

# **Grand Jury - Ferguson Police Shooting**

**Testimony of  
Grand Jury**

**11/21/2014**



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2 STATE OF MISSOURI

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6 VS.

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9 DARREN WILSON

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13 GRAND JURY

14

15 November 21, 2014

16

17 VOLUME XXIV

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1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

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4 STATE OF MISSOURI

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7 vs .

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9 DARREN WILSON

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12 The following is a hearing before the Grand  
13 Jury of St. Louis County, at the offices of St.  
14 Louis County Prosecuting Attorney's Office, 100  
15 South Central Avenue, in the City of Clayton, State  
16 of Missouri, on the 21st day of November, 2014,  
17 before xxxxx x. xxxx, RPR, CRR, CCR MO #xxx.

1 APPEARANCES OF COUNSEL:

2

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1 GRAND JURY HEARING VOLUME XXIV

2 MS. ALIZADEH: Good morning. It is  
3 Friday, November 21st, it is 9:24 a.m. This is  
4 Kathi Alizadeh, Sheila Whirley is present, all 12  
5 grand jurors are present, as is the court reporter.

6 And we've spent about an hour kind of  
7 talking about some procedural issues and matters and  
8 concerns that the grand jurors had.

9 We did not discuss any of the evidence or  
10 testimony so that discussion was had not on the  
11 record.

12 I do want to tell you that as, since you  
13 last met, which was on Thursday, last week, I've  
14 taken this week to go through every transcript that  
15 has been produced, which we are up-to-date. We have  
16 the transcript from last Thursday and what I've done  
17 is I made a chart and I made a chart that had the  
18 name of every witness who testified and whether or  
19 not that witness made statements prior to their  
20 testimony.

21 As you know, it was originally our plan  
22 that we would put on witness statements prior to the  
23 witness testifying. We play statements, we provide  
24 transcripts when we had them, but over the weeks  
25 because of scheduling issues and problems getting

1 witnesses in, we kind of got away from that. We'll  
2 put the witness on now and we'll listen to their  
3 statements later.

4 I wanted to make sure that I had put  
5 everything on and, of course, I discovered that I'm  
6 not perfect and we have not, so I want to make this  
7 representation to y'all.

8 And, again, names of witnesses will be  
9 redacted from the transcripts, so I'm just going to  
10 go ahead and say their names. But if you will  
11 recall, there was a witness testified, her name is

12 She is the ,  
13 and she did testify and I did play a statement of  
14 hers that was taken on the date of the shooting by  
15 the St. Louis County Police Department and that  
16 statement was three minutes long.

17 Apparently there is another statement of  
18 hers that was given to the FBI on September 2nd and  
19 that statement is 11 minutes and 58 seconds. I did  
20 not play that, but I have it hear, all right.

21 So I'm going to go through each of these  
22 and then we will discuss whether or not you want us  
23 to play or give you just the transcripts of what  
24 have you.

25 There was another witness or another young

1 man who did not testify, but you'll recall  
2 he originally made a statement  
3 to St. Louis County Police on the day of the  
4 shooting. It was a ten-minute recorded statement  
5 that we played for you where he described having  
6 witnessed the incident.

7 testified last week about a  
8 phone call and we played a phone call for you from  
9 that witness where he said, no, he really didn't see  
10 it, he just said he saw it. So there is another  
11 statement of that was given to the  
12 joint investigators, so United States attorney,  
13 Justice Department attorney and FBI people, that was  
14 given on September 26th. It's 15 minutes and 58  
15 seconds long, and I did not play that one for you.  
16 I have listened to it and actually that's how I knew  
17 was recanting the story. The essence  
18 of that statement he says, I didn't really see it.

19 But that statement is also, I have it in  
20 here. So we can play that for you if you want to  
21 hear that one.

22 There was a woman testified named  
23 , she's the one who, I believe, was taking  
24 her trash out when she heard the shots. She made  
25 two statements, one on August 9th on the date of the



1 shooting and one on August 16th to the FBI. During  
2 their canvas, remember the week after they did a  
3 knock on door canvas?

4 I have given you those two transcripts  
5 already, and at the time you all said you didn't  
6 need to hear the statement, the statement played  
7 because you have the transcripts.

8 But again, I have those statements here  
9 and if you desire to hear them, we can play them.

10 Then there's , you will  
11 remember she's the woman from who was  
12 taking a drive into Canfield Apartment Complex and  
13 testified that she witnessed the shooting. I've  
14 already played for you a statement that she made to  
15 the joint investigators, the U.S. attorney,  
16 Department of Justice attorney and FBI agents. That  
17 statement was on October 22nd. It was an hour and  
18 38 minutes long and there was no transcript of the  
19 statement at that time, but the court reporter took  
20 down the statement as we played it, and so you've  
21 heard that statement.

22 There is another statement that was made  
23 previously by her on September 11th to the St. Louis  
24 County Police Department, that statement is 44  
25 minutes and 52 seconds long. I don't have a

1 transcript of that statement, but I have that audio  
2 if you want to hear that as well.

3                   There was witness                   if you  
4 recall, he was kind of like, he said he was kind of  
5 like the godson to                   . He was on his  
6 balcony trying to make a cell phone call because he  
7 gets better reception out on his balcony.

8                   He made a statement that I played for you  
9 on September 30th. It was a statement made to joint  
10 investigators. It was 33 minutes and 14 seconds  
11 long. And you've already heard that one and have a  
12 transcript of that.

13                   He also made a statement on the day of the  
14 FBI's canvas on August 16th and that statement is 22  
15 minutes and 31 seconds. And I have that statement,  
16 but I have not played it for you, nor do I have a  
17 transcript.

18                                   I don't know if you recall  
19                   , she's the witness who says she likes  
20 her gospel music and she was rocking to the gospel  
21 music in her car when she pulled into the complex  
22 that day and witnessed the shooting from behind,  
23 from inside her vehicle.

24                   She made a statement to joint  
25 investigators that statement was made on

1 August 15th, 2014.

2 At the time I asked you if you wanted to  
3 hear y'all told me you didn't think you wanted to,  
4 but I have the transcripts already prepared at that  
5 time because I was thinking we would play it. So at  
6 this time I'll pass out the transcripts for her  
7 statement and y'all can have those and if you want  
8 to hear her statement, we can play that one as well.

9 Then there was , he's the  
10 gentleman who was making internet kind of video  
11 phone call to a female friend and he unwittingly  
12 recorded the sounds of gunshots, and I didn't play  
13 his statement. His statement was given to the FBI  
14 on August 18th, it is ten minutes and 41 seconds  
15 long. I don't have a transcript, but I do have that  
16 statement if you want to listen to it.

17 There is , he's the  
18 witness who had called into that POD cast show, that  
19 and had made statements that  
20 seem to indicate that he had seen the shooting. And  
21 he came in and testified to you about what he saw.

22 He made a statement to St. Louis County  
23 Police and the FBI actually on the day that he  
24 testified in the grand jury because he would not  
25 make a statement to the police he actually was

1 subpoenaed to come into grand jury to testify.

2           So when he arrived at our office, FBI  
3 agent and then                      sat down with him and  
4 took his statement and that's recorded. I don't  
5 have a transcript, but I do have the statement, that  
6 statement is 53 minutes and three seconds, so if you  
7 want to hear that one you can.

8                                      , she was the physician  
9 assistant who treated Officer Wilson on the day of  
10 the shooting.

11           She made a statement to joint  
12 investigators on August 27th of 2014. Her statement  
13 was recorded and is 16 minutes and 29 seconds long.  
14 I don't have a transcript, but I have a statement if  
15 you want to hear that.

16                                      made a statement to joint  
17 investigators on the 9th before he testified in this  
18 grand jury. So that would have been on  
19 November 12th and his statement is two hours and 40  
20 minutes long if you would like to hear that.  
21 Actually, I do have a transcript, they delivered the  
22 transcript to me as well. So I have a transcript  
23 and that statement.

24           I didn't print out the transcript because  
25 obviously it is quite voluminous. If you need it, I

1 will certainly print out copies for everyone.

2 And then finally , she was  
3 the woman who was in the vehicle with her mom and  
4 dad and sister and her daughter, she made two  
5 statements. Neither of which have been played to  
6 you. One was on August 21st to the St. Louis County  
7 Police, that's 19 minutes and 15 seconds long. And  
8 the other one was to joint investigators and that  
9 was made, I think, the day before she came in and  
10 testified here, that would be November 12th. And  
11 that statement is 35 minutes and 45 seconds long.

12 And maybe at a morning break, I'm going to  
13 give this chart to the foreperson. I've highlighted  
14 the ones missing statements so you guys can talk  
15 amongst yourselves if there is any need to hear  
16 those statements or get transcripts for those  
17 statements, we can do that before you deliberate.

18 GRAND JUROR: Whatever happened to the  
19 witness somebody who didn't want to come?


20 MS. ALIZADEH: we never were  
21 able to get him subpoenaed. He's hung up on me  
22 twice, he hung up on the Department of Justice  
23 attorney twice, they've not been able to get him in  
24 for an interview.

25 I've had an investigator to his home, to

1 his mother's home, and either people don't answer  
2 the door or when they answer the door they say  
3 isn't here.

4 Police are not authorized to go into a  
5 house and look for somebody unless they have a  
6 search warrant. And given that he's not, he hasn't  
7 committed a crime, we really can't get a search  
8 warrant to go into a house to find him.

9 So, you know, I did play his statement for  
10 you to take into consideration the fact that he is  
11 unwilling to come in and give live testimony to you.

12 hen you consider how many witnesses have  
13 given different statements after they come in and  
14 testify, just keep that in mind, that you were able  
15 to question him and observe him and judge his  
16 credibility live, okay.

17 GRAND JUROR: I have one more question.  
18 What would be the reason that a police department or  
19 the FBI or the civil rights will get a statement at  
20 the 9th hour before the witness comes in to testify?

21 MS. ALIZADEH: Well, that would be a  
22 question that you would have to ask them. You know,  
23 as you know, they're running their own  
24 investigation, independent investigation and as you  
25 probably, you might be able to tell even by looking,

1 I didn't give you the whole list. I left out a  
2 page.

3 A lot of these witnesses who were spoken  
4 to were spoken to by either county police officers  
5 on the day of the shooting or the day after the  
6 shooting and then sometimes on that following  
7 weekend when the FBI did their canvas they were  
8 spoken to.

9 Some of these interviews are as short as  
10 three minutes. As an example, I'll use

11 . She was interviewed by a county detective  
12 on the date of the shooting. I think her interview  
13 was something like three minutes. Not very  
14 detailed. Not very, you know, there isn't even  
15 anything in her statement at that time as to what  
16 car she was driving.

17 As you know, that kind of became an issue.  
18 She testified she had the and that  
19 kind of is an issue. I'm only speculating as to the  
20 reason that they were conducting their own  
21 interviews. I think that definitely witnesses  
22 needed more in depth interviews and they determined  
23 they were going to do those, but I can't really tell  
24 you, it would be speculating on my part if they had  
25 any other kind of motive or desire, but they are

1 running their own investigation. They will, they  
2 are preparing a report with recommendations of their  
3 own so they feel a need to actually talk to every  
4 witness themselves.

