

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VI

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 23, 2014

VOLUME VI

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1 GRAND JURY HEARING

2 : On Officer Darren

3 Wilson's testimony he mentioned in the physical
4 layout that Mr. Brown ran almost to a light pole
5 before he turned around. Do we have a diagram with
6 that light pole on it?

7 MS. ALIZADEH: I will have to look and see
8 if it is included in the diagram. I'm sure there
9 are pictures and videos that you will see, be able
10 to see the light pole in those images and then if
11 necessary, when we have a witness who is familiar
12 with the scene, if need be, we could have them using
13 our diagram, which has already been in evidence
14 point out to you where the light pole exactly is.

15 : All right, very good.

16 MS. ALIZADEH: Good morning.

17 (All jurors say good morning.)

18 MS. ALIZADEH: This is Kathi Alizadeh with
19 the prosecutor's office, present is Sheila Whirley
20 with the prosecutor's office, all 12 grand jurors
21 are present today, it is September 23rd, as well as
22 the court reporter or the stenographer who is taking
23 down what is being said. We are also recording,
24 audio recording, that's happening in the grand jury
25 right now.

1 I wanted to make some preliminary remarks.
2 Now is the, in the next couple of days and a few
3 weeks, I suppose, we are going to be hearing
4 testimony from some people say that they are
5 eyewitnesses of parts of this incident. And many of
6 them have already had, been interviewed, all of them
7 have been interviewed by law enforcement at some
8 point. And as far as I can think of, almost all of
9 them have been recorded by law enforcement as far as
10 their interviews.

11 As you know, we are recording, audio
12 recording everything that's being said as well as
13 taking down by court stenographer everything that is
14 being said.

15 That is an extraordinary thing that in my
16 experience, we've never done before. And, you know,
17 the proceedings in the grand jury are historically,
18 have been secret and people who appear before the
19 grand jury are testifying in secret and it is
20 usually not disclosed that they testified or what
21 they said. But in the interest of the public's need
22 to know that this investigation is thorough and
23 fair, my boss, Robert McCulloch, has decided to do
24 this extraordinary thing, which is to record
25 everything. And if there is sometime down the road

1 if there is ever an issue as to whether or not this
2 investigation was thorough and fair, we will have
3 those recordings to show exactly what was done.

4 But as you can imagine, there are
5 witnesses who are very uncomfortable who have
6 information and are willing to come forward, but do
7 not want their names disclosed on the record or
8 where they live or, you know, their birthdate, any
9 identifying information about them and that's
10 understandable given what, you know, has happened in
11 our community in the past month about, you know, the
12 public's reaction to the incident and the
13 investigation into this.

14 And so because our goal is to get as much
15 information as possible so that you can decide the
16 facts in this case, we have decided that witnesses
17 who do not want their name or identifying
18 information about them to be on the record, we are
19 not going to put that on the record.

20 What we are going to do is when that
21 witness comes forward, he will be sworn, he or she
22 will be sworn, and then the court reporter will not
23 activate the audio recording initially. That
24 witness will then identify themselves to you by
25 their name and where they live, although I told them

1 I'm not going to ask them for an address, mainly
2 just south county, you know, I live in the Ferguson
3 area, I live in north county, or what have you.

4 And then those witnesses will be referred
5 to, once they've given that identifying information,
6 then I will have the court reporter start the audio
7 recording at that point. So their testimony will
8 still be recorded and the court reporter will
9 transcribe their testimony, but they will be
10 referred to by myself and in the court reporters
11 record by witness number.

12 Last night I made a list of every witness
13 who has appeared before you so far and just for the
14 sake of the record, we're just going to go
15 chronologically with the live witnesses as they've
16 testified.

17 So if you recall _____ who was the
18 investigator with the Medical Examiner's Office, he
19 was witness number one. Number two was Detective
20 _____ Number three was _____, although
21 _____ will have to come back because we had to cut
22 him his testimony short, if you recall.

23 Number four was Dr. _____, the medical
24 examiner. Number five, _____. Number six
25 was Sergeant _____ with the Ferguson Police

1 Department. Number seven, Detective
2 with the County Police Department. Number eight was
3 Special Agent with the FBI and finally
4 number nine, last week, was Darren Wilson, the
5 Ferguson police officer.

6 So we will continue to call witnesses and
7 give them a number so that if they do not want to be
8 identified on the record we will refer to them as
9 witness number 12, 15, you know, what have you.

10 Um, we are not going to do that for
11 witnesses who have been on the media because those
12 people have chosen to put themselves out there in
13 the public eye, they've identified themselves by
14 name, they're on TV, so those witnesses will, their
15 names will be on the record. I'll ask them their
16 name and, you know, where they live and in the
17 general vicinity where they live.

18 The other issue is that because we are
19 going to be playing recorded statements that these
20 people have made, and many, in fact, most of these
21 recorded statements, the statements begin with the
22 witness giving their name, their date of birth,
23 their social security number, their address and
24 sometimes, you know their cell phone numbers.

25 And, again, I believe that probably in the

1 case of every witness, that information probably
2 should not be made public. I think it is okay for
3 the witnesses who have been on the news for their
4 names to be out there, but probably not their social
5 security numbers and their exact address and cell
6 phone numbers.

7 So for that reason, when we begin playing
8 a recording of a witness' statement, I will have the
9 court reporter turn off the audio recorder in here.
10 The statements are, they're already on disc, they
11 are marked as exhibits, so we have those statements.

12 I will make a record that I'm playing
13 Grand Jury Exhibit, you know, so and so. I'm
14 playing the statement of Witness Number 12, who off
15 the record was identified by us as, you know, by
16 name and so then we will stop the audio recording to
17 play the audio interview that is on disc.

18 In most of these cases we also have
19 transcripts of the recordings that we will pass out
20 to you and then the court reporter will also have a
21 transcript so he can, that will assist him in taking
22 down what's being said, but he will also be
23 instructed, you are instructed that at some point
24 we're going to have to redact that information from
25 the transcript. You and I can discuss that later,

1 but you know, the whole purpose of this is so that
2 we can, you know, keep people, people's private
3 information private. And in the case of people who
4 don't want to be identified for fear of
5 reattribution, we need to keep them, I guess,
6 unidentified, at least on the record.

7 Does anybody have any questions about that
8 process is or how we are going to do that? We're
9 going to kind of have to work out kinks as we go
10 because I had a discussion at length with other
11 people in my office last night about how we were
12 going to go about doing this. So we're going to see
13 how it goes, I guess.

14 : So, for
15 instance, these witnesses who are being identified
16 for us at least, does that mean if this were to go
17 to trial that they would not appear, only this
18 portion would then be presented in a trial or they
19 may potentially be required to present themselves?

20 MS. ALIZADEH: If this matter were to go
21 to trial, I mean, first of all, it is not something
22 that you should all really worry about too much.
23 Your job is not, I don't want you guys thinking
24 about what is going to happen after you all make
25 your decision. You can't be affected by that.

1 some point this all will be released. But when, I
2 cannot say and again, that's one of the reasons why
3 you all are referring to yourselves by juror number.
4 Your identities will never be disclosed. So that's
5 how we are trying to handle this.

6 Does anybody else have any other questions
7 about the process?

8 And, I hate to ask you, you
9 normally don't ask questions. You understand what I
10 was trying to explain about the process?

11 I will give you one later when you are
12 actually doing your transcript.

13 Any other questions?

14 So our first witness of the day is not
15 here yet, but we are going to go ahead and start
16 playing discs that we have that are statements that
17 he has made previously. But what you are going to
18 hear, and I hope he's just running late, but the
19 first witness of the day, our plans were to call
20 , and he is not here.

21 So we're going to keep going. The first
22 disc that you are going to hear is labeled as Grand
23 Jury Exhibit 22.

24 (Grand Jury Exhibit Number 22
25 marked for identification.)

1 MS. ALIZADEH: And it is a disc that
2 contains video and audio of the media statements
3 that has made in interviews and on the
4 television.

5 MS. WHIRLEY: I have no idea how loud it
6 is.

7 MS. ALIZADEH: Because is
8 identified, we're not going to shut off the audio
9 recording because these are media statements that
10 he's already made.

11 (Playing the recorded statements.)

12 MS. WHIRLEY: You understand we didn't
13 want his commentary.

14 (Playing the recorded statements.)

15 (End of the recording.)

16 MS. ALIZADEH: The next exhibit is Grand
17 Jury Exhibit Number 17. You have already heard
18 other statements that are contained on this disc.
19 It is a CD that has a number of witness statements
20 on it and I have a transcript that is going to be
21 passed out to you all.

22

23

24 MS. ALIZADEH: Yes.

25 : What date was

1 interview?

2 MS. WHIRLEY: ? Okay. We have her
3 scheduled as a witness.

4 : I'm talking about her
5 audio?

6 MS WHIRLEY: This is
7 We heard ,
8 when did they actually interview her?

9 MS. WHIRLEY: She's going to be a witness
10 for us today.

11 MS. ALIZADEH: Are you asking when was her
12 television interview?

13 : Yes, ma'am.

14 MS. ALIZADEH: I don't know, I will have
15 to find that out for you.

16 MS. WHIRLEY: We will be playing your
17 interview for her today too. We will get all of
18 those questions answered.

19 MS. ALIZADEH: Has everybody got the
20 transcript passed around yet?

21 And, again, if you will put your juror
22 number on that in the corner and keep that with the
23 materials and make notes on it if you feel you need
24 to.

25 Just so you know, this is one of three

1 statements that made to County Police.

2 So this is referred to just on the disc as

3 Interview Number 1, is that what it says?

4 MS. WHIRLEY: Yeah

5 MS. ALIZADEH: We will play Interview

6 Number 1.

7 (Playing Interview Number 1.)

8 DETECTIVE Today's date is
9 Saturday, August 9th, 2014. The time is
10 approximately 4:40 p.m. My name is Detective

11 , St. Louis County Police Department,

12 . This interview is in reference to an officer
13 involved shooting resulting in a fatality referenced
14 under St. Louis County Police Report Number
15 14-43984.

16 The person being interviewed is
17 date of birth, (redacted)

18 : Ahh, (redacted).

19 DETECTIVE Okay. (Redacted).

20 , we spoke, um, prior to this recording
21 about what you witnessed outside. Can you kinda of
22 tell me in own words what you saw?

23 : Okay. I was in the

24 bedroom, and I hear an altercation outside. I

25 happens to look out the window and I see, um, the

1 young guy was at the Ferguson police car on the
2 passenger window. And I see something exchanged,
3 some arms exchanged and that's when I call my
4 fiancée for her to look out the window and, um,
5 that's when I ran into the front outside, and that
6 when, um, I see, actually, it was two guys.

7 Um, when, but the guy, he constantly, he
8 just ran down in the middle of the street and the
9 officer just gets out the car and shoots.

10 I thought it was six times. So, um, when
11 he, when he hit, I guess when he hit the first and
12 the second time, the guy, he kinda stopped and
13 turned around facing the officer, uh, bent down a
14 little bit curled up, and the officer let out, what,
15 three, maybe four more shots to the guy and that's
16 when he hit the ground and, um, and that was it and
17 that was the whole thing.

18 And he actually had a friend, he, I don't
19 know, I just seen him duck down, a car, um, they had
20 a car door open, it was a white car, um, he hopped
21 in, I guess those two cars left.

22 DETECTIVE Okay.

23 : But that's the whole scene
24 right there, the officer still had his gun out
25 telling everybody to back-back, the ones that was

1 outside and that was that and you guys called too.

2 DETECTIVE : Okay, um, these, this
3 other guy who was by the officer's car, can you
4 describe him?

5 : Ahh, you know, the only thing
6 that I could say that he may have, I definitely know
7 that he was black, um, he had dreads.

8 DETECTIVE : Okay.

9 But I can't even describe what
10 he had on because everything was happening so quick,
11 cause something happens here almost every weekend.

12 DETECTIVE : Gotcha.

13 : So, um, yeah, that's it.

14 DETECTIVE : Okay. That will
15 conclude the interview. The time is approximately
16 4:43 p.m.

17 MS. ALIZADEH: Okay. So I know I talked
18 about not recording the audio statement because he
19 did state his date of birth and address, we will
20 have to deal with that and see if that can be
21 somehow redacted. For this next statement he makes,
22 I'm going to go ahead and let that be recorded
23 because he doesn't make any other statements as to,
24 you know, personal information. So I will, we'll go
25 ahead and audio record the playing of

1 's Interview Number 2, but we will stop the
2 recording for 's Interview Number 3
3 because that does, in fact, disclose more
4 identifying information, so.

5 Again, this is Grand Jury Exhibit Number
6 17, Number 2.

7 DETECTIVE Today's date is
8 Saturday August 9th, 2014. The time is
9 approximately 4:45 p.m. This is Detective
10 . This is a second interview with
11 witness . Uh, you said you
12 had approached me, or approached me and said you had
13 something you wanted to add to your statement; is
14 that correct?

15 : Yeah. Um, the only thing is
16 um, when I was at the window, when I saw the
17 altercation, the guy ran. I heard the shooting,
18 that's when I saw the cop gets out of the car just
19 when I was still --

20 DETECTIVE : Did you say you heard
21 shots first?

22 : Yeah, I heard the shots first.

23 DETECTIVE : Okay.

24 : I was still at the window.

25 That's when he got, got out of the car and I heard

1 the shots. That's what drew me to outside so I
2 could see what's going on.

3 DETECTIVE : Uh-huh.

4 : And, uh, I guess the guy did
5 get hit cause he turned around back towards facing
6 the cop, kinda walking back towards him slow, curled
7 up and he let go three, four shots back at him.

8 DETECTIVE Okay. Say that for me,
9 he turned around, he started what, curled over and
10 started walking --

11 : Yeah, yeah, yeah, yeah.

12 DETECTIVE -- towards the officer?

13 : Well, yeah, like he was hit
14 and he shot him three or four times and that's when
15 he hit the ground.

16 DETECTIVE Okay. So when you're
17 in the -- in the, just so I can clarify, when you're
18 in your bedroom window, the officer's still in the
19 car?

20 : No, no, he wasn't there, he
21 hopped out then. He hopped out after when the guy
22 ran from his window.

23 DETECTIVE Okay.

24 : So he ran from where the
25 altercation was.

1 DETECTIVE When did you hear the
2 first two gunshots, you said you heard some
3 gunshots?

4 I was, I was in the window.

5 DETECTIVE : And where was the
6 officer at that point?

7 : That he was still in the car.
8 That's when I saw the altercation, whatever was
9 happening --

10 DETECTIVE In the car?

11 And the guys ran.

12 DETECTIVE Okay.

13 : And that's when he immediately
14 hopped out the car and did his first two shots.

15 DETECTIVE : Okay.

16 : And that's when, okay, okay, I
17 need to go outside.

18 DETECTIVE : Gotcha.

19 : That's when I went outside and
20 obviously he got hit and he was curled up and he
21 kinda like walking towards him, just a little bit
22 and then he let go three or four more shots and
23 that's when he hit the ground.

24 DETECTIVE : Okay.

25 : But I was at the window,

1 that's when I did see the, as soon as he ran, he
2 hops out of the car and again starts shooting.

3 DETECTIVE : Okay.

4 : That's it.

5 DETECTIVE : Okay. That'll conclude
6 the interview. The time is 4:47 p.m.

7 (That is the end of Interview Number 2.)

8 MS. ALIZADEH: All right. The next
9 statement we're going to hear is contained on
10 another disc, Grand Juror Number 24.

11 (Grand Jury Exhibit Number 24
12 marked for identification.)

13 MS. ALIZADEH: Which is also a disc that
14 contains numerous recorded statements. The way that
15 my office has been getting these, the officers just
16 put numerous statements on discs. Sometimes they
17 give me discs that have statements on there that I
18 have already had on another disc.

19 So don't, you might see other people's
20 statements when we put this up, but this will be the
21 third interview that the County Police did with
22 and I will pass out transcripts for
23 that. This is a longer interview.

24 And when we get ready to start the audio
25 recording of the interview, if you could then pause

1 the recording that's going on in here.

2 At this time prior to the playing of an
3 audio recorded statement of , which is
4 done on August 13th, 2014. The detective
5 questioning him is Detective And
6 at this time I will ask for to pause the
7 recording of the grand jury.

8 (Recording is stopped at this time.)

9 MS. ALIZADEH: We're not recording, but
10 you can take down what's said other than the fact
11 that we would redact the identifying information
12 from your transcript at some point.

13 So we are not recording, however, we are
14 taking down the statement as it is being played.
15 Sheila, go ahead.

16 (Third recorded statement of
17)

18 DETECTIVE : This is Detective
19 with St. Louis County Police, uh,
20 Bureau Crimes Against Persons, uh, . Uh,
21 also present is Detective
22 St. Louis County Police, uh, Department, Crime
23 Bureau Against Persons.

24 Um, the date is 8/13/2014, it is a
25 Wednesday. The time is 10:27 a.m. The interview is

1 being conducted in the parking lot of DePaul
2 Hospital.

3 Um, the interview is in regards to St.
4 Louis County Report Number 14-43984, which is
5 classified as a homicide.

6 Uh, the person being interviewed is
7 , uh, black male, date of
8 birth, (redacted). Social security number,
9 (redacted). Who resides at (redacted).

10 Uh, he has a cell phone number of
11 (redacted).

12 Um, , do you understand that this
13 interview is being recorded?

14 Yes, I do.

15 DETECTIVE This is being
16 recorded with your permission?

17 DETECTIVE Are you willing to
18 continue with the interview?

19 Yes.

20 DETECTIVE Okay. All right.

21 , um, I know that, uh, one of our detectives
22 has spoken with you, uh, on Saturday, August 9th,
23 uh, on the day of the incident, in -- in regard to
24 what you saw. Um, and basically through, um, some
25 information we received, we -- we -- we felt that

1 there might be some more information that you might
2 have.

3 So we came to reinterview you, and you
4 mentioned to us briefly upstairs that you had a
5 phone, uh, you had recorded a portion of this on
6 your phone; is that correct?

7 : Correct.

8 DETECTIVE : Okay. And, um, the
9 portion that you've recorded, uh, was directly after
10 the shooting; is that correct?

11 : Correct.

12 DETECTIVE : Okay. So, um, that,
13 this phone, this, um, Samsung phone is yours?

14 Yeah.

15 DETECTIVE : And you did the
16 recording?

17 : Uh-huh.

18 DETECTIVE : And, um, that's you
19 talking on the video there, correct?

20 MR. : Correct.

21 DETECTIVE : Okay. So, um, prior
22 to recording, I had you, uh, sign a consent to
23 search form, uh, St. Louis County's, uh, consent to
24 search for your Samsung phone, uh, with video
25 related to the Ferguson incident; is that correct?

1 : Correct.

2 DETECTIVE : Okay. And you did
3 that of your own free will?

4 Yes.

5 DETECTIVE Okay. And
6 understand that all we are looking for on there is
7 items related to the shooting itself?

8 Yes.

9 DETECTIVE Okay. So, um, like
10 I said, since I didn't interview the first time and
11 I have this new information about the phone, if you
12 could just start from the beginning about where you
13 were at in the apartment, um, what you heard or
14 observed, um, and just kind of let, you know, retell
15 us the story, okay?

16 : Okay.

17 DETECTIVE : If you want, you go
18 ahead and hold this so --

19 : Okay. Well, um, Saturday
20 morning, a little bit after 11:30, a friend of mine
21 stops over, wakes me up. Um, I was outside with him
22 for two or three minutes and he decides to leave.
23 So I goes in the house, um, goes back into my
24 bedroom. Like another two, three minutes later I
25 hear an altercation outside. And I looks out the

1 window and I see a guy, Michael Brown, at the driver
2 window of the Ferguson police car.

3 I'm not sure what was exchanged, um,
4 something was definitely going on in the window.
5 So, um, but all of the sudden I see Michael Brown
6 and his friend runs away from the Ferguson police
7 car.

8 DETECTIVE : Let me stop you real
9 quick. Um, while they were at the -- the door
10 there, or while Michael was at the door.

11 : Yes.

12 DETECTIVE Um, what do you
13 think, what did you see there?

14 I, I saw some, some arms going
15 through the window. It might have been Michael
16 Brown's arm, he might have been punching a police
17 officer, or whatever. Something was going on
18 through the window.

19 DETECTIVE : There's some kind of
20 movement, exchange of --

21 : Yeah, some kind of movement,
22 you know.

23 DETECTIVE Something going on
24 there?

25 : Yeah, something was definitely

1 going on.

2 DETECTIVE Okay. Where, at
3 that time that Michael's at the window where is, uh,
4 his buddy at?

5 : The -- the, his buddy was
6 basically in the front of the car on the other side.

7 DETECTIVE : In the front of the
8 police car?

9 Yeah, kind of, but away.

10 DETECTIVE : On the passenger
11 side?

12 : No, no, no, just in the front.
13 In the front like, you know, he ain't even --

14 DETECTIVE So with, using my
15 window, Michael Brown is to my left?

16 Yes in the window and the
17 other guy was in the front --

18 DETECTIVE : So you see him --
19 : -- probably like, away, kind
20 of almost.

21 DETECTIVE How far?

22 : -- like, probably three, four,
23 maybe five feet away from the car.

24 DETECTIVE : So he's five feet
25 from the front quarter panel --

1 to the side, which is like a two door Monte Carlo or
2 something.

3 DETECTIVE What color was that?

4 : It was white.

5 DETECTIVE : Okay.

6 : So, um, like I said, the
7 moment they got started running, um, I just see the
8 Ferguson cop just gets out the car and I hear the
9 first four shots, I should say.

10 DETECTIVE : Okay. And -- and
11 when you hear the first four shots, let me know
12 where all three of these guy are at. Where is,
13 where is his buddy, where is his buddy, first of
14 all?

15 : His buddy, his buddy was,
16 about the time he was behind, hiding behind, um,
17 behind the trunk of the car, of the two door white
18 Monte Carlo.

19 DETECTIVE : So, so that's where
20 he's at?

21 : Yeah.

22 DETECTIVE Okay. Where's --
23 Like going around.

24 DETECTIVE : -- the police
25 officer at?

1 : The police officer like, just
2 getting out of the car.

3 DETECTIVE : Okay.

4 : Like, just getting out the car
5 and Michael Brown is already probably like
6 25 feet --

7 DETECTIVE : Down the road?

8 : -- down the road.

9 DETECTIVE : Okay.

10 : So, um, like I said, he hops
11 out the car, um, the first three, four shots that I
12 noticed that was taken, I, that's when I yelled out
13 to my fiancée, let's go outside cause this, um,
14 somebody, uh, the officer is shooting at somebody.

15 DETECTIVE : Okay. Just hold on
16 real quick. When those first four shots are being
17 taken, where's the officer shooting from and which
18 direction is Michael Brown facing?

19 : Michael Brown is facing away
20 from him.

21 DETECTIVE : So he's still
22 running?

23 : Yeah, he, uh, he still --

24 DETECTIVE : With his back to the
25 officer?

1 -- yeah, with his back to the
2 officer.

3 DETECTIVE : Okay.

4 And the officer is basically,
5 um -- um, when, like I say, when he's getting out of
6 his car, he is basically walking towards the back as
7 he's shooting.

8 DETECTIVE Okay. So --

9 And I see the friend, I'm
10 still in the window.

11 DETECTIVE : Okay.

12 And I see his friend, uh, like
13 I say, he's ducking for his life, for he runs behind
14 the trunk of the car. But that car, that passenger
15 door was open.

16 DETECTIVE Uh-huh.

17 : You know, so I see, you know,
18 kind of hops in after, um ---

19 DETECTIVE Did he hop in the
20 car?

21 I, obviously, he did. Um,
22 obviously he did because, like I said, um, like the
23 first four shots, the officer was taking big steps
24 going past his car. When he got out of the car --

25 DETECTIVE : Uh-huh.

1 : -- so that's why I noticed
2 that he's not shooting for the other guy because he
3 walked past the white car, shooting.

4 DETECTIVE : But did, but -- but
5 did, did he, what I'm saying though, did you see him
6 get inside the car?

7 Yeah, he did.

8 DETECTIVE : He did get inside
9 the car?

10 : He did, he did, but not like
11 that, like as far as like, um, that was his car,
12 like he just got out of it or something.

13 : No, no, but he had
14 his buddy with the dreadlocks.

15 : Yeah, um --

16 DETECTIVE : He got into the car,
17 the white Monte Carlo?

18 : Yeah, the white Monte Carlo
19 cause the door was open or whatever cause uh --

20 DETECTIVE : Didn't it pull off?

21 Um, I think it pulled off.

22 DETECTIVE : With him in it?

23 : After -- after when, um, uh,
24 when a Ferguson, as a matter of fact, I think it's,
25 it might have been on my phone cause I seen a white

1 car on my phone, but I didn't --

2 DETECTIVE : Okay.

3 : -- I can't see if it's, um --

4 DETECTIVE : All right. So, but
5 you saw this guy get into the car?

6 Yeah, I did see that.

7 DETECTIVE : Okay.

8 : Because the door was open and,
9 I guess, after when he got done shooting, I guess
10 whoever that was driving told him, let's go cause
11 he's afraid for his life --

12 DETECTIVE Okay.

13 -- I'm sure of that, I'm sure
14 of that.

15 DETECTIVE : Okay, all right. So
16 you're positive he got in the car and he left in
17 that car?

18 : Yeah.

19 DETECTIVE Okay, all right. So
20 you're positive he got in the car and he left in
21 that car?

22 : Yeah.

23 DETECTIVE : Okay, all right.

24 Let's go back to the officer and Michael's running
25 down.

1 : Yes.

