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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           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
 1
 2
                       STATE OF MISSOURI
 3
     STATE OF MISSOURI
 7
     VS.
 8
     DARREN WILSON
10
11
12
          The following is a hearing before the Grand
     Jury of St. Louis County, at the offices of St.
13
     Louis County Prosecuting Attorney's Office, 100
14
15
     South Central Avenue, in the City of Clayton, State
16
     of Missouri, on the 7th day of October, 2014, before
17
18
19
20
21
22
23
24
25
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Page 3
 1
     APPEARANCES OF COUNSEL:
 2
 3
      FOR THE STATE:
         Ms. Kathi Alizadeh & Ms. Sheila Whirley
         Assistant Prosecuting Attorneys for St. Louis
 5
 6
     County
 7
         100 South Central Avenue, 2nd Floor
 8
         Clayton, MO 63105
          (314) 615-2600
10
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12
13
14
15
16
17
18
19
20
21
22
23
24
25
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	Page 5
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
I	

```
Page 6
 1
     well.
 2
               And so we also have witnesses lined up for
 3
     this afternoon. This is just one of those things I
     never know if people are going to show up at this
 4
 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
     interrogatories, propounded as follows, to-wit:
20
21
                         EXAMINATION
22
     BY MS. ALIZADEH:
23
               Would you go ahead and state your name and
     spell it for the court reporter?
24
25
          Α
               My name is
```

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```
Page 7
 1
               And how old are you,
          Q
 3
          Α
               And do you live in the Canfield Apartment
 4
          Q
 5
     Complex?
 6
               Yes, ma'am.
          Α
 7
               How long have you lived there?
          Q
 8
               Since
          Α
                         of this year?
          Q
10
          Α
              Yes, ma'am.
11
               So you were living there back in August of
          Q
12
     this year, correct?
13
               Yes, ma'am.
          Α
14
               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
          Α
               Yes, ma'am.
21
               Can you use the laser pointer and show me
22
     what building that, are you living in the same
23
     building?
24
          Α
               Yes.
25
               Same apartment?
          Q
```

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		Page 8
1	A	Same building, same apartment, yes, ma'am.
2	Q	Can you show me with a laser pointer what
3	building	you are in?
4	A	I live in , which is
5	here, the	e top floor,
6	Q	Okay. Now, those buildings, are there
7	three sto	ories to each building, three levels?
8	A	Yes, yes.
9	Q	And so is there a basement level?
10	A	Yes.
11	Q	And so the apartment that's on the ground
12	floor is	the second floor?
13	A	Yeah, there is a basement, which you have
14	to go dow	on the stairs to get to and then you have
15	normal le	evel, which is right up the stairs and my
16	level, wh	nich is all the way up.
17	Q	Okay. So your unit is is it on the
18	front of	the building?
19	A	Yes, it is on the front, yes.
20	Q	So this is Canfield Drive?
21	A	Uh-huh.
22	Q	And out here would be West Florissant?
23	A	West Florissant, yes.
24	Q	So just to help you with the directional,
25	north is	this way.

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```
Page 9
 1
          Α
               Uh-huh.
 2
               And south is that way. So would it be
 3
     fair to say that your unit is on the west side of
     the building?
 4
          Α
               Yes.
               Okay. And, um, in August were you living
7
     with anyone?
               Um, with my now girlfriend.
 8
                               ; is that right?
          Q
10
          Α
               Uh-huh.
11
          Q
                      ?
12
          Α
13
            How long has lived there with you?
          Q
14
          Α
               Since
15
          Q
               So she was there living with you back on
16
    August 9th as well?
17
               Yes, ma'am.
          Α
18
               Okay. For the sake of trying to
     understand this, you were inside the apartment that
19
20
     day, correct?
21
               Yes.
          Α
22
               So there are, are there windows on the
23
     west side of that building?
24
               Yes, there is. My door, there's my living
          Α
25
     room window which was open at the time and also my
```

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		Page 10
1	bedroom w	indow 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 yc	ou 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?	

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	Page 11
1	A Yes.
2	Q Um, are there coverings on your living
3	room and bedroom windows?
4	A Yes.
5	${f Q}$ 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	${f Q}$ 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	\mathbf{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	\mathbf{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	

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```
Page 12
 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.
               What time had you gotten to work, did you
 4
          Q
     get to work like at the middle of the night?
 5
 6
               No, I got to work at 7:00 in the morning.
          Α
 7
               Okay. So you had left your apartment
 8
     before then to get to work by 7:00?
          Α
               Uh-huh.
10
          Q
               And then you came home and got home about
11
     11?
12
               Uh-huh.
          Α
13
               So when you got home at 11, was there
     anything going on that was special or that you
14
     noticed?
15
16
          Α
               No.
17
               And this was a Saturday?
          Q
               Uh-huh.
18
          Α
               And it was a sunny, bright day?
19
          Q
20
          Α
               Uh-huh.
21
               People just about, out and about in
          Q
22
     general?
23
               Just a normal day. Some people outside, I
          A
24
     recall someone barbecuing, just a normal day.
25
          Q
               Okay.
                      Was
                                home?
```

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		Page 13
1	A	Yes.
2	Q	Now, had she been home the whole morning
3	to your k	nowledge?
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 bedr	oom 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.

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		Page 14
1	Q	Okay. And from, were you playing, was
2	there any	body 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 t	hose shots?
23	A	Huh-uh.
24	Q	All right. Have you heard gunshots
25	before?	
1		

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	Page 15
1	A Yes.
2	${f Q}$ 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	${f Q}$ 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	${f Q}$ 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	

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		Page 16
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	e 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 th	ney were doing?
18	A	I'm not sure. I know the pipes up under
19	the ground	d, 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		

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	Page 17
1 Q Are you talking about the living	g 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, t	they can be
7 totally open so that there's nothing cover	ring the
8 window or they can be closed, but they can	n 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 stra	aight
13 outside.	
14 Q Okay. So when you went to the w	window,
15 were you able to see without moving them of	or did you
16 move the blinds?	
17 A I was able to see without moving	J•
Did you move the blinds at all?	
19 A No.	
20 Q And so when you looked out the v	window,
21 what did you see?	
22 A I saw a person holding hisself a	around here
23 and had a hand up in the air and was, it 1	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 w	vas

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Page 18 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 fell face first. (indicating) 5 Q Okay. Could you see who was shooting at 6 him? 7 Α I could not see who was shooting at him. 8 My view from here at my apartment I could see the person in the street about here, but my view of what 10 was going on was obstructed by this building. 11 Okay. So when you looked out and you see 12 a person, did you recognize him? 13 No. A 14 So you hadn't seen him before in the 15 complex or anything that you recall? 16 Α 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 recall anybody. 19 20 Q He didn't, it didn't mean anything to you 21 when you first saw him? 22 Α No. 23 You didn't recognize him? 24 Α Huh-uh. 25 And we now know that the man who was shot Q

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Page 19
1 in the street was Michael Brown?
2 A Mike Brown, uh-huh.
3 \mathbf{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
that he had anything to do with it?
25 A No, at the time when I seen someone

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Page 20 running, I just thought they might have been running 1 2 away from the gunshots. 3 Q Okay. Just running away from the scene just to 4 5 be clear to make sure that they didn't get shot and 6 everything. 7 So when you first looked out the window and saw who we now know as Michael Brown. 8 Α Uh-huh. 10 Were you, and you're looking from here and Q 11 you put the pointer somewhere around this area? 12 Α Yes. 13 Okay. Was his back to you? 14 His back was, I would say, to me, but he's Α like in the middle of the street. And so I see like 15 16 his side, like his side and his back, yeah. 17 But he's facing? 0 18 He's facing. Α 19 This direction? Q 20 Α Yes. 21 So you see him from behind, but you can Q 22 also see a part of his side? 23 Uh-huh. Α 24 So which side would that have been? Q 25 Α His right side.

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		Page 21
1	Q	Okay. And so from that view you said you
2	saw that l	ne 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	e 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	(indicati	ng)
13	Q	So you have your left arm about a little
14	below you	r chest?
15	A	Yes.
16	Q	And almost reaching around to your rib
17	cage on yo	our 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.

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Page 22
               And I'm going to say that's probably maybe
 1
          Q
 2
     a 45 degree angle?
 3
          Α
               Uh-huh.
              You know, 90 degrees --
          Q
          Α
               Not straight up, yeah.
 6
               More like that, okay. All right. And so
          Q
7
     now when you first demonstrated that when you were
 8
     sitting there you had your hand like that, it was
     more bent, the elbow was bent?
10
          Α
               Yeah, when he was up it was out, it was
11
     out more.
12
               Okay. So why did you do that at first?
          Q
13
               Just showing.
          Α
14
               Okay. So it's not that Michael Brown
          Q
15
     changed?
16
          Α
               No, he didn't change.
17
               He didn't like go like this and then raise
          0
     his hand higher?
18
19
          Α
               No, it was out.
20
               The whole time when you first saw him it
          Q
21
     was like this? (indicating)
22
          Α
               Yes.
23
               Which is extended out at a 90 degree angle
24
     away from in front of him?
25
          Α
               Yes, ma'am.
```

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			Page 23
	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 h	im?
	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 wan	t 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 w	ent 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 descr	ibing.
	24	A	When I looked out the window he was sort
	25	of in a p	osition like this with his arm out.
- 1			

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		Page 24
	1	(indicating)
	2	Q You're on your left knee?
	3	A Uh-huh.
	4	${f Q}$ 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	${f Q}$ 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	${f Q}$ 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	ĺ	

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Page 25 Did you stay on the couch and just look 1 2 out the window or did you get up? 3 No, I got up and looked out the window. So we talking a matter of a second or two 4 Q 5 for you to get up and go look out the window? 6 Yeah, I would say around 20 to 25 seconds Α 7 because at first, I'm sitting there playing the game 8 when I heard the shots. At first I assumed it was 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. So that made me get up and just look out the window 20 21 to see what was going on, that's when I seen him 22 down. 23 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?