5 Okay. Also we did not have it at the  
6 time, but actually emailed a copy of his  
7 CV after he testified, so I marked that as Exhibit  
8 103.

9 (Deposition Exhibit Number 103  
10 marked for identification.)

11 MS. ALIZADEH: And at this time we'll  
12 proceed with who I anticipate may be the last  
13 witness and that's who started  
14 last Thursday.

15 GRAND JUROR: I have one quick question.  
16 referenced his report, do we not  
17 anticipate getting one from his autopsy?

18 MS. WHIRLEY: We don't have one currently.

19 MS. ALIZADEH: I don't even know if it's  
20 done.

21 GRAND JUROR: Okay.

22 MS. ALIZADEH: You know, honestly, during  
23 the break we can try to contact him if it is done,  
24 he maybe can email it to us, and if it is not done.

25 GRAND JUROR: I asked about



1 report. He mentioned finishing up his report and we  
2 never saw anything. If that is of interest of  
3 people to inquire into it or not?

4 GRAND JUROR: What do you mean he didn't  
5 saw everything?

6 GRAND JUROR: He never submitted his  
7 report from his autopsy. He referenced he looked at  
8 some pictures when.

9 GRAND JUROR: He should have written his  
10 report by now.

11 GRAND JUROR: This is it, he didn't submit  
12 his autopsy report.


13 MS. WHIRLEY: We'll contact and see.

14 MS. ALIZADEH: It is worth us reaching out  
15 if he's got it and can email to us we'll get it. If  
16 he doesn't, you know, the only thing would be y'all  
17 would have to discuss if you want to hold up your  
18 deliberations until you get it. This is, again,  
19 your investigation and if there is something you  
20 think you need, we're going to get it for you.

21 MS. WHIRLEY: Another question?

22 GRAND JUROR: We need to decide even if we  
23 need to ask for it.

24 GRAND JUROR: I thought the only reason  
25 that we would have it is because he was, he had a

1 ifference of opinion as to one of the wounds as  
2 opposed to the medical examiner for St. Louis  
3 County, is that my understanding? Was that my  
4 understanding?

5 MS. WHIRLEY: That's something you need to  
6 figure out.

7 MS. ALIZADEH: We can't --


8 GRAND JUROR: I'm sorry?

9 MS. ALIZADEH: We've got email.

10 MS. WHIRLEY: I can reach out to him.

11 MS. ALIZADEH: We can make quick inquiry.  
12 If he's got it, we'll get. If he doesn't have it,  
13 you guys are going to have to decide if you want to  
14 hold up deliberations until you get it. It is easy.

15 GRAND JUROR: I'm not sure that everything  
16 that we've done so far is thorough if we would make  
17 a decision before we have his report that that would  
18 not reflect good on us, you know what I mean?

19 MS. ALIZADEH: Let me tell you this. In  
20 any actual criminal trial, the report of the medical  
21 examiner, the police reports, any reports that you  
22 all have been given in your investigation, none of  
23 ose or admissible in a trial because the report  
24 itself is considered hearsay.

25 The testimony is the evidence in the case.

1           So                   has now, typically we have a report  
2 before the witness testifies and we may use that  
3 report to prepare us for their testimony, and then  
4 we may use that report if they testify differently  
5 than what the report says certainly, but in this  
6 case, we didn't have that report in advance.

7                   If we had it and it was a trial, we  
8 couldn't let the jury see it anyway, but that's  
9 something, again, you guys are going to have to talk  
10 about. During this break, we'll go and do, we'll  
11 contact somebody right now. If we get it great, if  
12 we don't get it, you are going to have to decide if  
13 you want to wait for the report, okay. And that  
14 will be the decision you all can make amongst  
15 yourselves during the break or lunch or what have  
16 you. Okay.

17                   Anything else before we take a bathroom  
18 break or stretch your legs?

19   (Recess)

20                   MS. WHIRLEY: This is Sheila Whirley.  
21 There was a request regarding                   autopsy  
22 report. Fortunately I was able to reach him by  
23 telephone during our break. He said that he was  
24 waiting on some information and hadn't completed the  
25 report, but he could have it ready by Monday.

1                   So he wanted me to get back to him and  
2 he'll work on it over the weekend. He wanted me to  
3 get back to him and let him know if that would be  
4 okay, should he work on it or what.

5                   MS. ALIZADEH: Why don't you guys talk  
6 about it during your lunch break. We'll let him  
7 know after lunch whether he needs to chop-chop, get  
8 that done for you guys, okay.

9                   So at this time, we're going to recall  
10 Detective

11                   DETECTIVE  
12 having previously been sworn, retakes the stand for  
13 further questioning.

14                   EXAMINATION  
15 BY

16           Q       Good morning, Detective

17           A       Good morning.

18           Q       This will be your third time appearing on  
19 this matter in the grand jury and I will just remind  
20 you, you are still under oath to tell the truth and  
21 also that you are under oath not to divulge or  
22 disclose anything that happens in the grand jury or  
23 to even discuss that you were appearing at the grand  
24 jury or any matters or for the fact that they have  
25 this matter under consideration.

1           **A**       Yes, ma'am.

2           **Q**       So, I first want to clear something up,  
3           and this actually came about at the conclusion of  
4           your day on Thursday, and we were not done with your  
5           testimony, but there was a question asked by Sheila  
6           Whirley and I wanted to clarify something.

7                        Last Thursday I had asked you  
8           questions about your investigation, about your  
9           questioning of Officer Wilson, your reasons for not  
10          placing him under arrest after you had interviewed  
11          him, the reason you did not place him under arrest  
12          sometime subsequent to that and I asked you if you  
13          felt that you had probable cause after you had  
14          interviewed him, if you felt that at that time that  
15          you had probable cause to arrest him, and your  
16          answer I believe was no.

17                      At that time you did not feel that  
18          you did and I want to clarify for the grand jurors  
19          and Sheila brought up the fact, you are not saying,  
20          are you, Detective, that you do not feel that  
21          there's probable cause to indict Officer Wilson of  
22          any offense in this case?

23           **A**       Correct, I'm not giving that opinion.


24           **Q**       In fact, in preparation for your  
25          testimony, did we discuss whether or not any

1 questions about your opinion would be answered by  
2 you?

3           **A**     We did discuss that, yes.

4           **Q**     And I told you that I would not want you  
5 to give your own opinion if you have one, nor would  
6 I want any of the grand jurors to ask you your  
7 opinion because that is actually their decision and  
8 not yours?

9           **A**     That's correct, yes.

10          **Q**     So just to clarify for everybody, your  
11 answer about not arresting Officer Wilson after he  
12 was interviewed, which was less than 24 hours after  
13 the actual shooting incident was not a comment on  
14  your part as to whether you feel that there's  
15 probable cause to indict, is that fair to say?

16          **A**     That's fair to say.

17          **Q**     And you all understand that at no time do  
18 I think would it be appropriate for you to ask his  
19 opinion as to whether there is probable cause to  
20 indict.

21                   Also, you may recall that during  
22 testimony of certain witnesses they may have been  
23 asked questions about their opinion as to whether  
24 there was excessive force used and in those cases,  
25 those witnesses, if you recall, were all actual

1 eyewitnesses to the incident. And so whether they  
2 have an opinion or not I think might be relevant,  
3 but given that Detective is not witness to  
4 the incident, I don't feel it is appropriate for you  
5 to ask him his opinion as to any of the issues in  
6 this case.

7 He's here to testify about the  
8 investigation and the facts that he's discovered and  
9 I leave it to you to determine the issues of law in  
10 this case.


11 Also, Detective after your  
12 testimony you indicated to me that I had asked you a  
13 question about whether or not the investigation you  
14 conducted in this case was any different than any  
15 other investigation you've done regarding use of  
16 force investigations, and I believe you testified  
17 Thursday that no, you have not done anything  
18 differently or something to that effect. And you  
19 told me that you wanted to clarify that; is that  
20 fair?

21 **A** I did, yes.

22 **Q** Why don't you explain for the grand jurors  
23 about what, if anything, is different about your  
24 investigation in this case?

25 **A** Sure. When I answered that question last

1 week, I was referring to the fact that Darren Wilson  
2 was treated no differently in this investigation  
3 than other officers have been treated in any other  
4 investigation we have conducted or that I have  
5 conducted.


6  He received no special treatment and  
7 in terms of the investigation, the same legal and  
8 general procedural guidelines were followed in this  
9 investigation as they were in any other officer  
10 involved incident that I have conducted.

11 Having said that from the beginning,  
12 there were certain aspects of the investigation that  
13 were different. Typically we would do a  
14 walk-through at the scene with the individual  
15 involved in the incident, that wasn't possible in  
16 this particular instance based off of circumstances  
17 taking place at the scene. It wouldn't have been  
18 safe, I felt, for him to go back to the scene and do  
19 a walk-through at the scene. In a relatively short  
20 period of time, there was a significant amount of  
21 media attention that had been garnered regarding  
22 this incident and obviously, that can impact  
23 witnesses' statements if a witness sees media  
24 account of it, so that would have obviously impacted  
25 this investigation more so than previous



1 investigations. The FBI and Department of Justice,  
2 obviously, began conducting a parallel investigation  
3 within a relatively short period of time. And that  
4 obviously lent itself to a variety of coordination  
5 issues that needed to happen, a variety of other  
6 laboratory reports that we would have needed to get,  
7 other methods of doing things. In that sense, there  
8 were things that we did differently.

9 And also just in terms of the sheer  
10 volume of work and the amount of witnesses that we  
11 contacted that was different in this particular  
12 instance, based on the amount of people that needed  
13 to be contacted, the amount of evidence that was  
14 presented. And so in some instances, I was at the  
15 same time as much a project manager as I was an  
16 investigator.

17 But ultimately there were a lot of  
18 things that were,  should say, different about this  
19 investigation, but it is nothing that would have  
20 impacted the integrity of the investigation or the  
21 manner in which Darren Wilson was treated, so I just  
22 wanted to clarify that.

23 Q All right. And in the course of this  
24 investigation within hours of the shooting, you did  
25 have a number of people who actually came forward

1 and indicated that they had witnessed the incident;  
2 is that correct?

3 **A** That's correct.


4 **Q** And you learned shortly after the shooting  
5 that there was an individual who was with Mike Brown  
6 during the shooting and did it take several days for  
7 you to identify him and to contact him?

8 **A** It did.

9 **Q** And then during this investigation were  
10 there also a number of witnesses that did not come  
11 forward that you were able to later identify either  
12 through canvassing or through other investigative  
13 techniques such as getting phone records, Facebook  
14 records, Twitter records and so forth, to try to  
15 locate people who might have seen something?

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

17 **Q** And so is that something that was atypical  
18 in your investigation of an officer involved

19  shooting the vast number of witnesses that actually  
20 were not coming forward on their own?

21 **A** It was, yes.

22 **Q** Um, all right.

