## Case: State of Missouri v. Darren Wilson

## **Grand Jury Volume XXII**

Date: November 11, 2014

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STATE OF MISSOURI		
VS.		
DARREN WILSON		
GRAND JURY		
November 11, 2014		
VOLUME XXII		

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Page 2
           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
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                       STATE OF MISSOURI
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     STATE OF MISSOURI
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 6
 7
     VS.
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 9
     DARREN WILSON
10
11
          The following is a hearing before the Grand
12
     Jury of St. Louis County, at the offices of St.
13
     Louis County Prosecuting Attorney's Office, 100
14
     South Central Avenue, in the City of Clayton, State
15
     of Missouri, on the 11th day of November, 2014,
16
17
     before
18
19
20
21
22
23
24
25
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Page 3
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     APPEARANCES OF COUNSEL:
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 3
      FOR THE STATE:
         Ms. Kathi Alizadeh & Ms. Sheila Whirley
 4
         Assistant Prosecuting Attorneys for St. Louis
 5
 6
     County
         100 South Central Avenue, 2nd Floor
 7
         Clayton, MO 63105
 8
 9
         (314) 615-2600
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	Page 5
1 ,	GRAND JURY HEARING VOLUME XXII
2	MS. ALIZADEH: Good morning. It is
3	November 11th, Happy Veterans Day everybody, and it
4	is 8:42 a.m.
5	So we had originally planned we were going
6	to go to 2:30 today. As I've mentioned to you in
7	the past because we are drawing kind of near the
8	end, it is difficult sometimes for me to get enough
9	people to fill your day. Today might be one of
10	those days where we get done early. But originally
11	I had scheduled an officer to come in at 8:30 this
12	morning, he was going to talk to you about he
13	actually measured Darren Wilson's car and so forth
14	and photographed it.
15	He called me on the way to work this
16	morning he said he's a crime scene detective and he
17	is right now at a crime scene. And so he asked if I
18	could push his testimony off three or four hours. I
19	said, well, just text me when you're done and we'll
20	see where we are.
21	I have photographs that he took of the
22	vehicle and then I also have a sheet of paper that
23	actually was, I think, emailed to me quite some time
24	ago with the measurements on it that he had taken.
25	Um, and so what I would propose to do is

Page 6 that I believe it might be helpful for you to have 1 those things prior to going down and looking at the 2 3 car, just for your own sake. And so if anybody has an objection to 4 5 that, you know, I would like to hear. My thought 6 was I could give you those photographs and the measurements and then you all can go look at the 7 8 car. And then when you come back, if you have questions for that officer, you know, we can get him 9 in later this morning and you can ask questions 10 11 about what he did. You know the only thing he was going to 12 13 testify to, yeah, I took these photographs and, 14 yeah, I took these measurements. So, you know, 15 unless you had additional questions for him, that's kind of, you know what I mean, it is not like really 16 17 earth shattering. 18 So that's my proposal that if you are 19 ready, I will get that stuff for you because I didn't bring it in here yet to make a copy of 20 measurements for everybody. 21 22 Pass the photographs around so you can 23 kind of look at them before you go out there and then you go out and examine the vehicle and you take 24 25 the time that you need to do that.

Page 7 Our investigator has made, he has a couple 1 2 of steps that he made so he'll give you those for you to use if you want to do some of your own 3 investigation. And then at 10:30, I have scheduled 4 5 the field training officer for Darren Wilson when he 6 was an officer at Jennings. You asked about that a 7 little bit ago, I contacted him, he is coming in at 8 10:30. 9 I will probably do a very brief questioning of him and what his duties and 10 11 responsibilities are, and then you can ask him questions that you think you need to ask. 12 And then I have, we have the physician's 13 assistant coming in. She can't be here till 1:00. 14 15 Again, we maybe have a gap there and so she will be here at 1:00 and she will be the last witness of the 16 17 dav. 18 Um, in the meantime, while you're gone examining the vehicle, Sheila and I talked about it 19 20 and we thought we don't have actually the physical evidence over here at our office yet. That is a 21 22 plan before this is all done you are going to be 23 able to look at things that you want to look at. There's, we're not going to have discs 24 25 brought over, there is no point in looking at a disc

Page 8 because there are lot of discs in evidence. 1 2 We do have the clothing of Michael Brown, 3 which is, as you would imagine is bloody, it is dried, but it is still bloody. Those are packaged 4 5 and in a box. We'll bring that box over for you, 6 but if you all want to open the box and look at it, 7 we're going to have to get you gloves and masks and 8 stuff like that to do that. 9 But everything else that is in evidence like the gun, shell casings, the bullets, things 10 11 that, you know, the sandals, the bracelets, you know, things that were seized, we're going to have 12 13 those all in a room for you to examine as much as 14 you want. 15 And then in the meantime, though, I 16 thought Sheila and I had said it might be time, that 17 you could spend working while you are gone examining 18 the vehicle, I could put out a lot of these 19 photographs that we've seen over time, crime scene photographs, and that way, you know, as you are 20 sitting here, if we're waiting for the next witness, 21 22 you all can kind of pass those around and look at 23 them at your leisure or talk about them just so you're not sitting here twiddling your thumbs. 24 25 And then have you all thought any more,

Page 9 because like I said, we are nearing the end. 1 2 there any additional witnesses that you think you 3 need to hear from or would like me to try to get in, other than as I mentioned, we're still, there is 4 5 still about four or five lay people who, you know, 6 have given some kind of statement in the past about 7 having seen something, we are trying to get them in. 8 So we may or may not get all or none of 9 them in before this is over, but is there anyone else that y'all would like to hear from or if you 10 11 would like to recall a witness, we'll need to know so I can get that scheduled before, you know, we 12 conclude everything. 13 14 So y'all can talk about that while you are 15 looking at photographs and stuff too. If there is any additional people you like or again, if you want 16 to hear all of the witnesses' testimony is on an 17 18 audio disc. We have transcripts of that, so if you want to review somebody's testimony while you're 19 here, we can certainly play that for you or just 20 give you a transcript or whatever you need to review 21 22 things, okay. 23 So with that being said, I guess we'll take a recess or brief break now while everybody 24 25 gets their coats on and I'll get and and

Page 10 we'll get you over there to look at the vehicle. 1 2 And just so you all understand for the 3 record, this is not Darren Wilson's vehicle, this is another Tahoe that's the same make, year and model 4 5 as Darren Wilson's because the door, as I explained, 6 is still not on Darren Wilson's vehicle, but the 7 measurements that I have, actually, don't get your 8 coats on yet. I told you I was going to get you the 9 pictures and the measurements. So we'll take a recess now and I'll go get 10 11 those and when you are ready to go over and look at the vehicle, we'll get 12 and to take. 13 Okay. 14 (Recess) 15 MS. ALIZADEH: Good morning. This is 16 Kathi Alizadeh, it is November 11th. Sheila Whirley 17 is here, all 12 grand jurors are here and the court 18 reporter is taking down what's being said. 19 So this morning y'all went over, went to look at the police vehicle. That is the same make, 20 year and model as Darren Wilson's vehicle or the 21 22 vehicle he was driving on August 9th. 23 You all had plenty of time to do that. there anybody that felt they didn't get to see what 24 25 they wanted to see?

Page 11 Also, prior to you all going out there, we 1 had planned for our witness to testify who actually 2 photographed and measured, took certain measurements 3 on Darren Wilson's vehicle. He was going to testify 4 5 this morning prior to you seeing that, but the crime 6 scene detective was actually called to a crime scene 7 this morning. So it is my understanding that you 8 don't have any questions for him? So I will let him 9 know he doesn't need to come in. Right now we're waiting for our next 10 11 witness. So in the meantime I passed out some photos that have already been, not introduced, but 12 13 you all have seen them, but I passed them out so if 14 you all wanted to look at them again. 15 I've also given out a another transcript 16 that contains Darren Wilson's testimony and then 17 there was also a request to hear again Grand Jury Exhibit 59, which is a disc that contains a video 18 19 audio file that a witness, was actually talking on Glide, an app that allows you to 20 talk in realtime. He inadvertently had recorded 21 22 some of the gunshots. If you recall, he said there 23 were two shots before he began the recording. So there was a request to play that again. 24 25 It is in a loop. So if we don't stop it,

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Page 12
     it will do it all over again. So we'll just let it
 1
 2
     go and when you all have heard enough, you let us
     know and we'll just stop it.
 3
 4
               (Playing of the audio recording.)
 5
 6
     of lawful age, having been first duly sworn to
 7
     testify the truth, the whole truth, and
 8
     nothing but the truth in the case aforesaid,
 9
     deposes and says in reply to oral
     interrogatories, propounded as follows, to-wit:
10
11
                         EXAMINATION
12
     BY MS. ALIZADEH:
13
               Could you state your name and spell it for
14
     the court reporter, please?
15
          Α
16
               Where are you employed, sir?
17
          Q
               I'm employed at the City of Jennings as a
18
     lieutenant in the corrections department and I'm
19
     also employed at Velda City as a police officer.
20
               And so you a commissioned police officer?
21
          Q
22
          Α
               Yes, ma'am.
23
          Q
               How long have you been a police officer?
24
               Since 1997.
          Α
25
               So did you graduate from the St. Louis
          Q
```

		Page 13
1 ,	County Po	olice Academy or from a different police
2	academy?	
3	A	I went to Eastern Missouri, which is in
4	St. Charl	Les County.
5	Q	Okay. And did you graduate from there in
6	1997?	
7	A	Yes, ma'am, December of 1997.
8	Q	And what was your first job out of the
9	police ad	cademy.
10	A	Worked at the City of Pine Lawn.
11	Q	How long were you a Pine Lawn police
12	officer?	
13	A	I worked there on two different occasions.
14	First tim	ne I was there approximately a year.
15	Q	After you were there for a year, were you
16	a police	officer in Pine Lawn?
17	A	Yes, ma'am.
18	Q	Where did you go after that?
19	A	City of Normandy.
20	Q	How long were you a police officer in
21	Normandy?	
22	A	Yes, ma'am.
23	Q	How long were you a police officer there?
24	A	Approximately nine years.
25	Q	Following then did you go back to Pine

		Page 14
1 ,	Lawn at th	nat point?
2	A	Yes, ma'am.
3	Q	How long were you with Pine Lawn again?
4	A	For a year.
5	Q	And then after that where did you go?
6	A	The City of Jennings.
7	Q	And how long did you work as a police
8	officer fo	or the City of Jennings?
9	A	Approximately three years.
10	Q	And were you a road officer during that
11	time perio	od?
12	A	Yes, ma'am.
13	Q	And when you were with the City of
14	Jennings,	were you ever a field training officer?
15	A	Yes, ma'am.
16	Q	Prior to the year being a field training
17	officer in	the City of Jennings, were you ever a
18	field trai	ning officer at any of the other police
19	department	s where you were employed?
20	A	Yes, ma'am.
21	Q	All right. So when is it that you first
22	became a f	field training officer?
23	A	When I worked for the City of Normandy.
24	Q	Is there any additional training or any
25	tests or a	any other qualifications that you need to
1		

Page 15 have other than having graduated from the police 1 2 academy in order to be a field training officer? There's no legal requirements, most 3 departments have policies. There is no testing for 4 5 it. The academy, the police academy, you go to the 6 police academy, they have the field training course, 7 usually a week long. So there is a field training course with 8 Q 9 the police academy? Yes, ma'am. 10 Α 11 Did you take that? Q 12 Yes, ma'am. Α All right. And so when you become a field 13 Q 14 training officer, what are your duties and 15 responsibilities. You are still a police officer, 16 correct? 17 Yes, ma'am. Α 18 You still patrol and enforce the laws of Q 19 your municipality or the community, correct? 20 Yes, ma'am. Α But what additional duties and 21 Q responsibilities does a field training officer have? 22 23 When you get, a new officer is hired in, you take them and you are responsible for them and 24 25 instructions on doing the job as a police officer.

Page 16 Also policies and procedures of your agency and to 1 2 mentor them to become successful police officers. All right. How long did you do that for 3 the City of Normandy? 4 5 I didn't do it continuously because I went Α 6 to different positions for about two years though. 7 And then after leaving Normandy, you went Q 8 back to Pine Lawn for about a year. Did you, were 9 you a field training officer in Pine Lawn? 10 Α No, ma'am. 11 And then after that, you went to Jennings Q and you said you were a field training officer in 12 13 Jennings? 14 Yes, ma'am. Α And so when a new police officer is 15 Q assigned to you, for you to be his FTO, how long is 16 17 it that you are training that officer? 18 There is different levels of the training. 19 They are under your direct supervision, ride along with you, usually for six weeks and then depending 20 on their performance, you decide whether they are 21 22 going to be released to a vehicle on their own, but 23 you still shadow them. You are still training the officer, 24 25 you are still responsible for them. They're on

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Page 17
     probation for up to a year. You are basically
 1
 2
     responsible for that officer for that whole time.
 3
               And so typically an officer might ride
     along with you for up to in excess of six weeks?
 4
 5
               Yes, ma'am.
          Α
 6
               Now, these officers that are assigned to
     you, are they commissioned police officers?
 7
               Yes, ma'am.
 8
          Α
               So they've already completed their
 9
     training at a police academy, they've already been
10
11
     hired by the City of Jennings?
               Yes, ma'am.
12
          Α
13
               How many officers have you mentored or
     been a field training officer for?
14
15
               I'm guess maybe about ten.
          Α
               And during that time, have they all been
16
17
     brand new police officers fresh out of the police
18
     academy?
19
          Α
               No, ma'am.
20
               So sometimes are your trainees already
          Q
     experienced police officers, but they may be new to
21
22
     your municipality?
23
          Α
               Yes, ma'am.
               And so you said that they would ride along
24
25
     with you for a minimum of six weeks and then
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Page 18
     depending on how you felt they were doing, they
 1
 2
     might then have their own cars?
 3
          Α
               Yes, ma'am.
               And then do you always work the same shift
 4
          Q
 5
     as your trainee?
 6
               Yes, ma'am.
          Α
 7
               And so if they go on a call, do you go
          Q
     with them on a call?
 9
               Yes, ma'am.
               But in a separate car?
10
          Q
11
          Α
               Yes, ma'am.
12
               So is it your job then to kind of observe,
          Q
13
     let them handle the call, but to be there to help
     them or observe how they are doing?
14
15
          Α
               Yes, ma'am.
               And were you the field training officer
16
     for Darren Wilson when he was a Jennings Police
17
     Officer?
18
19
          Α
               Yes, ma'am.
20
               And do you remember when he came to
          Q
     Jennings, was this his first job out of the police
21
22
     academy?
23
          Α
               Yes, ma'am.
24
               So he was a brand new police officer?
          Q
25
          Α
               Yes, ma'am.
```

