

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury

Date: August 20, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

AUGUST 20, 2014

VOLUME I

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2 STATE OF MISSOURI
3 21ST JUDICIAL CIRCUIT

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5 STATE OF MISSOURI,

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9 vs.

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11 DARREN WILSON,

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15 The following is a transcript of the Grand Jury
16 proceedings, at the offices of St. Louis County
17 Prosecuting Attorney's Office, 100 South Central
18 Avenue, in the City of Clayton, State of Missouri,
19 on the 20th day of August, 2014, before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

4 Mr. Robert McCulloch, Ms. Kathi Alizadeh and Ms.

5 Sheila Whirley

6 Prosecuting Attorney's Office

7 100 South Central Avenue, 2nd Floor

8 Clayton, MO 63105

9 (314) 615-2600

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1 INTRODUCTION

2 MR. MCCULLOCH: Thank you. I'm Bob
3 McCulloch, the Prosecutor, for the record. I want
4 to talk to you a little bit about this. As you are
5 well aware of what we are here about and that is the
6 shooting death of Michael Brown.

7 I want to tell you how this is going to
8 proceed. Obviously, it is going to be different
9 from a lot of the other cases that you've heard,
10 that you've heard during your term.

11 First things first. Let me introduce, I
12 say a lot of this you already know. These two
13 ladies, for the record, Kathi Alizadeh, Shelia
14 Whirley, they will be the primary, if not the
15 exclusive attorneys working in the grand jury on
16 this case.

17 Obviously, I hope, obviously, there be a
18 lot of other people working on things outside of us
19 getting it ready for the presentation that will be
20 made by Kathi and/or Sheila.

21 Kathi was the prosecutor I have on call
22 for the month of August for all homicide calls. So
23 she received the call about this shooting within
24 minutes of the time the County Police were notified
25 by the Ferguson Police. So she has been working

1 with the police and lots of other things on this
2 since the very beginning.

3 My procedure is always that I have a
4 prosecutor on call solely for homicide cases and
5 they stay with that case from start to finish,
6 whatever that ultimately may be.

7 Sheila, as you know, has been assigned to
8 the grand jury for this term and so she will
9 continue with this grand jury on this case for as
10 long as it does take.

11 There are a few things I do want to go
12 over, first and foremost, to tell you that this is
13 the first, last and probably the only time I think
14 that you will see me in relation to this case.
15 Certainly in the grand jury. Everything that we do,
16 everything that you do, will be recorded with the
17 court reporter, who is under the same oath,
18 essentially, as all the witnesses.

19 As I said, Kathi and Sheila will be the
20 primary attorneys, the attorneys responsible for
21 presenting everything to the grand jury.

22 Really, I'm going to go over just a few
23 things to make sure that we have kind of the ground
24 rules, but the procedure covered.

25 As you know, your term ends on the 10th of

1 September. You also have dockets, there is no
2 docket next week, but on the 3rd and 10th, we have
3 dockets. Those dockets will be adjusted, but they
4 won't be canceled. But they will be adjusted to
5 accommodate whatever time that we need for
6 presentations on this case.

7 This case is still in the middle of an
8 investigation, there is a lot going on and certainly
9 you are well aware of what's going on in the
10 evenings and during the day and even out in front of
11 the courthouse here on occasions.

12 So there is a lot that is still going on
13 with the officers gathering the evidence, evidence
14 is being tested, being evaluated. I say evaluated,
15 it is being looked at, firearms evidence, the
16 firearms people are looking at that, DNA evidence,
17 the DNA are examining that.

18 In addition, the federal government, U.S.
19 Department of Justice, is doing a parallel, but an
20 independent investigation of the same thing.

21 So a lot of, actually everything pretty
22 much that the County Police or any other state or
23 local department is doing is being replicated by the
24 U.S. Attorney, by the FBI, or by the Justice
25 Department, they are all part of the Justice

1 Department.

2 As that is going back and forth and there
3 is some witnesses they will be talking to that the
4 County Police may not necessarily be talking to.
5 Some that the County had talked to that they haven't
6 or won't talk to. And so, but all of that will be
7 traded. We're giving them all the statements we
8 have, they are passing statements and any other
9 information that they have on this matter back to
10 us.

11 So it is still independent of one another,
12 but sharing the information because what is
13 significant to this case is also significant to
14 theirs. They are looking at different
15 possibilities.

16 The federal government and the state
17 government are not the same. We have these criminal
18 charges, they look at potential civil rights
19 violations, but for the same conduct that we are
20 looking at for any potential criminal violations.

21 So that may add a little bit, a little bit
22 of a delay. I really don't want to say a delay, but
23 kind of giving things to you out of order here
24 somewhat. Like a trial, lots of information is
25 going to come to you and it is going to come out of

1 chronological order. We will kind of go through
2 that just as a schedule. The schedule is just that.

3 There will be time if we have a particular
4 area, just for example, the DNA evidence. If that
5 is available or when that is available and all of it
6 is available, not just part of it, we will have the
7 time that is in the next two weeks to present that
8 to you all at once. If it is a number of witness
9 statements, we will present all of those to you. We
10 will have it all organized and bring it in.

11 By the time everything is finished, you
12 will have heard everything, you will have every
13 statement, there will be as many witnesses to come
14 in and testify.

15 If they made statements, you will not only
16 get the statements they made, whether they are to
17 police, FBI, or television or on the internet or
18 anything else. If we've got those statements, you
19 will have those statements. You will also have the
20 witness who will come in and testify as to that.

21 Some certainly might be they are just
22 statements that are floating around on the internet
23 and nobody knows who is making that statement, but
24 everybody is doing that and the FBI is doing what
25 they can to locate any of those or the source of

1 them.

2 So the schedule though after
3 September 10th, your term is extended, and the only
4 matter that you will hear anything on will be this
5 Michael Brown case, the Michael Brown shooting. All
6 you get is that so you won't have the docket. There
7 will be another grand jury that starts the week
8 after that who will be doing what you have been
9 doing for the past four months.

10 By the way, greatly appreciate your
11 service on that. I don't want to lose that in the
12 message here. You have done a great job, a great
13 service for the people of this county.

14 But the schedule will then, it is as
15 flexible as flexible can be. It is the only matter
16 that you have and so there is no requirement that
17 you meet on Wednesdays. So whenever all 12 people
18 are available, because all the evidence will be
19 presented to all 12, so we get all 12 of you
20 together, we will work with everybody's schedule.

21 Obviously, we want to be as expeditious as
22 possible, but not rush through it. If that means we
23 are meeting four hours in the morning and whatever
24 works is what we are going to do. Saturdays,
25 evenings, however it works for everybody's schedule,

1 and as long as you get it. If all 12 of you have an
2 entire day, we will have an entire day.

3 If you have four hours sometime, we will
4 work all of that out, but we will work, obviously,
5 around your schedules and you know how that's been.
6 It is a little easier, I suppose, when you could
7 tell family and employers and the like every
8 Wednesday you had to be gone. So this will be a
9 little different, so we will have to coordinate all
10 of that.

11 Also, not necessarily a requirement, we do
12 want to meet here, but there is no requirement of
13 that. If it turns out to be a Wednesday, then we'll
14 figure out something on that.

15 Everything will be recorded. Starting
16 with the oath by the court reporter and everything
17 that I'm saying now and everything that anybody
18 says, whether it is a witness, whether it is one of
19 the attorneys, or one of the jurors, will be
20 recorded as we are going along.

21 The value in the court reporter is that
22 we're getting at least a rough transcript as we are
23 going along. So that will, we won't have to wait
24 six months for all of these tapes to be typed up if
25 we did it in some other fashion.

1 The other is that the questions, you know,
2 unlike a trial jury, you know, you can and have been
3 discussing what you've heard on perhaps between
4 witnesses or during breaks and the like. Remind you
5 that's part of your deliberation and so none of that
6 happens while there is anybody else in the room and
7 that includes, of course, the attorney and the court
8 reporter.

9 At the end of every witness, the reporter
10 will make an announcement that essentially he is
11 going to finalize the disc. For every witness who
12 testifies and every session of their testimony,
13 there will be a separate disc made so that when he
14 finalizes that, what it does is it finalizes the
15 disc.