23 MS. ALIZADEH: I'm going to then kind of  
24 resume with talking about this perspective picture.  
25 At this time does anybody have any questions, of

1 course, you can always ask later as well. Before I  
2 move on to doing these pictures again, anybody have  
3 questions about the investigation itself or things  
4 that were done or not done?

5 Okay, all right. So now, Detective  
6 we had you testify Thursday about this map,  
7 which is marked Grand Jury Exhibit Number 101. What  
8 are these?

9 A Extra.

10 Q (By Ms. Alizadeh) Extra, okay, that's  
11 right. And you indicated that you, along with other  
12 investigators prepared this, which is your  
13 interpretation based upon the statements made of  
14 witnesses as to where various eyewitnesses were  
15 during, when I say shooting, obviously, there was a  
16 time period that goes along, the beginning of the  
17 time of the beginning of the incident until after  
18 the shooting had been done. And do you still feel  
19 that this map accurately reflects where witnesses  
20 said they were?

21 A I do.

22 Q And just for your instruction, this just,  
23 this map is for your purposes in your deliberations  
24 and if you disagree with anything that's on the map,  
25 these little sticky things come right off. So

1 supposedly they come right off.

2           **A**     They do.

3           **Q**     If you feel that this witness is not in  
4 the right place, you can move any of these stickers  
5 that you want and put them in the places where you  
6 think they belong.

7                     This is just something that is  
8 representative of what this witness believes where  
9 people were. If you all do with this what you will.

10                    Also there was a legend that was  
11 provided for all of you regarding the numbers  
12 because the numbers that were assigned witnesses are  
13 not the same numbers as the witnesses testimony in  
14 this grand jury.

15                    So Witness Number 10 in the grand  
16 jury is not necessarily Number 10 on this chart.  
17 Actually, he's Number 6. So those numbers for the  
18 map are only for the map, okay. Is that fair to  
19 everybody?

20                    All right. Now --

21                    GRAND JUROR: I just want to clarify, the  
22 red where it says Michael Brown, that is where he  
23 died, that is where he fell?

24           **A**     Yes, ma'am.

25                    GRAND JUROR: You don't indicate anywhere

1 where he was to begin with, just where he fell?

2 A Just where he fell, yes.

3 Q (By Ms. Alizadeh) And the blue would be  
4 where the police officer's car was when you began  
5 your investigation, correct?

6 A Correct.

7 Q So these photographs, which we already  
8 started some testimony about, I did a little better  
9 job attaching them. And just so for the grand jury  
10 to understand what I've done here, I have three  
11 boards and each board represents a vantage point.  
12 So the actual vantage point, the picture of that  
13 vantage point is on the back of the board.

14 So as you see here on the back of  
15 this board, there is a cone in the middle of the  
16 street. That would be where the police vehicle was.  
17 And so when you then look at the pictures that are  
18 on front of the board, and you've heard Detective  
19 testify about how the photographer stood in  
20 that location over that cone, actually stood,  
21 straddled the cone and would take pictures moving  
22 clockwise 360, so that we would have an idea of what  
23 can be seen from that vantage point to help you  
24 figure out where people were, what they might have  
25 seen, parts of it they might have seen.

1                   And actually, when I prepared these  
2 boards, I did it using what's called removable tape  
3 because I wanted y'all to be able to take these  
4 pictures off if you needed to or move them around if  
5 you needed to. But unfortunately, removable tape  
6 doesn't stay very well and the next day I came in  
7 and these pictures were like all on the floor.

8                   As you see they're coming off  
9 somewhat and so I've provided a tape dispenser for  
10 you. If you see that, see how this is coming off  
11 here. This is because this tape doesn't stick well.

12                  I'm taking these down so they stay.  
13 You should be able to pull them off. If there is a  
14 need to remove them and move them around in any way.

15                  But I believe we finished up with  
16 this board which I did not mark last week, but I'm  
17 going to mark now.

18                               (Grand Jury Exhibit Number 104  
19                               marked for identification.)

20                  MS. ALIZADEH: Does anybody have, before  
21 anybody I move onto the next board, we kind of  
22 finished with the last picture. Anybody have any  
23 other questions about this board?

24                  And just so you all know too, you will see  
25 that there are, I think, five easels in this room

1 right now. There is one in the corner that's  
2 holding that flip chart, one that's in this corner.  
3 The one I just put up there, there's another one in  
4 the corner and one over here.

5 So when it is time for you to deliberate,  
6 if you feel like you want to get all of these out  
7 and put them up, it is just hard for me to move  
8 around by doing it right now.

9 I'm just going to do them one at a time.

10 (Grand Jury Exhibit Number 105  
11 marked for identification.)

12 MS. ALIZADEH: Next board I'm going to  
13 mark Grand Jury Exhibit 105.

14 Again, I put the picture on the back of  
15 the board that shows the vantage point of these  
16 pictures. You see a cone in that picture, and  
17 Detective looking at the photos on the front  
18 of the board. Can you tell what vantage point that  
19 is?

20 A This would be the far eastern point that  
21 we took, the 360 degree photos from.

22 Q (By Ms. Alizadeh) And why is it that this  
23 cone was placed at that location on Canfield Drive  
24 or Canfield Road?

25 A As best we could tell based off of witness

1 accounts, that would have been the furthest point  
2 east that Michael Brown would have went to. So that  
3 intersection of roughly Coppercreek Court and  
4 Canfield Drive.

5 Q If you want to point to where that is on  
6 your other map?

7 A So essentially the western corner, or what  
8 would be the northwestern corner, I should say, of  
9 Coppercreek Court and Canfield Drive is where this  
10 cone was placed roughly right about there.  
11 (indicating)

12 Q And so we see in the photograph that is on  
13 the back of this board, the cone there, did the  
14 photographer straddle that cone and take 360  
15 photographs in the same manner that she did from the  
16 vantage point from where the police vehicle had  
17 been?

18 A Same procedure was used, yes.

19 Q Okay.

20 GRAND JUROR: Is this from the  
21 perspective, you said from the farthest point that  
22 the Michael Brown got to, is this the point where he  
23 stopped in the roadway and turned?

24 A Yes, ma'am. We are basing that off of  
25 witness statements as best we could tell. That was



1 the point that they had made reference to and so we  
2 used that as the furthest eastern point to go to.

3 GRAND JUROR: Okay.

4 Q (By Ms. Alizadeh) Now, I'm going to put  
5 this up, Detective. If you want to come up here if  
6 it is easier for you to see. We're going to start  
7 with the top left-hand photo is the first photo in  
8 the group and then we're going to move left to  
9 right, and then down to the second row left to right  
10 and then down to the third row left to right.

11 So the first photograph, can you  
12 describe for the grand jurors where the photograph,  
13 what the photographer is seeing in that image?

14 A This photograph right here would be,  
15 again, if I move to this map at the intersection of  
16 Coppercreek Court and Canfield Drive, the  
17 photographer would have been taking a photo that  
18 would have been essentially almost due east. So  
19 taking a photograph due east.

20 Q And so in that photograph, can you see  
21 Building Number

22 A There would be Building Number and a  
23 portion of Building Number .

24 Q Can you put the laser pointer on Building  
25 Number

1           **A**       This would be Building Number       right  
2    here.   And then if we move to our left that would be  
3   Building Number

Q Now, from this perspective, the location  
of the would, if they were,  
according to their statements, can you see where  
they would have been?

8           **A**       They discussed being near, essentially  
9       this area right here, the corner of this building  
10       somewhere in this area right here. (indicating)

11 Q And there's a dumpster that you can see in  
12 that photograph; is that right?

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

14 Q Okay. And then also there was a witness  
15 in Building Number

16           **A**     That's correct.

17           0     And who was that?

18	<b>A</b>
----	----------

19 Q We can see Building Number from this  
20 first photograph?

21	<b>A</b> Correct.
----	-------------------

22 Q And then there were also possibly two  
23 witnesses that were near this dumpster?

24           **A**       That 's correct.

25           Q     And that would be?

1 | **A** and .

2           Q     All right. Is that the dumpster that  
3     appears in the top left-hand side of that first  
4     photograph?

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

6 Q Okay. Now, moving onto, well, let me ask  
7 you this. Building which would have been where  
8 and would have been, can  
9 you see Building in this, in that first  
10 photograph?

11           **A**       Yes, it looks like you can see a portion  
12 of Building    over here.

13           Q       Okay. So depending on the angle of that  
14       photograph and where they would have been, it's  
15       possible that someone from Building       could see  
16       where the photographer was standing?

17	<b>A</b> Yes.
----	---------------

18 Q And then the next photo, is this moving  
19 clockwise or counter clockwise?

20           **A**     This next photo would be counter  
21 clockwise.

22 Q Yeah, did I put these up wrong?

23       **A**     I think these two are transposed.

24 Q Good thing I used removable tape, huh.

25 All right. Tell you what, let's take a pause as we

1 try to get this right.

2 (Recess)

3 Q (By Ms. Alizadeh) So we've discovered that  
4 I have some photographs in the wrong order and we're  
5 going to move on to the next board so that I can  
6 during maybe a break we can rearrange those  
7 photographs and put them up the way they should be  
8 and we will revisit that after a break.

9 So the next board is going to be  
10 marked Grand jury Exhibit 106.

11 (Grand Jury Exhibit Number 106  
12 marked for identification.)

13 Q (By Ms. Alizadeh) Detective, looking at  
14 the photograph on the back of that board, can you  
15 tell me where the photographer is standing for these  
16 photographs?

17 A This would be at the point where Michael  
18 Brown's body was located when we arrived at the  
19 scene.

20 Q All right. Before we start, can you look  
21 at that real quickly and tell me did I get that  
22 right or is that wrong too?

23 MS. ALIZADEH: This is what happens when  
24 you do live theater.

25 A The top is clockwise. This one is

1 clockwise. This is clockwise, we're good.

2 Q (By Ms. Alizadeh) Is this supposed to be  
3 there?

4 A That's correct.

5 Q All right, good. So looking at these  
6 photographs starting at the top left. And what  
7 direction is the photographer facing?

8 A Primarily west.

9 Q And that would be on Canfield Drive?

10 A That's correct.

11 Q And from that first photograph, is she  
12 straddling the cone that appears in the photograph  
13 on the back of the exhibit?

14 A Yes, ma'am.

15 Q Okay. And so from this location, can you  
16 see the location where would have  
17 been?

18 A You can.

19 Q And where is that?

20 A It would be at this point right here.

21 Q And in the photograph you can see kind of  
22 the corner of a white house or structure?

23 A That's correct.

24 Q Is that the house where he was?

25 A That is the house where he was working.

1 GRAND JUROR: I have a question about  
2 . You mentioned, I guess, when we  
3 were here Thursday that you talked to the homeowner?

4 A I talked to the individual who resides at  
5 that home and I also talked to the homeowner, yes.

6 GRAND JUROR: And they said, what was  
7 their response to him being there?

8 A Neither one could remember exact dates,  
9 but it was around that time they did both confirm  
10 that there was work being done on the home around  
11 that time and they both confirmed that there was an  
12 individual there. They didn't know names, there was  
13 an individual there that was doing some sort of  
14 drywall and painting work at the house.