	Page 19
1 ,	${f Q}$ And so did he ride along with you for at
2	least six weeks before he then got in a vehicle on
3	his own?
4	A Yes, ma'am.
5	${f Q}$ Okay. And just in general, how did you
6	think he did as a trainee during that six weeks?
7	A He did very well. Out of the officers I
8	have trained, he was one of those that was probably
9	a better officer.
10	$oldsymbol{Q}$ And then after the six weeks were
11	completed, did he then begin to ride on his own?
12	A Yes, ma'am.
13	${f Q}$ And did you continue to train him or be
14	his mentor for that first year that he was a police
15	officer in the City of Jennings?
16	A Yes, ma'am.
17	${f Q}$ Okay. Now, when a trainee begins to ride
18	on their own, are they allowed to make their own
19	arrests?
20	A Yes, ma'am.
21	<b>Q</b> And so they can function in every way as a
22	police officer in the City of Jennings, except for
23	the fact that they have somebody that's watching
24	over them, correct?
25	A Yes, ma'am.

	Page 20
1 .	Q Did you ever have any concerns about
2	Officer Wilson having a bad temper?
3	A No, ma'am, no.
4	Q Did you ever have any concerns about
5	Officer Wilson using excessive force during an
6	arrest?
7	A No, ma'am.
8	<b>Q</b> How did you feel he worked with the
9	community in the City of Jennings?
10	A Um, I thought he did very well. One point
11	that really stands out that I remember distinctly
12	while he was riding with me in the first six weeks,
13	we were having a conversation and he brought up the
14	topic he said, I feel comfortable with the police
15	work side of it, but I have not had much experience
16	in the African-American community, such as the one
17	I'm working in now. I haven't been in that
18	community. Can you help me with that?
19	I really thought that that was,
20	admired him for doing that because it is hard for
21	somebody to admit that. He took a vested interest
22	in learning about the community he was working in.
23	$oldsymbol{Q}$ So at the time that he was in the City of
24	Jennings, would you say that the population of
25	Jennings was, the majority of the population were

	Page 21
1	African-American?
2	A It is, as it is today I would say.
3	Q Did you ever witness him being what you
4	consider inappropriate as far as anything that you
5	thought was racist that he might do or say?
6	A No, ma'am.
7	Q Now, I explained to you that there was an
8	interest of the grand jurors coming in and asking
9	you some questions, so I'm done asking questions.
10	Sheila, do you have any questions?
11	MS. WHIRLEY: Yeah, I do have just a few.
12	So tell me how long did you work at
13	Jennings before you became a field training officer?
14	A Within my first year they had me start
15	training at the end of my first year.
16	MS. WHIRLEY: Okay. Your first year. Did
17	you have to be on probation for a year.
18	A I was still on probation when I started
19	training officers.
20	MS. WHIRLEY: You were on probation, but
21	serving as a field training officer?
22	A Yes, ma'am.
23	MS. WHIRLEY: Okay. And you mention that
24	you had been a field training officer at Normandy,
25	which was before you went to Jennings?
l	

Page 22 Α Yes, ma'am. 1 2 MS. WHIRLEY: How long did you work at Normandy before becoming a field training officer. 3 4 Α Uh, probably about three years. 5 MS. WHIRLEY: Okay. And you were a field 6 training officer at Normandy, I think you said, for 7 two years. Yes, ma'am. 8 Α 9 MS. WHIRLEY: What was your rank when you field training officer in Normandy? 10 11 Α Just patrolman. 12 MS. WHIRLEY: What was your rank as a 13 field straining officer in Jennings? Patrolman. 14 Α 15 MS. WHIRLEY: What's your rank now? Patrolman. 16 Α MS. WHIRLEY: How long have you been a 17 18 police officer? Since '97. 19 Α 20 MS. WHIRLEY: '97. Okav. 21 I worked last night. Α 22 MS. WHIRLEY: Okay. What did you teach or 23 verify that Officer Wilson was proficient at? I 24 mean, you were his field training officer for six 25 weeks, how did you verify that he knew what he was

	Page 23
1 ,	doing well enough to let him be on his own?
2	A In the City of Jennings as a field
3	training officer it was computer based program, it
4	has specific goals, also specific topics that were
5	covered. You know, like constitutional law, your
6	state law, your policies, your procedures and also
7	went over the reports, like fraud report, so you had
8	all of that. It was already lined out for you.
9	And there was three things that you
10	had to do, you had to explain that to the officer
11	that you were training.
12	The second one was that they had to
13	be able to articulate it back to you and then the
14	third was they I had to actually see them perform
15	that duty.
16	MS. WHIRLEY: A lot of that is done in the
17	police academy, is that not correct? You have
18	constitutional law, criminal law, report writing,
19	same thing you just mentioned?
20	A Correct.
21	<b>Q</b> Actually happened in the police academy?
22	A Correct.
23	Q So you're just kind of verifying that he
24	knows how to do it once he hits the streets?
25	A Correct.
1	

Page 24 Now, do you write an assessment or some 1 Q 2 type of evaluation after the training of the 3 officer? Α Again, that's all in that computer based 4 5 program that the City of Jennings has every day. 6 You did a daily observation report and you would go 7 through the list and put the date in what you did 8 that day. I don't remember weekly or monthly, but 9 at the end you signed off on that officer. You signed off after six weeks stating that they are 10 11 ready to go on to be shadowed, as we call it. 12 MS. WHIRLEY: You did sign off on Officer 13 Wilson? 14 Α Yes. 15 MS. WHIRLEY: He met every benchmark that 16 he was supposed to meet? 17 Yes, ma'am. Α 18 MS. WHIRLEY: Did you train more than one 19 trainee at a time when you were training Officer 20 Wilson or did you just train Officer Wilson. 21 Α No, ma'am, we never train more than one 22 officer. 23 MS. WHIRLEY: Just one at a time? 24 Yes, ma'am. Α 25 MS. WHIRLEY: And what time period was it

Page 25
icer

09.
e ever

none

ere

dy
f force,

- 1 that you were field training officer for Officer
- 2 Wilson.
- A He started with us in 2009, mid 2009.
- 4 MS. WHIRLEY: Okay. And were there ever
- 5 any complaints from the residents about him?
- A I never had any issues with him or none
- 7 were brought to me.
- 8 MS. WHIRLEY: So it is possible there
- 9 were, but you don't know?
- 10 A Correct.
- MS. WHIRLEY: Okay. And you already
- 12 answered no complaints about excessive use of force,
- 13 correct?
- A No, ma'am, none.
- MS. WHIRLEY: What did you teach, is there
- 16 anything taught about use of force while you're
- 17 training officers?
- 18 A Yes, ma'am. Two things that are big
- 19 issues with law enforcement. You go over right away
- 20 with them pretty much one is use of force. The
- 21 second is your emergency vehicle operations, those
- 22 are just two things that officers civil liability
- 23 affects people's lives. You get your policy out of
- 24 your agency at the time, you go over it with them,
- 25 make sure they have that. Make sure that they refer

Page 26 to that any time. 1 2 Jennings, in our police department, 3 we have mobile data computer terminals. You can always look back and look up the policy while you 4 5 are on the call or anything of that nature to refer 6 to. So you go over that policy and then 7 8 for myself, I would go through scenarios like after 9 we have been on a call. I would play the what if game and have him articulate to me what he would 10 11 have done in this situation. What if this occurred, how would you handle it and play the what if game. 12 13 MS. WHIRLEY: Okay. So there's written 14 policy and then you kind of do hypotheticals to 15 verify his knowledge of what he knows what he needs 16 to do. 17 What did you or your department do to 18 assist Officer Wilson with working with the 19 African-American community? You said that he actually asked you, told you that he wanted to work 20 with the community or he didn't know much about 21 22 African-Americans and I guess wanted to be a better 23 officer in the African-American community, what kind 24 of assistance was he given? 25 It wasn't he wasn't familiar with Α

Page 27

- 1 African-Americans, my whole career I have worked in
- 2 the North County area. I would go over my
- 3 experiences. I was born and raised in the North
- 4 County area. Went over, like I say, experiences
- 5 I've encountered. What is important to the
- 6 community.
- 7 MS. WHIRLEY: What is important to the
- 8 community?
- 9 A One of the biggest issues I've seen with
- 10 young law enforcement they don't take a vested
- 11 interest in the community.
- MS. ALIZADEH: I'm sorry, I couldn't hear
- 13 the last one?
- 14 A They don't take a vested interest in the
- 15 community they work in. We go to work every day,
- 16 the residences are throughout, not usually in the
- 17 community you work in. And you come there for 12
- 18 hours a day, you go home.
- The residents, that's where they
- 20 live, that's their home base and it is really
- 21 important you take a vested interest in that. When
- 22 you do, your job is a lot easier. I think it is
- 23 better with the relations with the residents and on
- 24 your calls. You understand things.
- MS. WHIRLEY: Tell us what that looks like

