thing I have, I
11 don't think it was addressed,

12 **A** Yes.

13 MS. ALIZADEH: I didn't ask that, good
14 call.

15 MS. WHIRLEY: was there at the time,
16 correct?

17 **A** Yes.

18 MS. WHIRLEY: And did you have occasion to
19 speak with her?

20 **A** Yes.

21 MS. WHIRLEY: What was the nature of that
22 conversation?

23 **A** As part of the canvas, we were asking
24 anybody if they saw anything and, um, talking to
25 , he said that he had called her into the

1 living room during the encounter, during the shots.
2 So we asked her specifically, she was in the
3 kitchen, we asked her specifically if she saw
4 anything. She said no. We asked her why, she said
5 well, by the time she had gotten into the living
6 room by the window, it was over.

7 She was in the bedroom at the time,
8 he had summoned her into the living room and at that
9 point it was over, she didn't see what happened.

10 MS. WHIRLEY: You gave her an opportunity
11 to tell you whether or not she saw something and
12 she, in fact, told you she did not?

13 **A** Correct.

14 MS. WHIRLEY: That's all I have. Anybody
15 else have questions?

16 I just
17 want to verify the date. This was, this took place
18 on 8/16?

19 **A** It was a Saturday, our interview was the
20 Saturday after the incident took place.

21 MS. WHIRLEY: The same Saturday that the
22 incident took place?

23 **A** A week later.

24 MS. ALIZADEH: My math is terrible, but 9
25 plus 7 was 16. I had to do it in the sky.

1 Any other questions for the agent?

2 Did you look out
3 the window that they looked out of, did you see the
4 area where Michael Brown was, was he able to see
5 what he reported seeing?

6 **A** Yes. That street was not completely
7 visible from his apartment. You could only see
8 parts of it. So as far as what he was telling us,
9 what he could see, I would believe would be
10 accurate.

11 Okay, thank you.

12 **A** You couldn't see the whole thing.

13 MS. WHIRLEY: Anyone else?

14 You said
15 he could only see part of the road there in
16 Canfield. What exactly was blocking his view?

17 **A** I can't recall if it was the building or a
18 tree there, but all I can recall is the view of
19 Canfield was very limited from his apartment window.

20 MS. ALIZADEH: Anyone else? All right.

21 This will be the end of the testimony of Special
22 Agent .

23 (End of testimony of .)

24 MS. ALIZADEH: This is Kathi Alizadeh,
25 October 13th, 10:11 a.m. All 12 grand jurors are

1 present, myself, Sheila Whirley and the court
2 reporter , and we just had a small break after
3 a witness testimony. And I want to make sure we put
4 on the record that there was some questions that
5 were asked after the witness testified about some
6 dates and when certain witnesses were interviewed.
7 And I think what we discussed and kind of clarified
8 is that according to what you've heard so far,
9 who is the fiancée of , was
10 interviewed by the County Police on August 9th, the
11 day that Michael Brown was killed.

12 And that then Agent and his partner
13 went to their apartment and as a part of an area
14 canvas with no specific purpose of looking for
15 anyone in particular other than any witness that saw
16 this.

17 And that he then interviewed
18 on the 16th of August. He also said that
19 was present in the apartment at the time and
20 said she didn't see anything.

21 And then you all have also heard from a
22 statement that was interviewed by the
23 FBI, like on September 30th or something, and that
24 during that interview she described what she says on
25 the 30th she saw.

1 So there was some question about whether
2 or not the FBI knew that the FBI, meaning Agent
3 and Agent , whether they knew that
4 had been talked to by agent and his
5 partner, and/or whether or not agent was
6 aware that had been interviewed by the
7 County Police prior to their interview of her.

8 And what I explained to you is, to the
9 best of my knowledge and guess would be that they
10 did not know of the other interviews that had taken
11 place, however, I will tell you that's only until
12 the best guess on my part based upon my
13 understanding of how the investigation was going at
14 that time.

15 The FBI was working independently of the
16 County Police at that time. And the County Police
17 were not involved in that canvas that took place on
18 the 16th.

19 Originally, there was talk that was, they
20 were going to do the canvas together, the County
21 Police and the FBI. And then the FBI said, no, we
22 are going to do the canvas just on our own. So the
23 County Police are not a part of that canvas.

24 And so I can clarify this with Detective
25 and, of course, Detective will

1 probably testify again before your investigation is
2 completed, but you certainly can ask him that.

3 It is my belief and thought is that
4 probably agent was not aware that
5 had been interviewed by County Police when
6 he went to go see, he knocked on their door on the
7 16th. And then also I would have to verify with
8 Agent and , it is my guess that they
9 were not aware that Agent had seen
10 and had spoken to her on the 16th because
11 Agent did not put that in his report because
12 he, according to him, and I discussed this with him,
13 since said she didn't see anything, he didn't
14 include that. It is like he just didn't.

15 Whether he should or not is not for me to
16 say, but he just didn't. So I don't think that
17 Agent and Agent were aware that he
18 had talked to when they interviewed
19 on the 30th.

20 I will certainly try to clear that up for
21 you, but that's only my thought and opinion at this
22 point. All right.

23 So now, yes.

24 To so
25 clarify, on August 9th, Miss was interviewed

1 by Detective not Detective

2 MS. ALIZADEH: Correct, yes.

3 . When I said , what I was thinking of
4 for him to testify about the lack of information
5 flowing back and forth at that time because he was
6 from the get-go, Detective has been in charge
7 of the investigation, but of course, he's only in
8 charge of the county officers. But as the primary
9 detective, he was talking to the FBI, but again, he
10 could clarify this for you, but I believe that at
11 that time on the 16th, there wasn't a lot of back
12 and forth going on. Sharing of information so to
13 speak between the County and the FBI about who had
14 been talked to and what they said and the FBI did
15 this area canvas on their own.

16 It was their desire that the County not be
17 involved. They wanted to have their own independent
18 investigation so they said we're going to do this,
19 we don't want County coming with us or being
20 involved in that for whatever reason.

21 So you're right, it was that
22 did the interview with

23 Okay, at this time we're going to --

24 So when
25 two different departments are doing these

1 interviews, so how do they determine like, I mean,
2 it is freshly on their mind on the 9th or three days
3 after, but then when you come behind like weeks
4 later, how beneficial is that?

5 MS. ALIZADEH: Well, that's going to be up
6 for you all to talk about when you begin your
7 deliberations. If there's a difference in a
8 statement that's given closer to the time and then
9 there's a statement that was done after that, how
10 long after that, what are the circumstances of the
11 statement, what about, you know, these are all
12 things for you to consider. If there are
13 differences, why are there differences, you know.

14 Could it be that the first statement was
15 done because it is brief and then as you know, the
16 FBI has come along and Department of Justice have
17 done subsequent interviews that seem to be longer in
18 duration. Are they being more detailed? These are
19 all things that you are going to have to decide for
20 yourself. If there are differences, what do you
21 make of those differences.

22 So now we're going to listen to a recorded
23 statement of , and if you will recall
24 we've heard from a who testified that
25 he was in a white Monte Carlo that was driven by

1 her. It was at the scene on Canfield Drive on that
2 day. is here, she will testify when we
3 listen to her statement. The first statement is
4 about three minutes long and was done by St. Louis
5 County police officers, or detectives.

6 At this time we'll have cease the
7 recording and I will pass out a transcript of this
8 interview. And so, , you do not need to take
9 down the statement as it is being played and I will
10 give you a copy of the transcript.

11 (The interview of is being
12 played at this time.)

13 MS. ALIZADEH: We just needed to mention
14 that statement that we heard was actually about
15 eight minutes long and it was contained on a disc
16 that is marked Grand Jury Exhibit Number 17, and it
17 is a file folder on that disc labeled

18 .

19 The next statement we are going to hear is
20 also a recorded statement on a disc that's marked
21 Grand Jury Number 36.

22 (Grand Jury Exhibit Number 36
23 marked for identification.)

24 MS. ALIZADEH: It is also a recorded
25 statement of

1 I do not have a transcript of this
2 statement. And so at this time I can have , I
3 will have you pause the recording, but if you can
4 transcribe what you are hearing and we can make a
5 record of that then.

6 MS. : It is 6:26 p.m. on
7 October 13th. This is special agent
8 at FBI building at 2222 Market Street. I am with
9 DOJ trial attorney , and USA
10 here to interview. Will you state your name.

11 MS. :

12 MS. : And , will you spell
13 your name?

14 MS. : last name,

15

16 MS. : You just listened to your
17 recorded statement and is the birthday and social
18 security number correct that you gave the detective?

19 MS. : Yes.

20 MS. : Okay.

21 , before we get into some
22 additional questions that we have, I just wanted to
23 just go over some preliminary stuff with you.

24 When we ask you a question, if for some
25 reason you don't understand the question or you are

1 confused by our asking it, feel free to stop us
2 because we are going to assume that you understood
3 when you answer it. And sometimes we trip over our
4 words and don't make sense anyway, so don't think
5 that you are insulting us by correcting us.

6 MS. : Okay.

7 : And all your answers need to be
8 out loud because it is being recorded. There may be
9 a transcript made. So if you nod your head, I may
10 ask is that a yes or is that a no.

11 MS. : Yes.

12 : So it is totally normal to do
13 that. If I do that, I'm not doing that to you to be
14 rude, okay?

15 And just referenced that you just
16 listened to your statement is about 8 and a half
17 minutes long. We have a transcript that you are
18 following along with. Do you remember hearing that
19 statement and is it fair as much as you remember
20 with what you said?

21 MS. : Yes.

22 : Okay. And so we don't want to
23 really make you rehash everything, we just wanted to
24 ask you some follow-up questions from it. You know,
25 everybody has a piece of the puzzle so to speak. We

1 know you only saw, you know, the beginning and the
2 end, we don't want you to think that we're looking
3 for anything and everything possible, just what you,
4 yourself, know, okay.

5 So, therefore, we just have some follow-up
6 things for you. And one of the reasons we wanted
7 you to listen to your statement is because it has
8 been seven and a half weeks and as you know, this
9 has been on the news and people talk a lot about it,
10 but our goal is to find out what you, yourself,
11 know, not what you may have heard on the news.

12 So a lot of times it helps to refresh your
13 memory and kind of separate out what you said at the
14 time and what you, yourself, versus what you may
15 have heard based upon the news or the police report,
16 does that make sense?

17 MS. : Yes.

18 Okay. Also, we know it is
19 late, you came here from work. At any point you
20 think I've had enough, even though you're in the
21 FBI, feel free to say I've had enough, I don't want
22 to talk any more being, okay?

23 MS. : Okay.

24 This is entirely voluntary. We
25 certainly don't want to force you to be here.

1 Basically we are just looking for what happened and
2 the truth.

3 So we have to tell you as I tell everybody
4 that, it's a crime to make false statements to
5 federal agents. So we always say people are very
6 honest people. If you're going to exaggerate or
7 lie, you are better off not saying anything at all
8 then like a lie, okay?

9 MS. Okay.

10 : And so basically, like I said
11 we just want to know what happened. If you assume
12 something or you're guessing at something, or you're
13 talking about what other people heard, that's fine
14 as long as you let us know that you are assuming,
15 okay?

16 MS. : Okay.

17 : We just really want to know
18 what you know and what you remember. If you don't
19 remember something, it is fine to say you don't
20 remember it. If you don't know the answer, I don't
21 know is a perfectly acceptable answer if you truly
22 do not know.

23 MS. Okay.

24 : All right. So I just want to,
25 uh, so I have some follow-up questions based upon

1 the original statement that you gave. You had said
2 that initially you saw kind of the beginning of the
3 action, correct?

4 MS. : Yes, ma'am.

5 : And then looking in your rear
6 view mirror you ultimately saw the end where Michael
7 Brown ultimately fell and died; is that correct?

8 MS. : Yes, ma'am.

9 : At the time did you know
10 Michael Brown?

11 MS. : No, ma'am.

12 : You have since learned the
13 individual who died is that victim, is that fair to
14 say?

15 MS. : Yes, ma'am.

16 : Have you since given your
17 statement, you described the thing, the guy that was
18 with him with the dreads, that is how you described
19 him, do you know his name or do you --

20 MS. No, ma'am, I actually, I have
21 heard of his name, but I forgot.

22 : That is fine. We will just
23 keep referring to him as the guy with the dreads.

24 MS. : Okay.

25 : We will refer to Michael Brown

1 by his name, is that fair?

2 MS. : Yes, ma'am.

3 : If I do that, will you
4 understand who we are referring to?

5 MS. : Yes.

6 : So, you had said in your
7 initial statement that you were driving behind the
8 police car SUV; is that correct?

9 MS. : Yes.

10 Who else was in the car with
11 you.

12 MS. : One of our friends.

13 And who is that?

14 MS. : His name is , I don't
15 know the last name.

16 : Okay. And was there anybody
17 else in the car with you?

18 MS. : No, ma'am.

19 : And when you were driving, do
20 you remember if your windows were up or down?

21 MS. : They were down.

22 : And you had mentioned that, um,
23 that the SUV stopped on the side of the two
24 individuals of Michael Brown and the individual with
25 the dreads; is that correct?

1 MS. : Yes.

2 : Okay. And you said, once, uh,
3 once the vehicle was stopped, can you describe, do
4 you remember, um, you described that tussle, do you
5 remember how it started?

6 MS. : Um, actually, like I said, as
7 I was behind the police officer, I noticed that he
8 did stop because I was directly behind him, so I had
9 to slow down also.

10 : Okay.

11 MS. : In the process of up to two
12 young men walking, Michael Brown and the friend with
13 the dreads walking down the street, he did stop.

14 : Okay.

15 MS. : Like I said, I don't know
16 what was said, I didn't hear anything, my radio was
17 down and my windows was down.

18 : Your windows was down, was your
19 radio on?

20 MS. : At the time, yes, ma'am, but
21 once we stopped, I wanted to know what was going on
22 so I did turn my radio all the way down.

23 Okay.

24 MS. : It was completely down.

25 : Now, you mention that you don't

1 know what was said, is there anything that gives you
2 the indication, anything that you saw that you
3 thought something was said?

4 MS. : Actually, just by the car
5 just rocking back and forth.

6 : Okay.

7 MS. : And that was it. But no,
8 ma'am, I didn't hear anything.

9 : Before the car started rocking
10 back and forth, did you see any sort of interaction
11 between the guy with the dreads, Michael Brown and
12 the police officer?

13 MS. : Actually, I did not because
14 how my car sits and how tall the truck was, so I
15 didn't see directly what was going on inside.

16 : So from your vantage point as
17 soon as you stopped, what's the first thing that you
18 remember seeing?

19 MS. Um, I just remember the car
20 just stopping.

21 : Okay.

22 MS. : And the two, the two young
23 men, just, I didn't see them. So they was kind of
24 out of my vision at the time.

25 Okay. At the time that's when

1 you said you looked under and you saw feet moving,
2 kind of tapping?

3 MS. : Yes, ma'am.

4 : Okay. And you also said that
5 the guy with the dreads looked like he didn't know
6 what was going on, what do you mean by that?

7 MS. : Actually, what I mean by that
8 is because had he like proceeded to go, he came back
9 out.

10 : So the recording can't pick
11 that up, you are kind of saying, you said he
12 proceeded to go, you we are taking about the guy
13 with the dreads?

14 MS. Yes, ma'am.

15 : He proceeded to go, he was
16 going toward the police car?

17 MS. : He was actually, it looks
18 like he wanted some help.

19 : Okay.

20 MS. : But then, I don't want help.
21 It was like back and forth. It happened so fast.

22 : He moved forward really quickly
23 and moved backward.

24 MS. : He moved back and his eyes
25 kind of got a little big, a little big.

1 : Okay. And that's what he
2 looked like, the guy with the dreads didn't know
3 what was going on?

4 MS. : Yes, ma'am. Like probably
5 knew what was going on, but you know, probably
6 didn't, you know, something like that.

7 : So looks like he was going
8 forward and then stops, like changing his mind now?

9 MS. : Yes, ma'am, like he's
10 shocked.

11 : While this is going on, were
12 you able to see Michael Brown?

13 MS. : No, ma'am, I still wasn't
14 able to see him.

15 : But you saw his feet at that
16 point; is that correct?

17 MS. Yes, ma'am, I saw a pair of
18 feet just like tapping.

19 : Okay. Do you know whose feet
20 it was?

21 MS. : Actually, to be honest, no,
22 ma'am, but I can say the young man with the dreads
23 was towards the back, he was towards the back once I
24 saw come in and out, I just figured that he was
25 towards the back of the truck and wasn't so close to

1 the driver's side of the door.

2 : Okay. So the only two people
3 on the street you saw Michael Brown and the guy with
4 the dreads?

5 MS. : Yes, ma'am.

6 : And so since you're describing
7 the other guy with the dreads, the only other
8 person's feet that could have been was Michael
9 Brown?

10 MS. : Yes, ma'am.

11 : Okay. So you describe what you
12 saw these feet they were like moving and tapping,
13 and you said some kind of confrontation?

14 MS. : Yes, ma'am.

15 : Why do you say confrontation?

16 MS. : Just because of how feet was
17 moving, how the truck was rocking walking.

18 : Okay.

19 MS. The vehicle was rocking.

20 What about how it was rocking?

21 MS. : It was just like side by
22 side.

23 : And this is while the police
24 officer is still in the driver's side?

25 MS. : Yes, ma'am.

1 : Okay. And then you said that
2 the guy with the dreads is looking to see what was
3 going on. What do did you mean by that?

4 MS. : Actually, what I mean by that
5 because, like I said, he was kind of, like he wanted
6 to go, but he don't.

7 : Like he wanted to go towards
8 the vehicle?

9 MS. : Towards, probably try to
10 help, you know.

11 : Did you actually see what he
12 was doing?

13 MS. : Uh, yes, ma'am, like back and
14 forth.

15 : Okay. And then while you are
16 describing all of this, this tussling is still going
17 on between Michael Brown and the police officer as
18 far as you can tell?

19 MS. : Yes, ma'am.

20 : That's when you heard the
21 gunshot go off?

22 MS. : Yes, ma'am.

23 : And then you said that the
24 suspect got shot back up, you talking about Michael
25 Brown when you said that?

1 MS. : Yes, ma'am.

2 : You said the suspect got shot,
3 what about, what made you say that he got shot?

4 MS. : Actually, I just heard the
5 gunshots. It was just like when I heard the gun go
6 off, he kind of like came off of the truck.

7 : Okay.

8 MS. : So that's what made me think
9 at the time that he probably was hit at the time.

10 : And then, how were you able to
11 see when Michael Brown backed up, were you able to
12 see him?

13 MS. : Yes, ma'am.

14 : And why were you able to see
15 him, what move allowed from your vantage point to
16 see him?

17 MS. : Actually, at this time the
18 truck had kind of came back a little bit more, came
19 back on like hit on the brakes a little bit more. I
20 don't know if he was trying to run or not because
21 actually I couldn't see over that way.

22 : Can you point out for me a
23 little bit, so Michael Brown, you were able to see
24 him?

25 MS. Yes, ma'am.

1 : Right after the shot because he
2 backed up?

3 MS. : Yes, ma'am.

4 : And that was because the truck
5 moved a little bit?

6 MS. : Actually, when he backed up,
7 he kind of backed, at this time he backed all the
8 way up from a distance to where I can just see his
9 body.

10 : Okay.

11 MS. : Like back up.

12 : Okay.

13 MS. You know.

14 : You talking about him
15 backing away from the side of the police car?

16 MS. : Yes, sir.

17 : The police vehicle?

18 MS. : Yes, sir.

19 : Okay. Then you said he looked
20 amazed?

21 MS. : Like he was shocked, yes
22 ma'am.

23 : And then you said, um, that
24 they both, the guy with the dreads and Michael Brown
25 then ran towards to find out what was happening.

1 MS. : Yes, ma'am.

2 : At this point is when you start
3 ducking; is that right?

4 MS. : Right. After I heard the
5 first shot and I see Michael Brown jump out of the
6 car, yes, ma'am, I was terrified. When they start
7 running because actually, they ran past my car, so I
8 didn't know what was going on.

9 : And that makes sense. They are
10 running past your car and you just heard gunshots
11 and you were terrified?

12 MS. : Yes, ma'am.

13 : You started to duck, correct?

14 MS. : Yes, ma'am.

15 You said you were able to see
16 that the police officer ran past as well, correct?

17 MS. : Yes, ma'am.

18 : And was there a pause between
19 the time that the boys started running past you and
20 the police officer?

21 MS. : There actually was. Just
22 because we was trying to get out of the truck at the
23 time. So once we took off running, once Michael
24 Brown and the guy with the dreads took off running,
25 that's when I noticed the police comes out.