15 GRAND JUROR: I kind of find that a little  
16 strange because when he sat down with us, he told us  
17 that he specifically told whoever was at that house  
18 what had happened?

19 A I asked her about that, and she said that  
20 she remembered talking to him briefly, didn't  
21 remember what they had talked about and that she  
22 ultimately left for work.

23 Q (By Ms. Alizadeh) Let me ask you this,  
24 given that you actually have been to that residence,  
25 did you make any attempts for yourself to stand in

1 the location where you believe stood  
2 and look down Canfield to see for yourself what  
3 someone in that position might be able to see?

4 A I did.

5 Q And from where, from your observation,  
6 would a person standing at the location where  
7 said he was, could they see where the  
8 police vehicle was?

9 A They could.

10 Q And could they see where the farthest  
11 easterly point where Michael Brown, witnesses say he  
12 may have stopped and turned around?

13 A Yes, he could.

14 Q Could you also see the place where Michael  
15 Brown's body came to rest?

16 A Yes.

17 Q Are there any obstructions between where  
18 from your observation from that vantage point to any  
19 of those locations is there any obstructions that  
20 would be in your way?

21 A The only obstruction would have been the  
22 trunk of this tree right here. I don't know if  
23 everyone can see that. There is a tree right there  
24 and the trunk of that tree would have been the only  
25 obstruction.

1 GRAND JUROR: How big is that trunk, how  
2 wide?

3 A I don't know specifically, but clearly the  
4 only reason I mention that is in the interest of  
5 full disclosure, that's the only --

6 GRAND JUROR: According to your judgment,  
7 it is not a big, wide tree?

8 A No, it is a grown --

9 GRAND JUROR: Full grown tree?

10 A It is clearly a grown tree, but in the  
11 grand scheme of looking at a particular incident,  
12 one tree that is at a distance, I didn't view it as  
13 something that would have impeded my ability to see  
14 the entire incident.

15 GRAND JUROR: Thank you, sir.

16 A Yes, ma'am.

17 GRAND JUROR: From his distance where he  
18 was standing, could he actually see  
19 the movements, you can see a person standing, but  
20 could you actually physically see the movements of  
21 Michael Brown?

22 A So just by chance when myself and another  
23 detective were at this home right here, there was  
24 quite a few people walking around in this general  
25 area and up to and including someone walking what



1 would be roughly, again, at the intersection of  
2 Coppercreek Court and Canfield Court. And you can  
3 clearly see that individual and I could clearly see  
4 that individual and I could see hands moving and I  
5 could see where they were moving their hands if  
6 walking like this, I would be able to see the  
7 movement of their hands, yes. (indicating)

8 GRAND JUROR: Could see their facial  
9 expressions?

10 A I don't remember.

11 GRAND JUROR: Okay.

12 A I don't remember.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Any other questions?

15 GRAND JUROR: How soon after the incident  
16 were these photos taken?

17 A I don't, I could check for you and get you  
18 an exact date.

19 GRAND JUROR: Okay.

20 A But I don't remember.

21 MS. ALIZADEH: The dates the photos were  
22 taking, is that what was asked?

23 GRAND JUROR: Right uh-huh.

24 MS. ALIZADEH: I'm guessing that might be,  
25 you know what, it might be the date they were

1 printed that's on the back, we'll find out.

2 Do you have your report on your laptop?

3 A I do.

4 Q (By Ms. Alizadeh) He brought that so he  
5 could answer questions if there were questions like  
6 this.

7 A So we were out there at roughly 8:30 a.m.  
8 and it would have been on Wednesday, October, yes  
9 October 1st.

10 GRAND JUROR: The 1st?

11 A The 1st of October, yes, ma'am.

12 GRAND JUROR: Could I make another  
13 comment? Conceivably the abundance of foliage  
14 during that course of time from August until October  
15 when the photos were taken, so there may not have  
16 been as much foliage? I know you are not a  
17 botanist, I understand that.

18 A That was a consideration that we took, we  
19 took that into consideration in doing those photos.  
20 We wanted to get it, obviously, before the leaves  
21 started to change. If you look in these photos  
22 here. The foliage is still green. I'm not saying  
23 that, obviously, there are leaves in these photos  
24 right here, but the foliage is clearly green at that  
25 point when photos were taken.

1 MS. ALIZADEH: Any other questions? Okay.

2 Q (By Ms. Alizadeh) And then, Detective,  
3 also looking at this first image, if there were  
4 vehicles that were coming around this bend and  
5 proceeding eastbound on Canfield Drive, someone  
6 looking out of their front windshield would be able  
7 to see the police vehicle, correct?

8 A Yes, ma'am.

9 Q As well as the place where Michael Brown's  
10 body rested?

11 A I believe so.

12 Q And could they see the corner from their  
13 vehicle?

14 A Yes, ma'am.

15 Q Okay. And so then in the second  
16 photograph, and this is turning clockwise, correct?

17 A Moving clockwise, yes.

18 Q So what building is this in the map?

19 A This building right here. (indicating)

20 Q Yes. Is that the same as this building  
21 right here? You see a white SUV in front of these  
22 buildings, this is same building, right?

23 A So we're moving clockwise so this would  
24 be --

25 Q Looking west?

1           **A**       Westbound, correct, you're asking about  
2       this building right here.   (indicating)

3           **Q**     This building is the same as this  
4     building?

5       **A**       That's correct.

6 | Q What number would that be?

7           **A**       That would be Building .

8 Q What witnesses were in Building Number

9	<b>A</b>	And in Building	would have been
10			

11 Q Okay. And so if they were on the front of  
12 their building and looking toward the photographer,  
13 who is standing in this grouping, this is where  
14 Michael Brown's body was; is that correct?

15           **A**       That 's correct.

16 Q They would be able to see Michael Brown's  
17 body in the street?

18	<b>A</b>	Yes.
----	----------	------

19 Q And this building right here on the second  
20 photograph?

21           **A**     Correct, that would be Building .

22 Q Who is in that building?

23           **A**       In Building       would have been  
24                   and                   would have resided in  
25   the building.   It would have been moving from that

1 building towards the, between her building and the  
2 dumpster.

3 Q And then also somewhere in this area would  
4 have been where parked her car and  
5 walked over in an easterly direction, correct?

6 A That's correct.

7 Q And is 's apartment this  
8 one right here? (indicating)

9 A It is actually, would be on this side, so  
10 the western side of this stairwell right here, but  
11 this balcony right here is connected and there is  
12 obviously a balcony on this side that you cannot see  
13 that would be consistent with this one on the  
14 eastern end.

15 Q We talked about the fact that there is,  
16 there's a balcony that's connected on the fronts of  
17 these buildings, but there's a wall that will at  
18 some point block somebody's vision depending upon  
19 where they are on their balconies and what they are  
20 looking at, is that fair to say?

21 A That's fair to say.

22 Q So depending on where somebody is on these  
23 balconies would depend on whether or not they could  
24 see something in the street?

25 A Right.

1           Q     Okay. And so in the third image now,  
2 again, moving clockwise, you see                   's  
3 apartment?

4           A     Yes.

5           Q     Okay. And then were there any other  
6 people in Building Number ?

7           A     Not in the building, no.

8           Q     Okay. And then on the fourth photograph,  
9 again, moving clockwise, we can see this memorial  
10 here that's by a light pole. Is this close to the  
11 area where witnesses said he had stopped and turned  
12 around?

13          A     It is.

14          Q     And from this photographer's vantage  
15 point, again, you can see that dumpster in the  
16 background?

17          A     That's correct.

18          Q     And you can see                   's building?

19          A     Right.

20          Q     This Building Number , would this be this  
21 building back in the background?

22          A     That would be Building .

23          Q     Who was in Building ?

24          A     Uh,                   and                   .

25          Q     Okay. And then looking at the next

1 photograph, again, moving clockwise then, now we are  
2 looking down Canfield Road and east down Canfield;  
3 is that right?

4 A That's correct.

5 Q And, again, you can see the place here,  
6 correct?

7 A That's correct.

8 Q And you can see 's building?

9 A Correct.

10 Q And what buildings are back here?

11 A That would be buildings, in terms of where  
12 witnesses were located, Buildings and then closer  
13 to that you can see a portion of Building and it  
14 looks like possibly a portion of Building .

15 Q And so what witnesses were in Building  
16 Number or near Building ?

17 A Building would have been  
18 and .

19 Q All right. In Building , we didn't have  
20 anybody from Building that said they were near or  
21 in Building ; is that correct?

22 A That's correct.

23 Q And then the sixth photograph in the  
24 group, again, turning clockwise. What building  
25 number is this in the left-hand side in the

1 background here?

2           **A**     I believe that is a portion of Building  
3 and then in the front here would be Building .

4           **Q**     And then is this a different building  
5 right here?

6           **A**     Same, different address, same building.

7           **Q**     Okay.

8           **A**     So it is           and           , which are both  
9 part of Building .

10          **Q**     Were there any witnesses in Building ?

11          **A**     Yes.

12          **Q**     Who is that?

13          **A**                           or                           .

14          **Q**     He said he was in like the first floor,  
15 which is basically slightly below street level,  
16 correct?

17          **A**     Correct. As a frame of reference, I would  
18 say roughly about that high below street level.

19          **Q**     So if he were on his patio right outside  
20 his front door street level would be about three a  
21 and a half, 4 feet?

22          **A**     Roughly.

23          **Q**     And then clockwise, again, looking at  
24 Photograph Number 7, I think?

25          **A**     We're looking at the same building,



1 primarily Building there.

2 Q All right. And then Number , or the next  
3 photograph?

4 A Sure. Now this photo essentially is  
5 facing south. And we can see, again, a portion of  
6 Building and unrelated building off in the  
7 distance where we didn't identify any witnesses and  
8 then in the far right-hand side of the photograph we  
9 can see building, a portion of Building .

10 Q All right. Would this parking lot that we  
11 see here, I'm not sure on this, thinking from my  
12 vantage point, would that be where  
13 said that she parked her vehicle?

14 A Yes.

15 Q Okay. And she indicates that she was  
16 standing in front of Building smoking a cigarette  
17 with some unidentified man?

18 A Identified as building, not building,  
19 Number on the map here.

20 Q Okay. And then is there another witness  
21 in Building Number ?

22 A Yes.

23 Q And who is that?

24 A .

25 Q Or

1           **A**       I'm sorry,

2 Q So , and he said he was  
3 inside the building and looked out his window and he  
4 saw some or all of this incident, correct?

5	<b>A</b> Yes.
---	---------------

6 Q And so then in the next photograph,  
7 turning clockwise still, is that also Building  
8 Number ?

9       **A**     That's also Building     , yes.

10 Q And then the final photograph you come  
11 full circle again, now west down Canfield Drive; is  
12 that correct?

13      **A**      That 's correct.