2 DETECTIVE : The officer has
3 exited his vehicle?

4 Yeah, and --

5 DETECTIVE : He was, and so, um,
6 you said Michael was like 25 feet down the road --
7 Yeah, already.

8 DETECTIVE : -- his back is to
9 the officer --

10 And, um --

11 DETECTIVE : You are, uh --
12 I'm, I'm, I'm --

13 DETECTIVE You're still on the
14 porch, right? Or on the balcony?

15 Yeah, when it, after when he
16 did the first shot, that's when I'm, um, came
17 outside. That's when I'm outside now, but when I
18 came outside, he was already hit. But as far as in
19 --

20 DETECTIVE : Okay. Is, so, I'm
21 sorry, I -- I may be going too fast here, but, um,
22 so when you hear the initial shot, you're upstairs.
23 : Yeah, in the bedroom.

24 DETECTIVE : Okay.

25 : First floor, or three.

1 DETECTIVE Okay. So then,
2 okay, so you heard a shot and then you went outside?
3 : And then I went outside.

4 DETECTIVE : And that's where you
5 saw them kind of doing the --

6 : That's when the, no, no, um,
7 when I saw the first four shots, that's when I
8 yelled out, let's go outside. When I, when I --

9 DETECTIVE I'm sorry, hold on
10 just one second. I need to back up just a little
11 bit because had you heard a shot before you saw them
12 tussling in the car?

13 : No, no, I heard an
14 altercation.

15 DETECTIVE : Okay. You're,
16 that's when you heard that brought you outside
17 initially?

18 No, uh, what brought me
19 outside was the gunshots.

20 DETECTIVE Okay. I'm sorry,
21 I'm, I'm trying to be very clear on this --

22 All right, I gotcha.

23 DETECTIVE : -- is why, which is
24 why I'm, I'm having, so the very first thing that
25 drew your attention was what?

1 : The altercation.

2 DETECTIVE : Okay.

3 : From hearing stuff.

4 DETECTIVE : Okay. So you heard
5 them arguing?

6 : Yeah.

7 DETECTIVE Or some kind of --

8 : Yeah.

9 DETECTIVE : -- exchange of
10 words.

11 : Yeah, yeah, yeah.

12 DETECTIVE : -- is what you hear?
13 What is first thing that you see?

14 : Um, a guy at the window doing
15 something, something.

16 DETECTIVE Okay. Had you heard
17 any gunshots at that point?

18 : No, I didn't. No, I didn't.

19 DETECTIVE : Okay.

20 : But a lot of people saying
21 that they heard a gunshot starting from the inside,
22 but like I said --

23 DETECTIVE : But you didn't hear
24 that?

25 : I, I didn't hear that. I

1 mean, I might heard it if I was outside already.
2 DETECTIVE : Okay.
3 : But it probably --
4 DETECTIVE : I understand. What
5 I'm trying to see --
6 : I gotcha.
7 DETECTIVE : -- what brought you
8 outside.
9 : I gotcha, I gotcha.
10 DETECTIVE So, so let's skip
11 forward to the part where, cause we know where he,
12 we know where the friend was at. We know where he
13 went.
14 : Yeah.
15 DETECTIVE : We know, um, so what
16 I wanna take you back to is to the start the officer
17 gets out of the vehicle.
18 : Uh-huh.
19 DETECTIVE : And starts to go
20 towards the back, Michael is running down the road.
21 Yeah.
22 DETECTIVE : And what is going on
23 there?
24 : Uh, like I said, by the time I
25 got outside, so either --

1 DETECTIVE : So --
2 : -- he must have hit from those
3 first three or four shots.
4 DETECTIVE But that's what I
5 want to talk to you about.
6 : Right.
7 DETECTIVE The -- the first
8 four shots that you're talking about?
9 Uh-huh.
10 DETECTIVE : I want to be very
11 clear on where --
12 Uh-huh.
13 DETECTIVE -- the officer was
14 at.
15 Yeah, um, like I said, he --
16 he was, he was probably just passing the end of his
17 truck.
18 DETECTIVE Oh, so by the rear
19 bumper?
20 : Yeah.
21 DETECTIVE : Driver side quarter
22 panel area?
23 Yeah.
24 DETECTIVE : Okay.
25 : Yeah.

1 DETECTIVE : Okay. So he, uh --
2 you know, has he already fired or he starts firing
3 then?

4 : Nah, he -- he been shot, he
5 been fired, he had been fired like when he got --

6 DETECTIVE : So from the time --
7 : -- he been fired.

8 DETECTIVE : So --
9 : But like, so when he got out
10 the car --

11 DETECTIVE : He start firing as
12 soon as he got --

13 Yeah, cause --

14 DETECTIVE : -- out.
15 -- the, that's how I noticed
16 that, um, uh, that he kept shooting, um, walking
17 past the white car where his friend was.

18 DETECTIVE : Okay, okay. I just
19 want to make sure that --

20 So the four or four shots --

21 DETECTIVE : So the -- the second
22 he exited he started firing at Michael who was
23 running away?

24 Yeah, so it was like pow, pow,
25 pow, pow.

1 DETECTIVE : Okay.
2 : -- like take time and he was
3 also taking big steps stepping out the car, and like
4 I said --
5 DETECTIVE : Okay.
6 : -- and I seen him shooting as
7 he was walking.
8 DETECTIVE : Was he yelling
9 anything?
10 : Uh, yeah, he -- he --
11 DETECTIVE I don't want you
12 speculating.
13 : Yeah, yeah, I -- he --
14 DETECTIVE : Was, I mean, was he
15 yelling anything at all? And, uh, even if you can't
16 think --
17 : You know, I can't even
18 remember -- I can't even remember that.
19 DETECTIVE : You don't know?
20 I can't say, yeah.
21 DETECTIVE Okay.
22 I can't even remember.
23 DETECTIVE : Okay.
24 : Uh-huh.
25 DETECTIVE : So, um, see as he's

1 running and he's taken, taken his four shots, he is
2 by the rear bumper.

3 Uh-huh.

4 DETECTIVE : What is Michael
5 doing, how is he reacting?

6 Um, like I said, about the
7 time I got outside after, when I told my fiancée
8 let's go outside. From the first shots, I goes
9 outside and that's when I notice that, obviously,
10 he's been hit because now he's facing the cop.

11 DETECTIVE Okay. Now where are
12 you at, though?

13 Now I'm outside.

14 DETECTIVE : All right. do
15 you have a map or no? Okay. You know where the,
16 you know how you're, you're here near this part,
17 right? Are you in that horseshoe section?

18 : Yeah, exactly.

19 DETECTIVE : Okay. So your
20 apartment's where.

21 : Be about probably like,
22 directly in the middle.

23 DETECTIVE : Centered in there?

24 Yeah.

25 DETECTIVE : Okay.

1 DETECTIVE : So, all right, so --
2 : And, um --by.
3 DETECTIVE : -- by that time
4 where are you standing watching this?
5 : Um --
6 DETECTIVE After the first four
7 shots had been fired, where are you at?
8 : I'm outside --
9 DETECTIVE : Where?
10 : -- after the first four, on
11 my, um, balcony, on my balcony.
12 DETECTIVE : You're on the
13 balcony?
14 : Yeah. So, uh-
15 DETECTIVE And did you go
16 downstairs though?
17 Uh, I didn't go downstairs,
18 this is, this was after the tape is up and stuff.
19 DETECTIVE : Okay. So you never
20 went downstairs?
21 : I never went downstairs until
22 afterwards.
23 DETECTIVE Okay, okay. So
24 you're outside now when, after he's fired these
25 first four shots?

1 : Yeah.

2 DETECTIVE Okay. Tell me what
3 happens then?

4 : Um, when I steps outside, um,
5 the guy, obviously, um, he's been hit, cause he
6 curls up and I, but now he -- he's facing the
7 Ferguson, the Ferguson officer and, um --

8 DETECTIVE So when you describe
9 him curling up, show me?

10 : Um, he's uh, he's, like I
11 said, like he's been hit in the stomach.

12 DETECTIVE : He's bent over?

13 : Yeah, kind of like --

14 DETECTIVE : At the waist?

15 : -- yeah, like he's about to
16 fall and fall directly --

17 DETECTIVE Okay.

18 -- on the ground. And, um,
19 but I see him takes like one or two steps, kind of
20 like I said, towards him, you know --

21 DETECTIVE Now --

22 -- now I don't know if that
23 was a help sign, just a little bit.

24 DETECTIVE Okay.

25 : Just a little bit.

1 DETECTIVE : Well, tell me this.
2 Uh-huh.
3 DETECTIVE : Everybody's
4 describing his hands being up.
5 You know what, that now,
6 that's like because when, when, okay. From where my
7 balcony is, it's another building right there. Um,
8 he, where his blood spill at, where he got shot at,
9 he ran past that.
10 DETECTIVE : Uh-huh.
11 : Before he, you know got that
12 --
13 DETECTIVE : How'd he end up
14 coming back?
15 : Yeah, that's why the, that's,
16 I was just, uh, what I'm, what I'm saying, like I
17 said, he must have got hit and he, he probably had
18 his hands up when he got hit.
19 DETECTIVE : Oh, so you're saying
20 that area --
21 : That's why everybody --
22 DETECTIVE -- that area's out
23 --
24 -- keep saying that.
25 DETECTIVE : -- of view?

1 he was at in the street, is that where he fell? The
2 -- the, like, nobody moved him?

3 : No, ain't nobody moved him or
4 nothing.

5 DETECTIVE : Okay.

6 : Nothing so, uh --

7 DETECTIVE : Nobody touched his
8 body?

9 Nobody touched him, uh, after,
10 right after that, the officer just stood over it,
11 like 5 feet away from him with his gun on his
12 walkie-talkie thing.

13 DETECTIVE : Okay.

14 : And called the first two or
15 whatever.

16 DETECTIVE : Okay.

17 : And that was it.

18 DETECTIVE : All right. Is there
19 anything that I haven't asked you or that you feel
20 you need to clarify?

21 : Uh, no, that's everything
22 really. Everything that I saw.

23 DETECTIVE Okay.

24 Everything I saw.

25 DETECTIVE : All right. Um, it's

1 uh, 10:43. We're going to go ahead and conclude the
2 interview.

3 (This is the end of the interview
4 Number 3.)

5 MS. ALIZADEH: Okay. We're recording now
6 and we've just finished playing the third statement
7 of that is contained on Grand Jury
8 Exhibit 24.

9 So the final statement of , I
10 shouldn't say final statement, but the fourth
11 statement that we have is a recorded statement that
12 was done by the FBI and I just received the disc of
13 this last night, and so we do not have a transcript
14 of this.

15 So I will ask the court reporter to stop
16 the recording as we begin to play the audio
17 recording of by the FBI because of the
18 identifying information, but I will ask you,
19 if you will as best you can take down the statement
20 and at a later date there is a transcript being
21 prepared of this, so I will get that to you as soon
22 as I can get that, but I do not have a transcript to
23 pass out to you, the grand jurors, okay.

24 So I'm going to give it to Sheila to put
25 in the computer and at this time it is 9:50 a.m. If

1 you can pause the recording and we will begin
2 playing the fourth statement of

3 So we are not recording, but the court
4 reporter is taking down what's being said. Sheila
5 is going to cue up the statement.

6 (This is the recorded statement of
7 Number 4.)

8 All right. Today is
9 September 17th, 2014, at approximately 1:06 p.m. We
10 are here today at the FBI St. Louis Building, 2222
11 Market Street. This is Special Agent ,
12 with USA and the other trial attorney

13 And we are here to interview, and if you
14 could state your name?

15
16 All right. Now, , I
17 just want to explain to you, I know that, I believe,
18 St. Louis County have spoken with you already?

19 Yes.

20 : Okay. I will explain a
21 little bit of a difference of our investigation
22 here.

23 : Uh-huh.

24 : They're doing a homicide
25 investigation, we are doing a civil rights

1 violation.
2 : Okay.
3 : If this officer acted outside
4 of his authority, okay?
5 Okay.
6 And so you're here as a
7 witness voluntary. You, um, you are free if you
8 don't, you can end it at any time, but you are here
9 and you are okay?
10 : Yes.
11 : (Inaudible)
12 : Yes.
13 : Okay. And you are okay with
14 us recording it?
15 Yes, ma'am.
16 Okay. So before we get into
17 the specifics, can I get some basic info from you?
18 : Uh-huh.
19 : Do you have a middle name.
20 : Yes .
21 Okay. Like ?
22 : Yes.
23 Okay. And what's your date
24 of birth?
25 (redacted)

1 (redacted)
2 Yes.
3 : Social security number?
4 (redacted)
5 Can you give me your address?
6 : (redacted)
7 : Okay. And is there a good
8 number if we need to contact you again?
9 : Yes. (redacted)
10 Before we get started, do you
11 have any questions for any of us?
12 : No, not at the moment.
13 : Okay.
14 MS. So I just want to talk a little
15 bit more about coming in.
16 : Uh-huh.
17 MS. I just wanted, um, just some
18 preliminary things.
19 Uh-huh.
20 MS. We want to let you know that it
21 is a crime to lie to the FBI federal agents.
22 MS. Okay. I don't necessarily
23 think that you're going to, but we like to inform
24 everyone of that.
25 : Uh-huh.

1 MS. And like just said, if
2 at any point during the interview you don't want to,
3 you don't want to talk any more, feel free to leave.
4 It is voluntary, I know you came through security
5 and all, you can feel free to say I don't want to
6 talk any more, okay? And you're shaking your head
7 yes.

8 : Yes.

9 MS. It is an oral recording, so all
10 your answers need to be out loud

11 : Yes.

12 MS. So which brings to my next
13 point, if you start nodding or whatever.

14 : I gotcha.

15 MS. And it is totally fine if you
16 nod, we will just try and correct you.

17 I gotcha.

18 MS. If we ask you a question and
19 you answer, we're going to assume you understood the
20 question. So if at any point one of us asked a
21 question that says to you convoluted or confusing,
22 let us know.

23 : Okay.

24 MS. : Our intent is not to confuse
25 you.

1 : Okay.

2 MS. : Our intent is not to get you to
3 answer a certain way.

4 : Okay.

5 MS. : So if you think we are trying
6 to get you to go in a certain direction we are not.
7 Make sure that you answer, what we want is the
8 truth. What we want to do is figure out what
9 happened.

10 So, like I said, our intent is not to lead
11 you in any one direction or the other.

12 All right.

13 MS. : If we state something, it is
14 not the way you told us or we mischaracterize, then
15 let us know.

16 Okay, all right, not a
17 problem.

18 : Okay. If you want to take us
19 through what you were doing on August 9th, 2014.

20 Um, I was at home. I actually
21 just coming back from, um, going out to eat with my
22 family.

23 Okay.

24 And um, come back home about
25 9:00 that morning. We all takes a nap. My fiancée

1 wakes up and she tells me a friend is knocking at my
2 door.

3 I wakes up, which is now 11:00. He comes
4 and, um, I goes outside for a few minutes with him
5 outside or whatever. And he, we went outside for
6 not long, two, three, four or five minutes. So I
7 happen to go back in, he leaves.

8 It is getting what, about 11:45 now, um, I
9 was about to take a nap, and I hear an altercation
10 outside.

11 So I looks outside and, um, I see like
12 some kind of tussling going on in the window.
13 Really not sure if, um, if Mike Brown was punching
14 on him or if the officer was grabbing on him, but
15 something was going on through the window, it just
16 didn't look right. So I glued my eyes to it.

17 And all of the sudden, um, I see, I also
18 see his friend, his friend. Um, he was, he was on
19 the side of the car, he was on the front bumper on
20 the passenger side, maybe 4, 5 feet away from him.
21 And all of the sudden, like I said, they just takes
22 off running.

23 And when they takes off running, I see his
24 friend, he runs behind a two door white car. He's
25 ducking down behind the trunk of the car looking at

1 the officer because he just immediately gets out of
2 his vehicle and just started shooting at Mike Brown.
3 Because he runs down, straight down the middle of
4 the road.

5 And, um, when his friend ran behind the
6 trunk of the car, he was looking at the officer
7 thinking that the officer might cut off and walk to
8 him and shoot him, but obviously, he is just taking
9 like, you know, large steps in a shooting position,
10 shooting directly at Mike Brown, and he walked past
11 his friend.

12 So at that moment right there, that just
13 gave me enough time to run outside because like I
14 said, I thought that he was going for his friend
15 too, so I didn't want to miss that. So that was my
16 time when he walked past that was my time to run
17 outside.

18 By the time I gets to the door, I notice I
19 forgot my phone in the bedroom. So I go back, grab
20 my phone and then I goes back to the front door,
21 which it didn't take long, just seconds.

22 So, um, but about the time I gets outside,
23 I see Mike Brown, he's now facing the officer, kind
24 of, he bent down like he was hit in the stomach. He
25 had both arms wrapped around his stomach and he's

1 bent down like he was going down.

2 So like I said, I thought he was already
3 shot. And, um, before he was going down, the
4 officer lets out four or five more shots. And when
5 he hit the ground, you know, that's when I see blood
6 roll over or whatever.

7 And, um, the next closest I seen the
8 officer, when he hit the ground, the officer, he was
9 at least about 4 or 5 feet away from his body now on
10 his walkie-talkie, still have his gun all over him
11 making his call in. And, um, and that's when my
12 phone started recording maybe like two minutes right
13 after when the first two officers come in.

14 : Okay.

15 : So that my phone cuts on and I
16 started recording.

17 Do you have that with you?

18 Uh, yes, I do.

19 Okay. Um, is it out front.

20 : Yeah.

21 Okay. I'll go grab it real
22 quick.

23 : Okay.

24 : What I want you to do for me,
25 can you circle where your apartment, or kind of make

1 an X where your apartment is. If this is West
2 Florissant and here is Canfield.

3 Oh, okay. So that means,
4 apartment building is this one right here.

5 : Okay. Where is --

6 : You know what, um, no, it
7 actually be right here, this white one, this second
8 one.

9 White one?

10 : Yeah.

11 : Okay. And where in that
12 building is your apartment?

13 : The second floor.

14 : Second floor. Okay, go
15 ahead. Just so it is the second floor. Okay. So I
16 want to go over this in a little bit of detail with
17 you.

18 Okay.

19 So -- oh, thank you. This is
20 your cell phone.

21 : Okay.

22 : You said you were in your
23 bedroom, correct?

24 : Yes.

25 : About to take a nap?

1 : Uh-huh.

2 And you hear a altercation,
3 what did you hear?

4 : Um, just some kind of ruffling
5 going on, I'm not even sure like what words exactly,
6 but it is kind of ruffling, you know.

7 : Okay. And when you said you
8 looked out the window and saw it, where was the car?
9 The vehicle was over here, the
10 vehicle was --

11 You want to draw like a
12 vehicle?

13 : Let me see, there was
14 something right here. His vehicle was in the middle
15 of the street sideways.

16 : Sideways.

17 : Diagonal.

18 Diagonal. And where was the
19 front of the car?

20 : Uh, what, the police vehicle?

21 : Uh-huh, yeah.

22 That's -- the front of the
23 vehicle was like facing, like facing my apartment.

24 Okay.

25 Diagonal like.

1 : Okay.

2 : Like he was coming from this
3 way basically.

4 Okay. So, let me see. So it
5 was facing, let's see, let's go like that, is that
6 fair?

7 Yeah.

8 Okay. So facing this way.
9 Could you see in the front, you said you couldn't
10 tell whether or not he was punching him or whether
11 the officer --

12 : Right, through the window.
13 So could you see them?
14 : Yeah, I could see them.
15 So your view was not
16 obstructed --

17 : Yeah, I could see them
18 clearly.

19 : Did you know it was an
20 officer when you saw it or you just saw two people?
21 : No, I knew it was an officer.
22 : Okay.
23 : You know, still inside of his
24 vehicle and somebody outside the vehicle doing some
25 kind of tussling.

1 : No, just like his clothes and,
2 um, that he was kind of like a buffer guy, because I
3 know I'm slim.

4 : Uh-huh.

5 : So, um, I just knew he was
6 kind of a little bit buffer, you know.

7 Okay.

8 : Kind of a little chubby like,
9 so.

10 Okay. So you see tussling
11 and at this point when you see the two, whether,
12 some -- some sort of altercation.

13 Uh-huh.

14 At what point do you notice
15 his friend, Dorian?

16 : Um, his friend Dorian, he was
17 clear, I could see him too. Like I said, he was in
18 front of the passenger side vehicle, not too close,
19 like 4 feet away or whatever.

20 Uh-huh.

21 So, yeah, at that time that's
22 when I looked out the window and see that going on.

23 : Okay.

24 : While his friend was still in
25 the front and was down by the window.

1 driver's side window.

2 Okay.

3 : You know, facing the officer.

4 Okay. And you're saying they
5 were -- as far as him and the officer.

6 Uh-huh.

7 You said they are tussling,
8 how close, could you see how close in contact they
9 were?

10 Um, there was definitely close
11 enough. Um, there was definitely close enough so, I
12 just figured that Mike Brown, he could, I don't
13 think that he was to like real up on the passenger
14 door, it was just a little bit of space and I could
15 just see something going on roughly through the
16 window.

17 MS. : And just because the recording,
18 you are kind of making like a fist punching back and
19 forth motions; is that right?

20 Uh-huh.

21 MS. : Yes? You say uh-huh.

22 Yeah, yeah, yeah, I mean, just
23 yeah.

24 MS. : Okay. So what I'm going to ask
25 you, you know, uh, the cell phone video that you

1 gave to St. Louis County, is that the same cell
2 phone video that you referred to before that is on
3 your phone?

4 : Yeah, um, the one I have when
5 he walked off and came back into the picture, the
6 same one, yes.

7 MS. : So in that video, the very
8 first thing that you say, you are kind of, you
9 remember you are talking while you are videoing?

10 : Uh-huh.

11 MS. : Okay. So one of the very first
12 things that you say, that you said that the guy, the
13 black guy just ran, ran up to the car and was
14 punching on it.

15 : Yeah.

16 MS. : You said, the dude ran on the
17 side, um, you talking about the other one ran to the
18 Monte Carlo, then he went back to the first guy.
19 You said, the dude was all up in his car, you said
20 up in his shit punching on him.

21 : Yeah, that's what I assume
22 because, um, younger people like that, I think that,
23 you know, that don't want to go to jail, you know,
24 just being young. So, you know, I assume a person
25 like that will be punching an officer to get away or

1 something like that.

2 MS. Okay.

3 : So I automatically assume that
4 was going on.

5 MS. And that's fine, I just want to
6 get to what you observed.

7 : Yeah.

8 MS. : So you saw this punching motion
9 like you just made; is that correct?

10 : Yeah, but I mean, that's not
11 exactly what I saw, that is just, you know because I
12 just seen arms, you know, going through the windows.

13 MS. Okay.

14 : The officer maybe had his arm.

15 MS. : You said the officer maybe,
16 right?

17 The officer maybe, yeah, yeah,
18 it's a big maybe.

19 MS. Okay. So we are 100% right,
20 when you-- you're letting us know when you're
21 assuming versus what you saw, and that's exactly
22 what we want you to do. But I'm going to try just
23 to get a little detail. If you don't know something
24 or don't remember, that's perfectly acceptable.

25 Okay.

1 MS. : I don't want you to think that,
2 you know, I'm trying to get you to say something you
3 don't know. But I'm just trying to because I wasn't
4 there to understand what you saw. So when you first
5 give your interview to St. Louis County you said you
6 saw arms exchanged. What do you mean by that?

7 Um, um, I saw the officer's
8 arms moving also and I saw Mike Brown's arms moving
9 also.

10 MS. : Okay. You saw Mike Brown's
11 arms go through the window.

12 Yeah, obviously, it was.

13 MS. : Okay. I know you said
14 obviously, I want to ask to make sure I understand,
15 okay. Did you actually when you use the expression,
16 you saw the dude was all up in his car and up in his
17 shit, did Mike Brown, did you see Mike Brown
18 actually approach the car?

19 No, that's, that's the part
20 that I just missed.

21 MS. Okay.

22 : So.

23 MS. : So by the time you saw, you saw
24 Mike Brown at the driver's side of the car with his
25 arms through the window; is that correct?

1 : Like this moving.

2 MR. : Okay. Is that fair the way
3 you describe?

4 Yeah, yeah.

5 MR. : Okay. And you have, when
6 you are describing Mike Brown's, you have his arms
7 going back and forth coming --

8 Yeah, just back and forth,
9 just back and forth, tussling.

10 I want to impress upon you
11 something.

12 Uh-huh.

13 : That we have observed and it
14 is throughout the investigation because I feel like
15 you might be a little bit cautious in your, careful
16 with your words in the sense of, we are aware on,
17 the pressure that exist. Are you still living in
18 Canfield?

19 : Yes.

20 So, and I'm sure this is
21 still a big deal. This is going to be a big deal
22 for a very, very long time.

23 Yes, it is, definitely.

24 And you have been on the
25 news, right?

1 : Uh-huh.

2 And you have people come up
3 to you and talk to you about that, people up in the
4 community?

5 Yeah, they, yeah, they seen
6 me, they say they seen me and stuff like that.

7 Okay. I also want you to
8 understand you talking to us today, we don't go tell
9 people we talk to you. It is completely
10 confidential.

11 Uh-huh.

12 We take every precaution to
13 protect your information. So this is not going to
14 be out in the community, this is not going to be
15 told, they're not go to say you snitched or you
16 didn't fight for Mike Brown enough.

17 We need 100 percent honesty and clarity,
18 and we are not going to say, we are not on one side
19 of the other, you know, this isn't for -- for the
20 search for the truth, okay?

21 : Right.

22 So I want you to be confident
23 that you can trust us and trust us to say that we're
24 not going to make, we are not going to skew your
25 testimony, okay?

1 : Okay.

2 : This is it, okay?