1 his door?

2 MS. : Yes, ma'am, he did.

3 : Do you know why?

4 MS. : Actually to get down. We
5 were scared, terrified. I mean, I can't tell why he
6 did it, but I know he was hanging outside of the car
7 trying to get, you know, shelter or whatnot.

8 : Okay. And so you said that
9 once you saw the police officer kind of go past you,
10 you said you instantly ducked. (inaudible)

11 MS. : Yes, ma'am, I was down, my
12 whole head was in the passenger seat. So I'm almost
13 on lap.

14 : Okay. Obviously, you are
15 terrified.

16 MS. : Yes, ma'am, my hand is on the
17 steering wheel, my feet is on the brake, I couldn't
18 even put my car in park, that's how quick it
19 happened and I just ducked down.

20 : Okay. So you are not looking
21 out the window at this point?

22 MS. : No, ma'am, no, ma'am, I
23 blacked out just a little bit. And then, yeah, just
24 -- I blacked out just a little bit. I mean, I don't
25 know why, but I did.

1 MS. Leading up to that, no, he's
2 running from him with his back from him, with his
3 back from him.

4 : All right.

5 MS. : I do know that.

6 : But you didn't see any of this
7 go on because you were ducking?

8 MS. I was ducking as the police
9 officer came towards my car, I got down, yes, ma'am.

10 : Okay. And you heard that
11 initial shot from the SUV, correct?

12 MS. : Yes, ma'am.

13 : And then you heard, as you
14 describe, those three shots at the end?

15 MS. : Yes, ma'am.

16 : Okay. And you describe that
17 the guy with the dreads came over to the passenger
18 side of your car trying to get in?

19 MS. : Yes, ma'am.

20 : And now where in what you just
21 described in the ducking and the blacking out and
22 the looking back up, at what point did the guy with
23 the dreads come over to the car?

24 MS. : Actually, when I did go out
25 for a little bit, like I said, I just blanked out a

1 little bit, but when I was down, I did open up my
2 eyes. I was still down, and that's when I saw the
3 young man with the dreads, where had the door
4 open, he had it slung open. He was on the curb, but
5 he had -- he crawled. You could tell that he
6 crawled. He was in the car and he just basically
7 asked me could I get him away from here because it
8 is crazy.

9 : Is that what he said?

10 MS. Yes, ma'am.

11 : Get me away from here, it's
12 crazy?

13 MS. : Yes, ma'am.

14 : Do you have a two-door car?

15 MS. : Yes, ma'am.

16 : So when passenger door
17 is kind of opened?

18 MS. : It's opened wide.

19 : Okay.

20 MS. Uh-huh.

21 : So the guy with the dreads kind
22 of crawled over?

23 MS. : Yes, ma'am.

24 : What was your response to him?

25 MS. : Actually, I told him to get

1 down. That's all I had, I mean, that was the only
2 thing that came to my mind, just get down.

3 : Okay. And then --

4 : Obviously, you didn't let
5 the guy with the dreads in your car?

6 MS. : No, sir, I did not.

7 : Why was it that you wouldn't
8 let him in your car?

9 MS. : Actually, I didn't know what
10 was going on for one and I was actually, didn't have
11 a clue if he had or who had it, I just didn't know.
12 It wasn't something that I was willing to do.

13 : If he had what?

14 MS. : Actually, I didn't know if he
15 had a gun, I didn't know what was going on.

16 : You didn't know what was
17 going on?

18 MS. : Actually, I didn't know what
19 was going.

20 : And so for that reason you
21 didn't allow the guys with the dreads in the car
22 with you?

23 MS. : Yes, sir.

24 MS. Do you know if he stayed
25 there or he went elsewhere?

1 MS. : Actually, just for a few
2 minutes, just for a few minutes, like I said, after
3 I told him no, he disappeared.

4 Now, I don't know where he went, I wasn't
5 focusing on him. I was trying to see what was going
6 on.

7 : So I was trying to ask you
8 this, when he said to you get me out of here, it is
9 crazy, and you said, get down. Did he say anything
10 else?

11 MS. : No, ma'am, he did not.

12 : Did you guys say you can't get
13 in the car?

14 MS. : No, ma'am, I did not, get
15 down, that was it.

16 : Okay. Did you know that he
17 wanted to get in the car?

18 MS. : Actually, just by what he
19 said, the statement that he made to me.

20 : I guess what I'm trying to
21 figure out is, how did you let him know that you
22 weren't letting him in the car?

23 MS. : Actually, for one, I wasn't
24 moving it at the time.

25 : Okay.

1 MS. : So he wasn't going to go
2 anywhere anyway.

3 : Did say anything to him?

4 MS. : No, just get down. We both
5 just hollered the same thing, get down.

6 : Okay. All right. At some
7 point you looked up and you were looking in your
8 rear view mirror?

9 MS. : Yes, ma'am.

10 : So everything that you observed
11 after that was with regard to Michael Brown and the
12 police officer was through your rear view mirror?

13 MS. : Yes, ma'am.

14 : And your review mirror is for
15 reverse, correct?

16 MS. : Is it reverse?

17 : I don't want to misstate it.

18 (inaudible)

19 MS. : Oh, yeah, oh, yeah.

20 : (Inaudible) So when you are
21 looking in your review mirror, you said you saw the
22 male turn around and basically stop, this is Michael
23 Brown, correct.

24 MS. : Yes, ma'am.

25 : That's when you heard two or

1 three more gunshots, and Michael Brown went down to
2 the ground.

3 MS. : Yes, ma'am.

4 : And then after that you, you
5 drive away?

6 MS. : Yes, ma'am.

7 : You describe yourself at that
8 point, were you still terrified?

9 MS. : My leg was shaking.

10 : Okay. And so how did you
11 manage to driveway then?

12 MS. With , just calm me
13 down, my legs were moving.

14 Okay.

15 MS. : And I just cried because,
16 like I said, I've never seen nothing like that in my
17 life.

18 : Okay. And so you describe and
19 you drove away, um, and there was another truck, do
20 you mean a police SUV.

21 MS. : Yes, ma'am. In the process
22 of me, after the incident had happened, probably
23 about two or three cars pulled up and they came
24 towards my car. So I had to basically yell, like
25 somebody is in here, you know, because he was real,

1 real close.

2 : So just so I can understand.

3 So you started to drive away and as you were
4 driving --

5 MS. : No, actually at this time, I
6 didn't even get a chance to even move at this time.
7 They were coming towards the way, towards me.

8 : You were stopped in the middle
9 of street because you had to stop?

10 MS. : Yes, ma'am, right at the
11 curb, yes, ma'am.

12 : Okay.

13 MS. : Right by the complex.

14 : And then you drove away?

15 MS. : Yes, ma'am, I did.

16 : All right. How did it come to
17 you that you then met with the St. Louis County
18 Police Detective?

19 MS. : Actually, I stay in that area
20 at the time and my mom basically, basically got the
21 news. So she came to see was her daughter okay. So
22 in the process of seeing was her daughter okay, I
23 was up in the house, the house is right before you
24 get to Canfield Green.

25 Okay.

1 MS. : And one of the young men,
2 like I said, I don't know nobody over there or
3 whatnot, but he the one that brought the police to
4 me. The FBI, like I said, I don't know but they
5 were the ones in the car, I guess. Somebody was out
6 there and probably remember my car or something
7 because he came directly to me.

8 : The police did?

9 MS. The FBI,

10 : Okay. He's St. Louis County.

11 MS. Okay, okay, the detective.

12 : So he came to you?

13 MS. : Yes, ma'am. I was on the
14 front of the neighbors. I don't even know the
15 people, but they stayed in the house right there.

16 : Okay. You said something about
17 brought him to you?

18 MS. : Actually, a young man, I
19 mean, like I said, I don't know anybody that stays
20 in Canfield Green. I didn't know him exactly.

21 : What do you mean exactly?

22 MS. : I've probably seen him like
23 around in the complex, but I don't know him. As
24 talking to him on like a daily basis.

25 : Okay. Is it fair to say that

1 what you know that happened that day is limited to
2 that initial, you describe the confrontation or
3 tussle at the car, correct?

4 MS. : Yes, ma'am.

5 And then you saw through your
6 rear view mirror at the end when Michael Brown was
7 facing the police officer, you heard the shots and
8 he went down to the ground?

9 MS. Yes, ma'am.

10 : Okay.

11 : Just to be clear, you heard
12 that first shot when the tussle was going on at the
13 side of the police SUV?

14 MS. : Yes, sir.

15 : And you saw those final two
16 or three shots?

17 MS. : Yes, sir.

18 There wasn't any other shots
19 in between?

20 MS. : Not to my knowledge. I'm
21 just going to be honest, that's probably when I was
22 blacked out.

23 : Okay.

24 MS. : Once, I raised up --

25 : And you mentioned, I know

1 that that you were ducked down, and you basically
2 was trying to get down as low as you could, is that
3 fair.

4 MS. : Yes, sir.

5 : But you mention that you
6 were able to see the police officer run by your car?

7 MS. : Yes, sir.

8 : And could you tell at that
9 time where his gun was or could you see any of that?

10 MS. : Actually, when he ran by it
11 was drawn.

12 : Okay. Did he have it at his
13 side?

14 MS. : No, he had it drawn up
15 toward, I'm going to say aimed.

16 : Okay. But at that time you
17 didn't hear any other shots?

18 MS. : Not to my knowledge.

19 : You want to take a break?

20 : We can we take a break.

21 MS. : Yeah, I have a couple of
22 questions.

23 : If we with can, we will take a
24 break for just a second.

25 MS. : Sure. I am going to leave

1 this on because it makes it easier, okay?

2 MS. : Okay.

3 : You mentioned early on you
4 turned the radio down to see if you could hear
5 anything?

6 MS. : Yes.

7 : Anything, you hear anything
8 from Michael Brown or the officer or the guy with
9 the dreads, other than what you've described?

10 MS. : No, ma'am.

11 : Okay. And right after that
12 first shot when you said Michael Brown stepped back
13 and what did he do right after that?

14 MS. : He took off running.

15 : Okay. Did he go back to his
16 car, did you see him briefly going toward the car or
17 did he immediately run away?

18 MS. : He immediately took off
19 running down the street.

20 : Was there anything else,
21 ?

22 MS. : Sorry.

23 : The guy with the dreads?

24 MS. : You say you saw Michael
25 Brown, you saw the guy with the dreads just when

1 took a step back, you saw him look?

2 MS. : Yes, ma'am.

3 MS. : When he came back, what, did
4 he just stay there, did he move?

5 MS. : No, actually, when he went
6 forward, then he came back, he actually took off.

7 MS. : Okay.

8 MS. He starts to take off to get
9 away.

10 MS. : But your focus is still on
11 that car?

12 MS. : Yes, ma'am.

13 MS. : Now, when he took off to get
14 away, was it before or after the gunshot?

15 MS. : It was after, it was right
16 after.

17 MS. : Okay.

18 MS. : It was right after the first
19 shot.

20 MS. : You see the guy with the
21 dreads?

22 MS. : Okay.

23 MS. : Go in like, and then come
24 back?

25 MS. : Uh-huh.

1 MS. : Gunshot, or does he come
2 back? At what point was the gunshot?

3 MS. : Actually, it was the shot and
4 then it was like back, once he came forward, it was
5 like back.

6 MS. : You saw both of them at the
7 same time?

8 MS. : No, ma'am. I saw the one
9 with the dreads come back. Now, that's when, when
10 he came back and he kind of like hesitant, that's
11 when I saw Michael Brown.

12 MS. : Okay.

13 MS. At the car and then that's
14 when they proceed to take off.

15 MS. : Together.

16 MS. Actually, the one with the
17 dreads kind of got away just a little bit extra.

18 MS. : Okay.

19 : Okay.

20 : When is next time you see
21 the guy with the dreads then?

22 MS. : After I saw him on the side
23 of the car, on the news.

24 : Okay.

25 MS. : On the news.

1 : We don't have any more
2 questions for you. I just want to ask you, is there
3 anything that you want to add that we think we
4 should know that we haven't asked you or they didn't
5 ask you that day?

6 MS. : No, ma'am.

7 : You feel like you have given us
8 all the information that you know?

9 MS. : Yes, ma'am.

10 : Anything you think is
11 important that we've missed at all?

12 MS. : Uh, not to my knowledge. I
13 gave you all I have.

14 : Okay. Do you think we have
15 treated you fairly?

16 MS. : Yes, ma'am.

17 : Did we force you to say
18 anything that you didn't want to say?

19 MS. : No.

20 : We didn't make you any promises
21 about anything?

22 MS. : No.

23 : Okay. So you feel comfortable?

24 MS. : Yes.

25 : Well, thank you so much for

1 your time, we appreciate it.

2 MS. : We will end the interview.

3 (That was the end of the interview.)

4 MS. ALIZADEH: This is Kathi Alizadeh, it
5 is about 11:03. We just took a pause for the
6 recording while we listened to the statement of the
7 Department of Justice and FBI and U.S. attorneys did
8 with and then I just had a brief
9 question about your lunch break and that's why we
10 paused again. So now we are ready to hear from

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

18 EXAMINATION

19 BY MS. WHIRLEY:

20 Q Sheila Whirley, Kathi Alizadeh, all grand
21 jurors, , and would you introduce yourself to
22 the grand jurors for us, please?

23 A I am .

24 Q Okay. , you know why we're
25 here?

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

2 **Q** This is about the Michael Brown shooting.
3 Where do you live?

4 **A** Actually, I say in Northwinds Apartments.

5 **Q** All right. Is that where you lived on
6 August 9th 2014?

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

8 **Q** I don't believe Northwinds is on this map.
9 You see this map, Grand Jury Exhibit Number 25, does
10 it look familiar as far as the Canfield Green
11 Apartments are concerned?

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

13 **Q** Okay. Which way would Northwinds
14 Apartments be based on this map, if you could tell
15 us? If you can't, that's fine.

16 **A** Um, um.

17 **Q** You can't really tell on this map?

18 **A** Huh-uh.

19 **Q** I'm going to ask you some more things
20 about the map, so I want to show you how this works.
21 This is a pen light, I guess, and you push that
22 button and you can direct it wherever you it to go,
23 okay. Can you push the button? Yeah, all right.

24 So you live in Northwinds which is,
25 is that east of the Canfield Green Apartments?

1 **A** Um, yes, it is towards the back by Glen
2 Owen.

3 **Q** This would be east and this would be west.

4 **A** I'm closer to Glen Owen.

5 **Q** Glen Owen. I don't think that's on the
6 map either. So tell us what you were doing on
7 August the 9th, what did you do that morning when
8 you first woke up?

9 **A** Actually, got up for the day.

10 **Q** What did you have planned?

11 **A** Actually, just going to ride around and
12 just enjoy the day on a Saturday.

13 **Q** Okay. You and who, who were you with?

14 **A** I was with .

15 **Q** Just ?

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

17 **Q** ?

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

19 **Q** And nobody else was in the car?

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

21 **Q** And you were driving that day?

22 **A** Yes.

23 **Q** What type of automobile were you in?

24 **A** Um, I had a '99 Monte Carlo.

25 **Q** What color?

1 **A** It is white.

2 **Q** It is white, okay. Is it a two-door?

3 **A** It is a two-door.

4 **Q** I think most Monte Carlos are two doors.

5 I guess it was a two-door white Monte Carlo?

6 **A** Yes.

7 **Q** When did you first see the police officer
8 in this case?

9 **A** Actually, I saw the police officer as I
10 was coming across the bridge coming towards the end
11 of Northwinds going towards Canfield Drive.

12 **Q** You don't know what street that would have
13 been?

14 **A** Actually, that would have been Glen Owen.

15 **Q** That's Glen Owen?

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

17 **Q** Which, I don't think we see on this map.

18 So you saw him, he was driving coming from the
19 Northwinds area also?

20 **A** Um, yes, ma'am, just like right, just
21 actually right past the little bridge thing.

22 **Q** Okay. Was he driving, I don't want to
23 talk at the same time you talk, so forgive me if I
24 did.

25 Was he driving fast when you saw him?

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

2 **Q** Just normal?

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

4 **Q** He didn't have red lights and sirens?

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

6 **Q** As if he was answering a police call or
7 anything like that?

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

9 **Q** Okay. So did he appear to be alone?

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

11 **Q** And what made you notice the police car?

12 **A** Um, actually, when I was coming, like I
13 said, across the bridge, I saw him coming out of the
14 street. One of the side streets, I really don't
15 know what the side street right there, but he was
16 coming, proceeding to turn to come the same
17 direction that I was going.

18 **Q** What direction were you going?

19 **A** Actually, I was going toward, this time I
20 am going towards Canfield, like going towards West
21 Florissant.

22 **Q** Okay. So this is Canfield Drive, does
23 that look familiar?

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

25 **Q** Which way were you traveling?

1 **A** Um, actually --

2 **Q** Show us with the light.

3 **A** I was coming approximately, like I said, I
4 believe, I can't tell which way is West Florissant.

5 **Q** This is West Florissant?

6 **A** That's West Florissant. Actually, I was
7 coming from this direction, going wards West
8 Florissant.

9 **Q** Can you tell us, is it on this map at the
10 time that you noticed the officer pulling out? If
11 it's not, just tell us.

12 **A** Actually, I really cannot tell.

13 **Q** Was the officer in front of you though?

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

15 **Q** So at some point the officer's car
16 stopped, correct?

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

18 **Q** Were you behind the officer when the
19 officer's car stop?

20 **A** Yes, ma'am, I sure was.

21 **Q** Where about was that on the map?

22 **A** Probably like right in between the
23 apartment complex. Just like right actually he fell
24 out is actually where I stopped, probably right up
25 in here closer to the apartment complex.

1 **Q** Okay. But you're not absolutely certain
2 looking at this map?

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

4 **Q** So when you first saw the officer stop,
5 what did you observe?

6 **A** Actually, I just observed there are two
7 gentlemen walking down the street.

8 **Q** Which way were they walking?

9 **A** They was walking my direction, going back
10 towards Northwinds.

11 **Q** So if this is West Florissant, which way
12 were they walking?

13 **A** They was walking this way.

14 **Q** That way?

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

16 **Q** East. And they were in the middle of the
17 street?

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

19 **Q** Can you describe the two gentleman you saw
20 walking in the middle of the street?

21 **A** Can I get up?

22 **Q** Sure.

23 **A** Actually, right behind the police officer,
24 they was just walking.

25 **Q** Okay.

1 **A** Directly down the middle lane.

2 **Q** Just kind of casually walking?

3 **A** Yes, ma'am, not running.

4 **Q** Tell us what they looked like?

5 **A** Actually, one guy was a pretty big
6 gentleman, tall in size, the other one was kind of
7 probably my height, probably a little bit shorter, I
8 don't know, with dreads and basically that was it.

9 **Q** Okay. And the guy that was taller, was he
10 a lot taller than you?

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

12 **Q** Was he bigger?

13 **A** Yes, ma'am, bigger and a lot taller.

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

15 **A** Actually, I can remember khaki shorts, um,
16 I know he had on a baseball cap.

17 **Q** What color?

18 **A** Uh, the baseball cap was dark in color.

19 **Q** Did he have it on when he started walking?

20 **A** Yes, ma'am it was like a dark, dark hat,
21 like a baseball cap.

22 **Q** Okay. And you know that person to be Mike
23 Brown as we stand here today talking about it?

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

25 **Q** Okay. And so we'll refer to him as Mike

1 Brown?

2 **A** All right.

3 **Q** So Mike Brown and the other guy Dorian
4 Johnson, walking down the middle of street and what
5 happens?

6 **A** Actually, as they was walking down the
7 middle of the street, that's when the officer
8 stopped in front of me and stopped behind him. In
9 the process of them walking down the middle of the
10 street, that's when I saw the officer actually stop
11 the vehicle. It wasn't a jerk stop, it was a slow
12 stop at the time.

13 **Q** Was he driving --

14 MS. ALIZADEH: , can I get you just
15 in case, you are soft spoken because the microphone
16 is recording is at the desk, so unless Sheila needs
17 you to stand up and demonstrate something, would you
18 be good enough to sit?

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

20 MS. ALIZADEH: That way we are getting
21 your voice picked up because you are kind of soft,
22 sorry.

23 MS. WHIRLEY: No problem.

24 **Q** (By Ms. Whirley) When you saw him walking,
25 the two walking and the officer stopped, what kind

1 of car was the officer in?

2 **A** Like a SUV.

3 **Q** What color?

4 **A** It was white.

5 **Q** A white SUV with police?

6 **A** Ferguson.

7 **Q** It was like a marked police car?