14 MS. ALIZADEH: Any questions about this  
15 grouping or witnesses?

16 GRAND JUROR: I didn't get the very first  
17 white van?

18	A	This one here?
----	---	----------------

19 GRAND JUROR: Uh-huh.

20 |       A     This is Building , which is right here.

21 GRAND JUROR: Okay.

22 GRAND JUROR: Where was  
23 apartment here in Building .

24           A     His apartment would have been, it is hard  
25     to see.

1 GRAND JUROR: Okay.

2 A So the second, yeah.

3 MS. ALIZADEH: Any other questions about  
4 this group of photographs?

5 And, of course, you can always ask later.  
6 At this time let's take a quick break while the  
7 detective and I redo the photographs and put them in  
8 the correct order and then we'll finish with that  
9 board and then we'll probably just go on to your  
10 questions about the investigation.

11 (Recess)

12 MS. ALIZADEH: This is Kathi Alizadeh and  
13 Sheila Whirley is present, we took a short break  
14 while the detective and I rearranged the photos in  
15 the top row. The rest of them, apparently, were  
16 right, but I had gotten the top row wrong. So let's  
17 start over with this board, which is 105. And  
18 again, based on the photograph that's on the back of  
19 the board, you can tell what perspective these  
20 photographs were from which is from where,  
21 Detective?

22 A Again, this is from the eastern most point  
23 that witnesses had identified Michael Brown's  
24 traveling on Canfield Drive. So, again, we are  
25 talking about the intersection of Coppercreek Court

1 and Canfield Drive and the northwest, northern  
2 portion of the intersection right there.

3 Q (By Ms. Alizadeh) Okay. So the first  
4 photograph, again, all of these photographs are the  
5 photographer standing or straddling the cone that  
6 was placed there, and these cones that you placed  
7 for the photographer's benefit, were these based on  
8 measurements that you did that day?

9 A They were based on measurements that were  
10 taken on August 9th and then measurements, again,  
11 that we did on the day that these photographs were  
12 taken, yes.

13 Q And so you are talking about the  
14 measurements that were taken by Detective on  
15 the day that he documented the crime scene?

16 A Yes.

17 Q Okay. And so you used those measurements  
18 and then measured for yourself to determine exactly  
19 where the police car was, and exactly where the body  
20 was, and of course, the exact location of where  
21 Michael Brown stopped and turned around is just  
22 based upon various witness accounts; is that right?

23 A That's correct.

24 Q And so for these photographs, this is the  
25 best of your information that this would have been

1 the farthest east that he went before turning  
2 around?

3 A The best information we had at that time,  
4 yes.

5 Q Okay. Is there any change in that? You  
6 said at that time?

7 A No, no.

8 Q Okay, all right. So in the first  
9 photograph, again, we're looking down Canfield  
10 Drive, correct?

11 A That's correct.

12 Q And the, in the background somewhat, maybe  
13 midrange in that photograph, you see the memorial  
14 where there is another cone and there's flowers and  
15 candles and stuffed animals, is that the location  
16 where Michael Brown's body was?

17 A That cone has nothing to do with the cone  
18 that we placed. That cone was there when we arrived  
19 and that cone was left there, obviously, when we  
20 left. We brought our own cone. I would discount  
21 the meaning of that cone.

22 Q Okay. But that general location, so  
23 someone who was standing where the photographer is,  
24 you can get a feel of how far away Michael Brown's  
25 body came to rest in this first photograph, correct?

1           **A**     Correct.

2           **Q**     Okay. And then the second photograph is  
3 moving clockwise?

4           **A**     Yes, ma'am.

5           **Q**     And what building is that that we see?

6           **A**     Building right here. (indicating)

7           **Q**     And I think we talked about it, but let's  
8 recap, looking at the first photograph there, can  
9 you see the corner of that white house where  
10           says he was?

11          **A**     You can.

12          **Q**     Okay.

13          **A**     It is right there. (indicating)

14          **Q**     Now looking at the second photograph you  
15 said you see what building number is that?

16          **A**     And the second photograph that's Building  
17 .

18          **Q**     And that would be where           lives,  
19 correct?

20          **A**     That's correct.

21          **Q**     And I'm just going to really quickly go  
22 through these again. Three, you are moving farther  
23 clockwise?

24          **A**     Yes.

25          **Q**     And you see the dumpster where the

1 | were close to, correct?

2	<b>A</b>	Correct.
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3 Q And that would have been where

4 |           and possibly                         were, correct?

5	<b>A</b>	Correct.
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6 Q And then in the fourth photograph, again,  
7 turning a little more clockwise. In the background,  
8 can you see what buildings?

9           **A**       That is Building     right here.   And then  
10   if we move to the left, we moved onto Building   and  
11   this is a portion of Building     right here.

12 Q All right. And then the fifth photograph  
13 now you are looking east on Canfield Drive, correct?

14           **A**     That's correct.

15 Q And again, you see a number of buildings  
16 in the background there?

17	<b>A</b> Yes.
----	---------------

18 Q Those would be?

19                    **A**        Building        .

20           Q     I'm sorry.           , which is on the north  
21     side of the street?

22 | **A** Yes.

23 Q And then what are the buildings on the  
24 south side of the street that are visible?

25           **A**     Building     , Building     , and that may be

1 a portion of Building right there.

2 Q Put your laser pointer on Building  
3 again?

4 A Building .

5 Q And that was where the and  
6 were, correct?

7 A Right.

8 Q And then turning a little clockwise. In  
9 the 6th photograph in the group. What building's  
10 visible there?

11 A This right here would be Building , and  
12 this right here would be Building , a portion of  
13 Building .

14 Q And Building is where  
15 lives?

16 A Right, yes.

17 Q And then on Photograph Number ?

18 A We've moved onto it. This is entirely  
19 Building right here.

20 Q And then building, I'm sorry, photograph  
21 the 8th photograph?

22 A This is Building here again, and now we  
23 see a portion of Building right here.

24 Q And that parking lot that is seen between  
25 those two buildings, that is the parking lot where



1                                says she parked her car; is that  
2        right?

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

4                **Q**        And then in the 9th photograph, moving  
5        clockwise?

6                **A**        We are essentially seeing that is all  
7        Building        right there.

8                **Q**        And that would have been where  
9                        was?

10              **A**        Correct.

11              **Q**        And then also in that image, let me see.  
12        We talked about seeing the mailboxes in one of these  
13        images. I hope it is in these. Pointing here, can  
14        you put your laser pointer right here. There is a  
15        black vehicle that appears to be parked there and  
16        then there's something behind the black vehicle.  
17        Would that be about where those mailboxes, those  
18        metal rows of mailboxes were?

19              **A**        It is. If you look at Photo 1 here, you  
20        can see the top, you will have to take my word for  
21        it, that's the top of the mailboxes right there.

22              **Q**        And that would be where                        said  
23        she was near the mailboxes where she ended up. She  
24        traveled from one point to another, correct?

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

1           **Q**     Okay. And then finally in the 10th  
2 photograph, again, we have come 360. You are  
3 looking back down west on Canfield Drive, correct?

4           **A**     That's correct.

5                   MS. ALIZADEH: Anybody have any questions  
6 about this group of photographs? Did I confuse  
7 everybody by redoing them? Are you all okay with  
8 this?

9                   GRAND JUROR: I just have a quick question  
10 about the photographs that were taken from the  
11 vantage point of the officer's vehicle. Is this  
12 taken from like where his, the door of his vehicle  
13 was, you know what I'm saying, or was it like midway  
14 of the vehicle?

15           **A**     It was taken from the driver's side front  
16 tire.

17                   GRAND JUROR: Driver's side front tire.

18           **Q**     (By Ms. Alizadeh) So where the cone was  
19 from that perspective, was from where the left front  
20 tire of Officer Wilson's vehicle was on the street?

21           **A**     Yes.

22                   GRAND JUROR: I just want to clarify for  
23 everybody and myself, the only cones we should pay  
24 attention to are the ones that are orange and white,  
25 the solid color orange someone else put there.

1           A       The only cone that I would pay attention  
2 to is the cone that identifies in that first  
3 photograph where the detective would have been  
4 taking the photographs from. So I guess on the back  
5 here where we've identified is where we were  
6 actually taking the photographs from.

7                       So, yes, you are correct, these cones  
8 here, both of these cones here and this cone right  
9 here were obviously already there, we didn't place  
10 those there and those have no bearing in terms of  
11 the measurements that we took.

12           Q       (By Ms. Alizadeh) So when you would move  
13 from one location to the next to take pictures,  
14 would you remove the cone that you had previously  
15 placed?

16           A       Yes.

17           Q       So any cones that appear on the front of  
18 these boards are not cones that you have placed?

19           A       That is correct.

20           Q       All right. And then if you look on the  
21 back of those photographs, the cone that appears in  
22 those, on the back of the boards, the photograph  
23 that appears on the back of each board shows the  
24 cone where you placed it. Do show where the  
25 photographer was going to stand?

1           **A**       Correct. Had I known there was going to  
2 be cones out there already I probably would have  
3 taken something different for us to bring, but I  
4 didn't know that.

5                   MS. ALIZADEH: Any other questions about  
6 these photographs?

7           **Q**       (By Ms. Alizadeh) Just briefly talk a  
8 little bit more about in this particular case the  
9 investigation and about the taking of witness  
10 statements.

11                   Virtually, not virtually, but almost  
12 all of the witness statements in this case that were  
13 taken were audio recorded, correct?

14           **A**       Yes.

15           **Q**       And was there any reason for that, was  
16 there a decision why you were going to audio record  
17 certain statements or all of the statements?

18           **A**       By and large when we conduct homicide  
19 investigations, we record anybody with any pertinent  
20 information. And that's in this particular case or  
21 any other homicide investigation we are conducting.  
22 So it is essentially standard procedure for us to do  
23 that and so we did that in this particular instance  
24 too.

25           **Q**       And many of these recorded statements that

1 we've heard that other officers have taken have been  
2 at libraries. Detective was at a library when  
3 he talked to , correct?

4 A Yes.

5 Q Different officers or detectives went to  
6 people's home to interview them. There was a  
7 witness interviewed at the NAACP headquarters and so  
8 would each detective have available to him a digital  
9 audio recorder to take with him if he were going to  
10 interview witnesses?

11 A They are assigned by the departments their  
12 own recorders and we essentially carry those with us  
13 everywhere we go.

14 Q I believe it was Detective and  
15 Detective who talked to , and  
16 , the , I think  
17 it was that took the first statement from  
18 them that was audio recorded, correct?

19 A That's correct.

20 Q And then Detective took another  
21 statement from them later, what was the reason for  
22 his second statement?

23 A The second statement was taken because we  
24 had received information that both and  
25 had shortly after the incident took

1 place written notes or written a document outlining  
2 what they had witnessed. And, obviously, that would  
3 be something that we would want to view if they  
4 would give us permission. So we went out and  
5 contacted them and asked for permission to view  
6 those items.

7 Q So the fact that they both made written  
8 statements, they did not disclose that to you when  
9 you first, when Detective first talked to  
10 them, would that be correct?

11 A That's correct.

12 Q So there was a decision made once you  
13 found out about these written statements, somebody  
14 else needed to go out there, talk to them again and  
15 try to get these statements from them, correct?