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Page 28
     taking a vested interest in the community, what does
 1
 2
     that look like? I mean, those are words, sounds
 3
     good, but what does it look like?
               I'm not understanding your question.
 4
          Α
 5
               MS. WHIRLEY: Like what kind of things are
 6
     done to take a vested interest in the community.
 7
               For myself, when I worked in Normandy.
          Α
 8
               MS. WHIRLEY: I want to know about
 9
     Jennings?
               I'm just using a example.
10
          Α
11
               MS. WHIRLEY: I understand, but this is
12
     kind of a specific question because I'm referring to
13
     when you mention Officer Wilson wanted to, I guess,
     be a better officer with the African-American
14
15
     community, right?
16
          Α
               Uh-huh.
               MS. WHIRLEY: That was at Jennings?
17
18
          Α
               Uh-huh.
19
               MS. WHIRLEY: Now Jennings is very heavily
     populated with African-American; is that right?
20
21
               Uh-huh.
          Α
22
               MS. WHIRLEY: Before I go back to that
23
     question, do you know how many African-American
     officers were working at Jennings at that time in
24
25
     2009 when you worked there as field training
```

_		
		Page 29
	1	officer?
	2	A Two officers.
	3	MS. WHIRLEY: Out of how many officers?
	4	A I don't remember the total number, I think
	5	it is 40.
	6	MS. WHIRLEY: I'm sorry?
	7	A I think it was in 40.
	8	MS. WHIRLEY: Out of 40 something
	9	officers, two were African-American?
-	10	A Correct.
:	11	MS. WHIRLEY: Were there any
	12	African-American field training officers?
	13	A No, ma'am.
	14	MS. WHIRLEY: Okay. So now going back to
1	15	the question. What kind of things did you do to
	16	help Officer Wilson understand how to work better
	17	with the African-American community?
	18	A I know you don't want to talk about
	19	Normandy, but I was a school resource officer there.
4	20	In Jennings a lot of the residents that I had as a
7	21	school resource officer in Normandy were now
7	22	residents of Jennings. I would go to those
7	23	communities on a call.
	24	One example is female, she has mental
	25	health issues. And she's fine when she's on her
	_	

Page 30 medications, but at times she's not. I would go and 1 2 check on her once a week after I had been on a call 3 there. How you doing. I was able to when she was not on her medication talk to her and get her back 4 5 on medication. That's taking a vested interest in 6 the community. It is not just going to the call and 7 answering it and writing the report and leaving. 8 It is going back on a stolen car, did 9 you get your car back, you know, did you get it fixed, things of that nature. That's taking a 10 11 vested interest in the community. MS. WHIRLEY: Okay. 12 13 As a school resource officer I was able to Α 14 show him that he was always teased, everybody knows 15 you. When I was a school resource officer, I did 16 the adopt a student. I would take them to the 17 basketball games. I took them to those things when 18 they came up. That's taking a vested interest in 19 the community. 20 MS. WHIRLEY: This is during your period as field training officer at Jennings with Officer 21 22 Wilson? 23 Α Correct, and showing him that and those 24 things. 25 MS. WHIRLEY: Did you ever see Officer

Page 31 Wilson do some of those things with the 1 2 African-American community? Yeah, I've seen him buy meals for the 3 youth, I've seen him follow-up on calls, go and talk 4 5 to the residents, you know. He wasn't encompassed 6 in that police car, he was out and about in the 7 community. 8 MS. WHIRLEY: Okay. Questions? 9 What type of behavioral 10 screening is there in the academy or maybe you as a 11 trainer, are there warning signs, certain personality types that you would fail them from 12 13 becoming an officer just because of behavioral 14 issues, you understand? 15 We have, I know for the City of Jennings 16 you have to go through a psych evaluation before you 17 can even be hired on the department, and that's 18 where that is determined. 19 As far as myself, of course, if you have anger issues. The person's mental state is not 20 21 stable, they can't control their emotions or things 22 of that nature. That's the concern. That's where 23 you address those issues. That's in your 24 evaluations and you try to see what the remedy would 25 be for that. Sometimes there's not.

```
Page 32
                             There's no remedy if you
 1
 2
     fail them at that point?
 3
          Α
               Most definitely.
 4
                             Have you ever failed
 5
     someone?
 6
               I've never had to.
          Α
 7
                             Have you ever extended a new
     officers time with you?
 9
               No, ma'am.
                             Never had to do that?
10
11
               No, ma'am.
          Α
12
                               I know you talked about a
13
     lot of the goals they have on the computer and you
     asked the questions, but what do you look for
14
     personally. Do you look for anything personally on
15
     a personal level with a new officer that you might
16
17
     feel would be a concern?
18
               Biggest thing for me I want to see in an
19
     officer the ability to communicate. That's the
     biggest part of our job communication. I look for
20
     that. I want to see can they, the problem solving,
21
22
     how are they, do they look outside the box.
23
     are the things I look for in an officer.
24
                             You say you do take
25
     officers, these above and beyond type things. You
```

		Page 33
	1	take them on follow-up calls even though your job as
	2	police officer is over, they see you going back and
	3	making sure that she's taking her meds or whatever.
	4	A For me I believe that's still our job as a
	5	police officer, I don't think it is over.
	6	Your call is over, I'm
	7	sorry, I didn't mean to talk over you. And then out
	8	of my, where did you grow up, in North County?
	9	A Florissant area, in St. Louis County area.
	10	That's it.
	11	You know the reason why
	12	Officer Wilson left Jennings?
	13	A Because County got the contract with
	14	police services, we were all laid off.
	15	: You were all laid off?
	16	A Every officer there was laid off. They
	17	disbanded the police department.
	18	: Once Officer Wilson left
	19	your field training supervision, did you ever hear
	20	of Officer Wilson's behavior among the community in
	21	a harsh way or anything, his behavior?
	22	A Witness it or hear of it?
	23	Yes.
	24	A I've never heard anything negative on that
	25	and I worked with him after he was, we still stayed
- 1	l	

Page 34 on the same shift. 1 2 Are you familiar with a term 3 that was used, use of force triangle, or use of force continuum? 4 5 Α Yes, sir. 6 Can you describe what that 7 means? 8 Α Basically it is teaching the officers a 9 suspect can, basically what level of force do you need to use to control the situation. Not using the 10 11 least amount, but to get it done effectively and get compliance. 12 13 To simplify it, you have your just compliance, officer present, they're compliant. 14 15 That was in the triangle, you have that in the center. And you have threatening resistent, which 16 17 will be physically attack. Nonthreatening, which 18 would be noncompliance. I'm not moving, I'm staying 19 here. Then you have deadly force, but all goes back to the center of that triangle to where compliance 20 21 is. 22 You teach the officer, the suspect is 23 who decides what happens. They're the one who makes the decision. Everything within the force continuum 24 25 is reactive on our part. It is a delicate equation,

Page 35 though, you have to decide what force do I need to 1 2 use, but I don't want to use excessive force, but I don't want to use too little force to where someone 3 gets hurt also. 4 5 Sometimes if you use too less of a 6 force, then you have to use another avenue, say 7 mace, you use that. You should have used something 8 more forceful. You have to go to the time that's 9 two encounters, two uses of force. Basically where you used your baton from the beginning that would 10 11 have gotten the compliance. 12 This is something that is 13 taught to the officers in all of their training, 14 academy type of training? 15 That's taught in the academy, there's also Α 16 continued training. Any time that you go to the academy in the State of Missouri you have to do 48 17 18 hours of continuing training every three years. Any time you have any class using your firearm. 19 defensive tactics or anything, that's brought back 20 up, force continuum, it's also in your policy. 21 22 The force continuum? 23 Α Yes, it is ongoing. It is an ongoing 24 process. 25 Sure, sure. In your

```
Page 36
     experience would it be your opinion to say that in a
 1
 2
     very tight compressed time situation that that was
     something that an officer would instinctively fall
 3
     back onto?
 4
 5
          Α
               Yes.
 6
                             Thank you.
 7
               MS. ALIZADEH: I have a question for you.
 8
     In either the police academy training or in what you
 9
     might train as being a field training officer, if an
     officer is faced, finds himself in a situation and
10
11
     he makes a decision to use deadly force to react to
     something that he sees is a threat to himself or the
12
13
     community, is there any training in the police
     academy or in field training where you, the officer,
14
15
     is taught or instructed to, for example, if you are
     going to use your firearm to like shoot at their
16
17
     legs or shoot at an area of their body that might
     not be a fatal shot?
18
19
               In other words --
               All training you are taught to in your
20
          Α
     firearms training to aim towards center mass to stop
21
22
     the threat. Your goal, again, is compliance, stop
23
     the threat. It is not to aim for the leg in high
     stress situation, you're not able to do that
24
25
     physically.
```

	Page 37
1 .	Also, in trying to stop the threat,
2	the only way that the end of use firearm that you
3	would stop the threat immediately without their
4	willingness to comply would be something that
5	strikes the central nervous system. A shot in the
6	leg and they are still able to attack you and do
7	harm to you. You can take a shot to the heart and
8	still basically fight for up to 30 seconds easily, a
9	minute.
10	Q (By Ms. Alizadeh) So it is a part of
11	training if you are reacting to a threat that you
12	deem you need to use a firearm to meet that threat,
13	you aim for the center mass?
14	A Correct. When I say center mass, whatever
15	is exposed, whatever you have. It is not always
16	going to be just the chest, it is going to be
17	whatever is exposed that you are aiming at.
18	We heard about two
19	African-American police officers out of 40
20	something, can you tell me the number of
21	African-Americans that apply?
22	A I don't have that.
23	: You don't know low or high?
24	A That's all done through human resources.
25	How about when you were in

Page 38 the academy, what was the dynamics? 1 2 We had no African-American officers in my 3 academy class. You said that you were 4 5 trained to hit at center mass, okay. And I've heard 6 a lot of people in the media talk about why didn't 7 the police officer just let him run away and put an 8 all points bulletin on him. Can you tell me about 9 your training as far as not just your safety, but as far as the community, would that be against what you 10 11 would be taught in the academy, just let a suspect go and get him later? 12 13 No, ma'am. That's our job as a police 14 officer to apprehend suspects. Whenever somebody 15 has a crime committed or anything, they call us, we are the ones that have to respond while everybody 16 17 else is trying to get away from the area. It is our 18 duty to protect the community. That's what we swear to when we we're hired. And in doing so, you have 19 to prevent a suspect from fleeing, then they can do 20 further harm to the community. 21 22 No, you're not taught to shy away 23 from that. We always respond, that's our job and we know that getting into the profession. 24 25 Can you walk us through the

	Page 39
1	protocol, kind of step by step protocol of making an
2	arrest?
3	A From what part?
4	I guess the point at which
5	an officer determines there is a cause for arrest
6	and then what kind of protocol is going forth?
7	A Each agency has their own policy. I can
8	give you a general rundown. As an officer you
9	observe or probable cause to believe that a crime
10	has been committed. And in doing so for speeding,
11	you write them a ticket. Some agencies have
12	policies that you have to arrest people for certain
13	offenses, which even could be something to write a
14	ticket for driving while suspended. If you observe
15	the crime, you take your enforcement action. You
16	write your report to articulate everything about
17	that incident, the elements of the crime.
18	So as far as the arrest part, that's
19	where that comes in when you apprehend the suspect.
20	From there most agencies you go to
21	the station, complete the booking process. Usually
22	in the municipalities the judges have a bond
23	schedule, who has to post bond. Some are released
24	on a summons after they are processed and you see if
25	they have warrants, if they have to go to another

Page 40 agency or anything of that nature. 1 2 MS. ALIZADEH: Officer , let me 3 ask you a question. When an officer in your training, an officer, once the officer makes a 4 5 determination that he is going to place the suspect 6 under arrest, is he taught to use whatever means is 7 necessary to affect that arrest given whatever 8 circumstances he may be presented with. 9 Yes, ma'am. Α 10 Q (By Ms. Alizadeh) So, for example, if you 11 have a fleeing suspect. Yes, ma'am. 12 Α Is there any training based on either 13 Q police academy training or training under a field 14 15 officer, field training officer where you would give that suspect commands to stop and desist, get down, 16 17 freeze, you know, phrases like that. And then if 18 the suspect does not, would that, do you have any 19 training on do you then pursue that suspect or do you just let them run away? 20 You have to look at the totality of the 21 Α 22 circumstances of that particular incident. 23 You have to weigh the safety of the community, the safety of the officer. For example, 24 25 in a vehicle, if their crime doesn't outweigh them

Page 41 running and taking off in the vehicle and us 1 2 pursuing them and we hit an innocent victim and they're killed, does their crime outweigh that? 3 we don't. If the danger that they could cause the 4 community is greater, then yes, you will pursue. 5 6 So someone who is speeding and won't pull Q 7 over, you're not going to engage them in a high 8 speed pursuit? No, ma'am. 9 But the suspect that you are attempting to 10 11 pull over, if he has a warrant for murder in the first degree, a violent offense such as an assault 12 13 or a sexual crime, you might under the circumstances 14 make a determination to pursue that suspect? 15 Yes, ma'am. Α 16 So it is all dependent upon the 17 circumstances, correct? 18 Correct. Α 19 Q And officers are trained and taught that they have to very quickly assess the circumstances 20 21 and use their best discretion and their decision 22 making on whether you pursue that suspect, allow 23 that suspect to get away. And what means you need to take in order to affect an arrest if you 24 25 determine to pursue the suspect?

	Page 42
1 .	A Yes, ma'am.
2	Q Did you ever have any question about
3	Officer Wilson's ability to quickly assess a
4	situation, like was he overly, you know, some people
5	are over thinkers, they want to really sit back and
6	decide, to have time to examine all possibilities
7	and some people react too quickly without really
8	giving thought to what they're doing. Were you ever
9	concerned that Darren Wilson was either over
10	thinking and might not react appropriately in time
11	or that he was too quick to react without thinking
12	things through?
13	A I thought his judgment, he always made
14	sound judgments on his decisions. Of course, we
15	always go back and look how could we have done it
16	better the next time. At the time when he is
17	handling things, he always had good judgment.
18	Q Did you ever observe him to be a bully?
19	A No.
20	<b>Q</b> Or abuse his authority?
21	A No, ma'am.
22	Q Disrespectful to people?
23	A No, ma'am.
24	MS. ALIZADEH: Anything else.
25	In that same vein where you

		Page 43
	1 ,	say you may have like, I guess, someone speeding
	2	away from you, you may say, hey, it is not worth it.
	3	Let's give an example, let's say you were
	4	in a residential area and there's cars going in both
	5	directions, people taking their garbage out, be
	6	people walking their dogs and the suspect is running
	7	away. How would that kind of situation be handled
	8	if you know there is other people around and other
	9	people could get hurt?
	10	A In a vehicle, the suspect is in a vehicle?
	11	No, the suspect is walking?
	12	A What am I stopping them for?
	13	: Jaywalking.
	14	MS. ALIZADEH: For jaywalking, is that
	15	what you said?
	16	Yeah.
	17	A And they take off on foot?
	18	Yes.
	19	A I would pursue them, if I'm taking
	20	enforcement action and take off on foot, yeah, I
	21	would. It also depends. I've been in foot pursuits
	22	where someone has jumped off a high concrete wall on
	23	the entrance ramp to a highway, I'm not going to put
	24	myself in danger to do that for a jaywalking.
	25	At some point you'll say
1		