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

9 **Q** When you saw that car stopped, was the car
10 stopped just driving in the natural, you know, down
11 the lane stopping or did it stop some other way?

12 **A** Oh, no, it was straight down the lane.

13 **Q** Straight down the lane. And what happened
14 at that time when you saw the car stop, I mean, did
15 he appear to be talking to anybody?

16 **A** Um, yes, ma'am, but I didn't hear
17 anything.

18 **Q** Okay.

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

20 **Q** Okay. And then what happened next?

21 **A** After he, after the actual stop, um, quick
22 seconds, it wasn't really a long period of time and
23 that's when, um, I saw the truck or the SUV slightly
24 go like in reverse. I saw the reverse lights on and
25 it came to like the, the two guys are right here and

1 they like, like jump back. He put it in reverse,
2 but it went back.

3 Q Okay.

4 A And that's when it went to an actual stop
5 just like that, and the truck shook just a little
6 bit, but you could tell that somebody pressed down
7 on the brake really hard.

8 Q So at first when the car stopped, it was
9 just driving the normal lane, you were behind the
10 car and there looked to be some conversation between
11 the officer and the two people walking down the
12 middle --

13 A Yes, ma'am.

14 Q -- of the street. Then the car drives
15 away and goes in reverse?

16 A No, it never drove away. I guess as the
17 two suspects start to actually keep proceeding
18 walking.

19 Q Okay.

20 A That's when it looks like he's trying to
21 stop them from walking away from the truck.

22 Q I see. And they're walking away, so he
23 has to go in reverse to get up to them?

24 A Yes, ma'am.

25 Q Did he hit them, hit either one of them?

1 **A** Actually, I couldn't tell if he hit them
2 or not. I just know that the truck actually stopped
3 at, like a hard stop at that time.

4 **Q** Was the car straight as if it was going
5 toward West Florissant or some other way?

6 **A** Actually, when it went back to stop them
7 again, it was like in a catty-corner.

8 **Q** Like an angle?

9 **A** Yes, ma'am, like an angle.

10 **Q** And then what happened?

11 **A** And then after that, that's when I notice
12 that the truck got to rocking back and forth.

13 **Q** Was anybody at the truck from the outside?

14 **A** Oh, yes, ma'am.

15 **Q** Who was at the truck?

16 **A** Um, it was Michael Brown at the time.

17 **Q** You know his name as Michael Brown?

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

19 **Q** What did you see, actually observe?

20 **A** Actually, I didn't see anything for, just
21 feet, a set of feet just moving up under the truck.

22 **Q** Your car is still behind?

23 **A** Yes, ma'am, still stuck behind.

24 **Q** Okay. And when the officer drove back at
25 the diagonal and hit the brake real hard, was he

1 close to hitting you, your car?

2 **A** Actually, he was close enough, but he was
3 like right there to where I couldn't even move. So
4 I thought, you know, as it was coming, you know, I
5 was kind of shocked if he would have hit my car, but
6 he didn't.

7 **Q** Were you concerned that he was going to
8 hit it the way he came back?

9 **A** Yes, ma'am, I had to swerve over.

10 **Q** You swerved over?

11 **A** No, ma'am, I was there.

12 **Q** You stopped?

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

14 **Q** So you see feet and what else?

15 **A** Actually, I just see the feet like
16 tapping, like tapping type of.

17 **Q** Did the car move?

18 **A** Actually, it was rocking back and forth,
19 like side to side. I'm not going to say back and
20 forth, I'm going to say side to side.

21 **Q** Were you are windows down?

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

23 **Q** Could you hear anything?

24 **A** No, ma'am, at that time, no, ma'am.

25 **Q** You didn't hear the officer or the person

1 outside the window say anything?

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

3 **Q** And Mike Brown was right at the officer's
4 driver down window?

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

6 **Q** Did that window seem to be down?

7 **A** Oh yes, it was down.

8 **Q** Could see his hands or see just his feet?

9 **A** I just saw feet.

10 **Q** You couldn't see the top of his head or
11 anything?

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

13 **Q** And then what?

14 **A** And then after that, that's when I, short
15 period of time, of like some seconds went past, I
16 heard the first gunshot.

17 **Q** Okay. Did you just hear one shot?

18 **A** At that time, yes, ma'am.

19 **Q** And where was Michael Brown and the
20 officer when you heard the shot?

21 **A** He was still at the window.

22 **Q** The officer was inside the car?

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

24 **Q** And Mike Brown was at the window when you
25 heard the shot?

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

2 **Q** What happened then?

3 **A** After that, that's when I saw a young man
4 with the dreads, I really can't get his name, but
5 that's when I saw him like hesitant, like going,
6 coming back and that's when I actually saw him step
7 behind the truck at this time.

8 **Q** The guy, his name is Dorian Johnson?

9 **A** Dorian Johnson.

10 **Q** When the shot went off, you saw him go
11 behind?

12 **A** No, he was like hesitant, you try to go
13 help somebody, but you jump back like he was
14 surprised or something.

15 **Q** Okay. All right. Where did you go, where
16 did you see him go?

17 **A** Actually, after that I saw him like take
18 off. That's when he took off. He kind of like
19 ducked down, he was out of sight, I didn't see him
20 any more until he proceeded on the side.

21 **Q** On the side of what?

22 **A** My car.

23 **Q** What side of your car?

24 **A** The passenger side.

25 **Q** Of the front passenger side?

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

2 **Q** Who was at the front passenger side of
3 your car?

4 **A** Actually .

5 **Q** Because he was riding in the passenger
6 seat in the front?

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

8 **Q** Okay. All right. So let's go back to
9 Michael Brown, you hear the shot, what did Michael
10 Brown do?

11 **A** Actually, when I heard the first shot, I
12 didn't even see Michael Brown at the time because I
13 was so focused on the other gentleman, but once
14 after that, after Dorian had came over to the side
15 of the car, that's when I saw Michael Brown kind of
16 back up off of the SUV. I could see him at this
17 time. He had got back enough so where I could see
18 his body.

19 **Q** Did it look like he was injured?

20 **A** It happened so fast, no, ma'am, I couldn't
21 even tell if he was shot at that time.

22 **Q** You didn't see blood or anything?

23 **A** No, ma'am, I did not.

24 **Q** So when you heard the shot at the car, you
25 said Michael Brown backs off the car. Does it

1 appear to you that the shot is coming from inside
2 the police car?

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

4 **Q** Okay. And when he backs off the car, what
5 happens then?

6 **A** Um, when he backs up off the car, that's
7 when Michael Brown actually just took off running.

8 **Q** Which way did he run? Show us with the
9 penlight or whatever?

10 **A** This is West Florissant.

11 **Q** This is West Florissant?

12 **A** He started to come this way. (indicating)

13 **Q** He's running east?

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

15 **Q** And what did you do?

16 **A** Um, actually, when he started running,
17 that's when, when he started running, I ducked.
18 When I ducked down, um, actually, I got all the way
19 towards the ground like in the car.

20 **Q** Okay. That was my question.

21 **A** When I was inside the car, I actually
22 ducked down, me and ducked. And in the
23 process of us ducking, that's when I heard like a
24 second gunshot. And after this, that's when Michael
25 Brown had already ran past the car.

1 **Q** Let me ask you a question. When you heard
2 that second gunshot, could you see what was going
3 on?

4 **A** Actually, when I heard the second gunshot,
5 to be honest, no, ma'am, my head was down.

6 **Q** That's what we want is honesty, that's all
7 we want.

8 **A** I understand.

9 **Q** You are ducking down inside the car?

10 **A** Just like this. (indicating)

11 **Q** When you hear the second gunshot?

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

13 **Q** You don't know what's really happening at
14 that point?

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

16 **Q** Did you see the officer exit his car?

17 **A** Actually, once I proceeded to get up and
18 look, that's when I saw the officer running directly
19 down the street after him.

20 **Q** Was that after you heard the second
21 gunshot?

22 **A** Yes, ma'am. Straight down the street.

23 **Q** All right. So you saw the officer get out
24 of his car?

25 **A** Actually, I couldn't see him get out of

1 his car, I couldn't see him get out.

2 Q Okay. When you, after you ducked down,
3 you heard a second gunshot, once you get back up,
4 you see the officer chasing or running after Michael
5 Brown; is that right?

6 A Yes, ma'am.

7 Q And then what do you see?

8 A And that's when I proceeded to look out my
9 rear view mirror, he was running, shots was fired, I
10 saw Mike Brown turn around facing the officer at
11 this time. Hands was up probably about like this,
12 they weren't all the way up, but they was probably
13 just like this. And that's when I looked at the
14 review mirror, heard about two or three more
15 gunshots, Michael Brown fell to the ground.
16 (indicating)

17 Q When you say your rear view mirror, are
18 you talking about the mirror that's in the center of
19 your window?

20 A Yes, ma'am.

21 Q You are not talking about the windows on
22 the outside?

23 A No, the window.

24 Q So you are looking behind you at this
25 point?

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

2 **Q** You're parked facing west looking through
3 your rear view window or mirror as they're running
4 this way?

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

6 **Q** Could you tell how far you were, your car
7 was at that point when you saw Michael Brown turn
8 around, how far you were from them?

9 **A** Uh, actually, no, ma'am.

10 **Q** Okay. All right. So now we want to get
11 more specific about when you saw him turn around.
12 So you heard the second shot, you don't know what
13 was going on, then Michael Brown turns around, can
14 you hear the officer say anything?

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

16 **Q** Can you hear Michael Brown say anything?

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

18 **Q** Do you know where Dorian is at this point?

19 **A** Dorian was actually on the side and at
20 that time, no, ma'am, I didn't even look no more, I
21 didn't look, you know, down.

22 **Q** You're watching?

23 **A** I'm watching.

24 **Q** Okay. And show us exactly, stand up for
25 us again, please, and show us about how the hands

1 were, show us when he turned around?

2 **A** Actually, he just turned around like this.
3 I heard the other three gunshots and then when I saw
4 him boom, hit the ground. (indicating)

5 **Q** So when he turned around, he wasn't
6 staggering or anything?

7 **A** Not to my knowledge, no, ma'am.

8 **Q** Was he coming toward the officer?

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

10 **Q** He wasn't walking towards the officer?

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

12 **Q** He wasn't charging the officer?

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

14 **Q** All right. And his hands were up?

15 **A** Just like, like he's trying to throw them
16 up. They wasn't all the way up like this, they was
17 just turned around like this. (indicating)

18 **Q** In your mind, did it appear he was injured
19 or staggering or something?

20 **A** Actually, at that time, no, ma'am. The
21 only way I could see is once he just hit, hit the
22 ground.

23 **Q** Okay. But at the time that the officer
24 fired those successive shots, he had his hands up,
25 was his palms facing, you know, the officer?

1 **A** Yes.

2 **Q** And the officer shot?

3 **A** (Shakes head.)

4 **Q** And when you saw the officer get out of
5 the car, what was the officer's demeanor, or how was
6 he standing or walking?

7 **A** Actually, he was running.

8 **Q** Did he have his gun out?

9 **A** Drawn, he was running with the gun drawn
10 past the car, just drawn. I heard the three shots
11 and that's when I saw, and he just fell to the
12 ground.

13 **Q** Okay, all right. Now, at some point,
14 well, two things. One, at some point I think you
15 told the FBI agent, you remember interviewing with
16 them?

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

18 **Q** And the police officer too, I think you
19 interviewed with that day; is that right?

20 **A** Just a detective.

21 **Q** Detective?

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

23 **Q** That you blacked out, at what point did
24 you black out?

25 **A** Actually, when I went down for a short

1 period of time, when I hit and I went down, that was
2 it. And then I instantly got up and I got to
3 looking.

4 **Q** Okay. Describe for us what you mean when
5 you say blacked out because that can mean different
6 things.

7 **A** Actually, I just went, basically, just
8 went blank like. I mean, I can't describe it. It
9 was just like, just like a blank like, I could still
10 hear, but everything just went blank. I can't even
11 explain it. I was in just shock. I probably could
12 just say I was more shocked than anything.

13 **Q** When you said blacked out, you mean
14 shocked?

15 **A** Just -- just -- blanked out a little bit.
16 I really can't explain it, but I just lost focus, if
17 you could just say that, I was just like down a
18 little bit.

19 **Q** Were you aware of what was going on during
20 this period that you blacked out as you describe it?

21 **A** For a short period of time, no, no, ma'am.

22 **Q** Okay. How short a period of time?

23 **A** It was real short, it was short enough to
24 where that I could see everything else. It was
25 short, it wasn't like I was down there for a long

1 period of time. Probably after the first shot, I
2 mean, after the second shot.

3 **Q** Okay. After the second shot you blacked
4 out for a short period of time?

5 **A** Yeah, a short period.

6 **Q** Less than five seconds?

7 **A** It was short, it was just like a, like a
8 shocking type of thing.

9 **Q** Seconds we're talking?

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

11 **Q** And then you get back up, you are looking
12 out the rear view and you see Mike Brown turn around
13 with his hands up and the officer fires several
14 shots at him?

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

16 **Q** What happened then when Mike Brown fell
17 down?

18 **A** Actually, he fell to the ground. I saw
19 that and basically that's was it, that was it.

20 **Q** What did you do?

21 **A** Actually, I took off.

22 **Q** So when you saw him fall to the ground,
23 which way did he fall, how did he fall rather?

24 **A** Just face first.

25 **Q** Face first.

1 **A** Just down, flat down to the ground.

2 **Q** So when you saw that, you drove off?

3 **A** Not instantly drove off, but yes, I was
4 driving off. That was when the other officers was
5 coming towards my way.

6 **Q** Were you able to drive with the other
7 officers coming your way?

8 **A** Yes, ma'am, just up the curb a little bit,
9 I did go up on the sidewalk, up on the curb just a
10 little bit, up on the grass.

11 **Q** Can you show us on this map?

12 **A** It was probably like just up on the curb.
13 I know I was close to an apartment building, but
14 just up on a curb like the grass.

15 **Q** Like around the police car?

16 **A** Yeah, like around, yes, ma'am because I
17 was blocked in there. So I had to just slide my car
18 just up a little bit and then just take off down the
19 street.

20 **Q** Okay. So you didn't see the officer
21 shooting at Brown as he was running away?

22 **A** Um, I know the gun was drawn. That was
23 when the second shot was fired.

24 **Q** Is that no?

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

1 **Q** Okay. Tell us what Dorian was doing at
2 your car and when, at some point he tried to get a
3 ride from you; is that right?

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

5 **Q** Tell us about that?

6 **A** At the time the confrontation is going on.

7 **Q** What part of the confrontation?

8 **A** When they first started at the SUV. When
9 the first gunshot, that is when Dorian ran. I guess
10 he ducked down, I didn't even know where he come
11 from. I just know when had the door open,
12 because he had my passenger door wide open so he can
13 get down and that's when I seen Dorian like right
14 there like on the sidewalk. Like he crawled on the
15 side and that's when he was telling me, get me away
16 from here, it's crazy.

17 **Q** That's what he said?

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

19 **Q** Had Michael Brown been shot dead at that
20 time?

21 **A** No, ma'am, he wasn't shot dead.

22 **Q** Did you give Dorian a ride?

23 **A** No, ma'am, I sure didn't.

24 **Q** Why not?

25 **A** Actually, I didn't know what was going on.

1 I just told him to get down, that was my concern.

2 Q Okay. Did you ever see Michael Brown with
3 a weapon?

4 A No, ma'am.

5 Q Did he ever appear to be going for a
6 weapon like, you know, grabbing at his body like he
7 was getting ready to get a gun or something?

8 A No.

9 Q Did you ever see Dorian with a weapon?

10 A No.

11 Q Did it appear to you that the officer was
12 threatening, that his life was threatened by Michael
13 Brown at any time that you could see?

14 A No, ma'am.

15 Q But you don't know exactly what was going
16 on at the car?

17 A At the SUV at that time.

18 Q You don't know what exactly because you
19 could just see feet?

20 A Yes, ma'am.

21 Q When Michael Brown was running away going
22 east on Canfield Drive, did the officer seem to be
23 threatened by Michael Brown?

24 A Um, no, ma'am, not to what I can see.

25 Q When Michael Brown turned around with his

1 hands up, did the officer seem threatened by him to
2 you?

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

4 **Q** And you said you did not see Michael Brown
5 charge at the officer?

6 **A** No, ma'am, I did not.

7 **Q** Or attempt to pull a weapon from
8 somewhere?

9 **A** No.

10 **Q** He appeared unarmed to you?

11 **A** Yes.

12 **Q** Have you ever blacked out before?

13 **A** Um, actually no, I mean, no. Because I
14 have never been around nothing like that before in
15 my life, so, no, I can't say.

16 **Q** When you blacked out, you mean in shock
17 you said?

18 **A** Just basically like in shock. Just don't
19 know what's going on, like I said, I can't explain
20 it.

21 **Q** Do you think, I don't want to talk at the
22 same time, I'm sorry,

23 Do you think you lost consciousness,
24 you know what I mean?

25 **A** Like I said, I don't know. I mean, I

1 can't explain.

2 Q And, again, how long do you think it was
3 that you were blacked out?

4 A Like seconds.

5 Q How many seconds?

6 A Um, probably about two, one or two
7 seconds.

8 Q Okay.

9 MS. WHIRLEY: I don't have anything else.

10 MS. ALIZADEH: I just have a couple of
11 questions.

12 Q (By Ms. Alizadeh) Miss hi, this
13 is Kathi Alizadeh. On the day that this happened,
14 I'm going to move over here so you don't have to
15 keep looking around. On the day that this happened,
16 which was a Saturday on August 9th, it was around
17 the noon hour when this happened, do you recall
18 that?

19 A Yes.

20 Q Like middle of the day?

21 A Yes.

22 Q And you left, you got out of there before
23 the police could question you; is that right?

24 A Yes.

25 Q And where did you go immediately after

1 that?

2 **A** Actually, that's when I dropped off.
3 I took home.

4 **Q** So you took him home first?

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

6 **Q** And then you mentioned, and I can't
7 remember if it was today or if it was in your
8 interview with the FBI, but that you were somewhere
9 around the area because your parents, or your mom
10 was, kind of had come to see if you were okay?

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

12 **Q** Where were you when the police talked to
13 you that day?

14 **A** Actually, I was right where the, well, I
15 was on Glen Owen. I was like right at this house.
16 It was right there where Canfield begins coming off
17 of West Florissant, I was just at that house right
18 there.

19 **Q** Okay. So you know Canfield Drive goes
20 through like a residential area?

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

22 **Q** Before it hits West Florissant?

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

24 **Q** You were somewhere at a house up near West
25 Florissant at the intersection of Canfield Drive?

1 **A** Yes.

2 **Q** And so were you in your car?

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

4 **Q** You were on a friend's porch, I think you
5 said?

6 **A** I don't even know the people, but they did
7 allow me to stay there.

8 **Q** And so do you remember when the officer
9 talked to you, it was around after 6:00 in the
10 evening?

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

12 **Q** Okay. So a few hours had passed; is that
13 right?

14 **A** Yes.

15 **Q** I know you were probably very scare and
16 frightened when this happened, correct?

17 **A** Yes.

18 **Q** Between the time you saw it and the time
19 that the county officer talked to you, did you talk
20 to anybody else about what you had seen?

21 **A** Um, actually, I discussed it with the
22 people that were standing outside.

23 **Q** How about , did you and , before
24 you talked to the County Police, did you and
25 talk to each other about what he had seen and what

1 you had seen?

2 **A** Oh, no, ma'am, we was just shocked at the
3 time and we did discuss that, what we seen that day,
4 we did talk about that.

5 **Q** Okay. Before you talked to the officers?

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

7 **Q** Okay. And so he had told you about what
8 he had seen?

9 **A** Actually, like I say, we just discussed
10 the situation that we were just in together.

11 **Q** Okay. In general terms then?

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

13 **Q** Not like the details we've been going
14 over?

15 **A** No, ma'am, just talking in general.

16 **Q** Now, you know today, don't you, that there
17 are, there is an issue about whether Michael Brown
18 had his hands up, such as in a surrendering pose,
19 versus whether his hands were in some other
20 position, you know that today, right?

21 **A** Yes.

22 **Q** You watch the news?

23 **A** (Nods head.)

24 **Q** Do you take part in any of the activities,
25 whether it is protesting or anything else or with

1 any of the groups that have a position one way or
2 another on this, you know what I mean? The
3 protestors, I don't want to lump them altogether. I
4 know there is a bunch of different factions let's
5 say. Do you take a part in any of that?

6 **A** Actually, no, ma'am.

7 **Q** Okay. But you know from watching the news
8 that hands up has kind of been a mantra of the
9 people protesting, right?