3 : Okay.

4 This is what it is.

5 : I understand. Just so you

6 guys know, I am very, very, nervous about everything

7 since, since that day to now.

8 Okay.

9 Just to let you guys know.

10 And that's completely normal to

11 be nervous, nervous to talk to us, nervous in

12 general. Is there anything in particular that you

13 are nervous about more so than others?

14 Um, I'm, um, I have been, I've

15 just been just kind of scared, just kind of scared.

16 Especially, you know, with the interviews. I

17 stopped doing the interviews, I stopped after I did

18 one with --

19 MS. Okay.

20 : -- on a Friday. After that I

21 felt sick, I started worrying.

22 MR. : Why is that?

23 : I don't know, I just started

24 something, like something may happen, you know. I

25 started thinking about, wait a minute, I done did

1 quite a few interviews and I don't have a lawyer and
2 why do everybody else have lawyers when they put out
3 the very first interview, you know.

4 I Googled my name and I seen a lot of
5 stuff and I came across something, uh, that somebody
6 put, I seen my picture, and it said like snitches
7 get stitches, and then under it says something about
8 people keep talking, they are going to get ,
9 you know, we are going to do something to you.

10 MR. : What's that.

11 : I don't know. It's spelled

12 You know, I'm not even sure what that
13 is, but I've just been nervous and scared, and I
14 have been letting everybody know about my time in
15 and where I'm going and stuff like that.

16 So, uh, but like I said, until this day,
17 but it has been like two weeks, two, three weeks
18 now, you know, no reporters at my house or nothing,
19 no calls. You know, I'm kind of, I'm still in my
20 regular day and going to work every day, taking care
21 of my family and stuff, doing the same thing every
22 day. I don't go nowhere, but I come home, you know,
23 so.

24 But I'm keeping it cool, but the ones like
25 at work, I -- I tell them because I don't show it

1 neither. Like when I be at work, I have a smile on
2 my face all the time, you know, I don't show it
3 until they, I seen you on TV and want to talk about
4 it and stuff like that. And I tell them how I feel,
5 you know. So I'm just staying cool though, you
6 know.

7 Okay.

8 : But very nervous.

9 This is the first time you
10 are talking to us and we can treat that as a first
11 time.

12 Uh-huh.

13 You are a, you are now a
14 federal witness so, and with that comes certain
15 intentions. So we want to make sure you are
16 comfortable.

17 So, I mean, we would like to offer you
18 water, you are more than entitled to, if you want to
19 get up and take and walk around and if that makes
20 you feel more comfortable, but.

21 : I'm fine right now.

22 MS. : Yeah, and we want you to know,
23 if at any point someone does intimidates you or let
24 me be specific, to intimidates you or scares you or
25 you feel somehow more nervous than general

1 nervousness, you certainly should, um, call ,
2 I know you have her number here at the FBI. Because
3 witness information is something apart from
4 everything else. It could be a crime.

5 So we are trying to be specific,
6 okay, not some -- (inaudible)

7 : Okay.

8 MS. General nervousness is normal,
9 especially like in (inaudible). If there is
10 anything in particular that makes you nervous at
11 all, we want to know that. So is there anything in
12 particular or just a general feeling from Gogpling
13 yourself?

14 **A** Um, that, um, one moment, um, at the time
15 when the audio came out about the shooting, let me
16 see, like a week and a half earlier before that I
17 stopped doing interviews, I didn't receive no calls,
18 I was fine. I could go home and enjoy.

19 So when that came out, I started
20 getting calls again, they was at my house while I
21 was at work trying to come up to my job.

22 MR. : And who were they that you
23 are referring to?

24 The reporters, news reporter.

25 MR. : Uh-huh.

1 and you start thinking something's up, call and find
2 out because I'm telling you right now we're not
3 going to go to the news.

4 : Okay, all right.

5 MS. Okay. So we were talking about
6 this, um, the arms exchange. You are watching this
7 from your window; is that right?

8 : Yes.

9 MS. : Do you have blinds on your
10 window?

11 : Yeah.

12 MS. : Were you watching through the
13 blinds?

14 : I had the blinds bent a little
15 bit.

16 MR. : Okay.

17 MS. : So they horizontal or vertical
18 blinds. Like that?

19 : Yeah, the straight ones that
20 close.

21 MS. : Okay. So you had the vertical
22 blinds. Did you have to move your hand to watch it?

23 : Yeah, I had to bend down.

24 MS. : Gotcha, okay. So while you are
25 watching this, at some point do you yell out to

1 --

2 : Uh-huh.

3 MS. : Do you yell out to at

4 some point.

5 : Yeah, I yell out to her, I

6 think it was just about the time that I notice that

7 the officer went past Michael Brown's friend.

8 MS. Okay. So let's back up. So

9 the friend that you're watching, as soon as these

10 arms are exchanged back and forth out the car.

11 Uh-huh.

12 MS. : Um, what happens, did you

13 observe that end of the tussle?

14 They just takes off running.

15 MS. Okay.

16 : They just takes off running.

17 MS. : They, being the, the two boys?

18 : Yeah, two boys yeah, they just

19 takes off running at the same time.

20 MS. : Do you know now their names?

21 : Um, Mike Brown and uh --

22 MS. : If you don't know his name,

23 that's fine. How would you describe him?

24 : I know he had dreads.

25 MS. : Okay. So it is Mike Brown and

1 the guy with the dreads?

2 : Yeah.

3 MS. : Okay. So at this point, um,
4 you said you see Mike Brown and the guy with the
5 dreads take off through there?

6 Uh, yeah, um, like I said, I'm
7 on different sides though. Mike Brown is on the
8 driver's side of the car, so he takes off behind the
9 vehicle directly in the middle of the road.

10 MS. : Okay.

11 And his friend, there was a
12 parked vehicle, and maybe a little bit behind the
13 police cruiser.

14 When you point to it, will
15 that help you a little bit?

16 The vehicle was leaving right
17 there.

18 Okay.

19 : It was actually two buildings.

20 Okay.

21 Two buildings. I would say
22 his friend was in the front and he runs, like I
23 said, to the very first one to the trunk of it
24 because the officer gets out of the car and started
25 shooting and his shooting stance and taking large

1 steps. I don't remember seeing him running.

2 I'm sorry I cut you off. So
3 you see this guy with the dreads, where does he
4 actually go.

5 He runs, yeah, he runs behind
6 the trunk of the white car, the first one.

7 MS. And when he's at the car, what
8 does he do?

9 : He looked at the officer to
10 make sure the officer's not coming to him. Because
11 like each shot that went off, he was like, you know,
12 ducking each time.

13 You saw him ducking. So
14 you're saying that what (inaudible), so can I say
15 you are assuming what he's doing?

16 **A** Yeah, I mean, yeah, that is what he was
17 doing, that is what he was doing.

18 MS. He was ducking, right?

19 : Yeah.

20 MS. : And he's now behind the trunk
21 of the car; is that correct?

22 : Yes, uh-huh.

23 MS. And you're able to watch him do
24 that?

25 : Yeah, I clearly saw him. He's

1 ducked down looking at the officer is like each shot
2 that went off, he was like bam and going around the
3 building to the passenger side. And then I notice
4 that the door was opened, I don't know how wide the
5 door was open, but each shot that went off, he was
6 kind of like bam, going over to the side watching
7 him but then I said that I noticed he went past him.

8 MS. Let me ask you. When you were
9 watching the guy with the dreads behind the vehicle
10 (inaudible) as he is going to the passenger side,
11 did you then leave from your view as he's going to
12 passenger side?

13 : No, no, no, I could see him
14 clear, he didn't hop in until, like he didn't hop
15 into the vehicle until, uh, I think that he noticed
16 that his friend now did hit the ground.

17 MS. : Did you actually see him hop in
18 the vehicle.

19 No, I really didn't because,
20 um, I more, when he past, I more started focusing on
21 the guy that he was shooting at now.

22 MS. : Okay. So let's back up.

23 : Uh-huh.

24 MS. So the two guys start running?

25 Right.

1 MS. : They're at a different point,
2 they're at different areas of the street, right?

3 : Yes.

4 MS. : Okay. Your intention is
5 initially on who?

6 It is on both of them, it's --
7 it's on both of them.

8 MS. : Okay.

9 So, um, like I said, when -- I
10 didn't want to leave out that window, I just seen an
11 officer shooting, and that gets me like, hum. I'm
12 just thinking that he was going for his friend also.

13 MS. : And you're assuming that?

14 Yeah, I was assuming that, but
15 I kept my eyes on both of them. I see one running
16 straight down the middle, this one is going for the
17 very first car that he sees.

18 MS. : So you see Michael run down the
19 street and you see the guy with the dreads run down
20 to the car?

21 Yeah, the guy with the dreads,
22 he was the main focus as I'm still noticing that the
23 officer is shooting straight, but I'm looking at him
24 is because I'm thinking that the officer, like, uh,
25 (inaudible) there is a pause, cause there is like a

1 pause by the time he went past this time. So there
2 is a pause right there during his shooting when,
3 like I said, I was thinking that he was going to go
4 to his friend and shoot him. That's why I was main
5 focusing on him at that point.

6 MS. : So at that point when Mike
7 Brown starts running, your main focus is on the guy
8 with the dreads?

9 : Yeah.

10 MS. : And when you see the officer
11 get out of the car, you're assuming that he's going
12 after the guy with the dreads?

13 : No, no, no, no, I knew he was
14 going for Mike Brown, but I kept my eyes on all of
15 them.

16 MS. : Okay.

17 : Mainly that I see the guy with
18 the dreads looking at the officer and the officer,
19 he -- he goes past him. I'm -- I'm sure that the
20 officer see him where he ran to.

21 MS. You are sure of that why?

22 Because when he gets out of
23 the car, the guy with the dreads, he was already in
24 front of his vehicle, he runs to the trunk of the
25 first car that he's seeing. He is looking over the

1 trunk, ducked down, I'm sure that he saw him.

2 MS. : Okay.

3 I'm sure of that because --

4 MR. : Now, that's important, okay.

5 That's a good example, I mean, obviously you can't
6 be sure of what someone else saw, right?

7 Okay, okay, right.

8 MR. That's just an example, just
9 be sure that we are talking about what you actually
10 laid eyes on and what you saw, okay?

11 : Okay, okay.

12 MS. So you actually saw the guy
13 (inaudible) the police officer?

14 : Uh-huh.

15 MS. Is that right?

16 : Yes.

17 MS. : Did you see the police officer
18 look over at the guy with the dreads?

19 : Um -- no.

20 MS. : Okay. And so now you have, um,
21 how soon after if you saw, how soon after when the
22 boys start running did the police officer run
23 immediately over or get out of the car?

24 : No, he gets out of the car
25 immediately.

1 MS. Okay.

2 Immediately. Cause as soon as
3 he breaks off just about when, like I said, Mike
4 Brown gets past his vehicle and to the back of it,
5 and he gets out immediately and starts shooting.

6 MS. So the police officer gets out
7 and Mike Brown goes past his vehicle.

8 : Yeah, just -- just about time,
9 um, and a little bit before that.

10 MS. : Okay. And then you said the
11 police officer, did he have his gun out?

12 Yes.

13 MS. How did he have his gun
14 pointed?

15 : Directly like in shooting
16 position.

17 MS. : Okay. And you had your eye on
18 that and you're watching?

19 Yeah --

20 MS. And the guy with the dreads?

21 Yeah, at the same time so.

22 Like I said, um, mainly I didn't want to miss
23 anything like that, you know with my own eyes, but I
24 see it on the movies, but like I said, uh, the guy
25 with the dreads, he was looking at the officer as he

1 was walking by shooting. That's while I was still
2 in the window and I know that he went past him,
3 that's when I went outside.

4 MS. : So you say the officer was
5 shooting, how do you know he was shooting at that
6 time?

7 Cause that's when I heard the
8 gunshots when he's out the vehicle, the moment he
9 gets out the vehicle.

10 MS. : So what did you do when you
11 heard gunshots?

12 I'm still in the window and,
13 um, he's shooting, he's walking past his own vehicle
14 to the back of it. And um, like I said, the first
15 vehicle that the guy with the dreads run to, that
16 vehicle is a little bit behind the police cruiser.

17 So he walks past that vehicle to where his
18 friend ran to and walked past that and that's when
19 my time was to run outside then.

20 MS. : Okay. When you say he, I'm not
21 sure who you are talking about. (inaudible)

22 : The guy with the dreads.

23 MS. The guy with the dreads, okay.

24 Uh-huh.

25 MS. : I just want to be clear. So

1 you decide to do the window after you see the police
2 start shooting, but did he stop shooting at some
3 point?

4 : Um, I think there was a pause
5 in that when he past his friend, when he past the
6 vehicle to where the guy with the dreads.

7 MS. Okay.

8 : When he past the vehicle.

9 MS. : When the police officer past
10 the vehicle with the guy with the dreads, that's
11 when there was a pause in the shooing?

12 Yeah.

13 MS. Okay. And that's when you --

14 Yeah, that's when I runs
15 outside, that's when I runs outside and when I gets
16 outside, now Mike Brown is facing him instead of
17 have his back towards him.

18 MS. Okay. Let me ask you this
19 though.

20 Uh-huh.

21 MS. : Before you went outside, you
22 said earlier you yell to

23 Yeah, I yell to for her
24 to go outside because they shooting. That was cause
25 I going outside at the same time, so I say don't go

1 outside cause they're shooting. That's when I
2 notice that he past his friend at that time, so that
3 just gave me enough time to go outside at that time.

4 MS. : Why did you want to go outside
5 when there is gunshots being fired?

6 : I mean, like I said, I never
7 seen nothing like that. You never seen nothing like
8 that. I know the direction was going straight down
9 the street going toward somebody that just ran from
10 the vehicle.

11 MS. : Okay.

12 : So.

13 MS. : So by the time you got outside,
14 you said Mike Brown is now facing the officer; is in
15 that correct?

16 : Yeah, uh-huh.

17 MS. And tell us what you saw at
18 that point?

19 : Um, the moment I gets outside,
20 Mike Brown is now facing the officer and he got both
21 his arms on his stomach, like bent down. So I'm
22 thinking like he's now hit in the stomach somewhere.

23 MS. Okay. You are assuming that
24 now?

25 : Yeah, I was assuming, I was

1 assuming that he was hit down here somewhere cause
2 he is like this, um, curled up.

3 I remember him taking like two small steps
4 because he kind of ran past his death spot where he
5 passed away at, he kind of ran past that. When he
6 turned around, he got his arms on his stomach, he
7 bent down, I remember him taking like two small
8 steps cause he was going like stumbling.

9 MS. : Okay.

10 So, uh, and the officer lets
11 out four or five more shots at him and he hit the
12 ground.

13 MS. So, just so that I will be a
14 little more clear, I know I keep asking the same
15 things. When you go outside, you see Michael Brown
16 facing the officer and you were demonstrating, would
17 you mind standing up and describing where his hands
18 were at in the area for the recording?

19 Yeah, so when I gets outside
20 he is now like this.

21 MS. : And you are actually, and so
22 for the recording, you are now Michael Brown, right?

23 : Yeah.

24 MS. And you are saying he is almost
25 like --

1 : Like bent down, like he was
2 going down.

3 MS. : Okay.

4 : Like he was going down. He
5 took like two small steps, like he was stumbling.

6 MS. : And you have both hands across
7 your stomach and your waist; is that correct?

8 **A** Yeah. So, um, so when I seen that, um,
9 that's when the last four or five shots come out.
10 And he drops just like how his body is and, you
11 know. Let me see, yeah, one more, yeah, I mean,
12 they both, yeah, he just was like how he fell. I
13 think one arm fell, something like that.

14 MS. : You are showing one arm is down
15 on his side --

16 : Yeah, when he hit the ground.

17 MS. : Let me just be correct for the
18 recording. Do you know whether it was his left or
19 his right or you just, you just know one hand was
20 across the stomach, waist and the other one was down
21 at his side?

22 Both of them was on his
23 stomach and when he gave out the last shots, his
24 body just boom.

25 MS. Okay. And you're showing one

1 arm across his stomach and the other arm to his
2 side?

3 : Yeah.

4 MS. : Okay. And by the time, and you
5 say, when you saw was the officer firing those final
6 shots; is that right?

7 : Huh-uh, yes.

8 MS. Okay.

9 : So I think that is where the
10 pause come from.

11 MS. : Okay. You can have a seat,
12 thank you.

13 So your memory is some shots, when you are
14 peeking out, looking out the window through the
15 blinds.

16 : Yes.

17 MS. : And then there are shots right
18 that you saw right before he fell; is that right?

19 : Yes.

20 MS. Was out there, you were
21 on the balcony at that time?

22 : Yes.

23 MS. Were your kids with you?

24 : Uh, yeah.

25 MS. How many of them are there?

1 MS. WHIRLEY: Let's stop there because I
2 think we're all kind of restless. You probably
3 need a break.

4 MS. ALIZADEH: It is 10:29, and we've
5 stopped the recording of the fourth interview of
6 . It looks like it is about halfway
7 through and it has been going on for quite a bit.
8 So this will be probably a pretty good place to take
9 about a five, ten minute break, get up, stretch, go
10 to the bathroom. And so at this time, we will pause
11 the recording, take a few minutes to have a break
12 before we resume.

13 (Recess)

14 MS. ALIZADEH: All right. It is 10:44,
15 all 12 grand jurors are back in the room after a
16 brief break. We are going to resume the playing of
17 the audio statement of the fourth statement of
18 .

19 And at this time I will ask the court
20 reporter to pause the audio recording that we are
21 making and he will continue to transcribe or take
22 down the statement as best he can that is being
23 played for grand jurors, which is contained on Grand
24 Jury Exhibit Number 23.

25 MS. : And then once Michael Brown

1 fell, the officer, did the officer go near the body
2 at all?

3 : Yeah, um, not too close, maybe
4 4, 5 feet away. He kind of standing over him, you
5 know, with his gun out on his talkie thing.

6 MS. You are pointing to his
7 shoulder, so you saw that?

8 Yeah, I definitely seen him,
9 you know, like this, you know, with his gun out
10 still.

11 MS. : Okay. And you are
12 demonstrating talking into the mike on his shoulder;
13 is that right?

14 : Yes.

15 MS. Okay. You didn't see the
16 officer touch the body or do anything more with him?

17 : No.

18 MS. : Then afterwards, what did the
19 officer do?

20 Um, huh, huh, huh. I think,
21 uh, let me see at that time I was messing with my
22 phone, turning it on. So, I think, I think I
23 haven't really noticed it until the other two cops
24 came.

25 MS. Okay.

1 I just notice like wait, a cop
2 just shot somebody and I'm still turning on my phone
3 because it was off.

4 MS. : Okay.

5 : Let me see. Yeah, I can't
6 remember just like before the other, the first two
7 officers came, and like what he was doing at that
8 time like right after he did the shooting or
9 whatever. I know when he got done, he was standing
10 over him on his thing.

11 MS. : On his radio --

12 : I can't remember if he walked
13 to his car first or he came back before the other
14 two came.

15 MS. : Let me ask you this, were you
16 at all trying to get your phone to work while,
17 before Mike Brown went to the ground while this
18 whole thing was happening, were you trying to get
19 your phone to work?

20 Oh, no, I was already outside,
21 like it didn't come on until the first two officers
22 came.

23 MS. : I understand that.

24 : Uh-huh.

25 MS. : Did you try to get it to work

1 before then.

2 Oh, no, huh-uh.

3 MS. No, okay. Um, and just going
4 back, you said you saw his arms crossed, across his
5 stomach area, did you notice anything about his
6 hands?

7 No, no, I just thought he was
8 shot in the chest or the stomach or something.

9 MS. : As far as your vantage point
10 from what you saw, his arms and his hands were
11 across his stomach, correct?

12 Uh-huh.

13 MS. : Is that a yes?

14 : Yes, yes.

15 MS. : At any point did you see his
16 hands in the air?

17 No, I didn't, I didn't.

18 MS. : Okay. When you decided that
19 you were going to go from the window to the outside
20 to the balcony because there was a pause, how did
21 you know that that would be a good opportunity to go
22 outside?

23 Because, I mean, like just
24 seeing an officer with a gun just shoot, just, you
25 know, just anybody shooting period, you know. I

1 just see him gets out of the car shooting, you know,
2 and I'm paying attention to the guy with the dreads.
3 Cause I'm thinking that he could just easily walk
4 over and shoot him dead. Like I didn't want to miss
5 that or something like that, you know.

6 So it is just, that was just my timing
7 right there like when I notice that he walked past
8 the car and that was just my timing right there bam,
9 he just got done like with a pause or something
10 because I said when I gets outside, it was still
11 like three, four, maybe five more shots.

12 MS. : Okay. And what happened when
13 you got outside, what was the kid with the dreads
14 doing?

15 Um --

16 MS. : Did you see him?

17 You know, I got my eye, I
18 really kind of stopped paying attention to him.
19 Because as I said, I did notice that the driver,
20 passenger side door was open on that car, but I
21 stopped paying attention to him so, and I started
22 focusing on Mike Brown cause now he's dead, and the
23 officer started walking towards him with the gun.

24 So, um, let's see, yeah, that's it about
25 that one, yeah.

1 MS. I notice in some of your
2 previous statements you had said that the kid had
3 just got in the car and the car had driven off.

4 : Yeah, um, I, I, I, I think
5 that was maybe right when he saw his friend die, you
6 know, hit the ground.

7 MS. : So my next question is, did you
8 actually see him, the kid with the dreads, get in
9 the car or did you assume he got in the car?

10 : I, I, I assume, I assume that
11 because the car was gone right after that, the car
12 was gone.

13 MS. : And where were -- and did the
14 kid with the dreads (inaudible) where you could see
15 him?

16 : No, I figure that he hopped in
17 and asked to pull off.

18 MS. Right. You figured that,
19 right?

20 Yeah, you know, I kind of
21 stopped paying attention when he walked past him.

22 MS. Okay, but you actually saw for
23 yourself, the last thing you saw was the kid kind of
24 ducking around that car?

25 Uh-huh.

1 MS. And moving?

2 : Yeah, ducking. And about time
3 he gets to the passenger side door because it was
4 open, about the time he got to that, I said the
5 officer passed him, so that's when I came outside
6 and started going on Mike Brown now.

7 MS. : Okay.

8 MR. : So the last time you seen
9 the guy with the dreads, he's headed for the back of
10 that car forward --

11 Yeah.

12 MR. : -- towards the passenger
13 door?

14 : Yeah, yeah, ducking down
15 looking at the officer all through that time.

16 MR. : But he is heading away from
17 Mike Brown and away from the officer, the opposite
18 direction?

19 Yeah, yeah.

20 MR. : Okay, all right. And, um,
21 so at that time you are watching the officer.

22 : Uh-huh.

23 MR. : And the guy with the dreads
24 and Mike Brown, I think you previously said, Mike
25 Brown was about 25 feet --

1 : Yeah.

2 MR. : -- past where that was. So
3 at that point you're not watching Mike Brown, you're
4 watching the police officer and the guy with the
5 dreads?

6 : Yeah, um, cause Mike Brown, he
7 kind of ran some distance at that time.

8 Was he in your field of view,
9 like could you see him from when you were in your
10 bedroom looking out the window, were you able to see
11 him?

12 Uh, Mike Brown, I couldn't see
13 Mike Brown, cause of, cause of the way, I could see
14 his death spot out of my bedroom window, but as I
15 say, he ran past just a little bit.

16 : Past --

17 : You know, that would be right
18 there, that building, I think it is that one right
19 there, that building right there. He was out of my
20 view at that time, but the officer past his friend,
21 that was my opportunity to go outside.

22 MR. And when, okay. So he, Mike
23 Brown left your view there.

24 : At that moment.

25 MR. You don't know, so then you

1 don't know what's he doing?

2 : Exactly.

3 MR. Okay, thank you.

4 MS. : And the next time he came into
5 your view is when you went outside and you are on
6 the balcony and you saw?

7 : Uh-huh.

8 MS. : Him facing the officer and as
9 you described, his hands across his stomach.

10 Yes, and like I said, they
11 were still, 25, I don't even know my measurements
12 good enough.

13 : That's fine.

14 MS. We don't need --

15 It was some distance.

16 MS. : Were you able to hear any words
17 coming from either the officer or Michael Brown?

18 No, no, not at all.

19 MS. : Okay. Did you see their mouths
20 moving at all?

21 : Umm, no. Just the only time,
22 they got me, that he was talking on his thing.

23 MS. : Right.

24 You know, I'm not sure what he
25 was saying, but he's talking.

1 MS. : You are referring because the
2 audio recording that you are referring, the officer
3 was talking into or his radio on his shoulder,
4 correct?

5 Yes, yes, yes.

6 MS. : Okay. I just want to ask you,
7 after it all happened and you were on your cell
8 phone, you're recording?

9 : Uh-huh.

10 MS. : Can you just talk about who was
11 around you? I know you said you were narrating it,
12 there are people in the background.

13 Yeah, like I said, it was a
14 guy on that parking lot already in a burgundy, maybe
15 a burgundy Bonneville. Him and his girlfriend they
16 was already sitting out there and they were just
17 talking.

18 And I remember him saying something that
19 the officer reversed back and ran over his foot, but
20 I remember him saying like on a recording that I
21 assumed that he just ran into the car and got to
22 punching on him or whatever, you know, but he said
23 that he ran over, that he reversed back and ran over
24 his foot and tried to grab him through the car
25 window.

1 MS. : Do you know this person?

2 : No, I never seen him before.

3 MS. : Have you seen him since?

4 : No.

5 MS. When this discussion is
6 happening, this was occurring on ground level?

7 : Yes.

8 MS. So the recording you provided
9 St. Louis County, was it from the balcony?

10 : Yeah, it was from the balcony.