```
Page 44
     well, I mean, I see people here, people on their
 1
 2
     balcony, people here, maybe I shouldn't shoot in
     this situation?
 3
               I don't know where we got to the shooting
 4
          Α
 5
     part on this. You said simply jaywalking. You said
 6
     fled on foot.
 7
                              Fled on foot.
 8
          Α
               What actions?
                              You had a confrontation and
 9
10
     he runs away on foot?
11
               I can't play the what if thing game, it
          Α
     has to be the totality of the circumstances.
12
13
                             I'm getting to the part
14
     where you have the suspect and you notice that their
15
     are traffic, cars, you know this is residential area
     and there is people on balconies, people could be
16
     walking their dog, and people taking their trash
17
18
     out. And this person is unarmed, would you decide
     maybe this is not the best way to pull my gun out or
19
     somebody else could get hurt?
20
21
                             Does he know the person is
22
     unarmed?
23
          Α
               I can't answer your question not with what
24
     you're saying.
25
                             Maybe I can rephrase it a
```

Page 45 little bit. Did you ever teach officer Darren 1 2 Wilson when to or when not to open fire in a residential, to have a different response? 3 Α When you decide to use deadly force, it is 4 5 the threat that you perceive at the time. If it is 6 in a residential area, at times you will have to 7 fire in a residential area. 8 Okay. 9 Again, these are vague, you are asking vague when you have a situation. You are asking me 10 11 to make a determination on something that you can't do, you have the totality of the circumstances. 12 13 Okay. Just for jaywalking, would I pull a gun? 14 Α 15 If I stop somebody for jaywalking and it turns into a physical altercation, it is not a jaywalking 16 17 any more. We've gotten beyond that. 18 The thing also you have to look at 19 is, what I perceive that I stop somebody for may not be what that suspect perceives. 20 21 I know when an officer stopped 22 somebody for a simple speeding, little did he know 23 that guy had just committed an armed robbery at a 7-Eleven. So the officer think's he's just going to 24 25 a speeding enforcement, but the suspect in his mind

	Page 46
1 ,	thought he was being stopped for the robbery. So
2	that decides the suspects, but for a simple
3	jaywalking, no, you don't pull your weapon. But
4	when the assault occurred, we are not talking about
5	jaywalking, jaywalking is irrelevant at that point.
6	And we both, two people have
7	used that speeding example. So if you try to pull
8	somebody over who is speeding and they refuse to
9	stop, would you take, what would happen, would you
10	just let them go or would you try another means to
11	have them pull over? Not necessarily going on a
12	high speed chase, but would you like try to get in
13	front of them or call somebody else to try to help
14	you or would you just let them go?
15	A You use your radio, you put radio traffic
16	out there. You never would put your vehicle in
17	front of another vehicle for speeding.
18	Okay.
19	A Your decision to pursue that person for
20	speeding, a lot of times to continue to drive in
21	traffic, you back off, get a license plate or
22	something to go and follow-up on. But you use your
23	other agencies, if you have a helicopter above,
24	things of that nature.
25	When you got to determine

Page 47 whether or not you want to go on a high speed chase, 1 that doesn't mean you are going to let that person 2 3 get away with it? Α I will not go on a high speed chase just 4 5 for speeding, I will tell you that. 6 (By Ms. Alizadeh) I have a question, Q 7 Officer . We know a little bit about your walkie-talkie and the mobile radios in cars, and 8 9 does your walkie-talkie have an alert button? 10 Yes, ours do with our agency, yes. 11 And did your walkie-talkie have an alert Q button when you were training Officer Wilson? 12 13 Α Yes. 14 And is there any instruction or what do Q 15 you train your officers to do as far as when it is 16 appropriate to use that alert button or not 17 appropriate, or is it just the officer's discretion 18 or what? 19 The alert tone on your radio is used for when you need assistance. If you feel that you need 20 officers to respond, you need aid, that is when you 21 22 use your alert tone. 23 If, for example, you have already used your radio to call for assistance, you already 24 25 verbally said I need an assist car, can you send

Page 48 somebody right to my location or whatever, so let me 1 2 ask you. Would you say that the alert tone is more 3 for something that's a lot more serious than, hey, send another car to assist me on a stop? 4 5 Α Alert tone is I need help, get here as fast as you can. That's when you would use the 6 7 alert. 8 Q Maybe life or death or very serious 9 situation? I'm under attack. 10 Α 11 And maybe the officer can't get to his Q radio to call out on his mike? 12 13 Α Correct. 14 Okay. Q 15 With our radios, they don't get out Α everywhere, even the alert tone doesn't get out. 16 17 The radio gives confirmation that it did get received actually, but it doesn't get out. There's 18 some buildings that I was involved in a situation 19 where I was being assaulted and my radio I couldn't 20 get out and transmit and my alert tone would not get 21 22 out of the building. 23 You head the alert button and dispatch 24 does not get that alert tone? 25 Correct. You know, if the radio frequency Α

	Page 49
1 ,	that's what it is transmitted on as well.
2	For a scenario, just a
3	scenario, if you had already called something in on
4	your radio, and something escalates, you wouldn't
5	necessarily, or you would maybe necessarily use your
6	alert button because you already know, either you
7	knew or that's a backup way to get here more
8	quickly.
9	A You asked me to assist, things are under
10	control. It gets to where it is volatile, I can't
11	concentrate on transmitting on my radio, I can hit
12	my button.
13	MS. ALIZADEH: But you have to have a free
14	hand to hit the button?
15	A Correct.
16	You know what Officer
17	Wilson's range for proficiency was?
18	A No, sir.
19	MS. ALIZADEH: Officers that are
20	commissioned police officer have to qualify on a
21	regular basis. In other words, they have to show
22	that they're proficient in firearms?
23	A Correct.
24	MS. ALIZADEH: On a regular basis?
25	A Correct.

	Page 50
1 .	MS. ALIZADEH: How often do you have to
2	qualify?
3	A We do it there every six months.
4	MS. ALIZADEH: So that means going to a
5	range, you have to hit the target in a certain area
6	a certain number of times in order to be able to
7	continue to be an armed officer?
8	A Correct. It is pass or fail.
9	When you say feel, that you
10	have to hit your alert button and you say you feel
11	that you are under attack, what's your under attack,
12	what's your definition of it?
13	A At the time I've used my alert I'm
14	physically involved in an altercation with a suspect
15	or if I'm having several approach me, anywhere where
16	I feel a threat is, it is imminent for somebody to
17	get there to help me.
18	Suspect is running way from
19	you, and then right in front of you would you still
20	consider that you are under attack.
21	A Somebody running away from me?
22	Yes, sir.
23	A No.
24	MS. WHIRLEY: Have you ever been involved
25	in a shooting?

```
Page 51
          Α
               Yes, ma'am.
 1
 2
               MS. WHIRLEY: Tell us about it, I mean,
 3
     was it a shooting where it was a suspect?
          Α
               Yes, ma'am.
 4
               MS. WHIRLEY: Go ahead.
 5
               It happened a month after this whole
 6
          Α
 7
     ordeal, it just happened. My situation I was on a
 8
     service call --
 9
               MS. ALIZADEH: Okay, wait a minute.
     this is still under investigation, I'd rather you
10
11
     not.
12
               MS. WHIRLEY: I would agree, it is
13
     something still pending; is that right?
               MS. ALIZADEH: Let's not talk about it.
14
15
               MS. WHIRLEY: I would agree with that. I
     was thinking something earlier.
16
17
          Α
               No.
18
               MS. WHIRLEY: Okay.
19
                             If a suspect is fleeing from
20
     you, what the other juror said, and you didn't
     really feel under attack, that would not keep you
21
22
     from trying to get him still?
23
               Oh, not at all. I would still go after
24
     him.
25
                             You are still going to
```

```
Page 52
     pursue him?
 1
 2
          Α
               Correct.
 3
                           : And that can be in second's
     notice?
 4
 5
          Α
               It depends on the attack on myself.
     That's where you weigh the circumstances.
 6
 7
     attack on myself is him getting away a danger to the
 8
     community --
 9
                              When he's running away you
     wouldn't necessarily feel like you're under attack,
10
11
     so the need for an alert button wouldn't be there at
     that time, maybe not?
12
13
               I won't say that, no, I'm not saying that.
                              You wouldn't feel under
14
15
     attack, running away?
16
          Α
               No.
17
                              So I can understand it, when
18
     a suspect after they've had an altercation with you,
19
     okay, for example, and they're running away, you
     would still consider them to be a threat possibly to
20
     the community because, or yourself, and I'm just
21
22
     thinking is it because maybe they could get a weapon
23
     somewhere, maybe they could take someone hostage,
     you don't know if they're armed or not or whatever,
24
25
     is that the mindset to this where you would still
```

Page 53

- 1 pursue them, decide it being your job to pursue and
- 2 capture a suspect that's done something, you know,
- 3 broken the law or whatever?
- 4 A If somebody has assaulted me personally as
- 5 a police officer, they can assault anyone out there.
- 6 I mean, someone who assaults a police officer or
- 7 someone in authority, what would prevent them from
- 8 assaulting anyone else.
- 9 Suspects know we are trained, know we
- 10 have weapons of that nature, you know. If they are
- 11 willing to attack us knowing that we have that, what
- 12 would prevent them from attacking a citizen who
- doesn't have that, those tools.
- How have you been taught to
- 15 utilize your vehicle's lights and siren
- 16 appropriately? I guess, what would cause you to use
- 17 those?
- 18 A In the State of Missouri state law, if
- 19 you're going to violate any traffic laws or anything
- 20 be consider an emergency room vehicle, your use of
- 21 lights and audible signal, doesn't specify siren,
- 22 audible signal must be used. In the State of
- 23 Missouri at least one flashing red signal. You use
- 24 those when you are responding to calls and on the
- 25 severity of the call. Crime in progress or

```
Page 54
     something of that nature and if you want to stop a
 1
 2
     traffic violater then you use it, things of that
 3
     nature.
                             You wouldn't use it, for
 4
 5
     instance, like you were stopping someone on foot?
 6
          Α
               No.
 7
               MS. ALIZADEH: Like a pedestrian check.
 8
          Α
               You might use it if, you know, you are
 9
     stopping somebody on the side of the highway,
     walking on the side of the highway, I'm going to
10
11
     turn my warning lights for warning purposes, but no,
     it is not required to stop that person.
12
13
                             Thank you.
14
                              If you were blocking traffic
15
     kind of, you would turn just your lights on, but not
     the sirens to signify that this is a police matter
16
17
     or something?
18
               It depends on the roadway. I've pulled
     over onto the shoulder many times without turning
19
     any of my emergency equipment on. In residential
20
     areas, you park on the side of street just like cars
21
22
     do.
23
                             You are not parked, you are
24
     catty-corner, you are in the roadway of the driving
25
     of the other drivers.
```

	Page 55
1	A You would try to do that, yeah. You don't
2	always have the opportunity.
3	: I don't think you want to
4	leave it out there.
5	A You don't always have that opportunity.
6	I'm trying to place a
7	scenario more kind of what you are taught thing,
8	trying to phrase this scenario, we are just trying
9	to learn to understand also.
10	Again, you're doing a stop where you are
11	in your vehicle and there's a pedestrian, a
12	pedestrian stop. Would you or would you teach
13	someone to use their vehicle as a device to impede
14	someone's course of walk or the direction they are
15	headed, would you take your vehicle and block it in
16	their path to address that?
17	A At certain times you would.
18	: Do you think that could be
19	seen as aggressive?
20	A By the suspect?
21	: Yes.
22	A Of course, yeah, people see a lot of
23	things that we do as aggressive just the way we are
24	trained. Yeah, you could use your vehicle to block
25	the path of someone.