10 **A** Yes.

11 **Q** When you gave your statement to Detective
12 , just about six hours after this happened, you
13 didn't say anything to him about Michael Brown
14 having his hands up. Do you recall that?

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

16 **Q** Okay.

17 **A** I'm not sure.

18 **Q** Do you remember you were at the FBI and
19 before they talked to you, did they let you listen
20 to your statement?

21 **A** Yes.

22 **Q** Okay. And did you see a transcript of
23 your statement at all?

24 **A** Yes.

25 **Q** Okay. And when you listened to your

1 statement and followed along on the transcript, did
2 you think the transcript was accurately recording
3 your statement?

4 **A** Yes.

5 **Q** So I'm going to show you, this is a copy
6 of the transcript of when you talked to Detective
7 . Up here it says August 9th, about 6:40 p.m.
8 and it starts out him saying this is Detective
9 . It says he's at 9300 West
10 Florissant. Does this look like the transcript that
11 you saw when you listened to your statement?

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

13 **Q** Okay. Now, I'm going to direct your
14 attention to page seven, and you can look through
15 this all you want. I'm just getting to a point
16 where you start talking about, oh about halfway, a
17 little more than halfway down. You are talking
18 about having seen him get shot at the car and then
19 you said after he did that, I looked up and now by
20 this time, I'm looking up because I'm terrified.

21 Now, I'm looking up in my rear view
22 mirror, that's when I see the young man. Well, he
23 already ran past and then a police officer ran past.
24 So when I looked up, I saw the young man turn, he
25 was facing the police officer, he was towards the

1 police officer.

2 Did I read that accurately?

3 **A** Uh-huh.

4 **Q** And then the detective says, Okay. So you
5 saw the young man's face?

6 And you say, yes, sir.

7 And he said, but you saw the police
8 officer's back.

9 And you say, in my rear view mirror?

10 And he says, the officer says okay.

11 And then you saw, and I saw I heard
12 just three more gunshots, I don't know if it was two
13 or three, I know it dot dot dot, and I think you are
14 making the sound of gunshot, right? Dot dot dot.

15 And then I saw when the young man just hit the
16 ground. When he hit the ground, I just got terror,
17 I mean, I was just stunned. And I never seen
18 nothing like that in my life. So I just end up
19 proceeding to get away.

20 In the process of me getting away,
21 another truck came to me and almost hit me head-on.

22 Did I go over that accurately?

23 **A** Uh-huh.

24 **Q** Okay. So, and I know this was very, very,
25 when I say exciting, I don't mean happy exciting, it

1 was an exciting thing that you saw. And your
2 emotions were high, wouldn't you say?

3 **A** (Nods head.)

4 **Q** So you didn't mention to Detective
5 when he talked to you that Michael Brown had his
6 hands up?

7 **A** Okay.

8 **Q** And he asked you at the end of your
9 statement is there anything else that you can think
10 of that, you know, that you saw that's important.
11 And you said, no, you didn't think of anything else?

12 **A** Uh-huh.

13 **Q** Wouldn't it have been important to tell
14 Detective Brown that he had his hands up?

15 **A** Um, yes.

16 **Q** Okay. Let me ask you this. Do you think,
17 I think everybody agrees that our memories change
18 over time. Something that I saw, if I go to see a
19 movie, I remember the movie better right after I see
20 it than a year later. I might not remember who
21 starred in it or all the details about it, and I
22 know we're not talking about a year later, but do
23 you understand what I'm talking about, memories
24 changing?

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

1 **Q** Do you think that you didn't tell
2 Detective about Michael Brown's hand because
3 you didn't see them that day and now in your head
4 you remember it that way because you have heard
5 people talking about that or did you just not tell
6 him that because it was just too much for you and
7 you were overly excited or what have you?

8 **A** Actually, I'm not going to say that I was
9 overexcited. In my mind, my mind was gone, like I
10 said, I have never seen nothing like that in my
11 life. So, therefore, that was probably something
12 that I didn't mention at the time. But I saw what I
13 saw in the rear view mirror and that's basically all
14 that I can say.

15 **Q** Okay. And, you know, you and I talked
16 about before you testified, and didn't I tell you
17 all we are trying to do is piece together what
18 everybody saw so we can, so the grand jurors can
19 eventually try to figure out what really happened as
20 best as we can without actually having been there
21 ourselves.

22 And so you understand, you believe me
23 when I say I just want you to tell me what you
24 remember and tell the truth. I'm not trying to get
25 you to change what you have to say, or change your

1 recollection in anyway, but you would agree with me
2 that you didn't mention to Detective about
3 Michael Brown's hands being up?

4 **A** Yes.

5 **Q** But today as you sit here today, in your
6 mind you remember Michael Brown's hands being up?

7 **A** Yes.

8 **Q** Okay. Do you recall, I'm sorry, I stepped
9 out of the room for a time when your statement to
10 the FBI was playing, when you made your statement to
11 the FBI, did you tell them everything that you could
12 remember?

13 **A** Um, to my knowledge.

14 **Q** Okay.

15 **A** To the best of my knowledge I did.

16 **Q** Okay.

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

18 I guess

19 we're at the point you were behind the police
20 officer and you said he puts his car in reverse. At
21 that point did he ever put his siren on?

22 **A** No, sir.

23 Or lights?

24 **A** Nothing.

25 After Michael Brown is in

1 the street, the other police cars you saw are
2 coming, did they have sirens on?

3 **A** Yes, they did.

4 Okay.

5 When the
6 officer put his car in reverse to kind of, I think
7 you said kind of cut off the two men, did he spin
8 his tires, did you hear the tires squealing at that
9 point?

10 **A** It just went to like a halt, just like a
11 stop, just a sudden stop.

12 It wasn't real aggressive
13 backwards then where the tires were spinning?

14 **A** Actually, when he went back to reverse, it
15 was pretty quick. It was a fast reverse, like you
16 hit your accelerator and hit the brakes, just
17 quickly.

18 Okay. And in your rear
19 view mirror, were there other vehicles lined up
20 behind you at that point after the officer ran past
21 you and you saw the shooting, were there other cars
22 immediately behind you that might be partially
23 blocking your view or anything?

24 **A** To my knowledge, no, no, sir.

25 Okay. Thank you.

1 far, how many feet from where you were to Michael
2 Brown, how many feet were they or how far, maybe two
3 cars, three cars?

4 **A** I probably will say it was probably about
5 three, three to four cars distance.

6 Three or four cars?

7 **A** Yes.

8 From three to four cars,
9 maybe double the size of this room, maybe double
10 this room.

11 **A** Right, to where, probably about, like I
12 say, probably about three.

13 You can see his face
14 completely in the rear view mirror?

15 **A** In the rear view mirror, yes, ma'am. It
16 was far that I could see his face.

17 Um, a
18 couple of questions. The first question is when
19 Dorian stooped down at your car and asked to get in,
20 did you see anything in his hands?

21 **A** At that time, no, ma'am.

22 : Second question is, when
23 the officer came back at a fast speed and he stopped
24 instantly, um, how long can you say the seconds was
25 when you thought there was a confrontation going on.

1 Did it start immediately or?

2 **A** It was immediately.

3 **Q** Immediately?

4 **A** Immediately after that, after the car did
5 that, made the complete stop.

6 : Okay. That's it.

7 . From your
8 perspective, would you say the officer used, I'll
9 let you use the description, what amount of force
10 would you say the officer used in this situation?

11 **A** Um, excessive force.

12 : Okay.

13 . When you
14 sat down with Detective , is it safe to say he
15 never asked you where Michael Brown's hands were?

16 **A** Correct, that's correct. He never really
17 asked me that question.

18 . In
19 answer, dovetailing off question,
20 if I heard you correctly, you said that the officer
21 did use excessive force; is that correct?

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

23 : Can you tell me why you
24 feel that way.

25 **A** Actually, I think he used excessive force

1 because it was after he chased him down, that's
2 where my actions come in, when he chased after him,
3 that's what I mean by excessive force because he was
4 running away from him.

5 Okay. So after he ran
6 away from him and then the second shots, or the
7 second series of shots, okay. And are you saying
8 after that there shouldn't have been any more shots?

9 **A** Actually, I'm saying once he ran away and
10 got a nice little distance, there shouldn't have
11 been any more shots.

12 : Okay.

13 . Just to clarify
14 one question, when gave his statement to the
15 County, they asked him about after Wilson had moved
16 past the car and brought up that there were
17 two or three, up to four cars behind you. They
18 started lining up after that, but you are saying
19 there were no cars behind you?

20 **A** I didn't see any cars.

21 . I have a
22 question about after what she said. You are looking
23 at all of this through the rear view mirror, right?

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

25 : So you said excessive

1 force and you said that after he ran away there
2 should have been no more shots. What do you think
3 should have happened, do you think he should have
4 let Michael Brown just run away? You didn't hear
5 anything being said like stop or you didn't hear
6 what was going on.

7 **A** Halt, none of that.

8 : You didn't see the
9 tussle, so you don't know what happened. Do you
10 feel like the police officer should have just let
11 Michael Brown run away and get away and not try to
12 stop him even if he did break the law?

13 **A** In somewhat, and the reason why I say that
14 is because if he would have let him get away, if he
15 was shot at any time, he would have been found. Had
16 the police have swarmed in, they would have got him
17 even if he would have run, even if he would have got
18 away, they would have captured him.

19 : So you feel like he would
20 have gotten away and then they would have captured
21 him and he would have been arrested, not killed?

22 **A** Yes, ma'am, that's my purpose, yes, ma'am.

23 : Okay.

24 MS. ALIZADEH: Any other questions?

25 MS. WHIRLEY: I just want to the make sure

1 I'm clear, and I'm clear with what you said about
2 the hands up, but that's the absolute truth here
3 today is what you're saying, you just didn't make
4 this up today?

5 **A** No, ma'am, no, ma'am, not at all.

6 MS. WHIRLEY: Okay, all right. I don't
7 have anything else.

8 MS. ALIZADEH: Any other questions? All
9 right. This witness is concluded.

10 (This is the end of
11 testimony.)

12 MS. WHIRLEY: All right. Again, it is
13 October 13th of 2014, it is approximately 1:15 p.m.
14 We're starting our afternoon session with testimony
15 regarding the shooting of Michael Brown. I'm Sheila
16 Whirley, Kathi Alizadeh will be in shortly, grand
17 jurors are here and is here.

18 I'm passing around the transcript of the
19 next witness' statement. His name is
20 and his name is spelled correctly on the transcript.
21 His recorded statement is marked as Grand Jury
22 Exhibit Number 17.

23 (Grand Jury Exhibit Number 17
24 marked for identification.)

25 MS. WHIRLEY: Once they are passed around,

1 we'll stop the recording and , you can pause
2 that recording since we have a transcript.

3 (Playing of the interview of
4)

5 MS. WHIRLEY: We're going to play this
6 witness' second statement, , is also
7 from Grand Jury Exhibit Number 17.
8 . Do we know the
9 correct date and time this first one we just
10 listened to took place?

11 MS. ALIZADEH: No, I will have to get that
12 information for you.

13 : Okay.

14 (Playing the interview of .)

15 MS. WHIRLEY: Now we're going to play, it
16 may take just a minute, I'm not sure how cooperative
17 the equipment is going to be, but we're going to
18 play his media interview. I'm not sure if these are
19 video or audio, so I need to figure that out first.
20 This is on Grand Jury Exhibit Number 3.

21 (Audio clips are being played at this
22 time.)

23 MS. WHIRLEY: So the three video clips
24 that we call were from Grand Jury Exhibit Number 39,
25 and they were from KTVI, two of them, the first two

1 clips and the third clip was a clip with Anderson
2 Cooper. I'm not exactly certain of the dates that
3 it occurred. It looks like 8/12 for the first
4 video, 9/8, which is September the 8th for the
5 second and September the 10th for the third. So
6 that will conclude that from Grand Jury Exhibit
7 Number 39.

8 MS. ALIZADEH: I just want to point out
9 that there is a fourth clip on there that you can
10 see. If you can see the file up there. That clip
11 is basically some attorneys and some news reporters
12 kind of commenting on the statements that were made
13 and again, it is really not evidence and we don't
14 really, I don't feel it is helpful to have other
15 persons' perspectives what they think these
16 statements mean. So we did not play that last clip
17 for you. It really isn't a statement of a witness.

18 MS. WHIRLEY: Okay.

19 MS. ALIZADEH: I think we're ready to
20 call, we're going to call the next witness,
21
22
23
24
25

1 of lawful age, having been first duly sworn to
2 testify the truth, the whole truth, and
3 nothing but the truth in the case aforesaid,
4 deposes and says in reply to oral
5 interrogatories, propounded as follows, to-wit:

6 EXAMINATION

7 BY MS. ALIZADEH:

8 Q Could you state your name, please, and
9 spell it for the court reporter?

10 A

11 Q And , how old are you?

12 A .

13 Q And are you married or single?

14 A Fiancee.

15 Q And where, I'm not asking for an address,
16 but whereabouts do you live in the metropolitan
17 area?

18 A South of .

19 Q So you live in ?

20 A Yes.

21 Q Is that the area that you grew up in?

22 A No, I was raised in North Dakota.

23 Q So how long have you lived in the St.
24 Louis area?

25 A Since '91, I believe, '91 or '92.

1 **Q** What do you do for a living?

2 **A** Retaining walls and brick patios,
3 landscaping work.

4 **Q** And is a lot of times your work outdoor
5 work?

6 **A** Just about all of it.

7 **Q** Do you work for a company or do you work
8 for yourself?

9 **A** For a company. I was commercial forever
10 and I wanted to get out of the commercial, so I went
11 to a smaller company to do back yards and stuff.

12 **Q** So were you working for the same company
13 back in August of this year?

14 **A** Yeah, the same one I'm with now, yes.

15 **Q** Okay. How is it that you get assigned or
16 how is it it's determined that you are going to go
17 to a certain location and do a job?

18 **A** They just tell us where to go.

19 **Q** Someone in the company assigns out --

20 **A** The boss.

21 **Q** The boss assigns the work?

22 **A** Yeah.

23 **Q** Okay. And so you were assigned in early
24 August to do some work at an apartment complex in
25 Ferguson called Canfield Green Apartments?

1 **A** Yes, I was.

2 **Q** Now, you were present at that apartment
3 complex on the day that Michael Brown was shot; is
4 that right?

5 **A** Yes, I was.

6 **Q** So we know now that that date was
7 August 9th. How many days prior to that, if any,
8 were you actually there at the complex working?

9 **A** I believe that was my fourth day there.

10 **Q** Okay. And so what were you doing at the
11 apartment complex, what was the job you were doing?

12 **A** Installing plastic gutters to bring the
13 rain water out of the gutters further away from the
14 building so it would stop flooding the bottom
15 floors.

16 **Q** Were you working by yourself or was there
17 someone else on the job with you?

18 **A** Most of the week there was like four of us
19 there and then Saturday it was just me and one other
20 guy.

21 **Q** All right. So the shooting happened on a
22 Saturday and you were working that day?

23 **A** Yes.

24 **Q** And is that typical that you would be
25 working on a Saturday?

1 **A** It has been lately.

2 **Q** So there is enough work that you need to
3 work on Saturdays to get stuff done?

4 **A** Yeah.

5 **Q** Would that be fair to say?

6 **A** Yes.

7 **Q** And so when you were working on that
8 Saturday, who was working with you?

9 **A** My laborer whose name is

10 **Q** Had you worked with him before that day?

11 **A** Just those first few days I was there. I
12 knew him, but I didn't work with him. Those were my
13 first days working with him.

14 **Q** So the Ferguson job, I will call it, the
15 Canfield Green Job, that was the first job you had
16 ever worked with ?

17 **A** Yes.

18 **Q** How long had you known before that?

19 **A** I'd known of him for probably a week, two
20 weeks.

21 **Q** Okay. Would you say at this time on the
22 9th, were you and friends or were you just
23 co-workers?

24 **A** We were getting to know each other kind of
25 after being out there together, but we barely ran

1 into each other at the shop.

2 Q Do you know whereabouts in the St. Louis
3 metropolitan area lives?

4 A I believe in I don't have any
5 idea where though. He said it was close by the shop
6 is all I know.

7 Q So he also lives in or
8 south ?

9 A I believe so.

10 Q You've never been to his house?

11 A No.

12 Q Has he ever been to your house?

13 A No.

14 Q And so on this particular day, um, you
15 were doing work. Had you ever been to the Canfield
16 Green Apartment Complex before this job?

17 A No.

18 Q Were you familiar with the Ferguson area?

19 A The only thing in Ferguson I ever went to
20 work at was the Emerson Electric building. I
21 replaced some pavers over there probably eight or
22 nine years ago.

23 Q So you said you had been working up at the
24 apartments for a few days, like four days or five
25 days?

1 **A** I believe it was four days, it might have
2 been five. I was real new to working with him.
3 The boss wanted me to go up there to go up there to
4 see what was taking so long.

5 **Q** Prior to August 9th, did you know any of
6 the residents in the apartments?

7 **A** Not really.

8 **Q** Would you see people on the street and
9 just --

10 **A** The ones that would talk would be the
11 maintenance crew.

12 **Q** Okay.

13 **A** We'd see them in the morning and sometimes
14 at night, and sometimes they would be walking by.

15 **Q** What about Ferguson police officers, did
16 you know any Ferguson police officers at that time?

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

18 **Q** Do you have any police officers in your
19 family?

20 **A** No.

21 **Q** So what time did you get to work that day
22 in Ferguson?

23 **A** Probably 7:30.

24 **Q** A.m.?

25 **A** A.m., yes.

1 **Q** That was in August, was it heating up,
2 getting to be a hot day around noontime?

3 **A** No, it was Saturday, I just remember it
4 being slow.

5 **Q** Okay. I'm going to show you, this is a
6 laser pointer, so if you press on this button here
7 you can use it to point.

8 **A** Okay.

9 **Q** So this is a map, Grand Jury Number 25, it
10 is an aerial view of the Canfield Green Apartment
11 Complex. Do you recognize the streets and the
12 buildings, does that kind of make sense to you?

13 **A** Yes.

14 **Q** Can you use that pointer and show the
15 grand jurors on the 9th where were you working? I
16 assume you were working outdoors?

17 **A** Yes.

18 **Q** Where were you working on the 9th?

19 **A** We started over here in the morning just
20 extending out little things. By 11:00 we got over
21 here where this tree is and that was where, that is
22 where all the roots that were giving me trouble is
23 where they end up being.

24 **Q** So you were digging, is that what you were
25 doing?

1 **A** I was digging and trying to chop through
2 roots and finally I gave up. My chain saw wouldn't
3 start and my generator wouldn't carry the sawzall
4 and I didn't have nothing to cut it but a hatchet
5 and a shovel.

6 **Q** Now, this street that I'm pointing to
7 right here, which is Canfield Drive, which is the
8 main drag through the complex?

9 **A** Yes.

10 **Q** When you were working that day, did you
11 have a company truck?

12 **A** Yes.

13 **Q** Would you move your truck as you would
14 move your job around the complex?

15 **A** Yes. All the pipes and the tools were in
16 the truck.

17 **Q** How about did he have a truck of
18 his own?

19 **A** He had a truck, but it was parked up
20 there.

21 **Q** Okay. So he had left his truck and as you
22 worked your way around the complex you moved your
23 truck?

24 **A** Yes, his was a truck that had a big
25 dumpster on to haul wood out. We were going to load

1 it with wood at the end of the day.

2 **Q** You said that you were around, this is
3 Building Number 9?

4 **A** Uh-huh.

5 **Q** If up is north?

6 **A** Yes.

7 **Q** So were you on the north side of that
8 building?

9 **A** Yes.

10 **Q** So you were digging in the earth around
11 this area?

12 **A** Right there.

13 **Q** Okay. And from where was your truck
14 parked as you were digging?

15 **A** Right in the parking spot right in front
16 of it.

17 **Q** So we can kind of see these parking spots
18 along here. You can kind of see yellow lines?

19 **A** Right there.

20 **Q** So your truck was right around here?

21 **A** Yes.

22 **Q** Right on the north side of the building?

23 **A** Yes.

24 **Q** Okay.

25 **A** Backed in.

1 **Q** Now, during that day, do you recall did
2 you take a lunch break that day?

3 **A** It wasn't lunch time yet. We didn't.

4 **Q** Before this happened you hadn't taken a
5 lunch break?

6 **A** No.

7 **Q** So earlier that day, did someone stop and
8 talk to you?

9 **A** First, some lady stopped and was letting
10 her kid go with her grandparents. She talked for a
11 minute and then took off over here somewhere.