11 MS. Okay. So just help me
12 understand that. When I watch that recording, it
13 seemed like, and what you just told me was on the
14 recording. The person in that car, that burgundy
15 car down below talking up to you?

16 : Uh, you know, I can't even
17 remember. I don't know if he came up or not, like
18 on the steps wise. So I really can't remember. I
19 really can't remember.

20 MS. You say a burgundy car?

21 : Yeah, yeah, I know that when I
22 went out there onto ground level, that's when I was
23 really talking to him, but I'm trying to remember
24 like if at the time when I was recording on my
25 balcony, if he walked up to the steps, cause I do

1 there, so I ran that, grab that and went back to the
2 front door.

3 MR. : All right.

4 So I was headed, I took some
5 large steps too, I don't think I missed too much
6 from that.

7 So when you said you saw the
8 officer get out of the car.

9 : Uh-huh.

10 : Did you see what kind of car,
11 vehicle, he was driving, what type of vehicle
12 rather?

13 : Um, it was definitely a truck,
14 the Tahoes, the Tahoes.

15 Okay. So when he got out of
16 the car, and the Tahoe is a pretty big car.

17 : Yeah, yeah.

18 SUV.

19 : Uh-huh.

20 You could see the officer and
21 what he was doing?

22 : Yeah, I could just see his
23 movements, you know.

24 Okay.

25 : You know, so.

1 I think after Mike Brown ran
2 away.
3 : Uh-huh.
4 Officer, gets out of his car,
5 you can see the officer.
6 : Yeah.
7 His body position?
8 Yeah.
9 Over by his car?
10 : Yeah, basically from like his
11 chest on up.
12 Okay.
13 : So I didn't -- I could see
14 like see his gun too, but not like his stomach on
15 down to until he got past.
16 : Okay.
17 : You know, so.
18 And you heard the gunshots?
19 : Yeah, that's when I started
20 hearing the moment he gets out of the vehicle.
21 I'm sorry, I can't remember
22 if you said this, do you know how many?
23 : How many he shots?
24 : Uh-huh, before the pause?
25 : I don't know, maybe five.

1 all of this happened that day they came and they
2 talked to you?

3 : Yeah, yeah, yeah, it was that
4 same day.

5 MS. You gave a recorded statement
6 and literally within a minute, maybe even seconds
7 later they went back on the recording. Was there
8 something that you had asked that you said I wanted
9 to ask you about. You had said in talking about the
10 initial altercation, you had said that, um, that you
11 heard the shots before the police officer got out of
12 the car and that's what made the police officer get
13 out of the car.

14 So I know that since then and today that
15 you heard the shots after the cop got out of the
16 car. Now one point you said that, that is what I
17 was just wondering.

18 : Um --

19 MR. : You said, what is
20 referring to, Detective asked you, when did
21 you hear the first gunshots, you said you heard
22 gunshots.

23 You said, I was in window. And Detective
24 asked you, and where was the officer at that
25 point.

1 But they did take off at the same time,
2 but I really, I didn't think that maybe a shot went
3 off in the car or something because that was a good
4 timing, you know.

5 MS. : The reason we ask you is
6 because as just read to you the transcript of
7 your statement, you said at that point that the shot
8 had gone off in the car.

9 : Yeah, maybe, I mean, I know
10 for sure I didn't hear a shot go off in the car,
11 but, um, like I said, that's probably wasn't like
12 the first interview, that's maybe because I'd have
13 heard that a shot did go off so, you know, I was
14 trying to put a puzzle together too, maybe that's
15 the reason why they ran, but I didn't hear.

16 MS. : So there is about four hours
17 from the time this whole incident occurred to that
18 the time that the county cops interviewed you. In
19 those four hours, I know that you videoed a lot of
20 it, or people on the street, did you talk to your
21 neighbors, kind of talk --

22 No, because a lot of people
23 are my neighbors, they didn't see everything. They
24 didn't see, it was just a main guy got, uh, from
25 what I saw I kind of, you know, I like his beginning

1 from when he said he saw Ferguson pull up on these
2 guys.

3 MS. That guy in the burgundy car?

4 : Yes, yes.

5 MS. You talked to him?

6 : Yes.

7 MS. When you talked to him, did the
8 two of you kind of piece this together?

9 : Um, like I said, he saw the
10 whole thing basically, but I pieced his with mine.

11 MS. You say he saw the whole thing,
12 and he never gave you his name?

13 : No, huh-uh.

14 MS. Do you know how to find him?

15 : Not at all, not at all. I
16 don't remember like seeing him again afterwards or
17 the vehicle.

18 MR. Can you just real quick, can
19 you tell us what he told you again about what he
20 saw?

21 That he said, um, um, that the
22 officer pulls up to them and the officer says
23 something to them and they say something back, and
24 he reverses back and like I said, that's why the
25 police cruiser is in the middle of the street

1 diagonal because he cuts Mike Brown off.

2 And he said that he runs over his foot to
3 catch him or whatever, he said that he reached out
4 the window to hold him or whatever, and, um, and
5 maybe that's where the tussle started at. Going on
6 maybe to let him know or whatever he, maybe he was
7 punching on him in the window, whatever the case.
8 That's when I came to the window because I heard the
9 little tussle.

10 MR. Did he say anything to you
11 about a gunshot while the police officer was in the
12 car?

13 : I -- I really don't --

14 MR. Or did the officer say
15 something about that to you?

16 : I don't think that he did, I
17 think somebody else said that, somebody else that
18 walked up and said that a gunshot, that's the reason
19 why they ran so fast so, but I don't remember that
20 the guy with the purple car that said that to me.

21 MR. And so as you sit here
22 today, do you know whether the first shot was,
23 whether you heard the first shot while they were,
24 while the police officer is still in the car or
25 after he got out of the car.

1 I only started hearing shots
2 when he gets out the vehicle.

3 MR. : Okay. And this individual
4 that you talked about who told you what he saw
5 before you actually started looking out the window,
6 you didn't see any of that, the police officer pull
7 up and an exchange between the two of them talking
8 or him backing the car up, you didn't see any of
9 that.

10 : No, I didn't.

11 MR. Okay. Did you want to take
12 a break? I think we will take just a few minute
13 break.

14 : Okay.

15 MR. : You want to leave this on?
16 That's fine, that's fine.

17 MR. : That way we don't have to
18 come back on for .

19 : I hear you, I hear you.

20 MR. : We will be back, thank you
21 for your time.

22 : We will just be a second.

23 : Okay, not a problem.

24 (They took a break.)

25 Sorry about that, okay.

1 : No problem.

2 : You okay, you need to go to
3 the restroom or anything like that?

4 : No, I'm fine.

5 : So we have a couple more
6 questions.

7 : Okay.

8 MS. : So what is saying, we
9 really aren't going to go and tell anybody that you
10 gave us this information or that we spoke to you
11 because when we do our investigations, we want to
12 find out what happened. And the only way to find
13 out what happened is if people feel that they can
14 truly just kind of open up and let it out.

15 : Right.

16 MS. If we end up saying oh, so and
17 so said this, what do you think about that?

18 Right.

19 MS. : It kind of doesn't, it, it
20 doesn't, it muddies the water a little bit.

21 : Yeah, yeah.

22 MS. We talked about what you know
23 and we want you to, we really want to show you that
24 we're never going to go to another person and say
25 hey, told us this or that. It is kind

1 of like, yes, you gave interviews before, and yeah,
2 you were on TV, but in here, this is totally
3 separate and apart.

4 Okay.

5 MS. : This is your opportunity to
6 kind of lay it out. I know that you are concerned
7 about, I think you said you saw some websites about
8 snitches and so forth.

9 : Yeah.

10 MS. : And so is that from concern
11 from in the community?

12 : Uh, yeah, it could be
13 anywhere, you know, it could be anywhere. It could
14 just be anywhere, so I'm not even sure, you know.

15 MS. : We get it. This has caused a
16 lot of people to take sides and so forth, and we
17 just want to figure out what happened.

18 Uh-huh.

19 MS. : We really do.

20 : Uh-huh.

21 MS. We want to know and what they
22 saw.

23 : Okay.

24 MS. : We are not going to say oh, you
25 know, we got your information from

1 because, you know, nobody is going to find out.

2 : Okay.

3 : is there something
4 specific that you don't want to tell us?

5 Uh, no.

6 Because I'm concerned that
7 you might have been directly threatened or there is
8 people, because you keep looking down when you talk
9 about it.

10 : I mean, everything I'm just,
11 nervous.

12 That's okay.

13 I'm not comfortable, I'm just
14 like after this, you know, uh, I think of stuff like
15 that. I said like, you know, everything that I've
16 done and like I said, I go to work, I go to the
17 store and little kids they recognize me and a lot of
18 people, if I get paid a nickel every time I hear the
19 word superstar, you know, I would be rich or
20 whatever. I don't know, it is just --

21 You know you're not in
22 trouble to feel this way, you are not in this alone.
23 You know, you know, you see the news, there is other
24 people too that they do know the position that you
25 are in.

1 And I know it is a lot different talking
2 when the cameras are rolling and then talking to us.
3 Because you understand that there's the lives are
4 affected by, specifically Michael Brown's parents
5 and also the lives of the officer and Ferguson
6 police officers. So we absolutely 100 percent, I
7 know you are a good person, you have a family.

8 : Yes, I do.

9 : That you are concerned with,
10 so if there is something more going on, if you want
11 to explain, I suspect that there is, we need to do
12 that, okay?

13 : Yeah.

14 : Do you trust us?

15 : Yeah, I trust you.

16 MS. Okay. So going back to that,
17 going back to the video that you have, right?

18 : Uh-huh.

19 MS. So you were saying, dude, that
20 guy just went up on him, started punching him?

21 Yeah.

22 MS. That was your reaction?

23 : Yeah, that was right away.

24 MS. : That was your gut reaction
25 based on what you saw, am I correct?

1 : Yes.

2 MS. That Michael Brown went up to
3 that car and started punching the officer?

4 : Yeah, yeah, cause, like I say,
5 I look at cops all the time, you know, and I see
6 other stuff that, you know, it is a lot of people
7 out there that does stupid stuff to make an officer,
8 you know, to get down on them or whatever. But that
9 definitely what I assume.

10 MS. And -- what you saw, though,
11 right, you are watching this go on, right?

12 : Yeah.

13 MS. So what you saw, correct me if
14 I'm wrong, this kid is doing something really
15 stupid.

16 : Yeah, I mean, yeah, because
17 like I said, when I see somebody hit a police
18 officer, here I'm hearing a tussle like that, it
19 doesn't look right. So I assume that, you know,
20 some guy just run up to the car and started punching
21 on him and the officer gets out of the car and
22 shoots him dead.

23 MS. : Right, and your immediate
24 reaction this kid just did something that was pretty
25 stupid. You said he got up in the officer's shit,

1 and those are your words, right?

2 Yeah.

3 MS. : Okay. And your words are like
4 that kid just went up and started punching on that
5 officer.

6 : Uh-huh.

7 MS. : Yes?

8 : Yes.

9 MS. : In the background I know that
10 this guy in the red car started like saying oh, no,
11 he started talking about running over and all of
12 that.

13 Yeah, but still at the same
14 time, I only see the moment when he was already at
15 the vehicle, so I didn't see him run up or anything
16 like that.

17 MS. : Right, right. So I wanted to
18 ask you some more about that that guy in the car.

19 : Uh-huh.

20 MS. : Here is the thing, anything you
21 know that could steer us in the direction of finding
22 him, we would never say told us who
23 you are or how to find you, but it is really
24 important. We need to figure out what happened,
25 right? There are people who, people who were there,

1 who saw it.

2 I mean, if something just come
3 to my mind, I mean, like the video that I have,
4 maybe you could check the license plates on that
5 vehicle.

6 MS. Okay.

7 : And go from there maybe, I
8 don't know.

9 MS. : Okay. Is there any other thing
10 that you know about him?

11 : No, that's the only thing.

12 MS. : Because it just seems kind of
13 weird to us, right, that this stranger starts coming
14 up and having a whole discussion with you?

15 Yeah, I mean, everybody just
16 started talking to everybody.

17 MS. : I know.

18 : Like I said, even when I had
19 started recording, you know, I started talking of
20 what I assumed, what I saw.

21 MS. : Right.

22 : Uh, even though I saw him
23 already at the window, but I just put it to the
24 point he ran up to the car and started, you know.

25 MS. : What you said was he got up in

1 that officer's shit and started punching him.

2 : Yeah, yeah, yeah, that is
3 exactly I saw. He ran up all up in his shit,
4 whatever, so.

5 MS. Is that what you saw, that is
6 what you saw.

7 : Yeah, but still, I mean, when
8 I saw this kid be different like, as far as like he
9 could be grabbed to the car.

10 MS. Did you see him get grabbed?

11 : No, I didn't see him get
12 grabbed, but if --

13 Have you ever, I'm going to
14 take his off, have you ever been in a physical fight
15 before?

16 Yes.

17 Fight with somebody. Now
18 imagine, did you feel like you were at an advantage
19 or disadvantage?

20 : I mean, you know, I feel if
21 you are in a fight sometimes, you know, this guy's
22 getting an advantage.

23 Let me ask you, if you are
24 sitting down and someone was standing, who would you
25 say had the advantage there?

1 around?

2 **A** Uh, I mean, the advantage, he definitely
3 has an upper advantage if he's throwing punches, if
4 he's throwing punches from outside the vehicle. So,
5 but like I said, it could be different reasons why,
6 you know, he was on the side and then pulling,
7 trying to be pulled in or something like that, but.

8 We're not asking you to
9 figure that out either, so don't feel like you have
10 to.

11 Okay.

12 We're just trying to find
13 different ways to kind of jog your memory.

14 : Yeah, but anybody standing
15 outside the vehicle they would have the upper
16 advantage on throwing punches.

17 MS. : Could I ask you some more about
18 that guy in the burgundy car?

19 : Yes.

20 MS. About how old is he?

21 : I know he's younger than me, a
22 lot younger guy. I'm not even sure how old he is, I
23 know he's younger.

24 MS. Was he black or white?

25 Black.

1 MS. Was he with anybody in the car?

2 : With a girl, maybe his
3 girlfriend.

4 MS. : Did you hear him call his
5 girlfriend by name or anything like that?

6 : No, huh-uh.

7 MS. So this is just some guy that
8 randomly is sitting in your neighborhood at that
9 exact moment?

10 : Uh-huh. And when I got the
11 recording, I got to talking and then I got on ground
12 level and got to talking to him because he's already
13 right there and I got to --

14 MS. What kind of car did you say it
15 was or do you know?

16 It was like a burgundy
17 Bonneville.

18 MS. : Okay. Does know him?

19 : No.

20 MS. : Did you guys ever find out
21 afterwards who he was.

22 : No, not really, not really,
23 not really.

24 Anybody else in the
25 neighborhood who told you that they saw what

1 happened?

2 From the beginning, there was
3 another guy, like I said, that walked up, he had
4 dreads too. And he said gunshot went off in the car
5 and that's the reason why they took off running.

6 MS. : Do you know him?

7 : No.

8 MS. : Ever seen him before.

9 : I've seen him around the
10 apartments, I've seen him before.

11 MS. : Do you know his name?

12 : No.

13 MS. : Okay. Do you have anything
14 else you want to tell us?

15 : I have something to ask.

16 MS. Sure.

17 : You reverts back to about the
18 statement that the police or whatever came to my
19 house and I did that and, um, I mean, I hear a
20 change, you know, you already told me, you know, can
21 you change anything, but you know, I'm hoping that I
22 don't get in trouble for that.

23 MS. : You're not in trouble.

24 : I just said maybe, maybe when
25 I said that is cause, like I said, I already had did

1 so many interviews already, so each time when I like
2 hear, you know, what, even one time when I had like
3 my first of two interviews.

4 MS. : Uh-huh.

5 My first of two interviews, my
6 first of two interviews I was already saying he, the
7 officer let out about eight shots, eight, nine
8 shots. But then I remember like a few more
9 interviews after that, that's when I notice about
10 the, I saw the autopsy. And I remember telling the
11 reporter, I said they only found six shells, that
12 Mike Brown was hit six times, you know.

13 I was saying like, he only shot six times
14 through that whole time? So, you know, I was
15 breaking that down so, but if I even said that to
16 him, it is probably, you know, because I already
17 heard somebody said that's the reason why they ran
18 cause a shot went off.

19 MS. Here is the thing, you are not
20 in trouble, okay?

21 Okay.

22 MS. : I don't want, I want to put you
23 totally at ease. I understand that, you know,
24 you're sitting here talking to federal agents,
25 federal prosecutors and it can seem scary to

1 anybody, okay?

2 : Uh-huh.

3 MS. : You're not in any trouble, as
4 long as you just tell us what you, yourself
5 remember.

6 : Yeah.

7 MS. : The best that you can, okay?

8 : Yeah.

9 MS. : Okay. As long as you do that,
10 you would only get in trouble if you lie to us.

11 : Yeah.

12 MS. : That's why we want to make sure
13 that you are telling us, we want to know the truth.

14 : Oh, okay.

15 MS. : Whatever side it falls on,
16 whoever it helps or doesn't help or hurts, we just
17 want to know what happened.

18 Okay, not a problem, not a
19 problem.

20 MS. : We don't want you to get
21 worried about getting in trouble. We do want you,
22 we want you to just talk about it later, you are a
23 piece of the puzzle, all right? Nothing rises or
24 falls with you, nothing makes or breaks with you.
25 Even though you are on the news or media calling

1 you, that doesn't matter. You are a witness on a
2 case like any other case, okay?

3 : Okay.

4 MS. : And so we just want you to tell
5 us what happened.

6 Okay.

7 MS. We understand it happened
8 quickly, people have different vantage points,
9 different views of things.

10 Right.

11 MS. : We want to know what you,
12 saw and heard.

13 : Okay.

14 MS. So is there anything that you
15 told us here today that you want to correct, that
16 you think maybe we didn't understand correctly?

17 : No.

18 MR. : I think you said something
19 about being concerned about changing things or
20 whatever. You should have seen how many, us sitting
21 here today, this is a clean slate, okay?

22 : Okay.

23 MR. : What you have had to say
24 before doesn't make all that much difference. What
25 we are interested in is how do you recall this.

1 : Right, uh-huh.

2 MR. We want what your best
3 recollection is.

4 Okay.

5 MR. : So don't worry about trying
6 to keep things straight or not changing things. I
7 mean, if you recall things differently, then you
8 just need to let us know.

9 Right, right, right, right.

10 MR. : And I mean, as we sit here,
11 is there anything at all that, you know, as you look
12 back at it, that you are concerned at all?

13 Um, no, I told everything, the
14 whole story, everything you guys asked. I mean,
15 that's really nothing. I mean, it is just kind of,
16 it is just maybe a few questions. About if a gun
17 went off in the car.

18 MS. Look, some people heard one
19 thing, others heard another. You didn't hear it,
20 you didn't hear it. We just want to know what you,
21 yourself, heard and saw.

22 : Okay.

23 MR. : We want to know what you
24 actually know. If you're not sure, if you don't
25 recall, we need to know that, okay?

1 MS. Okay. So you brought up
2 before, so is reading what I refer to the
3 statement, is reading a transcript of it. The
4 reason we were asking about it is it was clearly
5 something different that you said from what you're
6 saying today. It doesn't mean you are getting in
7 trouble for that, we are just trying to figure out
8 why you said one thing on one day and why you are
9 saying a different thing today, and that is why we
10 brought it up.

11 : Okay. That is just that
12 little part.

13 MS. Right.

14 MR. And you said other things
15 before, you mentioned different --

16 : Yeah, yeah, yeah, I was
17 adding --

18 MR. : You have talked about, yeah,
19 right, I'm just talking about, you know, when you go
20 back through those statements, there is that one
21 instance we talked about, you know, where you talk
22 about the police officer being in the car when you
23 heard the first shots fired.

24 Other times you talked about that he was
25 out of the car when the first shots were fired.

1 Brown now facing the officer. He's bent down, got
2 his arm under his stomach and, um, like he was going
3 down, not even to surrender, to say give up, just
4 going down to bleed a little, but the officer just
5 lets out four or five more shots at him and then he
6 hits the ground.

7 MR. : All right.

8 Just like (inaudible).

9 MR. : You said several times too
10 that those first shots that officer fired, closer to
11 the car, that you heard those. Are you sure that
12 you actually saw him fire those shots or did you
13 hear those shots, or because you said several times,
14 I notice in your prior statements that you refer to
15 hearing them.

16 : Yeah, I saw him. I saw him
17 shooting at Mike Brown the moment he gets out of the
18 vehicle.

19 MR. : Okay. The moment he's
20 getting out of the vehicle?

21 : Yeah, the moment --

22 MR. : Is he fully out of the car?

23 : Yeah, he is fully out of his
24 car standing with his gun out, starts shooting, but
25 he is still in his vehicle range and his cruiser

1 range. So he ain't even get past it, you know,
2 before he started shooting. So he is just like, he
3 gets out of the car, bam, you know, starts shooting.

4 MR. : Anything else?

5 No.

6 MS. Do you have any other questions
7 for us?

8 Not at the moment.

9 MS. : Did we force you to say
10 anything you didn't want to say?

11 : Uh, no.

12 MS. Do you think we treated you
13 fairly?

14 : Yes.

15 MS. Is there anything else you want
16 us to know, anything else you want us to know?

17 : Uh, no, not at the moment, but
18 you know, maybe as time go on, I do have you guys.

19 MS. : Yes, you do. That's a good
20 point you made. I want you to know just because you
21 came in here and spoke to us doesn't mean you can't
22 feel free to call .

23 : I definitely will because I
24 don't have a lawyer neither.

25 Do you feel like you need a

1 lawyer?

2 : Maybe not, maybe not. I'm
3 just looking at why do everybody else have a lawyer.

4 : That's an excellent --

5 : Do they feel like me?

6 MS. : We can't tell you, all we can
7 tell you, you are not in any trouble if you come in
8 here and tell us what happened and the truth, okay?

9 : Okay.

10 MS. So as long as you came here and
11 told us what happened.

12 : Right.

13 MS. : Then you don't have to worry.

14 : Okay.

15 MS. Because that's all we really
16 want.

17 : Okay.

18 Can I ask you, I'm concerned
19 about it, I understand the worry.

20 : Uh-huh.

21 And I think that if you want
22 to talk to us again or one-on-one if you just want
23 to talk to , you want to talk me, you just want
24 to talk anyone, you can do that too, but I do think
25 there is more to it, I really do. And I want you to

1 feel comfortable with that because understand, you
2 are not in any trouble, do you understand that?

3 I understand.

4 : Okay.

5 MS. : Is there anything else? You
6 seem hesitant, that's why I keep asking you.

7 : Um, I mean, since, since, you
8 know, I received the call, you know, about, you
9 know, come down to the FBI or whatever, I've been,
10 you know, I can't wait to get down there, you know,
11 I need to tell you how I feel. You know, what's
12 going on, it is just me, do I need to keep doing
13 what I'm doing, go to work, you know, take care of
14 your family, you're doing, you're fine. Okay, so I
15 don't know if I need to be told that, you know, or
16 if I really need some help, you know. It is really,
17 really bothering me.

18 Like all the way it has been over a month
19 now, I haven't ate good, you know.

20 I just checked my weight today and I lost
21 some pounds.

22 : Okay.

23 At the time that I checked it
24 was like 160, 165. I checked it today, it was like
25 152.

1 : Okay.

2 But like I said, I don't know
3 if I'm just worried, by me doing that I just
4 immediately felt so worried since then and not
5 having a lawyer and seeing that on the internet.

6 MS. Are you worried about being
7 called a snitch?

8 No, I'm not worried about
9 that. I'm hoping, I don't want nothing happening to
10 me, you know. Maybe if my information is really
11 good enough or whatever, and you know, I don't want
12 nobody coming looking for me because I have good
13 information, whatever the case.

14 MS. : Gotcha.

15 : I have a weird feeling.

16 MS. : Well, I tell you this, first of
17 all, and I know if you feel like your personal
18 safety is endanger, you need to call 911, but you
19 have my name.

20 Yes.

21 : Okay. If you get any threats
22 or anything you call me. That is the main office
23 number, you can talk to anyone.

24 : Okay.

25 : If that makes you --

1 : Okay.

2 You know, anybody you want to
3 talk with.

4 : Okay.

5 : Ask for me, they'll put you
6 through.

7 : Okay, all right.

8 : But I suspect there is more
9 to it. I know there is a lot of pressure, like you
10 said, you feel like, I don't want to put words in
11 your mouth, but there may be a bit of a spotlight on
12 you?

13 Yeah, that too, that too. You
14 know, it is almost like a now, I already got bills
15 that I have to, you know, worry about it now. Now
16 this is just all up in my mind.

17 Yeah.

18 : You know, so, I mean.

19 MS. You said something before about
20 being a good enough witness, there is no such thing
21 as being a good enough witness. Everybody knows
22 what they know.

23 : Right.

24 MS. : Or they don't know, everybody
25 plays a part. There is no measure for anything, the

1 only thing we want is for people to come in and tell
2 us what happened. Nobody is good enough or bad
3 enough, they are what they are.

4 : Okay.

5 MS. You saw what you saw, heard
6 what you heard and that's it.

7 Okay.

8 MS. : Not good enough or bad enough,
9 you happen to be there and see the part that you
10 did.

11 Okay.

12 Do you feel comfortable with
13 everything you said today?

14 Yes.

15 : Okay.

16 : Okay.

17 MS. : Thank you.

18 : Thank you.

19 : All right.

20 : I hope that is good enough.