```
Page 56
                               Thank you.
 1
 2
                              You would need a reason to
 3
     block that path so at that point if you've asked
     somebody to do something and they haven't done that,
 4
 5
     then you would need to use aggression, wouldn't you,
     if you are trying to get them to do what you told
 6
 7
     them to do they haven't done it.
 8
          Α
               They're not in compliance.
 9
                           : It is not really aggressive,
10
     it is taking the necessary steps to do what you
11
     asked them to do.
12
          Α
               Correct.
13
                           : Okay.
14
               MS. ALIZADEH: Any other questions?
15
               (End of the testimony of
16
             . )
17
18
     of lawful age, having been first duly sworn to
     testify the truth, the whole truth, and
19
     nothing but the truth in the case aforesaid,
20
     deposes and says in reply to oral
21
22
     interrogatories, propounded as follows, to-wit:
23
                         EXAMINATION
24
     BY MS. ALIZADEH:
25
               Just for introductory purposes, it is till
          Q
```

Page 57 November 11th, it is about ten after 1:00. This is 1 2 Kathi Alizadeh, Sheila Whirley is present, all 12 3 grand jurors are present, as is the court reporter taking down what's being said. And this afternoon 4 5 we're starting the afternoon with a witness and 6 ma'am, can you tell the court reporter your name and 7 spell it for him? 8 Α First, , last 9 name, How are you employed? 10 11 Α I am a physician assistant with the North County Emergency Physicians Group. 12 13 How long have you been a physician's Q 14 assistant? 15 Α Seven years. Can you describe for the either grand 16 17 jurors what is a physician's assistant, how is that 18 different from maybe a nurse or a physician? So we are considered midlevel providers. 19 So we have master's level degree training. We 20 practice medicine under the supervision of a 21 22 physician. So in our particular practice we would 23 practice in the same manner that a physician would. Our charts are reviewed at the end of the day by the 24 25 physician.

		Page 58
1 ,	Q	Okay. And, ma'am, I'm going to stand back
2	here becau	se the microphones that are in front of
3	you they d	on't amplify your voice.
4	A	Okay.
5	Q	If you can make sure you keep your voice
6	up so ever	ybody back here can hear you.
7	A	Okay.
8	Q	So as a physician's assistant, can you
9	examine pa	tients and diagnose patients?
10	A	Yes.
11	Q	And are your findings reviewed later by a
12	physician?	
13	A	Yes.
14	Q	Would there be times when you might
15	examine a	patient and feel that you would need to
16	call in a	physician to assess a patient?
17	A	Yes.
18	Q	Okay. And so, for example, minor injuries
19	or things	that don't appear to be emergent in
20	nature, th	at's something that you can handle without
21	a physicia	n being at your elbow?
22	A	Correct.
23	Q	Can you prescribe medication?
24	A	Yes.
25	Q	Can you prescribe controlled substances?

	Page 59
1 ,	A No. In the State of Missouri midlevels do
2	the have the option to obtain a controlled substance
3	license as well as DEA number. Most of the
4	midlevels in our facility do not because it is
5	unnecessary. We don't prescribe a lot of narcotics
6	and the little times we do, a physician is always
7	on-site to cosign our prescription.
8	I'm sorry, can you prescribe
9	medication?
10	A Yes.
11	: A license in Missouri?
12	A Yes.
13	: I can go to you and you can
14	prescribe that?
15	A Yes.
16	Q (By Ms. Alizadeh) If you were to
17	prescribe, for example, a nonnarcotic medication or
18	something that's not a controlled substance like
19	Naprosyn, is it Naprosyn or Naproxen?
20	A Naprosyn is a brand name and Naproxen is
21	the generic.
22	Q If you were to prescribe that, that's not
23	a control; is that correct?
24	A Yes.
25	Q I can get the equivalent if I take enough
1	

		Page 60
1 1	Advil or	Aleve?
2	A	Correct.
3	Q	To be prescription strength Naprosyn,
4	correct?	
5	A	Yes.
6	Q	You would, but actually, I can't go to the
7	store and	d buy Naprosyn?
8	A	Correct.
9	Q	So if I get that, it has to be prescribed?
10	A	Correct.
11	Q	But being nonnarcotic, you can write the
12	prescript	tion for me?
13	A	Yes.
14	Q	And then if you were to have a DEA number
15	and have	obtained the ability to prescribe
16	controlle	ed substances, and that's an option for a
17	midlevel	care physician's assistant, correct?
18	A	Yes.
19	Q	Would you be able to prescribe controlled
20	substance	es without a co-signature of an attending
21	physiciar	1?
22	A	Yes.
23	Q	But you don't have that?
24	A	Correct.
25	Q	And so in this particular, well, let me

Page 61 ask you this then. Can you describe for the grand 1 2 jurors what your training and background is in order to be a physician's assistant? 3 Α So I have my undergraduate degree, my 4 5 bachelor of science in athletic training. And then I went on to graduate school where I got my master's 6 7 of science in physician assistant studies. So in 8 total with the 2 degrees it was about seven years of training. 9 And then when you, do you have to pass any 10 11 board examinations in order to be a physician assistant? 12 13 Α Yes. We have a national certified board 14 that we have to certify initially and then every six vears after that. 15 16 And so a physician's assistant would not 17 be considered, obviously, you are not a medical 18 doctor, correct? 19 Α Correct. But a physician's assistant has more 20 education and training than, for example, a 21 22 registered nurse or a practical nurse? 23 Α Correct. Okay. And so when you are working, and 24 25 where do you work?

	Page 62
1 .	A Northwest Health Care Emergency
2	Department.
3	<b>Q</b> Is that affiliated with any hospital?
4	A Christian Northeast.
5	Q Is it a part of Christian Northeast?
6	A Yes.
7	Q So if somebody has an emergent situation,
8	they are going to go to Christian Northeast, would
9	they come into your department?
10	A They may. It just depends on their
11	location. The two emergency rooms are about 7 miles
12	apart. It depends on where they're located.
13	Q On August 9th, where was your department
14	located?
15	A At Northwest Health Care.
16	Q Okay. And is your department attached to
17	a hospital?
18	A No.
19	${f Q}$ So if a patient walked in and there was
20	some acute injury that needed more, needed something
21	more than what you are equipped to handle in that
22	facility, you would then send them by ambulance or
23	refer them to the hospital?
24	A Correct.
25	<b>Q</b> Were you working on August 9th of 2014?

	Page 63
1 .	A Yes.
2	${f Q}$ And when you work, is it an urgent care or
3	is it an emergency department?
4	A It is an emergency department.
5	$oldsymbol{Q}$ When you work in the emergency department,
6	do you work like 12 hour shifts?
7	A Yes, 12 hours.
8	$oldsymbol{Q}$ Do you remember that day what was your
9	hours of working?
10	A I was working noon to midnight.
11	$\mathbf{Q}$ So somewhere around 2:00 or so in the
12	afternoon, you were fairly new on your shift that
13	day?
14	A Yes.
15	<b>Q</b> And when you are in the emergency
16	department, and there's an attending physician who
17	you work under, correct?
18	A Yes.
19	Q Is he physically on the premises?
20	A Yes.
21	<b>Q</b> And so is it required that after you see a
22	patient or examine a patient, is it required that
23	the attending then come in and look at that patient
24	with his own eyes?
25	A No, only if we request.

		Page 64
1	Q	Okay. But is it required that at some
2	point he	needs to sign off on your charts on your
3	evaluatio	n?
4	A	Yes.
5	Q	And now in this case, you know that you're
6	here beca	use you were the attending, the nurse's,
7	I'm sorry	, physician's assistant who evaluated
8	Darren Wi	lson on August 9th?
9	A	Yes.
10	Q	At the time that Darren Wilson came in,
11	had you e	ver met him before that day?
12	A	No.
13	Q	Didn't know who he was?
14	A	Right.
15	Q	Were you aware that he was a police
16	officer?	
17	A	Yes.
18	Q	Was he in uniform when he came in?
19	A	No.
20	Q	Now, a patient initially comes into the
21	emergency	department, are you the first person
22	they're g	oing to see?
23	A	No. They will see our triage nurse.
24	Q	So that's the person who is going to say,
25	oh, we ne	ed to see you right away or you can sit for