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	Page 26
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	$oldsymbol{Q}$ And what happens, you said you hear
8	another series of gunshots?
9	A Uh-huh.
10	${f Q}$ Is he still on his knee and with his hand
11	extended in that manner?
12	A Yes.
13	$oldsymbol{Q}$ 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

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```
Page 27
     jerking back, his arms are falling and that's when
 1
 2
     the shooting stop, he fell on the ground.
 3
               Okay. And after he fell on the ground,
          Q
     did you see him move any more?
          Α
               No.
               And what did you next see?
 7
               Um, at this time after he fell on the
          Α
                                              I said,
 8
     ground is when I called my girlfriend.
         , someone just got killed out here, someone just
10
     got killed.
11
                    At the time I'm thinking, I'm looking
12
              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
     just shot someone, the police just shot someone.
18
19
               But that was an assumption you were
20
     making, correct?
21
          Α
               Yes.
22
               You didn't see the police officer shoot
          Q
23
     anybody?
24
               No, I didn't see a police officer shoot
          Α
25
     anybody.
```

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Page 28 1 Why is it that you would assume the police 2 officer shot somebody? 3 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 them. 10 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 Α Yes. 15 Q Or is it after when people were coming out 16 and talking that you then learned that? 17 No, it was at that time. Like I said, I 18 just assumed that it was a police shooting. 19 Why wouldn't you think it was this guy 20 because you said you saw him run after the shooting, 21 right? 22 Uh-huh. Α 23 In your mind you don't think man, that guy just shot somebody and run in the field? 24 25 Α At the time of his running through here, I

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```
Page 29
 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
               Okay. And so you see three officers you
 5
     say, correct?
 6
               Uh-huh.
          Α
 7
               When you looked out the window, did you
 8
     notice those two construction guys?
                     When I looked out the window I seen
               Yes.
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
               Okay. That day, did you take any video
          Q
15
     with your phone?
16
          Α
               No.
17
               Or any video camera?
          Q
18
          Α
               No.
               Did you see other people outside after the
19
          Q
20
     shooting?
21
          Α
               Yes.
22
               Did you see people taking videos?
          Q
23
          Α
               Yes.
24
               Okay. Did you go outside?
          Q
25
          Α
               No, I went outside on my balcony and stood
```

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		Page 30
1	on my bal	cony.
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 se	en 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

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Page 31 1 together or was it one officer and then another two 2 came after? 3 It was, it was one officer at first who Α came this way from off the street around like in 4 5 this part of the grass here. 6 Uh-huh. Q 7 I seen two more officers that came around 8 the corner of the building like right off the corner of the building. 10 Q Okay. So they came around the building 11 separately? 12 Α Yes. 13 And how much time --Q 14 Α 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 Α Five seconds. 19 Okay. Um, so did you ever see any of the 20 Ferguson officers approach Michael Brown's body? 21 Α No. 22 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 Α No.

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```
Page 32
               Okay. Um, now you testified today that it
 1
 2
     was after the shooting that you said to
 3
     come see this, they just killed somebody or
     something like that?
 4
 5
          Α
               Yes.
 6
               You recall giving a statement previously,
          Q
 7
     correct?
 8
               Yes.
          Α
               And you talked to a couple of female FBI
          Q
10
     agents?
11
          Α
               Yeah.
12
               They come to your house?
          Q
13
               Yes.
          Α
               And did you show them the window that you
14
15
     looked out of and what you saw?
16
          Α
               Yes, uh-huh.
17
               And do you remember telling them that it
     was after the first few shots that you said, hey
18
19
     Emya, they're shooting out here?
20
               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
     to occur is when I called her.
23
24
               Okay. So where was when you heard
     the first shots?
25
```

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	Page 33
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	$oldsymbol{Q}$ And did you hear the FBI agents talk to
24	?
25	A Yes.

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	Page 34
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	${f Q}$ 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	$oldsymbol{Q}$ 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.

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```
Page 35
               And, of course, you know, you're not in
 1
 2
     her head, so whether she saw it or not, we have to
 3
     ask her that, correct?
 4
          Α
               Uh-huh, yes.
 5
          Q
               But you were there when she told the FBI
     agents that she did see it happen?
 7
          Α
               Yes.
 8
                     And then also do you remember when
               Okav.
     the FBI agents were talking to you that you said
10
     that you watched Michael Brown take a few steps and
11
     then he was in the middle of the street?
12
          Α
               I don't recall ever saying he took two or
13
     three steps.
14
               Your memory today he never moved from the
15
     time you saw him to when he went down to the ground.
     His body obviously moved, but he didn't walk in the
16
17
     street or anything?
18
          Α
               Yes.
               Okay. So you don't recall telling the --
19
20
     actually, looks like it was two men that talked to
21
     you?
22
          Α
               Yes.
23
               That's
          Q
                                      and
24
     two FBI agents?
25
          Α
               Yes.
```

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```
Page 36
 1
               Do you recall they talked to you on
 2
     August 16th?
 3
          Α
               Yes.
               Is that the first time that you talked to
 4
 5
     any officers or police?
 6
               Yes, those were the first and only time
 7
     that I talked to them.
 8
               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
               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
          Α
               No.
22
               (By Ms. Whirley) Just to the federal FBI
          Q
23
     agents?
24
              Yes, ma'am.
          Α
25
               Do you know if the St. Louis Police
          O.
```

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		Page 37
1	Department	t 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 bedroo	om facing west?
9	A	Yes, the bedroom would be about here.
10	(indicatin	ng)
11	Q	If you were in that bedroom, would you be
12	able to se	ee 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 exter	nds at.
20	Q	Okay.
21	A	Those are the steps and the living room
22	would be r	right about the corner.
23	Q	So both the living room and the bedroom
24	face west?	
25	A	Yes.

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```
Page 38
               Okay. And you said you first heard a few
 1
     shots and that's what brought your attention to the
 3
     living room?
               Yes.
          Α
 5
               What were you doing in the living room
     before the shots occurred?
 7
          Α
               Playing my video games.
 8
               Okay. So you were awake an everything?
          0
          Α
               Yes.
10
          Q
               You weren't taking a nap or anything like
11
     that?
12
               No, ma'am.
          Α
13
               Okay. It was your impression that
     was sleeping --
14
15
          Α
               Sleeping.
16
               -- in the bed? Hadn't even gotten dress
          Q
17
     for the day?
18
               Not yet, no.
19
               Okay. Did you all have any children?
20
          Α
               Yes, my son lives in the house, my
21
     stepson, her son.
22
              How old is he?
          Q
23
              He will be in December.
          Α
24
            Was he home that day?
          Q
25
          Α
               Yes.
```

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	Page 39
1	Q Did he see any of this?
2	A No.
3	${f Q}$ 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	${f Q}$ 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.

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		Page 40
1	Q	But you had seen him around?
2	A	I seen him around the complex. He had
3	friends i	n 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 a	t 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.

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		Page 41
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 c	down, he hit his left knee first. And then
8	the secon	nd set of shots, and then that's when he was
9	just on t	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 c	lown?
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 s	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

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```
Page 42
     anybody at any point that you were, wait a minute,
1
 2
     let me ask the question because he's got to take us
 3
    one at a time.
          Α
               Okay.
 5
               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?
          Α
               No.
10
               Do you know what I mean by altercation?
          Q
11
          Α
               A fight or.
12
               Yeah, or some type of disagreement or
          Q
     anything?
13
14
          Α
               No.
15
          Q
              You never saw anybody but him?
16
          Α
              Just him.
17
          Q
               Okay.
18
               MS. WHIRLEY: Anybody have questions?
19
               MS. ALIZADEH: I just want one more
20
    clarification.
21
               (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
```

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Page 43 you remember telling them that? 1 2 Α Not that he approached him, but I seen the 3 officer and then I seen two more officers. Okay. And then do you remember telling 4 Q 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 Α No. Okay. All right. Q 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 Α Between me looking out the window and him 16 hitting the ground? 17 : Yeah. I'd say the timeframe, probably about 45 18 Α 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 No, because my window was, the screen 25 part, the door part was closed, I just had my blinds

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```
Page 44
     open, but I could hear the shots, but I didn't hear
 1
 2
     any yelling or anything.
 3
                            : You couldn't hear any
     voices or anything?
 4
 5
          Α
               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,
     were they locked on the scene too, do you know?
10
               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
               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
               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
               (By Ms. Whirley) Okay. And this was
25
     occurring where?
```

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	Page 45
1	A The shooting was here.
2	${f Q}$ Okay, all right. And you think their view
3	was better than yours?
4	A I'm not sure, I'm not sure what they seen.
5	Q I'm talking about their view, not what
6	they saw?
7	A Yeah, I assume them being down closer than
8	I was, I thought they would see more than I would
9	have.
10	MS. WHIRLEY: Okay. I didn't know if you
11	were done.
12	: I'm done, thank you.
13	Could
14	you see Michael Brown's face when this was going on?
15	A At the time I couldn't see his face, no.
16	And you said you heard
17	gunshots in Canfield before, did that happen a lot?
18	A Um, I wouldn't say like a lot, like every
19	night.
20	Okay.
21	A But every so often.
22	So you were there from
23	February to August, would you say you heard it more
24	than once or twice gunshots?
25	A Five or six.

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```
Page 46
 1
                                 Five or six in that eight
 2
     months, seven months?
 3
               Actually, two nights before August 9th,
          Α
 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
          Α
               No.
                                 Was it with the
10
     residents?
11
          Α
               I think those were residents.
12
                                 Okay.
13
               I was asleep when I heard the shots, the
          A
     shots woke me up. And so when I looked out the
14
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
          Α
               Yes.
21
                                 And you said that you had
22
     an obstructed view of who was shooting, but you
23
     could see the field?
24
               Yeah.
          Α
25
                                 Could you see the whole
```

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		Page 47
1	thing?	
2	A	No, I couldn't see the whole thing because
3	the build	ing 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	(indicati:	ng)
11		So he was running from
12	Canfield?	
13	A	From Canfield Drive.
14		To maybe go to one of
15	these pla	ces?
16	A	Yes.
17		Can you tell me what that
18	man looke	d like, can you describe him?
19	A	I can't, I don't really have any details.
20		Okay. Like dark skin,
21	light ski	n?
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

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```
Page 48
     you see what his hair looked like?
 1
 2
               I couldn't see his hair.
 3
                              : You couldn't tell if he
     had a shaved head or dreads or whatever?
          Α
               (Shakes head.)
 6
                                 Was he short or tall do
 7
     you know?
 8
               I couldn't tell you.
          Α
                              : Okay. I'm sorry, one
10
    more question.
11
          Α
               You're fine.
12
                              : And it is your opinion
13
     that you do not believe that saw the actual
14
     shooting.
15
          Α
              Yes.
16
                                 Because of when you
17
     called her in?
18
          Α
               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
     towards his house?
25
```

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```
Page 49
 1
          Α
               No, south.
 2
               MS. ALIZADEH: Oh, okay. Glad I asked.
 3
                                                 Is the
     bedroom adjacent to the living room, like can you
 4
 5
     stand in the living room and see through your living
 6
     room?
 7
               No, no. Like my front door is here, was
          Α
 8
     straight into the living room, then my living room
     is pretty spacious and then there's a slight hallway
10
     and then my bedroom goes in, so it was right next to
11
     it, but there's a wall there so I can't see into the
12
     bedroom from the living room.
13
                               So are you saying that you
14
     just assumed that wasn't up?
15
          Α
               Yes.
16
                               Or did she tell you that
17
     oh, I got up when you called me?
18
               I'm assuming that she wasn't, that she
19
     didn't get up fast enough. I heard her get up, I
20
     don't think she got up fast enough to see anything
21
     that happened.
22
                                Did you all have a
23
     conversation, you know, what was going on, while
24
     everything else was happening outside?
25
          Α
               No, we just kind of sort of were caught in
```

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```
Page 50
     the moment of what was going on and talking to
 1
 2
     people and finding out what had happened. We had
 3
     never really had a conversation about it, no.
                                                     At
 4
 5
     the time that you and , you say you were
 6
     questioned by the FBI; is that correct?
 7
               Yes, ma'am.
          Α
 8
                               And the FBI also came to
     your home; is that correct?
10
          Α
               Yes.
11
                                Was there one or two
12
     officers?
13
          Α
               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
               Yes.
          Α
19
                                You could hear what
20
     was saying and she could hear what you were saying,
21
     is that also correct.
22
          Α
               Yes.
23
                                Was that both of your
24
     testimony, was it recorded as well?
25
          Α
               Yes.
```