12 Right after that, I went back to
13 digging, that's when Michael stopped. I didn't know
14 his name at the time. He was just some guy stopping
15 wanting to talk.

16 **Q** And you now know that the person that you
17 are talking about being Michael, that's the person
18 who got shot and killed that day?

19 **A** Yes.

20 **Q** Had you seen him in the complex before he
21 stopped to talk to you?

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

23 **Q** So the first time you ever had contact
24 with him was when he stopped and to talked?

25 **A** Yes.

1 **Q** Where was when Michael stopped to
2 talk with you?

3 **A** was over looking at these other ones
4 and digging up like this one, adding to this one and
5 adding to this one. We were kind of trying to stay
6 in the same little areas and run those four out and
7 move to the next area and run those four out.

8 **Q** Okay. So when Michael stopped to talk to
9 you, was he alone or was he with somebody?

10 **A** He was alone when he come out.

11 **Q** So describe him for me, what did he look
12 like first off?

13 **A** He just looked like a big guy. When I
14 first seen him I thought he was 25 to 30 years old
15 or something. And was asking me why I was so angry,
16 I told him I was digging through big roots with a
17 shovel and a hatchet.

18 **Q** Were you angry?

19 **A** I was pretty angry, those were some big
20 roots.

21 **Q** Why do you think he picked up on the fact
22 you were angry?

23 **A** A little bit of cussing and swearing going
24 on and changing tools, trying to find a sharper
25 shovel, mad because my chain saw wouldn't start.

1 **Q** So do you think you were loud enough that
2 he heard you cussing?

3 **A** I tried not to cuss real loud for people
4 to hear, but after you come outside, you can here
5 it.

6 **Q** So where did he come out from you say he
7 came outside?

8 **A** On the, he came down the steps on the
9 northwest staircase. I don't know which building or
10 which --

11 **Q** Which apartment unit?

12 **A** Which apartment he came out of, no.

13 **Q** It was this Number apartment he came
14 down?

15 **A** Out of the side is the side he came
16 down.

17 **Q** Okay. About what time of day was this, do
18 you know?

19 **A** I believe it was around 11 or 11:30 or
20 somewhere in there.

21 **Q** And I notice that you don't have a watch
22 on today?

23 **A** No.

24 **Q** Do you normally wear a watch?

25 **A** No, I can't wear watches.

1 **Q** How do you tell time?

2 **A** Uh, mostly my laborers tell me what time
3 it is. I have a clock on my phone, but I don't
4 really look at my phone too much.

5 **Q** So when you say it was around 11:00, is
6 that like your best guess or had you recently looked
7 at the clock?

8 **A** No, when all of that went down and then I
9 looked at the clock to see when it is over with. I
10 thought it took this long to get a machine and I
11 don't know, it was like 11:30 or 12:00, I can't
12 remember the exact time.

13 **Q** Okay. When you saw Michael Brown, he was
14 coming down the steps?

15 **A** No, when I first saw him he was standing
16 next to my truck looking at me.

17 **Q** So you just mentioned earlier you saw him
18 emerge from an apartment, or emerge from some place,
19 did you see him --

20 **A** That's where he went up.

21 **Q** Okay.

22 **A** I didn't see him come out of there, but
23 that's where he went up. He said he was going back
24 up to his apartment.

25 **Q** Let's start with you first saw him. Where

1 was he when you first saw him?

2 **A** Standing next to my truck looking at me.

3 **Q** So is this in the same area that that you
4 already described, your truck was in front of this
5 Building Number 9?

6 **A** Yes.

7 **Q** And you said he was a big kid?

8 **A** He was bigger than I am, I looked up when
9 I talked to him.

10 **Q** He was standing and you stood next to him?

11 **A** When I'd get up to try to grab a different
12 tool, I'd stand by him.

13 **Q** How tall are you?

14 **A** About 5'11".

15 **Q** At the time --

16 **A** At the time he looked like he was 25 to
17 30. I didn't find out until later he was, you know.

18 **Q** An African-American?

19 **A** Yes.

20 **Q** How was he dressed when you saw him?

21 **A** Just some easy going shorts, I believe a
22 white shirt and he had these yellow socks with pot
23 leafs on them.

24 **Q** Did you notice he had a hat on? Does he
25 have anything in his hand when you first saw him?

1 **A** Not when I first saw him.

2 **Q** So you said that he stopped and talked to
3 you. Who said something first, did you first speak
4 or did he first speak.

5 **A** I think I said what's up to him. And then
6 he told me that the Lord Jesus Christ would help me
7 with my anger problem, you seem pretty angry down
8 there. I said, boy, you can grab a shovel and come
9 down here and you can get picking at these roots.

10 **Q** He didn't pick up a shovel and help you,
11 did he?

12 **A** Oh, no.

13 **Q** How long did you and he speak to each
14 other at this time?

15 **A** I believe he was there for 30 minutes, but
16 that doesn't mean we sat there and talked for 30
17 minutes.

18 **Q** Okay.

19 **A** I was still digging at the roots. I would
20 get up and say something and then I'd get back down.

21 **Q** Was he standing the whole time --

22 **A** Yes.

23 **Q** He didn't like sit on the ground or like
24 sit on a step?

25 **A** No.

1 **Q** Did you ever see anybody with him during
2 the time?

3 **A** Not that time, no.

4 **Q** Did you ever see him do anything other
5 than standing there?

6 **A** No, just talking.

7 **Q** All right. So you mention he had talked
8 about Jesus Christ helping you with anger problem,
9 any other things that you recall about the
10 conversation?

11 **A** That would have been it. I thought he
12 wanted to get into a Jesus argument or conversation,
13 but I don't like getting into those because it is
14 just one you can never win.

15 **Q** Okay.

16 **A** Everybody has their own belief.

17 **Q** So during the time you were there, you
18 never saw another person with him?

19 **A** Not that first 30 minutes.

20 **Q** What happened after that 30 minutes
21 expired?

22 **A** came over and I told him I was
23 getting sick and tired of digging through these
24 roots and we need to go find some easier spots so we
25 can get something done that day.

1 So we started loading up the garbage
2 I had thrown out, try to pick at it and we're
3 getting ready to move the truck over and I seen him
4 over there, I told him to go get the Bobcat over by
5 the storage yard where the maintenance people hang
6 out.

7 **Q** So was Michael still around in the same
8 area.

9 **A** No, right when I was getting ready to come
10 back out, that's when he came out with some other
11 kid.

12 **Q** So let's back up. So Michael was there
13 talking to you for you think maybe about 30 minutes?

14 **A** And then he had to go up into the
15 apartments.

16 **Q** So he leaves, where does he go?

17 **A** Up that one staircase.

18 **Q** In Building Number

19 **A** Yes.

20 **Q** Did you notice what apartment he went
21 into?

22 **A** No, I started talking to and picking
23 up tools and telling him we're going to go somewhere
24 else do what we need to do and get the machine.

25 **Q** At the time that you and Mike were saying

1 things to each other, was in the vicinity
2 where he would have heard ---

3 **A** Towards the end he was.

4 **Q** Okay. So he may have heard some of the
5 things that were being said?

6 **A** He probably heard some of it. Towards the
7 end he was standing at the back of the truck.

8 **Q** That would be when you say he?

9 **A** Yes.

10 **Q** So then you said Michael ran up the stairs
11 and disappeared into the building, and then you and
12 were kind of collecting tools?

13 **A** Yes.

14 **Q** How long before you say someone else in
15 the area or anyone else?

16 **A** Michael and that other kid come up when I
17 was trying to pick up a few shovels and talk about
18 where we're going to go in a couple minutes.

19 **Q** Okay. So can you describe the other kid?

20 **A** He's an African-American kid. He was
21 probably my size, but skinny.

22 **Q** So shorter than Michael?

23 **A** Yes.

24 **Q** And skinnier than you.

25 **A** Yes.

1 **Q** Would you say that he was a teenager,
2 20's, 30's?

3 **A** He looked like a young kid. I don't think
4 he was 20 yet.

5 **Q** Is that the first time you had ever seen
6 that kid?

7 **A** Yes.

8 **Q** And today do you know who that is?

9 **A** I've heard of his name, but I don't know
10 the name off the tip of my tongue.

11 **Q** You've seen him on the news since then?

12 **A** A couple of different times.

13 **Q** If I said the name, you think you might
14 recognize it?

15 **A** Yes.

16 **Q** Dorian Johnson?

17 **A** Yes. I only remember that because I was
18 at the FBI's office this morning.

19 **Q** Okay.

20 **A** Otherwise, I wouldn't have known.

21 **Q** So you didn't know Dorian Johnson before
22 this day?

23 **A** No.

24 **Q** But have you seen him on the news?

25 **A** I've seen him a couple times on the news,

1 but my fiancée doesn't allow me to watch the news
2 any more.

3 **Q** The person that you saw on the news, you
4 recognize him as the same guy that had come out of
5 the building with Michael?

6 **A** I didn't recognize him exactly, you know,
7 they said that's who it was. I didn't really stare
8 at him and they walked right by me when they were
9 coming out. There was some stuff talked about, but
10 it was talked about as they were walking by. We
11 didn't hang out and talk for another 10 minutes.

12 **Q** Do you recall what this other smaller guy
13 was wearing?

14 **A** No.

15 **Q** So did the two of them, Michael and this
16 other guy, come out of the building at the same
17 time?

18 **A** Yes.

19 **Q** And so did they have to pass you or did
20 they walk past you?

21 **A** They came out and were heading to the
22 store they said.

23 **Q** Okay. So you said there was something
24 else said or talked about, a brief conversation as
25 they passed you?

1 **A** Correct.

2 **Q** What was said?

3 **A** Michael had just a little bit of marijuana
4 and he was rolling it up in like a newspaper, not a
5 newspaper, but a regular notebook paper with lines
6 in it. I said, you're going to smoke it out of
7 that? And he just said, no, we're going to go to
8 the store and get some skins or a blunt or something
9 is what he said.

10 **Q** Okay. So now when you say he had a little
11 marijuana, describe for me exactly what you saw?

12 **A** I just saw a folded up piece of paper with
13 some marijuana that was rolling up to put in his
14 pocket, but he didn't have any pockets in his
15 shorts.

16 **Q** So you didn't see any like baggy or
17 anything like that?

18 **A** Huh-uh, no.

19 **Q** And so the stuff that you saw in the paper
20 looked like marijuana to you?

21 **A** Yes.

22 **Q** And the paper you said was like regular
23 notebook paper?

24 **A** Yeah, like with lines on it. Like the
25 stuff she's writing on right there.

1 **Q** Okay. And you had made a comment to
2 Michael, are you going to smoke that --

3 **A** Out of that.

4 **Q** Out of that. And he said he was going to
5 the store?

6 **A** Yeah, to get some skins or blunts, I don't
7 know which one he said, he was going to go get
8 papers.

9 **Q** So what about the other guy that was with
10 Michael. Did he --

11 **A** He didn't say much.

12 **Q** He didn't say much or you don't remember?

13 **A** I don't remember what he said. He didn't
14 say hardly anything, but when he said blunt, I said,
15 blunt? I said, yeah, I said, those things ain't no
16 good. I said, you ought to try this wax stuff and
17 then he turned and said, I don't know what that is
18 and just kept on walking.

19 **Q** Okay. So when you say he turned, I don't
20 know what that is, who is he?

21 **A** He's the D word guy.

22 **Q** The smaller guy?

23 **A** Yeah.

24 **Q** So you said you ought to try this wax
25 stuff and --

1 **A** And he just turned and said, I don't know
2 what that is, and they just kept on walking.

3 **Q** What about Michael, did he say anything to
4 you when you said you ought to try this wax stuff?

5 **A** No, they just kept on walking after that.
6 That was about the extent of the conversation when
7 they came by.

8 **Q** Okay. Prior to this day, what did you
9 mean by wax stuff, do you know what wax is?

10 **A** I have seen it.

11 **Q** Would you describe for the grand jurors
12 what you know wax to be, or what is it?

13 **A** It is marijuana that is crushed into a
14 wax.

15 **Q** Have you ever seen anybody ingest that?

16 **A** Yes, no, you smoke it.

17 **Q** Have you ever seen what effect that has on
18 people?

19 **A** Yes.

20 **Q** What happens to people?

21 **A** Makes them really high.

22 **Q** Okay. When you spoke with Michael the
23 first time before he went up into the building, to
24 you did he appear to be high?

25 **A** No, he appeared to me to be slow in

1 nature, like he needed somebody to talk to.

2 Where I thought he was just bored up
3 there in his apartment, heard me down there and
4 wanted to come down and just talk.

5 **Q** Why do you think that, why do you say --

6 **A** Whenever he would talk and give me an
7 answer, he would always put his head back and his
8 eyes would flicker. I'm like, oh geez, I don't
9 know.

10 **Q** And you had never spoken to him before
11 this, right?

12 **A** Right.

13 **Q** So you wouldn't know what he would have
14 sounded like on another day, right?

15 **A** Right.

16 **Q** When he would speak to you, would he speak
17 rapidly or slow?

18 **A** No, it was real slow, but when he talked
19 his head would go back and his eyes, I just thought
20 he had an issue up there or something.

21 **Q** Okay.

22 **A** Was he high? I don't know, but it didn't
23 seem like he was high to me. It just seemed like he
24 was a little bit slow and was just wanting to talk
25 to somebody.

1 **Q** So what about when he came out of the
2 building, you saw him briefly, did he say anything
3 to you the second time when he came out of the
4 building?

5 **A** They say they were going to the store to
6 get the skins or the blunt or the papers.

7 **Q** So did Michael speak at that time?

8 **A** Michael said that.

9 **Q** Okay. Did he speak in the same manner
10 that you had heard before?

11 **A** I didn't notice the head going back, but
12 he talked real slow.

13 **Q** From what you observed or the time you had
14 to observe him on the second time when he came out
15 of the building, did you have any impression that he
16 was high or intoxicated or anything?

17 **A** I didn't think so. I mean, I didn't have
18 that. When they're walking away, they just walked
19 away and I got in my truck drove it across the
20 parking lot to the next building.

21 **Q** So when you saw him and the other guy walk
22 away, where did they walk? You can use the pointer.

23 **A** They took off right here and started
24 cutting through here and up that way. I don't know
25 what happened after here, this is the way they took

1 off.

2 I figure if they going to the store,
3 they are going to that QuikTrip. That's the only
4 store I know of around there. (indicating)

5 **Q** So you saw them walk toward Canfield Drive
6 and then in a somewhat easterly direction?

7 **A** Yes.

8 **Q** As if they were going to be walking up
9 Canfield?

10 **A** Yes.

11 **Q** Um, so how much time passed before
12 something happened?

13 **A** I thought it would have been like 15
14 minutes. When they left, I drove my truck to right
15 here, there was no cars there, so I pulled it right
16 up over here, and started walking over here to
17 get the Bobcat.

18 So however long it took to walk there
19 to come back and take three little scoops out. I
20 figured it would be 15 minutes. In my eyes I'm a
21 foreman, so I would think that stuff takes less time
22 than you know.

23 **Q** You didn't have a watch?

24 **A** I didn't have a watch. I would have just
25 figured it took 15 minutes to go there, bring a

1 machine back and dug those things up.

2 Q And then what's the next thing, were you
3 still in this general area when something happened?

4 A Yeah, I was right here. He had just dug
5 that out and we dug this one out.

6 Q He, meaning ?

7 A Yes, . And I was cleaning the crumbs
8 out of that back hole when I heard the first pop.

9 Q Okay.

10 A By then was getting out of the
11 machine, and I got up and walked over to my truck
12 and I asked , did you hear that? And he said,
13 yeah, it sounded like a gunshot. Then all of the
14 sudden by the time I got to my truck there was
15 another one. By that time that pop happened, he was
16 back by my truck with me. I don't think he was next
17 to me yet.

18 Q Now let me back up. So when you're over
19 in this area and you are now working in a different
20 hole and digging the crumbs out as you said.

21 A Yes.

22 Q Did you notice anything going on over
23 here, did you notice a police car or any other
24 vehicle or anything?

25 A No. When I heard that pop, I looked that

1 way, I didn't see anything.

2 Q Okay.

3 A There was nothing.

4 Q So nothing drew your attention to this
5 area before that?

6 A Not before that until that first pop.

7 Q Okay. And so you said was also in
8 this general area?

9 A He was just getting out of the machine
10 right there. (indicating)

11 Q What kind of machine are you talking
12 about?

13 A Like a Bobcat, but it's a Mustang. We
14 call it a Bobcat, but it's not, it's a Mustang.

15 Q So it is a smaller earth moving --

16 A Front end loader.

17 Q Does it make noise when it's turned on?

18 A Yeah.

19 Q Was it somewhat loud?

20 A Yeah.

21 Q Was it on when the pop happened?

22 A No, he was just getting off of it, he was
23 all done.

24 Q Okay. So he had turned it off?

25 A Yeah.

1 **Q** What about, let me ask you, ,
2 how is your hearing?

3 **A** Pretty good.

4 **Q** What about your eyesight?

5 **A** My eyesight is, I have to wear these
6 glasses.

7 **Q** Okay. So were you wearing your glasses
8 that day?

9 **A** Yes.

10 **Q** And when you wear your glasses, is your
11 eyesight good?

12 **A** I believe it is pretty good. They say it
13 is not 20/20 but they try to get it as close as they
14 can.

15 **Q** Why do you wear glasses?

16 **A** Stigmatism.

17 **Q** It is not that you need them to read?

18 **A** Oh, yeah.

19 **Q** I wear reading glasses, but I can see far
20 away. You wear them all the time; is that right?

21 **A** Yes.

22 **Q** And you need them to read things far away?

23 **A** And close up.

24 **Q** And close up. So on this day you said you
25 heard a pop?

1 **A** Yes.

2 **Q** Before this day, had you ever heard
3 gunshots?

4 **A** I've heard gunshots, but it didn't sound
5 like that. I've heard shotguns and .22's.

6 **Q** What did it sound like to you?

7 **A** Just a pop. I mean, like a firecracker.

8 **Q** Did you look in the direction of the pop?

9 **A** Yes.

10 **Q** Use the pointer and point out where you
11 thought the pop was coming from?

12 **A** I thought it was coming from over here,
13 that's why I turned my head and looked. And then he
14 started coming, started coming out of the
15 machine, so we started walking over to my truck,
16 that was right here. By the time we got to my truck
17 and then there was a second one.

18 **Q** Okay. How much time do you think there
19 was between the first pop and the second pop?

20 **A** Barely a minute.

21 **Q** Between the two pops did you see anything?

22 **A** No.

23 **Q** And then you said you heard a second pop,
24 what happened then after you heard the second pop?

25 **A** Then said that does sound like a

1 gunshot and just then we saw the victim guy,
2 Michael, come running through right here. As he
3 come running, it looked like he was hit or looked
4 like he trip and fell. As he fell to the ground, he
5 caught himself with one hand and then turned around
6 and threw his hands up and started yelling, said
7 okay.

8 **Q** So let's back up. So you are looking in
9 that direction because you had heard the pops.

10 **A** Yeah, when said that does sound like
11 a gunshot, then we said, they're shooting at that
12 guy.

13 **Q** So you are already looking in that
14 direction when you see Michael come running?

15 **A** Yes.

16 **Q** Did you see what was going on before he
17 came running?

18 **A** No, the building is blocking it.

19 **Q** Okay. So you didn't see anything until
20 something comes around that building area?

21 **A** My line of sight was from right here.
22 (indicating)

23 **Q** Okay. So point to where you first saw
24 Michael, where was he?

25 **A** Coming right from around this building

1 about right there. (indicating)

2 Q Was he in the street, on the grass, on the
3 sidewalk?

4 A In the street.

5 Q In the street, okay. And so --

6 A Here again, I believe he was on the
7 street. That mountain right there is pretty high
8 where I couldn't really see the street.

9 Q So this is an elevated area; is that
10 right, this is a little hill?

11 A Yes.

12 Q Okay. So you believe he was in the
13 street, but you couldn't see the street from where
14 you were?

15 A Huh-uh.

16 Q Assuming his feet are on the street, I
17 mean, if you can't see his feet in the street, I
18 assume you can't see his feet?

19 A No.

20 Q So how much of his body could see from
21 that hill?

22 A At least a little bit below his knees.

23 Q Okay. So when you first saw him, you said
24 he was running?

25 A He was staggering running, falling down

1 running.