```
Page 65
     four hours like everybody has to before a doctor can
 1
 2
     see you?
 3
          Α
               Correct.
               Sorry, I couldn't resist that jab. We've
 4
          Q
 5
     all been there. So a nurse will do an initial
     assessment to do how quickly this patient needs to
 6
     be seen?
 7
 8
          Α
               Right.
 9
               Does that nurse take some basic
     information from the patient?
10
11
          Α
               Yes.
               And then after that nurse, for example, if
12
13
     that nurse determines that this is not a patient
     that needs to be seen like, you know, ASAP or stat,
14
     or whatever your language is, then who would the
15
     next person be that that patient will see?
16
17
               The patient would then likely see one of
18
     our techs who would bring the patient back to a room
     whenever it became available.
19
20
                    They would take vital signs for the
     patient and then the person after that would
21
22
     actually be the nurse that would be caring for the
23
     patient while they were in the exam room.
               Okay. Now, I didn't know if you skipped a
24
25
     part because we were talking about a patient seeing
```

Page 66 an admission's person. 1 So at some point once they are brought 2 3 back to the examine room, whether it be before they are seen by the nurse or after they're seen by me. 4 A registration person will see the patient and then 5 6 primarily for insurance purposes. 7 Okay. Now, I passed out what should. Q 8 (Grand Jury Exhibit Number 93 marked for identification.) 9 (By Ms. Alizadeh) I'm going to hand you 10 Q 11 what I've marked as Grand Jury Exhibit Number 93. Prior to coming in today, when I contacted you, did 12 13 you pull up the medical records for Darren Wilson for that day and review them? 14 15 Α No, I reviewed this morning with my 16 attorney. 17 You reviewed them though prior to coming Q 18 here? 19 Α Yes. 20 And so do those look like the records that 21 you reviewed? 22 Yes. Α 23 And I've given a copy of those records to the grand jurors. So we can go page by page just 24 25 really quickly. So the first page that we're

	Page 67
1 ,	looking at this, this is an admission form?
2	A Correct, this is something that
3	registration would fill out.
4	${f Q}$ So this has to do with insurance and just
5	basic pedigree information, address and so forth?
6	A Correct.
7	${f Q}$ So then the next page is an abstract
8	summary. Now you and I talked about this and what
9	is, what we call coders. There are people in the
10	hospital that have to at some point put codes into
11	these records so that the insurance gets billed for
12	the right procedure for what was done, correct?
13	A Correct.
14	Q So these codes on here for the diagnosis,
15	reason for and then there's primary diagnosis and
16	then secondary diagnosis, it is difficult to see
17	because they are in those black bars. Those are all
18	things that a coder selects based upon what they
19	read in the records was the diagnosis, correct?
20	A Correct.
21	Q And they have to select from a finite
22	number of options to put a code in, correct?
23	A Yes.
24	${f Q}$ All right. So this is mainly for
25	insurance reasons?

Page 68 Α Yes. 1 Okay. And then the next page, deals with 2 3 at the top it says, chief complaint, alleged assault and then physicians caring for patient, it has your 4 5 name? 6 Yes. Α 7 So is this the information that the triage 8 nurse would have taken or the triage person as you 9 said? 10 Α Yes. 11 Okay. And so down in the paragraph it says triage, it says chief complaint quote, and then 12 13 in quotes it says, he needs x-rays he was hit in the 14 face a couple of times. 15 You're not the person who entered 16 that into that paragraph, correct? 17 No, that was our triage nurse who sits out 18 front in our waiting room. Do you know if the triage nurse got that 19 Q information from the patient or could it have been 20 from somebody with the patient? 21 22 Α I believe it was somebody with the 23 patient, specifically his supervisor. Okay. The patient's supervisor, the 24 25 police officer's supervisor?

	Page 69
1 ,	A Yes.
2	${f Q}$ And then also down it says here that on
3	the next line, the patient presented with St. Louis
4	County Police to the emergency room for evaluation.
5	So that means he was with police
6	officers, correct?
7	A Correct.
8	<b>Q</b> And then it says from home?
9	A Right. So, yeah, usually the nurse, the
10	triage nurse will ask, you know, did they come from,
11	say if they were in a car accident, did they come
12	straight from the car accident or did they go home
13	first and then come from home.
14	At some point he must have said that
15	he came from home. Now whether or not he did or
16	not, that's not something I discussed with him.
17	Q Okay. So that's a note that's put in by
18	the triage nurse?
19	A Yes.
20	<b>Q</b> And whether or not Darren Wilson said that
21	or one of the people with him told her that, or
22	whether or not that's even accurate, we don't know?
23	A Correct.
24	$oldsymbol{Q}$ And then also in the next paragraph where
25	it says neuro, alert and oriented three times, skin

Page 70 1 warm and dry. 2 So what is the triage nurse assessing 3 when she's looking at someone's skin? Just that he's not, that he's not pale or 4 5 sweating excessively or blue or red or having any 6 obvious issues with circulation or difficulty 7 breathing, which may change their skin color. 8 Q This is part of a neurologic examine. 9 like you are noticing that he has redness to his 10 forehead? 11 Correct. Just very initial exam. Is the Α patient upright, is he aware what's going on, is he 12 13 able to speak. 14 And, again, downward in the medical Q 15 screening continued, the note is that the skin is pink, warm and dry. Is that just in general the 16 17 skin on his body appears to be normal? 18 Just in general, yes. 19 Q And then patient denies physical or emotional abuse. Is the patient asked if he was 20 21 abused? 22 This is a question that every patient gets Α 23 asked when they come into our department and it is referring to domestic abuse at home. 24 25 Now, was there suspected domestic abuse Q

	Page 71
1 ,	involving this patient?
2	<b>A</b> No.
3	${f Q}$ So every patient, and I think you said
4	even if they came in for a sore throat or cold is
5	asked that question?
6	A Correct.
7	${f Q}$ And then on the next page, also down where
8	it says abuse screening, it says patient states that
9	he or she is not a victim of violence. Is that
10	domestic violence specifically?
11	A Yes, domestic.
12	Q He's not asked if somebody hurt you, he's
13	asked if anybody had any domestic assault or
14	domestic violence?
15	A Correct, in the home.
16	Q In the home?
17	A Uh-huh.
18	${f Q}$ And then on the following page it says
19	here on the flow sheet, you prescribe Naprosyn 500
20	milligrams for him; is that right?
21	A Yes, and that was the dose that was given
22	to him while he was in the department.
23	${f Q}$ And it says here was his
24	treating nurse?
25	<b>A</b> Yes.

		Page 72
1 ,	Q	So that would be the person, as you said,
2	that once	they got in the exam room might then
3	continue	an assessment and take vital signs and so
4	forth?	
5	A	Yes.
6	Q	In reading his charts and what did,
7	his vital	signs all appeared to be normal?
8	A	Correct.
9	Q	And on the following page then there's, I
10	don't kno	w, I'm going to call it a pain chart or
11	pain asse	ssment?
12	A	Pain scale.
13	Q	Pain scale, okay. And it indicates here,
14	this is	that took this information, correct?
15	A	Correct.
16	Q	And that's that would be
17		that's his code?
18	A	His log in.
19	Q	And so for pain index, I imagine you are
20	giving th	e patient some options. Rate your pain
21	between o	ne and ten?
22	A	Correct.
23	Q	Ten being excruciating, one being?
24	A	Very little.
25	Q	Very low?

	Page 73
1 1	A Yeah.
2	<b>Q</b> And so the patient on those particular
3	times graded his pain consistently on those four
4	occasions a six out of ten?
5	A Correct.
6	Q And then where it says description, it
7	says aching. Is that something the patient provided
8	or would the nurse put that in there?
9	A The nurse would have given him some
10	options for description, such as sharp, or stabbing
11	or aching or throbbing. And then the patient would
12	pick the one that most fits it.
13	<b>Q</b> So Darren Wilson on that day said my pain
14	is aching and it is six out of ten?
15	A Correct.
16	$oldsymbol{Q}$ Okay. And then on the next page under
17	nursing notes, and these again are 's notes;
18	is that correct?
19	A Correct.
20	Q Says, patient to ED with complaint of
21	bilateral jaw pain. Patient states he's a police
22	officer and was struck twice in the face by a
23	suspect. Patient denies LOC and NV.
24	That's an entry made by
25	the nurse, correct?
	·

	Page 74
1 .	<b>A</b> Yes.
2	${f Q}$ Is that information he would have gotten
3	from the patient?
4	<b>A</b> Yes.
5	${f Q}$ So this is information that he read on
6	this chart that might have been put there by the
7	triage nurse?
8	A This is what the patient told him
9	directly.
10	$oldsymbol{Q}$ Okay. And so the patient said he was
11	struck in the face twice by a suspect?
12	A Yes.
13	<b>Q</b> And then denies LOC?
14	A Lost of consciousness.
15	<b>Q</b> What is NV?
16	A Nausea or vomiting.
17	Q It says that he had no difficulty moving
18	his jaw and no obvious deformities were noted?
19	A Correct.
20	<b>Q</b> And then where it says history of present
21	illness, is that still taking those notes?
22	A That is me.
23	${f Q}$ So from that point this information is
24	what information you gather and put in the charts?
25	A Yes.

	Page 75
1 ,	${f Q}$ And when it says HPI tech, what does HPI
2	mean?
3	A History of present illness.
4	<b>Q</b> Patient presents with CO bilateral jaw
5	pain.
6	A Complaint of bilateral jaw pain.
7	$oldsymbol{Q}$ Okay. So now when you are taking a
8	history of present illness, what is the purpose to
9	do that?
10	A This is basically just what the patient
11	tells us directly. It is not what I see or what I
12	find on examine, it is just the incident that
13	occurred, the information that was provided directly
14	from the patient, and then what their specific
15	complaint is as far as the injury.
16	Q All right. So the patient may say, I fell
17	down the stairs and hit my head on the concrete
18	floor?
19	A Yes.
20	Q And that's what goes in there then?
21	A Yes.
22	$oldsymbol{Q}$ Are you going to ask the patient well, did
23	someone trip you or push you down the stairs, or
24	were you drinking alcohol that caused you to fall
25	down the stairs or you just trying to find out how
l	

Page 76

- 1 the incident occurred?
- 2 **A** We might ask what, you know, as far as
- 3 falling down the stairs, what made them fall and
- 4 they can say oh, I tripped, I slipped, I passed out
- 5 and then I fell down the stairs.
- 6 Q Okay. And in this case, someone who says
- 7 I have bilateral joint pain after being punched in
- 8 the face while attempting to detain a suspect, he
- 9 was also scratched in the neck. Again, that's stuff
- 10 that Darren Wilson told you?
- 11 A Correct.
- 12 **Q** Did you then inquire about what were you
- 13 going to try to arrest the suspect for, what
- 14 happened immediately prior to being punched in the
- 15 face?
- 16 A No, no, that's not stuff we would go into.
- Okay. And let me ask you to clarify. You
- 18 know that this examine you did was in relation to
- 19 Officer Wilson and his involvement that culminated
- 20 in the shooting of Mike Brown, right?
- 21 **A** I do now, we were unaware of the event at
- 22 the time.
- 23 Q Okay. So when you were treating Darren
- 24 Wilson, you didn't know anything about Mike Brown
- 25 having been shot?

	Page 77
1 ,	A Correct.
2	<b>Q</b> Would you have treated him any differently
3	or is there something that now you look back I wish
4	I would have done had I known?
5	A No, basically because his complaint was
6	jaw pain, our focus is, you know, how did the jaw
7	pain occur. He got punched. What, who punched him,
8	you know, and then what his complaint is as far as
9	pain or any complications from that.
10	But from a medical standpoint it is
11	not going to change how we treat him or what we do
12	based on what led up to that event.
13	Q Okay. And ultimately, you know, after you
14	having reviewed this record, you diagnosed him with
15	contusion of the mandibular joint area?
16	A Yes.
17	Q And so your mandible is your jaw, correct?
18	A Correct.
19	Q So what is a contusion?
20	A Contusion is basically a bruise,
21	inflammation, irritation to the soft tissue.
22	${f Q}$ And we talked about that a little bit ago
23	about bruising and we all have had bruises, we've
24	had kids that had bruises, do people bruise
25	differently?

	Page 78
1 .	A Yes.
2	$oldsymbol{Q}$ And do different areas of the body bruise
3	differently?
4	A Yes.
5	Q We've also talked about that bruises can
6	go through like a continuum, almost like a color
7	spectrum from deep purposely to blue to greenish
8	color to a yellow issue color, correct?
9	A Yes.
10	Q Do all bruises go through that continuum?
11	A No, it really depends on the area. It
12	also depends on the severity of the initial injury.
13	So sometimes it can start as just a mild redness and
14	then it resolves or it can go through the color
15	stages of red to purple, blue and then fading to
16	green and yellow.
17	$oldsymbol{Q}$ Did you notice any swelling to Darren
18	Wilson face?
19	A Nothing significant, no.
20	${f Q}$ Okay. And, obviously, probably we've all
21	seen pictures and you've probably seen in real life
22	when someone, like the entire side of their face is
23	swollen, that would be something very evident and
24	apparent, correct?
25	A Correct.

	Page 79
1 ,	Q Are there times when people may have some
2	slight swelling, but you can't tell if that might,
3	they have a chubby face or that's just the way their
4	face looks normally, for example?
5	A Correct. Several times patients will come
6	in complaining of swelling and it is just not
7	evident to us because we don't see what their normal
8	tissue looks like on a normal day. So if he
9	complained of any swelling, it wasn't noticeable
10	enough that I could tell.
11	Q So you didn't notice any obvious swelling?
12	A Correct.
13	<b>Q</b> But did you notice a contusion?
14	A Some redness, yes.
15	<b>Q</b> And what causes a contusion or what can
16	cause a contusion?
17	A Any type of trauma really to the soft
18	tissue.
19	<b>Q</b> Okay. So can a punch to your face cause a
20	contusion on your face?
21	A Yes.
22	<b>Q</b> You also put in your records that he
23	complains of having been scratched on the back of
24	his neck?
25	A Yes.
I	

	Page 80
1	Q And did you examine, look at the back of
2	his neck?
3	<b>A</b> Yes.
4	<b>Q</b> Did you observe anything that looked
5	consistent with having been scratched?
6	A Yes, there were several linear marks,
7	slight puffiness that were consistent with what he
8	described as fingernail scratch marks.
9	Q Now, did you, yourself, photograph any of
10	his injuries?
11	A I did not photograph anything, no.
12	${f Q}$ Okay. And were you present when his
13	injuries were photographed?
14	A I was not present in the examine room, no.
15	Q Okay. When you examine Darren Wilson,
16	were there any other people besides yourself and the
17	patient present?
18	A Two St. Louis County detectives were
19	present.
20	Q Did they question him in your presence?
21	A No.
22	<b>Q</b> Were they present when you asked him what
23	happened, what happened to your face or anything
24	like that?
25	A Yes. They were present the entire time
I	

Page 81 that I was in the room. 1 2 I'm going to hand you some photographs that are contained in a packet marked as Grand Jury 3 Exhibit Number 10, and these are images Number 2 4 5 through 19. And just looking at Image Number 2, for 6 example, does that look like the patient you 7 examined that day? 8 Α Yes. 9 Is that how he appeared when you saw him? 10 Α Yes. 11 Did you seize any specimens from him by any chance or take anything from him? 12 13 Α He submitted a urine drug screen, not to 14 us, but to an outside company called Guardian that 15 we contact for work related injuries. And you learned that this happened while 16 17 he was on duty, correct? 18 Yeah. Α 19 Q And so that's considered a work related 20 injury? 21 Α Yes. 22 And then is it required that he submit a Q 23 urine sample for drug testing? 24 It is based on each company's policy and 25 for his department that was required.

Page 82

- 1 Q Okay. And so did you or another nurse
- 2 take his urine sample when he was there?
- 3 A No. A representative from the company
- 4 Guardian comes into the department and handles that
- 5 full aspect of it.
- 6 Q And the testing of the urine sample is
- 7 done by that company?
- 8 A Yes.
- 9 And then I'm just going to show you some
- 10 pictures that have been taken while he was at the
- 11 hospital, do you note any of the redness in any of
- 12 these pictures in particular that help to
- demonstrate what you saw that day?
- 14 A Yeah, his primary complaint was to the
- 15 right side of the jaw, and so you can see a little
- 16 bit of redness there and a little bit of redness
- 17 there. We didn't notice any issues to the left side
- 18 of the jaw.
- 20 of the jaw?
- 21 **A** Very, very mild pain to the left side of
- 22 the jaw.
- 23 Q Okay. You pointed at an image, which is
- 24 Image Number 9, showing the redness that you saw on
- 25 that day?

1 A Yes. 2 Q And then regarding the back of his neck,
, , , , , , , , , , , , , , , , , , ,
3 and again, these were photos taken by police not by
4 you?
5 <b>A</b> Correct.
6 <b>Q</b> Are there any of these images where they
7 depict the injuries that you describe or that are
8 shown that we might use?
9 <b>A</b> A little bit of redness here at the
10 hairline. It is a little difficult to see in the
11 photograph the actual kind of linear marks that I
12 saw during the examine, but you can kind of see some
13 lines developing with the redness.
14 <b>Q</b> Okay. And so you were pointing out Image
15 Number 12 as showing the redness of the hairline?
16 <b>A</b> Correct.
17 <b>Q</b> And was it in this area that you saw the
18 linear marks?
19 <b>A</b> Yes.
20 <b>Q</b> Now, just for sake of clarity, this mark
21 that goes like horizontal across at his hairline,
22 that's not a scratch, is it?
23 <b>A</b> That's just normal skin fold.
24 <b>Q</b> A skin fold?
25 <b>A</b> Yes.

	Page 84
1 .	<b>Q</b> At my age we call them wrinkles?
2	A Right.
3	${f Q}$ Okay. So the redness to the back of the
4	neck you were describing is this area here, along
5	the hairline, right?
6	A Yes.
7	Q Did you notice any swelling in that area?
8	A No.
9	<b>Q</b> Did he talk about any pain in that area?
10	A Nothing of significance, no.
11	Q Now, and I talked to you just briefly
12	before this and I told you that Officer Wilson was
13	photographed, similar photographs were taken of him,
14	I believe, on the 13th, which would have been
15	actually on the 12th. And I asked you, we talked
16	about bruising and how bruises appear and how long
17	it takes bruises to appear.
18	In these photographs do you see any
19	apparent bruising that might demonstrate that is
20	consistent with your diagnosis of a contusion?
21	A It appears the redness that he had
22	initially has resolved. I don't see any of the
23	purple discoloration that sometimes follows
24	contusions.
25	Q So the fact that you do not see any of the
i	

