

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XI

Date: October 7, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

October 7, 2014

VOLUME XI

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1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

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4 STATE OF MISSOURI

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7 vs.

8

9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 7th day of October, 2014, before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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1 GRAND JURY HEARING VOLUME XI
2 MS. ALIZADEH: Today's date is
3 October 7th, it is 10:15 a.m. This is Kathi
4 Alizadeh with the prosecutor's office. All 12 grand
5 jurors are present this morning, as is the court
6 reporter, , who is taking down the proceedings
7 and also audio recording the testimony of witnesses.
8 Sheila Whirley is here and will be in the room in a
9 minute, but I wanted to just give you an idea of
10 what we expect to happen today.

11 We're getting a late start because as
12 Roseanne Roseannadanna said, it's always something.
13 So we had some difficulties this morning that we had
14 to hammer out and we do have two witnesses here this
15 morning who are going to testify.

16 And they will, first one is going to be
17 . He's right out here with Sheila.
18 He's going to be walking in as soon as I give them
19 the high sign and he'll, after his testimony is
20 completed, then we will hear from .

21 If you recall, she made a statement that
22 was recorded that she made to the County Police, we
23 heard that yesterday. She also made another
24 statement to the FBI, which we'll play after we're
25 done just to give you an opportunity to hear that as

1 well.

2 And so we also have witnesses lined up for
3 this afternoon. This is just one of those things I
4 never know if people are going to show up at this
5 point. People call me and say, I don't think I can
6 make it now. Well, I call you a cab. So I'm going
7 to do my best to make good use of your time today.

8 I've got a couple witnesses who are police
9 officers or technicians who I've already notified
10 them to be available if I need to fill a slot if
11 somebody doesn't show up. So hopefully we'll have
12 stuff for you for most of the day today, okay.

13 Does anybody have anything to bring up,
14 questions before we get started? All right.

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

21 EXAMINATION

22 BY MS. ALIZADEH:

23 **Q** Would you go ahead and state your name and
24 spell it for the court reporter?

25 **A** My name is

1

2 **Q** And how old are you, ?

3 **A** .

4 **Q** And do you live in the Canfield Apartment
5 Complex?

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

7 **Q** How long have you lived there?

8 **A** Since .

9 **Q** of this year?

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

11 **Q** So you were living there back in August of
12 this year, correct?

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

14 **Q** I'm going to direct you to this map that I
15 have here, which is marked as Grand Jury Exhibit
16 Number 25. And this is an aerial view of the
17 streets and the buildings that make up the Canfield
18 Green Apartment Complex. Do you recognize the
19 streets and the buildings?

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

21 **Q** Can you use the laser pointer and show me
22 what building that, are you living in the same
23 building?

24 **A** Yes.

25 **Q** Same apartment?

1 **A** Uh-huh.

2 **Q** And south is that way. So would it be
3 fair to say that your unit is on the west side of
4 the building?

5 **A** Yes.

6 **Q** Okay. And, um, in August were you living
7 with anyone?

8 **A** Um, with my now girlfriend.

9 **Q** ; is that right?

10 **A** Uh-huh.

11 **Q** ?

12 **A** .

13 **Q** How long has lived there with you?

14 **A** Since .

15 **Q** So she was there living with you back on
16 August 9th as well?

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

18 **Q** Okay. For the sake of trying to
19 understand this, you were inside the apartment that
20 day, correct?

21 **A** Yes.

22 **Q** So there are, are there windows on the
23 west side of that building?

24 **A** Yes, there is. My door, there's my living
25 room window which was open at the time and also my

1 bedroom window that's facing the west.

2 Q Okay. So the door, meaning like the front
3 door?

4 A Yes.

5 Q Is there a window in that door?

6 A No.

7 Q Okay. And then you have your living room
8 window you said?

9 A Uh-huh.

10 Q Is that a sliding glass, is it a slider?

11 A Yes.

12 Q So the whole thing is glass?

13 A Yes, ma'am.

14 Q And then you have a bedroom window?

15 A Uh-huh.

16 Q Is that a slider or a regular window?

17 A It is a slider.

18 Q But, I mean, can you walk out of that?

19 A No, no.

20 Q What about your living room window?

21 A Yes.

22 Q You can walk out of that?

23 A Uh-huh.

24 Q So your bedroom window is just a regular
25 window?

1 **A** Yes.

2 **Q** Um, are there coverings on your living
3 room and bedroom windows?

4 **A** Yes.

5 **Q** What kind of window coverings are there?

6 **A** Just regular blinds, my living room is
7 vertical, they are little vertical blinds, my
8 bedroom are horizontal.

9 **Q** Okay. And typically during the day would
10 you have those blinds open or keep them closed?

11 **A** My bedroom, no, but my living room I do
12 tend to keep open.

13 **Q** And on August 9th it was a hot day?

14 **A** Uh-huh.

15 **Q** Would you have had the windows open or
16 closed?

17 **A** Open.

18 **Q** The windows would be open?

19 **A** Uh-huh.

20 **Q** You are not running the air conditioner?

21 **A** No.

22 **Q** And so the morning of the 9th, was there
23 anything unusual that happened or that you saw or
24 anything that you recall special about the day?

25 **A** No, that morning I happen to have been at

1 work, but I left work early due to a complication
2 with me and my manager. I left work early, went
3 back home. I made it home around 11:11.

4 Q What time had you gotten to work, did you
5 get to work like at the middle of the night?

6 A No, I got to work at 7:00 in the morning.

7 Q Okay. So you had left your apartment
8 before then to get to work by 7:00?

9 A Uh-huh.

10 Q And then you came home and got home about
11 11?

12 A Uh-huh.

13 Q So when you got home at 11, was there
14 anything going on that was special or that you
15 noticed?

16 A No.

17 Q And this was a Saturday?

18 A Uh-huh.

19 Q And it was a sunny, bright day?

20 A Uh-huh.

21 Q People just about, out and about in
22 general?

23 A Just a normal day. Some people outside, I
24 recall someone barbecuing, just a normal day.

25 Q Okay. Was home?

1 **A** Yes.

2 **Q** Now, had she been home the whole morning
3 to your knowledge?

4 **A** Yes.

5 **Q** So she was there when you left for work
6 and then she was there when you got home at 11?

7 **A** Uh-huh.

8 **Q** When you got home at 11, what was she
9 doing?

10 **A** She was still sleeping.

11 **Q** Okay. Now, do you all have the same
12 bedroom?

13 **A** Yes.

14 **Q** So your bedroom window is the same view?

15 **A** Uh-huh.

16 **Q** If she says in my bedroom windows, that's
17 your bedroom too?

18 **A** Uh-huh.

19 **Q** And so, uh, and so when you got home at
20 11, what did you do?

21 **A** Um, I started playing games.

22 **Q** Video games?

23 **A** Yeah, started playing video games.

24 **Q** Were you in the living room or bedroom?

25 **A** In my living room.

1 **Q** Okay. And from, were you playing, was
2 there anybody else in your apartment with you?

3 **A** No.

4 **Q** Were you online playing with someone on
5 line?

6 **A** No.

7 **Q** Just playing on your own?

8 **A** Just playing on my own.

9 **Q** And so did something happen that drew your
10 attention to the outside?

11 **A** Yes, I heard shots, I heard gunshots.

12 **Q** About how many shots do you recall
13 hearing?

14 **A** The first shots I would say around three
15 or four.

16 **Q** Were these shots in like a succession,
17 like boom, boom, boom, boom?

18 **A** Uh-huh.

19 **Q** Or were they like boom, boom, boom?

20 **A** No, it was succession.

21 **Q** Okay. So there was no real pausing
22 between those shots?

23 **A** Huh-uh.

24 **Q** All right. Have you heard gunshots
25 before?

1 **A** Yes.

2 **Q** So no doubt in your mind when you heard
3 that that was gunshots?

4 **A** That was gunshots.

5 **Q** You didn't think maybe it was firecrackers
6 or anything?

7 **A** At first when I first heard, there were
8 construction workers that happen to have been around
9 here in front of my apartment. I thought it was
10 them at first, but after the third and fourth shot,
11 I realized it was gunshots. I thought they might
12 have been hammers or something. I realized a hammer
13 is not going to be that loud, that's when I realized
14 it was gunshots.

15 **Q** So it was louder than you would expect if
16 it were fireworks?

17 **A** Yes.

18 **Q** Or hammering going on?

19 **A** Uh-huh.

20 **Q** Now, you said these construction workers,
21 can you use the laser pointer again and point out
22 where they were working that day?

23 **A** Yes, the truck was parked here in our lot
24 that I live in, and they were scattered between like
25 the front of this complex and on the side here.

1 **Q** Okay. Do you know those construction
2 workers?

3 **A** No, but they had been out there for about
4 a week or so.

5 **Q** About a week. Was it the same guys that
6 were there each day?

7 **A** Yes.

8 **Q** How many workers?

9 **A** Two.

10 **Q** And did you ever stop and chat with them?

11 **A** No.

12 **Q** You didn't know them?

13 **A** Huh-uh.

14 **Q** Were they white or black?

15 **A** White.

16 **Q** And do you know what they were working on
17 or what they were doing?

18 **A** I'm not sure. I know the pipes up under
19 the ground, they were digging around there.

20 **Q** Okay. And so from your bedroom window
21 then, I'm sorry, you were in the living room?

22 **A** Uh-huh.

23 **Q** So after you hear the three or four
24 gunshots, what do you do?

25 **A** I get up and walk to the window.

1 **Q** Are you talking about the living room
2 window?

3 **A** Yes, my living room window.

4 **Q** Were the blinds open or closed?

5 **A** They were open.

6 **Q** So now when I think of blinds, they can be
7 totally open so that there's nothing covering the
8 window or they can be closed, but they can be
9 adjusted so that you can see out?

10 **A** Yes, they were closed.

11 **Q** Okay.

12 **A** But adjusted so I could see straight
13 outside.

14 **Q** Okay. So when you went to the window,
15 were you able to see without moving them or did you
16 move the blinds?

17 **A** I was able to see without moving.

18 **Q** Did you move the blinds at all?

19 **A** No.

20 **Q** And so when you looked out the window,
21 what did you see?

22 **A** I saw a person holding himself around here
23 and had a hand up in the air and was, it looked like
24 he was going to a knee or on one knee. I think he
25 was going down to his second knee and he was

1 falling. And from that point is when I seen him get
2 shot and seen his head like jerk back and I seen him
3 do that like three times and that's when he just
4 fell face first. (indicating)

5 **Q** Okay. Could you see who was shooting at
6 him?

7 **A** I could not see who was shooting at him.
8 My view from here at my apartment I could see the
9 person in the street about here, but my view of what
10 was going on was obstructed by this building.

11 **Q** Okay. So when you looked out and you see
12 a person, did you recognize him?

13 **A** No.

14 **Q** So you hadn't seen him before in the
15 complex or anything that you recall?

16 **A** After finding out what was going on, I had
17 in my memory had seen him around the complex, but
18 during the shooting of what I seen, I couldn't
19 recall anybody.

20 **Q** He didn't, it didn't mean anything to you
21 when you first saw him?

22 **A** No.

23 **Q** You didn't recognize him?

24 **A** Huh-uh.

25 **Q** And we now know that the man who was shot

1 in the street was Michael Brown?

2 **A** Mike Brown, uh-huh.

3 **Q** Did you see another guy out there, a
4 shorter African-American, darker complected guy?

5 **A** From where I seen, Mike Brown was about
6 here. I seen a person run across to here, across
7 this way. (indicating)

8 **Q** Okay. Was he African-American?

9 **A** Yes, African-American, but I couldn't, him
10 being so far away from me, I couldn't make out any
11 details or facial details or hair or anything.

12 **Q** Okay. And how about clothing?

13 **A** I couldn't really tell, too far away.

14 **Q** Okay. And so he was running, when you
15 first saw him, where was he when you first saw him?

16 **A** I just seen him run like, came from out
17 the street and just streaked across this yard here.

18 **Q** This is like an open field, right?

19 **A** Yes.

20 **Q** Without trees or anything, you can see
21 someone that's in this area, correct?

22 **A** Uh-huh, yes.

23 **Q** And so at the time did you have any idea
24 that he had anything to do with it?

25 **A** No, at the time when I seen someone

1 running, I just thought they might have been running
2 away from the gunshots.

3 Q Okay.

4 A Just running away from the scene just to
5 be clear to make sure that they didn't get shot and
6 everything.

7 Q So when you first looked out the window
8 and saw who we now know as Michael Brown.

9 A Uh-huh.

10 Q Were you, and you're looking from here and
11 you put the pointer somewhere around this area?

12 A Yes.

13 Q Okay. Was his back to you?

14 A His back was, I would say, to me, but he's
15 like in the middle of the street. And so I see like
16 his side, like his side and his back, yeah.

17 Q But he's facing?

18 A He's facing.

19 Q This direction?

20 A Yes.

21 Q So you see him from behind, but you can
22 also see a part of his side?

23 A Uh-huh.

24 Q So which side would that have been?

25 A His right side.

1 **Q** Okay. And so from that view you said you
2 saw that he had a hand across his body?

3 **A** Uh, he had his left hand across his body.

4 **Q** Okay.

5 **A** And his right hand was up in the air.

6 **Q** Okay. And so just so we can make sure
7 that the jurors understand it and so I can explain
8 it for the record, why don't you stand up.

9 **A** Uh-huh.

10 **Q** And do that what you just did again?

11 **A** His left hand was across his body.

12 (indicating)

13 **Q** So you have your left arm about a little
14 below your chest?

15 **A** Yes.

16 **Q** And almost reaching around to your rib
17 cage on your right side, correct?

18 **A** Uh-huh.

19 **Q** And then your other hand, do that again?

20 **A** His other hand is like up in the air, but
21 like out. (indicating)

22 **Q** So you have your arm, elbow is straight?

23 **A** Uh-huh.

24 **Q** Fingers are facing forward and up a bit?

25 **A** Yes.

1 **Q** And I'm going to say that's probably maybe
2 a 45 degree angle?

3 **A** Uh-huh.

4 **Q** You know, 90 degrees --

5 **A** Not straight up, yeah.

6 **Q** More like that, okay. All right. And so
7 now when you first demonstrated that when you were
8 sitting there you had your hand like that, it was
9 more bent, the elbow was bent?

10 **A** Yeah, when he was up it was out, it was
11 out more.

12 **Q** Okay. So why did you do that at first?

13 **A** Just showing.

14 **Q** Okay. So it's not that Michael Brown
15 changed?

16 **A** No, he didn't change.

17 **Q** He didn't like go like this and then raise
18 his hand higher?

19 **A** No, it was out.

20 **Q** The whole time when you first saw him it
21 was like this? (indicating)

22 **A** Yes.

23 **Q** Which is extended out at a 90 degree angle
24 away from in front of him?

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

1 **Q** And so after, when you first saw him,
2 could you see any blood on him?

3 **A** No.

4 **Q** Couldn't tell if he was injured or
5 anything?

6 **A** No.

7 **Q** And so did he move from that place where
8 you saw him?

9 **A** No.

10 **Q** Never walked forward or backwards or spun
11 around or anything?

12 **A** No, he was on his way down, he was on his
13 way down.

14 **Q** Okay. So you say that he went down, I
15 don't want to put the words in your mouth and I
16 don't, I can't recall exactly what you said, but you
17 said he went down like to one knee?

18 **A** Uh-huh.

19 **Q** And is that a yes?

20 **A** Yes.

21 **Q** Okay. So can you stand up maybe and if
22 you want to walk out here so they can see what you
23 are describing.

24 **A** When I looked out the window he was sort
25 of in a position like this with his arm out.

1 (indicating)

2 Q You're on your left knee?

3 A Uh-huh.

4 Q And then your right leg, the ball of your
5 foot is on the ground and your knee is bent?

6 A Uh-huh.

7 Q Okay. And in that position he had his?

8 A He had his hand up and he was covering
9 like this side.

10 Q Okay, okay. You can sit back down. And
11 so now, to get the timeframe, you hear the three or
12 four shots, you look out and that's what you see him
13 going down to one knee. And then do you hear any
14 more shots?

15 A Yes, I would say another four or five
16 shots.

17 Q Okay. How much of a pause was there
18 between the first set of shots and the second set of
19 shots you heard?

20 A I would say maybe 20 seconds, 25 seconds
21 at the most.

22 Q How long, now, when you heard the first
23 shots, did you, were you sitting on the couch?

24 A I was sitting on the couch, yes, when I
25 heard the first shots.

1 **Q** Did you stay on the couch and just look
2 out the window or did you get up?

3 **A** No, I got up and looked out the window.

4 **Q** So we talking a matter of a second or two
5 for you to get up and go look out the window?

6 **A** Yeah, I would say around 20 to 25 seconds
7 because at first, I'm sitting there playing the game
8 when I heard the shots. At first I assumed it was
9 the construction workers and then I realized it was
10 gunshots.

11 At the time when I recognized that it
12 was gunshots, I had just kind of sort of believed
13 that someone had just been shooting or shooting up
14 in the air because I have heard shooting before in
15 Canfield. So I just sort of assumed that it was
16 just something going on, but what kind of made me
17 get up was like everything happened so fast, what
18 kind of made me get up my mind it is like 12:00 in
19 the afternoon, why are people shooting this early.
20 So that made me get up and just look out the window
21 to see what was going on, that's when I seen him
22 down.

23 **Q** Okay. And so when you, there may have
24 been 20 to 25 seconds before you actually go out to
25 go to the window and see him?

1 **A** Uh-huh.

2 **Q** And he's in the process of going down to
3 his knee?

4 **A** Yes.

5 **Q** As you demonstrated, his left knee?

6 **A** Yes.

7 **Q** And what happens, you said you hear
8 another series of gunshots?

9 **A** Uh-huh.

10 **Q** Is he still on his knee and with his hand
11 extended in that manner?

12 **A** Yes.

13 **Q** Or is he going down when you hear more
14 gunshots?

15 **A** When I heard the gunshots, the same time
16 I'm hearing the gunshots, I seen his head jerk back
17 and he came back forward and he jerked back again
18 and that's when after that he fell face first on the
19 ground.

20 **Q** Okay. And so what were his arms doing
21 during this second series of gunshots?

22 **A** During the second series, this is when his
23 arms kind of just fell.

24 **Q** Okay.

25 **A** When he jerked back at the time of him

1 jerking back, his arms are falling and that's when
2 the shooting stop, he fell on the ground.

3 **Q** Okay. And after he fell on the ground,
4 did you see him move any more?

5 **A** No.

6 **Q** And what did you next see?

7 **A** Um, at this time after he fell on the
8 ground is when I called my girlfriend. I said,
9 , someone just got killed out here, someone just
10 got killed.

11 At the time I'm thinking, I'm looking
12 around. This is when I seen the young man run
13 across the field here and I'm thinking someone just
14 shot someone else or whatever. And it wasn't until
15 I seen around three or four officers come from
16 around the corner of this building is when I
17 realized okay, that's when I say, the police
18 just shot someone, the police just shot someone.

19 **Q** But that was an assumption you were
20 making, correct?

21 **A** Yes.

22 **Q** You didn't see the police officer shoot
23 anybody?

24 **A** No, I didn't see a police officer shoot
25 anybody.

1 **Q** Why is it that you would assume the police
2 officer shot somebody?