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```
Page 51
1
                               All right. I think that's
 2
    about all I have.
 3
              MS. WHIRLEY: Let me clear something up,
                                    said. You asked
 4
    just about what
     about something being recorded; is that right?
 6
                           : Yes.
7
               MS. WHIRLEY: You had a recorded
 8
    statement?
         Α
              Yes.
10
              MS. WHIRLEY: Okay, all right, go ahead.
11
              MS. ALIZADEH: Let me just clarify.
12
                     when the FBI came and talked to
    Because,
13
    you, it was two male officers, correct?
14
         Α
               Yes.
15
              MS. ALIZADEH: And that was on
16
    August 16th?
17
         Α
              Uh-huh.
18
              MS. ALIZADEH: And they came to your
19
    house?
20
         Α
            Yes.
21
              MS. ALIZADEH: And was there when
22
   they talked to you?
23
         Α
              Yes.
24
              MS. ALIZADEH: When the FBI talked to
25
         , it was two females officers, correct?
```

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```
Page 52
 1
          Α
               Yes.
 2
               MS. ALIZADEH: So that was on a totally
 3
     separate day?
          Α
               Yes.
 5
               MS. ALIZADEH: Were you there will when
     the two females officers talked to
7
          Α
               Yes.
 8
               MS. ALIZADEH: They didn't interview on
     the same day?
10
          Α
               No.
11
               MS. ALIZADEH: But you were present and
12
    heard the other person make their statements?
13
               Yes.
          Α
14
               MS. ALIZADEH: And you heard talk to
15
     the female FBI agents and say she saw the shooting?
16
          Α
               Yes.
17
               MS. ALIZADEH: And you now know that
     says that she didn't see it?
18
19
          Α
               Yes.
20
               MS. ALIZADEH: Have you talked to her
21
     about that?
22
          Α
               Um, yes, briefly.
23
               MS. ALIZADEH: Now, I'm just wondering,
24
     you know, all the uproar that has happened since
     this occurred.
25
```

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```
Page 53
 1
          Α
               Yes.
 2
               MS. ALIZADEH: You still live in the
 3
     Canfield Apartment Complex?
 4
               Yes.
          Α
 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
          Α
               No.
               MS. ALIZADEH: Is what you told the FBI
10
     agent true?
11
          Α
               Yes.
12
               MS. ALIZADEH: To the best of your
13
     recollection?
14
          Α
               Yes.
               MS. ALIZADEH: And yet what told the
15
16
     FBI agents she is now saying is not true?
17
          Α
               Uh-huh.
18
               MS. ALIZADEH: Is that right?
19
          Α
               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
          Α
               No.
```

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```
Page 54
               MS. ALIZADEH: Okay. What about
1
                                                    , has
 2
     she talked to you about feeling pressure about
 3
    having to come and testify about that day?
 4
               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
               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
              really didn't see this, when did she tell
    that
14
     you that she didn't see it?
15
          Α
               A couple days ago.
16
               MS. ALIZADEH: A couple days ago. Now,
17
     you know that I talked to about her coming into
     court and everything?
18
19
          Α
               Yes.
20
          Q
               Is it after I contacted her and told her?
21
               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
```

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Page 55
 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
          Α
               Like I said at the time I was still having
 8
     my doubts because I wasn't really sure.
               (By Ms. Alizadeh) But at that time she
10
     didn't secretly tell you I didn't really see it,
11
     but --
12
               No.
          Α
13
               You thought that she was telling the FBI
     agents the truth?
14
15
          Α
               Uh-huh.
16
               And now she says it wasn't true, correct?
          Q
17
          Α
               Yes.
18
               MS. ALIZADEH: Anything else? Okay.
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
```

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		Page 56
	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		

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Page 57 we have had some additional investigation done where 1 2 we had officers go out to the scene as recent as 3 last week and take photographs with a lens that 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 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 to introduce those photos. And as I mentioned 14 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

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```
Page 58
     pass those photographs to you yesterday, so at some
 1
 2
     point today when we maybe have a break where there
 3
     is no witness available, we'll get those photographs
     passed around and give you plenty of time to look at
     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
     finished listening to a statement of
14
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
22
23
24
25
```

```
Page 59
 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:
                               I'm going to stand back
          Q
10
     here as best I can, I need you to speak up, okay?
11
          Α
               Okay.
12
               So that all the grand jurors can hear you.
     Introduce yourself to the grand jurors and spell
13
     your name for the court reporter, please?
14
15
          Α
               My name is
16
17
               Okay. And
          Q
                                       , you know why
     we're here today, correct?
18
19
          Α
               Yes.
20
               And we're here to talk about the shooting
21
     of Michael Brown?
22
              Uh-huh.
          Α
23
              And what you know about that?
24
          Α
              Okay.
25
               Now, you've given, how many statements
          Q
```

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	Page 60
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	${f Q}$ Okay. Have you ever talked to the police,
11	the St. Louis County Police about this incident?
12	A No.
13	${f Q}$ Was there any reason why you didn't talk
14	to the police?
15	A No.
16	${f Q}$ 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	${f Q}$ 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	${f Q}$ Do you remember when it occurred on
1	

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		Page 61
1	Saturday A	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 occurre	ed?
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

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			Page (62
٠	1	those sta	tements 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	ž
	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, th	is is very important.	
	10	A	Okay.	
	11	Q	Okay.	
	12	A	Um, the statement that I made, it was with	1
	13	what my b	oyfriend saw. I just felt	
	14	like I wa	nt 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	3
	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	7
	22	and let m	e know what was happening and by the time I	-
	23	got to th	e window, everything was done. And then he	, ,
	24	just told	me what happened because I asked him what	
	25	happened.		
- 1				

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		Page 63
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 arou	nd to talk to people?
6	A	Yes.
7	Q	That same day. Did they talk to
8	before th	ey 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 infor	mation we have, it would have been around
18	5:00 in t	he 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

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		Da wa . C 4
1	1'1 F 1F	Page 64
	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 matt	er 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	
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.
		5 5 •

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```
Page 65
 1
               So what's your son's name?
          Q
 2
          Α
 3
                      okay. So you and were there
          Q
     and the police came?
 5
          Α
               Yes.
               Did you go to them and say, hey, I know
7
     something, did you walk out?
 8
               They were going door to door.
          Α
               They were canvassing, going door to door?
          Q
10
          A
               Yes.
11
               When they came to you, tell us how that
12
     went down?
13
               They asked me did I see anything? And I
          A
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
              Okay.
          Q
               And he recorded it and then he left.
18
19
          Q
               Okay. And you were telling him what you
20
     had told, what
                         had told you happened?
21
               Yes, yes.
          Α
22
               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
          Α
               Uh-huh.
```

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	Page 66
1	${f Q}$ 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	

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		Page 67
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 po	inter, 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 a	nd 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 th	ere?

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		Page 68
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 y	ou 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 t	hem what my boyfriend said because he
15	wasn't the	re.
16	Q	Okay.
17	A	I didn't know if they was going to come
18	back and t	ry 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 wh	at my boyfriend said he saw?
24	A	No.
25	Q	Did you give them his name to come back

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Page 69 1 and talk to him? 2 Α Uh-huh. 3 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 I was nervous. I didn't want to say Α 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 Α No. 18 Has anyone threatened you or made you come 19 here and say that you didn't see it when you really 20 did? 21 No. Α 22 Okay. Has anyone coerced you, you know Q 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

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Page 70
     you said?
 1
 2
          Α
               No.
 3
               Before?
          Q
               No.
          Α
 5
          Q
               So it's the absolute truth that you did
     not see it?
 7
               Yeah.
          Α
 8
               MS. WHIRLEY: Ouestions?
               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
          Α
               Yes.
17
               And so then he said, would you mind
     telling us what you saw?
18
19
          Α
               Yes.
20
          Q
               You are saying you just repeated what your
21
     boyfriend had you happened?
22
          Α
               Yes.
23
               Did you guys go through that in detail
     before he left for work to make sure you knew the
24
25
     story?
```

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Page 71 No, he just let me know what happened, 1 2 when he saw the shots being fired. 3 Did you discuss the position of his arms, 4 or how many gunshots there were or anything like 5 that? 6 No, I could hear the gunshots, but I 7 couldn't see them like entering his body, I just 8 heard them. I'm sorry, did you and , though, 10 discuss like the positioning of his arms? 11 No, he just told me he had his arms up. 12 He didn't tell you that he was grabbing at Q 13 his side? 14 Yeah, he told me everything that he saw Α 15 from the side. From him kneeling, falling, 16 everything. 17 Okay. So did Q know then on that day that it happened, did he know that you didn't see 18 19 it? 20 Α No. 21 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 Α Uh-huh.