```
Page 85
     redness three days, I'm not sure what time those
 1
 2
     pictures were taken, but let's just say roughly
 3
     three days after the injury resulted or occurred,
     does that change your opinion as to the diagnosis?
 4
 5
               No, because it will not always progress to
          Α
 6
     that point that it turns into that distinctive
 7
     purple bruising that we are used to seeing.
 8
               You still, in your opinion, is the same
 9
     that you've diagnosed Darren Wilson with a contusion
     of his mandible?
10
11
          Α
               Yes.
               And he was x-rayed and there is no
12
          Q
13
     fracture or any other injuries to his jaw or face;
14
     is that right?
15
          Α
               Right, yes.
16
               MS. ALIZADEH: Sheila, do you have
17
     anything?
18
               MS. WHIRLEY: Um, yes. Progressing from
     redness to the face to bruising, which you looked at
19
     the photos of him a couple of days later and there
20
     was no bruising according to the photos, and you
21
22
     only saw redness on the face, correct, no bruising?
23
          Α
               Correct.
               MS. WHIRLEY: Progressing from the redness
24
25
     of the face to a bruise, would that depend on the
```

Page 86 impact, how hard a person is struck? 1 2 Yes. You know, generally the harder the impact, the more blood vessel involvement. 3 bruise is caused by broken blood vessel. So the 4 5 harder the punch, the harder the impact, the more 6 likely you are to have more blood vessels being 7 broken. And that's when those blood vessels start 8 to bleed, that's what creates that purple 9 discoloration as that blood kind of seeps out 10 underneath the layer. 11 MS. WHIRLEY: If the face is red, but never turns purple, does that mean that the impact 12 13 was not hard enough to break any blood vessels? It was likely that the impact just 14 Α 15 involved the very superficial capillary layers, as opposed to deeper tissue which would result in the 16 17 deeper purple bruising. 18 MS. WHIRLEY: Okay. I don't think I heard 19 this asked, he did not require any hospitalization, 20 did he? 21 Α No. 22 MS. WHIRLEY: So he was treated and 23 released? 24 Α Yes. 25 MS. WHIRLEY: Did he have any injuries to

Page 87 his eyes at all? 1 2 No, he did not complain of any eye pain or 3 nose pain or tooth pain or any head pain. MS. WHIRLEY: Head pain you said. 4 5 Α No head pain. There was no evidence of any injury to these areas. 6 7 MS. WHIRLEY: So in your opinion there are 8 no permanent injuries? 9 Correct. Α MS. WHIRLEY: And you said there were no 10 11 fractures. Would he have needed to take time off because of the injury that he was treated for? 12 13 Α No. 14 MS. WHIRLEY: No. And as far as the 15 document saying that he was injured by being stricken or however it is phrased, that is his 16 self-reporting, correct? 17 18 Α Correct. MS. WHIRLEY: You could see redness to the 19 face and nobody was even struck; is that correct? 20 21 Could you see redness of the face? Α 22 MS. WHIRLEY: Yes. 23 Α If he had redness to the face, there was obviously some sort of trauma to the soft tissue. 24 25 But we gather that it was from a punch to the face

```
Page 88
     based on his account.
 1
 2
               MS. WHIRLEY: Based on what he told you,
 3
     self-reporting?
          Α
 4
               Yes.
 5
               MS. WHIRLEY: I could get redness to the
 6
     face from several different ways or mechanism?
 7
               Yes. If you rub your face too hard with
          Α
 8
     your hand, you could get redness to it.
               MS. WHIRLEY: And not have a broken blood
 9
     vessels to give me a bruise?
10
11
          Α
               Yes, right.
12
               MS. WHIRLEY: That's all I have, thank
13
     you.
14
               MS. ALIZADEH: Just real quickly.
15
     injury that you saw, is it consistent with what he
16
     reported?
17
          Α
               Yes.
18
               MS. ALIZADEH: Any questions?
19
                             Where is your place located
     because I'm trying to determine how far, I'm
20
21
     concerned about that home answer on the application.
22
          Α
               Okay.
23
                          : Where is your place located?
24
               So we are in Florissant. We are right off
25
     of Graham Road. Hanley and 270.
```

```
Page 89
                              Hanley and 270 on Graham
 1
 2
     Road.
 3
          Α
               On Graham Road, yes.
                              So you are right across the
 4
     street from the physician building?
 5
 6
               Yes, yeah.
          Α
 7
                              You said the area and the
 8
     severity of the injury can be affected by how the
 9
     bruise continues to manifest itself, correct?
               Yes, a worsening, a deeper bruise
10
11
     typically indicates a more severe injury.
12
                           : And Naprosyn is an
13
     anti-inflammatory drug.
14
          Α
               Yes.
15
                             So with the application of
16
     ice, what you told him to do, apply ice.
17
          Α
               Yes.
18
                              And consumption of an
19
     anti-inflammatory also have an affect on how the
     bruising would manifest itself?
20
               Yes. So the sooner ice is applied, the
21
          Α
22
     sooner anti-inflammatory medicines are taken, the
23
     more likely that a bruise or injury would resolve
24
     sooner than if no treatment were taken.
25
                              Was he given any
```

```
Page 90
     anti-inflammatory drug while he was there?
 1
 2
               Yes, he was given a single dose of
 3
     Naprosyn.
                           : And a single dose is 500
 4
 5
     milligrams?
 6
          Α
               Yes.
 7
                             And that's stronger than
 8
     anything you can buy, you can't buy Naprosyn over
 9
     the counter?
10
          Α
               No.
11
                              That's very close to
12
     Ibuprofen?
13
               It is. It was Aleve, so basically
14
     prescription strength Aleve.
15
                             Okay. You mention that you
     saw no swelling, but prescribed this Naprosyn; is
16
17
     that correct?
18
               Yes, there was no swelling that was seen.
          Α
19
                              Just the redness.
20
               Just the redness. Naprosyn is also a pain
          Α
21
     reliever. So even without any evidence with his
22
     complaint of pain, we would have prescribed
23
     something similar.
24
                           : Could you explain a little
25
     bit to us how that pain portion of that.
                                                So when
```

	Page 91
1 .	you ask a patient for pain, kind of how that relates
2	to what they feel versus what you as a professional
3	can evaluate?
4	A The pain scale, is that what you mean?
5	Yes.
6	A That is very subjective. So that the way
7	that it is worded generally is, rate your pain on a
8	scale of one to ten, ten being the worse pain that
9	you've ever experienced or could ever imagine
10	experiencing. So for someone who has never
11	experienced much pain in their life may have what
12	others would call relatively mild pain, but still
13	may be the worst pain that they personally ever
14	experienced. They may rate it on a higher scale.
15	So it very much differs from
16	person to person.
17	A Yes.
18	Nothing that a doctor or
19	nurse no matter their education or training could
20	disagree with or agree with?
21	A It is not, there's no set guidelines as
22	far as a three is this degree and a seven is this
23	degree, it is very subjective.
24	Thank you.
25	What are some of the side

```
Page 92
     effects of the Naprosyn, is there any warning on
 1
 2
     there do not operate machinery while taking this
 3
     drug?
               No, it is generally well tolerated.
 4
 5
     anyone is going to experience anything it may be a
 6
     little bit of stomach upset, but because it is
 7
     nonnarcotic, there should not be any interference
 8
     with operating machinery or driving a car or
 9
     anything like that.
                           : I'm looking on page eight of
10
11
     11.
12
               MS. ALIZADEH: Can you speak up a little
13
     bit?
14
                               I'm sorry, on page eight of
15
     11, where it says transcriptionist, was it
     transcribed date and time August the 9th, 2014 at
16
17
     10:18 p.m.
18
          Α
               Uh-huh.
19
                           : Are you saying this
20
     radiologist was reading the report?
21
               The radiologist reads the report, and then
          Α
22
     a transcriptionist, someone that -- so a radiologist
23
     will read a report and dictate it into a phone. And
     then someone outside of the building, outside of the
24
25
     practice will then type it out at a later time.
```

```
Page 93
                             He didn't read the report
 1
 2
     until like --
 3
          Α
               It was read on August 9th at 4:00.
                             But the transcriber didn't
 4
 5
     do it until 10:00 p.m. that night, 10:18?
 6
               Correct.
          Α
 7
                          : I was going to ask who was
 8
            I thought that was you?
 9
          Α
               That is me, yes.
10
                              So you have two last names?
11
               That is my maiden name.
          Α
12
                             Okay. So you order it up
13
     under your maiden name, then your order the medicine
14
     in your --
15
               Yeah, my last name is , but our
          Α
16
     computers have not been 100 percent updated with my
17
     married last name.
18
                          : Okay. I have a question. I
19
     thought that number seven question about the
20
     swelling, how long does it take someone to swell?
               Really varies from person to person. It
21
          Α
22
     really depends on the injury and location of the
23
     injury. Someone may develop swelling within
     minutes, some may develop swelling within 24 hours.
24
25
     It really depends on each person and the location.
```