2 Q Okay. So did you recognize him
3 immediately as the guy?

4 A No, I did not. did after all was
5 done, he said that that's the dude that you were
6 just talking to.

7 Q Okay. So when you first saw him, you
8 didn't recognize him as the guy?

9 A No.

10 Q And so you said, okay. Then he was
11 running or staggering. Did you believe that he was
12 injured at that point?

13 A I had thought that beings he was tripping
14 and falling like that, that he had been shot.

15 Q Okay.

16 A Then he figured I've been shot once, I
17 better give up, so that's what he was trying to do.

18 Q So let's back up. So you figure he must
19 have been shot?

20 A Yeah, I don't know for sure.

21 Q Okay. And you figured that based upon the
22 fact --

23 A He was tripping and falling.

24 Q He was tripping and falling. Now, you
25 didn't know if he had shoes on his foot at that

1 point?

2 **A** I didn't know he had shoes on until after
3 we were leaving the job and then I seen the red hat
4 and the shoes laying on the ground.

5 **Q** So you couldn't see his feet at that point
6 where he is running or tripping or falling toward
7 you in your direction? And is he running toward you
8 or is he running in this direction? (indicating)

9 **A** No, he was running straight down the
10 street.

11 **Q** Straight down the street.

12 **A** As soon as he cleared that building where
13 I could see him, that's when he just kind of almost
14 fell, almost fell down and caught himself and stood
15 back up.

16 **Q** Did he actually, did his knees or his
17 hands touch the ground?

18 **A** See, I don't know if his hand, I know he
19 put his hand down, I couldn't see the rest. I don't
20 know if his hand touched the ground or not.

21 **Q** Okay.

22 **A** I know he put his hand down, which I
23 thought maybe caught his balance and then turn and
24 faced the officer.

25 **Q** About how far did you see him from the

1 point you first saw him running to where he
2 staggered and had to catch himself?

3 **A** I believe, the distance I was at?

4 **Q** Well, no, how far did he travel?

5 **A** Oh, that was about 25 feet probably.

6 **Q** Okay. And then you said you thought he
7 was staggering because he was hit or shot?

8 **A** Yes.

9 **Q** And at this point, did you believe that
10 those were gunshots you heard?

11 **A** I don't know what I believed. I believe
12 that said those are gunshots.

13 **Q** Okay.

14 **A** And then as soon he staggered and fell
15 like that, that's when the officers came.

16 **Q** Okay. So could you see blood anywhere on
17 Michael?

18 **A** No.

19 **Q** All right. So you say he was staggering
20 and fell, but caught himself in a way, right?

21 **A** Yes, and turned around.

22 **Q** He didn't totally fall?

23 **A** No, he didn't fall, he caught himself and
24 stood back up and tried to get back up from what I
25 hear.

1 **Q** When he fell, was he still facing in your
2 direction, or had he turned around?

3 **A** No, when he fell, he turned away from me
4 and then stood up.

5 **Q** Okay. So when he turned away from you,
6 what direction was he facing?

7 **A** It was almost like a full circle. He
8 turned all the way around to face the officer.

9 **Q** You said to face the officer?

10 **A** No, that way he was facing, I guess, west
11 almost, like a northwest on Canfield.

12 **Q** Okay. So he was facing in that direction
13 like looking up the street?

14 **A** Yes.

15 **Q** And at this point, let me ask you this,
16 when he was coming toward you, could you see his
17 face?

18 **A** No.

19 **Q** And is it because you couldn't see his
20 face, it was too far away?

21 **A** Too far, I believe.

22 **Q** Okay. Now, you said that he staggers,
23 kind of falls, but catches himself, but he turns
24 180 degrees around?

25 **A** Yeah.

1 **Q** And then what happens?

2 **A** And then he throws his arms up and starts
3 yelling, okay. And within a couple of seconds the
4 three officers came up and the one just pulled up
5 and shot him.

6 **Q** Okay. Let's back up. When you say he
7 kind of staggered down and then he was turning
8 around. I'm going to ask you to stand up so we can
9 see what you're going to demonstrate here.

10 Show me with your hands and body how
11 you saw him turn around?

12 **A** From the fall?

13 **Q** After he staggered and then you said he
14 then kind of caught himself and then stood up?

15 **A** It was almost like he was falling to the
16 ground and then came like that, and then just
17 started yelling okay, like that. (indicating)

18 **Q** Okay.

19 **A** When he caught himself like that, he was
20 still trying to catch himself, but he was coming
21 towards the officer, but he wasn't, I mean, I think
22 he was still, that's what I thought he was shot and
23 then he was still trying to catch his balance.

24 **Q** Okay. So when you saw him as he was
25 turning around kind of coming back up, you said he

1 put his hands up?

2 **A** Yeah, as soon as he started coming back
3 up, he started yelling okay.

4 **Q** Okay. He was yelling okay?

5 **A** Yes.

6 **Q** Did you hear anybody, before he yelled
7 okay, did you hear anybody else say anything?

8 **A** I heard nothing else.

9 **Q** All right. So you just, if you can stand
10 up again and put your hands up the way you saw his
11 hands up?

12 **A** I got this side view of him, so he was
13 kind of leaning forward a little bit, but his hands
14 were up like that. (indicating)

15 **Q** So I've got to describe this since we
16 don't have a video of this or picture. So you're
17 standing --

18 **A** He was kind of coming forward still, so he
19 was going with his feet, shuffling to catch himself.

20 **Q** And so you're standing with your arms up?

21 **A** And out a little.

22 **Q** And out forward a little bit, palms are
23 facing forward?

24 **A** Yes.

25 **Q** And your hands are well above your head,

1 would that be fair to say?

2 **A** Yes.

3 **Q** Okay. And so, but you said that he was
4 kind of moving forward or bent forward?

5 **A** When he came up from catching himself, he
6 came up and was probably still trying to catch
7 himself, but he was coming forward when he was
8 yelling.

9 **Q** Okay. And you heard him say okay, okay,
10 okay, okay?

11 **A** About seven or eight times.

12 **Q** You can sit down. He's facing away from
13 you at that point; is that right?

14 **A** I'm looking at his side.

15 **Q** Okay. And you just motioned onto, from
16 your right side?

17 **A** Yes, it would be his right side.

18 **Q** Okay.

19 **A** I'm getting the side view of him, not the
20 front or the back.

21 **Q** Okay. And when he turned around or at any
22 point yet have you seen any injuries or have you
23 seen blood on him anywhere?

24 **A** No.

25 **Q** When he put his hands up, did you see

1 blood on his hands or anything in his hands?

2 **A** No.

3 **Q** And he's facing away from you at that
4 point, right?

5 **A** Yeah.

6 **Q** Okay. Do you remember?

7 **A** Just facing the side.

8 **Q** Okay.

9 **A** I didn't have a back view or anything.

10 **Q** So now at this point, I'm talking now
11 about right at the point where now he's turned
12 around, had you seen any police officers yet?

13 **A** Not yet.

14 **Q** All right. And you heard two gunshots at
15 that point, correct?

16 **A** Yes.

17 **Q** And so then from the time you saw Michael,
18 first saw him in your view to the time he turned
19 around, did you hear any gunshots?

20 **A** Not after the second one.

21 **Q** Okay.

22 **A** So no.

23 **Q** At some point, like I said, he's turned
24 around and at some point you see police?

25 **A** Yes.

1 **Q** So describe what you see when you say you
2 saw three police officers?

3 **A** Yeah, there was one in the front with his
4 gun out and pointed down at the ground and then two
5 more were just coming in behind. They didn't have
6 their guns drawn.

7 **Q** Okay. Were these uniformed officers?

8 **A** Yes.

9 **Q** All three of them?

10 **A** Yes.

11 **Q** So you said there was one that had his gun
12 out, but pointed down?

13 **A** Yeah, come walking towards him.

14 **Q** So where is he, is he in the street, on
15 the grass?

16 **A** All three of them are in the street.

17 **Q** Is there one officer that's closer to
18 Michael than the other two at that point?

19 **A** Just the one with the gun. The other two
20 were back about five or six feet, seven feet.

21 **Q** And the other two on either side of him,
22 the officer with the gun?

23 **A** No.

24 **Q** So where are they?

25 **A** They are just behind him.

1 **Q** Okay. So if the officer with the gun were
2 to stand and look forward?

3 **A** There would be one on each side in the
4 back about five or six feet back.

5 **Q** Okay. And so did you hear any of those
6 three officers at this point say anything?

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

8 **Q** And then you recognized them as police
9 officers because of their uniforms, is that fair to
10 say?

11 **A** Yes.

12 **Q** You hadn't seen them before that day
13 though?

14 **A** No, I don't really, an officer could drive
15 by me and I wouldn't recognize him the next day.

16 **Q** Okay. But you hadn't seen them in the
17 complex earlier doing things that day or anything?

18 **A** No.

19 **Q** And so when you saw these three officers,
20 describe physically the one that had the gun drawn?

21 **A** What I saw, I thought it was either gray
22 headed or blond headed, marine haircut and a little
23 heavier set than the others.

24 **Q** How about, use yourself as reference
25 point. Do you think he was taller than you?

1 **A** Uh, I would maybe say he might have been
2 an inch or two taller than me or the same size.

3 **Q** And you are 5'11"?

4 **A** Yes.

5 **Q** Was he your build, skinner --

6 **A** He was chubby, but a bigger guy. I don't
7 think he was chubby, but then I think he had a vest
8 on too, and I think that makes them look a little
9 bigger too.

10 **Q** Okay. And about how old did you think he
11 was?

12 **A** The officer, I didn't even have a guess,
13 but his hair was either gray or blond.

14 **Q** So he didn't have a hat on?

15 **A** No.

16 **Q** What about the other two officers, what
17 did they look like, were they all white, all three
18 of them white?

19 **A** Yes.

20 **Q** Okay. What did the other two officers
21 look like?

22 **A** One had dark hair and a mustache from what
23 I remember and then the other one, I didn't know if
24 it was a woman cop or a little, a little, new little
25 boy cop, or a young, I don't know, like that.

1 **Q** The other one you are describing was
2 smaller built?

3 **A** Yeah, a lot smaller.

4 **Q** Could have been a women?

5 **A** Yeah, and then when we were driving out,
6 when I looked over and seen Michael's shoes, there
7 was a woman cop there. That would lead me to
8 believe it was a woman cop.

9 **Q** Did you recognize her when you were
10 leaving as the woman you saw?

11 **A** No.

12 **Q** So you are just kind of thinking that
13 might be the same one?

14 **A** I just, I didn't know. Yeah, I would just
15 think. I couldn't honestly say.

16 **Q** Okay. And remember when I said it is okay
17 for you to like guess or assume things so long as we
18 explain why you think those things?

19 **A** Yeah.

20 **Q** You really can't say that female police
21 officer that you saw was the same officer that you
22 described that might be a woman?

23 **A** Yeah, well, it all happened so fast and
24 then they were out of there. I can only catch just
25 a little bit, you know. I'm not even real sure the

1 other guy had a mustache. He was one of the three
2 that I could look at that wasn't like the other one.
3 This is the one that talked first. I mean, I seen
4 this twice so.

5 Q All right. So after you say you saw
6 Michael turn around and he had his hands in the
7 manner that you demonstrated and he said okay, okay,
8 okay, okay, several times and then you see these
9 three officers, are they coming down the street?

10 A Yes.

11 Q And how are they moving, are they are
12 running, walking?

13 A Pretty swift. They weren't running, but
14 it was a pretty quick walk.

15 Q And you said that the officer that was in
16 front had his weapon drawn and you were kind of with
17 your motion with your hands like this somewhat?
18 (indicating)

19 A Yeah, he was pointing it down towards the
20 street until he got within about 10 feet of Michael.

21 Q Did these three officers continue to move
22 in Michael's direction?

23 A The two slowed down when he started
24 shooting.

25 Q When who started shooting, the officer

1 with the gun drawn?

2 **A** The officer with the gun.

3 **Q** Did the other two officers ever shoot?

4 **A** No.

5 **Q** Did you see them with their guns drawn?

6 **A** After the one officer's gun emptied, the
7 other guy pulled his gun for probably a couple of
8 seconds until Michael fell. Once he fell then they
9 put it away and whisked the other guy out of there.

10 **Q** Okay. So now as you say the other
11 officers were moving swiftly toward Michael and
12 Michael had turned around.

13 **A** Yes.

14 **Q** Did Michael move in a direction?

15 **A** He was still catching his balance from
16 standing up and he was coming towards him, but it
17 wasn't like he was running towards him.

18 **Q** Okay. How many steps did he take towards
19 the officers?

20 **A** By the time the shot was, I'd say about
21 four, maybe five to catch up on his balance.

22 **Q** And was he, when you said that he was kind
23 of catching himself, was he, you kind of had hands
24 up, but you were kind of going forward, was he
25 falling at that point?

1 **A** No, he was just. I think he was a big kid
2 and was coming up. I thought that he had been shot,
3 so I don't know what it feels like to be shot. So
4 maybe wherever he got shot was kind of bothering him
5 too. He wasn't really falling, he was just --

6 **Q** He was moving towards the officers?

7 **A** He was moving towards the officer.

8 **Q** Okay. And you said about how many steps,
9 three or four?

10 **A** Yeah, there was like no gap between his
11 heel and toe, he was just kind of staggering
12 forward.

13 **Q** And then what happened after he moved
14 three or four steps?

15 **A** Then the officers got up to him.

16 **Q** What does that mean?

17 **A** Well, by that time the officer was there,
18 as soon as the officer got there, I didn't hear the
19 officer say anything because he was yelling okay and
20 then just pulled up and started shooting.

21 **Q** So the officer you're talking about who
22 pulled up and started shooting was the one who had
23 his gun drawn?

24 **A** Yes.

25 **Q** So how close was he to Michael Brown when

1 you saw him starting to shoot?

2 **A** About 10 foot when he started and about
3 five to seven feet when he ended.

4 **Q** How many, now this is after those first
5 two shots, this is the second?

6 **A** This would have been the third, fourth,
7 fifth, sixth.

8 **Q** Okay. How many shots do you think at that
9 time?

10 **A** I think it was seven, and the reason I
11 think that is most officers carry guns with nine
12 bullets. So if there was two to start with and then
13 he emptied his gun, that would have been seven.

14 **Q** Okay. So, now, this is where I don't want
15 you to get into assuming things.

16 **A** Okay.

17 **Q** I can tell you that his gun didn't carry
18 nine bullets?

19 **A** Okay.

20 **Q** So don't get stuck on a number --

21 **A** Oh, no, no, no.

22 **Q** -- or make an assumption. Think in your
23 head how many shots you think you heard?

24 **A** My first guess was six or seven, when I
25 first --

1 **Q** Okay.

2 **A** -- wrote down on that piece of paper, I
3 think I wrote down six or seven.

4 **Q** All right. And so was there, were these
5 six and seven shots one after another?

6 **A** Real quick.

7 **Q** Or was there a pause?

8 **A** Real quick.

9 **Q** So it wasn't like three and then pause and
10 then three more or six or four more?

11 **A** Real quick. All of that happened so fast,
12 I think I was probably in shock at what I just
13 witnessed and I didn't know what to think was going
14 on.

15 **Q** So when Michael, when the officer started
16 shooting, did you see Michael Brown get hit with
17 bullets?

18 **A** Yes.

19 **Q** And why do you say that?

20 **A** Because I seen stuff spraying.

21 **Q** Okay.

22 **A** My eyes were focused on the smoke coming
23 out of the gun and the back of him just, to this day
24 stills bother me looking at that.

25 **Q** Now, you know that you have made a

1 previous statement where you said you saw his shirt
2 and that you saw the bullets going through him
3 because you saw his shirt pop or something like
4 that. Did you think that you saw bullets coming out
5 of his back?

6 **A** That's what I thought.

7 **Q** Okay. Do you think that today?

8 **A** I don't know what I think today. Because
9 I still, I've never seen somebody get shot before
10 and when I watch it on TV they make all of these
11 crazy movements when they get shot. He didn't make
12 one single movement. It was like the bullets went
13 right through him and he didn't know they were going
14 through him.

15 **Q** Okay. But did you see bullets come out of
16 his back?

17 **A** I didn't see the bullets. I seen what
18 looked like might have been.

19 **Q** Okay. But now you know that there were no
20 injuries, bullet holes on his back, don't you?

21 **A** I don't know that, no.

22 **Q** Now, you've heard about the autopsy that
23 was on the news, correct?

24 **A** They said six holes, that's all I know.

25 **Q** Did you ever see that on the news?

1 **A** I think I saw that in the newspaper.

2 **Q** Okay.

3 **A** I didn't see it on the news, but I seen
4 like the headline on the newspaper, parents do
5 autopsy or something like that.

6 **Q** Okay. And so, at some point you read that
7 there was no bullet holes in his back, right?

8 **A** I didn't read that at all. I have no
9 idea. That's what it looked like. What got me he
10 wasn't moving, it didn't bother him.

11 **Q** Okay.

12 **A** I was more confused than I was anything.

13 **Q** And I understand this happens very
14 quickly, right?

15 **A** Yeah.

16 **Q** It is something you're not expecting, kind
17 of catches you offguard, right?

18 **A** Yes.

19 **Q** And it is very important and I understand
20 that sometimes you think you see something and then
21 maybe you realize that you didn't actually see it or
22 what have you, but my point is, at some point you
23 had described it as if the bullets were coming out
24 of his back?

25 **A** That's what I swore I saw.

1 **Q** Okay. But you now know --

2 **A** You believe I wrote that on my first thing
3 I wrote down. I mean, I believe that's what I saw.

4 **Q** Okay. I'm not doubting that you believe
5 that that's what you saw?

6 **A** I know. That's what confuses me too. The
7 more stuff you hear, that's why my fiancée won't let
8 me watch the news any more.

9 **Q** But you now know, don't you, that there
10 were no bullet holes in his back?

11 **A** I know because you told me.

12 **Q** Okay.

13 **A** That's why I only knew there were only six
14 holes.

15 **Q** And you had mentioned earlier that you had
16 talked to the FBI this morning?

17 **A** Yes.

18 **Q** And they talked to you for a couple hours,
19 right?

20 **A** Yes.

21 **Q** And did they record you by the way?

22 **A** Yes.

23 **Q** Okay. During that conversation, did they
24 ask you if maybe you've kind of changed your opinion
25 about whether there were bullet holes in his back

1 because you learned at some point --

2 **A** Yes.

3 **Q** And you admitted that that's possible,
4 right?

5 **A** Yeah, I changed my thought on a lot of it
6 after you hear things. It is not really my thought,
7 it is, I think, when it first happened, I was more
8 in shock on what I saw. And now when you have time
9 to give it time to get out of your head for a while,
10 it changes.

11 **Q** Sure. But my point being is that, you
12 know, when you saw something and you think, you
13 know, in your brain it is recording or registering
14 and then later you learned that it might not have
15 been exactly the way you saw?

16 **A** Yes.

17 **Q** Because there were no bullet holes, I'm
18 telling you, and you heard on the news, there is no
19 bullet holes in his back. It looked to you like
20 bullets were going through his body, is that fair to
21 say?

22 **A** That's what it looked like.

23 **Q** Okay. Now, you had said there's things
24 now that you are thinking that you changed your
25 opinion on or your thoughts about. Is there

1 anything else other than that?

2 **A** Uh, it is just that autopsy thing. When I
3 heard the six shots, I don't know what happened on
4 the first two shots, but then the rest of the shots,
5 maybe it wasn't that many shots. I don't even know.
6 I know there was two in his head, but I don't know
7 where the other ones were.

8 **Q** Okay.

9 **A** Whatever I read on the big line of the
10 newspaper is what I read.

11 **Q** Okay. So now, you seen, haven't you, some
12 video that shows you and standing like next to
13 your truck or in the parking area?

14 **A** Yes.

15 **Q** Where you are looking into the distance?

16 **A** Yes.

17 **Q** And we can see you from behind, we see
18 your back; is that right?

19 **A** Yes.

20 **Q** You have a pink shirt on in that video?

21 **A** Yes.

22 **Q** You have seen that, haven't you?

23 **A** Yes.

24 **Q** That's you that's doing that? (indicating)

25 **A** Yes.

1 **Q** Okay. Now, so in the video, in the video
2 you kind of motion like this?

3 **A** Well, I threw my hands up, he had his
4 hands up.

5 **Q** Do you recall in the video what you were
6 doing with your hands?

7 **A** I just raised them up, but the guys at the
8 FBI pointed that I was also on the cell phone at the
9 time, which I don't remember being on a cell phone.

10 **Q** Okay.

11 **A** I don't talk on the cell phone a lot. I
12 don't remember being on it and they wonder who I was
13 talking to, and I wouldn't have any idea. If I was
14 talking to anybody, it would have been my fiancée.

15 **Q** So you could see on the video that you had
16 a cell phone?

17 **A** You can't really see the cell phone, but
18 what else are you doing when you have your hand up
19 like that.