3 **A** Um, because I felt at this time I wasn't
4 sure if Mike Brown had a weapon and anger at the
5 police officer or threatened him, may have caused
6 the police officer to shoot him. It is just me
7 assuming that the police officer being that close to
8 a shooting that fast, that it was conflict between
9 them.

10 **Q** I'm sorry. The fact that there were three
11 police officers there very quickly, you drew that
12 conclusion that it was a police officer involved
13 shooting?

14 **A** Yes.

15 **Q** Or is it after when people were coming out
16 and talking that you then learned that?

17 **A** No, it was at that time. Like I said, I
18 just assumed that it was a police shooting.

19 **Q** Why wouldn't you think it was this guy
20 because you said you saw him run after the shooting,
21 right?

22 **A** Uh-huh.

23 **Q** In your mind you don't think man, that guy
24 just shot somebody and run in the field?

25 **A** At the time of his running through here, I

1 didn't see any officers in pursuit, so that's why I
2 figure he was just running away from the scene and
3 the officers were on the scene of what happened.

4 **Q** Okay. And so you see three officers you
5 say, correct?

6 **A** Uh-huh.

7 **Q** When you looked out the window, did you
8 notice those two construction guys?

9 **A** Yes. When I looked out the window I seen
10 the two construction guys at this point, they were
11 getting in their truck. They had been looking at
12 the incident that was going on. After the shooting
13 stopped, they got in their truck and they left.

14 **Q** Okay. That day, did you take any video
15 with your phone?

16 **A** No.

17 **Q** Or any video camera?

18 **A** No.

19 **Q** Did you see other people outside after the
20 shooting?

21 **A** Yes.

22 **Q** Did you see people taking videos?

23 **A** Yes.

24 **Q** Okay. Did you go outside?

25 **A** No, I went outside on my balcony and stood

1 on my balcony.

2 Q You never came down to the scene or
3 anything?

4 A No.

5 Q Um, and so you said you saw three
6 officers?

7 A Uh-huh.

8 Q Did you recognize any of the officers?

9 A No, ma'am.

10 Q Do you know Darren Wilson?

11 A No, ma'am.

12 Q Did you recognize them as Ferguson
13 officers, were they wearing blue shirts or brown
14 shirts?

15 A Blue shirts.

16 Q Did you see any police vehicles?

17 A No, it wasn't until after everything was
18 over I seen police vehicles pull up around here.

19 Q Okay. So how much after the shooting, how
20 much time elapsed after you saw Michael Brown
21 collapse in the street.

22 A Uh-huh.

23 Q Before you saw the three officers?

24 A Uh, 15, 20 seconds, not too long.

25 Q Okay. And all three officers appeared

1 together or was it one officer and then another two
2 came after?

3 **A** It was, it was one officer at first who
4 came this way from off the street around like in
5 this part of the grass here.

6 **Q** Uh-huh.

7 **A** I seen two more officers that came around
8 the corner of the building like right off the corner
9 of the building.

10 **Q** Okay. So they came around the building
11 separately?

12 **A** Yes.

13 **Q** And how much time --

14 **A** One and then two.

15 **Q** How much time between the time you saw the
16 first one come around the corner and when you saw
17 the second one, the two come around the corner?

18 **A** Five seconds.

19 **Q** Okay. Um, so did you ever see any of the
20 Ferguson officers approach Michael Brown's body?

21 **A** No.

22 **Q** Did you ever see, other than when they
23 eventually removed the body from the street, did you
24 see anybody move the body?

25 **A** No.

1 **Q** Okay. Um, now you testified today that it
2 was after the shooting that you said to hey,
3 come see this, they just killed somebody or
4 something like that?

5 **A** Yes.

6 **Q** You recall giving a statement previously,
7 correct?

8 **A** Yes.

9 **Q** And you talked to a couple of female FBI
10 agents?

11 **A** Yeah.

12 **Q** They come to your house?

13 **A** Yes.

14 **Q** And did you show them the window that you
15 looked out of and what you saw?

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

17 **Q** And do you remember telling them that it
18 was after the first few shots that you said, hey
19 Emya, they're shooting out here?

20 **A** Yeah, as the shooting, as the first shots
21 rang is when I got up to the window and then when I
22 got to the window is when the second shots started
23 to occur is when I called her.

24 **Q** Okay. So where was when you heard
25 the first shots?

1 **A** She was in the bedroom.

2 **Q** And you said that you normally keep the
3 blinds closed?

4 **A** Yes.

5 **Q** And so when you said to or eventually
6 said, you know, hey, what did you say to her?

7 **A** I said, , someone's out here shooting,
8 someone just got killed.

9 **Q** And did she come out of the bedroom?

10 **A** Yes.

11 **Q** Or did she look out the bedroom window to
12 your knowledge?

13 **A** To my knowledge she looked out the bedroom
14 window first and then she got up and put some
15 clothes on and then came to the living room where I
16 was standing.

17 **Q** Okay. When the FBI agents came to talk to
18 you.

19 **A** Uh-huh.

20 **Q** Was sitting with you when you talked
21 to them about what you saw?

22 **A** Yes.

23 **Q** And did you hear the FBI agents talk to
24 ?

25 **A** Yes.

1 **Q** Now, did you hear told the FBI agents
2 that she saw at least a part of this incident,
3 correct?

4 **A** Yeah.

5 **Q** And is it your belief that she did not see
6 part of the incident?

7 **A** Yes.

8 **Q** Okay. Why is it that you say that?

9 **A** Because her being in the bedroom, I'm not
10 sure that she got up fast enough to see and look out
11 the window to see what was going on.

12 **Q** So by the time she came out of the bedroom
13 and came to where you were?

14 **A** By the time she came to where I was, the
15 shooting was over.

16 **Q** Okay.

17 **A** Now, I don't believe, she was still
18 sleeping when all of this was occurring, so I'm not
19 absolutely sure that she got up at a time when I
20 first called her name, that she got up and was able
21 to look out the bedroom window and see anything.

22 **Q** But you were sitting with her when you
23 heard her tell the FBI agents that she did see
24 Michael Brown get shot?

25 **A** Yes.

1 **Q** Do you recall they talked to you on
2 August 16th?

3 **A** Yes.

4 **Q** Is that the first time that you talked to
5 any officers or police?

6 **A** Yes, those were the first and only time
7 that I talked to them.

8 **Q** You don't recall telling those two agents
9 that, um, you observed Michael Brown take a few
10 steps and then he was in the middle of the street,
11 and then Brown dropped to one knee and collapsed
12 face down and he stopped advancing. When he stopped
13 advancing, the shooting stop?

14 **A** I don't recall ever telling them that he
15 took a few steps.

16 **Q** Okay.

17 MS. ALIZADEH: Sheila, do you have any
18 questions?

19 MS. WHIRLEY: Sure. At any time did you
20 talk to the St. Louis County Police Department?

21 **A** No.

22 **Q** (By Ms. Whirley) Just to the federal FBI
23 agents?

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

25 **Q** Do you know if the St. Louis Police

1 Department tried to contact you or not?

2 **A** I have no idea.

3 **Q** You never made contact with them?

4 **A** No.

5 **Q** They never made contact with you?

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

7 **Q** Okay. If was in the bedroom, is it
8 the bedroom facing west?

9 **A** Yes, the bedroom would be about here.
10 (indicating)

11 **Q** If you were in that bedroom, would you be
12 able to see what you saw?

13 **A** Yes.

14 **Q** And where were you, though, when you saw
15 it?

16 **A** I was in the living room.

17 **Q** Where is the living room?

18 **A** The living room would be about close where
19 this extends at.

20 **Q** Okay.

21 **A** Those are the steps and the living room
22 would be right about the corner.

23 **Q** So both the living room and the bedroom
24 face west?

25 **A** Yes.

1 **Q** Okay. And you said you first heard a few
2 shots and that's what brought your attention to the
3 living room?

4 **A** Yes.

5 **Q** What were you doing in the living room
6 before the shots occurred?

7 **A** Playing my video games.

8 **Q** Okay. So you were awake an everything?

9 **A** Yes.

10 **Q** You weren't taking a nap or anything like
11 that?

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

13 **Q** Okay. It was your impression that
14 was sleeping --

15 **A** Sleeping.

16 **Q** -- in the bed? Hadn't even gotten dress
17 for the day?

18 **A** Not yet, no.

19 **Q** Okay. Did you all have any children?

20 **A** Yes, my son lives in the house, my
21 stepson, her son.

22 **Q** How old is he?

23 **A** He will be in December.

24 **Q** Was he home that day?

25 **A** Yes.

1 **Q** Did he see any of this?

2 **A** No.

3 **Q** Where was he when all of this was going
4 on?

5 **A** He was in the room sitting on the floor
6 watching TV.

7 **Q** Okay.

8 **A** When that happened.

9 **Q** In the same room with you?

10 **A** No, with , he was in the bedroom.

11 **Q** Okay. He was in the bedroom with ?

12 **A** Yes.

13 **Q** And was asleep and he was watching
14 TV?

15 **A** Uh-huh.

16 **Q** Did he run to hear and see what was going
17 on with the shooting?

18 **A** He only got excited after me and her got
19 excited about everything that was going on.

20 **Q** He wasn't really paying any attention?

21 **A** No.

22 **Q** Okay. So you hear the shots, you go look
23 and you see and when you see Mike Brown, did you
24 know Mike Brown?

25 **A** I didn't know him personally, no.

1 **Q** But you had seen him around?

2 **A** I seen him around the complex. He had
3 friends in the complex, I had seen him.

4 **Q** Did you know Dorian Johnson?

5 **A** No.

6 **Q** When you see him, you don't see him
7 running at any point?

8 **A** No.

9 **Q** Do you ever see him charging at the
10 officer?

11 **A** No.

12 **Q** And you said you couldn't actually see the
13 officer?

14 **A** I couldn't see the officer, no.

15 **Q** You could just see Mike Brown?

16 **A** Yes.

17 **Q** When you saw Mike Brown, he wasn't
18 running?

19 **A** No.

20 **Q** Or charging. Did you see a weapon on him?

21 **A** No, I couldn't see a weapon, no.

22 **Q** Okay. Could you see his hand?

23 **A** Yes.

24 **Q** Did it look like he was holding anything?

25 **A** No.

1 **Q** It did not?

2 **A** No.

3 **Q** All right. And when you said he fell on
4 one knee, was he like on the knee for a while or was
5 it as he was falling down, he hit a knee first?

6 **A** That's how I was trying -- as he was
7 falling down, he hit his left knee first. And then
8 the second set of shots, and then that's when he was
9 just on the ground.

10 **Q** So as he's, okay, some shots have
11 occurred?

12 **A** Uh-huh.

13 **Q** He's falling down?

14 **A** Uh-huh.

15 **Q** Kneeling, in a kneeling position, he's
16 falling down?

17 **A** Yes.

18 **Q** And then another set of shots occur?

19 **A** Yes.

20 **Q** Okay. So as he's falling down, he's
21 getting shot is what you are saying?

22 **A** Yes.

23 **Q** But you can't see who is shooting him?

24 **A** I can't see who is shooting him, no.

25 **Q** Did he appear to be in an altercation with

1 anybody at any point that you were, wait a minute,
2 let me ask the question because he's got to take us
3 one at a time.

4 **A** Okay.

5 **Q** At any point when you were watching
6 Michael Brown, or the person who was shot, which is
7 Michael Brown, did he appear to be in an altercation
8 with anyone?

9 **A** No.

10 **Q** Do you know what I mean by altercation?

11 **A** A fight or.

12 **Q** Yeah, or some type of disagreement or
13 anything?

14 **A** No.

15 **Q** You never saw anybody but him?

16 **A** Just him.

17 **Q** Okay.

18 MS. WHIRLEY: Anybody have questions?

19 MS. ALIZADEH: I just want one more
20 clarification.

21 **Q** (By Ms. Alizadeh) So, do you
22 remember telling the two FBI agents that after you
23 saw Michael Brown collapse in the street, you
24 observed a police officer approach Brown and shortly
25 thereafter, other officers arrived at the scene, do

1 you remember telling them that?

2 **A** Not that he approached him, but I seen the
3 officer and then I seen two more officers.

4 **Q** Okay. And then do you remember telling
5 the officers that when you had looked out the
6 window, you observed Brown walking toward the
7 direction from which the police officer came?

8 **A** No.

9 **Q** Okay. All right.

10 From the
11 moment that you looked out your window and witnessed
12 this and the time when Michael Brown's body hit the
13 ground, about how long of a time frame would you say
14 that was?

15 **A** Between me looking out the window and him
16 hitting the ground?

17 : Yeah.

18 **A** I'd say the timeframe, probably about 45
19 seconds at the most.

20 Thank you.

21 Did you
22 ever hear any yelling going on when all of this was
23 going on?

24 **A** No, because my window was, the screen
25 part, the door part was closed, I just had my blinds

1 open, but I could hear the shots, but I didn't hear
2 any yelling or anything.

3 : You couldn't hear any
4 voices or anything?

5 **A** No, sir.

6 . At the time of
7 the shooting, I know it happened very fast, did you
8 notice what the two construction workers were doing,
9 were they locked on the scene too, do you know?

10 **A** Yes, they happen to have been looking at
11 what was going on and then as they were watching,
12 they were loading up their stuff in their truck and
13 they pulled off.

14 : You think they had a clear
15 view of what?

16 **A** I'm not sure how clear their view was, but
17 they were down on the ground, probably had a better
18 view than I did.

19 MS. WHIRLEY: Show us again on the map
20 where they were?

21 **A** They were about here. Their truck was on
22 the lot, one was about here and the other one was
23 about here closer to my building. (indicating)

24 **Q** (By Ms. Whirley) Okay. And this was
25 occurring where?

1 : Five or six in that eight
2 months, seven months?

3 **A** Actually, two nights before August 9th,
4 the night of August 7th there were gunshots that
5 happened right in front of my building.

6 : Do you know if those were
7 police involved gunshots?

8 **A** No.

9 : Was it with the
10 residents?

11 **A** I think those were residents.

12 : Okay.

13 **A** I was asleep when I heard the shots, the
14 shots woke me up. And so when I looked out the
15 window, there was no one there, but police officers
16 came and looking at the ground. I guess they were
17 picking up shell casings.

18 : They were investigating a
19 shooting and they weren't involved in it?

20 **A** Yes.

21 : And you said that you had
22 an obstructed view of who was shooting, but you
23 could see the field?

24 **A** Yeah.

25 : Could you see the whole

1 thing?

2 **A** No, I couldn't see the whole thing because
3 the building obstructs, but I could see part of the
4 field.

5 You said you saw a man
6 running?

7 **A** Yes.

8 Which way was he running?

9 **A** He was running this way towards the south.
10 (indicating)

11 So he was running from
12 Canfield?

13 **A** From Canfield Drive.

14 To maybe go to one of
15 these places?

16 **A** Yes.

17 Can you tell me what that
18 man looked like, can you describe him?

19 **A** I can't, I don't really have any details.

20 Okay. Like dark skin,
21 light skin?

22 **A** He was black, yes.

23 : He was black.

24 **A** Darker skin than me, I could see it.

25 : What about his hair, did

1 you see what his hair looked like?

2 **A** I couldn't see his hair.

3 : You couldn't tell if he
4 had a shaved head or dreads or whatever?

5 **A** (Shakes head.)

6 Was he short or tall do
7 you know?

8 **A** I couldn't tell you.

9 : Okay. I'm sorry, one
10 more question.

11 **A** You're fine.

12 : And it is your opinion
13 that you do not believe that saw the actual
14 shooting.

15 **A** Yes.

16 Because of when you
17 called her in?

18 **A** Yes.

19 That's it. Sorry, thank
20 you.

21 MS. ALIZADEH: I just want to clarify and
22 I'm not sure if I heard you well enough. When you
23 said you saw the man running and you described for
24 the jury the direction, did you say he was running
25 towards his house?

1 the moment of what was going on and talking to
2 people and finding out what had happened. We had
3 never really had a conversation about it, no.

4 At
5 the time that you and , you say you were
6 questioned by the FBI; is that correct?

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

8 : And the FBI also came to
9 your home; is that correct?

10 **A** Yes.

11 Was there one or two
12 officers?

13 **A** Two.

14 : At that time was your
15 testimony and testimony, even though you are
16 at home together, you were there together in the
17 same room, is that my understanding.

18 **A** Yes.

19 You could hear what
20 was saying and she could hear what you were saying,
21 is that also correct.

22 **A** Yes.

23 Was that both of your
24 testimony, was it recorded as well?

25 **A** Yes.

1 All right. I think that's
2 about all I have.

3 MS. WHIRLEY: Let me clear something up,
4 just about what said. You asked
5 about something being recorded; is that right?

6 : Yes.

7 MS. WHIRLEY: You had a recorded
8 statement?

9 **A** Yes.

10 MS. WHIRLEY: Okay, all right, go ahead.

11 MS. ALIZADEH: Let me just clarify.

12 Because, when the FBI came and talked to
13 you, it was two male officers, correct?

14 **A** Yes.

15 MS. ALIZADEH: And that was on
16 August 16th?

17 **A** Uh-huh.

18 MS. ALIZADEH: And they came to your
19 house?

20 **A** Yes.

21 MS. ALIZADEH: And was there when
22 they talked to you?

23 **A** Yes.

24 MS. ALIZADEH: When the FBI talked to
25 , it was two females officers, correct?

1 **A** Yes.

2 MS. ALIZADEH: So that was on a totally
3 separate day?

4 **A** Yes.

5 MS. ALIZADEH: Were you there will when
6 the two females officers talked to ?

7 **A** Yes.

8 MS. ALIZADEH: They didn't interview on
9 the same day?

10 **A** No.

11 MS. ALIZADEH: But you were present and
12 heard the other person make their statements?

13 **A** Yes.

14 MS. ALIZADEH: And you heard talk to
15 the female FBI agents and say she saw the shooting?

16 **A** Yes.

17 MS. ALIZADEH: And you now know that
18 says that she didn't see it?

19 **A** Yes.

20 MS. ALIZADEH: Have you talked to her
21 about that?

22 **A** Um, yes, briefly.

23 MS. ALIZADEH: Now, I'm just wondering,
24 you know, all the uproar that has happened since
25 this occurred.

1 **A** Yes.

2 MS. ALIZADEH: You still live in the
3 Canfield Apartment Complex?

4 **A** Yes.

5 MS. ALIZADEH: When you were talking to
6 the FBI agent, did you feel pressured to say things
7 that weren't true?

8 **A** No.

9 MS. ALIZADEH: Is what you told the FBI
10 agent true?

11 **A** Yes.

12 MS. ALIZADEH: To the best of your
13 recollection?

14 **A** Yes.

15 MS. ALIZADEH: And yet what told the
16 FBI agents she is now saying is not true?

17 **A** Uh-huh.

18 MS. ALIZADEH: Is that right?

19 **A** Yes.

20 MS. ALIZADEH: Since the time you were
21 interviewed by the FBI agents until you come in and
22 testify today, have you felt pressure from other
23 people to say something that you're not comfortable
24 saying?

25 **A** No.

1 MS. ALIZADEH: Okay. What about , has
2 she talked to you about feeling pressure about
3 having to come and testify about that day?

4 **A** Feeling pressure as far as me feeling
5 pressure or her feeling pressure?