16 A Yes.

17 Q Okay.

18 GRAND JUROR: How did you find out about  
19 the statements.

20 A I believe it was their supervisor had made  
21 reference to it when we were contacting him. So  
22 they were originally told by their supervisor to  
23 write down their comments or write down their  
24 account of what they witnessed. So they did that  
25 and that was ultimately conveyed to us and so then

1 we went out and talked to and  
2 and asked that it was true, and they  
3 indicated it was and we obtained those.

4 Q (By Ms. Alizadeh) Now, there was yet again  
5 another interview conducted of and  
6 after Detective had talked to  
7 them a second time?

8 A That's correct.

9 Q What was the reason for the third  
10 interview?

11 A During the course of the investigation,  
12 obviously, it is an evolving investigation and we've  
13 we're learned things on a daily basis. If I can go  
14 back in time to when we were contacting Dorian  
15 Johnson.

16 Q And that would have been on the 13th?

17 A Yes, ma'am. So during the course of  
18 Dorian Johnson's interview, he talked about speaking  
19 with, he didn't mention them by name,  
20 and . And during the interview with  
21 Dorian Johnson he made reference to  
22 and talking with Michael Brown about  
23 marijuana and about waxing.

24 I had no idea what waxing was. We  
25 later learned that waxing delivers essentially a

1 high concentration of THC to an individual in a very  
2 short period of time. So THC is the active  
3 ingredient in marijuana.

4 That didn't necessarily mean much to  
5 me until we learned from the autopsy report that  
6 Michael Brown had THC in his system and we learned  
7 that after speaking with Dr. from the St. Louis  
8 County Medical Examiner's Office, that his level was  
9 elevated to the point where it could have  
10 potentially caused a loss in perception of space and  
11 time and there was also the possibility that there  
12 could have been hallucinations. He couldn't say  
13 that for sure, but that is a potential effect of  
14 high levels of THC in an individual.

15 So knowing that waxing delivers a  
16 high level of THC to an individual in a relatively  
17 short period of time and knowing that from Dorian  
18 Johnson, Michael Brown had had conversations with  
19 and about waxing, we  
20 thought it worth exploring the possibility that  
21 either gave, or  
22 provided, or sold wax to Michael Brown. And if that  
23 was the case, it could have potentially explained  
24 some of the behavior that we witnessed from Michael  
25 Brown on the audio, I'm sorry on the video at the



1 Ferguson Market and help explain some of the things  
2 taking place in this particular incident.

3 Q All right. Now, had either  
4 or in their first two statements to  
5 County Police said anything about having discussions  
6 with Michael Brown about waxing?

7 A No.

8 Q All right. Did you make a decision that  
9 you were going to attempt to reinterview both of  
10 those gentlemen?

11 A We did.

12 Q Now, on this occasion though, you did not  
13 go out to their homes or their places of employment  
14 or a library, you actually brought them into the  
15 county police department and put them in an  
16 interview room where you often interview suspects,  
17 correct?

18 A We contacted at his home and  
19 requested he accompany us back to our office and he  
20 agreed to do so. We contacted at a  
21 job site that he was working on and we did the same  
22 thing for him. We asked him to accompany us back to  
23 our office for an interview and they both  
24 voluntarily agreed to do so.

25 Q So they were not under arrest?

1           **A**     They were not.

2           **Q**     And when they were brought to your  
3 headquarters, did you bring them in during the same  
4 evening?

5           **A**     Yes.

6           **Q**     Okay. Did you interview them separately?

7           **A**     Yes.

8           **Q**     And those interviews we seen were video  
9 and audio recorded; is that right?

10          **A**     Yes.

11          **Q**     Prior to interviewing them you advised  
12 each one of them of their Miranda Rights?

13          **A**     We did, yes.

14          **Q**     And that wouldn't be something that you  
15 have done with other witnesses in this investigation  
16 giving them Miranda Rights, is that fair to say?

17          **A**     That's fair to say.

18          **Q**     And so why is it that you felt that you  
19 needed to advise these two of their Miranda Rights?

20          **A**     Miranda applies if there is an incident  
21 where there is custody and meaning individuals in  
22 custody, and there is a potential that we're going  
23 to ask guilt seeking questions. They were obviously  
24 not in custody, however, we were going to be asking  
25 them a series of questions and the purpose of the

1 interview was to bring them in and ask them about  
2 this waxing.

3 So we were going to be asking them a  
4 series of questions regarding waxing and the use of  
5 it and whether they had provided or sold or done  
6 anything to give Michael Brown and/or Dorian Johnson  
7 marijuana or wax.

8 And so based on that, I felt it was  
9 in our best interest to error on the side of  
10 caution, be safe, there is nothing wrong with doing  
11 this and just Mirandize them just in the sense of we  
12 are going to be asking them guilt seeking questions.  
13 That could potentially impact future situations if  
14 they were to provide us information that could  
15 implicate them in a crime.

16 Q All right. And so now when you brought  
17 each of those individuals in and began your  
18 questioning of them, you know, we've seen the  
19 videos, they both deny having anything to do with  
20 giving Michael Brown or Dorian Johnson any control  
21 substances, is that fair to say?

22 A Yes, ma'am.

23 Q And they denied it from the beginning and  
24 yet you continue to question them for a substantial  
25 period of time; is that right?

1           **A**     We did, yes.

2           **Q**     Now, this interview, how are these  
3 interviews different from the interviews that you  
4 have done with other witnesses because these two men  
5 were eyewitnesses or claim to have been eyewitnesses  
6 to a shooting?

7           **A**     That's correct.

8           **Q**     Not suspects in the investigation, not  
9 even subjects in the investigation, but witnesses?

10          **A**     Correct.

11          **Q**     Why treat them differently than you did  
12 other witnesses in this case?

13          **A**     Well, if you've seen the video, you'll  
14 notice that we stayed away from discussing their  
15 accounts of the incident itself. And the incident I  
16 mean with Darren Wilson and with Michael Brown.

17                   Our motivation in speaking with them  
18 was purely to discuss the waxing aspect of it to see  
19 if there was anything that we were missing in this  
20 particular instance.

21                   So the reality is, when we speak to  
22 people, we're not always told the truth in terms of,  
23 right away in terms of what is going on. That's the  
24 reality of our job, sometimes people tell us the  
25 truth, but in other instances they do not.

1 I mean, very few people are willing  
2 to come into an office and tell a deep dark secret  
3 or tell some sort of illegal activity that they've  
4 done after they have just met someone in a very  
5 brief period of time.

6 So as such there are various types of  
7 interviews that we can do. We can do it what I'm  
8 going to call just a pure fact gathering interview  
9 where we sit down with somebody and we just document  
10 what they've told us.

11 There are nonconfrontational  
12 interviews where we can generally discuss a topic  
13 with an individual in attempt to elicit information  
14 and there are what I would call a direct  
15 confrontation interview where we are directly  
16 confronting people and calling out those individuals  
17 on any inconsistencies or anything that we may  
18 believe that they may not be telling us the truth  
19 on.

20 I don't have a hard and fast rule by  
21 in large, I don't have a hard and fast rule how I  
22 conduct one interview. A lot of it is just based  
23 off of how a particular individual is reacting in an  
24 interview or how a particular interview is going,  
25 but ultimately we are looking for the truth and

1 sometimes it is hard to get that out of people  
2 initially. So we have to press them and we ask  
3 questions repeatedly and kind of like a salesman, we  
4 don't take no for an answer the first time.

5 We, obviously, have an obligation to  
6 get to the truth to some extent and part of that is  
7 pressing people to see if they're really telling us  
8 the truth.

9 Q But it is true, isn't it, Detective, that  
10 throughout your interview or interrogation of these  
11 two men, neither one of them ever admitted or said  
12 that they have been in any way involved in providing  
13 controlled narcotics to Michael Brown or Dorian  
14 Johnson; is that true?

15 A Yes, that's correct.

16 Q And your investigation has failed to find  
17 any information otherwise; is that true?

18 A That's true.

19 Q And I think we discussed briefly and again  
20 I'm going to reiterate here, to your understanding,  
21 now you've completed your police report in this  
22 case; is that right?

23 A I have.

24 Q How many pages is your police report?

25 A I don't know exactly, 1,100, 1,200

1 roughly.

2 Q And so you've concluded your police  
3 report, but in reality does this investigation  
4 continue so long as there are witnesses who might  
5 come forward or want to be interviewed?

6 A I would always add a supplement to the  
7 report that has been submitted if more people came  
8 forward, yes.

9 Q And isn't it true, Detective, or let me  
10 ask you this, if at the conclusion of this grand  
11 jury investigation if there is information that  
12 comes to you regarding this investigation that is in  
13 any way relevant or pertinent to this investigation,  
14 would you bring that to my attention?

15 A I will.

16 Q And you're aware that there is no statute  
17 of limitations for murder or for class A felonies,  
18 correct?

19 A I'm aware of that, yes.

20 Q And that a prosecution against Officer  
21 Wilson could be brought at any time. In other  
22 words, even 50 years from today?

23 A I'm aware of that, yes, ma'am.

24 Q And if there would be, let me ask you  
25 this. You've reviewed a number of videos that

1 people have recorded from various devices, cell  
2 phones mainly, who claim to have recorded the  
3 shooting; is that right?

4 **A** That's correct.

5 **Q** Have you ever discussed a video that  
6 actually shows any part of the confrontation from  
7 the beginning where from the officer stopping to  
8 first confront or talk to those two boys all the way  
9 to the shooting itself?

10 **A** I have not.

11 **Q** Okay. Every video that you have seen in  
12 relation to this investigation, video of the  
13 aftermath of the shooting?

14 **A** Every one, yes.

15 **Q** Have you heard rumors that there's videos  
16 of the shooting out there?

17 **A** I have heard those rumors, yes.

18 **Q** Have you done investigation to try to  
19 discover whether those rumors are true or track down  
20 people that have videos of the actual shooting  
21 itself?

22 **A** Yes, we have.

23 **Q** And have those leads produced anything?

24 **A** No, they have not.

25 **Q** And you're aware that even after this



1 investigation by the grand jury is concluded, we've  
2 discussed this, the possibility that there is for  
3 some reason somebody out there has a video that they  
4 have not come forward with, if that video were to be  
5 discovered by law enforcement, we could represent  
6 this to a grand jury; is that correct?

7 **A** That's correct.

8 MS. ALIZADEH: All have heard the term  
9 double jeopardy. Double jeopardy does not apply  
10 unless there is a trial jury that considers the  
11 facts. And so if a case starts, if there is a trial  
12 that starts with a trial jury, that's when jeopardy  
13 attaches and someone can never be tried after that  
14 if there's a verdict or after that they can't be  
15 retried.

16 Your decision, though, does not create  
17 jeopardy. In other words, there's no reason that  
18 there couldn't be additional investigation in the  
19 future or another consideration by probably not you  
20 all probably would be another grand jury if there  
21 would be something down the road, but in this case,  
22 Detective, you're aware still that the federal  
23 authorities have not concluded their investigation;  
24 is that right?