16 After that, it can't be altered, nothing
17 can be added, nothing can be deleted. And so if
18 that witness comes back at some other time, there
19 will be a separate disc for that and we will do the
20 same. We will do that with every person who comes
21 in and testifies.

22 You will have presented to you every bit
23 of evidence from the photos, from the scene of the
24 shooting, diagrams of that, the physical evidence
25 that was seized at the time, at the location, the

1 DNA evidence, anything and everything that pertains
2 to this case will be presented to the grand jury.
3 It will all be available to you for your review as
4 it is coming in.

5 Sheila, primarily, will be at least
6 getting things started in terms of asking the
7 witness questions, much as you've seen her for the
8 whole summer doing that.

9 Jurors, and you're experienced enough now
10 that you can ask whatever questions you want to ask.
11 Any item, anything you want to ask any witness,
12 absolutely ask that information.

13 If something occurs to you sometime after
14 that witness is gone, we will get the witness back
15 at some point and ask those questions again. If
16 somebody else says something, you need to clarify
17 it, we will get witnesses back to do whatever it is
18 that you need done.

19 The one thing we can't do in terms of
20 questions, let me back up a little bit on that while
21 we are talking about the records on that.

22 Just remember that it is going to take a
23 few minutes to finalize this disc once that witness
24 is finished testifying. So if you have discussion,
25 you want to talk or ask each other questions,

1 anything at all about that, make sure you wait long
2 enough that that is finalized and they understand
3 is out of here and the attorneys out of here.
4 They will stick around long enough to remind you of
5 that, wait until everybody is gone before you talk
6 about it because that's, that's not something that
7 anybody but the jurors hear.

8 If you have a question about procedure,
9 the attorneys will answer that. Who is coming in
10 next, you know, we are taking a break now or can we
11 take a break now, anything along the procedure the
12 attorneys will certainly answer that.

13 If you have a question about what a
14 witness said or what is going on or did this witness
15 say this, they're not going to answer those
16 questions. If anything, we will get the witness
17 back to answer any more questions that you asked,
18 but we are not going to answer those questions.

19 Just a couple other things. I assume the
20 judge talked to you this morning, of course, about
21 your oath, of course, both very similar to what
22 just took, whatever the witness will take,
23 that these are confidential proceedings, that
24 nothing leaves this room unless and until ordered by
25 the court or some other legal method. I will talk

1 about those in just a second.

2 The other is the confidentiality and the
3 oath and the anonymity. You are anonymous. You are
4 protected by law from all, your names are not
5 public, your addresses, no information about you is
6 public.

7 There may be some, the demographics of it,
8 I think that is information that can be passed out
9 in terms of, you know, race, gender.

10 MS. ALIZADEH: Age.

11 MR. MCCULLOCH: I won't say the age. The
12 general location that we have. Say, I don't know,
13 three grand jurors who live in municipalities and 12
14 who live in unincorporated or nine live in
15 unincorporated. We have X number who are outside of
16 the 270 loop, X number inside. So many above 70,
17 below 70, all of that demographic information, but
18 nothing that would, anybody would ever be able to
19 identify any individual from just that no matter how
20 they try to put it together.

21 And that is, I just want to share, that's
22 protected by law that's been litigated and those
23 names, the information does not get released.

24 So the other is with the parking. We are
25 trying to arrange the parking very similar to what

1 we had today so that you are inside. Once we're
2 past September 10th, you are meeting on a different
3 schedule, on your schedule, that makes things a lot
4 easier because, you know, everybody knows that the
5 grand jury meets on Wednesday.

6 So if you are meeting some other day, you
7 know, there may be media around, but the good thing
8 about construction going on next door is we can kind
9 of work around the visibility of it, particularly
10 with the parking that we had. We will have all of
11 that arranged.

12 And the media, you know, the media kind of
13 comes and goes around here. I did a number of
14 interviews with local people today for a couple
15 reasons, one is to get it all out of the way. So
16 we're finished with, for the most part, with any
17 kind of interviews with that.

18 I can't control whether anybody shows up
19 outside and just hangs outside the doors and all of
20 that. If there is a protest scheduled or the media
21 is going to be here. We will work with that again.
22 We will know who is there and what's there and all
23 of that. If need be, get you in and get you out of
24 the building without worrying about any of that.

25 The only other thing I'd say when you are

1 coming in, don't wear the grand jury badge and that
2 will, won't tip anybody off that you are on the
3 grand jury, we will have all of that stuff.

4 Am I missing anything?

5 MS. WHIRLEY: Note taking.

6 MR. MCCULLOCH: Oh, you are right. Note
7 taking. You take, as you know, all the notes that
8 you want. Write down anything and everything. If a
9 thought occurs to you, you want to talk to the
10 witness, take all the notes that you want. The
11 notes, of course, can't leave here. They are your
12 notes and your notes alone.

13 Fellow grand jurors won't see your notes
14 and you won't see their notes. At the end of the
15 day or end of the session, the notes will be
16 collected and they will be secured. Any evidence
17 that is presented to you, physical evidence, of
18 course, also will be collected and it will be
19 secured. We have highly secure evidence lockers
20 within the complex here. All of that will be that.

21 At the end of that, you can use your notes
22 for any deliberation when everything is finished.
23 At the end, just so you know, there are going to be
24 massive amounts of information and physical items
25 that are coming here in the next month. You're not

1 going to remember everything. The witness today
2 testifies, you're not going to remember that a month
3 from now, but all of that and the transcripts will
4 all be available and you'll have as long as you
5 need, as long as you want to go through everything
6 again before you start your deliberations. While
7 you are doing deliberations, all of that is
8 available.

9 Unlike a trial jury where you have to send
10 a note out to the judge and the judge would decide
11 if you get something or you don't get something,
12 that rule doesn't apply here. Everything will be
13 here in the room with you and you will have access
14 to all of it. You, of course, have access to your
15 notes throughout all of that.

16 At the end of all of that, you won't have
17 access to those notes, is that it?

18 MS. ALIZADEH: I want to say that what Bob
19 said, everything is going to be recorded in this
20 room while we're presenting this case. That, of
21 course, doesn't include your deliberations, those
22 will not be recorded. And when we have juries who
23 are hearing evidence in trial, typically the jury,
24 not typically, always the jury is told prior to
25 trial to keep an open mind throughout the entire

1 process, don't form any opinions until you've heard
2 all of the evidence.

3 There's no requirement that you all can't
4 talk about things amongst yourselves. So if there
5 is something that you all talk about and decide, we
6 would like to hear from this person or you have a
7 question about us bringing another witness in, you
8 all can discuss that amongst yourselves so long as
9 you are not deliberating and starting to form
10 opinions until you have heard everything, okay.

11 So there will be times for you all when
12 there is no recording going on, where you all can
13 discuss your schedule, you know, when we might meet
14 again, and if there's any questions that you have
15 that you want us to try to provide the answer for.

16 Again, as Bob said, Sheila and I can't
17 answer other than just procedural things or
18 questions of law. But if there is some question
19 that you have, if we can find somebody who can
20 answer that question for you, we will do so, we'll
21 try to bring somebody in to answer those questions,
22 okay?

23 MR. MCCULLOCH: I'm glad she said it. You
24 do need, and I know you will keep an open mind on
25 everything. You haven't heard a single thing yet

1 other than what has been in the media, believe me
2 that's not evidence. Don't form any opinion on
3 anything that you've heard, good, bad or ugly in the
4 media.

5 Everything that's been collected, every
6 statement that has ever been made, it will all be
7 here for you. You need to keep that open mind to
8 give everybody, including the entire community, a
9 full and as open as it can be, but certainly as
10 thorough and as expedient of all the evidence that
11 you can.

12 I know people keep talking about the
13 transparency, at the end of all of this, depending
14 on your determination, as other cases, if there are
15 charges that you find should be lodged and are
16 lodged, then all of that information will come out
17 pursuant to the course of the case. There are rules
18 that apply then as to how things are handled and all
19 of that. It doesn't come out right away because you
20 can't prejudice a potential jury panel. So all of
21 that evidence, just like here, is presented to a
22 trial jury in the courtroom and not put out in the
23 media. So everybody can see it and then make their
24 mind up before they ever come into a courtroom.