6 MS. ALIZADEH: About her, has she told you
7 that she feels pressure?

8 **A** She never said that she feels pressure,
9 she sort of told me that she felt, I don't want to
10 say obligated, but so to speak in that sort of way
11 she felt that she needed to say something.

12 MS. ALIZADEH: When did you first learn
13 that really didn't see this, when did she tell
14 you that she didn't see it?

15 **A** A couple days ago.

16 MS. ALIZADEH: A couple days ago. Now,
17 you know that I talked to about her coming into
18 court and everything?

19 **A** Yes.

20 **Q** Is it after I contacted her and told her?

21 **A** Yes, yes, yes, when you contacted, that's
22 when me and her sort of had a sitdown, okay. You
23 got to go to court and that's when she kind of
24 acknowledged I really didn't, you know, I really
25 don't want to go to court because I really didn't, I

1 don't have any solid evidence of my eyewitness to
2 it.

3 MS. ALIZADEH: So when she was giving her
4 statement to the two female FBI agents and you were
5 sitting there and listening to her say that, did you
6 believe that she did see it at that time.

7 A Like I said at the time I was still having
8 my doubts because I wasn't really sure.

9 Q (By Ms. Alizadeh) But at that time she
10 didn't secretly tell you I didn't really see it,
11 but --

12 A No.

13 Q You thought that she was telling the FBI
14 agents the truth?

15 A Uh-huh.

16 Q And now she says it wasn't true, correct?

17 A Yes.

18 MS. ALIZADEH: Anything else? Okay. That
19 will conclude, needs to say something.

20 (End of the testimony of .)

21 MS. ALIZADEH: This is Kathi Alizadeh. It
22 is October 7th at 11:18 a.m. I'm present, Sheila
23 Whirley is present, as well as all 12 grand jurors
24 and the court reporter. And at this time we're
25 going to play a recorded statement for you. It is a

1 statement of that was taken or done by
2 Federal Bureau of Investigation agents and this
3 statement is contained on a disc that I have marked
4 as Grand Jury Exhibit Number 36.

5 (Deposition Exhibit Number 36
6 marked for identification.)

7 Q (By Ms. Alizadeh) It is 21 minutes and 56
8 seconds in length. I have transcripts that I can
9 pass.

10 I want to mention during the break
11 before we began recording again, the grand jurors
12 had asked if we could try to get a floor plan of the
13 apartments, and we'll look into that if that can be
14 done. Also I intend, I'm going to try to get some
15 testimony from a witness who, as you heard the last
16 witness, he said that they were interviewed at their
17 home by federal agents. So it's possible that I
18 could get one of them who has been inside the
19 apartment to maybe describe, if we don't have a
20 floor plan available.

21 And then also there was a question
22 about topography, if there was any maybe
23 topographical maps available. I don't know the
24 answer to that, but we can see if we can find some.

25 I also advised the grand jurors that

1 we have had some additional investigation done where
2 we had officers go out to the scene as recent as
3 last week and take photographs with a lens that
4 would be as close to what the human eye sees as we
5 can get.

6 In other words, it is not a zoom lens
7 or anything like that and taking photographs from
8 different vantage points because I gathered from
9 some questions that had been asked previously that
10 this might be a question that you have about, you
11 know, can somebody be in a certain place and see
12 what they are describing that they saw.

13 So I would probably call
14 to introduce those photos. And as I mentioned
15 before, if we may have a gap today with witnesses
16 who might not appear. And so is
17 standing by ready as one of my fill-in witnesses.
18 So that might be something that we can get to this
19 afternoon.

20 Also, yesterday, we had
21 talk about taking photographs of Darren Wilson's
22 face and then we also had him talk about taking
23 photographs of him taking a bullet out of the side
24 of one of the buildings.

25 And so we didn't have time for me to

1 pass those photographs to you yesterday, so at some
2 point today when we maybe have a break where there
3 is no witness available, we'll get those photographs
4 passed around and give you plenty of time to look at
5 those.

6 Is there anything else or any other
7 questions before we begin the recording?

8 All right. And at this time I'd ask
9 to pause the audio recording while we're
10 playing the statement of .
11 (Interview of is being played
12 at this time.)

13 MS. ALIZADEH: It is 11:44. We just
14 finished listening to a statement of .
15 She's here and are we okay with bringing her on and
16 getting her done so that we can break for lunch
17 after she's testified, is that all right? Okay.

18
19
20
21
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24
25

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

7 EXAMINATION

8 BY MS. WHIRLEY:

9 Q I'm going to stand back
10 here as best I can, I need you to speak up, okay?

11 A Okay.

12 Q So that all the grand jurors can hear you.
13 Introduce yourself to the grand jurors and spell
14 your name for the court reporter, please?

15 A My name is

16

17 Q Okay. And , you know why
18 we're here today, correct?

19 A Yes.

20 Q And we're here to talk about the shooting
21 of Michael Brown?

22 A Uh-huh.

23 Q And what you know about that?

24 A Okay.

25 Q Now, you've given, how many statements

1 have you given regarding this incident?

2 **A** Two.

3 **Q** And who did you give those statements to?

4 **A** To the FBI agents.

5 **Q** Both statements were to the FBI agents?

6 **A** Yes.

7 **Q** And as far as you know, were those
8 statements recorded?

9 **A** Yes.

10 **Q** Okay. Have you ever talked to the police,
11 the St. Louis County Police about this incident?

12 **A** No.

13 **Q** Was there any reason why you didn't talk
14 to the police?

15 **A** No.

16 **Q** I mean, did you not want to talk to the
17 police?

18 **A** Huh-uh, because I had already talked to
19 the FBI agents.

20 **Q** And the first time you talked to the FBI
21 agent, well, at some point you did talk to the
22 police, didn't you, on the first day that this
23 occurred August the 9th?

24 **A** Uh-huh.

25 **Q** Do you remember when it occurred on

1 Saturday August the 9th?

2 **A** Yeah.

3 **Q** Did you talk to _____ ?

4 **A** There was two.

5 **Q** You thought he was an FBI agent?

6 **A** Uh-huh.

7 **Q** You did talk to someone that same day that
8 it occurred?

9 **A** Yeah.

10 **Q** A few hours later?

11 **A** (Nods head.)

12 **Q** And after that, you talked to --

13 **A** The two ladies.

14 **Q** Two women FBI agents later?

15 **A** Uh-huh.

16 **Q** At your home?

17 **A** Yes.

18 **Q** And that would have been on
19 September 30th?

20 **A** Yes.

21 **Q** So a week or so ago then, right?

22 **A** Uh-huh.

23 **Q** That was very recent, most recent?

24 **A** Yeah.

25 **Q** You gave two statements, were both of

1 those statements true?

2 **A** No.

3 **Q** Okay. We'll start there.

4 **A** Okay.

5 **Q** So was one true and not the other, or were
6 they both not true? All we're looking for here is
7 the truth. We're not here to embarrass you or to
8 make you feel bad in any way, we just need the
9 truth, this is very important.

10 **A** Okay.

11 **Q** Okay.

12 **A** Um, the statement that I made, it was with
13 what my boyfriend saw. I just felt
14 like I want to be part of something and what I saw
15 was just lying, lying there at the end. I didn't
16 see what I told the FBI what I saw.

17 **Q** Okay. And then how did you know what, was
18 ?

19 **A** Uh-huh.

20 **Q** How did you know what saw?

21 **A** Cause when I was in the room, he called me
22 and let me know what was happening and by the time I
23 got to the window, everything was done. And then he
24 just told me what happened because I asked him what
25 happened.

1 **Q** Okay. So that same day before anybody
2 talked to the authorities, he told you what he saw?

3 **A** Yeah.

4 **Q** All right. And then I guess the police
5 came around to talk to people?

6 **A** Yes.

7 **Q** That same day. Did they talk to
8 before they talked to you?

9 **A** No, they talked to me first because he had
10 left.

11 **Q** Okay. He left and did what?

12 **A** He went to work.

13 **Q** About what time the he leave and go to
14 work?

15 **A** Like 7:00, 7:30.

16 **Q** Okay. So when the police, according to
17 the information we have, it would have been around
18 5:00 in the afternoon?

19 **A** Uh-huh.

20 **Q** Was he there when the police came?

21 **A** No.

22 **Q** Okay. So he had left before 5:00?

23 **A** No, he was there at 5:00.

24 **Q** Okay.

25 **A** That's when they got his body up about

1 like 5:15.

2 Q Okay.

3 A So he was still there.

4 Q Okay.

5 A And then his mom picked him up and he
6 left.

7 Q His mother picked him up and he left
8 around 7:00?

9 A Uh-huh.

10 Q The only reason why I'm questioning you on
11 this matter it looked like around 5:06 p.m.,
12 would have taken your statement?

13 A Uh-huh.

14 Q I'm trying to figure out was at the
15 house at that time when he took your statement?

16 A No.

17 Q So could your times be off?

18 A Probably.

19 Q Okay.

20 A Yeah, because he wasn't there, it was just
21 me and my son.

22 Q You are sure he wasn't there?

23 A It was just me and my son.

24 Q Just you and your son?

25 A Uh-huh.

1 **Q** So what's your son's name?

2 **A**

3 **Q** okay. So you and were there
4 and the police came?

5 **A** Yes.

6 **Q** Did you go to them and say, hey, I know
7 something, did you walk out?

8 **A** They were going door to door.

9 **Q** They were canvassing, going door to door?

10 **A** Yes.

11 **Q** When they came to you, tell us how that
12 went down?

13 **A** They asked me did I see anything? And I
14 told them, yes. And then he gave me what I could
15 write all the stuff and also so he can record what I
16 saw.

17 **Q** Okay.

18 **A** And he recorded it and then he left.

19 **Q** Okay. And you were telling him what you
20 had told, what had told you happened?

21 **A** Yes, yes.

22 **Q** Okay. So then there was another occasion,
23 well, first of all before I move on, I want to make
24 clear what you did see.

25 **A** Uh-huh.

1 **Q** So at what point did you go and see
2 anything that day?

3 **A** I was, when I first heard the shots, I was
4 in the room laying down, me and my son. And we just
5 thought it was construction people, they was cutting
6 down our trees and stuff.

7 And then when yelled that
8 somebody get shot, and so I'm putting on my clothes.
9 And by the time I get to the living room and look
10 out the window, he was already on the ground.

11 **Q** He was already on the ground?

12 **A** Uh-huh.

13 **Q** Did you see any police officers or
14 anything?

15 **A** Not at that moment.

16 **Q** You just saw him on the ground?

17 **A** On the ground.

18 **Q** Was he moving on the ground?

19 **A** (Shakes head.)

20 **Q** Did you keep looking out the window?

21 **A** Yes.

22 **Q** And this little pen here, see how it
23 works? You push that button there. Show us where
24 you were looking, what apartment you were at when
25 you were looking out the window, can you tell from

1 this map?

2 **A** This is my street.

3 **Q** You live on Canfield Drive?

4 **A** Court.

5 **Q** Canfield Court. Point at it with the
6 little pointer, that's fine.

7 **A** Mine is right there. (indicating)

8 **Q** This is you. So you were looking --

9 **A** I'm looking out my balcony to the street.

10 **Q** Where did you see the body laying?

11 **A** Like right here. (indicating)

12 **Q** Okay.

13 **A** Right there. That's my driveway, it was
14 driveway it is right there. (indicating)

15 **Q** Okay. And so you just saw the body
16 laying?

17 **A** Uh-huh.

18 **Q** At some point did you see the police
19 arrive or show up?

20 **A** Yes. There was like three officers that
21 just came. About that time there was people rushing
22 outside and everything.

23 **Q** Was it when you saw the body lying there,
24 you didn't know how long Michael Brown had been
25 laying there?

1 **A** No.

2 **Q** Because you didn't see him when he fell or
3 anything?

4 **A** No.

5 **Q** You didn't see him with his hands up or
6 anything?

7 **A** No.

8 **Q** And you already told us, I don't want to
9 say what you said, I'm going to have to ask you one
10 more time, I want to be real clear. When the police
11 came that first time you told them that you saw, but
12 you really didn't, why did you do that?

13 **A** I just wanted to be a part of something
14 and tell them what my boyfriend said because he
15 wasn't there.

16 **Q** Okay.

17 **A** I didn't know if they was going to come
18 back and try to talk to him, I just wanted his story
19 to be out there.

20 **Q** Okay. And you made his story your story?

21 **A** Yeah.

22 **Q** You didn't tell the police, though, that
23 this is what my boyfriend said he saw?

24 **A** No.

25 **Q** Did you give them his name to come back

1 and talk to him?

2 **A** Uh-huh.

3 **Q** Okay. Did you realize when you were
4 contacted by the FBI, what did you think then when
5 they wanted you to tell them what happened, and that
6 would have been, before I move on, this was
7 September 30th?

8 **A** I was nervous. I didn't want to say
9 nothing because I knew I really didn't see it, but
10 then one of the ladies was like, I might as well
11 just tell them and let them know what happened
12 because they want to hear it. So I'm like okay, I
13 might as well just keep telling them what I saw,
14 what saw.

15 **Q** You didn't tell them that's what
16 saw?

17 **A** No.

18 **Q** Has anyone threatened you or made you come
19 here and say that you didn't see it when you really
20 did?

21 **A** No.

22 **Q** Okay. Has anyone coerced you, you know
23 what I mean by coerced, promised you something or
24 said that they're going to do something to somebody
25 in your family if you don't come here and say what

1 you said?

2 **A** No.

3 **Q** Before?

4 **A** No.

5 **Q** So it's the absolute truth that you did
6 not see it?

7 **A** Yeah.

8 MS. WHIRLEY: Questions?

9 MS. ALIZADEH: I have a few.

10 **Q** (By Ms. Alizadeh) , on the day
11 that this happened, just a few hours afterwards,
12 Detective came and knocked on your door and
13 said, did you see what happened, anything that
14 happened today? You didn't say, I didn't, but my
15 boyfriend did. You said, I saw it?

16 **A** Yes.

17 **Q** And so then he said, would you mind
18 telling us what you saw?

19 **A** Yes.

20 **Q** You are saying you just repeated what your
21 boyfriend had you happened?

22 **A** Yes.

23 **Q** Did you guys go through that in detail
24 before he left for work to make sure you knew the
25 story?

1 **A** No, he just let me know what happened,
2 when he saw the shots being fired.

3 **Q** Did you discuss the position of his arms,
4 or how many gunshots there were or anything like
5 that?

6 **A** No, I could hear the gunshots, but I
7 couldn't see them like entering his body, I just
8 heard them.

9 **Q** I'm sorry, did you and , though,
10 discuss like the positioning of his arms?

11 **A** No, he just told me he had his arms up.

12 **Q** He didn't tell you that he was grabbing at
13 his side?

14 **A** Yeah, he told me everything that he saw
15 from the side. From him kneeling, falling,
16 everything.

17 **Q** Okay. So did know then on that day
18 that it happened, did he know that you didn't see
19 it?

20 **A** No.

21 **Q** Okay. And so several weeks go past and
22 you know that the FBI and the Department of Justice
23 and there are a bunch of people that are trying to
24 get ahold of you because they want to talk to you?

25 **A** Uh-huh.

1 **Q** And you knew that, right?

2 **A** Yes.

3 **Q** And you said you didn't want to talk to
4 them?

5 **A** No.

6 **Q** And then, but at some point these FBI
7 women came to your house, correct?

8 **A** Yes.

9 **Q** Now, did they have a warrant for your
10 arrest?

11 **A** No.

12 **Q** Did they threaten you in any way?

13 **A** No.

14 **Q** Were they nice?

15 **A** Yes.

16 **Q** I mean, I've met them, they seem like nice
17 ladies, right?

18 **A** Uh-huh, yes.

19 **Q** And was home when they were there?

20 **A** Yeah.

21 **Q** So he was there when they were talking to
22 you, correct?

23 **A** Yeah.

24 **Q** And this is now several weeks later, you
25 don't take the opportunity to go, well, I really

1 didn't see it, but my boyfriend did. He can
2 tell you what happened, but you didn't do that?

3 **A** No.

4 **Q** Before you talked to those ladies, they
5 told you, didn't they, if you lie to a federal
6 agent, it is a crime?

7 **A** Yes.

8 **Q** And you know that, right?

9 **A** Yes.

10 **Q** And when I called you, I called you last
11 week about coming in and testifying, correct?

12 **A** Uh-huh.

13 **Q** And you said okay. We made arrangements
14 for you to come in and then you had to reschedule,
15 right?

16 **A** Yes.

17 **Q** You never told me on the phone, well, you
18 know what, I didn't really see anything, right?

19 **A** Uh-huh, yes.

20 **Q** And so this morning you and came
21 here and you had an attorney with you?

22 **A** Yes.

23 **Q** All right. Your attorney advised me that
24 you were going to take the Fifth, in other words,
25 you were going to invoke your right to incriminate

1 yourself?

2 **A** Yes.

3 **Q** And you had discussions with your attorney
4 about your, he gave you advice and you talked to
5 him. I'm not asking you what you said to him or
6 what your conversation was, but at the conclusion of
7 that you decided that's what you were going to do,
8 right?

9 **A** Yes.

10 **Q** And then at some point you were aware that
11 I had gotten ahold of the Department of Justice and
12 that the Department of Justice said they would give
13 you immunity?

14 **A** Yes.

15 **Q** In other words, if you testified today
16 truthfully, they're not going to charge you or try
17 to prosecute you for any charges that may involve
18 giving a false statement to a federal agent, you
19 understand that?

20 **A** Yes.

21 **Q** Okay. So you are testifying here today
22 based upon the promise by the Department of Justice
23 that they wouldn't, they're not going to prosecute
24 you for that?

25 **A** Yes.

1 **Q** And I talked to you before you came in
2 here today and didn't I tell you that look, it is
3 not a crime per se to lie to a state official, we
4 don't, I told you I wasn't concerned about that, I
5 just wanted you to say what was truthful?

6 **A** Uh-huh.

7 **Q** Is that what you're doing today?

8 **A** Yes.

9 **Q** I know Miss Whirley asked you questions
10 about anybody threatening you or pressuring you and
11 you said no; is that right.

12 **A** Yes, that's correct.

13 **Q** And that includes , correct?

14 **A** Yes.

15 **Q** Did pressure you into saying, hey,
16 you've got to say what I said happened?

17 **A** No.

18 **Q** You still live in Canfield Green, correct?

19 **A** Yes.

20 **Q** And you know that there's been a lot of
21 tension, have you felt the tension?

22 **A** Yes.

23 **Q** You're aware that there's a lot of tension
24 and especially focused right in your neighborhood,
25 correct?

1 **A** Yes.

2 **Q** Do you feel pressure, whether or not
3 anybody came flat out that was threatening. I'm not
4 asking you that because you said no, I'm asking did
5 you feel pressure to lie to the federal agents or do
6 you feel pressure to come in here today and say that
7 you didn't see it when in fact you did?

8 **A** No.

9 **Q** Okay. So you're saying the reason you
10 lied to the federal agents is that you just kind of
11 thought you wanted to be part of it?

12 **A** Yes.

13 **Q** And that feeling was still continuing when
14 let me ask you this when the federal agents were
15 trying to get you to come in and talk to them, how
16 come you didn't talk to them then if you still
17 wanted to feel like you were a part of it?