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		Page 72
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 cam	ne 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, r	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, corr	rect?
23	A	Yeah.
24	Q	And this is now several weeks later, you
25	don't tak	te the opportunity to go, well, I really

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```
Page 73
 1
     didn't see it, but my boyfriend
                                             did.
                                                    He can
 2
     tell you what happened, but you didn't do that?
 3
          Α
               No.
 4
               Before you talked to those ladies, they
          Q
 5
     told you, didn't they, if you lie to a federal
 6
     agent, it is a crime?
 7
          Α
               Yes.
 8
               And you know that, right?
          Α
               Yes.
10
          Q
               And when I called you, I called you last
11
     week about coming in and testifying, correct?
12
          Α
               Uh-huh.
               And you said okay. We made arrangements
13
     for you to come in and then you had to reschedule,
14
15
     right?
16
          Α
               Yes.
17
               You never told me on the phone, well, you
     know what, I didn't really see anything, right?
18
19
          Α
               Uh-huh, yes.
20
          Q
               And so this morning you and
                                                    came
21
     here and you had an attorney with you?
22
          Α
               Yes.
23
               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
```

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Page 74 yourself? 1 2 Α Yes. 3 And you had discussions with your attorney 4 about your, he gave you advice and you talked to I'm not asking you what you said to him or 5 6 what your conversation was, but at the conclusion of 7 that you decided that's what you were going to do, 8 right? Α Yes. 10 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 Α 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 giving a false statement to a federal agent, you 18 19 understand that? 20 Α Yes. 21 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 Α Yes.

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	Page 75
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	${f Q}$ 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?

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Page 76 1 Α Yes. 2 Do you feel pressure, whether or not 3 anybody came flat out that was threatening. I'm not asking you that because you said no, I'm asking did 4 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 Α No. Okav. 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 Α Yes. 13 And that feeling was still continuing when let me ask you this when the federal agents were 14 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 Cause I knew that I was lying and I didn't 19 want to talk to nobody at all. 20 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. 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

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Electronically signed by

Page 77 really see it. You didn't do that? 1 2 No, I was going to come in Monday to talk 3 to you and that's when I was going to let you know. And then I had told that I didn't really see 5 nothing and that's when he called the lawyer. 6 Okay. Do you believe me when I told you Q 7 before you came in here that Miss Whirley and I, all 8 we care about is that we get to the truth. Α Yes. 10 Q I'm not on anybody's side one way or the 11 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 Α Uh-huh. 15 Are you saying that your testimony today 16 is truthful? 17 Yes. 18 Anything else you want to add or --19 Α No. 20 Q -- or state now that you want to get off 21 your chest or anything before we're done here? 22 Α 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 Well, you know that two federal agents Q

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		Page 78
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 sa	me spot that you found yourself in. In
8	other wor	ds, that they maybe said something that
9	they knew	wasn't truthful, but they said it because
10	either th	ey 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 sa	w it?
24	A	No.
25	Q	So you don't know if there are people out

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```
Page 79
     there who are saying that they saw it, but in fact,
 1
 2
     didn't see it?
 3
          Α
               No, I don't.
          Q
               Okay.
               MS. ALIZADEH: I'm done.
               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
     Department Crime Laboratory. Could you stand up,
19
20
     please?
21
               Do you go by
                                          , you're not a
22
     detective or police officer, correct?
23
                                                 is fine.
               THE WITNESS: No,
24
25
```

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```
Page 80
 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:
               Could you state your name and spell it for
10
     the court reporter, please?
11
          Α
12
13
               Can I call you
          Q
14
          Α
               Sure.
15
          Q
               And, , where do you work?
16
          Α
               The St. Louis County Police Crime Lab.
17
               What do you do for the crime lab?
          Q
18
          Α
               I'm a drug chemist.
19
               And so what is your educational background
20
     that qualifies you to be a drug chemist with the
21
     crime laboratory?
22
               I have a bachelor of science degree in bio
23
     medical sciences from formerly known as Southwest
24
     Missouri State University.
25
               And when did you receive that?
          Q.
```

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1	1		
			Page 81
	1	A	In May of 1999.
	2	Q	All right. And then did you have any
	3	other pos	tgraduate 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 emplo	yment other than working for the St. Louis
	12	County Cr	ime Laboratory?
	13	A	Yes, I did.
	14	Q	Where did you work?
	15	A	Missouri Statement 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 Pa	atrol Crime Lab?
	25	A	Thirteen years.

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г			
			Page 82
l	1	Q	And after that, where were you employed?
	2	A	Then I started with the St. Louis County
	3	Police Cr	rime Lab.
	4	Q	How many years have you been with the St.
	5	Louis Cou	inty Crime Lab?
	6	A	One and a half years.
	7	Q	And so do you work as a chemist or a
	8	criminali	st, but you do work in chemistry and
	9	analysis	and chemical compounds for the crime
	10	laborator	CA.
	11	A	Correct.
	12	Q	Are you a certified or post-certified
	13	police of	fficer?
	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, ar	re there any other requirements that you
	22	received	or passed in order to work in the chemistry
	23	county cr	rime lab?
	24	A	The county and the Missouri State Highway
	25	Patrol Cr	rime Lab as well are accredited, so I work
1			

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Page 83 1 under an accreditation. 2 All right. And so what, without sounding 3 too obvious or moronic I would say, could you describe what chemistry is, the field of forensic 4 5 chemistry? 6 Forensic chemistry is in the drug 7 chemistry, we generally it's powders, liquids, 8 residues, plant material, pharmaceuticals, that we analyze and determine if they have controlled 10 substances in them or not. 11 What about other types of things like, for 12 example, poisons, would you analyze a liquid to determine if it had any kind of poisonous material? 13 14 Α 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 Α Not me. 20 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 Α Correct. And controlled substances are drugs? 25 Q

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Page 84 1 Α Yes, ma'am. 2 Okay. And then everything from 3 prescription drugs to marijuana, to street drugs; is that right? 4 Α Yes. 6 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 documented under Report Number 2014-43984? 10 Α Yes. 11 What was it that you received to analyze. Q 12 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? They are submitted, in this case since 18 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 0 A vault in the crime lab?

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	Page 85
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	${f Q}$ 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	${f Q}$ Okay. And so you were as qualified to
25	examine this evidence item as any other forensic
1	

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Page 86 1 chemist in the lab; is that fair to say? 2 Α Yes. 3 It wasn't like this was your first time Q doing this? 4 5 Α No, not at all. 6 Okay. And so when this came in though, it Q 7 was described or it was explained to you that this 8 was something that they needed to have tested ASAP? Α Yes. 10 0 When you said it was rush, did you mean 11 rush the test or just that it needed? 12 We call them rush cases if it needs to be 13 worked quickly. 14 Okay. But did you rush the test, in other Q 15 words, did you go through the testing process faster 16 than normal? 17 No, I have my own pace. 18 So you have a wait for testing substances, isn't that fair to say? 19 20 Α Yes. 21 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 Α Yes. We have a backlog so, by meaning 25 rush, we were putting this case ahead of other cases

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```
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 1
     that are waiting.
 2
               Okay. All right. Did you have, when you
 3
     examined or brought out the evidence that was
     submitted to you, did it have an evidence sheet with
 4
     the evidence?
              Yes, it did.
          Α
 7
               Okay. So when you, do you have a copy of
          0
     that with you?
 8
          Α
               Yes, I do.
10
               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
     described the chain of custody that must be
15
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
               Oh, it says that, well, it says who the
22
     officer is and the department, St. Louis County PD.
               Okay. The officer who seized the
23
          Q
24
     evidence, does it give his name?
25
          Α
            Yes, it does.
```

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		Page 88
1	Q	And who was he?
2	A	Darren Wilson.
3	Q	So Darren Wilson, actually, let me direct
4	you, Darr	en 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 actual	.ly , 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 t	he 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, w	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.

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	Page 89
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	$oldsymbol{Q}$ 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

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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
    when I took it from the drug analyst.
 5
          Q
               From Detective
                                    in Property Control,
     it then went to another officer in Property Control
7
     and from there it went to another analyst, drug
 8
     analyst?
          Α
               Yes.
10
          Q
               Who is that?
11
          Α
12
               Is
          Q
                                 the person you said, hey,
    what are you working on?
13
14
          Α
               Yes.
15
          Q
               So from him signing it the evidence
16
    receipt, then it came to be in your possession,
17
     correct?
18
          Α
               Yes.
19
               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
               Yes, if it looks like it has been
          Α
24
     tampered, make note of it and make some
25
     documentation.
```

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Page 91 1 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 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 Okay. And did you note anything of that Q 17 nature in this case? Was there anything that 18 appeared to you that the actual evidence would have 19 been tampered with? 20 Α No, no note of that. 21 All right. And so after you received 22 this, let me ask you this, what day did you receive 23 this evidence item? 24 Um, on August 11th of 2014. Α 25 And so after you received it and you said Q

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Page 92 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? In here. So in my report it says one 4 Α 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 sealed plastic container. 8 Okay. And that's how it appeared to you 10 when you first got it; is that right? 11 There would also be the outer container as 12 well, which would be the manila envelope that it was 13 in. 14 Once you open the envelope, that's what Q 15 you saw a sealed plastic container? 16 Α Yes. 17 Is the sealed plastic container the kind of container that crime scene detectives use to put 18 19 things in when they are packaging them? 20 Α It is what it appeared to me. 21 Okay. And then did you test the substance 22 that was in that baggy? Yes, I did. 23 Α 24 And did you make a report regarding your 25 findings?

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	Page 93
1	A Yes, I did.
2	(Deposition Exhibit Number 37
3	marked for identification.)
4	Q (By Ms. Alizadeh) I'm going to hand you
5	what I've marked as Grand Jury Exhibit Number 37.
6	Is that a copy of report that you made in this case?
7	A Yes, it is.
8	Q Okay. I'm going to pass around copies of
9	Grand Jury Exhibit 37.
10	So, , you list a description on
11	your report, is that what you mentioned earlier, one
12	knotted clear plastic baggy containing green
13	vegetation?
14	A Yes.
15	${f Q}$ Now, having been a chemist for over 11
16	years at this point, did that substance appear to be
17	familiar to you?
18	A Yes.
19	Q What did it look like?
20	A It looked like marijuana.
21	Q Was there anything odd about it that you
22	thought this was not your typical marijuana?
23	A No.
24	Q All right. And so what's the first thing
25	you do after you receive this knotted plastic baggy,
i	

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```
Page 94
 1
     what do you do next?
 2
          Α
               I weigh the substance.
 3
               Do you weigh it in the baggy or remove it
          Q
 4
     from the baggy?
          Α
               I remove it from the baggy.
 6
               And so when you weigh it, you weigh it on
          Q
 7
     a digital scale?
 8
          Α
               Yes.
               And are those scales calibrated on a
10
     regular basis to insure their accuracy?
11
               They're calibrate once a year, they're
12
     checked weekly.
13
          Q
               Okay.
14
               They're checked with certified weights.
15
          Q
               So when you weighed the substance that was
     in the baggy, could you remove all the substance in
16
17
     the baggy, every little leaf and every little --
18
               As much as I can get out of the bag.
               And according to your report, you had a
19
20
     weight of 1.589 grams?
21
          Α
               Correct.
22
               Can you describe for me maybe using some
23
     kind of familiar object, is this smaller than a
24
     baseball?
25
          Α
               Yes, a little bit smaller than a baseball.
```

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- 1 Not much, though.
- 2 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?
- 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.
- 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
- point 1.001, and during your checking we write down 20
- 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