21 MS. : I just said there is no such
22 thing as good enough, did you tell us the truth?

23 : Yes, of course. I done

24 exactly what I saw and just to let you know, the

25 last interview I did with , that last

1 one. You know, I don't know if he was trying to
2 confront me or whatever, but he had the other girl,
3 he had me to listen to her story so see whether my
4 story were to change. I mean, that's what she saw
5 and this is what I saw, you know.

6 MS. : Right, so you made a good
7 point. He showed you someone else's interview?

8 : Yeah.

9 MS. And he asked you about it,
10 right? Is why you feel uncomfortable, this is why
11 we don't tell you what other people said, we just
12 want to know what you said. We are not going to ask
13 you about someone else's.

14 : I gotcha.

15 MS. : Okay.

16 : I gotcha.

17 MS. : Do you feel like we treated you
18 fairly with the questions?

19 Yes, yes.

20 MR. : You are comfortable today?

21 : Yes.

22 MR. : Do you feel like we
23 confronted you the way he did?

24 Yeah.

25 MR. : That we confronted the way

1 did, is what you are talking
2 about?

3 Oh, no, no, no.

4 MR. : All right. But you're
5 concerned about the way (inaudible), that's why you
6 quit doing media interviews?

7 : No, no, because after that, it
8 just, I just thought I did so many and all of these
9 reporters, they was coming to my house, calling my
10 phone, they coming to my momma's house. I don't
11 know how they got my momma's address.

12 They called my next door neighbor, I don't
13 know how they get her number. They was just like,
14 when I get home, it has been like a good two weeks
15 after his death, like they like, when I get home, I
16 like to straighten out my apartment. I like to
17 straighten up to make sure everything is right.

18 I've got kids, you know, I like to
19 straighten up and relax. That's the first thing I
20 like to do when I get home there may be three or
21 four waiting on me, you know, trying to get a piece
22 of me and stuff like that whatever. And, you know,
23 they throw cameras in my face and say, it is live.
24 I'm like okay, whatever.

25 But it is just after so many of them, that

1 is just when it hit me, that same night after doing
2 that show, I came back home and my fiancée came home
3 too, and we kind of had some words exchanged and she
4 didn't want to give me a kiss or whatever, but
5 normally when she don't do that, I go up and mess
6 with her, but I didn't bother her at all about that.

7 I just went into the kitchen and started
8 walking around in the kitchen and I started to fix
9 me a sandwich. As I was fixing a sandwich, I've got
10 the two (inaudible) out, but I'm just pacing back
11 and forth in the kitchen. I started sweating and
12 being real nervous.

13 So when my fiancée walking around, you
14 know, with an attitude, I stopped her in the kitchen
15 and said look, you know, right now, you know, what
16 you want right now is petty right now, I just want
17 to tell you that right now. I'm feeling very, very
18 sick right now, very, very sick. I'm shaking and
19 I'm nervous right now and I'm scared, you know.

20 It is just since that day, it has been
21 kind of different. Like I said, my stomach started
22 hurting then one morning, on Monday morning, on
23 Mondays I have to be at work about 6:00 in the
24 morning to go to the office, but I woke up like five
25 something with some real chest pains.

1 So, you know, it was just almost like, you
2 know, something trying to happen, you know. One
3 after another, whatever.

4 I don't know, like I said if I'm just
5 worried. I be on the highway and a couple of times
6 I'll be seeing like almost accidents going to happen
7 or whatever, you know. And like I said, I'm
8 worried, I be worried. It has been twice I seen
9 when I leave off work, I gets on the highway, has
10 been two times I seen a guy on a motorcycle, black
11 motorcycle, black helmet, black everything, follow
12 me. I don't know, he wasn't following me though,
13 but just, you know, I didn't see him in my rear view
14 at first, but now I see him.

15 And from St. Charles Rock Road to Lucas
16 and Hunt, it is kind of a little distance. He was
17 behind me for a minute and I got to thinking like,
18 then he zoomed past me and then started catching up
19 and then he started catching up. And he zoomed in
20 front of me and then he zoomed in front of another
21 car and I'm like oh, that could have been an
22 accident.

23 I'm just saying, I was looking what if
24 this guy maybe looking for me. I think of stuff
25 like that. So that's it, that's it, so I am

1 comfortable talking to you guys about that.

2 MR. : Other than that news
3 interview you talked about, has anybody confronted
4 you about this in a way that --

5 No, I know around my
6 neighborhood and at work, everybody is looking at me
7 as a super star, you know. When I catch some guys
8 at the store, have you been on TV. They be wanting
9 to shake my hand so. I see, you know, in that
10 community they see me as, I guess, I'm okay, you
11 know, so.

12 I do think of the Klu Klux Klan, I do
13 think of them. You know what, a friend told me
14 yesterday, I don't know if it is true or not, I
15 doubt if it's true. He said, uh, that something
16 happened to Mike Brown's family at their house, like
17 their house got shot up or something.

18 I'm asking?

19 That's what he said, he said that one of
20 Mike Brown's family's momma house or something got
21 shot up by the Klu Klux Klan or whatever, you know.
22 So that is what he tells me last night or whatever.
23 So I don't do much believe that, but still as far as
24 me, just in case because I don't have a lawyer or
25 whatever, all the information that I said on each

1 interview and stuff like that, so that's it, that's
2 it, you know.

3 Okay.

4 But I am comfortable, so I do
5 have your number, so anything else I'll make
6 contact.

7 Okay. Well, I'm going to end
8 the recording. It is 2:38 p.m.

9 (End of the recording.)

10 MS. ALIZADEH: It is 11:35 and this is
11 Kathi Alizadeh, all 12 grand jurors are still
12 present, we just completed the tape recorded fourth
13 statement of . And at this point, I'm
14 going to have go ahead and finalize the tape.
15 Immediately after this, immediately after finalizing
16 the tape, I have a witness that we are going to go
17 ahead and call.

18 Typically we play the statement before the
19 witness, but I just, since he has been here, I would
20 like to get him on and off so he doesn't have to
21 wait. And then after he testifies, we will play his
22 statement for you, which is about 30 minutes and
23 only one. And, um, then you break for lunch, maybe
24 after this witness testifies and then after lunch
25 play that 30 minute statement of his. And so at

1 this time we will end this recording and finalize
2 the disc.

3 (Recess)

4 MS. ALIZADEH: All right. This is Kathi
5 Alizadeh, all 12 grand jurors are in the room, as
6 well as Sheila Whirley who is with the St. Louis
7 County Prosecutor's Office, and at this time I will
8 ask the court reporter to pause the audio recording
9 and then we will have the witness identify himself
10 and then we will resume the audio recording for his
11 sworn statement.

12 WITNESS 10,
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. ALIZADEH:

20 Q Now, as I mentioned to you, well, let me
21 first have you state your name.

22 A (Redacted)

23 Q And I told you before you came in here we
24 were going to record things, but that you were not
25 going to be recorded when you stated your name,

1 correct?

2 **A** Correct.

3 **Q** And you believe me that I'm going to keep
4 my word on that?

5 **A** Yes.

6 **Q** All right. And then after the
7 introduction portion, the court reporter will begin
8 the recording again. You will be referred to as
9 Witness Number 10, all right?

10 **A** (Nods head.)

11 **Q** And the grand jurors will refer to
12 themselves by their grand juror number.

13 If, you know, sometimes I don't know
14 if there will be any reason why you would say your
15 own name, I would try to remind you don't mention
16 your own name while we are recording because that's,
17 we are trying to protect your identity, okay?

18 **A** Okay.

19 **Q** How old are you?

20 **A** (Redacted)

21 **Q** And what's is your date of birth?

22 **A** (Redacted)

23 **Q** Okay. And whereabouts do you live?

24 **A** (Redacted)

25 **Q** And did you grow up in ?

1 **A** Yes.

2 **Q** Okay. And are you familiar with the
3 Ferguson area?

4 **A** Yes.

5 **Q** And what do you do for a living?

6 **A**

7 **Q** And what's the company you work for?

8 **A** (Redacted)

9 **Q** How long have you been working for them?

10 **A** I have been working for them for

11

12 **Q** Okay.

13 MS. ALIZADEH: At this time, , I will
14 have you go ahead and start the audio recording.

15 (Audio recording is started.)

16 **Q** (By Ms. Alizadeh) Now, Witness Number 10
17 you have been sworn and you have just introduced
18 yourself to the jurors. And you understand that
19 this is an investigation into the shooting death of
20 Michael Brown, correct?

21 **A** Correct.

22 **Q** I talked to you on the phone yesterday
23 about coming forward and testifying today, correct?

24 **A** Correct.

25 **Q** And you know you are under oath and sworn

1 to tell the truth?

2 **A** Yes.

3 **Q** You have been interviewed by the St. Louis
4 County Police Department as well as the FBI; is that
5 correct?

6 **A** Correct.

7 **Q** But that was just one interview; is that
8 right?

9 **A** Yes.

10 **Q** Have you ever been on television or gone
11 before the media?

12 **A** No.

13 **Q** Have you done any other interviews whether
14 it be with law enforcement or anybody in the
15 entertainment or media industry?

16 **A** No.

17 **Q** And so other than that statement that you
18 made previously to the County Police and the FBI, is
19 this really only the second time where you've been
20 asked to answer questions about what happened on
21 that day?

22 **A** Correct.

23 **Q** Okay. So Witness Number 10, can you tell
24 me on August 9th of this past year, a little over a
25 month ago, were you still working for the company

1 that you identified at that time?

2 **A** No, I was actually doing a side job.

3 **Q** Okay. So this was something on your own
4 that you were doing?

5 **A** Correct.

6 **Q** And were you working by yourself that day
7 or were you with anyone else?

8 **A** I was working by myself.

9
10 **Q** Okay. So was it a that
11 you were working at?

12 **A** No.

13 **Q**

14 **A**

15 It is being there
16 in that doing just that they asked
17 for me to do.

18 **Q** Okay. So what kind of work were you
19 doing, was it indoor work or outdoor work at this
20 ?

21 **A** Indoor.

22 **Q** Was it work you are familiar with, like
23 and stuff like that?

24 **A** .

25 **Q** And so you said that was the

1 you had ever been at that ?

2 **A** Correct.

3 **Q** When were you previously at that ?

4 **A** I believe in , maybe.

5 **Q** Okay. So before?

6 **A** Yes, yes.

7 **Q** And did you know the name of the

8 ?

9 **A** No.

10 **Q** And the day on August 9th when you were
11 working there, was there anyone at

12 ?

13 **A** Yes

14 **Q** And is that just that was
15 there?

16 **A** No, it was
17 and the original that once before I
18 seen once before.

19 **Q** Okay. So the original , was that
20 that was there?

21 **A** .

22 **Q** Was the was
23 that that you know of?

24 **A** I'm not sure.

25 **Q** Okay. Did you have any interaction with

1 that street.

2 Q Okay. Is the near the Canfield
3 Green Apartment Complex?

4 A Yes,

5
6 Q Now, I might ask you to stand up here
7 Witness Number 10. And this is an exhibit that I've
8 marked as GJ for Grand Jury Exhibit Number 25, which
9 is a map. I showed you this map right before you
10 came in to testify; is that right?

11 A Yes.

12 Q Okay. And are you familiar, do you
13 recognize the streets or the layout as being streets
14 that are in the Canfield Green Apartment Complex?

15 A Yes.

16 Q Can you see where you were
17 working that day?

18 A Yes.

19 Q Can you point to it so the jurors can see?

20 A (Indicating)

21 Q And the number where you are pointing is

22

23 A Yes.

24 Q Okay. So does this face, now, if
25 this Canfield Drive, does the face Canfield

1 Drive?

2 **A** Yes.

3 **Q** And is this a ?

4 **A** Yes.

5 **Q** Is the off of Canfield Drive?

6 **A** Yes.

7 **Q** All right. So did you have your, you can
8 sit down now, thanks.

9 Did you have your own vehicle that
10 day?

11 **A** Yes.

12 **Q** What kind of vehicle were you in?

13 **A**

14 **Q** And with your type of work, do you have
15 things that you keep in that
16

17 **A** Correct.

18 **Q** Okay. And so you said that you were doing
19 work that day, would you have occasion
20 to have to come outside while you were working?

21 **A** Yes.

22 **Q** And where was your parked?

23 **A** It was parked in the , front face
24 towards the .

25 **Q** So you pulled straight into the

1 and the nose of your vehicle is facing the

2 **A** Yes.

3 **Q** Okay. And from the time you got there
4 around that day, did you ever leave before the
5 incident that we are here to testify about?

6 **A** No.

7 **Q** So from until something happened, was
8 there anything else memorable about that morning?

9 **A** No.

10 **Q** And then something happened that you know
11 why you are here to testify about. Can you just
12 narrate for the jurors what is the first thing that
13 you heard or saw that drew your attention?

14 **A** Well, first thing I saw was, I came
15 outside to get that I needed.
16 I was just finishing up the job. I came outside to
17 get and I seen Mike Brown and his friend
18 walking down the street closer to the curb, not on
19 the sidewalk and my initial thought was with me
20 being aware of my surroundings, they were walking
21 towards me. My initial thought was wow, that is a
22 big guy right there, and speaking on Mike Brown.

23 **Q** So let me stop you, did you know Mike
24 Brown before that day?

25 **A** No.

1 **Q** Had you ever seen him before?

2 **A** No.

3 **Q** And the other person that was with him,
4 how would you describe him?

5 **A** Short. I just recognize, I really picked
6 up on and drew in and focused on Mike Brown because
7 he was such a big guy and, um, the only thing I can
8 recall on his friend he was short, had dreads and
9 with the color dye in his dreads and that was pretty
10 much it.

11 **Q** So his short dreads were like tipped
12 color; is that right?

13 **A** Yes, yes.

14 **Q** Okay. And so when you first saw them,
15 were they walking like in the direction of the
16 apartment complex or out of the complex?

17 **A** They were walking in the direction of the
18 complex.

19 **Q** So they were walking this direction
20 towards the complex?

21 **A** Yes.

22 **Q** And at this point, when you first saw
23 them, were you near your ?

24 **A** Yes, I was actually in the back door of
25 the , um, where it is closer to the sidewalk.

1 And they were just coming up upon me and that's when
2 I, me being aware of my surroundings, I just focused
3 in on Mike Brown and his friend coming up close to
4 me.

5 **Q** And so when you first saw them then, were
6 they closer to West Florissant or were they past the
7 ?

8 **A** They were closer, like really probably I
9 would give it maybe within 10, 15 yard range of me.

10 **Q** And do you remember, other than their
11 sizes, do you remember anything about their clothing
12 that drew your attention?

13 **A** Yes, I remember Mike Brown, he had on flip
14 flops, black, and his socks really drew attention.
15 They were bright neon yellow with, it appeared to be
16 marijuana symbols on them.

17 **Q** Okay. Anything else that you recall
18 noticing about either one of them?

19 **A** Mike Brown had a St. Louis Cardinal hat
20 on, red St. Louis Cardinal hat.

21 **Q** Okay.

22 **A** That was pretty much it.

23 **Q** Did you notice, were either of them
24 carrying anything?

25 **A** No, I didn't notice that.

1 **Q** Okay. Did you notice them doing anything
2 like with each other, were they interacting in a way
3 that drew your attention?

4 **A** No, they were just talking amongst each
5 other.

6 **Q** So other than noticing, like you said, you
7 are aware of your surroundings when you are working,
8 so you see these two guys about 10, 15 feet or
9 yards, I can't remember?

10 **A** Yards, yards.

11 **Q** 10 or 15 yards walking in your direction,
12 did you feel threatened by their presence at all?

13 **A** I didn't feel threatened, I just, I don't
14 know, I was just aware of my surroundings and just
15 ready for, I'd rather be ready for anything that
16 happens instead of being a surprise to me.

17 **Q** So you noticed that this one guy, and you
18 now know the bigger guy's name is Michael Brown,
19 correct?

20 **A** Correct.

21 **Q** Have you ever learned who the small,
22 shorter guy was?

23 **A** Yes, through the media.

24 **Q** Okay. And so what do you know his name to
25 be?

1 **A** It is Mr. Johnson, I believe.

2 **Q** And so when you, when you saw them, did
3 they just continue to walk in your direction down
4 the street?

5 **A** Yes.

6 **Q** Did they stop and talk to you at all?

7 **A** No.

8 **Q** Did you wave at them or did you know if
9 you made eye contact with them at all?

10 **A** No.

11 **Q** So did they pause or stop at all?

12 **A** No.

13 **Q** So they just continued to walk down the
14 street?

15 **A** Correct.

16 **Q** Did it appear that they were walking
17 casually, leisurely, in other words, or did they
18 appear to be in a hurry?

19 **A** Just casual walking.

20 **Q** And at this point you said they were in
21 the street?

22 **A** Yes, closer to the curb.

23 **Q** Close to the curb, but still in the
24 street?

25 **A** Still in the street, yes.

1 **Q** Are there sidewalks at that location by
2 the

3 **A** Yes, yes.

4 **Q** And so they are in the street, but closer
5 to the curb?

6 **A** Yes.

7 **Q** Were they walking in, I guess what I'm
8 going to say, the correct lane of traffic. So in
9 our country and you are driving on a two way street
10 you stay to the right?

11 **A** Uh-huh.

12 **Q** So were they on the right side or were
13 they walking like against the traffic?

14 **A** No, they were walking with the traffic.

15 **Q** Okay. And so how long did you see them or
16 have them in your sight before you didn't see them
17 any more?

18 **A** Um, I would say within maybe a minute or
19 less. Like I said, I was just out getting, out
20 retrieving my tools to go back in the to wrap
21 it up. After they passed me, that's when I went
22 into the .

23 **Q** Okay. So you took your or
24 whatever, and went into the ?

25 **A** Yes.

1 **Q** When is the next time you come outside?

2 **A** I forgot something, to get something out.
3 I went out to get something else from the . I
4 would say it was maybe within a two minute time
5 span.

6 **Q** And what did you see or hear when you came
7 out the second time?

8 **A** Well, when I came out the second time, the
9 way the view of the is -- I guess I use the
10 pointer?

11 **Q** Sure, you can use that.

12 **A** My is parked actually right here.
13 The front door of the facing the street. I
14 came out of the and when I came out walking
15 towards the , this is still open right here
16 because I did not drive all the way up
17 .

18 So my view of sight as seeing the
19 police car right.

20 **Q** If you need to get up to look at the names
21 or anything, feel comfortable to do that.

22 **A** Okay. Police car was right about here.
23 (indicating)

24 **Q** Okay. And so if Canfield Drive, I will
25 describe that as a horseshoe, is that fair to say?

1 **A** Yes.

2 **Q** The police car was like right in between
3 the two legs of the horseshoe?

4 **A** Correct.

5 **Q** Which direction was it facing?

6 **A** It was facing towards me.

7 **Q** So it was facing West Florissant?

8 **A** Yes.

9 **Q** And was the car, police vehicle moving or
10 was it still when you saw it?

11 **A** It was still, it was at a slight slant.

12 **Q** Okay. And so what then did you see
13 happen?

14 **A** I seen Mike Brown was leaned over inside
15 the police officer's window. I didn't see
16 Mr. Johnson at any moment during this time.

17 **Q** So did you see where he went or anything?

18 **A** No.

19 **Q** So when you come back out, you don't see
20 him?

21 **A** No.

22 **Q** You just see Mr. Brown?

23 **A** I just see Mr. Brown inside the police
24 officer's window. It appeared as some sort of
25 confrontation was taking place. After that, that

1 took place for seconds, I'm not sure how long. I
2 know that it appeared that some confrontation was
3 taking place.

4 And one shot, the first shot was let
5 loose and after the first shot, Mike Brown came out
6 of the window and took off running.

7 With that happening, I thought
8 instantly because the police officer didn't
9 immediately react on how I would have thought it
10 would have went down. Where he didn't immediately
11 get out of his car and chase after Mike Brown.

12 So my initial thought was that wow,
13 did I just witness this young guy kill a police
14 officer.

15 So after that, Mike Brown ran some
16 distance, the police officer exited his vehicle with
17 his weapon drawn, pursuing Mike Brown, and I would
18 say Mike Brown, he stopped right here. He was
19 turning into this driveway right here, but he
20 stopped right here.

21 The officer was already in pursuit of
22 him. He stopped. He did turn, he did some sort of
23 body gesture, I'm not sure what it was, but I know
24 it was a body gesture. And I could say for sure he
25 never put his hands up after he did his body

1 gesture, he ran towards the officer full charge.

2 The officer fired several shots at
3 him and to give an estimate, I would say roughly
4 around five to six shots was fired at Mike Brown.

5 Mike Brown was still coming towards
6 the officer and at this point I'm thinking, wow, is
7 this officer missing Mike Brown at this close of a
8 range.

9 Mike Brown continuously came forward
10 in the charging motion and at some point, at one
11 point he started to slow down and he came to a stop.
12 And when he stopped, that's when the officer ceased
13 fire and when he ceased fired, Mike Brown started to
14 charge once more at him. When he charged once more,
15 the officer returned fire with, I would say, give an
16 estimate of three to four shots. And that's when
17 Mike Brown finally collapsed right about even with
18 this driveway. (indicating)

19 And during this whole time there was
20 a blue Monte Carlo parked almost right where that
21 car is while this altercation was taking place.

22 And the car drove around and stopped
23 right here and when Mike Brown collapsed in the
24 street, that's when his friend came out, I don't
25 know out of what direction he came from. All I know

1 is I seen him run across from in front of the squad
2 car and he ran across and he stopped like evenly
3 with the car that was parked right here and yelled,
4 "he just killed him, he just killed him."

5 I'm not sure if he was speaking with
6 the people that were in the car or if he knew them.
7 He never leaned over to address them, he just yelled
8 it. After he yelled it, he ran off through the back
9 fields of Canfield.

10 Q All right. Now, I'm going to start at the
11 beginning and we are going to kind of go through
12 this a little bit and I'm going to ask you more
13 detailed questions to clarify.

14 So from the time that you came
15 outside, and you said you were at the back of your
16 ?

17 A When I first seen Mike Brown.

18 Q Okay. The second time you came out, where
19 exactly were you then?

20 A I was in front, actually, at the corner of
21 the in front of the in front of my
22

23 Q Did you change your position during this
24 entire scenario?

25 A No.

1 **Q** Like did you run down towards the street
2 or anything?

3 **A** No.

4 **Q** Did you run out into the street?

5 **A** No.

6 **Q** So you just stayed where you were?

7 **A** Yes.

8 **Q** And from where you were, did you have a
9 line of sight where you could see, you described
10 Michael Brown as actually coming to a point where he
11 was almost turning onto Copper Creek Court?

12 **A** Yes.

13 **Q** Could you see that from where you were?

14 **A** Yes.

15 **Q** So when you first look down that street,
16 you said you saw Michael Brown in the officer's
17 window?

18 **A** Correct.

19 **Q** So describe for the jurors how, what you
20 mean by that?

21 **A** Half of his body, his feet was still
22 planted on the ground, his upper body was inside the
23 window in a leaning motion inside the window, his
24 upper body was inside.

25 **Q** Now so is that the first thing you see

1 when you look that he's already got his upper body
2 inside the car?

3 **A** Yes.

4 **Q** So anything that happened before that, you
5 didn't --

6 **A** I never seen it.

7 **Q** -- witness? Did you hear tires squealing
8 or anything?

9 **A** No.

10 **Q** Anybody screaming or yelling?

11 **A** No.

12 **Q** Okay. So when you saw that, what did you
13 see, could you see into the windshield of the
14 officer's car?

15 **A** No, I could just see him leaned over
16 inside the officer's car.

17 **Q** So who's him?

18 **A** Mike Brown.

19 **Q** Okay. And so you said his head was inside
20 the window?

21 **A** Yes.

22 **Q** His shoulders?

23 **A** Yes.

24 **Q** His upper body?

25 **A** Yes.

1 **Q** Okay. And could you see the officer from
2 that vantage point?

3 **A** No.

4 **Q** Could you see what was going on inside the
5 car?

6 **A** Not really, no.

7 **Q** Can you see was the vehicle moving at all?

8 **A** No.

9 **Q** Was Mike Brown moving at all?

10 **A** It appeared to be.

11 **Q** Okay. And can you describe, I don't want
12 to put the words in your mouth, I want you to
13 describe what you saw when you say it appeared to be
14 that he was moving?

15 **A** It appeared to be some sort of
16 confrontation taking place in the vehicle. I
17 couldn't make it out, I couldn't say who did what
18 within that time span within that vehicle. All I
19 know is that it just looked out of the norm with
20 somebody being leaned over inside the police
21 officer's car.

22 **Q** Okay. So did you hear anything, like
23 yelling, were they yelling at each other or anybody
24 yelling?

25 **A** No.

1 **Q** Okay. So I can be clear on this, is it
2 that you didn't hear anything or there wasn't
3 yelling?

4 **A** I didn't hear anything.

5 **Q** Okay. And so you believed there was an
6 altercation, is it a physical altercation or just a
7 verbal altercation?

8 **A** For me I would think it was a physical
9 with being, him being inside the vehicle.

10 **Q** Okay. And so, and then you said that went
11 on for a few seconds?

12 **A** Yes.

13 **Q** And then you heard a gunshot?

14 **A** Yes.

15 **Q** Have you heard a gunshot before?

16 **A** Yes.

17 **Q** And you recognize that sound as a gunshot?

18 **A** Yes.

19 **Q** And how many gunshots did you hear at that
20 point?

21 **A** One.

22 **Q** And then what did you say Mike Brown did
23 at that point?

24 **A** At that point, he exited, he took himself
25 out of the vehicle, removed himself from the vehicle

1 and ran towards the complex, deeper into the
2 complex.

3 Q So at the time that you heard that single
4 gunshot, was Michael Brown's upper body, as you
5 described, inside the police vehicle?