18 **A** Cause I knew that I was lying and I didn't
19 want to talk to nobody at all.

20 **Q** But you know then when they came to your
21 house, that was your opportunity to say, you know, I
22 don't want, I know it is a crime to lie to a federal
23 agent, and I don't want to get myself in trouble. I
24 just want to get, you know what, I don't want to
25 lie, I'm going to tell you right now, I didn't

1 really see it. You didn't do that?

2 **A** No, I was going to come in Monday to talk
3 to you and that's when I was going to let you know.
4 And then I had told that I didn't really see
5 nothing and that's when he called the lawyer.

6 **Q** Okay. Do you believe me when I told you
7 before you came in here that Miss Whirley and I, all
8 we care about is that we get to the truth.

9 **A** Yes.

10 **Q** I'm not on anybody's side one way or the
11 other. I told you we want witnesses to give
12 truthful testimony regardless of what that testimony
13 is, it just has to be the truth.

14 **A** Uh-huh.

15 **Q** Are you saying that your testimony today
16 is truthful?

17 **A** Yes.

18 **Q** Anything else you want to add or --

19 **A** No.

20 **Q** -- or state now that you want to get off
21 your chest or anything before we're done here?

22 **A** No, I just wanted to be a part of it, I
23 just wanted them to hear what he saw because he
24 wasn't there to let them know, that was it.

25 **Q** Well, you know that two federal agents

1 came out and talked to him in August?

2 **A** Yeah.

3 **Q** So he had already given his statement too?

4 **A** I didn't know they was going to come back
5 and talk to me.

6 **Q** Do you know anyone else in your community
7 in the same spot that you found yourself in. In
8 other words, that they maybe said something that
9 they knew wasn't truthful, but they said it because
10 either they wanted to be a part of something, or
11 that they felt like they were pressured or they just
12 wanted to go along with what everybody else was
13 saying?

14 **A** No.

15 **Q** Have you talked to the neighbors in your
16 complex?

17 **A** Yes.

18 **Q** Do you know anybody else who claims to
19 have seen this?

20 **A** No.

21 **Q** So you've not had any conversations with
22 somebody who said, yeah, I was looking out my window
23 too, I saw it?

24 **A** No.

25 **Q** So you don't know if there are people out

1 there who are saying that they saw it, but in fact,
2 didn't see it?

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

4 **Q** Okay.

5 MS. ALIZADEH: I'm done.

6 MS. WHIRLEY: Questions?

7 (Lunch recess)

8 MS. ALIZADEH: All right. Good afternoon.
9 It is October 7th, it is 1:46 p.m. I'm Kathi
10 Alizadeh, present also is Sheila Whirley with the
11 prosecutor's office, all 12 grand jurors are also
12 present, as wells as the court reporter who is
13 taking down what's transpiring in the room and also
14 he is doing an audio recording to record what's
15 being said.

16 And so the first witness we're going to
17 have for this afternoon is . And he
18 is a chemist with the s St. Louis County Police
19 Department Crime Laboratory. Could you stand up,
20 please?

21 Do you go by , you're not a
22 detective or police officer, correct?

23 THE WITNESS: No, is fine.

24

25

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

7 EXAMINATION

8 BY MS. ALIZADEH:

9 Q Could you state your name and spell it for
10 the court reporter, please?

11 A

12

13 Q Can I call you ?

14 A Sure.

15 Q And, , where do you work?

16 A The St. Louis County Police Crime Lab.

17 Q What do you do for the crime lab?

18 A I'm a drug chemist.

19 Q And so what is your educational background
20 that qualifies you to be a drug chemist with the
21 crime laboratory?

22 A I have a bachelor of science degree in bio
23 medical sciences from formerly known as Southwest
24 Missouri State University.

25 Q And when did you receive that?

1 **A** In May of 1999.

2 **Q** All right. And then did you have any
3 other postgraduate work?

4 **A** No.

5 **Q** And so after you graduated from Missouri
6 State, is it Missouri State?

7 **A** It is now Missouri State University.

8 **Q** Okay. That's in Springfield?

9 **A** Correct.

10 **Q** And then after you graduated, did you have
11 any employment other than working for the St. Louis
12 County Crime Laboratory?

13 **A** Yes, I did.

14 **Q** Where did you work?

15 **A** Missouri State Highway Patrol Crime
16 Lab.

17 **Q** And so were you a chemist with the
18 Missouri State Highway Patrol Crime Lab?

19 **A** Yes, our official title is criminalist.

20 **Q** Did you do work that was in your field of
21 chemistry?

22 **A** Yes, I did.

23 **Q** And did you, how long were you with the
24 Highway Patrol Crime Lab?

25 **A** Thirteen years.

1 **Q** And after that, where were you employed?

2 **A** Then I started with the St. Louis County
3 Police Crime Lab.

4 **Q** How many years have you been with the St.
5 Louis County Crime Lab?

6 **A** One and a half years.

7 **Q** And so do you work as a chemist or a
8 criminalist, but you do work in chemistry and
9 analysis and chemical compounds for the crime
10 laboratory?

11 **A** Correct.

12 **Q** Are you a certified or post-certified
13 police officer?

14 **A** No.

15 **Q** Have you ever been a police officer?

16 **A** No.

17 **Q** Do you have any training as a police
18 officer?

19 **A** No.

20 **Q** Do you have any certifications or any
21 other, are there any other requirements that you
22 received or passed in order to work in the chemistry
23 county crime lab?

24 **A** The county and the Missouri State Highway
25 Patrol Crime Lab as well are accredited, so I work

1 under an accreditation.

2 **Q** All right. And so what, without sounding
3 too obvious or moronic I would say, could you
4 describe what chemistry is, the field of forensic
5 chemistry?

6 **A** Forensic chemistry is in the drug
7 chemistry, we generally it's powders, liquids,
8 residues, plant material, pharmaceuticals, that we
9 analyze and determine if they have controlled
10 substances in them or not.

11 **Q** What about other types of things like, for
12 example, poisons, would you analyze a liquid to
13 determine if it had any kind of poisonous material?

14 **A** Not me, no.

15 **Q** So if say there was a substance that might
16 be seized in a criminal investigation and it was
17 suspicious that it was arsonic, is that something
18 that you would examine and test?

19 **A** Not me.

20 **Q** Okay. So your field is strictly regarding
21 the examination and testing of substances to
22 determine whether or not they have contained
23 controlled substances?

24 **A** Correct.

25 **Q** And controlled substances are drugs?

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

2 **Q** Okay. And then everything from
3 prescription drugs to marijuana, to street drugs; is
4 that right?

5 **A** Yes.

6 **Q** And so did you receive an evidence item in
7 order for you to examine in relation to a St. Louis
8 County investigation that is hopefully, or will be
9 documented under Report Number 2014-43984?

10 **A** Yes.

11 **Q** What was it that you received to analyze.

12 **A** I received a bag that actually I believe
13 was in a plastic container and then a plastic bag
14 containing a plant material substance.

15 **Q** Okay. In general now, let's talk about
16 how you get evidence items. How is it that they
17 come to you?

18 **A** They are submitted, in this case since
19 this is, this is submitted as a county, St. Louis
20 County case. So it goes through property control
21 division and then property control brings it up to
22 the crime lab.

23 So it gets entered into the computer,
24 the evidence is then placed into a vault and then --

25 **Q** A vault in the crime lab?

1 **A** Yeah.

2 **Q** Okay.

3 **A** And actually, that's normal procedure.

4 This one, I remember that it went through one of my
5 co-workers. He was getting ready to work the case
6 and I asked him, oh, what do you got there? And he
7 goes, well, this is a case that needs to be worked,
8 a rush case, do you want to do it? And he asked the
9 supervisor, I said, that's fine, I can rush this
10 case.

11 And he said, let me call the
12 supervisor and the supervisor said yeah, if
13 wants to do the case, that's fine, so I did it.

14 **Q** Now, when you began as a chemist or
15 forensic chemist with the County Crime Laboratory,
16 was there like an on-the-job training period or
17 probationary period?

18 **A** Yes.

19 **Q** And how long did that last?

20 **A** Normally it would last six months and
21 probation is one year, but since I had training
22 through the Highway Patrol, it really was about two
23 months here.

24 **Q** Okay. And so you were as qualified to
25 examine this evidence item as any other forensic

1 chemist in the lab; is that fair to say?

2 **A** Yes.

3 **Q** It wasn't like this was your first time
4 doing this?

5 **A** No, not at all.

6 **Q** Okay. And so when this came in though, it
7 was described or it was explained to you that this
8 was something that they needed to have tested ASAP?

9 **A** Yes.

10 **Q** When you said it was rush, did you mean
11 rush the test or just that it needed?

12 **A** We call them rush cases if it needs to be
13 worked quickly.

14 **Q** Okay. But did you rush the test, in other
15 words, did you go through the testing process faster
16 than normal?

17 **A** No, I have my own pace.

18 **Q** Okay. So you have a wait for testing
19 substances, isn't that fair to say?

20 **A** Yes.

21 **Q** It can be in the normal scheme of things
22 it could be several weeks or even months before an
23 evidence item that a police department brings in?

24 **A** Yes. We have a backlog so, by meaning
25 rush, we were putting this case ahead of other cases

1 that are waiting.

2 **Q** Okay. All right. Did you have, when you
3 examined or brought out the evidence that was
4 submitted to you, did it have an evidence sheet with
5 the evidence?

6 **A** Yes, it did.

7 **Q** Okay. So when you, do you have a copy of
8 that with you?

9 **A** Yes, I do.

10 **Q** The evidence receipt, we have heard a
11 little testimony from Detective and Detective
12 , who are crime scene investigators, about how
13 they fill out an evidence receipt or an evidence
14 sheet when they seize something. And they've
15 described the chain of custody that must be
16 completed on the bottom of the sheet.

17 So looking at the copy of the
18 evidence receipt that you had with this evidence
19 item, can you tell from there where this was seized
20 from?

21 **A** Oh, it says that, well, it says who the
22 officer is and the department, St. Louis County PD.

23 **Q** Okay. The officer who seized the
24 evidence, does it give his name?

25 **A** Yes, it does.

1 Q And who was he?

2 A Darren Wilson.

3 Q So Darren Wilson, actually, let me direct
4 you, Darren Wilson is originally listed as the
5 victim in this case, correct?

6 A Yes.

7 Q And then there is a Detective who
8 is actually , a different person?

9 A Oh, okay, I learned something new.

10 Q There is a bit of confusion with the two
11 ?

12 A Okay.

13 Q It says here location, seized and found.
14 What is the location of where it was seized or
15 found?

16 A St. Louis County Morgue.

17 Q And it gives the address 6059 North
18 Hanley, where presumably that's where the morgue is?

19 A I assume that's what it list.

20 Q What was the date that it was seized?

21 A On August 10th, 2014.

22 Q Who was the seizing officer?

23 A Detective .

24 Q Do you know ?

25 A No.

1 **Q** Don't know him?

2 **A** No.

3 **Q** So the remarks on the evidence receipt
4 says that the evidence was sent to Property Control?

5 **A** Yes.

6 **Q** And that's kind of the procedure that you
7 described, isn't it?

8 **A** Yes.

9 **Q** When a county officer seizes something and
10 packages it, it first goes to Property Control,
11 correct?

12 **A** Correct.

13 **Q** And then there will be signatures on the
14 chain of custody that show really whose hands this
15 item passes through, correct?

16 **A** Correct.

17 **Q** Do you know Officer ?

18 **A** Yes.

19 **Q** Is he an officer in Property Control?

20 **A** Yes, he is.

21 **Q** Okay. So his receipt that accompanied the
22 evidence shows that at some point it was dropped off
23 to the St. Louis County Crime Laboratory in their
24 vault, correct?

25 **A** It doesn't look that it ever hit the

1 vault, it looks like it went from Detective to
2 another person that works in property control and
3 then it went to another drug analysis it and that's
4 when I took it from the drug analyst.

5 Q From Detective in Property Control,
6 it then went to another officer in Property Control
7 and from there it went to another analyst, drug
8 analyst?

9 A Yes.

10 Q Who is that?

11 A .

12 Q Is the person you said, hey,
13 what are you working on?

14 A Yes.

15 Q So from him signing it the evidence
16 receipt, then it came to be in your possession,
17 correct?

18 A Yes.

19 Q When it came to be in your possession or
20 any time you get an evidence item submitted, do you
21 examine the packaging to determine if there is any
22 evidence that has been tampered with?

23 A Yes, if it looks like it has been
24 tampered, make note of it and make some
25 documentation.

1 **Q** So in this case had you suspected or had
2 you noticed on the packaging that there, for
3 example, that the evidence tape appeared to have
4 been cut open or that there was something odd about
5 the way the evidence was packaged that we might
6 suspect that it was tampered with, would you have
7 noted that in your report?

8 **A** I wouldn't note as if, like if there's a
9 piece of evidence from the officer and then maybe
10 they had to go back in and reopen somewhere else,
11 no, I don't note that.

12 If there was an opening to where it
13 looks like the evidence could get out of the
14 container somehow, or to where somebody could put
15 something in, yes, that would definitely be noted.

16 **Q** Okay. And did you note anything of that
17 nature in this case? Was there anything that
18 appeared to you that the actual evidence would have
19 been tampered with?

20 **A** No, no note of that.

21 **Q** All right. And so after you received
22 this, let me ask you this, what day did you receive
23 this evidence item?

24 **A** Um, on August 11th of 2014.

25 **Q** And so after you received it and you said

1 it was in a plastic container, a baggy in a plastic
2 container, I can't remember if you said that in here
3 or you said that out there when we were talking?

4 **A** In here. So in my report it says one
5 knotted clear plastic bag containing green
6 vegetation. I have a note here that says, specimen
7 Q1, full description above all contained inside
8 sealed plastic container.

9 **Q** Okay. And that's how it appeared to you
10 when you first got it; is that right?

11 **A** There would also be the outer container as
12 well, which would be the manila envelope that it was
13 in.

14 **Q** Once you open the envelope, that's what
15 you saw a sealed plastic container?

16 **A** Yes.

17 **Q** Is the sealed plastic container the kind
18 of container that crime scene detectives use to put
19 things in when they are packaging them?

20 **A** It is what it appeared to me.

21 **Q** Okay. And then did you test the substance
22 that was in that baggy?

23 **A** Yes, I did.

24 **Q** And did you make a report regarding your
25 findings?

1 what do you do next?

2 **A** I weigh the substance.

3 **Q** Do you weigh it in the baggy or remove it
4 from the baggy?

5 **A** I remove it from the baggy.

6 **Q** And so when you weigh it, you weigh it on
7 a digital scale?

8 **A** Yes.

9 **Q** And are those scales calibrated on a
10 regular basis to insure their accuracy?

11 **A** They're calibrate once a year, they're
12 checked weekly.

13 **Q** Okay.

14 **A** They're checked with certified weights.

15 **Q** So when you weighed the substance that was
16 in the baggy, could you remove all the substance in
17 the baggy, every little leaf and every little --

18 **A** As much as I can get out of the bag.

19 **Q** And according to your report, you had a
20 weight of 1.589 grams?

21 **A** Correct.

22 **Q** Can you describe for me maybe using some
23 kind of familiar object, is this smaller than a
24 baseball?

25 **A** Yes, a little bit smaller than a baseball.

1 Not much, though.

2 **Q** After you weigh the amount of the
3 marijuana and I see down here in your remarks there
4 is a remark that you include about uncertainty of
5 measurement. Do you all see that in the, close to
6 the bottom? What does that mean, the established
7 uncertainty of measurement due to balance utilized,
8 what does that mean?

9 **A** We take into consideration any kind of
10 factor that could make the weight slightly different
11 than the 1.589. We take into consideration things
12 such as the readability of the scale, the linearity
13 of the scale, the stability of the scale, the
14 sensitivity.

15 And so what we do is over a course of
16 time we will analyze, we will take our weights that
17 we normally have with our certified weights. And we
18 will record, for example, you have a 1 gram weight
19 and our scale reads out to 1.000. If you get a one
20 point 1.001, and during your checking we write down
21 1.001, then that is documented.

22 Anything that's different than what
23 the actual weight is, that's considered, there is a
24 standard deviation involved. Calculating that and
25 then you find that we come up with this 1.008 for

1 this balance is the most that that scale would ever
2 be off.

3 So basically what we are saying here
4 with this K factor of three, we're saying that 997
5 times out of 1,000, this weight here of 1.589 will
6 be right at 1.589 997 times out of a thousand.

7 Three of those times it might be
8 1.589?

9 **Q** And it could be .0008?

10 **A** Correct.

11 **Q** And that's important especially in cases
12 with marijuana and other drugs when there might be a
13 criminal legal implication depending on the weight
14 of the substance?

15 **A** I would like to go back about that weight,
16 just to make sure that we're clear on that.

17 It's possible that those three out of
18 the thousand times could be outside the .008.

19 **Q** Okay.

20 **A** I think I did missay that. Basically
21 statistics are involved, and we're 95 percent
22 confident that 99.7 percent of this will be within
23 the .008 of that weight.

24 **Q** Okay. And in this case, I mean, you know,
25 maybe you don't know, I'll tell you the

1 circumstances of how much this substance weighed is
2 really not important or crucial, this isn't a
3 scenario where we need to have over 35 grams to
4 charge a certain level of offense.

5 So let me also ask you, when you
6 removed the green vegetation from the baggy, did it
7 appear that it was dry?

8 **A** Yes.

9 **Q** It wasn't wet or moist or sticky?

10 **A** Not that I recall.

11 **Q** And so then after you've waited, what do
12 you do next?

13 **A** Then I perform a microscopic examination
14 in that we look for characteristic hairs. I look
15 for cystolith and silicotic hairs.

16 **Q** Say that again, you look for what?

17 **A** Cystolith.

18 **Q** Can you spell that for the court reporter?

19 **A** C-Y-S-T-O-L-I-T-H, and silicotic hairs, I
20 believe that's S-I-L-I-C-O-T-I-C.

21 **Q** Okay. What are these things that you are
22 talking about?

23 **A** So cystolith hair, it looks like a bear
24 claw shape, tiny bear claw shape hair. It is
25 characteristics to marijuana plants.

1 **Q** Okay. And the other thing that you are
2 looking for, what is that?

3 **A** Silicotic, they are more slender like
4 hair. You may find that more on other substances,
5 but knowing that's also on a marijuana plant. It is
6 not as confirming as a cystolith hair.

7 **Q** So you are saying hair?

8 **A** Hair.

9 **Q** But it is not like animal hair or human
10 hair?

11 **A** It is a plant hair, it is a cell.

12 **Q** Okay?

13 **A** A cell, it comes out of the surface of the
14 plant. It is plant cellular material.

15 **Q** So this thing that you are looking at in a
16 microscope is, in fact, marijuana, you would expect
17 to see those things?

18 **A** Yes.

19 **Q** Did you see them in this case?

20 **A** Yes, I did.

21 **Q** Do you do any further testing?

22 **A** I do a modified Duquenois-Levine test.

23 **Q** Can you spell that for the court reporter?

24 **A** Modified?

25 **Q** Well, he can spell modified, what's the

1 other word?

2 **A** Duquenois, D-U-Q-U-O-N-I-S -- E-N-O-I-S,
3 I'm sorry. Levine, L-E-V-I-N-E.