25 If your determination is that there are no

1 charges to be filed, then everything will be
2 released immediately or as close to immediately as
3 we can get, and that's everything. Your
4 deliberations aren't, as I said, your deliberations
5 are not recorded and never will be recorded, notes
6 won't be released, but every bit of evidence that
7 you have, the testimony of the witnesses who come
8 in, the statements of the witnesses, the physical
9 evidence, the photographs, everything that you have
10 seen and heard will be released to the public. That
11 is as transparent as we can get short of putting a
12 pool TV camera in here and that's not going to
13 happen.

14 It is, obviously, an awesome burden, but
15 it is going to be an awful lot of work and we will
16 make it as orderly and organized as we can to you.

17 As I said, if there is anything at all
18 that we can do to do that, working with your
19 schedules, work longer, we have no set hours. So
20 whatever it takes, we will get that to you. We
21 don't want to rush through anything, but we also
22 don't want to drag it out.

23 I'm anticipating, in all honesty, without
24 basing it on a whole lot, that we hope to have this
25 completed by the middle of October. It doesn't mean

1 every day that you will be here from September 10th
2 until then, but the more days we can have some
3 session, the more expedient this will get out there
4 and that's important to everybody, of course.

5 The most important thing that you get all
6 the information and all of the evidence and make
7 your determination on that.

8 Any questions now, procedure that I can
9 answer?

10 Alternate jurors, do we
11 have them?

12 MR. MCCULLOCH: We are in the hope that
13 all 12 of you are perfect, healthy specimens, who
14 have no plans to leave town or go on vacation for
15 two months. All 12 will hear everything and the
16 only way we have alternates is to have them in here
17 at the time and we do that at a trial, but here it
18 is just, it doesn't work in the grand jury. So we
19 have all 12 when we can get all 12 of you together.

20 If we can only get 11 together, we are
21 going to have to find a different time. I hope
22 everybody can be as flexible as possible, and again,
23 we will be as flexible as possible. We have no set
24 hours. Every day is Monday, weekends, whatever
25 works for you is when we are going to be here.

1 Morning, noon or night, or any day.

2 Thank you. As I said, this is probably
3 the last time you will see me. I can't imagine what
4 it would be unless there is something that came up
5 that you wanted to see me, so thanks.

6 MS. ALIZADEH: As Bob said, Sheila and I
7 are both going to be presenting this case to you and
8 there may be times where I know Sheila has a case
9 set for trial next week and it might just be, of
10 course, we don't have next week. There might be
11 days where you are only go to see me, only go to see
12 Sheila, we are trying to split up the work as much
13 as we can just to make it easier for the both of us,
14 but there is no, don't read into anything about why
15 is Sheila only having this witness or Kathi is
16 presenting this witness because we are just trying
17 to split it up.

18 And so on days when Sheila might be
19 presenting somebody, if I can be, I will also be
20 here in the room, but I won't be commenting, I won't
21 be asking any questions, it will be Sheila
22 presenting, and the same thing on a day where I
23 might be presenting a witness, Sheila may be here,
24 but it is just for our benefit. We both want to see
25 as much and as hear as much as we can, but there

1 might be times when we are not available.

2 MR. MCCULLOCH: Good thing about being the
3 boss is I have a lot of flexibility in adjusting
4 their schedules, so that will happen, but we will
5 keep that to a minimum because we want to, in
6 addition to all 12 of you hearing here, and the two
7 of them here as much as possible. You will hear
8 everything, they will hopefully hear everything.

9 MS. WHIRLEY: I am Sheila Whirley.
10 Present in the room is Kathi Alizadeh and the
11 witness, is with the Medical
12 Examiner's Office. He is the investigator, he is
13 going to take the oath in a minute and also present
14 are Jurors 1 through 12.

15 would you approach to take the
16 oath?

17 THE WITNESS: Yes, ma'am.

18 MS. WHIRLEY: And, of course, the court
19 reporter, is here.

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

7 EXAMINATION

8 MS. WHIRLEY: This proceeding involves the
9 shooting of Michael Brown.
10 BY MS. WHIRLEY:

11 Q All right. you've stated
12 your name. What is your occupation?

13 A Medical legal investigator.

14 Q And where are you employed?

15 A The St. Louis County Medical Examiner's
16 Office.

17 Q How long?

18 A Approximately 25 years.

19 Q Now, what does a medical investigator do?

20 A We investigate the deaths that occur in
21 St. Louis County.

22 Q You investigate deaths that occur in St.
23 Louis County?

24 A Correct.

25 Q Do you require any special training for

1 your job? Let me rephrase that, have you had any
2 training?

3 **A** Yes, I have on-the-job training and
4 courses that we take.

5 **Q** What kind of courses do you take?

6 **A** There is a medical legal death
7 investigating courses, approximately last all week
8 and --

9 **Q** So about 40 hours?

10 **A** 40 hours.

11 **Q** What kind of things are you taught?

12 **A** Just how to investigate, what to look for,
13 what changes in the body after death.

14 **Q** You have been doing this for 25 years?

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

16 **Q** Okay. What kind of schedule do you work
17 now?

18 **A** I work 32 hours a week.

19 **Q** And do you work throughout the week or
20 weekends?

21 **A** Just weekends.

22 **Q** Only weekends?

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

24 **Q** So how many hours, you said 32, so 16 on
25 Saturday?

1 **A** 16 on Saturday and 16 on Sunday.

2 **Q** And you were called this particular
3 Saturday?

4 **A** Correct.

5 **Q** What was the date of the occurrence?

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

7 **Q** I'm going to give you what's marked for
8 purposes of identification State's Exhibit Number 1.
9 And you can refer to this through this proceeding if
10 you need to tell me what the date was?

11 **A** It was the 9th.

12 **Q** Okay. The 9th of?

13 **A** August.

14 **Q** Okay. And I want to talk a little bit
15 more about your background before we get into the
16 crux of this.

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

18 **Q** What is the purpose of a medical
19 investigator at a Medical Examiner's Office, why
20 have you?

21 **A** We are the eyes and ears of our
22 pathologist. The person who is conducting the
23 autopsy. They don't go to the scenes, we go to the
24 scenes for them.

25 **Q** Okay.

1 **A** And bring back information for them so
2 they can properly do the autopsy.

3 **Q** I see. When you go to the scene, do you
4 have any special tools that you take with you?

5 **A** We have cameras and things to establish
6 the time of death, and other equipment that we
7 collect evidence.

8 **Q** Okay. So tell us what a medical examiner
9 does once, well, first of all, how do you get the
10 call?

11 **A** Usually a police officer or hospital or
12 paramedic will call us and let us know there is a
13 deceased person.

14 **Q** Do you have a certain timeframe that you
15 must follow? I know the person is always deceased
16 by the time you are called, correct?

17 **A** Correct.

18 **Q** Are there some time parameters when you
19 need to arrive to the scene?

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

21 **Q** Okay. So you go by yourself?

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

23 **Q** Okay. Do you call anyone to come?

24 **A** We do have a delivery service that we
25 call.

1 **Q** What is a delivery service?

2 **A** Delivery service is the person who picks
3 up the body.

4 **Q** Do you call the delivery service when you
5 get the call?

6 **A** Correct.

7 **Q** Once you get there?

8 **A** No, once I get the call, I call them to
9 let them know what is going on, where it is at.

10 **Q** They meet you there?

11 **A** Right.

12 **Q** So at the scene once you arrive, what do
13 you do? Like take us through an investigation.

14 **A** I try to meet the reporting officer, speak
15 to him, find out what happened. They go and look at
16 the body and see if everything is consistent with
17 what he told me or whatever witnesses told him, and
18 then I come back and I would talk to the family or
19 one of the witnesses if they were there.

20 **Q** So when you talk to people, it is not
21 necessarily the people who directly saw the
22 incident?

23 **A** Correct.

24 **Q** You are getting kind of hearsay
25 information?

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

2 **Q** And you don't necessarily see what is
3 occurring yourself any of these times?

4 **A** Correct.