6 A Yes.

7 Q And so when he, how long after that shot
8 does his body come out of the vehicle?

9 A Almost immediately.

10 Q Okay. And then how long after his body
11 comes out of the vehicle does he turn and start to
12 run?

13 A Immediately.

14 Q And then you said that it took sometime
15 longer than you would have expected before the
16 officer got out of his vehicle?

17 A Yes.

18 Q And can you give me just in your best
19 estimate, are we talking seconds or minutes?

20 A No, seconds, maybe 10 to 15 seconds.

21 Q Okay. And do you remember what kind of
22 vehicle this is?

23 A Yes, it is a truck, I think maybe a Tahoe
24 like style, SUV.

25 Q A bigger SUV?

1 **A** Yeah.

2 **Q** And so when the officer got out of his
3 vehicle, did he get out from the driver's door?

4 **A** Yes.

5 **Q** And did he shut the driver's door do you
6 recall or did he leave it open?

7 **A** I don't recall that.

8 **Q** And did you, did it appear to you, when
9 you saw Mike Brown turn and run away, did you see
10 any blood?

11 **A** No.

12 **Q** Did it appear to you in any way that he
13 was somehow injured, Mike Brown?

14 **A** No.

15 **Q** Okay. When the officer gets out of his
16 vehicle, did it look to you as if he was injured in
17 any way?

18 **A** No.

19 **Q** Okay. And so how long, and you said now
20 when he gets out of the vehicle, he has already got
21 his gun drawn?

22 **A** Yes.

23 **Q** And when you say gun drawn, you mean out
24 of his holster?

25 **A** Yes.

1 **Q** In his hand?

2 **A** Yes.

3 **Q** And do you recall which hand?

4 **A** His right hand.

5 **Q** And when he first gets out of the vehicle,
6 how long before he then starts to pursue, as you
7 said, Michael Brown?

8 **A** He immediately starts to pursue.

9 **Q** And so as he begins to pursue him, can you
10 describe his pace? You said Michael Brown was
11 running, correct?

12 **A** Correct.

13 **Q** And how would you describe the officer's
14 pace?

15 **A** Running.

16 **Q** And was he, what was he doing with his gun
17 as he was running?

18 **A** Just carrying as he was running towards
19 Mike Brown.

20 **Q** Okay. Can you stand up for a second and
21 show me where, if you use your right hand and make
22 like a gun thing with your right hand. How was he,
23 when he was running, how was he, hand running, how
24 was that gun?

25 **A** Like in a running, just as you run

1 normally.

2 **Q** Okay. So he wasn't walking with the gun
3 pointed in the direction of Michael Brown?

4 **A** No.

5 **Q** Or pointed in the direction of Michael
6 Brown?

7 **A** No.

8 **Q** Okay. You can sit back down.

9 And so when the officer started
10 running after Michael Brown, can you give me an
11 estimate as to how far Michael Brown was ahead of
12 the officer, in other words, he got a little bit of
13 a head start, correct?

14 **A** Correct.

15 **Q** How far was he in front of the officer
16 when the officer started running?

17 **A** I would say the police car is right here,
18 so Mike Brown maybe was about this far before the
19 officer exited his vehicle and within that time I
20 would say the officer maybe was here when Mike Brown
21 stopped there.

22 **Q** Okay. So you initially describe that when
23 the officer got out of his vehicle, Mike Brown was
24 close to where this like, this car is on this map?

25 **A** Yeah, I would say.

1 **Q** More around Caddiefield Road?

2 **A** Yes.

3 **Q** Okay. And then the officer immediately
4 pursues him and does Michael Brown continue to run
5 down Canfield?

6 **A** Correct.

7 **Q** And then does the officer close the gap or
8 do they remain, you know, do they remain that
9 distance apart or does the officer close the gap?

10 **A** He starts to close the gap when Mike Brown
11 stops right here. And I would say the officer is
12 right at the D, for drive. (indicating)

13 **Q** Did you hear or see the officer fire his
14 weapon as Mike Brown was running away?

15 **A** No.

16 **Q** Do you know, I don't want you to guess,
17 other than maybe if you observed something that
18 caused you to assume, but do you know why Mike Brown
19 stopped and turned around?

20 **A** No, I'm not sure. That is something that
21 I wrestle with to this day, I'm not sure. I'm not
22 sure if he knew the people that was in that car and
23 he thought maybe he had time to go back to wrestle
24 with this officer. To this day, why would he turn
25 around and not give himself up.

1 **Q** And so during the time the officer is
2 running after him, do you hear the officer saying
3 anything?

4 **A** No.

5 **Q** And do you hear Mike Brown saying
6 anything?

7 **A** No. I'm at a distance where I don't hear
8 anything. All I can do is just see what's going on.

9 **Q** So you're not saying that there wasn't
10 anything said, you just didn't hear anything?

11 **A** Correct.

12 **Q** Okay. And so now you testified that when
13 Mike Brown gets to around the corner, or the corner
14 of Canfield Drive and Copper Creek Court is where he
15 turns around; is that right?

16 **A** Yes.

17 **Q** And does he, the whole time before he
18 turns around, is he running the whole time?

19 **A** Yes.

20 **Q** Running with his back to where the officer
21 is?

22 **A** Correct.

23 **Q** And then you say he turns around and what
24 does the officer do when Michael Brown stops and
25 turns around?

1 **A** He stops.

2 **Q** So at that point, are they still the same
3 distance or is it a little closer gap?

4 **A** The officer is right there, Mike Brown
5 stops right there. (indicating)

6 **Q** And so you indicated that the officer was
7 right about where the D or the abbreviation for
8 drive on Canfield Drive would be?

9 **A** Correct.

10 **Q** And Mike Brown, you indicated, was maybe
11 in the grassy area or even on the sidewalk?

12 **A** Correct.

13 **Q** At the corner of Copper Creek Court and
14 Canfield Drive?

15 **A** Yes.

16 **Q** Okay. And then what did you see happen
17 next after Mike Brown turned around, where were his
18 hands?

19 **A** Down by his side.

20 **Q** Now, you indicate that he did some kind of
21 body gesture?

22 **A** Correct.

23 **Q** And so, of course, you know that this has
24 been a point that people have talked about, correct?

25 **A** Yes.

1 **Q** Can you describe for them what you mean
2 when you said you saw him do a body gesture. If you
3 need to stand up to demonstrate, you can do that
4 too?

5 **A** I can't say for sure what sort of body
6 gesture, I cannot recall fully. All I know is it
7 was not in a surrendering motion of I'm
8 surrendering, putting my hands up or anything, I'm
9 not sure. If it was like a shoulder shrug or him
10 pulling his pants up, I'm not sure. I really don't
11 want to speculate things and that's what I have to
12 say for that.

13 **Q** Okay. So turn, Mike Brown turns around,
14 makes that gesture, then how long before he then
15 moves in the direction of the officer?

16 **A** Immediately after he did his body gesture,
17 he came for force, full charge at the officer.

18 **Q** And full charge, I guess, is running?

19 **A** Correct.

20 **Q** And was he, could you hear him say
21 anything or make any noise?

22 **A** No.

23 **Q** And is it because you were so far away you
24 didn't hear anything or you saying that there was no
25 noise?

1 **A** No, I was so far away I could not hear
2 anything.

3 **Q** Okay. And let me ask you this, how is
4 your vision?

5 **A** Pretty good.

6 **Q** Okay. Do you wear glasses or contacts?

7 **A** No.

8 **Q** And how about your hearing, is that pretty
9 good as well?

10 **A** Yes.

11 **Q** All right. And so as you then see Mike
12 Brown begin to charge at the officer, how far does
13 he get before you said the officer fires a number of
14 shots?

15 **A** The officer is right here. I would say
16 Mike Brown gets to right there, even with the car
17 before the officer starts to fire.

18 **Q** Okay. And just for the record, when you
19 say even with the car, we are talking about the car
20 that's on this map?

21 **A** Yes.

22 **Q** That's in the map, it is just a random
23 vehicle that happen to be on that street when they
24 took this picture, correct?

25 **A** Correct.

1 **Q** That car wasn't actually there that day?

2 **A** No.

3 **Q** Now, you have talked about there being a
4 car in that vicinity?

5 **A** Correct.

6 **Q** Okay. But we're just talking about the
7 car that's on the map?

8 **A** Yes.

9 **Q** So you say Mike Brown got about even with
10 that white car that's on the map?

11 **A** Yes.

12 **Q** And then how many shots did you think you
13 heard?

14 **A** Um, five to six shots.

15 **Q** All right. And could you see the officer
16 with his gun in his hand?

17 **A** Yes.

18 **Q** Are you sure it was the officer that was
19 firing?

20 **A** Yes.

21 **Q** And was he firing in the direction of Mike
22 Brown?

23 **A** Yes.

24 **Q** And then you said at that point does Mike
25 Brown continue to go forward or does he stop at that

1 point?

2 **A** He continues to come forward.

3 **Q** And you made mention, I'm not sure if it
4 was at that point, is it at this point that you
5 thought oh, my God, he's missed him at that close
6 range?

7 **A** Yes.

8 **Q** So when you heard those five or six shots,
9 did you see any blood on Mike Brown that you could
10 see?

11 **A** No.

12 **Q** Did you see him react in any way that
13 might make you think that he was hit, like, you
14 know, flinching or anything?

15 **A** It was more kind of a flinch, yes.

16 **Q** Okay.

17 **A** It was more of a flinch and, um, with my
18 thoughts of, I thought he was missing him because me
19 thinking if you get shot, you are going to go down.
20 With those multiple shots and he was still standing,
21 that's the reason why I thought he was missing.

22 **Q** Okay. And then, but you said he continued
23 to come?

24 **A** Correct.

25 **Q** Did he slow his pace or did he, was he

1 still at a charge?

2 **A** He gradually slowed his pace. And it
3 became, it came to a stop and when he stopped, the
4 officer ceased fire and he began to charge once
5 more, and that's when the officer with fatal rounds.

6 **Q** So when he became, when he stopped, about
7 how many seconds or fraction of seconds do you think
8 it was before he began to charge again?

9 **A** I would give it maybe two seconds.

10 **Q** Okay. And then how far did you get on
11 that, after stopping and then he's charging again,
12 how far did he get about, if you can estimate feet,
13 that's fine, or if you want to say how many steps he
14 may have taken, that's fine too?

15 **A** Maybe five to six steps.

16 **Q** And then when he, you said, and then the
17 officer began shooting again?

18 **A** Correct.

19 **Q** And about how many rounds do you think you
20 heard then?

21 **A** Three to four.

22 **Q** You said that was the fatal rounds, did
23 you see Mike Brown then --

24 **A** Collapse.

25 **Q** -- collapse onto the pavement?

1 **A** Correct.

2 **Q** And did you, after he collapsed, did the
3 officer continue to fire?

4 **A** No.

5 **Q** And did you see the officer, did he go up
6 to Mike Brown's body at that point?

7 **A** At that point, something else had caught
8 my attention, Mr. Johnson caught my attention at
9 that time when he ran across the street.

10 **Q** Okay.

11 **A** Okay.

12 **Q** At that point you are not necessarily
13 looking at the officer and Mike Brown, you are
14 focusing on Mr. Johnson?

15 **A** Correct.

16 **Q** And you recognized him as the shorter guy
17 who had been with Mike Brown that you had seen
18 earlier?

19 **A** Yes.

20 **Q** And so you said he ran around like in
21 front of the police vehicle?

22 **A** Correct.

23 **Q** And then ran toward this area where you
24 said you had seen this car?

25 **A** Yes.

1 **Q** And this was a car that had been over
2 here?

3 **A** Yes.

4 **Q** And had pulled around this horseshoe
5 driveway, correct?

6 **A** Correct.

7 **Q** Around Building Number 18?

8 **A** Correct.

9 **Q** And you heard Dorian Johnson say what?

10 **A** "He just killed him, he just killed him."

11 **Q** Okay. And then you said he then ran into
12 the back of the complex, did you ever see him again?

13 **A** No.

14 **Q** Okay. Were you, what did you do after you
15 saw that?

16 **A** After I saw that, I went into the
17 I was working at, and told the
18 what I just witnessed and stayed in for maybe
19 minutes speaking with , and I came
20 back out and that's when I seen they were taping off
21 the scene.

22 **Q** So by the time you came back out, other
23 police officers were there?

24 **A** Yes.

25 **Q** Was the police officer who was involved in

1 the shooting, was his car still in the street?

2 **A** Yes.

3 **Q** And about, was it all Ferguson vehicle's
4 at that point or was County already there?

5 **A** Ferguson.

6 **Q** And then did you stand outside and kind of
7 watch what was going on for a while?

8 **A** Yeah, when I came back out, they were
9 taping off the scene. I came back, I walked down
10 here to right there where the body was pretty much
11 even with that street. And I was just, just in
12 shock and speaking with another resident. I don't
13 know if was a resident, another that was out
14 at the scene talking with

15 **Q** So you were speaking to somebody else who
16 was just a bystander that was looking at what had
17 happened?

18 **A** Correct.

19 **Q** You didn't know that person?

20 **A** No.

21 **Q** Did you later learn who it was?

22 **A** No.

23 **Q** Have you ever seen again?

24 **A** No.

25 **Q** Now, are you aware, I mean, did you notice

1 that day that there were people with cell phones
2 that were like filming or taping, not taping, we
3 don't use tape, but recording what was going on
4 while, the aftermath I'll call it?

5 **A** Yes.

6 **Q** Now, at some point in this investigation
7 have officers involved in the investigation that you
8 talked to, did they talk to you about whether or not

9
10 **A** No.

11 **Q** Okay.

12

13 **A**

14 **Q**

15

16 **A**

17

18

19 **Q**

20

21 **A** Yes.

22 **Q** And is it the aftermath, so it is after
23 the shooting?

24 **A** Yes.

25 **Q**

1

2 **A** Yes.

3 **Q** All right.

4

5

6 **A**

7

8

9

10 I did contact the FBI to figure out,
11 um, what precautions I needed to take.

12 **Q** Okay. So now you mention that you talked
13 to the police and gave a tape recorded interview
14 after this incident, correct?

15 **A** Yes.

16 **Q**

17

18

19 **A** No.

20 **Q**

21

22

23 **A** Correct.

24 **Q**

25

1 just ignorant.

2 I felt uncomfortable, I fully felt
3 uncomfortable when I actually did go forward to the
4 police station because, um, I first called in Sunday
5 after I seen all the rioting. I just felt bad about
6 the situation.

7 I knew that I needed to come forward
8 to let the truth be told. And after seeing the
9 rioting, I called St. Louis County Police, I just
10 called the 911 and they took down my information
11 and, um, Monday morning I just felt like it wasn't,
12 I was just going to be pushed to the side. So I
13 felt like I needed to do more.

14 I called Ferguson Police Department,
15 I had to leave a message there and I still wasn't
16 settled about it.

17 So I went down to the police station
18 and I felt uncomfortable then just walking past all
19 the protesting that was going on, but I knew it was
20 the right thing to do. It is an unfortunate
21 situation, but I know God put me in this situation
22 for a reason.

23 Q Now, Witness Number 10, you said that when
24 you walked back, there were

25

1

2 **A**

3 **Q**

4 **A** Yes.

5 **Q** Were these, did these appear to
6 be people that just lived in the area or were they
7 like reporters?

8 **A** They appeared to be people that lived in
9 the area.

10 **Q** Okay. And did you know
11 had you seen them before?

12 **A** No.

13 **Q** Ever seen them since?

14 **A** No.

15 **Q** Have you seen any recording of that
16 incident where they had appeared to be recording
17 you, have you seen that on the internet or anything?

18 **A** No,

19

20 **Q**

21

22 **A**

23

24 **Q** Okay. The person you were talking to
25 earlier was not recording?

1 **A** No, he was not.

2 **Q** It was somebody else?

3 **A** Yes.

4 **Q**

5

6 **A** Correct.

7 **Q** So when you were down after the shooting
8 and the crowd begin to build, could you hear people
9 saying words to the effect, he had his hands up, the
10 police killed him, they didn't need to shoot him,
11 that kind of stuff?

12 **A** Correct.

13 **Q** And is that the kind of things that you
14 were hearing that you said made you feel
15 uncomfortable?

16 **A** Correct.

17 **Q** And you came forward because you felt you
18 had to do the right thing?

19 **A** Correct.

20 MS. ALIZADEH: Anybody at this point,
21 Sheila?

22 **A** I came forward to bring closure to the
23 family and also for the police officer because, um,
24 with me knowing actually what happened, um, and I
25 know it is going to be a hard case and a hard thing

1 to prove with so many people that's saying the
2 opposite of what I actually seen. I just wanted to
3 bring closure to the family not thinking that hey,
4 this is, they got away with murdering my son.

5 I do know that there is corruption in
6 some police departments and I believe that this was
7 not the case. And I just wanted to bring closure to
8 the family.

9 **Q** Now, Number 10, do you live in Ferguson?

10 **A** No.

11 **Q** Okay. Have you ever had any experiences
12 with the Ferguson Police Department?

13 **A** No.

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

15 **A** No.

16 **Q** Did you know this police officer that was
17 involved in the shooting?

18 **A** No.

19 **Q** Did you know Michael Brown's family or any
20 of his relatives before this?

21 **A** Um, yes, I did. It came about when I was
22 standing outside during the aftermath, I recognized
23 his stepfather, Michael Brown's stepfather. At that
24 moment it didn't really sink in, I thought I
25 recognized him at that moment, but it came about

1 when I seen it in the papers, his name and that just
2 confirmed that was him. But I haven't reached out
3 and talked to him or anything.

4 **Q** All right. Michael Brown's stepfather,
5 would you consider him a friend of yours?

6 **A** No.

7 **Q** You just know him?

8 **A** Yes.

9 **Q** And you haven't talked to any of the
10 family members of Michael Brown since this happened?

11 **A** No.

12 **Q** (By Ms. Whirley) With the stepfather, how
13 did you know him?

14 **A** (Redacted)

15 MS. ALIZADEH: Just hang on a second.

16 MS. WHIRLEY: Well, let me ask it another
17 way.

18 MS. ALIZADEH: Hang on a second. Did you
19 have something?

20 If you will excuse me, I don't know if you
21 have a question you want to ask me?

22 MS WHIRLEY: Knowing the stepfather, was
23 there a bad relationship or anything negative about
24 that.

25 **A** No.

1 MS WHIRLEY: Okay. Now, could you put a
2 mark, not necessarily a mark, but use that pointer
3 and show us one more time where you were when the
4 first time you saw shots fired?

5 A on the corner.

6 Q (By Ms. Whirley) And you were standing
7 there?

8 A Yes.

9 Q And shots were being fired where, show us
10 that on the map?

11 A The truck was right about here.
12 (indicating)

13 Q How far away would you say that distance
14 is?

15 A I would give it 50 to 75 yards.

16 Q Yards, okay. And when the officer first
17 got out of the car, you said, was his gun drawn or
18 not?

19 A When he first got out of car, yes, his
20 guns was already drawn.

21 Q His gun was drawn?

22 A Yes.

23 Q As he ran pursuing Michael Brown, he was
24 not shooting, I recall you saying that, correct?

25 A Yes, correct.

1 **Q** Michael Brown turns around and starts
2 charging him, you said that's when the shooting
3 started?

4 **A** Correct.

5 **Q** You couldn't hear what they were saying?

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

7 **Q** When you say charge, could you demonstrate
8 what you saw? Show us what you mean by charging?

9 **A** (Indicating.)

10 **Q** Like running toward him quickly?

11 **A** Yes, in a tackle motion charge.

12 **Q** Okay. What was he doing with his hands?

13 **A** As a normal --

14 **Q** You could see his hands?

15 **A** Yes.

16 **Q** Did you ever see a weapon or anything?

17 **A** No. When he first ran from the car, I
18 did, that's the only time I did hear something. I
19 thought I heard something metallic hit the ground.
20 I'm not sure what it was, that's the only time I did
21 hear something.

22 **Q** Now, when did you hear that?

23 **A** When Mike Brown came from out of the
24 vehicle and ran.

25 **Q** Okay. You could hear that, but you

1 couldn't hear what they were saying?

2 **A** No.

3 **Q** And you never heard any conversation
4 between the officer and Mike Brown?

5 **A** No.

6 **Q** So when he stopped after the first round
7 of gunfire and turned around, you said he charged
8 and then the officer shot again or was that the
9 first round once he charged?

10 **A** The first round was when he was in the
11 car.

12 MS WHIRLEY: Okay.

13 **A** And after that, Mike Brown, he followed
14 pursuit of Mike Brown and Mike Brown stops and turns
15 and did some sort of body gesture and charged at the
16 officer. And that's when the second firing session
17 took place.

18 MS WHIRLEY: And after the first, not the
19 first shot in the car, but when he charged him and
20 the shots were fired, you said Mike Brown flinched
21 as if he might have been hit?

22 **A** Correct.

23 MS WHIRLEY: Okay. But he still charged
24 in the same manner that you showed us?

25 **A** He started, he like, I don't know he was

1 flinching, but still in a charge motion.

2 MS WHIRLEY: Was it slower or any
3 different?

4 A It appeared to be a slight difference.

5 MS WHIRLEY: Like maybe he was hit, that
6 was your impression?

7 A Yes, but at that time I'm not sure. I
8 thought he wasn't being hit because with me, with my
9 thoughts was if you are being hit that you are going
10 to fall or show some sort of I'm hit besides a
11 flinch. That appeared to me, I don't know, dodging
12 or hit, I'm not sure.

13 MS. WHIRLEY: And can you show us, you
14 said that after he charged him a second time, he was
15 charging slower that time, but still charging,
16 correct?

17 A Correct.

18 MS. WHIRLEY: You said he collapsed, Mike
19 Brown collapsed after that second round or shot, I
20 don't mean the one in the car, I guess it is the
21 third round, third time he is shooting he collapsed?

22 A Correct.

23 MS WHIRLEY: I don't want you to fall on
24 the ground or anything, I want you to like show us
25 like what he was doing with his hands as he was

1 collapsing.

2 **A** I cannot recall that. I just know he
3 collapsed.

4 MS WHIRLEY: Okay. You didn't really, you
5 couldn't see his hands when he was collapsing?

6 **A** I can't recall that.

7 MS WHIRLEY: Okay.

8 **A** I know he was coming in a charging motion
9 still and the final rounds were being fired within a
10 charging motion and that's when he collapsed.

11 MS WHIRLEY: But you didn't see his hands
12 when he was collapsing or you don't remember seeing
13 his hands when he was collapsing.

14 **A** I did not see that. All I seen was the
15 charging motion and him being, coming as a threat.
16 And the final shots were fired and he collapsed,
17 that's all I seen was the collapse.

18 MS WHIRLEY: Was there anything blocking
19 your vision of seeing his hands when he was
20 collapsing?

21 **A** No.

22 MS WHIRLEY: You just don't remember
23 seeing his hands?

24 **A** No.

25 MS WHIRLEY: Okay. Can you show us on the

1 map how close you were to Dorian Johnson, show us
2 where you were and where Dorian Johnson was when he
3 said, "they killed him, they kill him."

4 **A** Okay. I was still right there at the
5 corner of the And Dorian
6 Johnson came from somewhere over this way, and only
7 reason why I know that is because he had to cross
8 the street and it was in front of the squad car. So
9 he came from over this way and -- (indicating)

10 MS WHIRLEY: And that's where he was, show
11 us, where was Dorian when he is saying, "they killed
12 him?"

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

14 MS WHIRLEY: Right there.

15 **A** Yes.

16 MS WHIRLEY: Where was the police officer
17 and Mike Brown when they first started the pursuit,
18 the same general area?

19 **A** Yes.

20 MS WHIRLEY: But you couldn't hear Mike
21 Brown and the police officer saying anything?

22 **A** No, that's because, Dorian, he was yelling
23 it, like he just seen his friend die and he was just
24 yelling it loud.

25 MS WHIRLEY: And the police officer wasn't

1 yelling at Mike Brown as he was pursuing him?

2 **A** I'm not sure, I couldn't hear.

3 MS WHIRLEY: You couldn't hear anything?

4 **A** No.

5 MS WHIRLEY: Okay.

6

7 **A**

8

9 MS WHIRLEY:

10

11 **A** Yes.

12 MS WHIRLEY: Saying some stuff, what were
13 you saying?

14 **A** I was saying that, um, he charged him, he
15 charged at him. The officer already had his gun
16 drawn on him and he charged at him and he shot at
17 him at least five to six times. And the seemed
18 to be surprised when he asked who shot him, I said
19 the police did.

20 MS WHIRLEY: All right. That's all I have
21 right now.

22 : I have a couple
23 questions, of course, You said that they
24 were violent, the that were asking you
25 about it afterwards, that they became violent. Did

1 they become violent towards you, in their words, in
2 their actions?

3 **A** Verbal.

4 Verbal.

5 **A** Verbal.

6 : Verbal?

7 **A** Yes.

8 : They called you names?

9 **A** Yes.

10 : You said you heard a
11 sound that was like metallic hitting the ground, you
12 don't know just because I know my friends, you don't
13 know that anything hit the ground, that's just what
14 it sounded like to you?

15 **A** Yes, correct.

16 : When he was collapsing
17 you said you couldn't see his hands, that doesn't
18 mean you couldn't see his arms, correct? You could
19 tell the difference between him having his hands up?

20 **A** Correct.

21 And him having his arms
22 down. Just because you couldn't see his hands,
23 doesn't mean you couldn't see where they were?

24 **A** Correct.

25 Okay. And you said

1 earlier that you didn't see anything in anyone's
2 hands as far as Mr. Johnson or Mr. Brown?

3 **A** Correct, when I first saw him.

4 : When you first saw them?