4 **Q** What is that test?

5 **A** That's a chemical color test. That test
6 for cannabinoids and it will turn purple with the
7 presence of marijuana.

8 **Q** And did it turn purple when, is it like a
9 reagent that you apply to the plant material?

10 **A** Yes, and it did turn purple.

11 **Q** Is that a presumptive test?

12 **A** Yes.

13 **Q** And do you do any confirmative testing
14 after you've done that test?

15 **A** No, it confirms marijuana when you use the
16 two test together.

17 **Q** Okay. So the microscopic examination
18 which you saw the two hairs that you suspect
19 marijuana and then the color test being positive,
20 you conclude that this is marijuana; is that
21 correct?

22 **A** Yes.

23 **Q** Now, , what is THC.

24 **A** Tetrahydrocannabinol.

25 **Q** Is that the active ingredient in marijuana

1 that makes people, that it alters their, I don't
2 know, whatever it does to you?

3 **A** Euphoria.

4 **Q** Euphoria?

5 **A** Yes, psychoactive.

6 **Q** Okay, that's a good word, psychoactive.
7 So do you test when you have like what you suspect
8 to be marijuana, do you ever test it to determine
9 how much THC is in this marijuana that you are
10 looking at?

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

12 **Q** All right. Do different samples, to your
13 knowledge, different samples or different types of
14 marijuana have different levels of THC?

15 **A** I would expect. I've never done one on
16 marijuana.

17 **Q** You hear people talking about, oh,
18 marijuana now is so much more stronger than it was
19 back when we were teenagers or whatever. I don't
20 know because I'm not an expert on that, so you
21 believe that it is possible that different marijuana
22 has different THC levels?

23 **A** I believe it is.

24 **Q** Are you familiar with a process that's
25 done called waxing?

1 **A** Yes, waxing is the same as butane hunting
2 oil. Do you want me to describe that?

3 **Q** Yes.

4 **A** Okay. So what happens in this scenario is
5 someone takes the plant material and they will --

6 **Q** So when you say plant material, it is
7 marijuana?

8 **A** Marijuana.

9 **Q** You can't do this with your lawn
10 clippings?

11 **A** No.

12 **Q** I guess you could.

13 **A** You could, but you probably won't get THC.

14 **Q** All right. So we've got some marijuana.

15 **A** Yeah, you take marijuana. It is usually
16 in like a cylinder that has a hole in the top, a
17 hole in the bottom. They will take butane, which is
18 a liquid solvent.

19 **Q** Is this just common butane that you can
20 get like at the hardware store?

21 **A** Yes.

22 **Q** Stuff you put in your lighters, the old
23 fashion lighters that you had to put butane in?

24 **A** Yes.

25 **Q** Can you get the same butane out of like a

1 Bic disposable lighters?

2 **A** Yeah, I would assume so, yeah.

3 **Q** Okay, all right, go ahead.

4 **A** So basically as it goes over the plant,
5 gravity takes effect and it will absorb the resinous
6 material, which is concentrated with the THC that
7 will go out the exit hole and into a pan. So you
8 have a nice little surface area there and they let
9 that evaporate off and then you're left with a very
10 sticky substance, which that is high THC content.

11 MS. WHIRLEY: Which is what the last thing
12 you said about THC.

13 **A** Which has a high THC content.

14 **Q** (By Ms. Alizadeh) That's sticky substance,
15 is it a combination of the butane and the THC that's
16 been extracted from the marijuana?

17 **A** At first until butane evaporates off.

18 **Q** Will the butane evaporate off?

19 **A** Yes.

20 **Q** And so is what your left with almost pure
21 THC?

22 **A** I don't know for sure. I haven't done
23 like a quant on that.

24 **Q** But it is higher concentration than it
25 would be in the plant itself?

1 **A** Yes, definitely.

2 **Q** So if you're going to ingest, you know,
3 smoke a marijuana joint, if you consume the same
4 amount in that sticky substance, it would be way
5 more THC than what was in that joint?

6 **A** You have taken the volume of plant
7 material, let's say, the size of this paper and you
8 are condensing it down to, you are taking the
9 cannabinoids and you are condensing it down without
10 the plant material matrix and all those steps.

11 **Q** Okay. This process that you talked about,
12 is this something like anybody could do if they have
13 the marijuana and then the right materials?

14 **A** Sure.

15 **Q** And then why do people do this process?

16 **A** I'm not really sure.

17 **Q** Okay. If someone, do you know how they
18 then will consume or ingest the sticky substance
19 that they've gotten?

20 **A** This is pure assumption, but I assume it
21 is just like marijuana, marijuana is commonly smoked
22 and marijuana can be ingested. And there are also
23 those food items that contain marijuana that they
24 come from Colorado and so forth.

25 Maybe they're finding ways of using

1 the butane hunting oil to put it in those substances
2 so it doesn't look like there is plant material in
3 there.

4 I've also heard of lollipops that
5 have THC on them. I would assume it would have to
6 come from butane hunting oil, not marijuana. They
7 can't put the marijuana plant in lollipops.

8 Q So you've heard of people consuming or
9 ingesting this, you are calling it hunting oil?

10 A Butane hunting oil.

11 Q Butane hunting oil. You have heard of
12 people ingesting that, correct?

13 A Heard of it.

14 Q If one were to ingest that, you would be
15 consuming a higher level of THC than you would if
16 you were to have smoked or ingested the plant
17 material?

18 A Yes, you would.

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

20 MS. WHIRLEY: I don't have anything.

21 If
22 someone is containing the substance that you
23 examined, which was the marijuana, would there be
24 like some type of detection that you could tell that
25 they're on marijuana or using marijuana or would

1 there be like a scent or something like coming from
2 their body, within their skin. You know how you can
3 tell a person is smoking because it is in their skin
4 cells, but could you detect that?

5 **A** This is getting out of my expertise, but I
6 have heard that officers are trained to, they know
7 what the smell of marijuana, I've been around
8 marijuana. I know the smell of marijuana myself.

9 As far as what to look for on a
10 person, I mean, I've heard of like bloodshot eyes, I
11 haven't heard anything about the skin, there
12 probably is, there are probably some things out
13 there.

14 MS. ALIZADEH: And just so you all know,
15 obviously, we've talked about the fact that there is
16 going to be other witnesses testifying that will at
17 some point maybe have the expertise to explain this
18 to you. We're going to have a toxicologist who
19 testifies about his findings and he'll explain what
20 that means or what he can tell you about that.

21 And then there also could be some other
22 evidence that makes this make sense to you. It is
23 kind of hard, I can't give you an open statement and
24 tell you why I was asking these particular
25 questions, it might not mean anything to you right

1 now.

2

You

3 mentioned that the normal procedure that it comes to
4 an intake person and then goes to the vault and it
5 would go to you?

6 **A** Correct.

7

Or somebody in your
8 office, in this instance you said it did not go into
9 the vault?

10 **A** No, it did not.

11

Is that because the rush
12 was put on it, is that the only reason it didn't go
13 to the vault or you wouldn't call this miss
14 handling?

15 **A** No, no. Usually when this happens, I hear
16 this on the intercom that, hey, would somebody, a
17 drug chemist come up front. So that means the women
18 who are accepting the evidence up front, there is
19 being a rush requested and they are trying to assign
20 it to a drug chemist right then and there instead.

21

Instead of putting it in
22 the vault and when you have time to get to it, next
23 on the list. First come first served.

24 **A** Basically they want it done right then a
25 there.

1 you were getting at, . I neglected to
2 ask you this, when you looked at this evidence item
3 that you were testing, can you test marijuana to see
4 if there's butane on it?

5 **A** I don't think that there's any good way of
6 testing that. My assumption, and this is just
7 purely assumption, since butane would be a liquid,
8 it would be wet, but I think it would be evaporated
9 off at that point.

10 MS. ALIZADEH: You don't test for it in
11 your lab?

12 **A** We don't normally test for it. Butane
13 could be tested on instrumentation. I don't have a
14 procedure, it's never been presented to me to test
15 for it.

16 MS. ALIZADEH: Okay. So in this case you
17 didn't test this substance to see if it had butane
18 on it?

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

20 MS. ALIZADEH: And it appeared to you both
21 in its texture and appearance it appeared to you to
22 be dried?

23 **A** Yes.

24 MS. ALIZADEH: And containing no other --

25 **A** And if it was wet, I would of made a note

1 of it.

2 I am going to
3 ask if it did have butane on it, there would either
4 be a sticky substance to the bag, it would be wet,
5 there would be some sort of sticky substance at the
6 bottom of the bag, but because it was dry and it was
7 not wet, you determined just from the appearance of
8 it that it would not be butane in it?

9 **A** That would be my assumption, yes.

10 MS. ALIZADEH: Without any real chemical
11 test, this is just your assumption, correct?

12 **A** Just my assumption.

13 MS. ALIZADEH: And it was not tested at
14 your laboratory to see if there was any butane on
15 it?

16 **A** No, there was not.

17 MS. ALIZADEH: All right. Anyone else?

18 Do you have any
19 sense for how long this process takes to make the
20 butane from start to finish?

21 **A** I wouldn't think it takes very long.

22 An hour to a day?

23 **A** I'm sorry.

24 An hour to a day?

25 **A** I'm not very familiar with how fast butane

1 would evaporate off. Sometimes, I believe I have
2 heard that there have been fires associated and
3 explosions because they may put out an ether odor to
4 it to make the process faster, and yes, you could
5 probably have that done well within an hour
6 depending on how much butane you have to evaporate
7 off.

8 It is hard for me to say exactly how
9 long that would a take.

10 MS. ALIZADEH: Anyone else? Sheila?

11 MS. WHIRLEY: No.

12 MS. ALIZADEH: This will conclude the
13 testimony of

14 (End of the testimony of .)

15 MS. WHIRLEY: October 7th, 2014. It is
16 2:38 p.m. We are resuming. I'm Sheila Whirley,
17 Kathi Alizadeh stepped out, but she will be
18 rejoining us. The grand jurors are here, also
19 and we have as our next witness,
20 He'll spell his name for you in just a minute.

21

22

23

24

25

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

7 EXAMINATION

8 BY MS. WHIRLEY:

9 Q All right. , introduce yourself to the
10 grand jury and spell your name, please?

11 A My name is

12

13 Q All right. , what is your occupation?

14 A I am a latent examiner for the St. Louis
15 County Police Department.

16 Q What does latent mean?

17 A Latent is a term used for fingerprint.
18 Bottom line is a latent kind of refers to a print
19 that is when you touch a surface or object, your
20 print that is left behind is referred to as a latent
21 print.

22 Q What's a patent print?

23 A Patent print is a print left like in paint
24 or blood or dirt, if you have some something on your
25 hands or fingers and you touch a surface. For

1 instance, if you have paint on your fingers, you
2 touch the surface and you left your print behind in
3 paint, that's referred to as a patent print.

4 **Q** All right. Are you a police officer?

5 **A** No, I'm a civilian employee.

6 **Q** How long have you been with the St. Louis
7 County Police Department?

8 **A** It will be 25 years this coming March.

9 **Q** Did you start as a fingerprint examiner?

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

11 **Q** How did you start with the department?

12 **A** I started in security services as a
13 security officer.

14 **Q** And then you moved to fingerprints?

15 **A** Correct.

16 **Q** What is that department, just the
17 fingerprint section?

18 **A** It's a fingerprint unit.

19 **Q** Unit, okay. How many people are in the
20 unit?

21 **A** A total of ten.

22 **Q** What did you have to do to become a
23 fingerprint examiner, what type of training is
24 required?

25 **A** I have been through the St. Louis County

1 and the FBI fingerprint print classification. I've
2 been through the St. Louis County Latent Training
3 Program, I am a member of the Missouri and
4 International Association for Identification, which
5 are both associations that provide training
6 throughout, through conferences every year that I
7 attend for training for fingerprints.

8 I am also a certified latent examiner
9 through the International Association for
10 Identification and I'm also a certified AFIS user
11 through the Missouri State Highway Patrol. And AFIS
12 stands for Automated Fingerprint Identification
13 System.

14 **Q** What does AFIS do, I mean, tell us a
15 little bit about AFIS?

16 **A** Bottom line is, when a person is
17 fingerprinted, those prints are put into the AFIS
18 system. And then it would be my job to search those
19 prints to see if I can find a match through the AFIS
20 system.

21 **Q** Okay. What technical equipment, if any,
22 do you use in your job in doing your latent
23 fingerprint examination?

24 **A** With the AFIS, with the AFIS system
25 basically I use magnifying glasses.

1 **Q** So a lot of us we watch CSI and other
2 programs, and we believe that computers somehow
3 generate prints and tell us when there's a match and
4 you see all of these numbers. You've seen these
5 programs, is that the way it is really done?

6 **A** Partially yes, partially no.

7 **Q** Okay, tell us about it?

8 **A** Um, when I search a print, the AFIS system
9 searches the print itself and then it gives me a
10 candidate list. Of the candidate list, the computer
11 is saying, for instance, if it comes back with 20
12 candidates. The computer says this is the closest
13 thing that we have to what you just searched. And
14 it is up to me to go into each candidate and do a
15 one-to-one comparison to see if it is or is not a
16 match.

17 So the bottom line is, the computer
18 does not tell you it's a match, it just gives you a
19 candidate list. It is up to the individual person
20 to say this is a match or it is not a match.

21 **Q** How do you determine if it is a match?

22 **A** I check for the minutia points in each
23 fingerprint. Minutia points or bifurcation,
24 bifurcation, any ridges, ridge dots, ridge islands.
25 And arrangement of these minutia points and each

1 fingerprint is what makes the fingerprint unique to
2 each person.

3 **Q** And unlike DNA, which identical twins can
4 have the same DNA, correct? I mean, to your
5 knowledge?

6 **A** To my knowledge, yes.

7 **Q** Right, I mean, that's kind of common
8 knowledge, not that we know DNA here, but can two
9 people have the same fingerprint?

10 **A** No.

11 **Q** Okay. And when you talk about the minutia
12 points, are there a number of points you are looking
13 for in making an identification of a fingerprint?

14 **A** The St. Louis County Police Department, we
15 have a standard of eight or more points. So
16 basically what that means is, if I get a partial
17 fingerprint on whatever I'm looking at, if I can
18 only find seven or less of these points, we deem
19 that print insufficient. It has to have eight or
20 more for us to say it is good evidence and then we
21 go to the next step.

22 **Q** Okay. Any idea how many times you've made
23 a fingerprint identification? I know I didn't tell
24 you to look for that information, but do you have
25 ever a conservative number, have you ever thought

1 about it or looked at it?

2 **A** Uh --

3 **Q** More than 100?

4 **A** Probably hundreds of thousands for the
5 last 21 years, yes.

6 **Q** Do you do palm prints also?

7 **A** Yes.

8 **Q** And tell us a little bit about palm print
9 identification, how do you do that?

10 **A** Palm prints are the exact same thing as
11 fingers. Your palms are as unique as your fingers.
12 And actually, so also is the bottom of your toes and
13 the soles of your feet have the same friction ridges
14 and they're as unique as the your palms and your
15 fingers.

16 **Q** Is it possible, like for you, right there
17 to sit there and touch every surface of that little
18 table or desk like thing you are sitting at, and not
19 leave fingerprints?

20 **A** Yes, it is.

21 **Q** And how is that possible?

22 **A** There are several factors. The first
23 factor is the person himself. Some people secrete
24 their perspiration. What I mean by that, on your
25 friction ridges you have pores. And you secrete

1 your perspiration through your pores and it coats
2 your ridges. So when you touch something, you could
3 leave your print behind by that means.

4 Some people don't secrete that much,
5 so they don't have enough moisture on their fingers
6 or palms when they do touch something to leave
7 something behind.

8 The other factors are the surface
9 itself. Some surfaces are not good to get
10 fingerprints off of. Another factor would be the
11 weather. If I was processing these glasses and
12 they've been sitting outside for the last week or
13 two or three, any type of weather condition, rain,
14 snow, heat, cold could possibly destroy a print that
15 was left on there.

16 **Q** And so fingerprints are transferred from
17 the person to the item. It has to do with the
18 moisture in there, on their skin?

19 **A** Yes.

20 **Q** And some people, like who have very dry
21 skin may not leave a print?

22 **A** Yes, that's correct.

23 **Q** Okay. So tell us how you compare
24 fingerprints, a latent print with an ink print, how
25 does that work?

1 **A** I do a side-by-side with the aid of an
2 magnifying glass and I'm checking for the minutia
3 points, I'm checking for the quality of the minutia
4 points and I just find a specific area to start from
5 and just do my comparison from there.

6 **Q** And does someone overlook or oversee what
7 you've done and agree or disagree, or is it just
8 your determination, that's it?

9 **A** When I make an identification, yes, it is
10 checked through another latent examiner.

11 **Q** Another examiner. That's kind of the
12 standard procedure?

13 **A** Yes.

14 **Q** Okay. Now, you know why we're here, this
15 is the Michael Brown shooting that we're talking
16 about and you had occasion to check for latent
17 prints; is that correct?

18 **A** That is correct.

19 **Q** And what did you do in that case?

20 **A** I received five latent lifts.

21 **Q** At this time let me just pass out some
22 copies of things I have.

23 (Deposition Exhibit Number 38
24 marked for identification.)

25 **Q** (By Ms. Whirley) Why don't you take one

1 and pass it around. This is what you have before
2 you a copy of your envelope and then the lifts that
3 are inside the envelope?

4 **A** That is correct.

5 **Q** We will let them get a copy and then we
6 can talk a little bit about it. Are you the only
7 one that worked this case?

8 **A** Yes.

9 **Q** Okay. You were told specific things to
10 check for?

11 **A** Yes.

12 **Q** You checked to see if there were
13 fingerprints is what I mean?

14 **A** Yes.

15 **Q** Were you brought a latent print that
16 belonged to Michael Brown or did he have one in the
17 system or how did you get his prints?

18 **A** You mean a fingerprint card?

19 **Q** Fingerprint card, yes, I'm sorry.

20 **A** They were brought to me from his deceased
21 prints.

22 **Q** So tell us about that. Is this something
23 that you've done before is check someone when you've
24 got prints from a deceased individual?

25 **A** Yes, I've done that before.

1 **Q** In what cases, like what type of cases
2 would you be checking a deceased fingerprints?

3 **A** On deceased prints is usually, you know, a
4 homicide or suspicious death or a person that is
5 found dead, they do not know their identity and they
6 take their prints and then we check them through the
7 system to see if we can find who they are.

8 **Q** So someone at the morgue actually
9 fingerprints the deceased?

10 **A** It is usually one of the crime scene
11 detectives from St. Louis County.

12 **Q** Okay. Someone from the crime scene and
13 then they provide that to you?

14 **A** Correct.

15 **Q** For comparison purposes?

16 **A** Yes.

17 **Q** And in this case, now, everyone has a
18 copy, tell us, first of all, what things were you
19 told, or are you told what to check for, because you
20 don't know what to check for unless someone tells
21 you; is that right?

22 **A** That is correct.

23 **Q** You are not investigating the case or
24 anything?

25 **A** No.

1 **Q** So what were you told to check for prints
2 on?

3 **A** Well, when I received the envelope the
4 first thing I do is I check each latent lift, and as
5 I spoke of earlier, I check to see if each, if the
6 latent print, if there is any good latent prints on
7 the lift, if it is has eight or more points.