5 **Q** By the time you get there, it has
6 happened?

7 **A** After the fact, correct.

8 **Q** Why do you talk to the officers?

9 **A** Because the first responding officer makes
10 contact with the person who called the police to
11 find out what's going on.

12 **Q** Why do you need to know what's going on.
13 I mean, there is a deceased body, why do you need to
14 know more?

15 **A** To see if the story is consistent with his
16 death, as opposed to suicide or a homicide, just
17 trying to establish a timeline.

18 **Q** But you are not the one who makes the call
19 as to what the cause of death is?

20 **A** Correct.

21 **Q** Or the manner of death?

22 **A** Correct.

23 **Q** Or whether or not it is a homicide or a
24 suicide, you don't make that call?

25 **A** Correct.

1 **Q** You just gather it for the pathologist?

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

3 **Q** All right. Do you write a report?

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

5 **Q** Okay. How long generally does your
6 investigation take?

7 **A** It can take anywhere from several minutes
8 to an hour or two.

9 **Q** Okay. And what's included in your report?

10 **A** My initial contact with the reporting
11 officer, the reporting person, the location, what I
12 saw when I got there, the condition of the body, and
13 a paragraph or two on witness statements.

14 **Q** Who is your supervisor, who do you report
15 to?

16 **A** Chief Investigator

17 **Q** Who would approve your report, is that the
18 same person?

19 **A** He would.

20 **Q** All right. Do you generally take
21 photographs?

22 **A** Yes.

23 **Q** Okay. And let's talk specifically about
24 the case involving the shooting of Michael Brown.

25 Did you take photographs?

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

2 **Q** Why not?

3 **A** My battery in my camera died.

4 **Q** Were photographs being taken?

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

6 **Q** By whom?

7 **A** St. Louis County Police Department.

8 **Q** Like their identification unit?

9 **A** Their identification unit, correct.

10 **Q** You saw them taking photographs?

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

12 **Q** Do you have access to those photographs?

13 **A** If we need them, we can get them.

14 **Q** Is that something you would want,
15 photographs?

16 **A** Sometimes the pathologist asks for them.

17 **Q** Okay. Do you know if they were asked for
18 in this case?

19 **A** I don't know.

20 **Q** Okay. I thought I heard you say, or if
21 you didn't, let me ask the question, did you take
22 measurements of anything?

23 **A** Yes, we can if we need to, yes.

24 **Q** Did you in this case?

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

1 **Q** Because you didn't need to?

2 **A** Correct.

3 **Q** Why not?

4 **A** I got there, it was self-explanatory what
5 happened. Somebody shot somebody. There was no
6 question as to any distances or anything of that
7 nature at the time I was there.

8 **Q** Okay. And if it turns out there was some
9 concern about the distances, that's not something
10 that you would be qualified to tell us about?

11 **A** If I took the measurements I could tell
12 you about them.

13 **Q** What kind of distances when you say
14 distance?

15 **A** Like for the Brown case?

16 **Q** Uh-huh.

17 **A** Maybe like if he was close enough to leave
18 stippling on his clothing, things of that nature.

19 **Q** So you didn't take any measurements
20 though?

21 **A** Correct, I didn't see no stippling, no
22 indication how close he actually was going to be.

23 **Q** Did you look for stippling?

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

25 **Q** Where did you look for it at?

1 **A** Around the wounds.

2 **Q** Wounds?

3 **A** Yes.

4 **Q** When you say stippling, what is stippling?

5 **A** It is gunpowder, burning of the gun
6 powder.

7 **Q** You say you looked for it around his
8 wounds?

9 **A** Correct.

10 **Q** And what did you see?

11 **A** I didn't see any.

12 **Q** Okay. So this occurred on, tell us the
13 date again?

14 **A** Uh --

15 **Q** I'm sorry?

16 **A** The 9th.

17 **Q** The 9th of?

18 **A** August.

19 **Q** Of August?

20 **A** August 9th.

21 **Q** What time were you told this occurred?

22 **A** Our office got the initial call at 1:30.

23 **Q** Did you get information that it occurred
24 earlier than 1:30?

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

1 **Q** What time is that?

2 **A** Around noon time.

3 **Q** Okay. So it occurred around noon time.

4 You get the call around 1:30?

5 **A** Correct.

6 **Q** And the call comes from St. Louis County?

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

8 **Q** Do you know who called?

9 **A** Sergeant.

10 **Q** Or whom?

11 **A**

12 **Q** Did you talk to that person?

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

14 **Q** So someone gave you the assignment?

15 **A** Correct. No wait, I'm sorry, I did talk
16 to him.

17 **Q** You did?

18 **A** Yeah, the initial call came into our on
19 duty investigator, he gave me the information and I
20 called the sergeant.

21 **Q** What did you call him for?

22 **A** To set up a time when they need me, when
23 to actually be out there.

24 **Q** Okay.

25 **A** Go ahead.

1 **Q** Why did you need to set up a time?

2 **A** Because other officers are responding to
3 the scene, St. Louis County detectives, their ID
4 unit, that may take anywhere from 30 minutes to
5 several hours before I could actually get in and
6 actually see the body.

7 **Q** So you don't want to be there when they
8 are doing their thing?

9 **A** Correct.

10 **Q** Okay. And so you were called at 1:30.
11 And what time did you arrive?

12 **A** Approximately 1430, 2:30.

13 **Q** That's 2:30. In about an hour. Is there
14 any reason why it took you an hour to arrive?

15 **A** No, ma'am, just waited. I called them
16 about 2:15, they said they were showing up, the ID
17 people were there showing up. So I went ahead and
18 responded to the scene.

19 **Q** You were giving them time to do what they
20 needed to do?

21 **A** Correct.

22 **Q** So describe the scene to us when you
23 arrived. I mean, like were there a lot of people
24 out?

25 **A** It was an apartment complex where crime

1 scene tape up, and a crowd has gathered, quite a few
2 people there. He was deceased, was laying in the
3 middle of the street. There was already some orange
4 barriers around him to keep the crowd from seeing
5 him.

6 Q Was the crowd saying anything?

7 A They were just, I don't know how to
8 explain it. I guess voicing their concerns at what
9 is going on, why is this taking so long, things of
10 that nature.

11 Q Why is it taking so long?

12 A Correct.

13 Q And you could discern what they were
14 saying?

15 A I hear them, but I don't listen.

16 Q But you did know they were asking why it's
17 taking so long?

18 A Yes.

19 Q Do you know what that meant?

20 A I assume the body was laying out there too
21 long, they didn't like the body being out there.

22 Q When you arrived, tell us what it looked
23 like, the body, was it covered, uncovered?

24 A He was covered with several white sheets
25 laying in the prone position.

1 **Q** Prone means?

2 **A** Face down. There is a double yellow line,
3 I guess it is east and west traffic, he was right in
4 the middle of the roadway.

5 **Q** Okay. What did you do?

6 **A** When I was able to go to the body?

7 **Q** Yes.

8 **A** I went over there with the police
9 officers, the ID officers, we removed the sheets,
10 took photographs of his back, lifted up the shirt,
11 took more photographs. Then we rolled him over, I
12 placed white clean sheets down on the ground and
13 rolled him over onto those. Took more photographs,
14 documented the injuries, looked through his pockets,
15 looked through his pants for any weapons or anything
16 of that nature.

17 And then got some clean paper bags,
18 placed them on his hands and then we put him back on
19 the sheet and into a white bag and sealed it up.

20 **Q** How long were you on the scene?

21 **A** Probably a couple hours.

22 **Q** And when you left, the body left, the
23 deceased left; is that right?

24 **A** Correct.

25 **Q** You --

1 **A** I was actually with the body for about 15,
2 20 minutes by the time I was waiting to get to the
3 body.

4 **Q** You were there, you think, a total of a
5 couple hours?

6 **A** Correct.

7 **Q** Did you talk to any of the bystanders or
8 people that were not police officers?

9 **A** Just his grandmother.

10 **Q** Tell us about that.

11 **A** I was walking back to my vehicle to make
12 some phone calls and a lady came up and she asked me
13 if I was a medical examiner, I told her I was. She
14 asked me why the body was still on the street, why
15 is it taking so long.