25 **A** That's correct.

1           **Q**     (By Ms. Alizadeh) They're still looking  
2     for people?

3           **A**     Yes.

4           **Q**     Still trying to talk to people who have  
5     been unwilling to talk?

6           **A**     Yes.

7           **Q**     And if down the road those witnesses were  
8     to come forward with relevant information that may  
9     change the investigation, you would bring that to my  
10    attention wouldn't you?

11          **A**     I would.

12                   MS. ALIZADEH:  Sheila, you have questions?

13                   MS. WHIRLEY:  Just a few.

14          **Q**     (By Ms. Whirley) Regarding the accuracy of  
15    these perspective photos, you don't walk it out with  
16    the witness that you gave information to test the  
17    accuracy of it?  How do you come up with, you may  
18    have already told us, I thought you did, I want to  
19    understand how accurate the photos are.

20          **A**     Sure.  In terms of on August 9th, one of  
21    our crime scene detective's jobs was to take various  
22    measurements of items of evidence at the scene.  And  
23    he used what starts as a baseline at Coppercreek  
24    Court and Canfield Court, and used this baseline  
25    here and measured items during the entire, I should

1 say, within the entire crime scene and those items  
2 were documented in a diagram that he completed with  
3 specific measurements, feet down to inches.

4 So when we went back out there to  
5 take those 360 degree panoramic shots, we based,  
6 obviously, Coppercreek Court and Canfield Drive is  
7 subjective in the sense that we are basing that off  
8 of where, again, witnesses were telling us is the  
9 furthest point east that Michael Brown would have  
10 went.

11 So that is a subjective point that we  
12 use that intersection, northwest corner of that  
13 intersection right there.

14 However, the point where Michael  
15 Brown's body was located and the point where the  
16 vehicle was located, was measured on that day based  
17 off the measurements that were taken on August 9th.

18 Q And when you take photographs showing  
19 where people live and what building that they would  
20 have, their vantage point was, that's based on  
21 statements that they gave you as to where they were  
22 located?

23 A Yes, ma'am.

24 Q Okay. So if you don't have that exactly  
25 right, then that's not going to be accurate?

1           **A**     Correct, I am basing it only off of  
2 statements that they were able to provide to us,  
3 yes.

4           **Q**     Okay. And then you knew that swabs that  
5 were taken, evidence was gathered for DNA in this  
6 case?

7           **A**     Yes.

8           **Q**     The officer's belt, the officer's gun,  
9 some other items?

10          **A**     Yes, ma'am.

11          **Q**     You were part of that or your team decided  
12 what to seize as evidence?

13          **A**     For the most part, yes.

14          **Q**     Okay. And there's been testimony that  
15 Michael Brown was grabbed by the throat, was his  
16 throat swabbed for DNA sample?

17          **A**     Was Michael Brown's throat?

18          **Q**     Throat swabbed?

19          **A**     I don't believe so.

20          **Q**     You may not have had that information when  
21 you gathered that information. Had you ever heard  
22 that before that he was grabbed, the officer grabbed  
23 him by the throat?

24          **A**     I had heard that and as I sit here today,  
25 I couldn't tell you what day I heard that.

1           Q     But you do know, no one collected a swab  
2 of his throat, his neck?

3           A     I don't believe his neck was swabbed, no.

4           Q     Okay. And if it was, you would know about  
5 that; is that right?

6           A     I would have a report, yes.

7           Q     Okay. Now, you actually had an interview  
8 with the officer, Darren Wilson, on, was it the  
9 10th?

10          A     Yes, ma'am.

11          Q     When you interviewed him?

12          A     Yes.

13          Q     And you allowed him to tell you whatever  
14 he wanted to tell you, right?

15          A     That's correct.

16          Q     You weren't stopping him from giving you  
17 information at any point; is that right?

18          A     I asked clarifying questions, but I did  
19 not stop him, no.

20          Q     You even asked him was there anything that  
21 he wanted to tell you that you hadn't asked?

22          A     I do that at the end of all interviews,  
23 yes, ma'am.

24          Q     And it was recorded?

25          A     It was, yes.

1           Q     And I believe when you asked him that his  
2     response was, I think we're good, does that sound  
3     right?

4           A     That sounds right, yes.

5           Q     So he never told you that he chased down,  
6     chased after Michael Brown because, and continued to  
7     pursue him and eventually killed him because he was  
8     in fear that Michael Brown would attack other  
9     officers who were coming to the scene, did he ever  
10    tell you that?

11          A     He did not say that, no.

12          Q     Okay.

13                MS. WHIRLEY: That's all I have at this  
14    time.

15                GRAND JUROR: I know that you and, I guess  
16    it was Detective            and Detective            ,  
17    Detective            , I think he was responsible for  
18    collecting the duty belt; is that right.

19          A     Detective            collected the duty belt.

20                GRAND JUROR: Detective            collected  
21    the duty belt?

22          A     Yes.

23                GRAND JUROR: In your interview with  
24    Darren Wilson, did he tell you he wanted to use his  
25    pepper spray at one time, but he didn't. He thought

1 about using it and then he thought again because he  
2 didn't want it to come back in on him?

3 A I don't remember the exact phrase that he  
4 used, but he made mention that he thought about  
5 using his OC spray or his --

6 GRAND JUROR: Mace.

7 A Mace, as you said. But he also made  
8 mention that he realized he was in a confined space,  
9 meaning his vehicle and in a confined space, that  
10 obviously can affect other people, not just the  
11 intended target I think is what he was implying.

12 GRAND JUROR: So we later found out from  
13 that mace or pepper spray is  
14 assigned to each patrolman and we got our report  
15 from, I guess , and no pepper spray was turned  
16 in. Did you know about that?

17 A No, I did not.

18 MS. ALIZADEH: Let me clarify this, okay.  
19 So, Detective, the duty belt, what's a duty belt?

20 A A duty belt is essentially a belt that  
21 goes, obviously, on top of the pants and shirt that  
22 you always wear above a normal belt that contains  
23 the equipment that a police officer is going to wear  
24 during the course of his duty.

25 So it has a place for his weapon, his

1 extra magazines, his baton if he carries one, his  
2 handcuffs, his radio holders, his mace, his taser,  
3 anything that would be deemed necessary for an  
4 officer to use in the course of his duties.

5 MS. ALIZADEH: And you are aware, aren't  
6 you, that on the night or the afternoon following  
7 the shooting, Detective , who is the one who  
8 went to the Ferguson Police Department and seized  
9 the gun, did not seize Officer Wilson's duty belt,  
10 correct?

11 A I'm aware of that, yes.

12 MS. ALIZADEH: And did not inspect the  
13 duty belt or photograph the duty belt, correct?

14 A That's correct.

15 MS. ALIZADEH: And was it sometime later  
16 in the investigation that you contacted me and  
17 indicated that Darren Wilson's attorney asked us if  
18 we wanted the duty belt?

19 A That's correct.

20 MS. ALIZADEH: And what date was that that  
21 Darren Wilson's attorney contacted you, asking if  
22 you wanted the duty belt?

23 A I'll look it up here to be sure. Friday,  
24 September 12th.

25 MS. ALIZADEH: So more than a month after



1 the shooting, correct?

2 A Correct.

3 MS. ALIZADEH: And did the attorney tell  
4 you where the duty belt had been all this time.

5 A He did. He indicated that the duty belt  
6 was placed in the trunk of Darren Wilson's personal  
7 vehicle when he left the Ferguson police station and  
8 that is where that duty belt remained until it was  
9 brought to our attention. And then from there he  
10 removed the belt from his vehicle and put it in a  
11 box and that box was then released to us.

12 MS. ALIZADEH: So typically, Detective, is  
13 a duty belt actually the personal property of the  
14 officer, is that something that they go out and get  
15 for themselves and it is their duty belt or did they  
16 trade duty belts with other officers.

17 A I can't speak personally but for St. Louis  
18 County, St. Louis County provides those duty belts  
19 to each individual officer, but obviously property  
20 of St. Louis County. But in the sense of trading  
21 with other officers, no, there is no trading with  
22 other officers. Once that belt is assigned to a  
23 particular person, it is that particular person's  
24 belt.

25 Q (By Ms. Alizadeh) So at the end of their

1 duty they would, they could take that belt home with  
2 them that had their gun, their handcuffs, magazines?

3 A Yes, ma'am.

4 Q Whatever is on the bet, that's goes home  
5 with them?

6 A It does, yes.

7 Q They don't leave it at the station for the  
8 next shift?

9 A They do not.

10 Q Okay. So now when you called me up and  
11 actually talked to me about having been contacted by  
12 Darren Wilson's attorney about the duty belt, we had  
13 a discussion about that; is that right?

14 A We did.

15 Q And we talked about whether or not we  
16 should seize that duty belt?

17 A We did.

18 Q And between you and I we decided it was a  
19 good idea to get it?

20 A That's correct.

21 Q And when the duty belt was seized,  
22 however, the officer's gun, of course, is not in it  
23 because that was seized by Detective  
24 correct?

25 A That's correct.

1           **Q**     The other items that are contained in a  
2     duty belt, do you recall if those were in the duty  
3     belt?

4           **A**     I would have to look at the photos to know  
5     for sure.

6                   MS. ALIZADEH:   Okay.   I believe, have we  
7     seen photos of the duty belt, have you guys seen  
8     those?

9                   GRAND JUROR:   We have a list of what was  
10    on it and what was fingerprinted.

11                  MS. ALIZADEH:   Let me double check because  
12    I know I didn't call the witness who seized the duty  
13    belt.   We have the duty belt as one of the items for  
14    you all to look at, but as far as whether there was  
15    anything in the duty belt, those photographs would  
16    show it.   When we break for lunch before you begin  
17    deliberating, let me go back and check and give you  
18    those photos, okay.

19                  But at any rate, if there was things on  
20    the duty belt after the shooting, it is obviously  
21    conceivable that Darren Wilson, since he had  
22    possession of that duty belt from the day of the  
23    shooting until it was seized September 12th, could  
24    have removed things, could have changed things  
25    around and what have you, correct?

1           A       That's possible.

2                   MS. ALIZADEH: We also discussed whether  
3 or not we would try to process the duty belt either  
4 for DNA or fingerprints, correct?

5           A       We did.

6                   MS. ALIZADEH: And we discussed the fact  
7 that if you process for DNA, then you really kind of  
8 destroy the prints that might be on the item and  
9 vice versa, if you actually process for prints, then  
10 you might obliterate any DNA that might be on the  
11 item.

12                   So did we discuss and talk about having it  
13 processed for prints?

14           A       We did.

15                   MS. ALIZADEH: And you're aware that the  
16 duty belt was negative for Michael Brown's prints?

17           A       It was.

18                   MS. ALIZADEH: I've got the duty belt, so  
19 whatever is on it, if there was anything on it when  
20 it was seized that would still be on it, would that  
21 be fair to say?