8 In the second, if I do find a print
9 that is good, then I will check if we have any
10 victim eliminations. I would see if it is the
11 victim's prints or not. If there is any suspects in
12 the case, if they have something listed as a
13 suspect. If we have him on file, then I'll pull his
14 prints and check them against the good print.

15 And I do that with each individual
16 lift that I receive.

17 **Q** Okay. And the lifts are provided to you
18 by crime scene detectives?

19 **A** Yes, that's correct.

20 **Q** So they visually, what they see visually
21 is what they consider might be a print and they'll
22 lift it; how does that work?

23 **A** That is correct.

24 **Q** Okay. All right. So they bring you, and
25 in this case they brought you how many lifts?

1 **A** Five.

2 **Q** Five. Were any of the lifts, did any of
3 the lifts have enough points, and you said you need
4 at least eight to even be sufficient enough to
5 determine if there could be some identification of
6 the print?

7 **A** That is correct.

8 **Q** Were any of them?

9 **A** Yes, three of the five were good enough to
10 make, had eight or more points.

11 **Q** That would be, tell us which ones that
12 would be, we have copies here?

13 **A** Lift A.

14 **Q** Uh-huh.

15 **A** Lift B and lift E.

16 **Q** So C and D were insufficient to even
17 determine an identification?

18 **A** Correct.

19 **Q** All right. So going back to what you were
20 told to look for prints on, tell us what that was,
21 what items were you looking for? It is probably on
22 the evidence sheet like, go ahead.

23 **A** Are you referring to the lifts or you
24 referring to the evidence sheet?

25 **Q** You tell me, let me ask the question. The

1 lifts, were they to, these lifts come from items
2 that's on the evidence sheet?

3 **A** No.

4 **Q** Tell us where the lifts came from?

5 **A** The lifts were delivered to our office by
6 Detective

7 **Q** Okay, all right. Were you supposed to be
8 seeing if they were fingerprints on any of these
9 items that are on the evidence receipt?

10 **A** On the evidence receipt, yes.

11 **Q** Tell us about that, that's what I'm trying
12 to get to.

13 **A** Okay, I'm sorry. The evidence receipt was
14 brought in to me by Detective .
15 And it was the gun belt of Officer Wilson, it had
16 handcuffs, your normal belt, the handcuffs, baton
17 holder, the walkie-talkie holder, there was no gun
18 in there, the holster, five keys, handcuff keys, two
19 magazines that, two fully loaded magazines.

20 **Q** And this was all on the gun belt?

21 **A** That is correct.

22 **Q** So the gun belt was brought in to you?

23 **A** Yes, it was.

24 **Q** Is there anything on here about, what's
25 the spray called, mace, is there anything, was there

1 any mace can or mace holder or anything on this gun
2 belt?

3 **A** No, huh-uh, not that I recall.

4 **Q** What's on the evidence receipt is supposed
5 to be everything that you looked at correct?

6 **A** Correct.

7 **Q** All right. So what were you supposed to
8 be doing with this gun belt?

9 **A** Uh, I use a chemical called Super Glue on
10 this. Basically what we do with Super Glue is I
11 take all the items, I put it into a Super Glue
12 chamber. Uh, put a little bit of Super Glue in the
13 bottom of a cup, turn on the Super Glue machine.
14 The fumes from the Super Glue will adhere to any
15 prints that are left behind on that surface. And
16 then once the cycle has run through, I will pull out
17 the items, and check to see if there is any latent
18 prints on there.

19 **Q** Okay. And you did that on all of the
20 items?

21 **A** Yes, I did.

22 **Q** And on the three that you had sufficient
23 enough points, a sufficient number of points, were
24 you able to make an identification?

25 **A** Can I clarify something?

1 **Q** Yes, please do.

2 **A** The evidence, the fingerprints that were
3 good enough to make ID were from the police car, not
4 the gun belt.

5 **Q** I see. Copy of this envelope, the five
6 lifts that Detective dusted and lifted,
7 that's where the good prints were.

8 **Q** Okay.

9 **A** Of the items brought to me that I
10 processed, were no identifiable prints.

11 **Q** Okay. And did you have, just to make sure
12 I'm clear, were you not supposed to check the
13 Michael Brown prints that were lifted, right? You
14 had a sample of his prints, correct?

15 **A** Yes, but when you say lifted, it is more
16 fingerprinted.

17 **Q** Fingerprinted, thank you.

18 **A** Uh-huh.

19 **Q** You were not asked to compare Michael
20 Brown's fingerprints with the officer's gun belt?

21 **A** I was if there was any good prints to
22 compare it to and there was none.

23 **Q** There were no good prints?

24 **A** On the gun belt.

25 **Q** Got it. I'm going to reiterate just to

1 make it clear. There were no fingerprints that were
2 of sufficient number, as you talked about, to make
3 any kind of comparison; is that correct?

4 **A** That is correct.

5 **Q** On the gun belt?

6 **A** That is correct.

7 **Q** You would call that negative prints?

8 **A** Yes.

9 **Q** That doesn't necessarily mean there were
10 no prints, it just means there wasn't enough for you
11 to make an identification?

12 **A** That is correct.

13 **Q** Okay. Now, for the car, which is what
14 this represents; is that right?

15 **A** That is correct.

16 **Q** Okay. So let's talk about the car. Where
17 prints were lifted, is that the exterior left front
18 door?

19 **A** Yes.

20 **Q** All right. And this is where there were
21 three prints that had sufficient number to make an
22 identification?

23 **A** That is correct.

24 **Q** Who did the prints come back to?

25 **A** On Lift A, I was able to identify Officer

1 Wilson's print. Lift B and E are good evidence, but
2 have not been identified to anyone as of today.

3 Q Okay.

4 A Lifts C and D are insufficient.

5 Q So on lift B and E, they did not come back
6 as identifying Michael Brown?

7 A That is correct.

8 Q Okay.

9 MS. WHIRLEY: Questions?

10 . So these
11 tests, you talked a little bit maybe about the life
12 expectancy of the print. If it is not identified as
13 Darren or Michael Brown, how long or how much
14 earlier do you think those would have lasted? Say
15 it would have happened that morning, would it be
16 something from a previous day or any thoughts if
17 those are not those two prints, when those might
18 have been put there, any idea?

19 A Really, no idea. On cars it is very
20 difficult because, and I don't know how the Ferguson
21 Police Department, how they, how their cars, how
22 many guys go in and out of their cars or if they
23 share their cars. It is kind of difficult to say.

24 : Thanks.

25 MS. WHIRLEY: Anyone else?

1 Did you

2 say what date you did your examine?

3 **A** On which one, ma'am?

4 The car.

5 **A** I received, I did my examination on August
6 11th.

7 11th?

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

9 The prints were
10 lifted the day of, correct, or no?

11 **A** On the envelope he has August the 9th as
12 the date. I don't know if that's, sometimes that's
13 the date they do it, sometimes that's the date of
14 the occurrence. Detective is the one who
15 filled this out. August 9th is the date that he has
16 in the corner here. Like I said, it is either the
17 date of the occurrence of the offense or it is the
18 date that he actually processed the car.

19 So lifts
20 B and E were good prints, but they did not match but
21 you had prints of Michael Brown?

22 **A** That is correct.

23 . And they also
24 didn't match the police officer or you would have
25 put that on, right?

1 it is going to hit and 35 percent it is not going to
2 hit. The factors that come into play, and the
3 biggest factor, the two biggest factors of that is
4 quality of the latent print.

5 If I touch something on my tip and I
6 leave enough minutia points of eight or more in
7 order for that to be a good print and I search that,
8 now when I got fingerprinted. They may not have
9 fingerprinted my tip. So that tip may not be in
10 there. So there's factors that do come into play.

11 The bottom line is, the system is not
12 perfect. Just because the person is in the system
13 and I search a print knowing, if I know that person
14 is in the system, it still may not hit.

15 The
16 only way to say whether or not these two that were
17 evidence, could be, that were real good prints, but
18 not Michael Brown's, to see if those were Dorian
19 Johnson's would be to fingerprint him?

20 **A** That is correct, to check his prints.

21 MS. WHIRLEY: Or if you had a card, you
22 would just need to look at it visually. You could
23 not count on AFIS?

24 **A** Correct.

25 MS. WHIRLEY: You could do a visual

1 comparison?

2 **A** I would do a one-to-one comparison on it.

3 Do you

4 know what percentage of the population are

5 nonsecretors?

6 **A** I have no idea.

7 Did they

8 ever give you the gun to fingerprint the gun?

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

10 Never.

11 MS. WHIRLEY: Do you know if anyone was
12 asked to fingerprint the gun, is this something you
13 would know?

14 **A** I don't know off the top of my head. I
15 would think that they would bring it to -- since
16 they brought the gun belt and everything down, I
17 think they would bring the gun to me, but I don't
18 know that.

19 Just to comment
20 on a question for you, but I do remember that they
21 specifically went the DNA route.

22 MS. WHIRLEY: Anyone else?

23 Kathi, since you don't know what we've
24 covered. I don't know if you have any additional
25 questions though.

1 MS. ALIZADEH: I do not.

2 MS. WHIRLEY: Okay. Anything else before
3 we let go? I thank you so much,

4 (End of testimony.)

5 MS. ALIZADEH: This October 7th at
6 3:21 p.m. I'm present, as well as Sheila Whirley,
7 and 12 grand jurors are present, as well as ,
8 the court reporter. And we've had a little break
9 and I just want to put on the record that during the
10 break there was some discussion, but it was
11 primarily about logistics and scheduling and
12 planning. There was really nothing discussed that
13 had to do with any substance of the case and the
14 evidence that has been presented.

15 Would you all agree with that, we didn't
16 talk about the evidence?

17 (All indicate yes.)

18 MS. ALIZADEH: So for now we are going to
19 resume this afternoon and we would first start off
20 by playing a statement by a witness named

21 I expect that she will be here a little
22 later this afternoon. And this is a statement that
23 made to County Police officers on August 13th,
24 and the statement is recorded and contained on Grand
25 Jury Exhibit Number 24.

1 MS. WHIRLEY: It says August 11th on here.

2 MS. ALIZADEH: Make sure you all have a
3 statement that has August 11th on it.

4 So everybody has their transcript? And at
5 this time, if you will pause the recording.
6 We will then begin playing the recorded statement.

7 (Playing the interview of
8)

9 MS. ALIZADEH: It is 3:51 p.m. on
10 October 7th. We just finished listening to the
11 recorded statement from Does
12 anybody need to hear that or a portion of it over
13 again? I really, as you all notice it was, I would
14 say poor quality recording. Difficult to hear at
15 times.

16 So if there is a time when you want to
17 review that again, you have difficulty hearing that,
18 just let me know, all right.

19 And now we're going to play another
20 recorded statement for you. And this is the
21 statement of . And this statement
22 was done on August 13th and it is about 21 minutes,
23 a little over 21 minutes long. And at this time I'm
24 going to hand out the transcripts for this
25 statement. So this statement is recorded and

1 contained in a file on the disc that is marked Grand
2 Jury Exhibit Number 24. At this time, , go
3 ahead and pause the audio recording while we listen
4 to the tape statement.

5 (Playing the audio recorded statement of
6)

7 MS. ALIZADEH: It is 4:15 p.m. and we just
8 finished playing a statement of . We
9 have another statement that we can start playing.
10 I'm not sure if the are here yet and we
11 also have another witness who might be here, but do
12 you all need to take a break?

13 (Recess)

14 MS. ALIZADEH: Next statement is about 23
15 minutes. It is the 7th of October. We just took a
16 brief break. This is Kathi Alizadeh, present is
17 Sheila Whirley and all 12 grand jurors and the
18 court reporter.

19 So I have learned during the break that
20 one of our witnesses who the cab was to pick her up
21 at 4:00 says that she, she missed the cab, so we
22 sent the cab back for her. I don't know if she's
23 gotten on the cab or not, but we're going to go
24 ahead and play a taped statement now. There's also
25 are supposed to be on there way.

1 She told me she was off work at 4:00. So
2 I said as soon as, you get off a little earlier
3 great, as soon as you get off, come here.

4 So hopefully this will be about 23
5 minutes. We will play this statement and I will
6 tell you that if nobody is here by then, that we'll
7 probably just recess. I can't say for sure these
8 people are even on their way.

9 So I'm going to pass out a transcript of
10 the statement of Witness 34, which was done on
11 September 3rd.

12 Everybody has the transcript. if
13 you will pause the audio recording.

14 In getting ready to listen to this
15 transcript, I mentioned that the witness name is
16 Witness 34. This is another witness that I
17 anticipate we will be referring to as a number
18 as is very fearful for his safety if his identity
19 is known.

20 So when you transcribe this, I will ask
21 you, , to use a number for the witness that we
22 will assign once I figure out what number
23 will be.

24 And then we will also have to have that
25 somehow edited out of the audio so that these

1 audiotapes, name is not used.

2 So we're not recording now, but in the
3 future I'll refer to as witness number blank,
4 which I've got to look at my list and see what
5 number would be. So at this time we'll go ahead
6 and play the recording. And this recording is on
7 Grand Jury Exhibit 24.

8 (Interview of Witness 34 is being played
9 at this time.)

10 MS. WHIRLEY: The recording of Witness 34
11 is completed and it is approximately 5:09 p.m., our
12 time on October the 7th, 2014. We're going to just
13 pause the recording. I'm going to see if there are
14 any witnesses that we have planned that have arrived
15 at this time.

16 (Recess)

17 MS. ALIZADEH: It is 5:18. This is Kathi
18 Alizadeh, Sheila Whirley is here, all 12 jurors and
19 , the court reporter, who is taking down
20 everything that is being said. And we have our next
21 witness here to testify.

22

23

24

25

1 **Q** Okay. So let's, we're going to use this
2 laser pointer as we're talking about things on the
3 map. And you can use that to point so that you
4 don't have to get up and move around and the grand
5 jurors can see what you are pointing at, okay?

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

7 **Q** how old are you?

8 **A** years old.

9 **Q** And are you married or single?

10 **A** Single.

11 **Q** Are you do you have fiancée?

12 **A** Yes, I have a fiancée.

13 **Q** Who is that?

14 **A**

15 **Q** And do you live with ?

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

17 **Q** And how long have you two been living
18 together?

19 **A** We have been staying together now for
20 about four years, three and a half, four years.

21 **Q** Do you and live in the Canfield
22 Green Apartment Complex?

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

24 **Q** So you were both living there in August of
25 this year?

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

2 **Q** Okay. Now, can you point on the laser
3 pointer the building that you and live in?

4 **A** (Indicating.)

5 **Q** You are directing it to Building Number ?

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

7 **Q** This number, is that the number of your
8 apartment unit?

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

10 **Q** So this would be on the south end of, the
11 south side of the building. If this way is south,
12 that's on the south side of the building, correct?

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

14 **Q** What floor are you on?

15 **A** The second floor.

16 **Q** And is that, so you have one floor above
17 you?

18 **A** One floor above me, correct.

19 **Q** And we've heard testimony about the stairs
20 and the balconies and the staircase that's outside
21 of your apartment?

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

23 **Q** All right. So let's take you back to the
24 morning of August 9th. Anything special or unusual
25 happen in the morning or was it just an ordinary

1 Saturday morning?

2 **A** It was an ordinary Saturday morning.

3 **Q** And were you home?

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

5 **Q** And was home?

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

7 **Q** Now, you have a child?

8 **A** I have boys.

9 **Q** Okay. Were they all home?

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

11 **Q** Just give me the age range?

12 **A**

13 **Q** Okay. And so somewhere around noon of
14 that day, what were you doing?

15 **A** Around noon that day I was in the kitchen
16 on my cell phone and I was eating lunch.

17 **Q** All right. And so was home at
18 that time?

19 **A** Yes, was home.

20 **Q** And what, if anything, happened that
21 changed, you know, your attention?

22 **A** Because there was a knock on my front door
23 and being that I was woke, I went to open up the
24 door and saw it was friend at the door.
25 So I went in the bedroom to wake up to tell

1 him that he had a visitor at the door. He got up,
2 put on him some clothes and he was outside maybe
3 five minutes. Then he turned around and came back
4 in the house.

5 **Q** Okay. So did you stay inside the house
6 when he went outside?

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

8 **Q** Were you in the kitchen, did you say?

9 **A** Yes, ma'am, I was in the kitchen.

10 **Q** Okay. So from the kitchen can you see
11 outside of your apartment?

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

13 **Q** Okay. So when he went outside, he was out
14 there about five minutes and then he came back in?

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

16 **Q** Did his friend come in with him?

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

18 **Q** Who was the friend, do you know him?

19 **A** His name, yeah, he's been over to the
20 apartment a couple of times. All I know is his
21 first name is

22 **Q** Okay. And so after _____ came back,
23 what happened?

24 **A** _____ came back, he walked through the
25 living room and went into the bedroom. Now, I was

1 in the kitchen on the phone and I heard him scream
2 my name, but I wasn't paying him any attention
3 because I was in on the phone talking to my sister.
4 So then he screamed my name a second time, they're
5 outside shooting.

6 So by this time I run out my kitchen
7 to the living room to look out my patio door. And
8 as I looked out the patio door, I saw the officer
9 standing outside his vehicle with his gun in his
10 hand and I saw a black male running away from the
11 officer.

12 Q Okay. So let me stop you here.

13 A Okay.

14 Q When you heard say, they're
15 shooting.

16 A Uh-huh.

17 Q Did you hear any gunshots before he said
18 that?

19 A No, because I wasn't paying any attention
20 to what was going on outside. I was in the kitchen
21 on my phone, I was on the phone.

22 Q Now, this was August 9th?

23 A Correct.

24 Q And as I recall, it was a hot day that
25 day?

1 **A** Uh-huh.

2 **Q** Would you have your windows open or
3 closed?

4 **A** The window was closed because we had the
5 AC on.

6 **Q** Okay. And so was in the bedroom
7 you said?

8 **A** Correct.

9 **Q** They're shooting?

10 **A** Correct.

11 **Q** And then you get up and you go outside
12 onto the balcony?

13 **A** No, I get up when he said, they're
14 shooting, I go from the kitchen to the living room
15 and looked out my patio blinds.

16 **Q** Okay.

17 **A** Yeah.

18 **Q** And so we heard some testimony about how
19 these apartment units are sliding glass doors?

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

21 **Q** And then it has vertical blinds?

22 **A** Correct.

23 **Q** So did you have to open the blinds to see
24 out?

25 **A** No, I just pulled them apart like this and

1 looked out through the blinds.

2 **Q** And so from where you were standing on
3 your second floor apartment.

4 **A** Uh-huh.

5 **Q** On the front of the building?

6 **A** Uh-huh.

7 **Q** Could you see down to this area on
8 Canfield?

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

10 **Q** And did you see the police vehicle?

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

12 **Q** What kind of car was it?

13 **A** It was an SUV truck.

14 **Q** Okay. And when you first looked, you said
15 the officer was already out of the car?

16 **A** Correct.

17 **Q** So you didn't hear or see anything that
18 happened before you saw that?

19 **A** Correct.

20 **Q** And you saw the officer, you said he had
21 his gun drawn?

22 **A** Correct.