```
Page 94
                             When you were talking with
 1
 2
     Darren Wilson, getting assessment from him, was he
 3
     100 percent himself or was he relying on the
     supervisor or others around to assist with his
 4
 5
     responses?
 6
               The detectives that were present with him
          Α
 7
     in the room did not speak the entire time that I was
 8
     in there.
 9
               MS. WHIRLEY: So you have an independent
     recollection of your interaction with this officer;
10
11
     is that correct?
12
          Α
               Yes.
13
               MS. WHIRLEY: What was his demeanor?
14
               Um, calm, cooperative, nothing seemed out
          Α
15
     of the ordinary to me. Possibly at most slightly
16
     apprehensive initially. I feel that when I walked
17
     into the room I was probably interrupting a
     discussion between him and the detectives. Once I
18
19
     started my exam, he was calm and didn't appear
     overly anxious or anything.
20
21
               MS. WHIRLEY: He didn't say anything to
22
     you what happened other than he was struck in the
23
     face?
               His words were he was punched in the face
24
25
     by a suspect while attempting to detain the suspect.
```

```
Page 95
               MS. WHIRLEY: Did he tell you anything
 1
 2
     else?
 3
          Α
               No.
               MS. WHIRLEY: Okay.
 4
 5
                             Could an arm keep rubbing on
 6
     a face, could that have made the face red?
 7
          Α
               Yes.
 8
                             Injuries like this, is that
 9
     something typically you would see on a day-to-day
     just because the incident happened, we have to make
10
11
     sure we get this documented?
               This is something that we would typically
12
          Α
13
     see day-to-day. We see a lot of assault victims,
     not necessarily always regarding a police officer at
14
15
     work, but just anyone in general. But we do see a
     lot of our local police department coming in with
16
     various injuries that they sustain on-the-job.
17
18
     was by no means out of the ordinary what we do see
19
     day-to-day.
20
               MS. WHIRLEY: Do you see regular people,
21
     lay people come in with a red face looking for
22
     treatment?
23
          Α
               Yes.
               MS. ALIZADEH: Ma'am, would you also,
24
25
     someone who maybe reports being struck twice in the
```

```
Page 96
     face who has that type of injury that you observed.
 1
     You might, you actually in this case decided to do
 2
     x-rays to see if he had a fracture, correct?
 3
          Α
 4
               Yes.
 5
               MS. ALIZADEH: If he had a fracture, there
     would be possibly other treatment involved?
 6
 7
          Α
               Yes.
 8
               MS. ALIZADEH: So I guess what I'm trying
 9
     to get at is obviously there's potential that this,
     somebody wanted to document this because obviously
10
11
     work related injuries, people want documented, and
     in the event that this was, you know, again
12
13
     investigated in a criminal nature or to maybe
     ascertain whether or not there was a more severe
14
     injury than simply my jaw hurts and it's red?
15
16
          Α
               Right.
17
               MS. ALIZADEH: Okav.
18
                             I have a question.
     Considering that you did give Naprosyn, did you feel
19
     that there was a need to prescribe an
20
     anti-inflammatory instead of just a pain killer, did
21
22
     you feel that the injuries looked like, you know, an
23
     anti-inflammatory was needed?
               Yeah, given the injury. Usually, whether
24
25
     it be a contusion or a sprain or a strain, we do try
```

```
Page 97
     to do anti-inflammatory medicines versus like a
 1
 2
     narcotic pain reliever. Simply because it does have
 3
     that anti-inflammatory effect, which generally helps
     with the pain and helps resolve the injury a little
 4
 5
     bit more.
 6
                    I kind of secondarily prescribe
     Naprosyn versus a narcotic because I knew that he
 7
 8
     was going to be submitting a urine drug screen and I
 9
     did not want something that I gave him to interfere
10
     with that.
11
                             Did you feel his injuries
     were consistent with the need to have an
12
13
     anti-inflammatory drug?
14
          Α
               Yes.
15
                             At any time did Darren
     Wilson mention he had already seen an EMT?
16
17
               No, he did not.
          Α
18
               MS. ALIZADEH: Anyone else?
19
               (End of the testimony of
                                                     . )
20
               MS. ALIZADEH: So Kathi Alizadeh, it is
     about two minutes after 2:00. We just finished with
21
22
     the last witness of the day and you were scheduled
23
     to be here till 2:30. I think it is a good idea if
24
     you want to cut out now.
25
               We talked off the record earlier today
```

Page 98 about scheduling and things that you might need 1 2 because as we all have said, we're getting close to 3 the end. Did you have a chance to talk during your lunch hour about whether or not you thought you 4 5 might want some additional evidence or witnesses 6 that you haven't heard yet or seen yet or whether or 7 not you want to recall any witnesses that you've 8 already heard from that you now have questions for? 9 Did you all talk about that at all? 10 We haven't talked about, I 11 don't think there is anybody at this point. It is possible when we start getting into the 12 13 deliberations that, you know, if there is a 14 controversy, we may want to recall somebody. Ι 15 would not expect that to be the case. 16 MS. ALIZADEH: Here is our plan. Y'all 17 are here Thursday till 5:00. As I mentioned 18 previously, Dr. is going to be here and I 19 think he's going to be here at 8:30. He will be the first witness of the day. We still are trying to 20 track down up to five lay people that may or may not 21 22 show up on Thursday. 23 And then, of course, we talked about 24 Detective being kind of the last witness who 25 would wrap things up and kind of summarize and

Page 99 answer any leftover questions that you might have 1 2 about the investigation. 3 I didn't realize when we started up that we didn't have all 12 grand jurors, we weren't 4 hearing evidence, we were just talking about the end 5 6 of the day has come and that if any additional 7 witness or evidence I need you to get that to me as 8 soon as possible. 9 Thursday at 8:30 we are going to start with Dr. . We may have some lay witnesses if I 10 11 can find them, then may be testifying if we have the time, he's going to be the last witness 12 13 of the grand jury. 14 And then you may or may not if Thursday is 15 our last day, you may or may not begin your 16 deliberations then. And as I said before, you know, 17 the end of the day is at 5:00. You want to keep going until 6:00, 7:00, 8:00, 9:00, it doesn't 18 matter to us. We're here, be here as long as you 19 20 need. If you do not begin deliberations that day 21 22 or if you don't complete your deliberations that 23 day, the next day you have scheduled is the following Friday, a week, a little more than a week 24 25 after that. So that would be right now the plan is

Page 100 that if we don't finish the evidence, we will see 1 2 you on that following Friday. If we do finish the evidence, it will 3 begin deliberations and continue or you'll come back 4 the following Friday. Is that a plan that everybody 5 6 is okay with? Okay. 7 In the meantime, I know you have asked for 8 someone to help you in your deliberations. 9 Obviously, things to write with and things to put on the wall. Did they show you the thing we are going 10 11 to put on the wall? It is a like this, it is big enough to 12 13 push pins into, but it is bigger than that. I think we might try to put a couple of these two things 14 15 right here. And then if you need more, we'll get 16 more. 17 We're going to have a flip chart, we have 18 the easel which is excellent and then we'll give 19 you, you know, Posted Notes, push pins, everything else. If you want different color highlighters 20 because you are doing that, we'll get you whatever 21 22 you need. 23 And with that, any questions at the end of 24 the day as we are coming to a close?

25

Also the charges, what do

Page 101 you call them? 1 2 MS. ALIZADEH: We're going to do that 3 tomorrow, because we didn't have time last night and today we started up with this. Either the rest of 4 5 today or by tomorrow we will give to you for 6 indictments for you to consider and then we'll give 7 you the law on self-defense because we've already 8 given you the excessive force or the use of force 9 statute. 10 Anything else? 11 MS. WHIRLEY: We still talking about the probable cause and that standard. 12 13 MS. ALIZADEH: We had a conversation with 14 that even last night and we still have to kind of 15 work that out, we're not really sure. Probable cause, you are 16 17 still looking at? 18 MS. ALIZADEH: We both agree that you 19 can't return an indictment unless you believe there is probable cause to believe that a crime occurred 20 and that the defendant or suspect or the person 21 22 you're considering committed it. But the question 23 is, if you're going to consider self-defense and use of lawful use of force to affect an arrest are 24 25 affirmative defenses and they're what we call

Page 102 complete defenses. 1 2 And so if you believe that the person 3 acted in lawful self-defense or if you believe the person was justified in the use of force as a law 4 enforcement officer, then it is a complete defense, 5 6 there would be no indictment on any charge. 7 The question we don't really know is that 8 beyond a reasonable doubt, what is the standard by 9 which you have to consider that. 10 MS. WHIRLEY: Those two issues. 11 Will that be outlined in 12 writing for us as well? 13 MS. ALIZADEH: I don't know because we 14 don't know. If this matter were a trial, it would 15 be different because, obviously, in trial it is 16 beyond a reasonable doubt. And in trial it is the 17 obligation of the defense to raise the issue, and if 18 the issue is raised, it becomes the obligation of the State to prove beyond a reasonable doubt that 19 the person did not act in lawful self-defense or was 20 not justified in the use of force, but that's in a 21 22 trial setting. 23 So we don't know how this, this investigation was, we talked about yesterday, is not 24 25 typical on how we would present cases to the grand

```
Page 103
     jury. This is an investigation and I believe, and I
1
     think Sheila agrees, I don't want to speak for you,
 2
     that your determination of whether or not force was
 3
     justified either as self-defense or use of force to
 4
 5
     affect an arrest is a part of your decision process.
 6
               So that's something for you to consider.
7
     I don't think the answer is simply, well, we believe
8
     that a crime was committed, you know, probable cause
 9
     to believe a crime was committed and he did it and
     not at all talk about those defenses.
10
11
               But I don't know, we don't know what kind
     of instruction to give you on, do you have to
12
13
    believe that there's probable cause to believe that
14
    he used excessive force. I don't know, we don't
15
     know that. We don't want to tell you the wrong
16
     thing. So we're still trying to work that out.
17
               Okay. I hope I haven't said too much.
                                                        We
18
     want you to make the right decision, we want your
19
     decision to be based on the law. And given that
     neither Sheila nor I have ever had this experience
20
     before and actually, we talked, there's only been
21
22
     one grand jury investigation on officer's use of
23
     force in the past 15 years that anybody can
24
     remember, so we're kind of not sure how to proceed.
25
                             We'll get it.
               MS. WHIRLEY:
```

```
Page 104
               MS. ALIZADEH: We'll get you that
 1
 2
     instruction. It will be up to us whether we are
     right or wrong, but we will give you that guidance.
 3
               We are your legal advisers under the law,
 4
 5
     that's what our job is to tell you what the law is.
 6
     Of course, presenting all the evidence that we can
    present for you and then you all are going to have
 7
 8
     to make of that what you will.
               All right. So at this point, we will
 9
     conclude the day and we will see everybody on
10
11
     Thursday at 8:30.
12
               (End of the grand jury hearing Volume
13
     XXII.)
14
15
16
17
18
19
20
21
22
23
24
25
```

```
Page 105
 1
 2
     State of Missouri
                         SS.
 3
     County of St. Louis
 4
 5
                            a Licensed Certified Court
          I,
 6
     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
 9
     depositions, do hereby certify that pursuant to
     Notice in the civil cause now pending and
10
11
     undetermined in the County of St. Louis, State of
     Missouri.
12
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
     whole truth, and nothing but the truth in the case
16
17
     aforesaid, thereupon testified as is shown in the
18
     foregoing transcript, said testimony being by me
     reported in shorthand and caused to be transcribed
19
     into typewriting, and that the foregoing page
20
     correctly sets forth the testimony of the
21
22
     aforementioned witness, together with the questions
23
     propounded by counsel and grand jurors thereto, and
     is in all respects a full, true, correct and
24
25
     complete transcript of the questions propounded to
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Page 106
     and the answers given by said witness.
 1
               I further certify that the foregoing pages
 2
 3
     contain a true and accurate reproduction of the
     proceedings.
 4
 5
          I further certify that I am not of counsel or
 6
     attorney for either of the parties to said suit, not
     related to nor interested in any of the parties or
 7
 8
     their attorneys.
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Page 107
     COURT MEMO
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 5
     State of Missouri v. Darren Wilson
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 7
     CERTIFICATE OF OFFICER AND
 9
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume XXII
12
     11/11/2014
13
     Name and address of person or firm having custody of
14
     the original transcript:
15
16
     St. Louis County Prosecuting Office
17
     100 South Central, 2nd floor
18
     Clayton, MO 63105
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Page 108
 1
     ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:
 2
     St. Louis County Prosecuting Office
 3
     100 South Central, 2nd floor
 4
     Clayton, MO 63105
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     Total:
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	Page 109
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
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