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```
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     this balance is the most that that scale would ever
 1
 2
     be off.
 3
                    So basically what we are saying here
     with this K factor of three, we're saying that 997
 4
 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?
               And it could be .0008?
          Q
10
          Α
               Correct.
11
               And that's important especially in cases
          Q
12
     with marijuana and other drugs when there might be a
     criminal legal implication depending on the weight
13
14
     of the substance?
15
          Α
               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
     the thousand times could be outside the .008.
18
19
          Q
               Okay.
20
               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
               Okay. And in this case, I mean, you know,
25
     maybe you don't know, I'll tell you the
```

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Page 97 1 circumstances of how much this substance weighed is 2 really not important or crucial, this isn't a scenario where we need to have over 35 grams to 3 charge a certain level of offense. 4 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 Α Yes. It wasn't wet or moist or sticky? 10 Α Not that I recall. 11 And so then after you've waited, what do Q 12 you do next? 13 Then I perform a microscopic examination A in that we look for characteristic hairs. I look 14 15 for cystolith and silicotic hairs. 16 Say that again, you look for what? Q 17 Cystolith. Α 18 Can you spell that for the court reporter? 19 Α 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 Okay. What are these things that you are Q. 22 talking about? 23 So cystolith hair, it looks like a bear 24 claw shape, tiny bear claw shape hair. It is 25 characteristics to marijuana plants.

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		Page 98
1	Q	Okay. And the other thing that you are
2	looking f	or, what is that?
3	A	Silicotic, they are more slender like
4	hair. Yo	ou may find that more on other substances,
5	but knowi	ng that's also on a marijuana plant. It is
6	not as co	onfirming 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. I	t is plant cellular material.
15	Q	So this thing that you are looking at in a
16	microscop	e is, in fact, marijuana, you would expect
17	to see th	ose 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

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```
Page 99
 1
     other word?
 2
          Α
               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.
               What is that test?
          Q
               That's a chemical color test. That test
 5
          Α
 6
     for cannabinoids and it will turn purple with the
7
     presence of marijuana.
 8
               And did it turn purple when, is it like a
     reagent that you apply to the plant material?
10
          Α
               Yes, and it did turn purple.
11
          Q
               Is that a presumptive test?
12
          Α
               Yes.
13
               And do you do any confirmative testing
14
     after you've done that test?
15
          Α
               No, it confirms marijuana when you use the
16
     two test together.
17
               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
2.1
     correct?
22
          Α
               Yes.
23
               Now, , what is THC.
          Q
24
              Tetrahydrocannabinol.
          Α
25
               Is that the active ingredient in marijuana
          Q
```

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Page 100 that makes people, that it alters their, I don't 1 2 know, whatever it does to you? 3 Α Euphoria. Euphoria? Q Α Yes, psychoactive. Okay, that's a good word, psychoactive. Q 7 So do you test when you have like what you suspect 8 to be marijuana, do you ever test it to determine how much THC is in this marijuana that you are 10 looking at? 11 Α No, I do not. 12 All right. Do different samples, to your knowledge, different samples or different types of 13 14 marijuana have different levels of THC? 15 Α I would expect. I've never done one on 16 marijuana. 17 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 I believe it is. Α 24 Are you familiar with a process that's 25 done called waxing?

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	Page 101
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

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Page 102 1 Bic disposable lighters? 2 Yeah, I would assume so, yeah. Α 3 Okay, all right, go ahead. 4 Α 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. 8 have a nice little surface area there and they let 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 Which has a high THC content. Α (By Ms. Alizadeh) That's sticky substance, 14 0 15 is it a combination of the butane and the THC that's 16 been extracted from the marijuana? 17 At first until butane evaporates off. 18 Will the butane evaporate off? 19 Α Yes. 20 Q And so is what your left with almost pure 21 THC? 22 I don't know for sure. I haven't done 23 like a quant on that. 24 But it is higher concentration than it 25 would be in the plant itself?

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Page 103 Yes, definitely. 1 Α 2 So if you're going to ingest, you know, 3 smoke a marijuana joint, if you consume the same amount in that sticky substance, it would be way 4 5 more THC than what was in that joint? 6 You have taken the volume of plant Α 7 material, let's say, the size of this paper and you 8 are condensing it down to, you are taking the cannabinoids and you are condensing it down without 10 the plant material matrix and all those steps. 11 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 Α Sure. 15 Q And then why do people do this process? 16 Α I'm not really sure. 17 Okay. If someone, do you know how they then will consume or ingest the sticky substance 18 19 that they've gotten? 20 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

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```
Page 104
 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.
                    I've also heard of lollipops that
 4
     have THC on them. I would assume it would have to
 5
 6
     come from butane hunting oil, not marijuana.
                                                    They
7
     can't put the marijuana plant in lollipops.
 8
               So you've heard of people consuming or
 9
     ingesting this, you are calling it hunting oil?
10
          Α
               Butane hunting oil.
11
               Butane hunting oil. You have heard of
          Q
12
     people ingesting that, correct?
13
          Α
               Heard of it.
               If one were to ingest that, you would be
14
15
     consuming a higher level of THC than you would if
16
     you were to have smoked or ingested the plant
17
     material?
18
               Yes, you would.
          Α
19
               MS. ALIZADEH: I don't have anything else.
20
               MS. WHIRLEY: I don't have anything.
21
                                                 Τf
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
```

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Page 105 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 cells, but could you detect that? 4 5 Α 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. MS. ALIZADEH: And just so you all know, 14 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 that means or what he can tell you about that. 20 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

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```
Page 106
 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
          Α
               Correct.
 7
                                 Or somebody in your
 8
     office, in this instance you said it did not go into
     the vault?
10
          Α
               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
          Α
               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
     who are accepting the evidence up front, there is
18
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
               Basically they want it done right then a
          A
25
     there.
```

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Page 107
 1
                                And on the scale, I just
     want some clarification, you said the most it could
 2
 3
     be off was 0.008 grams and that's, but then you went
     back and you said, that it could be outside of that
 4
     amount three times out of a thousand.
 5
          Α
               Yes.
 7
                                 You do try to error on
 8
     the side of caution, but there is always three out
     of a thousand could be incorrect?
10
               Consider the way this was calculated when
11
     we determine that we were going to put a K factor of
12
     three on it, there's common K factors of two and
13
     three. And two is, would be 99 point, I think it is
     maybe 97 percent. I'm not real sure on that but I
14
15
     do know that K three is higher up, so it is 99.7.
16
                    So we're saying statistically we are
17
     95 percent confident that 997 out of a thousand
18
     times that if you were to weigh this substance that
19
     many times it would be within .008 grams of that
20
     actual number we have.
21
                                Of the weight that you
22
     have listed here?
23
          A
               Yes.
24
               MS. ALIZADEH: Let me ask a question.
25
     don't know if I was thinking that maybe this is what
```

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```
Page 108
     you were getting at,
                                            I neglected to
 1
 2
     ask you this, when you looked at this evidence item
 3
     that you were testing, can you test marijuana to see
     if there's butane on it?
 5
          Α
               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
     off at that point.
10
               MS. ALIZADEH: You don't test for it in
11
     your lab?
12
               We don't normally test for it. Butane
     could be tested on instrumentation. I don't have a
13
     procedure, it's never been presented to me to test
14
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
          Α
               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
          Α
               Yes.
24
               MS. ALIZADEH: And containing no other --
25
          Α
               And if it was wet, I would of made a note
```

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	Pa	ge 109
1	of it.	
2	I am going	g to
3	ask if it did have butane on it, there would eit	ther
4	be a sticky substance to the bag, it would be we	et,
5	there would be some sort of sticky substance at	the
6	bottom of the bag, but because it was dry and i	t was
7	not wet, you determined just from the appearance	e 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 chemic	cal
11	test, this is just your assumption, correct?	
12	A Just my assumption.	
13	MS. ALIZADEH: And it was not tested a	at
14	your laboratory to see if there was any butane of	on
15	it?	
16	A No, there was not.	
17	MS. ALIZADEH: All right. Anyone else	e?
18	Do you have	any
19	sense for how long this process takes to make the	ne
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 bu	ıtane

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```
Page 110
 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
```

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```
Page 111
 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:
               All right. , introduce yourself to the
10
     grand jury and spell your name, please?
               My name is
11
          Α
12
13
                              , what is your occupation?
          Q
               All right.
               I am a latent examiner for the St. Louis
14
          Α
15
     County Police Department.
16
          Q
               What does latent mean?
17
               Latent is a term used for fingerprint.
     Bottom line is a latent kind of refers to a print
18
     that is when you touch a surface or object, your
19
20
     print that is left behind is referred to as a latent
21
     print.
22
               What's a patent print?
          Q
23
               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.
```

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		Page 112
1	instance,	, if you have paint on your fingers, you
2	touch the	e surface and you left your print behind in
3	paint, th	nat'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 Po	olice 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	fingerpr	int 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	fingerpr	int examiner, what type of training is
24	required	?
25	A	I have been through the St. Louis County
		-

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- 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.
- 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.

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- 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?
- 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
- one-to-one comparison to see if it is or is not a
- 16 match.
- 17 So the bottom line is, the computer
- 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

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- 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

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	Page 116
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	${f Q}$ 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

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- 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.
- 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?

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	Page 118
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	${f Q}$ 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	${f Q}$ (By Ms. Whirley) Why don't you take one

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```
Page 119
     and pass it around. This is what you have before
 1
 2
     you a copy of your envelope and then the lifts that
 3
     are inside the envelope?
               That is correct.
          Α
 5
               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
          Α
               Yes.
               Okay. You were told specific things to
          0
10
     check for?
11
          Α
               Yes.
12
               You checked to see if there were
13
     fingerprints is what I mean?
14
          Α
               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
               You mean a fingerprint card?
          Α
               Fingerprint card, yes, I'm sorry.
19
          Q
20
          Α
               They were brought to me from his deceased
21
     prints.
22
               So tell us about that. Is this something
          0
23
     that you've done before is check someone when you've
24
     got prints from a deceased individual?
25
          Α
               Yes, I've done that before.
```

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	Page 120
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.

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Page 121 So what were you told to check for prints 1 Q 2 on? 3 Α Well, when I received the envelope the first thing I do is I check each latent lift, and as 4 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 Okay. And the lifts are provided to you by crime scene detectives? 18 19 Α Yes, that's correct. 20 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 That is correct. Α 24 Okay. All right. So they bring you, and 25 in this case they brought you how many lifts?

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		Page 122
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 lo	ook for prints on, tell us what that was,
21	what item:	s were you looking for? It is probably on
22	the evider	nce 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

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			Page 123
	1	lifts, we	re 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 tha	t 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 i	n to me by Detective .
	15	And it wa	s the gun belt of Officer Wilson, it had
	16	handcuffs	, your normal belt, the handcuffs, baton
	17	holder, t	he 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			

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Page 124 any mace can or mace holder or anything on this gun 1 2 belt? 3 Α No, huh-uh, not that I recall. What's on the evidence receipt is supposed 4 Q 5 to be everything that you looked at correct? 6 Correct. Α 7 All right. So what were you supposed to be doing with this gun belt? 8 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 Okay. And you did that on all of the 20 items? 21 Yes, I did. Α 22 And on the three that you had sufficient Q 23 enough points, a sufficient number of points, were 24 you able to make an identification? 25 Α Can I clarify something?

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	Page 125
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	$oldsymbol{Q}$ 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

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```
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     make it clear.
                     There were no fingerprints that were
 1
     of sufficient number, as you talked about, to make
 3
     any kind of comparison; is that correct?
               That is correct.
          Α
          Q
               On the gun belt?
               That is correct.
          Α
 7
               You would call that negative prints?
          Q
 8
               Yes.
          Α
               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
               That is correct.
          Α
13
               Okay. Now, for the car, which is what
     this represents; is that right?
14
15
          Α
               That is correct.
16
               Okay. So let's talk about the car.
17
     prints were lifted, is that the exterior left front
18
     door?
19
          Α
               Yes.
20
               All right. And this is where there were
21
     three prints that had sufficient number to make an
22
     identification?
23
               That is correct.
24
            Who did the prints come back to?
          Q
25
          Α
               On Lift A, I was able to identify Officer
```