5 **A** Yes.

6 : But you also said it is
7 because you were focused on their --

8 **A** On their appearance.

9 : On their appearance and
10 your surroundings?

11 **A** Yes.

12 : You're not saying that
13 they didn't have anything in their hand, you just
14 didn't see it?

15 **A** Correct.

16 : Okay.

17 If I
18 could dovetail off of 's original question
19 about the violence that was directed to you. If I
20 could ask you just a personal question, are you
21 ?

22 **A** Yes.

23 : You are, okay.

24 **A** Yes.

25 : And this is like bringing

1 an extra level of conflict for you to come forward?

2 **A** Um, not really. Within my family
3 that's about it. They fear for my safety or our
4 family's safety, that's about it.

5 You said that there were
6 some racial epithets directed towards you, is there
7 anything that you can, you feel comfortable telling
8 us that was directed to, what was said to you?

9 **A** Um, they said you , they
10 called me a , and just racial
11 slurs.

12 : Did you at any time, if I
13 could ask, did you express the fact that you're
14 ?

15 **A** No.

16 : You did not?

17 **A** No, I just ignored it and kept walking
18 because I didn't want it to just blow up to
19 something even more because it is already tension in
20 the air.

21 : Okay, thank you.

22 **A** No problem.

23 . In your
24 opinion, let's go back to the times when Michael
25 Brown stopped and turned around and allegedly began

1 to charge the police officer, is it in your opinion,
2 do you believe the police officer's life was
3 potentially in jeopardy at this point?

4 **A** Yes.

5 : Thank you.

6 MS. ALIZADEH: Anyone else have a
7 question?

8 . Could you
9 describe what vehicles were in the area while this
10 was going on, were there cars lined up behind the
11 police vehicle and you said that Dorian ran to a
12 vehicle that had been on the other side and then
13 drove around?

14 **A** There was only one vehicle on the street
15 within that distance between where the incident took
16 place, and that was the vehicle, a little Monte
17 Carlo and it came around after, I want to say when
18 the officer, before the officer fired, I mean not
19 fired, but I'm not sure at what point, I can
20 pinpoint at what point that they came around, but
21 they did drive around, come out of the, this curb
22 and drive around and stop right there.

23 Okay, thank you.

24 MS. ALIZADEH: Can I clarify, I just want
25 to ask you. You said it was a Monte Carlo?

1 killed him. That's the only time after first had
2 initial contact, well, not contact, but sight of
3 Dorian Johnson.

4 : So did you ever see
5 anything in Michael Brown's hands or Dorian's hand,
6 I know you said initially when they came around the
7 house, you didn't see anything, but what about
8 during the struggle, did you ever see anything in
9 their hands?

10 **A** No.

11 : Okay. And you said you
12 heard one gunshot at the car?

13 **A** Correct.

14 : And the rest were --

15 **A** Down.

16 : Down the road or whatever?

17 **A** Yes.

18 MS. ALIZADEH: Anyone else have any
19 questions?

20 So Witness Number 10, thank you for
21 appearing. If at any time in the future this grand
22 jury has additional questions for you, would it be
23 all right for me to contact you?

24 **A** Yes.

25 MS. ALIZADEH: That will end the testimony

1 of Witness Number 10.

2 (End of the testimony of Witness 10.)

3 MS. ALIZADEH: This is Kathi Alizadeh, it
4 is 1:33 p.m. on September 23rd. The grand jurors
5 are all 12 present, as well as myself and Sheila
6 Whirley and the court reporter who is taking down
7 everything.

8 We had a witness who was here and in the
9 waiting room.

10 MS WHIRLEY: We did have one witness, and
11 is her name and we may play some of
12 that information because you had asked about
13 . We were here, we were running behind and
14 she left. I contacted, I tried to contact her to
15 get her back here and I'm not sure if she was
16 running too late for work or what, but we're going
17 to have to likely reschedule her because we also
18 have a 2:30 timeframe we are working with too.

19 So she's not going, you're not going to
20 hear from her, we were hoping to do it today. In
21 light of that, what we are going to do is let you
22 hear the recording from --

23 MS. ALIZADEH: Witness Number 10.

24 MS. WHIRLEY: Witness Number 10, thank
25 you. And then if we have enough time, you will hear

1 s recorded statement and then when
2 see her, you will match the two together, all right.

3 MS. ALIZADEH: All right. So at this time
4 I'm going to pass out a transcript of an interview
5 that was conducted on August 11th by the County
6 Police Department and it is the interview of Witness
7 Number 10. And for that reason, again, we will
8 pause the audio recording that the court reporter is
9 doing right now while we are playing the statement.

10 The statement is contained on Grand Juror
11 Number 24.

12 As soon as you say we are ready, we will
13 turn off the audio recording that is happening now
14 and play the recorded statement of Witness Number
15 10.

16 Okay. Would you turn off the audio
17 recording at this time.

18 (This is the recorded statement of Witness
19 Number 10.)

20 DETECTIVE : This is Detective
21 with the St. Louis County Police
22 Department's Bureau of Crimes Against Persons,
23 . Also present with me is Detective
24 of the Bureau of Crimes Against
25 Persons and we are at the City of Ferguson Police

1 Department in an interview room Mister, would you
2 say your name for the recorder, please?

3 WITNESS 10: (Redacted)

4 DETECTIVE : Okay. And (redacted)
5 obviously, you realize this is being recorded,
6 correct?

7 WITNESS 10: Correct.

8 DETECTIVE Okay. And you're okay
9 with that?

10 WITNESS 10: Yes.

11 DETECTIVE Okay. And this is in
12 reference to St. Louis County Complaint Number
13 14-43984 and Ferguson Police Department Complaint
14 Number 14-12391, which is an incident that occurred
15 on Canfield Drive on August 9th, 2014.

16 (Redacted), I'm going to get a little bit
17 of information from you here, okay? (redacted)

18 WITNESS 10: Correct.

19 DETECTIVE : Okay. And spell your
20 last name?

21 WITNESS 10: (Redacted)

22 DETECTIVE Just like the
23 What is your date of birth?

24 WITNESS 10: (Redacted)

25 DETECTIVE : What is your home

1 address?

2 WITNESS 10: (Redacted)

3 DETECTIVE : (Redacted)

4 WITNESS 10: (Redacted)

5 DETECTIVE : And where's that at?

6 WITNESS 10: (Redacted)

7 DETECTIVE : (Redacted)

8 WITNESS 10: (Redacted)

9 DETECTIVE : And what's your cell
10 phone.

11 WITNESS 10: (Redacted)

12 DETECTIVE : (Redacted)

13 WITNESS 10: Yes.

14 DETECTIVE : And your social
15 security number?

16 WITNESS 10: (Redacted)

17 DETECTIVE : (Redacted)

18 WITNESS 10: (Redacted)

19 DETECTIVE : (Redacted)

20 WITNESS 10: Yes.

21 DETECTIVE : And you're employed
22 where.

23 WITNESS 10: (Redacted)

24 DETECTIVE : As a ?

25 WITNESS 10: Yes.

1 DETECTIVE : Is there a business
2 address for that?
3 WITNESS 10: Um, this is the address, but
4 I don't, I'm not sure.
5 DETECTIVE : Okay. You know a phone
6 number?
7 WITNESS 10: (Redacted)
8 DETECTIVE : (Redacted)
9 WITNESS 10: Right where the
10 are at. Where, um, say you get off of --
11 DETECTIVE : there.
12 WITNESS 10: (Redacted)
13 DETECTIVE : Okay.
14 WITNESS 10: Right before you go down the
15
16 DETECTIVE (Redacted)
17 WITNESS 10: Yeah.
18 DETECTIVE Okay. Um, do you have
19 a phone number?
20 WITNESS 10: Is --
21 DETECTIVE : For employer.
22 WITNESS 10: For -- for -- for -- let me
23 see. Let me see if I can pull it up.
24 DETECTIVE : (Redacted) What is
25 your middle initial?

1 WITNESS 10: (Redacted)
2 DETECTIVE Okay.
3 WITNESS 10: I thought I had the office in
4 here. I ain't seeing it.
5 DETECTIVE That's okay.
6 WITNESS 10: All right.
7 DETECTIVE Okay. So, um, we
8 received a call from Ferguson saying that you were
9 here and did you come here --
10 WITNESS 10: Yes, voluntarily.
11 DETECTIVE -- okay, okay. You
12 came here on your own?
13 WITNESS 10: Yes.
14 DETECTIVE And who did you talk to
15 initially?
16 WITNESS 10: Um, I'm not sure. It's a
17 police officer outside.
18 DETECTIVE : Okay. And what did you
19 tell that officer?
20 WITNESS 10: I need to -- to speak with
21 someone about the, um, ongoing investigation about,
22 um, what happened, at Canfield to Mr. Brown.
23 DETECTIVE : Okay. So after that,
24 I'm assuming they escorted you --
25 WITNESS 10: Yes.

1 DETECTIVE : Before you run into
2 West Florissant, you run into a area of
3 ?

4 WITNESS 10: Correct.

5 DETECTIVE So is that the area
6 that you were working on.

7 WITNESS 10: Yes, I was working on the,
8 the on your, if you were traveling east
9 and going into Canfield, would be on your
10 .

11 DETECTIVE : So --

12 WITNESS 10: The that's, well,
13 the considering you're going into
14 Canfield. It would be the
15 and it's an

16 And the police, um, as I was saying, I was going, I
17 was working at that and I walked
18 outside. I seen the two young guys walking down the
19 street on the same sidewalk I was on and --

20 DETECTIVE Can I clarify just a
21 couple things? Roughly what time was this?

22 WITNESS 10: Roughly, I want to say 8:40,
23 I mean not 8:40, 11:40, 11:40 is when that, when I
24 first seen these two guys. And my initial thought
25 was, wow that's a big dude because Mr. Brown, Mike

1 Brown. My initial thought was he's a big guy. He's
2 tall and like stocky build, and that's it.

3 He -- he, they both walked past me. I
4 took [redacted] went into [redacted] I came back
5 outside [redacted] to get some more stuff and I
6 looked down the street and I seen the police car at
7 a slant and I seen Mr. Brown in the window of the
8 police car. It looked, it appeared as they were
9 wrestling through the window. And one gunshot had
10 let off and Mr. Brown took off running.

11 And my first thought was like, oh, my
12 gosh, did I actually just witness a police officer
13 being murdered because it took a while for the
14 police officer to get out of the car and pursue the
15 suspect.

16 And I want to say maybe six seconds, but
17 it seemed like it was forever after the -- the first
18 gunshot. So the police officer exited the vehicle
19 with his weapon drawn, pursuing Mr. Brown.
20 Mr. Brown was quite a distance and he stopped. And
21 when he stopped, he didn't get down on the ground or
22 anything, he turned around and he did some type of
23 movement. I never seen him put his hands up or
24 anything. I can't recall the movement that he did.
25 I'm not sure if he pulled his pants up or whatever

1 he did, but I seen some type of movement and he
2 started charging towards the police officer.

3 The police officer then returned fire, not
4 returned fire, open fire on Mr. Brown. Um, if I had
5 to guess, the shots and, um, the distance between
6 him and Mr. Brown, it would have to be five to
7 ten yards.

8 And the shots that were fired was four,
9 five or six shots fired, and Mr. Brown was still
10 standing up. Um, and my thoughts was wow, he's
11 missing this guy this close, is he hitting him or
12 because Mr. Brown there was no reaction from him to
13 show that he was being hit.

14 Um, after that, Mr. Brown then paused,
15 he -- he -- he stopped running and when he stopped
16 running, the police officer stopped firing. And
17 then Mr. Brown continued, started again to charge
18 towards him and after that, the police officer
19 returned fire and, um, well, not returned, I'm using
20 the wrong term, he started to fire once more at him.

21 Um, if I had to guess the rounds that were
22 fired then, it would be four to five more shots.
23 And after that, Mr. Brown collapsed and fell to the
24 ground.

25 DETECTIVE : Okay. What happened

1 then?

2 WITNESS 10: Um, what happened then after
3 that, um, I didn't see, it was, it was a blue Monte
4 Carlo, a newer model Monte Carlo two door. Um, it
5 was closer to the scene where the shooting was at,
6 that occurred. They then drove off and made a -- a
7 left into the apartments and drove around the
8 apartment and then came and stopped.

9 And, um, Mr. Brown's friend that he was
10 walking with earlier, I didn't see him the whole
11 time that, um, this was all going on with a
12 confrontation with the police and the shooting and
13 everything.

14 At the end, after Mr. Brown had dropped,
15 and, um, I seen the, his friend come out of nowhere
16 and run across the street. And, um, said that Dog,
17 they -- they just killed him, they just killed him,
18 and he ran the back fields of Canfield, the back
19 open field.

20 And, um, I must say that also after the,
21 um, confrontation, after the gunshot when Mr. Brown
22 did run, I thought I heard something metal hit the
23 ground. And I'm not sure what it was, but I thought
24 I heard something hit the ground.

25 And, um, after that, I believe, I'm not

1 sure, um, if I went in to go tell the
2 people that I was working with that I just -- what I
3 witnessed. And I came back out and they were taping
4 the scene off and I decided, I went down there
5 closer to where the body was and I stayed down there
6 for maybe ten, five to ten minutes. And I was
7 speaking with the that was down there
8 on the scene. I was telling what happened and
9 after me telling what happened and I'm hearing
10 everybody, their side of the story, oh, the police
11 officer shot that kid for no reason. He had his
12 hands up.

13 And me knowing and seeing what actually
14 took place, that wasn't true. And there was
15 different sides to the story, and every side it
16 wasn't true. I felt uncomfortable in that
17 situation, so I decided to walk back to I
18 was at originally at.

19 And, um, while I was walking to the
20 had a video camera and they turned
21 towards me asking me, um,

22
23 But I don't think they
24 heard me what I had told the earlier. And
25 I responded as and just kept walking.

1 And they still on just still video recording
2 me and saying, um, I
3 responded,

4 .

5 And after that, they -- they became, uh,
6 in an aggressive tone and um, was saying,
7 um, just called me other
8 names, racial and racist slurs to me.

9 And that whole time, well, before they
10 yelled the racial slurs, I yelled, um, back to them,
11 I said,

12 And after that, I just left it and went on
13 my way.

14 DETECTIVE Okay. I'm going to go
15 back and just ask you a couple clarifying questions,
16 okay.

17 Um, so, I guess, so let's first start off,
18 who were you working with, uh, that day?

19 WITNESS 10: I was working, um, for
20 And, um, I'm not sure of
21 um, that was there. I was hired as a
22 to come in and do

23 .

24 DETECTIVE : So will you, was, you
25 were not working for (redacted) that day?

1 WITNESS 10: No, no.

2 DETECTIVE You were doing kind of
3 a side job?

4 WITNESS 10: Yeah, doing a side job, yeah.

5 DETECTIVE Okay. And did you have
6 anybody with you that you were working with that
7 day?

8 WITNESS 10: No.

9 DETECTIVE Okay. I guess when you
10 say you went in, oh, when you said you went in to
11 tell the people you were working with --

12 WITNESS 10: Yeah.

13 DETECTIVE -- you meant tell the
14 people --

15 WITNESS 10: That -- that was the

16 .

17 DETECTIVE : I gotcha. Okay. Who
18 were the there.

19 WITNESS 10: Like I say, I'm not sure what
20 their names are.

21 DETECTIVE Was it a female, a
22 male?

23 WITNESS 10: It was a

24 DETECTIVE Okay. And then, um,
25 you said that you saw, uh, two guys walking down the

1 street, right?

2 WITNESS 10: Yeah.

3 DETECTIVE Do you remember what
4 they were wearing?

5 WITNESS 10: Um, if I'm not mistaken,
6 Mr. Brown had a tan, tan pants, a red hat, flip
7 flops, it might have, may have been tan shorts,
8 yeah, it had to be tan shorts. Because I'm not sure
9 of the color, I know they were shorts because his
10 socks drew my attention because they were bright
11 yellow and, um, black, looked like marijuana leafs.
12 And, um, he had a red hat on. I'm not sure of the
13 shirt.

14 And his friend that was walking with, I'm
15 not sure what he was wearing, the only thing I can
16 pick up from him was he had, um, smaller dreads that
17 were, looked like the tips of the dreads was dyed,
18 uh, like a bleach, bleach dyed or whatnot.

19 DETECTIVE And so, um, Michael
20 Brown was the one that you thought to yourself, um,
21 that's a big guy?

22 WITNESS 10: Yeah, it is.

23 DETECTIVE Is that right?

24 WITNESS 10: Yeah.

25 DETECTIVE : Okay. And which way

1 were they walking?

2 WITNESS 10: They were walking, you said
3 west, would be out to West Florissant?

4 DETECTIVE West, yeah, it's
5 towards West Florissant. East is towards the
6 complex.

7 WITNESS 10: Okay. So east, yeah, east.
8 They were walking east when I first, yeah, when I
9 seen them.

10 DETECTIVE How far away were they
11 when you first saw them?

12 WITNESS 10: Um, when I first saw them, I
13 mean, I could have shook the guys' hand if I wanted
14 to.

15 DETECTIVE : Okay.

16 WITNESS 10: That's how close they were.

17 DETECTIVE : Okay. Do you know
18 either of these guys?

19 WITNESS 10: No.

20 DETECTIVE : Okay. Had you ever
21 seen them, one of them before?

22 WITNESS 10: No.

23 DETECTIVE Okay. Uh, so they're
24 walking east and I don't, if I say something that's
25 incorrect, please correct me, okay?

1 WITNESS 10: Uh-huh.

2 DETECTIVE : They're walking east
3 essentially in front of that you're
4 working at?

5 WITNESS 10: Yes.

6 DETECTIVE : They continue east into
7 the complex?

8 WITNESS 10: Yes.

9 DETECTIVE Okay. And you said you
10 went inside to drop off equipment?

11 WITNESS 10: Yes.

12 DETECTIVE : Okay. And then when
13 you come back outside, right?

14 WITNESS 10: Uh-huh.

15 DETECTIVE : You, if your, if
16 you are working on is on the side, if
17 you look to your then, it would be, you would
18 be looking into the complex; is that right?

19 WITNESS 10: Yes, I would be looking into
20 the east, east.

21 DETECTIVE : Into the complex?

22 WITNESS 10: Yeah, yeah.

23 DETECTIVE : or to the
24 would be looking into the complex?

25 WITNESS 10: Yeah, yeah.

1 DETECTIVE Okay. And approximately
2 how far away were you at to where you saw
3 that police car at?

4 WITNESS 10: Okay, distance wise --

5 DETECTIVE : And if you don't know,
6 you know --

7 WITNESS 10: It's a guess maybe, 100 yards
8 I would say, maybe less.

9 DETECTIVE : Okay, all right. So
10 you look and you see the police car and where is the
11 police car at?

12 WITNESS 10: It is in the middle of the
13 street at a slant.

14 DETECTIVE : Okay. And what kind of
15 car is it, do you know?

16 WITNESS 10: It's, um, I'm not sure what
17 type of car, but I know it is a truck, it's a truck.

18 DETECTIVE Okay. Um --

19 WITNESS 10: Maybe like Suburban style or
20 that, a long truck, SUV.

21 DETECTIVE And that truck that's
22 parked at a slant would be facing which direction?

23 WITNESS 10: It would be facing west.

24 DETECTIVE : West, okay. And
25 explain to me again what you see at that point?

1 WITNESS 10: I see Mr. Brown leaned over
2 inside the police car, um, at maybe, I see his back
3 at his, um, probably below you, what you call, like
4 under your armpit.

5 DETECTIVE Beneath your armpits?

6 WITNESS 10: Yeah, a little bit deeper
7 than, right below your armpits. That's how much of
8 his body is inside the car.

9 DETECTIVE : Okay. So you, when
10 you, you were using your hands, you went here and
11 then you kind of went here, which --

12 WITNESS 10: Like when I seen this much of
13 his body outside the car, so the rest of his body
14 from here up is inside the car.

15 DETECTIVE : Okay. And just for the
16 purposes of the recording, uh, so his feet are
17 where?

18 **A** On the ground.

19 DETECTIVE : Okay. And he is
20 standing, uh, where at?

21 WITNESS 10: At the, uh, driver's door --

22 DETECTIVE : Okay.

23 WITNESS 10: -- of the police car.

24 DETECTIVE His feet are on the
25 ground, he's at the driver's door of the police car.

1 WITNESS 10: Yeah.

2 DETECTIVE : And, uh, he's leaning?

3 WITNESS 10: Inside the window.

4 DETECTIVE Instead the -- the.

5 WITNESS 10: The police car.

6 DETECTIVE : Which, which window?

7 WITNESS 10: The driver's window.

8 DETECTIVE : Okay. So he's leaning
9 inside the driver's side window. And -- and -- and
10 I'm not, obviously, I don't expect any of this to be
11 exact, you know, down to the millimeter.

12 WITNESS 10: Uh-huh.

13 DETECTIVE : But roughly armpit or
14 maybe a little bit lower?

15 WITNESS 10: Yeah.

16 DETECTIVE That upper portion of
17 his body is in the -- the window, is that a fair
18 statement?

19 WITNESS 10: Yes.

20 DETECTIVE : Okay. And so, uh, is
21 the door opened, closed?

22 WITNESS 10: No, the door is completely
23 closed.

24 DETECTIVE Okay. And, uh, do you
25 see anybody in the driver's seat of that car?

1 WITNESS 10: I -- I couldn't make it out,
2 I couldn't. All I seen was Mr. Brown's body.

3 DETECTIVE Okay. And what was his
4 body doing.

5 WITNESS 10: At that distance, I -- I -- I
6 couldn't tell. It looked like a confrontation and
7 all I could assume it was some type of confrontation
8 was going on in that car.

9 DETECTIVE Okay. Why -- why did
10 you assume there was a confrontation?

11 WITNESS 10: Because afterwards the
12 gunshot, there was a gunshot, one gunshot, and he --
13 he ran off.

14 DETECTIVE : Okay. So, and again,
15 please correct me if I'm saying anything that even
16 remotely doesn't reflect what you're saying, I just
17 want to make sure I understand, okay?

18 You see him in the car, you can't
19 necessarily tell what's going on, but after hearing
20 the gunshot and you seeing him run off, you make an
21 assumption that there's some sort of confrontation
22 or conflict inside the car, right?

23 **A** Yes.

24 DETECTIVE Okay. So how, roughly
25 how long do you think that he is, that Michael Brown

1 is in the car?

2 WITNESS 10: Um, maybe at least ten
3 seconds from what I seen.

4 MS WHIRLEY: All right. It's at 2041, the
5 recording. We are going to stop the recording
6 because the witness is here and we would like to get
7 her on because we have time constraints.

8 Now is here and we wanted
9 to bring on her testimony. We'll look at her
10 statements later because of our time this afternoon,
11 but I will go get her, and I don't know exactly what
12 time it is now, what time do you have? It is about
13 1:59 p.m. Is he going to keep recording?

14 MS. ALIZADEH: Yes, and I just wanted to
15 say because we weren't recording at the time, we
16 interrupted the statement of Witness 10 because of
17 the next witness being here. What did you start it,
18 where did you say you stopped it?

19 MS WHIRLEY: At 2041.

20 MS. ALIZADEH: I'll make a note that I
21 have to fix that.

22 So we are going to just bring the next
23 witness in who needs to leave.

24 ,
25 of lawful age, having been first duly sworn to

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

5 EXAMINATION

6 BY MS. WHIRLEY:

7 Q I'm Sheila Whirley, and Kathi Alizadeh is
8 also present, the grand jurors are present, and the
9 court reporter, introduce yourself to the grand
10 jurors, please?

11 A I'm .

12 Q All right, . Could you
13 spell your name and speak louder for us?

14 A ,

15
16 Q All right. And that microphone is not
17 going to amplify your voice or make it louder, it is
18 just recording, so try to talk sort of loud like me,
19 please?

20 A I'm sorry, I'm soft spoken.

21 Q Okay. You know why we are here today,
22 ?

23 A Yes, I do.

24 Q Tell us where you live in general, you
25 don't have to give your exact address unless you

1 want to?

2 **A** I live in .

3 **Q** All right. Now, you recall August the 9th
4 of 2014, correct?

5 **A** Yes.

6 **Q** It was a Saturday?

7 **A** Yes.

8 **Q** You had occasion to be at Canfield Green?

9 **A** Yes.

10 **Q** Is that right? And does this map look
11 familiar?

12 **A** Yes, that's the Canfield Green Apartments.

13 **Q** That's the complex?

14 **A** Yes.

15 **Q** Represented on that map, and that's Grand
16 Juror Exhibit Number 25 for purposes of
17 identification. What time of day was it that you
18 went to Canfield?

19 **A** It was around noon-ish whenever I went. I
20 was supposed to be there a little earlier, I ended
21 up there at noon to pick up she works for
22 me.

23 **Q** Okay. So you were picking up an employee?

24 **A** Yes.

25 **Q** What do you do for a living?

1 **A** I do marketing.

2 **Q** And are you a supervisor?

3 **A** Yes, I have a marketing firm on

4 .

5 **Q** It is your firm?

6 **A** Yes.

7 **Q** Okay. How many employees do you have?

8 **A** Right now I have three.

9 **Q** And was one of them?

10 **A** Yes.

11 **Q** Okay. And you said her name was

12 how do spell that?

13 **A** .

14 **Q** What's her last name?

15 **A** .

16 **Q** Can you spell that?

17 **A** , .

18 **Q** , , okay. So you are

19 picking up and she lived in Canfield

20 Green?

21 **A** Yes.

22 **Q** Do you recall her address?

23 **A** I don't.

24 **Q** Okay. Can you see on this map, there

25 should be a pen there that you would operate, you

1 see how it works?

2 **A** Yes.