16 I explained to her, you know, it
17 takes a thorough investigation and crowd control,
18 just getting everybody into the scene was taking
19 time to do that and once everybody is here, we can
20 get our information that we need and the evidence
21 collected and then we can be out of here. Once
22 everything starts, it doesn't take long.

23 **Q** Okay.

24 **A** She seemed to be fine with that, and she
25 said she is going to walk around the crowd and try

1 to get people to move back.

2 Q She did?

3 A Yes, ma'am.

4 Q She was very pleasant --

5 A Yes, ma'am.

6 Q -- with you? Did you notice his mother
7 there?

8 A The officer pointed his mother out in the
9 crowd.

10 Q Did you have any conversation with her?

11 A No, ma'am.

12 Q Did she do anything or say anything that
13 you overheard?

14 A Not really, just crying hysterically and
15 oh, my God, and stuff like that.

16 Q Was there anything about his tattoo?

17 A There was an officer stated that she said
18 he had a tattoo on his arm, Big Mike, that is one of
19 the things we need to do is get him identified.

20 I actually didn't know if she
21 actually walked over there and actually seen him, or
22 she just knows that's him and explained the tattoo.
23 When we rolled him over, we saw the tattoo and knew
24 it was him.

25 Q You overheard, or an officer told you that

1 that's what she said?

2 **A** Correct.

3 **Q** That he had a tattoo Big Mike?

4 **A** Correct.

5 **Q** Then you verified the tattoo?

6 **A** Correct. We can use tattoos for
7 identification in our office.

8 **Q** Now, when you said you rolled over the
9 body and you checked the body for injuries and
10 photos were taken, you didn't take those photos, you
11 know photos were taken?

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

13 **Q** Can you describe the injuries as you saw
14 them?

15 **A** I saw one in the top of the head, several
16 on his right eye, a bunch of blood, dried up blood.
17 I guess road material, there was one here, there was
18 an injury here, an injury on his side right here,
19 two in the arm and one in here and a wound on his
20 hand.

21 **Q** Did you see any wounds to his back?

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

23 **Q** When you say he was laying prone, which is
24 face down, where was his hands and that kind of
25 thing?

1 **A** He was prone and his left hand was under
2 him and his right arm was slightly out to his side.

3 **Q** Could you stand up for me?

4 **A** If I stood up and I was laying down it
5 would be like this. (indicating)

6 **Q** So his right hand was where?

7 **A** On the ground, slightly away from his
8 back.

9 **Q** Okay. And his left hand was where?

10 **A** More like by his waistband, in front of
11 him.

12 **Q** On his side as he is laying, not outside
13 his body?

14 **A** No, like he fell on it, right.

15 **Q** Okay. Did he have any weapons?

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

17 **Q** You checked him for weapons; is that
18 right?

19 **A** Correct.

20 **Q** Did you happen to speak to the officer who
21 was charged, who is not charged, but who is alleged
22 who did the shooting?

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

24 **Q** Okay. He wasn't at the scene when you got
25 there?

1 **A** Correct.

2 **Q** Okay. Any other bystanders come up to you
3 or say anything?

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

5 **Q** Okay. Were you frightened or afraid?

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

7 **Q** Okay. Now, you said you talked to the
8 police, they gave you information about what
9 happened?

10 **A** Correct.

11 **Q** And this isn't any firsthand account that
12 you have, you did ask them what happened?

13 **A** Correct.

14 **Q** Who did you talk to?

15 **A** Detective , was one of the
16 detectives.

17 **Q** And what did he say?

18 **A** That there was a, that Officer Wilson was
19 driving down the roadway, he encountered the two
20 individuals in the street, asked them to exit the
21 street and an altercation started from there. And
22 the decedent ran away from the vehicle, the officer
23 gave chase. They met up again in the middle of the
24 roadway and shots were fired.

25 **Q** Okay. And did Detective

1 represent to you that he actually saw this occur?

2 **A** No, ma'am, he wasn't there.

3 **Q** I'm sorry?

4 **A** No, he did not see it.

5 **Q** He is telling you what he heard?

6 **A** Correct, information he received from
7 whoever he ended up hearing it.

8 **Q** Do you know who that was?

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

10 **Q** Were there any paramedics at the scene
11 when you arrived?

12 **A** No, ma'am, they were already gone.

13 **Q** And when discussing the body again,
14 Michael Brown, was it like firm or hard, or tell us
15 about rigor mortis, what is rigor mortis?

16 **A** Rigor mortis is hardening of the muscles
17 after death.

18 **Q** Okay. When does that set in?

19 **A** It starts immediately, but you actually,
20 full rigor mortis about 12 hours after death.

21 **Q** Okay.

22 **A** Then it goes away and it comes back. Many
23 different variables, different size of people, where
24 they're at, location of the body, what they were
25 doing prior.

1 **Q** Weather?

2 **A** Medications, weather, drugs, everything.

3 **Q** Did you notice any rigor mortis on Michael
4 Brown?

5 **A** It was starting to set in, correct.

6 **Q** Where?

7 **A** I felt it in his arms, his hands.

8 **Q** Okay. Do you know whether or not he had
9 been moved or anything when you arrived?

10 **A** It didn't look like he was moved from the
11 position that he was --

12 **Q** You don't ask that question?

13 **A** We do ask that question. Sometimes we can
14 tell if the body has been moved.

15 **Q** How?

16 **A** By livor mortis.

17 **Q** What is that?

18 **A** Settling of the blood.

19 **Q** How can you tell by the livor mortis?
20 Explain.

21 **A** Actually, with light skin people you can
22 see it, in dark skin people it is hard to see.

23 **Q** Okay.

24 **A** That's why I didn't put that in the report
25 as to livor mortis.

1 **Q** What do you see? I don't understand.

2 **A** It is when your blood starts, all the
3 blood just settles at the lowest part and gravity
4 takes over and all the blood comes down here and
5 this would be like discolored.

6 **Q** Okay.

7 **A** Anywhere from like a light pink to a dark
8 blue, and that sets in about 12 hours. If you move
9 somebody, it will change position.

10 **Q** Oh. And it was based on your training and
11 experience and your discussion with the officers he
12 had not been moved?

13 **A** Correct.

14 **Q** All right. When you got there, did the
15 police delay you or tell you, you know, they weren't
16 ready for you to do your part or did you get right
17 in?

18 **A** No, I didn't get right in, they still had
19 some photographs to take and evidence to collect and
20 document.

21 **Q** So once you got there, I know you said it
22 took you about 15 minutes to do what you needed to
23 do, but once you got there, how long did you wait
24 before you were able to do what you needed to do
25 would you say?

1 **A** I would guess about an hour.

2 **Q** Okay. Is that unusual?

3 **A** No, ma'am, not for homicides, no.

4 **Q** Okay. Now, did you take any notes
5 regarding what was occurring?

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

7 **Q** Okay. Is that your regular system that
8 you take notes as you are out on the scene?

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

10 **Q** And you use those notes to write your
11 report?

12 **A** Correct.

13 **Q** How soon do you write your report?

14 **A** As soon as I get back to the office.

15 **Q** Is that what you did in this case?

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

17 **Q** Okay. What do you do with those notes?

18 **A** I usually destroy them after the report is
19 completed.

20 **Q** You shred them?

21 **A** Yes.

22 **Q** Did you do that in this case?

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

24 **Q** Why do you shred them?

25 **A** Everything in my report is going to be

1 from my notes.

2 **Q** Okay. Is there stuff that you did not put
3 in your notes that you want to tell us about or that
4 you did not put in the report?

5 **A** Other than?

6 **Q** Anything?

7 **A** In looking at the report, I would like to
8 clarify, the east and west position of the body may
9 not be accurate, may not be correct. I was just
10 going by the street that I came in on, that I came
11 down. It should have been an east and west street.
12 So that should have been west and his feet should
13 have been east.

14 Sometimes in a subdivision the
15 streets, they curve, so his head may be a little bit
16 off. Like southwest, and his feet may be northeast
17 or something in a different report, but I should say
18 that the head was pointing towards Florissant and
19 his feet was, what's the name of the other street,
20 the other main intersection that I came in on to get
21 to Canfield.