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```
Page 127
     Wilson's print. Lift B and E are good evidence, but
 1
 2
     have not been identified to anyone as of today.
 3
               Okay.
          Q
               Lifts C and D are insufficient.
 5
          Q
               So on lift B and E, they did not come back
     as identifying Michael Brown?
 7
               That is correct.
          Α
 8
          0
               Okay.
               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?
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
               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?
```

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	Page 128
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?

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		Page 129
١	1	A That is correct.
	2	Have you run those two
	3	prints through AFIS to see if they match anybody
	4	that would have been on the scene?
	5	A Yes, I have.
	6	And they didn't match
	7	anybody that could have been there?
	8	A No.
	9	And I doubt we
	10	have any reason to suspect, but as Dorian Johnson
	11	was present, do we have the ability to test for his
	12	prints to see if those are his? Maybe that's not a
	13	question for you.
	14	MS. WHIRLEY: Dorian Johnson, was he
	15	tested against?
	16	A I was not given that name to check.
	17	Thank you.
	18	MS. WHIRLEY: .
	19	Would his prints be in
	20	AFIS if he had been arrested at some point?
	21	A Yes, they would. There is something on
	22	the AFIS system, the AFIS system is not perfect. It
	23	is only about a 65 percent hit rate. So, in other
	24	words, I'm in the AFIS system. If I leave my print
	25	behind and I search that print, 65 percent of time
۱		

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```
Page 130
     it is going to hit and 35 percent it is not going to
 1
 2
           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
     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
          Α
               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
          Α
               Correct.
25
               MS. WHIRLEY: You could do a visual
```

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```
Page 131
 1
     comparison?
 2
          Α
               I would do a one-to-one comparison on it.
 3
                                                  Do you
     know what percentage of the population are
 4
 5
     nonsecretors?
 6
               I have no idea.
          Α
 7
                                                  Did they
     ever give you the gun to fingerprint the gun?
 8
          Α
               No, ma'am.
10
                                Never.
11
               MS. WHIRLEY: Do you know if anyone was
12
     asked to fingerprint the gun, is this something you
     would know?
13
14
               I don't know off the stop of my head.
                                                        Ι
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.
```

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	Page 132
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.

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```
Page 133
 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
```

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```
Page 134
 1
     contained in a file on the disc that is marked Grand
 2
     Jury Exhibit Number 24. At this time,
 3
     ahead and pause the audio recording while we listen
     to the tape statement.
 5
               (Playing the audio recorded statement of
                     )
 7
               MS. ALIZADEH: It is 4:15 p.m. and we just
 8
     finished playing a statement of
                                                        We
     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.
               So I have learned during the break that
19
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.
```

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```
Page 135
 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.
               So hopefully this will be about 23
 4
 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.
               So I'm going to pass out a transcript of
10
     the statement of Witness 34, which was done on
11
     September 3rd.
12
                                                      if
               Everybody has the transcript.
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
           is very fearful for his safety if his identity
19
     is known.
20
               So when you transcribe this, I will ask
21
               , to use a number for the witness that we
     you,
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
```

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```
Page 136
 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,
     which I've got to look at my list and see what
 4
 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
```

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```
Page 137
 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:
               Could you please state your name and spell
10
     it for the court reporter?
11
          Α
                                       , last name
12
               Okay.
13
                           You have a very nice, clear
          Q
14
     voice.
15
          Α
               Thank you.
16
               So you're doing a good job making sure
17
     everybody can hear us. The microphone isn't going
     to amplify, it is just recording. So just keep your
18
19
     voice up.
20
                    I'm going to direct you over here.
21
     This is a map that we have and it is labeled Grand
22
     Jury Exhibit Number 25. I don't know why this is
23
     crooked, but it is. So do you recognize the roads
24
     and the buildings that are on this map?
25
          Α
               Yes, ma'am.
```

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```
Page 138
 1
               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
               Yes, ma'am.
          Α
 7
                      how old are you?
          Q
 8
          Α
                  years old.
               And are you married or single?
          Q
10
          Α
               Single.
11
               Are you do you have fiancee?
          Q
12
          Α
               Yes, I have a fiancee.
13
          Q
               Who is that?
14
          Α
15
          Q
            And do you live with
                                                   ?
16
          Α
              Yes, ma'am.
17
               And how long have you two been living
          Q
     together?
18
               We have been staying together now for
19
20
     about four years, three and a half, four years.
21
               Do you and
                                   live in the Canfield
          Q.
22
     Green Apartment Complex?
23
               Yes, ma'am.
          Α
24
               So you were both living there in August of
25
     this year?
```

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		Page 139
1	A	Yes, ma'am.
2	Q	Okay. Now, can you point on the laser
3	pointer th	he 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	e 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 ba	alconies and the staircase that's outside
21	of your ap	partment?
22	A	Yes, ma'am.
23	Q	All right. So let's take you back to the
24	morning of	f August 9th. Anything special or unusual
25	happen in	the morning or was it just an ordinary

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		Page 140
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 cel	l 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

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```
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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
     in the house.
 5
          Q
               Okay. So did you stay inside the house
    when he went outside?
7
              Yes, ma'am.
          Α
 8
               Were you in the kitchen, did you say?
          Α
              Yes, ma'am, I was in the kitchen.
10
          Q
               Okay. So from the kitchen can you see
11
    outside of your apartment?
12
          Α
               No, ma'am.
13
               Okay. So when he went outside, he was out
    there about five minutes and then he came back in?
14
15
         A Yes, ma'am.
16
              Did his friend come in with him?
          Q
17
         Α
              No, ma'am.
18
               Who was the friend, do you know him?
               His name, yeah, he's been over to the
19
20
     apartment a couple of times. All I know is his
21
    first name is
22
              Okay. And so after came back,
          Q
23
    what happened?
24
                       came back, he walked through the
         Α
25
     living room and went into the bedroom. Now, I was
```

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Page 142 in the kitchen on the phone and I heard him scream 1 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 outside shooting. 5 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 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 Α Okay. When you heard say, they're 14 Q 15 shooting. 16 Α Uh-huh. 17 Did you hear any gunshots before he said 0 18 that? 19 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 Now, this was August 9th? Q 23 Correct. Α 24 And as I recall, it was a hot day that Q 25 day?

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		Page 143
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 looke	ed out my patio blinds.
16	Q	Okay.
17	A	Yeah.
18	Q	And so we heard some testimony about how
19	these apa	artment 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

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1 looked out through the blinds. 2 Q And so from where you were standing on	
2 And so from whoma wou work standing on	
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	b
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	1
25 mean when you say he had his gun drawn?	

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Page 145 When I looked out the patio window, the 1 2 officer had his gun like this, had his finger on the 3 trigger, he was holding it just like this. (indicating) Q Okay. So you can sit down. Where was the officer when you saw him? 7 He was standing right there on the 8 driver's side like right by his door, his door was So he's standing like a little bit past his 10 door, the driver's side door. 11 Do you recall which direction his car was 12 facing on Canfield Drive? 13 His vehicle was facing like going deeper into the apartments. 14 15 Q So his vehicle was facing this direction? 16 (indicating) 17 Α Correct. 18 So the front of his vehicle was here? 19 (indicating) 20 Α Correct. 21 So you're saying that his driver's door Q 22 was open? 23 Α Correct. 24 So, was it from your position then, you 25 can see the driver's side of that vehicle?

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		Page 146
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 a	way?
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-A	merican male. At this time the police
15	vehicle w	as facing, was facing this way and there
16	was a whi	te 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 mal	e that was behind the white vehicle. He
24	jumps ins	ide the white car and the white Monte Carlo
25	goes up t	he street.

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Page 147 1 Okay. So the black male that you saw Q 2 running away. 3 Α Correct. Where was he in relation to the police car 4 when you first saw him? 5 6 He was like, okay, the police vehicle is 7 like here. He was like a good little distance away 8 from the vehicle. (indicating) Okay. So if the vehicle can you use the 10 pointer and show where the vehicle was, police 11 vehicle? 12 Α The police vehicle was like right, like 13 right in here. (indicating) 14 Okay. Now, I'm going to put my finger Q 15 where you had the pointer? 16 Α Uh-huh. 17 Show with the pointer where the boy that was running, where was he when you first saw him? 18 19 When I first saw him he was probably like Α 20 right here from where I could see him. (indicating) 21 And the officer was still at his driver's Q 22 door? 23 Correct, he was, the officer had his vehicle (sic) in his hand and he was taking large 24 25 steps towards the guy as he was running.

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	Page 148
1	${f Q}$ 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	${f Q}$ 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?

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	Page 149
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	${f Q}$ 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
I	

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Page 150 1 car is at. (indicating) 2 Okay. And so you said he was facing the 3 officer at that point? He's now facing the officer with his hands 4 Α 5 up like this. (indicating) 6 Okay. Do your hand the way his hands 7 were? 8 (Indicating) Α 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 of the side of your head? 13 14 Α Correct. 15 Q Okay. Go ahead and sit down. 16 And so did you see, what did you see 17 happen then? 18 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 You see Mike Brown walking towards the Q 22 officer? 23 Α Correct. 24 How many steps did you watch him walk? Q 25 Α Maybe a good four or five steps.

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Page 151 1 Okay. And how would you describe how he 2 was walking? Was he walking quickly was he casually 3 walking? 4 Α 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 Did you see that he had been shot? Α Yes. 10 Q How did you know he had been shot? 11 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 fiancee 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 So are you saying that that conversation was while this was going on? 18 19 Α Right. 20 Q What makes you say that you saw that he 21 was shot? 22 Α 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.