3 **Q** Could you point on the map where
4 lived, first of all, do you know where she lived
5 looking at the map?

6 **A** Yes, she lives right here, this apartment
7 right here. (indicating)

8 **Q** ?

9 **A** Yes.

10 **Q** Okay. Is that Canfield Drive?

11 **A** Yes, Canfield Drive.

12 **Q** And coming to pick her up that day, did
13 you call her first or did you she know what time you
14 were coming?

15 **A** I called her. I called her when I was on
16 my way and I called her as I was coming down the
17 street right when I turned onto Canfield is when I
18 started calling her.

19 **Q** So when you were coming this way you
20 called her?

21 **A** Yes.

22 **Q** And did you talk to her?

23 **A** No.

24 **Q** What happened, did you leave her a
25 message?

1 **A** No, so as I was pulling up and I'm calling
2 her phone, that's whenever I heard the tires
3 squeaking as I was turning. As I get closer, I see
4 a cop and the kid wrestling through the window.

5 **Q** Okay. So when you say you called her, but
6 you didn't talk to her, what happened in that call?
7 Did you just hang up, that's what I'm trying to
8 figure out?

9 **A** Yeah, I hung up the phone like, so I'm
10 trying to call her and when I see this, I start
11 going through my phone forgetting I'm on the call,
12 trying to get to my camera. And I never spoke with
13 her at all. By the time I look back at my phone
14 again, it was disconnected, the call had
15 disconnected.

16 **Q** Did you get to your camera?

17 **A** No.

18 **Q** Okay. Did you record any of this, you
19 know, what we are talking about, the shooting of
20 Michael Brown?

21 **A** No, I didn't record any of shooting. I
22 recorded right after it happened.

23 **Q** So tell us again, you are driving down
24 Canfield Drive and what do you hear?

25 **A** I hear tires squeaking.

1 **Q** And then what?

2 **A** I didn't see anything at that time, but as
3 I get closer coming around this curve on Canfield, I
4 see the cop's SUV in the middle of the street and
5 the kid wrestling through the window with the cop.

6 **Q** And show us on that map where, Grand Jury
7 Exhibit 25, where approximately you saw the police
8 car?

9 **A** Okay. The police car was right here, in
10 this area right here. (indicating)

11 **Q** Do you know which way it was facing?

12 **A** It was facing, coming the way that I was
13 coming. So it was facing going that away and I was
14 going that way.

15 MS. ALIZADEH: Let me ask, I think Sheila
16 at one point you made it look like she was going on
17 a certain direction, which direction were you
18 traveling?

19 **A** Is it okay if I can stand up?

20 MS WHIRLEY: Yeah, please.

21 **A** I was coming in on this direction, I was
22 coming in through this way.

23 MS. ALIZADEH: Okay.

24 **A** The car was facing going that way, I don't
25 know if it is east or west.

1 MS WHIRLEY: Okay.

2 Q (By Ms. Whirley) So what street is this
3 out here that you came off of to get onto Canfield
4 Drive?

5 A West Florissant.

6 Q West Florissant, okay. So you are coming
7 from West Florissant traveling east on Canfield
8 Drive?

9 A Yes.

10 Q And the police car was facing west?

11 A Yes.

12 Q And it was, was it straight or what was
13 the, how was it situated?

14 A It was kind of catty-corner, it wasn't
15 straight, it was like a little over both sides of
16 the line, yellow line.

17 Q Okay, all right. Kind of in the middle of
18 the street?

19 A Yeah.

20 Q Tell us what you saw again?

21 A I saw the cop and the kid kind of like
22 wrestling through the window, it was like a tug of
23 war. The kid was kind of pulling out the, cop was
24 pulling in, like it was like going back and forth.

25 Q When you say the kid, who are you

1 referring to?

2 **A** Michael Brown.

3 **Q** You know that is who it is, Michael Brown?

4 **A** Yes.

5 **Q** Had you known Michael Brown before this
6 day?

7 **A** No.

8 **Q** Had you ever met him?

9 **A** No.

10 **Q** Ever seen him?

11 **A** No.

12 **Q** Had you been to this Canfield Green
13 complex before?

14 **A** Yeah, I picked up a lot there since
15 she's moving, she's only been there over a month. I
16 picked her up a few times and dropped her off at
17 home.

18 **Q** She had only been living there
19 approximately a month?

20 **A** Yeah.

21 **Q** You had known her longer than that?

22 **A** Yes.

23 **Q** Okay. How long had she worked for you?

24 **A** She worked for me since January.

25 **Q** Okay. All right. So you see the tug of

1 war, as you put it, and then what happens?

2 **A** As I'm trying to get to my camera and my
3 phone, that's when the shot --

4 **Q** You need to speak up louder, please.

5 **A** I'm sorry. As I'm trying to get to my
6 camera and my phone, that's when a shot came out and
7 I just got out of the way, I started trying to get
8 out of the way, and I went to the left side.

9 **Q** Where were you when you heard the shot?

10 **A** I was right here, like okay, they were
11 right here and I pulled right in front of here.
12 (indicating)

13 **Q** What kind of car were you in?

14 **A** I was in a

15 **Q** A ?

16 **A** Yes.

17 **Q** Okay.

18 **A** So whenever the shot came out, it came
19 from the car and I started turning this way, that's
20 when I saw the kid like yank away like this and take
21 off running. And I came around, parked right here,
22 got out, came across the grass. The kid was running
23 this way, the cop came behind him and was shooting.
24 I saw the kid's body jerk and turn around like this
25 with his hands up.

1 know, that you see?

2 **A** At that time I didn't see anybody besides
3 him, but I saw someone kneeling by the white car,
4 the white Monte Carlo.

5 **Q** Okay. They were knelt?

6 **A** Like knelt down.

7 **Q** Okay, all right. But you didn't see them
8 do anything?

9 **A** I didn't see them together at all at the
10 time.

11 **Q** Okay. So when the shot goes off, Michael
12 Brown runs, show us again which way?

13 **A** He runs this way.

14 **Q** Okay. And the officer, what does he do?

15 **A** He comes behind him shooting.

16 **Q** So did you see the officer get out of the
17 car?

18 **A** I didn't see him exit the car, I was on
19 the other side of the car at the time.

20 **Q** Okay. So where were you when you saw the
21 officer shooting?

22 **A** I was coming across this grass and the
23 officer started pursuing Michael coming this way.

24 **Q** You could clearly see the officer running
25 after him?

1 **A** Yes.

2 **Q** And you could see the officer shooting?

3 **A** Yes.

4 **Q** Okay. And Michael is running and his back
5 is to the officer?

6 **A** Yes.

7 **Q** And the officer is shooting?

8 **A** Yes.

9 **Q** Do you have any idea how many shots were
10 fired by the officer?

11 **A** Not at all.

12 **Q** Okay.

13 **A** I didn't count that at all.

14 **Q** Okay. And then what happens after he is
15 shooting at the officer, I mean, the officer is
16 shooting at Michael Brown?

17 **A** I saw his body jerk and stopped and turned
18 around and put his hands up, and that's when the
19 officer continued to walk and shoot until he went
20 all the way down.

21 **Q** Okay. Can you hear anybody say anything?

22 **A** I can't hear anything from anybody.

23 **Q** Okay. And show us again where you are?

24 **A** At the time that he, Michael went down?

25 **Q** Yeah, that's right, let me make it clear

1 because you said, you showed us where you were when
2 you saw him running?

3 **A** Yes.

4 **Q** The officer is pursuing Michael, he is
5 shooting you said?

6 **A** Yes.

7 **Q** When Michael turns around, where is
8 Michael? He stopped running and he turned around?

9 **A** He was right here. (indicating)

10 **Q** And where are you?

11 MS. ALIZADEH: Wait a minute, can you
12 point again because I can't see where you are
13 pointing?

14 **A** Okay, I'm sorry, which part?

15 MS WHIRLEY: When Michael stops running
16 and turns around, where is he?

17 **A** He is right here. (indicating)

18 **Q** (By Ms. Whirley) Where are you?

19 **A** I'm right here coming across this grass.

20 **Q** How close would you say that is in your
21 opinion?

22 **A** I don't know how to measure by feet.

23 **Q** Okay. Look at me. Tell me when we're as
24 close as you were to where Michael was, if that's
25 possible in this room.

1 **A** Okay. So I can say from me to Michael is
2 right kind of like at her, where she is standing.

3 **Q** Where she is standing, you can see that
4 close?

5 **A** Yeah.

6 **Q** Okay. Now, he turns around and you say he
7 puts his hands up?

8 **A** Yeah.

9 **Q** Does he appear to be hit by any bullets or
10 anything?

11 **A** I didn't see any blood or anything until
12 it started pouring on the ground as he's laying
13 there. Whenever the bullets was hitting him, I was
14 thinking like are these rubber bullets. I can't say
15 exactly where he was hit.

16 **Q** Okay.

17 **A** I just saw the one in his face when he hit
18 the ground.

19 **Q** When he first turned around and had his
20 hands up, you couldn't really see whether he was
21 shot, you couldn't tell whether he was shot or not?

22 **A** No, I couldn't.

23 **Q** But you couldn't hear him say anything to
24 the officer?

25 **A** No.

1 **Q** Okay. You can see both the officer and
2 Michael Brown?

3 **A** Yes.

4 **Q** From approximately 20 feet away?

5 **A** Yes.

6 **Q** Okay. And if I didn't ask you this, how
7 close was the officer to Michael Brown, not you to
8 them, but the officer and Michael Brown, how close
9 were they? Were they closer than you were to them?

10 **A** They were closer to each other than I was
11 to them.

12 **Q** That's my question. Any idea how close,
13 like me and you again?

14 **A** I can't say exactly, it was movement.

15 **Q** Okay.

16 **A** So I can't say exactly like where they
17 stood at what point.

18 **Q** That's fair.

19 **A** They were constantly moving.

20 **Q** He turns around with his hands up and then
21 what does the officer do?

22 **A** He continued to come up on him.

23 **Q** Like show me?

24 **A** He just continued to come up on him and
25 shoot him. He never got like, he was further back

1 from him, but he kept shooting him until he fell
2 down to the ground.

3 **Q** Did Michael Brown ever move back or come
4 forward?

5 **A** Like he came forward.

6 **Q** He came forward. Did he come forward in a
7 charging motion?

8 **A** No, like he just went forward like his
9 body was just going down and he was shooting him.

10 **Q** So from where you were, it didn't appear
11 that Michael Brown was threatening the officer?

12 **A** No, no.

13 **Q** You didn't think --

14 **A** No, he wasn't coming towards him whenever
15 he turned around. He just start like, as soon as he
16 turned around like, that's whenever like the bullets
17 start hitting him. I can't say exactly where, but
18 he just started going down from that point.

19 **Q** Okay. Did it appear at any time that
20 Michael Brown had a weapon?

21 **A** No, I couldn't see anything in his hand
22 while he was running. I can't even say where his
23 hands were at this point.

24 **Q** Okay. I was going to ask you that
25 question when he was going down, did you see his

1 hands?

2 **A** Yeah, they were, they were the whole time.
3 (indicating)

4 **Q** His hands was up when he turned around,
5 when he was going down you said the officer was
6 shooting at him?

7 **A** When he went down, he went down to the
8 ground like this. (indicating)

9 **Q** Okay. And from your perspective, in your
10 opinion, you didn't think that the officer was ever,
11 his life was not threatened?

12 **A** I can't say, before I pulled up to this
13 car, I can't say what happened before I got there.

14 **Q** Right.

15 **A** So I don't know what happened between them
16 before I pulled up, but I can only say what I saw.
17 From what I saw, he was trying to get away, he was
18 pulling away at the window.

19 **Q** Okay. And you saw it from the time that
20 he ran from the car window until he laid dead on the
21 ground?

22 **A** Yes.

23 **Q** And between that timeframe, he never
24 appeared, in your opinion, to be threatening the
25 officer?

1 **A** No, he was trying to get away from what I
2 saw.

3 MS WHIRLEY: Okay, Kathi?

4 MS. ALIZADEH: Yeah. Hi, .

5 **A** Hi.

6 MS. ALIZADEH: I know we haven't met, my
7 name is Kathi Alizadeh, I'm with the prosecutor's
8 office as well.

9 **A** Uh-huh.

10 MS. ALIZADEH: Miss Whirley and I are
11 working together on this investigation, so we kind
12 of tag team. It is not that I'm asking you certain
13 questions and she's asking you certain questions,
14 but I want to clarify something here. So when you
15 say, I'm going to use this pointer, and you tell me
16 if I'm right. You said the officer's car was
17 somewhere around in here, correct?

18 **A** Yes.

19 MS. ALIZADEH: And you came in from this
20 direction?

21 **A** Yes.

22 **Q** (By Ms. Alizadeh) And then you turn around
23 this horseshoe, which is Canfield Drive, correct?

24 **A** Yeah, I turned into here and I didn't go
25 all the way around it.

1 **Q** Did you park right, like right around
2 here?

3 **A** Yes, that's where I parked.

4 **Q** Okay. And then you walked through the
5 grass?

6 **A** Yes.

7 **Q** Now, you said that Michael Brown was
8 running in this direction, correct?

9 **A** Yes.

10 **Q** So that is down Canfield Drive, and he is
11 running towards Copper Creek Court, this is Copper
12 Creek Court right here? (indicating)

13 **A** Yes, he never made it that far.

14 **Q** You said he never made it this far?

15 **A** Yes.

16 **Q** Which is, I've got the laser pointer,
17 right on the corner of Canfield Drive and Copper
18 Creek Court, he never made it that far?

19 **A** Yeah.

20 **Q** And so you say that at the location where
21 he ended coming, you know, came to rest, his body
22 was in the street?

23 **A** Uh-huh.

24 **Q** Um, how much distance farther had he run
25 before he fell down into the street, do you know

1 what I'm saying? So he runs and then he turns
2 around?

3 **A** Uh-huh.

4 **Q** And does he take any steps or come towards
5 the officer at all?

6 **A** Whenever he stopped and turned around at,
7 that's where he fell dead at.

8 **Q** Okay.

9 **A** I didn't see him take any more steps.

10 **Q** Let me ask you this, is it possible as you
11 were trying to make your way in this direction and
12 watching what was going on, you could have missed
13 him being close to this corner to where he would
14 have come 20 feet back toward the officer?

15 **A** No, I can't. So whenever I was over this
16 way, I saw him running past here, but for me to come
17 across here and him to come all the way, that's not
18 enough time I don't think. I didn't see him go that
19 far, not at all. Because whenever I came across
20 this, whenever I saw the officer coming this way and
21 he was still coming right there, so he never made it
22 that far.

23 **Q** Okay. So let me tell you something, go
24 ahead and sit down. So as you park your car, do you
25 recall which slot you were in right here?

1 (indicating)

2 **A** No, I don't. I was right in one on that
3 side though.

4 **Q** On what side?

5 **A** On the side.

6 **Q** Closet to the street?

7 **A** Yes.

8 **Q** Closest to Canfield Drive?

9 **A** I was in one of those three, I can't
10 remember exactly where I parked.

11 **Q** From where you were parking and you have
12 to get out of your car, is it possible that you lose
13 sight of him for a time period or that you can't see
14 from your location to where he could have been at
15 that corner?

16 **A** No.

17 **Q** Okay. So let me ask you this, have you
18 been out on that street since then?

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

20 **Q** Okay. Since then you haven't seen the
21 flowers and memorial?

22 **A** I seen pictures in the news and stuff like
23 that, not myself actually being there, no.

24 **Q** Do you have any reason to know why Michael
25 Brown's blood might have been located in this area?

1 **A** No.

2 **Q** He came to rest right about here, would
3 that be fair to say?

4 **A** Yeah.

5 **Q** Right, almost right across from
6 Caddiefield Drive?

7 **A** Yes.

8 **Q** So you don't know how it would have been
9 possible for his blood to be 20 and 22 feet that
10 direction toward Copper Creek Court?

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

12 **Q** Okay. Is it possible that you in trying
13 to get out of your car, were you dressed for work?

14 **A** Yes, I was.

15 **Q** Were you wearing heels?

16 **A** No, I had on khakis and a T-shirt.

17 **Q** Okay. So is there, is it possible that,
18 you know, you trying to run through the grass or get
19 in this direction, you missed a part of that?

20 **A** I can't see me missing that part because
21 whenever I was coming across, I still had sight of
22 them. I didn't see him go that far.

23 **Q** Okay. But you say you saw him turn
24 around?

25 **A** Yes.

1 **Q** And from the point he turned around, he
2 didn't really go any further closer to the officer?

3 **A** No.

4 **Q** And he had his hands up at that point?

5 **A** Yes.

6 **Q** Okay. That day, August 9th, pretty hot
7 outside?

8 **A** Yeah.

9 **Q** Did you have your car windows up and the
10 air conditioner on?

11 **A** No, the air is out on my work van, so I
12 had windows down.

13 **Q** Okay. You had the windows down?

14 **A** Yes.

15 **Q** When you pulled in here and you saw
16 Michael Brown and he was struggling with the
17 officer, or what was your description?

18 **A** It was like a wrestling.

19 **Q** Wrestling. So he's at the officer's car
20 window?

21 **A** Uh-huh.

22 **Q** And do you see any part of Michael Brown's
23 body inside the police vehicle?

24 **A** Like maybe his arms and stuff going back
25 and forth through the window, like being pulled back

1 and forth.

2 Q Okay. How about his head, did you ever
3 see his head in the window?

4 A I saw his head in the window, but not like
5 kneel down into the window kind of thing, it was
6 like kind of pulled back and forth like at the
7 window.

8 Q So Michael Brown, do you know how tall he
9 was?

10 A No, he's really tall though, he was a man
11 when I first saw him, I didn't know he was a kid.

12 Q He is taller than the roof of the vehicle,
13 correct?

14 A Yes.

15 Q So in order for his head to be in the
16 vehicle, he would have to have been at some point
17 bent over a little bit, correct?

18 A Yeah.

19 Q His head couldn't --

20 A Yeah.

21 Q Right, right.

22 A It went, yeah.

23 Q And you said that you thought his head
24 might have been in the vehicle at some point?

25 A Yeah, coming like back and forth through

1 the window.

2 Q Okay. Could you see anybody if there was
3 anybody hitting anybody else?

4 A I couldn't see that.

5 Q Couldn't tell?

6 A No.

7 Q Okay. And how many seconds from the time
8 that you pull up and you see this going on at the
9 vehicle to the time that Michael Brown is lying in
10 the street?

11 A I don't know.

12 Q Can you give me an estimate?

13 A It was less than two minutes.

14 Q Okay. And just to be clear, you heard one
15 gunshot while Michael Brown was by the vehicle?

16 A Yes.

17 Q And then he runs and the officer chases
18 him while firing his weapon?

19 A Uh-huh.

20 Q Can you give me an idea how many times the
21 officers fires his weapon while he is chasing him?

22 A No, I can't. I don't know exactly, it is
23 about five or six times.

24 Q Okay. And then does he continue to fire
25 as Michael Brown is turning around, or is there a

1 pause in the gunshots?

2 **A** There was a pause.

3 **Q** Okay. So Michael Brown, does the pause
4 happen when he turns around or before or after?

5 **A** Like during the time, I can't say exactly
6 when the pause happened because there were several
7 pauses. I can't say this happened and then a pause,
8 this happened and then a pause, I wasn't paying
9 attention like when the gunshots came and when it
10 stopped.

11 **Q** Okay. And I know, it is tough, I mean,
12 this is all very chaotic, and you're seeing
13 something, you probably can't even believe what you
14 are seeing, right?

15 **A** Yeah.

16 **Q** So as best we can, you know, everybody
17 that says that they saw this we are trying to get as
18 many details as we can out of them.

19 **A** Uh-huh.

20 **Q** I'm not here to say one person is right,
21 and one person is wrong, okay. Just the best of
22 your recollection.

23 You said you maybe heard how many
24 shots, five or six shots as he was running?

25 **A** Yeah, more than five or six shots.

1 **Q** More than five or six?

2 **A** Yeah.

3 **Q** And then at some point there is a pause in
4 the gunfire and then you hear more gunfire?

5 **A** Yes.

6 **Q** How many guesstimates would you say you
7 heard then?

8 **A** Probably four or five more, I don't know.

9 **Q** Okay. And then after that round of
10 gunfire, do you hear any more gunshots?

11 **A** No, afterwards, no.

12 **Q** So it is that last round of four or five
13 gunshots that Michael Brown then collapses in the
14 street?

15 **A** Yeah. Around about that many times, I
16 can't say exactly how many times he shot each time
17 at all.

18 **Q** Okay.

19 **A** I never counted.

20 **Q** Okay. And that's fair. Did you ever see,
21 after Michael Brown went down on the pavement, did
22 you ever see the officer shoot him again?

23 **A** No.

24 **Q** Did you see the officer go up to him?

25 **A** Huh-uh.

1 **Q** Okay. At some point did you see Dorian
2 Johnson running away ever?

3 **A** I didn't see him. Only time I saw him was
4 on the side of that red car, I didn't look back to
5 see him at all. I didn't see him any more after.

6 **Q** On the side of what car?

7 **A** At the side of the little white car.

8 **Q** The Monte Carlo?

9 **A** The Monte Carlo.

10 **Q** You didn't see where he went after that?

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

12 **Q** Did eventually, did come down from
13 her apartment?

14 **A** I went upstairs to her.

15 **Q** Did you girls eventually go down to the
16 street?

17 **A** I went, I came down whenever the officer
18 said it was okay to come down, because the
19 investigators were there, they wouldn't even let me
20 come down at all, and they told us we had to stay up
21 on the porch because they were trying to block it
22 off, and we had to stay up and they were applying
23 the tape.

24 **Q** While the officers still had things taped
25 off, did you eventually come down?

1 **A** No, never.

2 **Q** Never did?

3 **A** I came down when they investigator got
4 done talking to us.

5 **Q** Did you ever use your phone to tape
6 anything or record anything?

7 **A** I did.

8 **Q** And that's when you are on the ground,
9 correct?

10 **A** That was whenever I was not top on the
11 balcony.

12 **Q** Okay. So you went up to 's
13 apartment and did she stay upstairs too or did she
14 ever go downstairs?

15 **A** I don't remember her going downstairs, I
16 can't say for sure, but I never looked at that
17 point. We were walking back and forth, up and down
18 the steps. We were having two different
19 conversations on our phone, we were both crying. I
20 don't remember her going down, but I know I didn't
21 go down.

22 **Q** Okay. So this number five is her
23 building, correct?

24 **A** Uh-huh.

25 **Q** Do you enter her building off of this

1 Canfield Drive horseshoe?

2 **A** No.

3 **Q** You enter --

4 **A** Those steps right there.

5 **Q** Right here?

6 **A** Yeah.

7 **Q** Right in front of Canfield Drive, right
8 across from where Michael Brown's body was, correct?

9 **A** Uh-huh.

10 **Q** So after this happened, how long did you
11 remain out here before you went inside the
12 apartment?

13 **A** I went straight upstairs to her balcony.

14 **Q** Okay. And her balcony is on the front of
15 the building?

16 **A** Yes.

17 **Q** Third floor?

18 **A** Yes.

19 **Q** Did the two of you, did she let you into
20 her apartment, was she inside when you went to her
21 apartment?

22 **A** She was standing on the balcony with her
23 phone out recording and she was trying to say, I
24 just saw him kill him. I said, yeah, I saw him too.
25 And she was crying, I got on the phone I called my

1 fiancée and said, I just saw the incident.

2 **Q** Okay. But she was in the apartment when
3 you got there?

4 **A** She was on her balcony, yes.

5 **Q** You remained up there?

6 **A** Yeah.

7 **Q** You went upstairs?

8 **A** We remained, we walked up and down the
9 steps a couple of times, both on our phones and we
10 stayed up there.

11 **Q** Okay.

12 **A** Or her and I stayed up there. I don't
13 think she ever went down, the cops wouldn't let us
14 come down.

15 **Q** As far as you know, she stayed up there
16 with you too?

17 **A** Yes.

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

19 MS WHIRLEY: Questions? Anybody?

20 You did talk to a police officer that day,
21 give a statement to the police officer the same day
22 as the shooting?

23 **A** Yes.

24 MS WHIRLEY: Like within an hour or so of
25 the shooting.

1 **A** Yes.

2 MS WHIRLEY: Okay.

3 MS. ALIZADEH: And you have made numerous
4 statements like in the media, correct?

5 **A** Uh-huh, yes.

6 MS. ALIZADEH: And then recently you were
7 interviewed by the FBI, correct?

8 **A** Yes.

9 MS. ALIZADEH: Other than the statement
10 you made that day to the County Police, and the
11 statements you've made in the media and the
12 statement you made to the FBI, have you ever made a
13 statement to anybody else about this?

14 **A** No.

15 MS. ALIZADEH: Other than talking amongst
16 your friends or with your friends?

17 **A** No, that's it.

18 MS. ALIZADEH: Pardon me?

19 **A** No, that's it, I haven't.

20 MS. ALIZADEH: Okay. And does
21 still work for you?

22 **A** Yes.

23 MS. ALIZADEH: Have you, other than the
24 day that this happened, do you guys discuss this
25 together?

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3 State of Missouri

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SS.

5 County of St. Louis

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depositions, do hereby certify that pursuant to

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Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

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aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

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is in all respects a full, true, correct and

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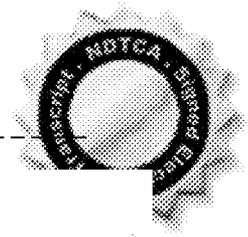
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1 COURT MEMO

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5 State of Missouri vs. Darren Wilson

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7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume VI

12

13 9/23/2014

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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5 Clayton, MO 63105

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
4 of business.

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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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