22 **Q** Okay.

23 **A** I can't think of the street right now.

24 **Q** Okay. Is there anything else looking at
25 your report that you need to modify or add?

1 **A** Not that I can think of.

2 **Q** When you are writing your report, if there
3 is something that you discover later, do you write a
4 supplemental?

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

6 **Q** Can you recall an instance where you did
7 write a supplemental? You don't have to tell us the
8 name of the case or anything.

9 **A** Cases like, maybe on this kind of case
10 like this, maybe the doctor asked us what was he
11 doing before this happened. I would have to go
12 back, contact an officer, maybe his family and find
13 out why he was with so and so doing something or you
14 know, whatever he was doing prior to his death. I
15 may have to go back and get that information.

16 They may call me, the doctor may ask
17 me, can you call the family to see if they have any
18 kind of medical history, and things of that nature.

19 **Q** Okay. And getting back again because one
20 other thing I want to ask you about the injuries,
21 did you count the gunshot wounds?

22 **A** Yes, ma'am, what I thought was gunshot
23 wounds.

24 **Q** Clarify what you mean?

25 **A** Just because there is a hole in a person

1 doesn't actually mean it came from a bullet.

2 Q Okay.

3 A It could be a stabbing, could have fallen
4 on a rock, could be a laceration.

5 Q But you counted a certain amount of wounds
6 that may or may not have been gunshot wounds?

7 A Correct.

8 Q How many did you count?

9 A I think nine altogether, nine.

10 Q Where were they located, you can tell us?
11 Refer to your report.

12 A One on top of the head, one to the right
13 forehead, one around the eye, and then one in the
14 neck, close to the neck/chest area, one on the right
15 side and the rest in the arm and one in the hand.

16 Q Okay. You said total like nine?

17 A Correct, nine injuries.

18 Q Did he have any other abrasions to his
19 body?

20 A He had abrasions on the back of his hand,
21 left hand and abrasion on the right side of his
22 face.

23 Q What is an abrasion?

24 A Several scratches.

25 Q And when you were done, you said you

1 wrapped him up in a clean sheet?

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

3 **Q** And then you told delivery person, what
4 did you tell them to do?

5 **A** We work as a team. And I roll them over
6 and I put them in a sheet, we tie them up and lift
7 him up, put him in bag, seal up the bag. Actually,
8 just zip it. We have a lock that we put on there
9 and the lock stays on there until the next day.

10 **Q** Okay.

11 **A** And then the delivery service, the two
12 people will pick up the body, put it on a cot and
13 transport it back to the facility.

14 **Q** To the Medical Examiner's Office?

15 **A** Correct.

16 **Q** Did you go back to the office too?

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

18 **Q** When they were packaging Michael Brown and
19 putting him in the delivery, the car, I guess it is
20 like a hearse or something?

21 **A** It is an Escalade.

22 **Q** An Escalade. Did anybody say anything as
23 you are leaving or did the mom come up to you?

24 **A** No, we were inside the crime scene tape,
25 nobody was actually able to come up to the vehicle.

1 **Q** Okay. All right. Questions?

2 MS. ALIZADEH: Can I ask a couple?

3

4 **Q** (By Ms. Alizadeh) Shortly after, at some
5 point, and I assume quickly you learned that this
6 was a police officer shooting, correct?

7 **A** Correct.

8 **Q** Do you handle those any differently than
9 you do other scene shootings?

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

11 **Q** The entire time you were there, there was
12 police officers present, correct?

13 **A** Correct.

14 **Q** From St. Louis County?

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

16 **Q** Were there any Ferguson officers present?

17 **A** There was multiple different jurisdictions
18 there.

19 **Q** Okay. At any time did anyone, whether it
20 is a police officer or anyone else, did you feel
21 that they were preventing you from doing your job
22 the way you thought it should be done?

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

24 **Q** Did anybody suggest that you do something
25 that you would not have normally done?

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

2 **Q** Did, and you said that this was obviously
3 a shooting, you would not have handled this any
4 differently if it was a nonpolice related shooting?

5 **A** Correct.

6 **Q** And then also you said that you checked
7 the body of Michael Brown and you checked in his
8 pockets and you were looking for weapons, a weapon?

9 **A** Correct.

10 **Q** Did you have reason to believe that there
11 was a weapon or is that a standard thing?

12 **A** Standard procedures.

13 **Q** Okay. Did you find anything in his
14 pockets?

15 **A** We found two lighters, two \$5 bills and a
16 small little bag of marijuana, or what appeared to
17 be marijuana. It was a green substance, grass,
18 looks like marijuana to me.

19 **Q** Okay.

20 **A** That was it.

21 **Q** And when you say we found, who is the we?

22 **A** Actually, it was me taking the stuff out
23 of the pockets, detectives were standing there
24 taking notes, the ID people were standing there,
25 they should have taken photographs of it. After we

1 were done, I put it back in the pocket.

2 **Q** You were the one who actually reached into
3 the pockets?

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

5 **Q** To your knowledge, were you the first
6 person to go into those pockets or do you know if
7 there was anybody else?

8 **A** I couldn't answer that one.

9 **Q** You don't ask or make any attempt to ask
10 if someone --

11 **A** We do, we do ask if anybody went in there
12 and got his cell phone out. Sometimes they take the
13 wallet out to get his ID out or take the cell phone
14 to get information off the phone, and that wasn't
15 done.

16 **Q** To your knowledge?

17 **A** To my knowledge it wasn't done.

18 MS. ALIZADEH: Okay, that's it.

19 When you got there, you
20 said you were taking photographs and I understand
21 you weren't actually taking them, were you directing
22 the police on what photographs to take?

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

24 You were relying on them
25 to take the actual photographs?

1 **A** Correct.

2 You said injuries, how
3 many were down the right side?

4 **A** Just one injury on the right side, right
5 below his nipple, one right here, clavicle area.

6 You said the forehead,
7 the eye, the neck, the side, the hand, the arm and
8 the hand?

9 **A** Correct. And one in the top of the head
10 too.

11 And the position of the
12 body, I didn't quite hear because I'm opposite from
13 you. When looking at you, you said one arm was out,
14 was that the right arm?

15 **A** Right arm was out.

16 Right arm was out and the
17 left arm was against his waistband?

18 **A** Correct, yes, ma'am.

19 And you modified the
20 direction of the body. Can you say again was it
21 east or the west or the west to east?

22 **A** I'm going to assume his head was west and
23 his feet was east.

24 His head was west and his
25 feet were east and that's the modification?

1 **A** That's what I have in my report, I just
2 want to make sure I clarify that his head actually
3 faced West Florissant and his feet was Glen Oak,
4 Glen Oak was the other street.

5 So his face was at West
6 Florissant?

7 **A** Correct.

8 And his feet were at Glen
9 Oak?

10 **A** Correct.

11 Was he face down?

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

13 MS. WHIRLEY: When you say modify, this is
14 Sheila Whirley, you are talking about your report,
15 not that you did anything to that body to change the
16 position of the body?

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

18 MS. WHIRLEY: Your modification is to make
19 a correction in your report?

20 **A** Yes. Like an officer comes up with a
21 compass, it is northwest by southeast or it is east
22 and west, you know, or south and north, I just want
23 to clarify myself. I was trying to figure out where
24 I was at by the street location.

25 MS. WHIRLEY: Okay, I see.

7 I'm trying to get a
8 clarification. You said that the police officers
9 had already examined the body, photoing the body,
10 taking pictures of everything on the body.

16 **A** They don't actually examine, they just
17 take photographs. They don't touch the body until I
18 get there and I can't touch the body until the
19 detectives get there. We kind of do it in tandem.
20 We don't want to disturb the scene. They come in
21 and they photograph everything like it is. I come
22 in, if I move anything, then they photograph it
23 again.

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25 Q So approximately 1:30 p.m. to 2:30 p.m.,

1 you called, but you said you arrived at the scene at
2 about 2:30 approximately your time. Now, I
3 understand you stated that after you got to the
4 scene then you had to wait another hour, is that my
5 understanding?

6 **A** Yes, ma'am, approximately about another
7 hour.