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Page 152 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 ever seeing someone being shot like that close. 4 I assumed that he was being tased. 6 So as you see him getting shot or you see Q 7 what you've described that you think that's the 8 bullets hitting him. Α Uh-huh. 10 Q He continues to walk toward the officer? 11 Α At this time it is like his steps were 12 ceasing as, you know, he was about ready to fall 13 over. And what was the officer doing, was he 14 Q 15 standing still or was he moving? 16 Α He was steady moving --17 Steady movie in what direction? Q 18 Towards Mike Brown. Α 19 How close did he get to Mike Brown? Q 20 Α I say he was maybe a good, maybe 10 feet 21 away from him. 22 Okay. Q 23 And then he shot. And then, you know Mike 24 Brown, he fell face down to the pavement. 25 All right. And you said you had come Q

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		Page 153
1	outside a	t 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 an	ything 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 anybo	dy move the police cars?
21	A	Yes.
22	Q	When did that happen?
23	A	That happened right after Mike Brown fell
24	and anoth	er officer, another Ferguson cop car pulled
25	up.	
1		

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		Page 154
1	Q	So what did the officer do after Mike
2	Brown fel	Ll?
3	A	He walked over to him and he did this, and
4	he steppe	ed 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 ca	ar?
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 awa	ay?
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 talke	ed to the police
24	A	Correct.
25	Q	first. On the day that this happened;

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Page 155 1 is that right, yes? 2 Α 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 Yes. Α 8 Okay. Was this because you told them that you had seen something or were they doing like knocking on doors? 10 11 Α They was knocking on doors. 12 Okay. Q 13 To see who all was at home. A 14 Okay. And so if, when they talk to you, Q 15 did they tape record your statement? 16 Α Yes, ma'am. 17 If they said the date on the recording, would you think that that's probably the date that 18 19 it happened? 20 Α Correct. 21 So we're going to trust the recording as 22 to what date that was, okay? 23 Α Yes, ma'am. 24 And so you spoke to the officers for just 25 a few minutes briefly on that day; is that right?

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		Page 156
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 t	hat this happened.
9	A	Uh-huh.
10	Q	Well, you know what I would have to, I
11	need a mon	ment. 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 offic	ers, since then, did you speak to other
17	investiga	tors?
18	A	I talked to the FBI.
19	Q	Okay. And did you go to them or did they
20	come to y	ou?
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.

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	Page 157
1	\mathbf{Q} Okay. How long did you talk to them?
2	A It was only, it was a couple of minutes.
3	$oldsymbol{Q}$ 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	$oldsymbol{Q}$ 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	${f Q}$ 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	

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	Page 158
1	A No, ma'am.
2	${f Q}$ Have you and Michael talked about, after
3	it happened I imagine you guys talk about it?
4	A Uh-huh.
5	${f Q}$ 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.

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	Page 159
1	$oldsymbol{Q}$ And the officer was pursuing him shooting
2	at his back?
3	A Yes, ma'am.
4	${f Q}$ 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	${f Q}$ 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.

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		Page 160
٠	1	${f Q}$ 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		

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	Page 161
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	$oldsymbol{Q}$ 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?
I	

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		Page 162
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 thin	g, When you spoke to the officer on
12	the day t	his happened.
13	A	Uh-huh.
14		MS. ALIZADEH: And, again, the grand
15	jurors ha	ve 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 y	ou've heard people talk about that?
22	A	No, ma'am.
23	Q	At the end of your interview on that day,
24	the offic	er said is there anything you want to add
25	to this s	tatement? And you said that when the guy,
ı		

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     once he tipped over, he hit the pavement, you saw
 1
 2
     his body like flinching like he was trying to get
 3
     up. And after that he stopped moving and the
     officer stepped back away from the body and that was
 4
 5
     that?
 6
          Α
               Yes.
 7
               That was it?
          Q
 8
          Α
               Uh-huh.
               So today you said the officer stepped
10
     toward the body and looked over the body?
11
               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
               Okay.
          Q
15
               MS. ALIZADEH: Anybody have questions?
16
                                          Tell me again
17
     when he was, when Michael Brown was shot the second
     time, he had his hands up?
18
19
          Α
               Correct.
20
                                You assume that he might
21
     have been wounded on the side?
22
               Uh-huh.
          Α
23
                                Did both hands go down to
24
     the wound or just one?
25
          Α
               Yes, both.
```

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 1
                                So what I'm doing with
 2
     both hands here on my right side, is that
 3
     representative? (indicating)
 4
          Α
               Yes, sir.
 5
                                Thank you.
          Α
 6
               You're welcome.
 7
               THE COURT: Anybody else?
 8
                                            Just to be
 9
     clear.
             The last shots that the police officer took.
10
          Α
               Uh-huh.
11
                                 Michael Brown's hands
12
     were not in here, they were down here. (indicating)
13
          Α
               Correct.
14
                                 I'm looking at the
15
     transcript that we have here. I just want to read a
16
     little part of it. While standing there looking, I
17
     assume, I figure that they had tased him, he was
     going down, but then when I talked to my fiancee he
18
19
     said it was actually gunshots, and like he shot him
20
     two more times. That's when the guy tipped over.
21
               Uh-huh.
          Α
22
                                 The officer walked up,
23
     shot him three more times and the dude just tipped
24
     over head first and his head smashed into the
25
     pavement.
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			Page 165
	1	A	are you telling us that, it sounds like
	2	you are saying in this transcript that the guy	
	3	tipped over	and after he shot him more when he was
	4	tipped over.	
	5	A N	Io.
	6		No, that is not.
	7	A N	Jo, ma'am.
	8		Thank you.
	9	A Y	You're welcome.
	10	M	MS. WHIRLEY: Just to make sure I'm clear
	11	now.	
	12	S	so he shot, his hands were up, he shot, he
	13	does this a	and he's tipping over and then he's being
	14	shot again?	
	15	A N	No, his hands was up, he was shot, he did
	16	this, and t	he officer shot again and then he just
	17	fell, and h	is face hit the ground. (indicating)
	18	M	IS. WHIRLEY: Do you know how many times
	19	the officer shot total?	
	20	A N	Jo, ma'am.
	21	M	IS. WHIRLEY: Do you know how many times
	22	he shot on the last occasion before he tipped over?	
	23	A M	Maybe about three times.
	24	M	IS. WHIRLEY: Okay.
	25		You said
- 1			

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	Page 166
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

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```
Page 167
 1
     glasses?
 2
          Α
               Yes, ma'am.
 3
               MS. WHIRLEY: Do you wear them for
 4
     distance or for near sight?
 5
          Α
               Near sight.
 6
               MS. WHIRLEY: Is your vision corrected
7
     with the glasses.
 8
          Α
               Yes, ma'am.
 9
               MS. WHIRLEY: Were you wearing glasses
10
     when you were looking at all this?
11
          Α
               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
          Α
               No, my kids were out, by this, when I open
16
     up the door to go out onto the patio, my boys came
17
               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
     of this stuff that was going on.
20
21
               MS. WHIRLEY: So you were distracted a
22
     little bit with your boys?
23
          Α
               Correct.
24
               MS. WHIRLEY: During what period of time
25
     was this when you were working with your boys, what
```

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Page 168 1 was going on? 2 Α This was as the officer is shooting and as 3 his hands, Mike Brown hands is up and the officer is shooting, I'm trying to pull my boys back because 4 5 I've never been around anything with shooting, I 6 didn't know if the bullets would --7 MS. WHIRLEY: We certainly understand 8 I just wanted to know did you miss anything 9 when you were pulling the boys back? 10 That could possibly be true. Because I'm 11 trying to see what's going on in the streets, but at 12 the same time I'm trying to pull my kids away from 13 the patio and back in the house to keep them from 14 witnessing and seeing and hearing what is going on 15 as well. 16 MS. WHIRLEY: Is everything you told us 17 what you witnessed --18 Yes, ma'am. Α 19 MS. WHIRLEY: -- and not something you 20 heard. Is everything --21 Everything that I said to today is what I 22 witnessed, yes, ma'am. 23 One more 24 question. You didn't feel like he was moving in an aggressive manner. Could you see Michael Brown's 25

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```
Page 169
     face?
 1
 2
               No, I couldn't see his face.
 3
                                 You couldn't see his
     face?
 5
          Α
               No, ma'am.
                                 Thank you.
 7
          Α
               You're welcome.
 8
               MS. ALIZADEH: Anything?
               (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
               Would you please introduce yourself to the
19
     grand jurors and spell your name, please?
20
          Α
               My name is
21
22
               All right.
          Q
                                    now, do you live in
     the Canfield Green Apartments?
23
24
          Α
               No.
25
               Okay. Do you know anybody that lives
          Q
```

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	Page 170
1	there?
2	A I know two people that live there.
3	Q Who is that?
4	A Um, one is that stays
5	like on the back end of it and one of
6	stay there.
7	Q You may notice we have a map here, does
8	that map kind of look like Canfield?
9	A Pretty much.
10	Q You can recognize places on this map and
11	here is a pen that you can use. You point that
12	button and the red light appears. So I'll ask you a
13	few questions about that in just a moment.
14	So you live, not in the Canfield
15	Green Apartments?
16	A No, ma'am.
17	Q Now you know why we are here today, we are
18	here about the shooting of Michael Brown, right?
19	A Uh-huh.
20	${f Q}$ On August the 9th you were obviously at
21	the Canfield Green Apartments; is that right?
22	A Yeah.
23	Q What were you doing there?
24	A I was bringing one of
25	,

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```
Page 171
1
                     was bringing it back that day.
 2
          Q
               So your
                                was with you. Who was
 3
     with you, were you in a car?
 4
          Α
               I was in a van, it was me, my husband, two
 5
     of my daughters and my granddaughter.
 6
               Okay. So there is five people in the van?
          Q
7
          Α
               Yes.
 8
               And had yours husband
          0
          Α
                           What color was your van?
10
          Q
11
          Α
               It's
12
               So what route did you take going to
          Q
13
     Canfield. This is West Florissant, right?
14
               Uh-huh.
          Α
15
          Q
               So what was your route, show us with the
16
     pen?
17
               I came through here and I stopped here.
          Α
               When you stopped here, is this when you
18
19
     saw whatever you saw?
20
          Α
               Pretty much. It was probably a little bit
21
     further up.
22
               Which way?
          Q.
23
               It was probably about around here.
24
     (indicating)
25
               Okay. When you are at this location, what
          Q
```

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	Page 172	
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	${f Q}$ 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?	

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	Page 173
1	A Yes.
2	${f Q}$ 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	${f Q}$ 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	$oldsymbol{Q}$ 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.
ı	

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Page 174 1 Did it appear someone was in the car, you 2 said you couldn't tell? 3 I kind of figured it was someone in the Α car because he was standing there with the window 4 5 open looking down into the car. 6 Into the police car. Did that seem Q 7 strange to you? 8 Α No. Why not? 0 10 Α Because I figure that he either was 11 talking to the officer or the officer was talking to 12 him. 13 So you didn't see anything that looked aggressive like fighting or tussling or 14 15 anything like that? 16 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 So you say you saw the shots? Q 23 No, I didn't see them, I heard them. 24 I'm sorry, you heard the shots, so thank 25 you for correcting me. And then you saw the black

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ш		
		Page 175
	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	${f Q}$ Two or three. Okay. So you heard the
	25	shots and then when you got up and a little closer

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Page 176 and you saw the police car, you say you saw this 1 2 black male at the driver's side window? 3 Α Yes. 4 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 Α Yes. And then what did you see? 8 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 He was running away from West Florissant. 14 Which way was he running, show me? Q 15 Α He was, um, I don't know exactly where it 16 He started running back this way. was at. 17 (indicating) 18 Was he running in the street? 19 Α Yes. 20 Q Okay. And what did, what else did you see 21 after you saw him running? 22 After he took off running, I was watching Α 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.