23 **Q** And I don't know what that means, so can
24 you stand up and demonstrate for the jurors what you
25 mean when you say he had his gun drawn?

1 **A** When I looked out the patio window, the
2 officer had his gun like this, had his finger on the
3 trigger, he was holding it just like this.

4 (indicating)

5 **Q** Okay. So you can sit down. Where was the
6 officer when you saw him?

7 **A** He was standing right there on the
8 driver's side like right by his door, his door was
9 open. So he's standing like a little bit past his
10 door, the driver's side door.

11 **Q** Do you recall which direction his car was
12 facing on Canfield Drive?

13 **A** His vehicle was facing like going deeper
14 into the apartments.

15 **Q** So his vehicle was facing this direction?
16 (indicating)

17 **A** Correct.

18 **Q** So the front of his vehicle was here?
19 (indicating)

20 **A** Correct.

21 **Q** So you're saying that his driver's door
22 was open?

23 **A** Correct.

24 **Q** So, was it from your position then, you
25 can see the driver's side of that vehicle?

1 **A** Correct.

2 **Q** And he's standing outside the driver's
3 door?

4 **A** Correct.

5 **Q** And now you said you saw a young man
6 running away?

7 **A** Correct.

8 **Q** Did you recognize him?

9 **A** No.

10 **Q** Haven't seen him before that day?

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

12 **Q** Did you see any other people in the area?

13 **A** Yes. I saw another shorter
14 African-American male. At this time the police
15 vehicle was facing, was facing this way and there
16 was a white Monte Carlo facing, they was going the
17 opposite way. The other black male was on the
18 passenger side of the white Monte Carlo and he was
19 down like this. (indicating)
20 He had dreads, I say like right here,
21 and as I'm looking, and then by then I come out my
22 apartment just to get a closer look. And I see the
23 black male that was behind the white vehicle. He
24 jumps inside the white car and the white Monte Carlo
25 goes up the street.

1 **Q** Okay. So the black male that you saw
2 running away.

3 **A** Correct.

4 **Q** Where was he in relation to the police car
5 when you first saw him?

6 **A** He was like, okay, the police vehicle is
7 like here. He was like a good little distance away
8 from the vehicle. (indicating)

9 **Q** Okay. So if the vehicle can you use the
10 pointer and show where the vehicle was, police
11 vehicle?

12 **A** The police vehicle was like right, like
13 right in here. (indicating)

14 **Q** Okay. Now, I'm going to put my finger
15 where you had the pointer?

16 **A** Uh-huh.

17 **Q** Show with the pointer where the boy that
18 was running, where was he when you first saw him?

19 **A** When I first saw him he was probably like
20 right here from where I could see him. (indicating)

21 **Q** And the officer was still at his driver's
22 door?

23 **A** Correct, he was, the officer had his
24 vehicle (sic) in his hand and he was taking large
25 steps towards the guy as he was running.

1 **Q** So you see the officer moving in the
2 direction that the guy was running?

3 **A** That the guy was running, yes, ma'am.

4 **Q** When you say the guy was running, is this
5 like a full-out run or is this a jog?

6 **A** Like a jog, yes, ma'am.

7 **Q** Okay. So what do you see next happen?

8 **A** So then as I see the guy get out, like he
9 disappeared. I didn't see him any more.

10 **Q** Which guy?

11 **A** The big one.

12 **Q** Okay. So we know that man's name now is
13 Michael Brown?

14 **A** Michael Brown, correct.

15 **Q** You didn't know it then?

16 **A** Correct.

17 **Q** So we'll go ahead and call him Michael
18 Brown since we know who he is now.

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

20 **Q** So he disappears from your view?

21 **A** He disappears from my view. So by this
22 time I come out my front door and I'm now standing
23 on my patio.

24 **Q** Now, at this point have you heard any
25 gunshots?

1 **A** Yes.

2 **Q** When did you first hear gunshots?

3 **A** I started hearing the gunshots, when I
4 looked out the patio and I saw the officer walking,
5 taking big steps and shooting, that's when I open up
6 my front door and I came out onto my patio.

7 **Q** Okay. So you're saying as he was moving
8 towards Michael Brown.

9 **A** He was firing.

10 **Q** He was firing. How many gunshots did you
11 hear fired?

12 **A** I heard three shots. And that's what made
13 me come out on my patio. So as I come out on my
14 patio, I see that the victim, okay, I see that Mike
15 Brown can no longer be seen. As I come out on my
16 patio, I finally see Mike Brown walking like this
17 with his hands up. He's now walking towards the
18 officer.

19 **Q** You didn't see him turn around?

20 **A** No.

21 **Q** Okay. So from where you first saw him.

22 **A** Uh-huh.

23 **Q** With the laser pointer where you first saw
24 him when he had his hands up?

25 **A** He was maybe like right here where this

1 car is at. (indicating)

2 Q Okay. And so you said he was facing the
3 officer at that point?

4 A He's now facing the officer with his hands
5 up like this. (indicating)

6 Q Okay. Do your hand the way his hands
7 were?

8 A (Indicating)

9 Q So, for the record, you've got your upper
10 arms are somewhat parallel to the floor and you've
11 got your palms, out fingers are pointing skyward or
12 up to the ceiling and your hands are about the level
13 of the side of your head?

14 A Correct.

15 Q Okay. Go ahead and sit down.

16 And so did you see, what did you see
17 happen then?

18 A As Mike Brown is walking toward the
19 officer, he's started taking big steps toward him
20 and he opened shot, pulled the trigger.

21 Q You see Mike Brown walking towards the
22 officer?

23 A Correct.

24 Q How many steps did you watch him walk?

25 A Maybe a good four or five steps.

1 **Q** Okay. And how would you describe how he
2 was walking? Was he walking quickly was he casually
3 walking?

4 **A** He was casually walking as if he had got
5 shot and he started feeling the pain or something
6 like that, where like he couldn't, you know, pick up
7 his pace because of the shot.

8 **Q** Did you see that he had been shot?

9 **A** Yes.

10 **Q** How did you know he had been shot?

11 **A** Because as the officer is shooting, I
12 assumed that it was, he was being tased because I've
13 never witnessed anyone being shot. And I asked my
14 fiancée is that, I'm like, he's being tased, right,
15 why isn't he falling. That's not tased, that's
16 gunshot because I've never seen anyone get shot.

17 **Q** So are you saying that that conversation
18 was while this was going on?

19 **A** Right.

20 **Q** What makes you say that you saw that he
21 was shot?

22 **A** Because as, as the officer is shooting,
23 like you see, like I guess like little smoke or
24 whatever it was that as the bullets was hitting him,
25 you saw like the little smoke coming from his chest.

1 That's why I assumed he was being tased. Because I
2 guess looking at movies and seeing people get shot
3 and they automatically fall, that was my first time
4 ever seeing someone being shot like that close. So
5 I assumed that he was being tased.

6 **Q** So as you see him getting shot or you see
7 what you've described that you think that's the
8 bullets hitting him.

9 **A** Uh-huh.

10 **Q** He continues to walk toward the officer?

11 **A** At this time it is like his steps were
12 ceasing as, you know, he was about ready to fall
13 over.

14 **Q** And what was the officer doing, was he
15 standing still or was he moving?

16 **A** He was steady moving --

17 **Q** Steady movie in what direction?

18 **A** Towards Mike Brown.

19 **Q** How close did he get to Mike Brown?

20 **A** I say he was maybe a good, maybe 10 feet
21 away from him.

22 **Q** Okay.

23 **A** And then he shot. And then, you know Mike
24 Brown, he fell face down to the pavement.

25 **Q** All right. And you said you had come

1 outside at this point?

2 **A** Correct.

3 **Q** Did you hear anybody saying anything?

4 **A** No.

5 **Q** You couldn't hear, is it because you could
6 not hear because of your distance?

7 **A** I couldn't, right, I couldn't hear what
8 was being said as far as like if the officer was
9 saying anything to Mike Brown, I didn't hear any of
10 that.

11 **Q** After Mike Brown fell onto the pavement?

12 **A** Uh-huh.

13 **Q** Did you stay outside and continue to
14 watch?

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

16 **Q** Did you see anybody move his body other
17 than when it eventually was removed?

18 **A** No.

19 **Q** Okay. How about the police car, did you
20 see anybody move the police cars?

21 **A** Yes.

22 **Q** When did that happen?

23 **A** That happened right after Mike Brown fell
24 and another officer, another Ferguson cop car pulled
25 up.

1 **Q** So what did the officer do after Mike
2 Brown fell?

3 **A** He walked over to him and he did this, and
4 he stepped back. (indicating)

5 **Q** Did you see him talking on his radio or
6 anything?

7 **A** No.

8 **Q** Did he go back to his car?

9 **A** No.

10 **Q** All right. Did you ever see him go back
11 to his car?

12 **A** No.

13 **Q** And then other officers came?

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

15 **Q** And eventually his vehicle was towed away?

16 **A** Correct.

17 **Q** Did you see anybody move it before it was
18 towed away?

19 **A** No.

20 **Q** So it stayed in that same spot?

21 **A** Uh-huh.

22 **Q** Um, and so now just to clarify, you have,
23 you talked to the police --

24 **A** Correct.

25 **Q** -- first. On the day that this happened;

1 is that right, yes?

2 **A** I don't think it was the day that it
3 happened, I think it was a couple days later.

4 **Q** Okay. Do you remember the officers, when
5 you first talked to the officers, did they come to
6 your house?

7 **A** Yes.

8 **Q** Okay. Was this because you told them that
9 you had seen something or were they doing like
10 knocking on doors?

11 **A** They was knocking on doors.

12 **Q** Okay.

13 **A** To see who all was at home.

14 **Q** Okay. And so if, when they talk to you,
15 did they tape record your statement?

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

17 **Q** If they said the date on the recording,
18 would you think that that's probably the date that
19 it happened?

20 **A** Correct.

21 **Q** So we're going to trust the recording as
22 to what date that was, okay?

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

24 **Q** And so you spoke to the officers for just
25 a few minutes briefly on that day; is that right?

1 **A** Correct.

2 **Q** Was there anything that you left out when
3 you spoke to the officers?

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

5 **Q** You don't recall?

6 **A** No, ma'am, I don't recall.

7 **Q** And so when you talked to the officers on
8 the day that this happened.

9 **A** Uh-huh.

10 **Q** Well, you know what I would have to, I
11 need a moment. Let me ask you to wrap up my
12 questions and then we'll see if anybody else has
13 questions.

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

15 **Q** So after this happened, and you spoke to
16 the officers, since then, did you speak to other
17 investigators?

18 **A** I talked to the FBI.

19 **Q** Okay. And did you go to them or did they
20 come to you?

21 **A** They came to me.

22 **Q** To your house?

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

24 **Q** And did they record your statement?

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

1 **Q** Okay. How long did you talk to them?

2 **A** It was only, it was a couple of minutes.

3 **Q** Okay. And is what your telling today the
4 best of your recollection?

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

6 **Q** Did you ever see anything in Michael
7 Brown's hands?

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

9 **Q** Did you ever see him holding his side?

10 **A** Yes.

11 **Q** Okay. So then you haven't mentioned that?

12 **A** Yes. He had his hands up and as he, the
13 officer steady taking big steps shooting at him, his
14 hand goes like this and he holds his side as he has
15 been hit. The officer shot again and that's when he
16 collapsed and fell onto the ground. (indicating)

17 **Q** Okay. So when he was going down and
18 collapsing, his arms were not up any more?

19 **A** No, ma'am, they were now, he was holding
20 his side.

21 **Q** Okay. Do you know the other guy that ran
22 away and got in the car and left, do you know who
23 that is?

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

25 **Q** Never seen him before?

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

2 **Q** Have you and Michael talked about, after
3 it happened I imagine you guys talk about it?

4 **A** Uh-huh.

5 **Q** Oh, my God, can you believe what we just
6 saw?

7 **A** Uh-huh.

8 **Q** Have you talked about it in detail?

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

10 **Q** Did he tell you what he saw?

11 **A** No, he didn't. He was affected by it and
12 then I was affected, and that my kids was affected.
13 And beings that my kids was so young, we try not to
14 discuss that in the household around the kids
15 because we want them to get that out of their mind
16 and be kids.

17 MS. ALIZADEH: Sure, okay. Sheila, do you
18 have any questions?

19 MS. WHIRLEY: Yeah.

20 **Q** (By Ms. Whirley) Before you saw him
21 running, did you hear any shots fired?

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

23 **Q** Okay. So you first heard shots fired when
24 you saw him running?

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

1 **Q** And the officer was pursuing him shooting
2 at his back?

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

4 **Q** All right. And you did not see him turn
5 around; is that right?

6 **A** No.

7 **Q** So the next thing you saw was what?

8 **A** I did not see him turn around and then
9 when I finally open up my front door and go out onto
10 my patio, I saw him with his hands up and he's now
11 facing the officer and he's walking towards the
12 officer with his hands up.

13 **Q** So his hands were up above his head?

14 **A** No, it was more like this. (indicating)

15 **Q** Okay. Kind of parallel with his head?

16 **A** Correct.

17 **Q** Okay. Now, when you first talked to the
18 police back, August 9th is the date that we have.
19 It was a few hours after this had occurred.

20 **A** Okay.

21 **Q** There is no mention about his hands being
22 up. What do you think about that, why you didn't
23 tell the police on that day?

24 **A** I did tell the officers that his hands was
25 up.

1 **Q** Okay. The recording, and we have a copy
2 of the recorded statement there's a transcript,
3 there's nothing in there that talks about his hands
4 being up. You do recall telling him?

5 **A** Uh-huh.

6 **Q** You clearly remember that?

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

8 **Q** And when he had his hands up, there wasn't
9 anything in his hands you said?

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

11 **Q** And how far away was he from the officer
12 when he turned around and he had his hands up, how
13 far away?

14 **A** He was probably about 20, 15 feet away.

15 **Q** 15, 20 feet away?

16 **A** Uh-huh.

17 **Q** And he has his hands up and you said the
18 officer start shooting?

19 **A** The officer was constantly walking, taking
20 large steps towards him with his gun in his hand,
21 steady firing.

22 **Q** Okay. And when did you meet with the FBI?

23 **A** I want to say a couple days to a week
24 afterwards.

25 **Q** Okay. And that was recorded I heard you

1 say earlier?

2 **A** Yes.

3 **Q** And you told them about the hands up?

4 **A** Uh-huh.

5 **Q** So when he shot him, I guess first it was
6 20 feet away you say when it started?

7 **A** Uh-huh.

8 **Q** And then Mike Brown is walking towards him
9 after he shoots him?

10 **A** Uh-huh.

11 **Q** And he is doing what at that point when
12 he's walking towards him?

13 **A** He's walking towards him with his hands up
14 and then I guess as the officer is constantly
15 shooting him, one of the shots must have hit him in
16 the side and then he grabbed his side like this.
17 The officer steady shoot and then he just falls over
18 onto the pavement.

19 **Q** Okay. So you never saw him run towards
20 the officer?

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

22 **Q** Or charge at the officer?

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

24 **Q** Did he ever look like he was a threat in
25 your opinion to the officer?

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

2 **Q** Did it appear to you that the officer
3 needed to keep shooting --

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

5 **Q** In order to protect himself?

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

7 **Q** You didn't see it that way?

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

9 **Q** Okay. Questions.

10 MS. ALIZADEH: I just want to clear up one
11 more thing, When you spoke to the officer on
12 the day this happened.

13 **A** Uh-huh.

14 MS. ALIZADEH: And, again, the grand
15 jurors have the transcript and they will be able to
16 listen to the tapes again. If you did not mention
17 anything about his hands being up on that day, and
18 you don't mention anything about his hands going to
19 his side as if he were shot, do you think that it is
20 possible that now you believe that that's a memory
21 because you've heard people talk about that?

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

23 **Q** At the end of your interview on that day,
24 the officer said is there anything you want to add
25 to this statement? And you said that when the guy,

1 once he tipped over, he hit the pavement, you saw
2 his body like flinching like he was trying to get
3 up. And after that he stopped moving and the
4 officer stepped back away from the body and that was
5 that?

6 **A** Yes.

7 **Q** That was it?

8 **A** Uh-huh.

9 **Q** So today you said the officer stepped
10 toward the body and looked over the body?

11 **A** Right, as he shot the last time and Mike
12 Brown fell to the ground, he did this and then he
13 stepped away. (indicating)

14 **Q** Okay.

15 MS. ALIZADEH: Anybody have questions?

16 Tell me again
17 when he was, when Michael Brown was shot the second
18 time, he had his hands up?

19 **A** Correct.

20 You assume that he might
21 have been wounded on the side?

22 **A** Uh-huh.

23 Did both hands go down to
24 the wound or just one?

25 **A** Yes, both.

1 you saw Dorian duck down by the white Monte Carlo?

2 **A** Uh-huh.

3 MS. ALIZADEH: Just to clarify, she didn't
4 know his name?

5 **A** I don't know his name.

6 I'm sorry.

7 MS. ALIZADEH: I'm not saying she can't
8 know his name. The guy, we know his name is Dorian.

9 Oh, okay. And my question
10 is, when you saw him duck down, were you coming out
11 of your patio at the time when you did not see him
12 any more?

13 **A** No, I was standing on my patio, that's how
14 I know that he got inside the white Monte Carlo and
15 the Monte Carlo went up the street.

16 So you actually saw him
17 get into the car?

18 **A** I saw the driver door open and he did
19 this, got in it, the door closed and the car went up
20 the street.

21 You were outside on your
22 patio at the time?

23 **A** I was outside on my patio.

24 Okay.

25 MS. WHIRLEY: Now, we see that you wear

1 glasses?

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

3 MS. WHIRLEY: Do you wear them for
4 distance or for near sight?

5 **A** Near sight.

6 MS. WHIRLEY: Is your vision corrected
7 with the glasses.

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

9 MS. WHIRLEY: Were you wearing glasses
10 when you were looking at all this?

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

12 MS. WHIRLEY: Was there anything to impair
13 your vision or impair you from seeing what you told
14 us here today?

15 **A** No, my kids were out, by this, when I open
16 up the door to go out onto the patio, my boys came
17 outside. So I'm kind of like trying to pull them
18 back away from the patio and pull them back into the
19 house just so they won't be seeing and hearing all
20 of this stuff that was going on.

21 MS. WHIRLEY: So you were distracted a
22 little bit with your boys?

23 **A** Correct.

24 MS. WHIRLEY: During what period of time
25 was this when you were working with your boys, what

1 face?

2 **A** No, I couldn't see his face.

3 You couldn't see his
4 face?

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

6 Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Anything?

9 (End of the testimony of)

10

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

16

EXAMINATION

17 BY MS. WHIRLEY:

18 **Q** Would you please introduce yourself to the
19 grand jurors and spell your name, please?

20 **A** My name is

21

22 **Q** All right. now, do you live in
23 the Canfield Green Apartments?

24 **A** No.

25 **Q** Okay. Do you know anybody that lives

1 did you see?

2 **A** Well, when I was coming around here, I
3 heard like about two or three gunshots.

4 **Q** Were you driving?

5 **A** Yes.

6 **Q** Okay.

7 **A** So at first I thought it was firecrackers,
8 but when we got around, I seen a police car, I can't
9 be sure, it was like about somewhere in between
10 here, I think the police car may have been.

11 **Q** What direction was the place car facing?