8 So actually your
9 investigation didn't start until about 3:30 p.m.
10 that day?

11 **A** Correct.

12 MS. WHIRLEY: So what was happening in
13 that hour?

14 **A** What happens, the crime scene unit they
15 show up, they have to get their cameras ready to
16 make their placards, grab all of their little place
17 cards and find evidence on the scene, mark the
18 evidence, lay it there, take photographs of it.

19 A lot of time you have to clear out a
20 way, a path for me to get to the body. I'll be
21 walking through there kicking shell casings and
22 different evidence around.

23 MS. WHIRLEY: So all of that was
24 occurring?

25 **A** That was going on then, correct. Like I

1 said, they just got there, they are talking amongst
2 themselves on what they are going to do. There is
3 several officers. Some transcribe, some give out
4 measurements, some photograph, you have a
5 transcriber with the photographer.

6 MS. WHIRLEY: This was St. Louis County on
7 the scene?

8 A Correct, yes, ma'am.

9 MS. WHIRLEY: It is your understanding
10 that Ferguson was on the scene first?

11 A Correct.

12 MS. WHIRLEY: And then the scene was
13 turned over to St. Louis County?

14 A Yes, ma'am.

15 MS. WHIRLEY: Yes, sir.

16 : . Were paramedics
17 called initially do you know to, you know, the first
18 instance, did they do anything to the body?

19 A I don't know if they were called or not.
20 I know they arrived on scene shortly after it
21 happened. I looked at the body, they didn't have no
22 leads, any kind of what they usually do is put a
23 lead on their body for EKGs to see if there is any
24 kind of heartbeats. None of that was placed on
25 there. Everything from there on is going to be

1 assumption. I don't want to assume what they did.

2 Who would determine before
3 you got there this person was deceased?

4 **A** The paramedics or police officer, I don't
5 know.

6 MS. WHIRLEY: When you got there, the body
7 was deceased?

8 **A** Correct.

9 MS. WHIRLEY: Michael Brown was deceased?

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

11 To just continue that, to
12 put the EKG on to determine that, do they typically
13 have to move the body?

14 **A** No. I guess from the wounds that they
15 observed was actually a fatal wound.

16 MS. WHIRLEY:

17 : . So in 25 years
18 of work, how common when you have responded at the
19 scene for a shooting involved an officer and another
20 civilian, is that something that happens often?

21 **A** I have been on several of them.

22 So several of them in 25
23 years?

24 **A** Several police shootings.

25 So in this case, did it

1 seem peculiar or out of the ordinary that the
2 shooting officer was not present?

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

4 Not at all?

5 **A** No.

6 Do you know what the
7 protocol is for that?

8 **A** They probably took him to the hospital or
9 back to the police station interviews. Majority of
10 the time, they're not there.

11 MS. WHIRLEY:

12 MS. ALIZADEH: Could I make a suggestion?
13 I know you all aren't used to this, but when you do
14 ask a question because we don't know how well this
15 is all picking up until we listen to this later or
16 have an opportunity to check it, so if you would
17 make, you don't have to get right up on it, but make
18 an effort to kind of speak into the microphone so
19 that we can be sure that your questions are
20 recorded, that would be great. If I see you not
21 doing that because you are not used to it, I might
22 say, could you get close to the mike, okay.

23 MS. WHIRLEY: Let me just say, this is
24 your mike, we are kind of sharing it, just to let
25 you know.

25 He asked a question that

1 led to another question.

2 **A** Sure.

3 You said there were no
4 leads on the body by paramedics?

5 **A** Correct.

6 Are you able to see that
7 after they leave?

8 **A** Yes, ma'am, they are small stickers.

9 So they don't take those
10 off?

11 **A** No.

12 They would be on there?

13 **A** Correct.

14 You were able to see?

15 **A** I didn't see any on there.

16 They didn't even --

17 **A** Correct.

18 MS. ALIZADEH: One other suggestion, try
19 to refrain from using each other names just for
20 again, for your sakes and for the anonymity part of
21 it.

22 We can have the court reporter redact that
23 out. But of course, you know, it is on disc. This
24 is all new to us, so we are learning as we go.

25 MS. WHIRLEY: Anything else?

1 MS. ALIZADEH: Don't be afraid to ask a
2 question because I've been kind of making
3 suggestions. I don't want to intimidate anybody
4 into, I don't want to ask a question because I think
5 Kathi might yell at me. But if there is any, any
6 other questions for this witness.

7 You don't see
8 any gun power or anything on his clothes, that
9 doesn't mean when the gun went off, he couldn't
10 find, he couldn't find that?

11 A Correct.

12 He could find that on
13 other clothes?

14 A Correct. He may find some and he may not
15 find some.

16 : Will we get a
17 copy of your report? I'd like to see the report.

18 MS. WHIRLEY: Yes. It is Exhibit Number
19 1. We will have that with your notes whenever you
20 are ready to look at it, you can.
21 Anything else?

22 : . Are there any
23 other things besides the wounds that you are looking
24 at or documenting as you are looking at this
25 particular body before you transport it or is it

1 just the wounds itself you are looking at?

2 **A** I look at the whole body overall.

3

4 Okay.

5 **A** Position of the clothing, wounds, if it's
6 a female, fingernails, everything from the top of
7 the head down to the bottom of his feet we look at.

8 Typically do you, when you
9 file a report outside of this prior to this
10 particular case, would you typically file
11 photographs with your report?

12 **A** Yes, sir.

13 And then with regard to
14 this specific case, are you anticipating getting
15 those photos and filing with your report?

16 **A** My own photos that I would take on the
17 scene I would print out and be with my report.

18 Okay.

19 **A** But the police photos, the police have
20 those, but we can request those if we need them.

21 Okay. Are you
22 anticipating --

23 **A** Or pathologist, I don't know the
24 pathologist --

25 MS. WHIRLEY: You will see those photos.

1 I'm just wondering is he
2 anticipating to get those photos to file with your
3 report?

4 **A** They don't get filed with our report.

5 Okay, all right.

6 : . Now, you said
7 that you didn't take photos yourself, you said that
8 you didn't take photos yourselves?

9 **A** Correct.

10 Upon arriving at the scene
11 as the batteries had died in your camera?

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

13 All right. So I mean, is
14 there some protocol with your department that you
15 have to have your camera charged up all times?

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

17 Just to alleviate this
18 type of thing happening?

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

20 So right now we only have
21 the photos that St. Louis County or whatever --

22 **A** Correct.

23 -- did? Okay.

24 **A** Correct. My photographs would have been
25 him laying on the ground with the sheets over him,

1 removing the sheets and his back, you know, the
2 whole body.

3 Uh-huh.

4 **A** And maybe that's it.

5 Okay.

6 **A** Anywhere from two to four pictures, no
7 more than that. Just trying to give the pathologist
8 a picture of what's going on when this person died.

9 Okay.

10 : Did you notice
11 any other wounds on the body hands wise?

12 **A** Just the abrasion on the back of the left
13 hand and abrasion on his face and nothing really
14 obvious.

15 MS. ALIZADEH: And just to
16 clarify, you said your job is to document the body?

17 **A** Correct.

18 MS. ALIZADEH: As you find it and you also
19 make a determination if you believe the body has
20 been moved, was there any reason for you to believe
21 that the body was moved in this case?

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

23 MS. ALIZADEH: Now is it your job to look
24 at anything around the body, whether it be blood
25 splatters or shell casings?

3 **A** Yes.

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

10 **A** Nothing in the reports, no.

11 MS. ALIZADEH: Okay.

14 **A** There were numerous shell casings on the
15 scene.

18 **A** Correct.

19 MS. WHIRLEY: Why not?

20 **A** At the time where they were at and they
21 were still being processed, I guess let the police
22 take care of that part. They are trying to figure
23 out what shots were fired and what order, I didn't
24 see no reason to see where they were at.

25 . Wouldn't the

1 shells kind of determine how the body was shot, what
2 angle, how far, the distance?

3 **A** They could at times.

4 MS. WHIRLEY: That's not what you are
5 qualified to figure out?

6 **A** Correct. I don't know if they were moved,
7 kicked around, people trampled through there, things
8 of that nature. And the semiautomatic weapon, are
9 the shell casings going to go out to the right side
10 and eject.