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-			
		Page 177	
	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	4 to his side.	
	5	Q When you said drawn and down to his side,	
	6	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	${f Q}$ You mind demonstrating how he had it	
	11	drawn?	
	12	A He was trying to get out of the car, he	
	13	3 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	6 right, but I know he had it down to the side and his	
	17	7 other hand was up like this running. So he was	
	18	8 running towards the guy with the gun in his hand,	
	19	not in the holster.	
	20	$oldsymbol{Q}$ 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			

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		Page 178
1	Q Okay. And you've hea	ard, I'm sure the news
2	and this is Mike Brown that you	ı're talking about.
3	A No, I don't watch the	e news.
4	Q Oh, that's right you	said you don't want
5	television; is that right?	
6	6 A I don't want television. I didn't know	
7	his name until like I seen it o	on the internet.
8	Q Okay. But that's the	e 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	15 much, because I know there was a tree in front of us	
16	l6 and there was a girl standing next to us because I	
17	17 remember when I got ready to leave, I turned into	
18	8 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 y	our way inside?
23	A Yes.	
24	Q To do something	
25	A Uh-huh.	

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Page 179 1 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 individual running? 4 5 Α No, he couldn't, if he was running with it down by his side down. 7 Well, at any time did he change that 8 position and start firing? He didn't start, I didn't see him fire, I 10 didn't even hear the gunshots until later. 11 And what was happening when you heard the 12 qunshots? 13 When I heard the gunshots and saw him Α 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

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Page 180 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 was confused and then he started running and that's when I started hearing him shoot. 6 While he was running toward the officer? Q 7 Kind of towards the officer. I couldn't Α 8 be sure if he was running exactly towards the officer or just trying to run past him. 10 But he was running in the officer's 11 direction? 12 Α He was running pretty much our direction. 13 The officer was pretty much between us and Michael. 14 And the officer was saying stop or get Q 15 down? 16 Α Get down. 17 And could you hear Michael say anything? Q 18 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 Look like he was charging at the officer? Q 22 I couldn't be sure if he was trying to Α 23 charge the officer or run past him. 24 Okay. It was unclear to you. Did he look Q 25 like he was threatening the officer?

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- 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.
- 2 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.

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Page 182 1 Q Okay. 2 Α I couldn't tell you. 3 All right. And one last thing and then I'll turn it over. When you talked about him having 4 5 his hands up, at what point did he have his hands 6 up? 7 He put his hands up when he stopped. He 8 kind of like threw his hands up, like I can't do 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 and forth. 13 14 When you say shuffling, can you show me? 15 I'm sorry. 16 He was like, he was like. Just doing like Α 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 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 Did he look like he was hit by any of the 25 bullets?

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1		
		Page 183
	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	$oldsymbol{Q}$ Okay. When he started running toward the
	6	officer?
	7	A Uh-huh.
	8	${f Q}$ 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	$oldsymbol{Q}$ 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	${f Q}$ 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?
	l	

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		Page 184
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, th	e 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	Α	Um, I couldn't tell you how many shots I
13	heard, bu	t 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 shoc	ting 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 st	ill shooting.
25	Q	Okay.

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Page 185 I didn't see him shoot any more. 1 2 he kind of put his gun down. I could see him 3 radioing. I seen him grab like the radio on his shoulder and then he, um, that's pretty much when I 4 decided it was time for me to turn around. 6 So you left at that point? Q Okay. 7 I was trying to, but it was like two 8 police SUVs started coming past me after that. was coming down the street. I was looking to make 10 sure there wasn't anybody coming around me. 11 was trying, because I had my family in the car, I 12 didn't want to get hit by anything, so I was watching. I looked in the side mirror to see if 13 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 So at that point we didn't know what else 24 was going to happen. We stopped at 25 came out and asked what was going on. and

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     And I'm like, did you hear something? And we like,
 1
 2
     we were like telling the police had just shot a
 3
     guy out there. After that we just got back in the
     car and we came back. I didn't get out of the car,
 4
 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
               And you left?
          Α
               Yes.
10
               So you didn't talk to the police that day?
          Q
11
          Α
               Huh-uh.
12
               How did the police know to contact you?
          Q
13
               I can't remember.
          Α
               If you --
14
          Q
15
          Α
               I think I called them.
16
               You called the police?
          Q
17
               I called the police and told them that I
          Α
     had saw the shooting and.
18
19
               And then you met with them at
20
     or somewhere?
21
               Yeah, I met with them at
          Α
22
               Okay, all right. Based on what you saw,
          Q
23
     did it appear that the officer had to shoot him to
24
     protect himself?
25
          Α
               I don't know.
```

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Page 187 You don't have an opinion about that? 1 I don't have an opinion about that because 3 I couldn't tell whether or not the guy was charging. 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. 7 don't know if he was thinking that he was trying to 8 charge him or not. 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 About as far as me and you are. Α Oh, okay. This close? (indicating) 14 15 Α Uh-huh. 16 And we're like less tan 10 feet apart Q 17 okay. 18 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

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Page 188 1 autopsy report? 2 Α I think I heard about it, but I'm not 3 really sure what it was about because I didn't try, I probably felt like I was going to be asked 4 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. So to this day, do you know where Michael 10 Brown was shot on his body? 11 I heard that it was in his arm and in his 12 head. 13 Okay. And you heard that where? Q 14 Everywhere. Α 15 Q Okay. 16 Anywhere, and I did see a couple of things Α 17 on the internet. 18 Okay. From the time that Michael Brown turned around and until the time he eventually 19 20 collapsed in the street. 21 Α Uh-huh. 22 Can you give me an idea, I know how close Q 23 they ultimately got, but how far did he travel? 24 I couldn't really tell you because it Α 25 looked like from where I was standing, where I was

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Page 189 sitting, I'm in the car, I'm trying to think. I'm 1 2 not even exactly sure. I think that where his body 3 landed was like right about here. (indicating) 4 Okay. Q This is so hard to tell, especially not 5 6 being there. 7 Do you know about where he was when he turned around? 8 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 Okay. When you say this street, I didn't Q 13 see the pointer? 14 He hadn't made it around. He hadn't made Α 15 it around this corner, I know that it had to be 16 within this same stretch right here. (indicating) 17 Q Okay. 18 Because I could see him clearly. 19 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 Uh-huh. Α And you don't have any good idea of like 23 24 if I keep walking back if you're going to say stop 25 if you want to say how far he ran?

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               I think he ran a pretty good distance.
 1
          Α
 2
          Q
               Okay. Farther than I can walk back?
 3
               Um, I can't think right now. I don't even
          Α
     remember how far it was.
               Okay.
 5
          Q
 6
               Only thing I can remember is hearing the
7
     gunshot, seeing him being shot and it was just like,
 8
     it was surprising.
               Okay.
          Q
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
               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
     were they like this? (indicating)
18
               Up in the air just like that.
19
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
          Α
               No, I like my windows down because I have
```

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Page 191
     people in the back seat and I think what happened
 1
 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
     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.
 8
     you remember if the sirens was on the police car?
               On which police car?
                                      The one that the
10
     officer was in?
11
                                Yes.
12
               No, it was just sitting there.
          Α
13
               MS. ALIZADEH: Anyone else?
14
               MS. WHIRLEY: Was it a car or was it a
15
     truck?
16
          Α
               Oh, it was a car that the officer was in.
17
               MS. WHIRLEY:
                             That you saw Michael Brown
     standing next to?
18
19
               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
          Α
               It was a car.
23
               MS. WHIRLEY: It was not an SUV?
24
          Α
               No, it was a car.
25
               MS. WHIRLEY: Okay.
```

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```
Page 192
 1
          Α
               Because I remember him getting up out of
 2
     it.
 3
               MS. WHIRLEY: Do you know what kind of car
     it was?
          Α
              You mean make and model?
               MS. WHIRLEY: Yeah.
 7
          Α
               No.
 8
               MS. WHIRLEY: Okay. That's all right.
          Α
               It was a white police car with the blue
10
    police sign.
11
               MS. WHIRLEY: It was not like a SUV like a
12
     Ford Explorer or --
13
               No, because that's what came past me when
14
     I was sitting there.
15
               MS. WHIRLEY: You know what a SUV is?
16
          Α
               Uh-huh.
17
               MS. WHIRLEY: And it was not a SUV that
     you saw Michael Brown standing next to?
18
19
          Α
               No.
20
               MS. WHIRLEY: When he was talking at the
21
     police car?
22
          Α
               No.
23
               MS. WHIRLEY: Okay.
24
                                          You said he had
25
     trouble getting out of the car, the police officer,
```

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	Page 193
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
18	
19	
20	
21	
22	
23	
24	
25	

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Page 194
 1
 2
     State of Missouri
 3
                         SS.
     County of St. Louis
 4
 5
                            a Licensed Certified Court
          I,
     Reporter by the Supreme Court in and for the State
 7
     of Missouri, duly commissioned, qualified and
 8
     authorized to administer oaths and to certify to
     depositions, do hereby certify that pursuant to
10
     Notice in the civil cause now pending and
11
     undetermined in the County of St. Louis, State of
12
     Missouri.
13
          The said witness, being of sound mind and being
14
     by the grand jury first carefully examined and duly
15
     cautioned and sworn to testify to the truth, the
16
     whole truth, and nothing but the truth in the case
17
     aforesaid, thereupon testified as is shown in the
18
     foregoing transcript, said testimony being by me
19
     reported in shorthand and caused to be transcribed
     into typewriting, and that the foregoing page
20
21
     correctly sets forth the testimony of the
22
     aforementioned witness, together with the questions
23
     propounded by counsel and grand jurors thereto, and
24
     is in all respects a full, true, correct and
25
     complete transcript of the questions propounded to
```

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```
Page 195
 1
     and the answers given by said witness.
               I further certify that the foregoing pages
 2
 3
     contain a true and accurate reproduction of the
     proceedings.
          I further certify that I am not of counsel or
     attorney for either of the parties to said suit, not
 6
7
     related to nor interested in any of the parties or
 8
     their attorneys.
10
11
12
13
14
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24
25
```

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Page 196
 1
     COURT MEMO
 2
 3
     State of Missouri vs. Darren Wilson
 6
 7
 8
     CERTIFICATE OF OFFICER AND
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume XI
12
     10/7/2014
13
     Name and address of person or firm having custody of
14
15
     the original transcript:
16
17
     St. Louis County Prosecuting Attorney's Office
18
     100 S. Central Ave.
19
     Clayton, MO 63105
20
21
22
23
24
25
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Page 197
 1
     ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:
 2
 3
     St. Louis County Prosecuting Attorney's Office
     100 S. Central Ave., 2nd Floor
     Clayton, MO 63105
 5
     Total:
 7
 8
10
11
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	Page 198
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	
17	
18	
19	
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21	
22	
23	
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