12 **A** It was facing towards me.

13 **Q** West Florissant?

14 **A** Yes, it was facing toward West Florissant.

15 **Q** Was it driving?

16 **A** It wasn't driving, it was sitting still.

17 **Q** And what position was the car in?

18 **A** It was like pulled off to the side a
19 little bit, it wasn't directly coming down the
20 street, it was like pulled off into the side by the
21 sidewalk.

22 **Q** Like was it blocking the road?

23 **A** No, it wasn't blocking the road.

24 **Q** So you could drive straight by without
25 having to go around it?

1 **A** Yes.

2 **Q** Okay. So is anybody in the car in the
3 police car?

4 **A** Well, at the time I wasn't really looking
5 in the car. I was looking at the person standing by
6 the car.

7 **Q** Who was the person standing by the car?

8 **A** I don't know who the person, I didn't know
9 who the person was, I just knew it was an
10 African-American male standing at the car.

11 **Q** What did you see while the male was
12 standing at the car?

13 **A** He looked like pretty much had his hands
14 directly pretty much in front of him standing at the
15 car looking like he was just talking. I couldn't
16 tell what was going on, he was standing at the car.

17 **Q** He was standing at the police car. Where
18 at the police car?

19 **A** He was standing at the driver's door.

20 **Q** At the driver's door. Was he inside, like
21 leaning inside?

22 **A** He was just like standing bent down
23 towards the door.

24 **Q** Okay. Did it appear the window was down?

25 **A** Yes.

1 **Q** Did it appear someone was in the car, you
2 said you couldn't tell?

3 **A** I kind of figured it was someone in the
4 car because he was standing there with the window
5 open looking down into the car.

6 **Q** Into the police car. Did that seem
7 strange to you?

8 **A** No.

9 **Q** Why not?

10 **A** Because I figure that he either was
11 talking to the officer or the officer was talking to
12 him.

13 **Q** Okay. So you didn't see anything that
14 looked aggressive like fighting or tussling or
15 anything like that?

16 **A** Well because of the gunshots I thought
17 that he was either shooting at the cop or something
18 was going on or something might have been going on
19 around in the area. So I just, when I first seen
20 the police car and after hearing the shots I was
21 like kind of leery about going any further.

22 **Q** So you say you saw the shots?

23 **A** No, I didn't see them, I heard them.

24 **Q** I'm sorry, you heard the shots, so thank
25 you for correcting me. And then you saw the black

1 male at the driver's side door of the police car?

2 **A** Yes.

3 **Q** But you couldn't see his hands?

4 **A** No.

5 **Q** But you didn't see any movement?

6 **A** No, he was just pretty much just standing
7 there and then he kind of, um, started backing away
8 from it and stuff at first. I thought he slung
9 something away, but I couldn't be sure if that's
10 what I saw right now.

11 **Q** Okay.

12 **A** Because I couldn't remember that.

13 **Q** When you heard the shot, was he still
14 standing at the police car in the driver's door?

15 **A** I'm not exactly sure because like I said,
16 we heard the shots. I heard the shots when we were
17 like about right, when we was coming around the bend
18 around that corner. I didn't hear anything when I
19 actually got a visual of what was going, you know,
20 people standing there.

21 **Q** And how many shots did you hear when you
22 were coming in this way?

23 **A** It was at least about two or three.

24 **Q** Two or three. Okay. So you heard the
25 shots and then when you got up and a little closer

1 and you saw the police car, you say you saw this
2 black male at the driver's side window?

3 **A** Yes.

4 **Q** So that was before you heard the, well,
5 you heard the shots and then after you heard the
6 shots, you saw the male at the window?

7 **A** Yes.

8 **Q** And then what did you see?

9 **A** Um, after that, like I say, he backed away
10 from the car and he, um, he was like standing there
11 for a minute and then he took off running.

12 **Q** Okay.

13 **A** He was running away from West Florissant.

14 **Q** Which way was he running, show me?

15 **A** He was, um, I don't know exactly where it
16 was at. He started running back this way.

17 (indicating)

18 **Q** Was he running in the street?

19 **A** Yes.

20 **Q** Okay. And what did, what else did you see
21 after you saw him running?

22 **A** After he took off running, I was watching
23 the police officer get out of the car. He got out
24 of the car and closed the door and then he started
25 running after that guy.

1 **Q** Did you see anything in the police
2 officer's hand?

3 **A** Yes, he had his gun drawn and it was down
4 to his side.

5 **Q** When you said drawn and down to his side,
6 can you explain that for me?

7 **A** It wasn't in the holster.

8 **Q** Okay.

9 **A** It was just in his --

10 **Q** You mind demonstrating how he had it
11 drawn?

12 **A** He was trying to get out of the car, he
13 looked like he was having a little bit of difficulty
14 getting out of the car at first and then he started
15 running. I can't remember if it was the left or
16 right, but I know he had it down to the side and his
17 other hand was up like this running. So he was
18 running towards the guy with the gun in his hand,
19 not in the holster.

20 **Q** Okay. Can you describe the guy that he
21 was running after?

22 **A** Um, he was kind of heavy set black guy.

23 **Q** Okay.

24 **A** He had on shorts, looked like he had on
25 socks with flip flops and a big shirt.

1 **Q** Okay. And you've heard, I'm sure the news
2 and this is Mike Brown that you're talking about.

3 **A** No, I don't watch the news.

4 **Q** Oh, that's right you said you don't want
5 television; is that right?

6 **A** I don't want television. I didn't know
7 his name until like I seen it on the internet.

8 **Q** Okay. But that's the same guy you
9 thinking?

10 **A** Uh-huh.

11 **Q** Okay. Where were you when you seen them
12 run?

13 **A** Same spot. I was in the car right around
14 here where the light pole is. I was like pretty
15 much, because I know there was a tree in front of us
16 and there was a girl standing next to us because I
17 remember when I got ready to leave, I turned into
18 the driveway.

19 **Q** Uh-huh. At the time you saw them, were
20 you facing the police car?

21 **A** Yes.

22 **Q** Because you were on your way inside?

23 **A** Yes.

24 **Q** To do something

25 **A** Uh-huh.

1 **Q** Okay. So when you see him running, is he
2 firing a weapon at that time, you say his gun is
3 out, the police officer, is he firing at the
4 individual running?

5 **A** No, he couldn't, if he was running with it
6 down by his side down.

7 **Q** Well, at any time did he change that
8 position and start firing?

9 **A** He didn't start, I didn't see him fire, I
10 didn't even hear the gunshots until later.

11 **Q** And what was happening when you heard the
12 gunshots?

13 **A** When I heard the gunshots and saw him
14 firing his weapon, he was, Michael had stopped, he
15 had stopped. He threw his hands up and then he put
16 his hands down, Michael turned around and then he
17 started running, he kind of shuffled back and forth
18 a little bit like he was confused or something. And
19 then he started running towards my car, he started
20 running back towards us.

21 The officer had ran, he was running
22 after him. He had stopped, I heard him say get down
23 about two or three times and he kind of veered off
24 to the side a little bit, but he still was aiming
25 his gun at the guy, at Michael. And he after, he

1 held his gun out at him, he was aiming the gun at
2 him, he was telling him to get down. And like I
3 said, Michael was shuffling back and forth like he
4 was confused and then he started running and that's
5 when I started hearing him shoot.

6 **Q** While he was running toward the officer?

7 **A** Kind of towards the officer. I couldn't
8 be sure if he was running exactly towards the
9 officer or just trying to run past him.

10 **Q** But he was running in the officer's
11 direction?

12 **A** He was running pretty much our direction.
13 The officer was pretty much between us and Michael.

14 **Q** And the officer was saying stop or get
15 down?

16 **A** Get down.

17 **Q** And could you hear Michael say anything?

18 **A** I didn't hear him say anything. He was
19 trying to run. He was running and he had his hands
20 down in like a running stance.

21 **Q** Look like he was charging at the officer?

22 **A** I couldn't be sure if he was trying to
23 charge the officer or run past him.

24 **Q** Okay. It was unclear to you. Did he look
25 like he was threatening the officer?

1 **A** Well, like I say, I couldn't be sure if he
2 was trying to threaten him, like I said.

3 **Q** I mean, a person, a reasonable person just
4 looking at it, would you think in your mind?

5 **A** I thought he was trying to charge him at
6 first because the only thing I kept saying was is he
7 crazy? Why don't he just stop instead of running
8 because if somebody is pulling a gun on you, first
9 thing I would think is to drop down on the ground
10 and not try to look like I'm going to attack 'em,
11 but that was my opinion.

12 **Q** So it looked to you like he could be
13 attacking him?

14 **A** He looked like, he looked like he could
15 have been attacking him or the officer could have
16 felt like he was attacking him.

17 **Q** I want you to tell me what your impression
18 was as you looked at it?

19 **A** I was looking at it, I could not be sure.
20 Like I said the officer, he was like off to the side
21 a little bit and Michael was probably, he was like
22 standing here shuffling back and forth, and he took,
23 he just started running. I don't know if he was
24 trying to come towards the officer or if he was just
25 trying to run past him.

1 **Q** Okay.

2 **A** I couldn't tell you.

3 **Q** All right. And one last thing and then
4 I'll turn it over. When you talked about him having
5 his hands up, at what point did he have his hands
6 up?

7 **A** He put his hands up when he stopped. He
8 kind of like threw his hands up, like I can't do
9 this no more. He just threw his hands up and he
10 turned around and he kind of put his hands down and
11 he was like shuffling. He didn't have his arms up
12 while he was shuffling, he was just shuffling back
13 and forth.

14 **Q** When you say shuffling, can you show me?
15 I'm sorry.

16 **A** He was like, he was like. Just doing like
17 this, shuffling back and forth like he didn't know
18 what else to do. He was just shuffling back and
19 forth. (indicating)

20 **Q** Where were his hands?

21 **A** He was like to the side, just doing, you
22 know, hand gestures. They wasn't up like this or
23 anything. They was just down like, you know.

24 **Q** Did he look like he was hit by any of the
25 bullets?

1 **A** I didn't see, I couldn't tell that.

2 **Q** You couldn't see any blood or anything?

3 **A** I didn't hear any of the gunshots until he
4 started running.

5 **Q** Okay. When he started running toward the
6 officer?

7 **A** Uh-huh.

8 **Q** So he was doing the shuffling before he
9 came toward the officer?

10 **A** Yes, right before he started returning, he
11 started shuffling back and forth.

12 **Q** Okay. And that's when you heard the
13 shots?

14 **A** I heard the gunshots. He told him, before
15 he shot him he told him to get down again, and
16 Michael had started running. And that's when I
17 started hearing the gunshots.

18 **Q** Okay. So how many shots do you think you
19 heard total?

20 **A** I know at least about three or four. I
21 remember hearing three or four shots.

22 **Q** Two initially, and you were driving in --

23 **A** Two or three.

24 **Q** Two or three, Michael is at the car with
25 the officer?

1 **A** Yeah.

2 **Q** And then Michael runs?

3 **A** Uh-huh.

4 **Q** And when he turns around and the officer
5 tells him to get down, that's when you hear more
6 shots, the three more shots?

7 **A** When he started running.

8 **Q** When he started running towards the
9 officer?

10 **A** Yes.

11 **Q** Did you hear any more shots?

12 **A** Um, I couldn't tell you how many shots I
13 heard, but I remember seeing a blood splatter coming
14 around by his face.

15 **Q** At what point did you see that?

16 **A** That was like right before he started
17 stumbling because he kept coming and the officer
18 kept shooting and I remember the blood splatter. I
19 seen the spray of blood come out of somewhere around
20 his face and then he started to stumble.

21 **Q** Was the officer still shooting then?

22 **A** Um, I couldn't tell you if he kept
23 shooting, but I know that when he hit the ground, he
24 wasn't still shooting.

25 **Q** Okay.

1 **A** I didn't see him shoot any more. I know
2 he kind of put his gun down. I could see him
3 radioing. I seen him grab like the radio on his
4 shoulder and then he, um, that's pretty much when I
5 decided it was time for me to turn around.

6 **Q** Okay. So you left at that point?

7 **A** I was trying to, but it was like two
8 police SUVs started coming past me after that. They
9 was coming down the street. I was looking to make
10 sure there wasn't anybody coming around me. So I
11 was trying, because I had my family in the car, I
12 didn't want to get hit by anything, so I was
13 watching. I looked in the side mirror to see if
14 anybody was coming and I seen the two police SUVs
15 coming, and I stopped. And after they passed by, I
16 watched a little longer and I went around.

17 I went up this driveway right here
18 and I went around this way because I didn't know,
19 this is the first time I had ever been over there.
20 So I didn't know that this came back out this way.
21 (indicating)

22 **Q** Okay.

23 **A** So at that point we didn't know what else
24 was going to happen. We stopped at
25 and came out and asked what was going on.

1 And I'm like, did you hear something? And we like,
2 we were like telling the police had just shot a
3 guy out there. After that we just got back in the
4 car and we came back. I didn't get out of the car,
5 we was just sitting there for a few minutes to see
6 what was going to happen. We pulled right back out
7 and started down the street.

8 Q And you left?

9 A Yes.

10 Q So you didn't talk to the police that day?

11 A Huh-uh.

12 Q How did the police know to contact you?

13 A I can't remember.

14 Q If you --

15 A I think I called them.

16 Q You called the police?

17 A I called the police and told them that I
18 had saw the shooting and.

19 Q And then you met with them at
20 or somewhere?

21 A Yeah, I met with them at

22 Q Okay, all right. Based on what you saw,
23 did it appear that the officer had to shoot him to
24 protect himself?

25 A I don't know.

1 **Q** You don't have an opinion about that?

2 **A** I don't have an opinion about that because
3 I couldn't tell whether or not the guy was charging.
4 I wasn't as close to him as the officer, I wasn't as
5 close to the scene as the officer and Mike was so, I
6 don't know what he could have been thinking. I
7 don't know if he was thinking that he was trying to
8 charge him or not.

9 **Q** And when you saw him shoot him, the last
10 shots to be fired when you saw the blood spray, how
11 far did it seem that the officer and Mike Brown were
12 apart from each other?

13 **A** About as far as me and you are.

14 **Q** Oh, okay. This close? (indicating)

15 **A** Uh-huh.

16 **Q** And we're like less tan 10 feet apart
17 okay.

18 **A** Yeah, because he was pretty much staying
19 back away from him. Mike was pretty much bigger, he
20 was a little bit bigger than the cop was.

21 MS. WHIRLEY: Okay, all right. Thank you.
22 That's all I have. Kathi?

23 MS. ALIZADEH: Just a couple. Ma'am, did
24 you ever watch, I know you don't watch TV, did you
25 ever hear or did anybody ever talk to you about the

1 autopsy report?

2 **A** I think I heard about it, but I'm not
3 really sure what it was about because I didn't try,
4 I probably felt like I was going to be asked
5 questions about it eventually, but since I didn't
6 really, that was like pretty much nothing that I
7 really witnessed, so I didn't really pay attention
8 to it.

9 **Q** So to this day, do you know where Michael
10 Brown was shot on his body?

11 **A** I heard that it was in his arm and in his
12 head.

13 **Q** Okay. And you heard that where?

14 **A** Everywhere.

15 **Q** Okay.

16 **A** Anywhere, and I did see a couple of things
17 on the internet.

18 **Q** Okay. From the time that Michael Brown
19 turned around and until the time he eventually
20 collapsed in the street.

21 **A** Uh-huh.

22 **Q** Can you give me an idea, I know how close
23 they ultimately got, but how far did he travel?

24 **A** I couldn't really tell you because it
25 looked like from where I was standing, where I was

1 sitting, I'm in the car, I'm trying to think. I'm
2 not even exactly sure. I think that where his body
3 landed was like right about here. (indicating)

4 Q Okay.

5 A This is so hard to tell, especially not
6 being there.

7 Q Do you know about where he was when he
8 turned around?

9 A It was almost to like the end, I'm not
10 sure if it was the end of this street or what, I
11 can't remember.

12 Q Okay. When you say this street, I didn't
13 see the pointer?

14 A He hadn't made it around. He hadn't made
15 it around this corner, I know that it had to be
16 within this same stretch right here. (indicating)

17 Q Okay.

18 A Because I could see him clearly.

19 Q If you are saying his body was here,
20 that's where he collapsed, so he was someplace west
21 of that and then he ran east?

22 A Uh-huh.

23 Q And you don't have any good idea of like
24 if I keep walking back if you're going to say stop
25 if you want to say how far he ran?

1 **A** I think he ran a pretty good distance.

2 **Q** Okay. Farther than I can walk back?

3 **A** Um, I can't think right now. I don't even
4 remember how far it was.

5 **Q** Okay.

6 **A** Only thing I can remember is hearing the
7 gunshot, seeing him being shot and it was just like,
8 it was surprising.

9 **Q** Okay.

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

11 MS. WHIRLEY: Anything else?

12 : You said he had his hands
13 up for a brief moment?

14 **A** He had his hands up when he stopped, when
15 he was running away from the officer. I don't know
16 if he got tired or what, but he threw his hands up.

17 Were they like this or
18 were they like this? (indicating)

19 **A** Up in the air just like that.

20 (indicating)

21 Okay. That's it.

22 . With it
23 being a hot, summer afternoon, were your windows,
24 did you have your air on were your windows up?

25 **A** No, I like my windows down because I have

1 people in the back seat and I think what happened
2 was, as a matter of fact I knew I didn't have them
3 up because, um, it wasn't that hot because it was
4 before noon when we left. It was around noon when
5 we got there and it wasn't that hot that time of
6 day.

7 And one more thing. Do
8 you remember if the sirens was on the police car?

9 **A** On which police car? The one that the
10 officer was in?

11 Yes.

12 **A** No, it was just sitting there.

13 MS. ALIZADEH: Anyone else?

14 MS. WHIRLEY: Was it a car or was it a
15 truck?

16 **A** Oh, it was a car that the officer was in.

17 MS. WHIRLEY: That you saw Michael Brown
18 standing next to?

19 **A** Yes, it was a car.

20 MS. WHIRLEY: When you say car, when I say
21 truck, I'm talking SUV or was it a car?

22 **A** It was a car.

23 MS. WHIRLEY: It was not an SUV?

24 **A** No, it was a car.

25 MS. WHIRLEY: Okay.

1 can you describe what you saw?

2 **A** He was just looking like he was, he had
3 opened the door and was trying to get out of the
4 car. I didn't know what was going on, I figure he
5 might have been disoriented. I don't know what was
6 going on, I couldn't tell you what was happening.
7 All I know is he looked like he was coming out of
8 the car and he got up and yeah, he did close the
9 door behind him and he took off running. All right.

10 Did you
11 ever see anybody else by the car?

12 **A** No. The only other people that I was
13 looking, I seen were pretty much just bystanders and
14 watching everything.

15 MS. WHIRLEY: That concludes the testimony
16 of

17 (End of the testimony of
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2 State of Missouri

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SS.

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County of St. Louis

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The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

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cautioned and sworn to testify to the truth, the

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whole truth, and nothing but the truth in the case

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aforsaid, thereupon testified as is shown in the

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correctly sets forth the testimony of the

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5 State of Missouri vs. Darren Wilson

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8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume XI

12

13 10/7/2014

14 Name and address of person or firm having custody of
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19 Clayton, MO 63105

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