11 MS. ALIZADEH: And so your
12 purpose in being there and your function is to
13 assist the medical examiner in doing their job?

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

15 MS. ALIZADEH: You're not there as a
16 police agent or an agent of any police department?

17 **A** Correct. As a matter of fact, my mission
18 is just for the body.

19 MS. ALIZADEH: Just for the medical
20 examiner?

21 **A** Correct.

22 : . Whose
23 responsibility is it to write the whole report
24 overview of that at the scene, is that the police
25 department? Obviously, it is not this individual.

1 **A** Police department.

2 MS. ALIZADEH: I anticipate you will be
3 hearing testimony from the investigators who do
4 document the crime scene in any kind of crime scene
5 and especially such as this, there is going to be
6 probably a number of officers who were doing
7 different things at the crime scene to process the
8 scene.

9 **A** This crime scene, can I say something?
10 The crime scene was huge, he's here, some of his
11 shoes are farther away from him. You have a vehicle
12 and his hat, it may stretch out 100 yards. I'm just
13 there for the body. Just trying to let our
14 pathologist know he's here, there are other things
15 there, this is what's going on with the body.

16 MS. WHIRLEY: It is your job to take the
17 body when you leave?

18 **A** Correct. And the police will come in and
19 photograph everything else, document it where it is
20 at and take their notes.

21 MS. WHIRLEY:

22 : . You mentioned
23 before that when you arrived at the scene and you
24 saw the body for the first time, he was in the
25 middle of the road, is that my understanding?

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

2 This road that he's on, is
3 this like one lane each direction?

4 **A** Two lanes.

5 Two lanes each side.

6 Okay. So you have the center yellow dividing line?

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

8 Where was he in
9 conjunction to that dividing line, was he right on
10 it?

11 **A** Yeah, right on the line.

12 Was it bisecting him or
13 dissecting?

14 **A** It was dissecting.

15 MS. WHIRLEY: The cars were able to drive
16 around him?

17 **A** I'm sorry?

18 MS. WHIRLEY: Were cars able to drive
19 around him?

20 **A** I would think so. By the time I got
21 there, crime scene tape was already up.

22 MS. WHIRLEY: Preventing anyone from
23 driving?

24 **A** Correct.

25 I hate to

1 keep going back to the injuries. I want to make
2 sure I got this right, top of head, forehead, eye,
3 neck, arm, side and hand, that's not nine.

4 **A** One on top of the head, two in the eyes,
5 three in the head.

6 Three in the head?

7 **A** Yes, three in the head. I'm calling the
8 face the head.

9 Okay. So top of the
10 head, forehead and eye are three.

11 **A** Two in the chest.

12 Two in the chest.

13 **A** Which I'm calling from the neckline down
14 to the waistline and his arm had one in the upper
15 bicep.

16 Okay.

17 **A** One closer to the middle of the arm --

18 There were two in the
19 arm?

20 **A** Actually three, and then one in the
21 forearm.

22 Three in the arm and one
23 in the hand.

24 **A** Correct.

25 So a total of four in

1 this extremity?

2 **A** Correct.

3 . You don't say
4 there were nine, it could be come in here and come
5 out here?

6 **A** Correct, it is nine wounds.

7 It is nine wounds.

8 **A** Correct.

9 No nine shots?

10 **A** No, nine wounds.

11 MS. WHIRLEY: And just to be clear, you
12 don't know whether those are entrance, exit,
13 abrasions, you can't say?

14 **A** At the time I couldn't say, correct.

15 MS. WHIRLEY: Can you say now?

16 **A** The medical report is done.

17 MS. WHIRLEY: I mean, that's not your
18 report though?

19 **A** Correct. The doctor report is completed
20 and he determined exits and entrances.

21 MS. WHIRLEY: A medical examiner could
22 say?

23 **A** Correct.

24 MS. WHIRLEY: You can't say?

25 **A** I could say.

1 MS. WHIRLEY: From firsthand experience
2 can you tell us?

3 A I can tell an entrance and exit.

4 MS. WHIRLEY: Can you tell us what the
5 wounds were.

6 A But on these I couldn't, that's why I
7 didn't.

8 MS. WHIRLEY: Okay.

9 : . The abrasions
10 that you noticed, were they consistent with where he
11 would have made contact when he hit the ground with
12 his forehead and left hand or could that have been
13 caused by some earlier altercation or something.

14 A To me it looked like it came from the
15 ground, that is more of an assumption.

16 MS. WHIRLEY: Why does it look like it
17 came from the ground?

18 A Because it looked more like a road rash
19 abrasion as opposed to an altercation abrasion, like
20 somebody scratching him.

21 MS. WHIRLEY: What's an altercation
22 abrasion.

23 A Like somebody punches you in the eye, you
24 may get a slight, like somebody's knuckles sliding
25 across your face.

1 MS. WHIRLEY: Okay.

2 **A** As opposed to your face sliding across the
3 concrete. We rolled him over, there is a little bit
4 of gravel embedded in the wound.

5 MS. WHIRLEY: Okay.

6 MS. ALIZADEH: you testified
7 that the body was prone, what about his face because
8 I mean, was his head turned to one side or the
9 other?

10 **A** It was turned facing the left side.

11 MS. ALIZADEH: Okay. So it would have
12 been the right side of his face was against the
13 pavement when you saw it?

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

15 MS. WHIRLEY: And that's where the
16 abrasion was?

17 **A** Correct.

18 MS. WHIRLEY: Or the injuries?

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

20 MS. WHIRLEY: Okay.

21 The hand on the top of the
22 head is away resting?

23 **A** Yes, sir.

24 MS. WHIRLEY: Anything else? If need be
25 if you think of something else, we can always and it

1 is directed for we can always
2 bring him back once you have looked at his report,
3 okay?

4 MS. ALIZADEH: Or at any time if there is
5 other questions down the road, all you have to do is
6 ask for us to locate a witness.

7 MS. WHIRLEY: Did you have something?
8 : Just to be
9 clear, the fact that you didn't take pictures, you
10 feel like the county covered whatever pictures you
11 would have supplied yourself?

12 **A** Correct.

13 There is not a hole here
14 because you didn't have the pictures?

15 **A** All pictures are taken by the police. I
16 would have taken them too. A lot of times we direct
17 them, you know, to take a picture of the back, lift
18 up the shirt, take another picture, roll him over,
19 let's take a picture of the front, lift up the
20 shirt, can you take another picture for me, things
21 of that matter.

22 MS. WHIRLEY: But in this case you did not
23 do that or did you?

24 **A** We did.

25 MS. WHIRLEY: Oh, you did.

1 **A** Correct.

2 MS. WHIRLEY: Ask them to take certain
3 pictures?

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

5 MS. WHIRLEY: Oh, okay. All right,
6 anything else?

7 **A** They would have done those pictures
8 anyway, it is protocol.

9 MS. WHIRLEY: Okay, well, thank you very
10 much. That's it for today.

11 (End of Volume 1, August 20, 2014.)

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1 State of Missouri

2 SS.

3 County of St. Louis

4 I, a Licensed Certified Court
5 Reporter by the Supreme Court in and for the State
6 of Missouri, duly commissioned, qualified and
7 authorized to administer oaths and to certify
8 depositions, in the County of St. Louis, State of
9 Missouri, to be used in the trial of said cause in
10 said court, in the City of Clayton, State of
11 Missouri, by the aforesaid attorneys; on the 20th
12 day of August, 2014.

13 I further certify that the foregoing pages
14 contain a true and accurate reproduction of the
15 proceedings.

16 I further certify that I am not of counsel or
17 attorney for either of the parties to said suit, not
18 related to nor interested in any of the parties or
19 their attorneys.

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25

1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 8/20/2014

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 Prosecuting Attorneys Office

18 100 South Central Avenue

19 Clayton, MO 63105

20

21

22

23

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25

1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 Prosecuting Attorneys Office

4 100 South Central Avenue, 2nd Floor

5 Clayton, MO 63105

6 Total:

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1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____
11 Commission expires

12 _____

13 Notary Public

14

15

16

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