20 **Q** Okay. But you don't remember talking on
21 your cell phone?

22 **A** No, I don't recall that at all.

23 **Q** Did you video anything with your
24 cellphone?

25 **A** No, I'm not that fast. I don't even know

1 how to video with it. Sometimes I make a mistake
2 and get lucky and hit it.

3 **Q** Now, I'm going to show you,
4 you talked about your written, what you had written
5 down, okay. Now, sometime after this happened you
6 wrote this down on a piece of paper; is that right?

7 **A** Right.

8 **Q** The police didn't ask you to do that?

9 **A** No.

10 **Q** You did that on your own?

11 **A** My old boss told me to write down what I
12 think I remember of it.

13 **Q** Okay. Is this your statement?

14 **A** Yes.

15 **Q** Okay. Now, it is not signed or anything,
16 but you recognize that's your handwriting?

17 **A** Yes.

18 **Q** You recognize this piece of paper to be
19 like, is this perhaps on the back of this?

20 **A** The whole long piece of paper.

21 **Q** Okay.

22 **A** This paper I think, they made it smaller,
23 I guess. In my truck it is about this long.

24 **Q** But this is, I mean, this is just a copy
25 of it?

1 **A** Here is the other half of it.

2 **Q** You recognize that is your handwriting; is
3 that right?

4 **A** Yes.

5 **Q** So this says at the top, witness cop
6 shooting 8/9/14, when did you write that?

7 **A** Approximately 35 or 40 minutes afterwards.

8 **Q** Okay.

9 **A** Maybe even an hour.

10 **Q** So on the same day?

11 **A** Yes.

12 **Q** Well, let's back up then. Before we get
13 to you writing that statement. So you actually see
14 Michael Brown fall?

15 **A** No, I did not see him fall.

16 **Q** Okay. And why not, did you look away?

17 **A** No, he staggered forward and then was out
18 of the sight going around that building.

19 **Q** When you lost sight of Michael Brown
20 because he was beyond the building, were the
21 gunshots still going off at that point?

22 **A** No.

23 **Q** The gunshots had stopped?

24 **A** Yes.

25 **Q** And so did you ever walk down to where his

1 body was in the street?

2 **A** When I did that, I did it from, I believe
3 right here. That's as close as I got on top of
4 that. (indicating)

5 **Q** Did you walk there or drive there?

6 **A** We were driving out over here, but this
7 was blocked off by a firetruck. Then we had to come
8 back around over here and there was kind of some
9 congestion right there. So and I walked over
10 to here, that's when I gave somebody my card that I
11 thought was the kid in the red car, but I wasn't
12 sure. That's where I could see his hat and shoes,
13 and I could see the body laying there, I still
14 didn't know that it was Michael, the guy that I
15 talked to.

16 **Q** Okay. So when you went back down to the
17 street, let's go back then. Michael is out of your
18 vision before he falls to the ground?

19 **A** Yes.

20 **Q** When is it you see the officers walking
21 towards him and shooting?

22 **A** They shot him first and he stumbled
23 forward.

24 **Q** Did he stumble past them?

25 **A** No, they were backing up with him as he

1 was going. And then the officers went out of sight
2 and he went out of sight.

3 **Q** At some point they are moving swiftly
4 towards him and then they began to back up?

5 **A** He was stumbling forward.

6 **Q** All right. And were they firing when they
7 were moving forward?

8 **A** Uh --

9 **Q** The one officer?

10 **A** That officer probably took one or two
11 steps maybe while he was firing. The other ones had
12 stopped.

13 **Q** So when the officer who was firing, when
14 he started to move backwards, did he walk backward
15 or did he turn around and go backward?

16 **A** He was walking backwards and that's when
17 the other guy just took his gun out and then they
18 went out of sight. I didn't see anything else after
19 that until we put all of our stuff away.

20 **Q** So you said he might have taken a couple
21 of steps while he was firing, moving forward?

22 **A** Yeah, it looked like he was about 10 feet
23 away, but by the time he got finished, it was like
24 eight to seven, seven to eight feet away from him,
25 six feet away.

1 **Q** What do you mean by the time he got
2 finished?

3 **A** When the gun emptied.

4 **Q** Was he still in your sight when the gun
5 emptied?

6 **A** Yes.

7 **Q** How do you know the gun emptied?

8 **A** I don't know if it emptied, he just
9 stopped shooting.

10 **Q** Rather than make that assumption?

11 **A** Okay, okay, you're right.

12 **Q** Let's just say he stopped shooting?

13 **A** He stopped shooting.

14 **Q** And so you could see the officer when the
15 shooting stopped?

16 **A** Yes.

17 **Q** So how is it that he can move backwards
18 out of your sight then?

19 **A** Everything started moving that way. There
20 was only like about 15 or 20 foot window of my sight
21 before they went behind that building.

22 **Q** All right. So Michael Brown then after
23 the shooting stopped, he continued to move in the
24 direction of the police officer?

25 **A** Yes.

1 **Q** How long did that, how long did he walk or
2 stagger or stumble?

3 **A** They were out of my sight in just a couple
4 seconds.

5 **Q** I mean, distance wise?

6 **A** Oh, I thought he staggered for 25 feet,
7 maybe 30.

8 **Q** Okay. Did you hear any shots after that?

9 **A** No.

10 **Q** Okay. The officer stopped firing, you see
11 Michael Brown continuing to move in the direction
12 that the officers had come from, so somewhere around
13 here? (indicating)

14 **A** Yeah.

15 **Q** About 25 to 30 feet and then he's out of
16 your sight?

17 **A** Yeah, when they went around the back of
18 that building, I didn't see anything again. Two
19 minutes later, the other officer with the mustache
20 came out with the tape and started taping off the
21 whole thing.

22 **Q** Two officers that were on either side of
23 the officer with the gun?

24 **A** Yeah.

25 **Q** Did they move back with the officer?

1 **A** Yeah, they stayed back a little bit when
2 he got up to him. They were like seven, eight feet
3 back already. Then when he started staggering
4 forward, then they all move back.

5 **Q** Okay.

6 **A** Those two were out of my sight real fast.

7 **Q** Did you ever see the officer after he
8 backed up and he was out of your sight after that?

9 **A** The one that did the shooting, did I ever
10 see him again? No.

11 **Q** You don't know where he went or what
12 happened to him?

13 **A** I don't know. Somebody said they whisked
14 him out of there.

15 **Q** You didn't see that?

16 **A** No, I didn't see that.

17 **Q** What about the other two officers, did you
18 see them again?

19 **A** He was there taping all the stuff off for
20 a while and dealing with a lot of angry people.
21 That's when I saw a female cop there and by then
22 there was the firetruck there, five or six more
23 officers.

24 **Q** Is that when you are up here?

25 **A** Yes.

1 **Q** Let's stay down here until we get done
2 with this area. Now, you mention something about
3 that you gave a guy a card when you were in this
4 area. You thought it was a guy in the red car?

5 **A** Yes.

6 **Q** Tell me about when you first see a car,
7 that red car?

8 **A** When the officer was taping it off, he
9 pulled up and started yelling at him out the window
10 and that officer yelled he was a threat, and he sped
11 up and parked by over where I originally parked at.
12 And he got out of his car and started yelling stuff
13 and started screaming on his way over there to get
14 closer to where he was taping off. He kept yelling.
15 That's when I told we better get out of here.

16 **Q** So the guy in the red car, do you know
17 what kind of car it was?

18 **A** No, a little red thing.

19 **Q** Was the guy African-American or white?

20 **A** African-American.

21 **Q** About how old?

22 **A** He just jumped out of his car and started
23 screaming and started walking towards the road.

24 **Q** Where was his car when he jumped out of
25 it?

1 **A** He didn't park in a parking stall. He
2 parked right there, just right on the road.

3 **Q** Okay. Now you say later when you were
4 walking back down here, you saw somebody and gave
5 them your card and you thought it was the guy?

6 **A** He had a blue shirt on.

7 **Q** All right. Was he still in the red car
8 when you saw him up here?

9 **A** No, he was standing on top of that hill.
10 They already had that flagged off or taped off.

11 **Q** So you just thought it was the same guy?

12 **A** I just saw a blue shirt.

13 **Q** So just by the shirt, that's what you
14 thought?

15 **A** Yeah.

16 **Q** So had you ever seen the guy in the red
17 car before that day?

18 **A** No.

19 **Q** Other than before that, had you ever seen
20 him?

21 **A** No.

22 **Q** So how long did you and stay at that
23 location in the parking lot area before you got in
24 your truck and drove around here?

25 **A** A couple minutes. We just threw some

1 shovels in the back and he jumped in the Mustang and
2 drove it over there and parked it and we unloaded
3 most of the pipes.

4 Q So drove the earth moving machine,
5 the Mustang?

6 A Yes.

7 Q Back to around back here? (indicating)

8 A Yeah. He could take the short cut, but I
9 had to drive all away around the whole thing.

10 Q Can you guesstimate how many minutes you
11 thought it took you from the time you saw the
12 shooting until you got your truck loaded up and you
13 moved out of that area?

14 A Out of that area?

15 Q Uh-huh.

16 A Maybe three minutes.

17 Q So the video where we see you standing
18 there going like this in the pink shirt, are you
19 still in this area when that video is taking.

20 A Yeah, that was pretty quick after.

21 Q Okay. And so you only stick around there
22 though for two or three minutes?

23 A Yeah. As soon as the guys started taping
24 off, I told we better get our tools and get
25 going, it is going to be pretty messy around here.

1 **Q** So when is it that you first talk to the
2 police?

3 **A** In person, I think the next day.

4 **Q** Okay.

5 **A** Came out to our office, or
6 something.

7 **Q** So we're talking the next day now. Let's
8 finish up with August 9th. You wrote this statement
9 on that day?

10 **A** Yes.

11 **Q** Where did you go, when you went around
12 here and you had walked down closer to the scene,
13 how long did you stay in this area?

14 **A** I just went up and handed him the card and
15 took off.

16 **Q** So you went back and got your truck?

17 **A** Got my truck. And some maroon car was
18 trying to get through, when she went through then me
19 and could leave.

20 **Q** So you know that there were a lot of
21 police officers arriving at the scene at that point?

22 **A** Yes.

23 **Q** You didn't stop and tell anybody you saw
24 this?

25 **A** No.

1 **Q** Why not?

2 **A** I just wanted to get out of there.

3 **Q** What about, I mean, do you have any fear
4 of police officers yourself?

5 **A** No.

6 **Q** Or distrust?

7 **A** No. There is something I don't like
8 probably, but I just want.

9 **Q** You just wanted to get out of there?

10 **A** I just wanted to get out of there.

11 **Q** When you left, where did you go?

12 **A** Back to the office.

13 **Q** In ?

14 **A** , yeah.

15 **Q** . Did you drive back?

16 **A** No, he drove the dump truck.

17 **Q** Did you and ever have a conversation
18 about this after it happened?

19 **A** When we got back to the shop, we were
20 talking about how freaked out it was.

21 **Q** Did you talk about details or just in
22 general I can't believe I saw that.

23 **A** Not to much on details. That's when he
24 told me it was 30 minutes and I thought it was 15.

25 **Q** The 30 minutes versus 15 when you thought

1 how long?

2 **A** Took him to go get the machine and bring
3 it over there.

4 **Q** And that was the same time period where
5 you say after Michael Brown and his buddy left and
6 walked up the street before?

7 **A** Before they came back.

8 **Q** You saw him getting shot?

9 **A** Yes.

10 **Q** Okay. You estimated that as more like 15?

11 **A** Yeah, I just figured it take them 15
12 minutes to walk over there and get that and come
13 back. Basically that's what I think that took.

14 **Q** Now, let's talk about the statement that
15 you write there.

16 **A** Okay.

17 **Q** And you said that a friend of yours or a
18 former boss had told you to go ahead and write it
19 down?

20 **A** Yes.

21 **Q** Have you seen it before today?

22 **A** I haven't read it since I wrote it.

23 **Q** Okay. Since I don't want to, you know,
24 you have got decent handwriting. I don't want to
25 misread something since it is in your handwriting.

1 Can you read out loud what you have given in that
2 statement starting with up at the top, witness cop
3 shooting 8/9/14.

4 **A** Witness cop shooting 8/9/14, 12:00.
5 Talked with victim for 25 or 30 minutes about God.
6 He says the Lord Jesus Christ will help me with my,
7 through my problems. And he said he was going to
8 the store and he would be back.

9 Then I heard a pop, thought nothing,
10 then I heard another and looked over and saw the
11 victim stumbling and running through gunfire,
12 figured that he was running from who had the gun.

13 Then he threw his hands up and yelled
14 okay, okay, okay, and the police officer who said
15 nothing emptied his gun into the guy. I believe
16 seven more at close range.

17 What happened before the first two, I
18 don't know, but from when, from when he said that he
19 would be back, I would say 25 to 30 minutes, that's
20 what I changed when I talked to

21 **Q** Okay.

22 **A** Minutes passed before shots fired.

23 **Q** So the 25 to 30 minutes that you write on
24 there, that was something that you changed because
25 had talked to you about?

1 **A** Yeah, I told him it was 15, he said no.

2 **Q** So someone else kind of, after talking to
3 someone else, you kind of changed your thought on
4 that?

5 **A** Yeah. I circled it to remind myself I
6 changed that.

7 **Q** Okay. And because I'm not sure because
8 nobody's name is on here, is this a map that you
9 did?

10 **A** Yeah -- no, this is what, when we started
11 out that morning, this is where we crossed off that
12 we finished.

13 **Q** Okay.

14 **A** This was something where we were working
15 too. I don't think there is anything on here but
16 work.

17 **Q** Okay.

18 **A** I don't know what that is.

19 **Q** Okay.

20 **A** When we were working our way around to get
21 over here.

22 **Q** Okay. And so this is something that you
23 used just while you were working to keep track of
24 what you've already done?

25 **A** Yeah. Just where I scratched them off

1 where I put an X to breakdown what we did.

2 Q Do you remember when you talked to the
3 officers at one point, did you use this map to kind
4 of show them?

5 A The first officer, not that map I don't
6 think, the first officer didn't even ask.

7 Q Okay.

8 A He just took a quick recording and left.

9 Q You spoke to an officer?

10 A Or detective.

11 Q Pardon me?

12 A A detective.

13 Q And that was a county detective, correct?

14 A St. Louis County, yes.

15 Q And then after that you talked to another
16 county detective, correct?

17 A Yeah, that was a ways later though.

18 Q So just so, on that, did you talk to an
19 officer on the day of the shooting at like maybe
20 10:00 at night?

21 A That would have been , I believe.
22 They wanted to get ahold of me and were trying to
23 set up a when or a where or something.

24 Q So there is a statement that you made that
25 was at , is that

1 where you work?

2 **A** Yeah, I think so. I don't know the exact
3 address off the top of my head.

4 **Q** Okay. And do you remember talking to, the
5 first time you talked --

6 **A** His name was , yes.

7 **Q** Okay. , does that ring a
8 bell?

9 **A** I don't know his last name.

10 **Q** Okay.

11 **A** I've just got his phone number is all.

12 **Q** Okay. And then you recall on August 18th
13 talking to a Detective and Special Agent
14 ?

15 **A** Yes.

16 **Q** And that was the second time you talked to
17 the police, correct?

18 **A** Yes. That's when they took that piece of
19 paper.

20 **Q** Okay. Your written statement?

21 **A** Yeah.

22 **Q** All right. And then after that, you had a
23 conversation with detectives where you came down to
24 the Clayton?

25 **A** Yeah, they came and got me.

1 **Q** All right. And they brought you into
2 Clayton and they put you in an interview room and
3 they actually read you your Miranda Rights and they
4 talked to you; is that right?

5 **A** Yeah.

6 **Q** And then after that conversation you, as
7 recently as today, had like a two hour interview or
8 conversation with FBI agents?

9 **A** Yeah, and U.S. attorney or something.

10 **Q** Okay. , does that ring a bell?

11 **A** rings a bell, the other guy I can't
12 really thing of his name.

13 **Q** , does that ring a bell, dark
14 headed guy?

15 **A** Yeah.

16 **Q** Okay. And other than those conversations,
17 have you talked to any other law enforcement people
18 about this?

19 **A** No.

20 **Q** Okay. Now, you made a number of
21 statements to the media about this; is that right?

22 **A** I don't know if I would say a number of
23 them. I think the lady from Channel 2 pretty much
24 upset me.

25 **Q** So you talked to somebody from Channel 2.

1 Now, you never, your face has never been on the TV
2 that you know, correct, other than that video where
3 you can see you from behind?

4 **A** Yeah.

5 **Q** You have never given an interview where
6 your face appears?

7 **A** No.

8 **Q** You told reporters or journalist about
9 what you saw?

10 **A** I talked to that Shirley Washington and
11 then sometimes when I go back out to Canfield,
12 people would come out, and like one of the
13 maintenance guys would point out there's that guy,
14 and then they would come over and start talking.

15 **Q** They, meaning reporters?

16 **A** Yeah.

17 **Q** So you went back to Canfield after this
18 day?

19 **A** I went back there a couple of days and
20 people kept bothering me, so they pulled me out of
21 there for a while. And then I waited a couple of
22 weeks, he sent me back up there again, and it was
23 the same stuff, so I just left.

24 **Q** So you talked to a few reporters about
25 what you saw; is that correct?

1 **A** I told them I didn't want to do any bull,
2 I didn't want to do no talking.

3 **Q** I understand.

4 **A** They came up to me, a lot of them did.
5 From Connecticut, from Florida, all of them coming
6 from everywhere, they wouldn't leave my phone alone.

7 **Q** Now, at one point though, did you contact
8 the media because you were upset?

9 **A** I contacted Channel 2.

10 **Q** And why is it that you contacted the
11 media?

12 **A** They said something on the TV that I
13 didn't feel was right. That was about the time all
14 of that rioting was going on and I thought, you
15 know, if you don't print that stuff like that, it
16 wouldn't be, that's when Shirley wanted to keep
17 calling me.

18 **Q** Shirley, meaning the gal from Channel 2?

19 **A** Yeah.

20 **Q** So do you think the media has kind of
21 inflamed this?

22 **A** I believe it has. That's just what I
23 believe and I believe that on my own.

24 **Q** Now, when you contacted the media, it was
25 because you thought they were getting some things

1 wrong?

2 **A** From what I saw they were saying stuff
3 that probably shouldn't have been said or wasn't
4 right. There is something that you shouldn't say.

5 **Q** Like, for example?

6 **A** I can't remember an example off the top of
7 my head, but they tried to get one out of me today.
8 Just things, you know, you shouldn't say.

9 **Q** What about have you seen any of the other
10 people who were there said they saw this, like
11 Dorian Johnson, ,

12 **A** I only talked to one guy who said he saw
13 it on one day I went out there. I can't think of
14 his name though, he was an older guy.

15 **Q** That would be

16 **A** , yeah.

17 **Q** You remember having a conversation with
18 ?

19 **A** He was cooking pork steaks and ribs one
20 morning when I was making my final list.

21 **Q** And you and were talking about how
22 the media was kind of making, inflaming things, did
23 you both think that?

24 **A** Yeah, we talked about that, but we really
25 didn't talk about that for very long. We might have

1 said something for a couple of minutes while we were
2 talking and then we just switched over to barbecuing
3 and not wanting to live at that apartment complex.
4 He's been wanting to move out. The first time I was
5 ever there he came up and said he lived there
6 years, he's ready to go because the kids are moving
7 in and the kids don't have any respect.

8 **Q** What about anyone else, other than media,
9 have you talked to anyone else about what you saw?

10 **A** Other than my family and a couple of
11 friends.

12 **Q** I'm asking specifically about Michael
13 Brown's family?

14 **A** I talked to his mom. That Shirley gave
15 her my number, they called me. It wasn't her mom
16 that called, it was the name comes to mind. I
17 don't even know if that was his name. She said hi
18 on there and the first thing --

19 **Q** Let's back up. How is it that you were in
20 touch with Michael Brown's mother?

21 **A** Shirley Washington said she wondered if I
22 wanted to talk to her. I said I don't know, I don't
23 see why I would have to.

24 **Q** So how is it that you spoke to her, was
25 this in person or on the phone?

1 **A** On the phone.

2 **Q** Do you know about when that conversation
3 took place?

4 **A** It was at night.

5 **Q** I mean, was it like the day of?

6 **A** No, it was the day after I talked to
7 Shirley.

8 **Q** Okay. So you were speaking to a woman on
9 the phone and you were told that that was Michael
10 Brown's mother?

11 **A** She asked about Michael and I told her, we
12 talked for a little while and then she broke down.
13 I said this is going to be hard. We'll just talk
14 later when all of this blows over. The other guy
15 started talking a little bit. I just said I'm going
16 to have to get going.

17 **Q** So let's talk about that first phone call,
18 did you talk with her about details about what you
19 saw?

20 **A** No.

21 **Q** How long did you talk to her on that
22 occasion?

23 **A** Just a couple of minutes, I believe.

24 **Q** And then what about you said --

25 **A** She started breaking down crying, so there

1 was no really use talking to her, I didn't call her,
2 or she didn't call me to have her tell her stuff to
3 make her cry and breakdown.

4 **Q** So who called who?

5 **A** She called, or he called me and she was
6 there.

7 **Q** Okay.

8 **A** I don't remember this guy's name.
9 comes to mind.

10 **Q** You believe he was the media?

11 **A** No, he was with her, it was either her
12 brother, husband, I don't know.

13 **Q** So then did you have another conversation
14 with her?

15 **A** No.

16 **Q** I thought you said that you called her?

17 **A** No, I said we'll talk later after all of
18 this cools over because I didn't want to talk to her
19 to make her cry and go over the whole thing. I was
20 just going to tell her that I thought Michael was a
21 good kid. That's what I told Shirley, I'll do that.
22 I don't really want to get into details.

23 **Q** Okay, I'm just going to ask you a
24 couple more quick questions. We had a conversation
25 before you came in and I know you don't want to be

1 here, is that fair to say?

2 **A** I just want this all to be over with. I
3 want to be left alone after this day.

4 **Q** And I told you that I'm not accusing you
5 or anything, or you're not in any trouble for
6 anything; is that right?

7 **A** Right.

8 **Q** Do you believe me when I told that?

9 **A** I believe you when you told me that.

10 **Q** So my question to you is, is that when you
11 initially talked to the police the first couple of
12 times, you didn't say anything in those first two
13 statements about Michael having the marijuana that
14 you saw that he had and that he was going to go to
15 the store and buy a blunt or something of that
16 nature. You didn't mention that or a conversation
17 about wax or anything like that. Why did you not
18 mention that when you first talked to the police?

19 **A** I don't know. The FBI asked me that
20 question too. I probably didn't feel that I needed
21 to stick him into the ground what little bit of
22 marijuana he had, I didn't think that was that much.

23 **Q** So you just didn't think that was a big
24 deal or relevant?

25 **A** I didn't think so.

1 **Q** And you thought that that might make him
2 kind of shed a bad light on him after he passed and
3 you didn't see the point of doing that?

4 **A** I didn't think of it that way. I just
5 didn't think throwing more gas on the fire was going
6 to help.

7 **Q** Okay.

8 **A** The first interview was like the next day,
9 I didn't even think about that.

10 **Q** Okay.

11 **A** He asked me a few questions, I answered
12 him and we were done.

13 **Q** You understand that when the officers had
14 you come down to Clayton and they talked to you in
15 Clayton.

16 **A** Oh, yeah.

17 **Q** They were asking you a lot of questions
18 about the marijuana and the wax and stuff like that;
19 is that right?

20 **A** Yes.

21 **Q** And that was all stuff you hadn't told
22 them before, right?

23 **A** No, they had to find that out themselves,
24 I guess.

25 **Q** And so that interview with them, did you

1 feel like they were accusing you of things?

2 **A** Oh, yeah.

3 **Q** Okay. And, but you understand that is
4 information that they got from somebody else that
5 you had not provided, so they wanted to talk to you
6 about it?

7 **A** Yes, I understand that.

8 **Q** Okay. , is there anything that you
9 can think of that I haven't asked or that you think
10 is important that this grand jury should know to
11 understand what happened that day?

12 **A** Not that I can, if I'm forgetting
13 something or you know something, let me know. Not
14 that -- it all just happened so fast, it is like in
15 and out and gone. And then all of the sudden all
16 the chaos with people calling and, you know, I
17 believe the first couple days I was more in shock
18 than anything. And then going home and arguing with
19 the wife because I should have just not said
20 anything.

21 **Q** And you believe that you should have not
22 said anything?

23 **A** I don't truly believe, but then again,
24 I've been accused of not thinking before I talk. So
25 sometimes I might say stupid stuff.

1 **Q** Okay. But you admit that you have made
2 several recorded statements and we have those
3 recordings?

4 **A** Yes.

5 **Q** So those would have details in them. Is
6 there anything that you've told the police that you
7 now want to change or that you want to say, yeah,
8 you know what, that really wasn't what I saw or
9 that's not true or I kind of elaborated on that?

10 **A** Other than what I already said?

11 **Q** Uh-huh.

12 **A** Oh, I don't know. I think over the time,
13 my thought on the whole thing has gotten softer.

14 **Q** What do you mean by that?

15 **A** I don't, I don't know what happened to
16 start with. But something had to happen for an
17 officer to shoot at somebody. So I don't know, I
18 don't know what happened.

19 **Q** Okay.

20 **A** You know, I just saw the officer shoot. I
21 don't remember him saying anything, I don't know
22 anything. I don't know what happened. Something
23 had to happen, I mean.

24 **Q** So regardless, I mean, there is all kind
25 of possibilities as to what could have happened, but

1 you don't know anything other than what you have
2 testified here today?

3 **A** Yes.

4 **Q** And you now know, we talked about you
5 making assumptions about certain things, you said he
6 had emptied his weapon?

7 **A** Yeah.

8 **Q** But you're only assuming that?

9 **A** I would assume that, I never did go check
10 his weapon, no. I would have just --

11 **Q** So those are things that you just are, you
12 always assume because of what you might know about
13 guns and so forth?

14 **A** Yeah. That and when I wrote that
15 statement down, I was probably in shock.

16 **Q** Okay.

17 **A** Just thinking about what I saw.

18 **Q** And the same thing with the shot that you
19 saw fired, you at the time were assuming something
20 and now maybe you think that that wasn't correct?

21 **A** That's what I thought I saw.

22 **Q** Okay.

23 **A** If that didn't happen, I still can't take
24 that back because that's what I thought I saw.

25 **Q** Right. And I told you, you're to testify

1 about what you saw that day, right?

2 **A** Right. That's what I thought I saw.

3 **Q** Okay.

4 **A** I mean, it was all real quick and it was
5 gone.

6 **Q** All right.

7 MS. ALIZADEH: I don't have any more
8 questions.

9 **Q** (By Ms. Whirley) I believe in your
10 statement you said you saw the bullets went right
11 through him, I could see his shirt popping back.
12 What did that mean to you, did that mean they were
13 going through his back or popping back in the front
14 or what did that mean?

15 **A** I just assumed when he was shooting that
16 close they were going out the back and it seemed
17 like everything, but within two or three seconds, or
18 whatever, four seconds, it was all done and over and
19 they were heading the other way. So I just assumed
20 that.

21 **Q** Did you ever see the officer shooting at
22 Michael Brown while he was running and he had his
23 back to the officer?

24 **A** No.

25 **Q** Okay. When you talk, you spend 25, 30

1 minutes or so with Michael Brown, did he seem
2 aggressive to you?

3 **A** No, he just seemed laid back.

4 **Q** You talked about God?

5 **A** He did a lot and I didn't want to get into
6 a bible conversation.

7 **Q** Did he seem like he was in an agitated
8 state?

9 **A** No.

10 **Q** That he was like pissed off or something?

11 **A** No, it just seemed like he was a little
12 bit slow and I thought he wanted to come out and
13 talk to somebody.

14 **Q** Did you see him with a weapon?

15 **A** No.

16 **Q** Did he appear to have a weapon?

17 **A** No, he didn't have any shorts on that
18 would have been able to hold one.

19 **Q** You saw the officer at some point, you
20 said when he was shooting at Michael Brown, you
21 could see the officer?

22 **A** The one that did the shooting, I saw him.

23 **Q** Did you see any blood on that officer?

24 **A** No, I would have been too far away and he
25 left too quick. I'd only seen that officer for

1 probably 14 seconds and he was gone.

2 Q Okay.

3 A Out of my sight.

4 Q You saw blood on Michael Brown?

5 A No, I never did.

6 Q You didn't see blood either?

7 A I didn't ever see any blood.

8 Q Okay. You could see shots happening?

9 A What it looked like, I could just see
10 blowing out of him is what I, that's what I just
11 assumed.

12 Q Okay. You're gesturing towards his head?

13 A I assumed that because when you are that
14 close with a gun, the bullet has to go through you.

15 Q All right.

16 A That was just my assumption and I would
17 think that that's what happened.

18 Q Okay. Did you see anything coming out of
19 his head?

20 A That's what I thought.

21 Q I mean, what did you think?

22 A That's what I thought.

23 Q What?

24 A That stuff was coming out.

25 Q Out of his head?

1 **A** Probably from his waist up.

2 **Q** Okay. Um, and you say you never heard any
3 of the officers say anything?

4 **A** Not until the one officer was taping off
5 and he yelled he was a threat.

6 **Q** And that officer yelled that Michael Brown
7 is a threat, is what you assumed he was saying?

8 **A** And he was telling that to the kid in the
9 red car.

10 **Q** Okay.

11 **A** The kid or the guy, I don't really know
12 how old that person was.

13 **Q** Now you said you heard Michael Brown say,
14 okay, okay, okay. When he had his hands up, he was
15 close enough for you to hear that?

16 **A** He was yelling it.

17 **Q** He was yelling it very loudly?

18 **A** Yes.

19 **Q** And you couldn't hear the officer say --

20 **A** That's why, when I say I didn't hear the
21 officer say anything, maybe the officer wasn't
22 yelling as loud as he was.

23 **Q** But you couldn't hear the officer?

24 **A** I couldn't hear him say nothing.

25 **Q** And you heard Michael Brown?

1 **A** Yes.

2 **Q** And that statement that you wrote on
3 August the 9th, you said you wrote that what, when
4 you went back to the office or where did you write
5 that?

6 **A** It was about 40, 50 minutes back to the
7 office.

8 **Q** Where were you when you wrote it?

9 **A** At the office.

10 **Q** At the office in .

11 **A** , yeah.

12 **Q** Do you think that's the most accurate
13 statement that you have since that was prepared the
14 soonest?

15 **A** At the time I thought it was, but I really
16 don't think I should have wrote anything down like
17 that and the stuff that was going through my head.
18 I've never seen anything like that. I truly believe
19 I was probably in shock for a little while after
20 that.

21 **Q** Okay. You've seen this statement,
22 correct?

23 **A** I've seen that statement, but then after,
24 you know, a month and a half later or whatever, you
25 start reading stuff that comes out on the TV, it

1 makes you start wondering if that's what you really
2 saw.

3 Q Well, when you wrote that statement you,
4 you had seen nothing on TV, correct?

5 A No, nothing.

6 Q This was right after it happened, correct?

7 A Yes.

8 Q That was probably your best memory?

9 A That's what I believe happened right there
10 at the time.

11 Q All right.

12 MS. WHIRLEY: I don't have anything else.

13 MS. ALIZADEH: Just real quickly.

14 Q (By Ms. Alizadeh) , you had
15 said something interesting just now, you said
16 something about he didn't have a weapon because he
17 didn't have any pockets, and you are talking about
18 Michael?

19 A Yeah, Michael. I don't know what you call
20 them, wear around the house shorts, just comfortable
21 shorts.

22 MS. ALIZADEH: Did he change clothes from
23 the first time you saw him, until the shooting?

24 A I don't believe so.

25 MS. ALIZADEH: Looked like the same

1 clothes?

2 **A** I don't even remember what color his shirt
3 was. I just remember the shorts were gray.

4 MS. ALIZADEH: So now, if I were to tell
5 you that, you know, of course we know what shorts he
6 had on when he was shot because, of course, those
7 clothes have been seized. If I were to tell you
8 that his shorts had pockets in them, does that
9 change your opinion of when you said he couldn't of
10 had a weapon because he didn't have any pockets.

11 **A** That wouldn't change my theory on that
12 because they were those really light, you know, soft
13 towel looking shorts, I believe. Where there is no
14 thread to tie them. I didn't look in there, but I
15 wouldn't think you could put a gun in there. I
16 don't have a pistol, I don't own a gun.

17 **Q** (By Ms. Alizadeh) Do you know what cargo
18 shorts are, khakis, cargo?

19 **A** I don't think that's what he was wearing.
20 He might have been, I mean really, I don't think
21 that's what he was wearing.

22 **Q** Okay. But when you saw him, and trust me,
23 I'm not saying he had a weapon, we now know he
24 didn't have a weapon, my question is, when you saw
25 him, you just said that he didn't have a weapon

1 because he didn't have any shorts with pockets in
2 them?

3 **A** Oh, when you ask if he had a weapon, I
4 would say no because I don't think those shorts
5 would be able to hold it.

6 **Q** Okay.

7 **A** But then again, you know.

8 **Q** But that's an assumption on your part,
9 right?

10 **A** Okay, all right. I see where you are
11 going, I understand.

12 **Q** So we don't know, and like you said, we
13 don't know what happened before you saw him run past
14 that building into your view, correct?

15 **A** Yes. So then I just say, I didn't
16 physically see a weapon on him.

17 **Q** Okay.

18 **MS. WHIRLEY:** So when the officer, when
19 Michael Brown turned around and was staggering as
20 you said, moving toward the officer, did it appear
21 to you that he was charging the officer?

22 **A** No, it appears to me that he was just
23 catching his balance. That's when I thought, where
24 I assumed again that he had been hit with the second
25 shot, which I don't know.

1 autistic?

2 **A** No, I have never met anybody autistic
3 other than on TV or something. I don't know what
4 autism is actually really.

5 **Q** The reason why I ask is, I have personal
6 experience with it and sometimes when you come
7 across people or adults that have autism, they tend
8 to do repetitious kind of actions. So you
9 mentioned, you mentioned that kind of brought it to
10 mind when he spoke, he raised his head back and
11 fluttered his eyelids. I'm assuming, since you
12 brought that up, it was more than once that he did
13 that?

14 **A** Every time he talked.

15 **Q** Every time he talked?

16 **A** Except for when he was walking to the
17 store. He might of, but I didn't pick up on it when
18 him and the other guy went walking away, I didn't
19 pick up on it.

20 **Q** Okay.

21 **A** But he would just be standing there
22 watching.

23 Okay. And this is the
24 first contact you had or opportunity you had to
25 actually have more, have any conversation with

1 Michael Brown?

2 **A** I didn't even know who he was, he just
3 walked up and started watching me working.

4 This is first time you two
5 met, is that my understanding?

6 **A** Yes.

7 You had
8 opportunity to see a person just a few minutes, 10
9 minutes, 15 minutes ago, take marijuana or some
10 other drug in his system, you happen to see sometime
11 in person like that?

12 **A** I didn't hear.

13 A person who has drugs,
14 he use drugs, marijuana, cocaine or maybe --

15 **A** Do I know people that used that?

16 : You see people who use
17 that, say 15, 20 minutes after they use the drug,
18 you see people like that?

19 **A** I know people like that.

20 : What do you see in that
21 person?

22 **A** They're just high. I don't know how to
23 explain high, they're just --

24 Usually a slow person,
25 maybe walking slow, talking slow, enough to maybe 40

1 to 45 minutes they take the drug, he get high, but
2 it will walking slow, talking slow, move his eyes
3 up, sometimes you look like a zombie?

4 **A** Some people, I would say it all hits
5 everybody a little different.

6 Thank you.

7 I'm
8 going to go on there. I have seen people that have
9 been high on marijuana and this is not meant to be
10 funny, sometimes it is hard to tell the difference
11 between high and being slow because that's what it
12 does, it slows you down, it makes you mellow. Could
13 that have been, you assumed he was slow because you
14 didn't know whether or not he had smoked, was there
15 something that made you think he was slow versus
16 high?

17 **A** No, I just didn't feel he was high.

18 : Okay.

19 **A** At the time.

20 : It was just the
21 impression you got at the time, he was slow and not
22 high at the time?

23 **A** I mean, he may have been, I would just
24 assume, I'm assuming that he was slow too, but
25 that's the first impression that I got from him is

1 that he was slow and came outside, seen me working
2 and wanted to talk to somebody.

3 Okay. And I have a
4 question about you said in your statement on the
5 18th of August that you were working at and
6 then today you indicated that you were working
7 and So I'm wanting to verify where you were
8 when you saw this?

9 **A** When he got back with the machine, he
10 started right here, he dug the first scoop, took the
11 second scoop right there and the third one right
12 over here, and then got off, parked the machine and
13 my truck was parked right there. (indicating)

14 And where were you?

15 **A** After the first pop, I was right there
16 cleaning the loose stuff out of the hole.

17 So you don't think you
18 ever were working at ?

19 **A** is right there.

20 : Right.

21 **A** I already cleaned that out while he was
22 working right there.

23 Okay. So you were
24 working there to begin with and then you moved over
25 here?

1 No, he had his hands up, he was just kind of taking
2 the shots, this is on page four. And then they
3 asked, and once he was empty, then the bad cop
4 pulled his gun and just staggered forward and
5 dropped to his face.

6 In this interview you say you saw Michael
7 drop to his face, but today you say didn't see, you
8 saw him leave, you didn't see Michael drop to his
9 face, correct?

10 **A** I saw Michael laying on the ground, so I
11 assume that he fell on his face.

12 : So you didn't see him
13 drop to his face?

14 **A** I didn't see him fall. When I came around
15 and gave that kid a card, I could see him laying on
16 his face.

17 : When you said I think he
18 was dead on his feet and just fell forward, that was
19 an assumption?

20 **A** I don't know if he was dead.

21 Okay. One more question,
22 I'm sorry.

23 **A** That's okay.

24 You said in your initial
25 two interviews, you said that the police officer was

1 walking forward and stopped and at one point you
2 said 8 feet and another one you said about 5 feet
3 and then shot him.

4 In the media interview and today, you
5 mention that the cop had his gun drawn and was
6 walking backward. I'm just trying to figure out was
7 me stopped?

8 **A** He had it down and was walking toward him.
9 He started shooting at about 10 feet or so.

10 Okay.

11 **A** By the time he stopped shooting was about
12 6, 7 feet, 8 feet.

13 When you talked here and
14 said he was backing up.

15 **A** I was doing a lot of assuming apparently
16 from what I'm learning today.

17 I don't blame you, I
18 assume all the time, but I'm just --

19 **A** When he stopped shooting, that's when they
20 started backing up.

21 He started backing up
22 after he stopped shooting?

23 **A** After the shots and then I never heard
24 another shot after that.

25 This is the last one, I

1 promise. You said he was coming, this is on page
2 five of the August 18th interview. You said I think
3 when I first seen him stumbling, fall, come out of
4 that building, what building, I'm confused?

5 **A** When he come out of the building, come out
6 from behind the building. By the time the second
7 shot went off, he all of the sudden appeared out of
8 nowhere from around that building.

9 Michael did?

10 **A** Yes.

11 : And then you saw the
12 police officers?

13 **A** Yes, after he got turned around.

14 : You saw three of them?

15 **A** Yes.

16 : One of them had their gun
17 drawn --

18 **A** Just one.

19 The other one drew his
20 gun later, you didn't know if it was a boy or girl,
21 never drew his or her gun?

22 **A** No.

23 : All right, thank you.

24 MS. ALIZADEH: Let me just cut in right
25 here because we need to recess for today because one

1 of the grand jurors has a time problem. Is there a
2 quick question and if you think of something later,
3 I can give a call and see if he would be good
4 enough to come back to answer additional questions
5 at a later date. I know he wants this over with
6 today, but is there any important burning question
7 that you want to ask now and if you think of
8 something later, we'll see what we can do about
9 later. Anyone?

10 Okay so this will end the testimony of

11

12 (End of the testimony of)

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2 State of Missouri

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County of St. Louis

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undetermined in the County of St. Louis, State of

12

Missouri.

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The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

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cautioned and sworn to testify to the truth, the

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whole truth, and nothing but the truth in the case

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aforsaid, thereupon testified as is shown in the

18

foregoing transcript, said testimony being by me

19

reported in shorthand and caused to be transcribed

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into typewriting, and that the foregoing page

21

correctly sets forth the testimony of the

22

aforementioned witness, together with the questions

23

propounded by counsel and grand jurors thereto, and

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is in all respects a full, true, correct and

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complete transcript of the questions propounded to

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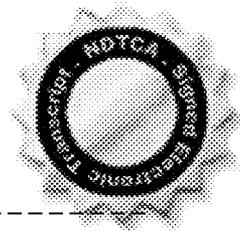
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1 COURT MEMO

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5 State of Missouri v. Darren Wilson

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XII

12

13 10/13/2014

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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3 St. Louis County Prosecuting Attorney's Office

4 100 S. Central Ave.

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6 Total:

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1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
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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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