22           A       It would still be in the same condition,  
23 yes.

24                   MS. ALIZADEH: And that would be police  
25 procedure when something is seized, you package it

1 and document it in the condition that it was when  
2 you seized it and would have been photographed in  
3 that condition as well?

4 A Yes, ma'am.

5 MS. ALIZADEH: I do have photographs. If  
6 I haven't given them to you, I'll go get them.

7 GRAND JUROR: Considering this is a crime  
8 that we are sitting here discussing, um, wouldn't  
9 everything on Police Officer Wilson be considered  
10 evidence? My question is, why wouldn't his duty  
11 belt be detained the day of the shooting when  
12 pictures were taken of him before he went to the  
13 emergency room and of his uniform, why wouldn't  
14 everything be considered evidence that day because  
15 that is very important?

16 A Obviously, I wasn't at the Ferguson police  
17 station when the items that were originally seized  
18 on August 9th were seized. I agree with you in that  
19 it's important. I wasn't made aware of the fact  
20 that it wasn't seized until obviously a later date  
21 and I can't answer that question because I wasn't  
22 there.

23 GRAND JUROR: So how could you do an  
24 investigation if you haven't collected evidence?

25 A Well, clearly we collected evidence. We

1 just did not seize that duty belt on that particular  
2 day meaning on August 9th. We did seize, obviously,  
3 his weapon and his clothing and those things, but we  
4 did not seize his duty belt.

5 MS. ALIZADEH: Let me just ask, Detective,  
6 how long have you been a detective for St. Louis  
7 County?

8 A Almost eight years.

9 MS. ALIZADEH: And in your experience,  
10 have you ever had cases where during the course of  
11 the investigation, other things are made known and  
12 then you wish you would have done something that you  
13 now no longer have the opportunity to do?

14 A Absolutely.

15 Q (By Ms. Alizadeh) Now, Detective, I mean,  
16 Officer Wilson, was interviewed by at  
17 the hospital, correct?

18 A Correct.

19 Q And we know his duty belt wasn't seized  
20 that day?

21 A That's correct.

22 Q And it was the next day that you  
23 interviewed him at your headquarters, correct?

24 A Correct.

25 Q And I imagine was he in street clothes

1 when you interviewed him?

2 A He was.

3 Q And so whether he had his duty belt in the  
4 trunk of his car that day, regardless, you didn't  
5 seize the duty belt that day?

6 A I did not.

7 Q During your interview of him, did he talk  
8 about mentally doing a mental, I guess, inventory of  
9 the items on his duty belt during the time he says  
10 Michael Brown was assaulting him?

11 A He did make reference to that, yes.

12 Q And yet you didn't make any decision at  
13 that time to seize the duty belt?

14 A I think at that point I didn't know that  
15 it had not been seized.

16 GRAND JUROR: In your interview with  
17 Officer Darren Wilson on the 10th, what did he  
18 indicate to you as the reason why Michael Brown is  
19 leaving the car, why Officer Wilson exited his  
20 vehicle to begin pursuit what was his justification?  
21 I know what he told you us, I'd be interested in  
22 what he told you?

23 A I think two separate questions there, am I  
24 correct? The first question is, would you repeat  
25 the first question?

1 GRAND JUROR: What did Darren Wilson  
2 explain was his reason for exiting his police  
3 vehicle and pursuing Michael Brown on foot?

4 A To arrest him.

5 GRAND JUROR: That's what he told you on  
6 that?

7 A Yes, sir.

8 GRAND JUROR: I know we've heard evidence  
9 that Michael Brown after he turned around and  
10 advanced back towards Officer Wilson, and we have  
11 our diagram of the crime scene with the measurements  
12 on it and I just want to make sure I'm interpreting  
13 all of this right. So as far as physical evidence,  
14 we have the blood on the ground that was about 21 or  
15 22 feet from where Michael Brown ended up. So we  
16 know for a fact that's a minimum distance he might  
17 have advanced and from eyewitness testimony that  
18 placed him at the corner of Coppercreek, that  
19 dimension looks like it is closer to 48 to 50 feet;  
20 is that correct? So that would be like an outer --

21 A I'm going to look at this diagram also  
22 just so I'm sure we are on the same page here.

23 So you're saying, obviously, this  
24 would be zero right here, right.

25 GRAND JUROR: The distance was 48 feet



1 2 inches according to this diagram.

2 A Correct, yes, sir. So we would say, and  
3 you made reference to the blood on the ground. So  
4 from this point here, the red stains in the roadway  
5 are identified what was later determined to be  
6 Michael Brown's blood as Items 19 and 20 on the key  
7 for the diagram. So Items 19 and 20, so the zero is  
8 here, identified as being 31 feet and 26 feet  
9 7 inches, and this direction here, and then you're  
10 correct in saying if we continue to move west on  
11 Canfield Drive, Michael Brown's left foot and right  
12 foot for that matter are, 48 feet 2 inches, yes,  
13 sir.

14 GRAND JUROR: If I did the calculation  
15 that was 21 and a half feet?

16 A Yes, sir.

17 GRAND JUROR: Physical evidence,  
18 eyewitness reports would have doubled that.

19 A 21, 22 feet between the blood and where  
20 Michael Brown's body was when we arrived, yes.

21 GRAND JUROR: Okay. And a second  
22 question. We heard the audiotape that had the last  
23 ten shots on it, can you tell us exactly what that  
24 timeframe was from the first shot to the tenth shot  
25 there? We tried to approximate it, it was six or

1 seven seconds, but do you know exactly?

2 A I know that that audio was sent to someone  
3 at the FBI in Quantico who does testing relating to  
4 audio and things of that nature. I don't have that  
5 report in front of me and I wouldn't be comfortable  
6 in saying what those, what that analyst identified.

7 MS. ALIZADEH: I do have the report. I  
8 can give it to you. He did not time, there is  
9 nothing about the duration of the shots. The report  
10 just indicates that there were ten, what appeared to  
11 be ten apparent gunshots and a male voice speaking.  
12 It was just an analyst of the audio and it doesn't  
13 really say, it says nothing about duration of the  
14 shots.

15 So I'd be happy to get that report for  
16 you.

17 GRAND JUROR: There wasn't a craft line  
18 that showed time of duration?

19 MS. ALIZADEH: No, that wasn't done.

20 A Yes, sir.

21 GRAND JUROR: In your professional  
22 opinion, I'm not a blood splatter analyst, but say  
23 Michael Brown is standing around the area where we  
24 know his body fell and he's shot in the head, could  
25 where the blood landed potentially have been, I

1 don't know some trajectory or we to expect or  
2 understand that, I don't know what my question is.

3 If he was traveling from the baseline you  
4 marked as zero the corner of Coppercreek and  
5 Canfield that would somehow trail, is there a way to  
6 know?

7 A I'm not a blood spatter analyst either,  
8 but I think 22 feet would be an extremely  
9 unrealistic expectation that blood is going to  
10 travel that far.

11 GRAND JUROR: Okay.

12 GRAND JUROR: Did you have occasion to  
13 talk to ?

14 A I did.

15 GRAND JUROR: We heard of some testimony  
16 about, but we haven't heard directly, can you give  
17 us a quick synopsis of what he said happened?

18 A I guess, let me clarify first. When you  
19 are talking about you are making  
20 reference --

21 GRAND JUROR: To the person in the video  
22 that we have seen, because what I'm trying to  
23 determine is, you know, what was his demeanor in the  
24 store in person versus what we are seeing on a  
25 screen.

1           A         The                                  and the individual in the  
2     video, obviously, we may have discussed this last  
3     week does not speak English. So when we talk to  
4     him, we talk to him with an interpreter.

5 GRAND JUROR: Uh-huh.

6           A       And through the interpreter he indicated  
7       that you're saying demeanor, meaning Michael Brown's  
8       demeanor?

9 GRAND JUROR: Yes.

10           A       He said Michael Brown walked in and was  
11 using curse words. He couldn't recall what those  
12 curse words were. There was some degree of a  
13 language barrier there and he collaborated  
14 essentially what you saw in the video.

15 I showed him the video during the  
16 course of the interview that I conducted with him, I  
17 showed him the video and he corroborated that is  
18 obviously what took place from his perspective, but  
19 in terms of actual language, he knew that there were  
20 curse words he said, but the language barrier  
21 prevented him from explaining any further what he  
22 was saying.

23 GRAND JUROR: Okay.

24 GRAND JUROR: In your interview with  
25 Darren Wilson, his interaction with Michael Brown,

1 that he thought Michael Brown had a weapon of any  
2 kind?

3 A No.

4 GRAND JUROR: He didn't indicate or no, he  
5 didn't have a weapon? He didn't mention it at all  
6 or he said yes, I know he didn't.

7 A I would want to check the transcript for  
8 an exact account, however, at the point that I,  
9 remember, at the point that I interviewed Darren  
10 Wilson, there had already been one cursory interview  
11 completed with him or a safety statement completed  
12 with him. And in that safety statement and in that  
13 cursory interview, obviously, he made no mention of  
14 a weapon. So to some degree it was implied that  
15 there was no weapon involved in this on Michael  
16 Brown's part.

17 MS. ALIZADEH: Detective , do you  
18 recall, and his statement will speak for itself and  
19 you have a transcript of his statement, but do you  
20 recall in his statement to you him saying that he  
21 saw Michael Brown's hand go into his waistband?

22 A He did say that, yes.

23 MS. ALIZADEH: But he never said that he  
24 saw a weapon?

25 A Correct. Just in terms of seeing a

1        weapon, no, he never indicated that he saw one.

2                    MS. ALIZADEH: Did he ever tell you that  
3        he thought Michael Brown was going for a weapon?

4            A        In the sense of when Darren Wilson is  
5        making reference to Michael Brown putting his right  
6        hand, he described it as he put his right hand in  
7        his waistband and then started coming towards Darren  
8        Wilson. That would have been an instance where it  
9        could have been implied that, yes, there was a  
10       weapon there.

11                   MS. ALIZADEH: He never said that, the  
12        interview will speak for itself, I want y'all to  
13        review it if you need to.

14                   But he never said to you, I thought he was  
15        going for a weapon so I had so shoot him, or do you  
16        recall?

17            A        I'm going to check my report.

18                   MS. ALIZADEH: Okay. I'm going from my  
19        memory as well, I don't have copy of the transcript  
20        in front of me.

21            A        So in the transcript here he makes  
22        reference to during his first stride, he took his  
23        right hand, put it under his shirt and put it in his  
24        waistband. And then as he continues, he again makes  
25        reference to still charging, and again, I'm reading

1 the transcript here, still charging, hand still in  
2 his waistband, hasn't slowed down. And then he  
3 again makes reference to the same thing, still  
4 running at me, hadn't slowed down, hands still in  
5 his waistband.

6 So he makes reference to it three  
7 times there and then one final time when he says,  
8 when he went down, his hand was still under his  
9 right hand, was still under his body, looks like it  
10 was still in his waistband.

11 So in that sense does he ever  
12 specifically say the word weapon? No. In that  
13 conversation that I'm having with him, me, as a  
14 police officer knowing that if an individual has his  
15 hand in his waistband, that is of concern to me  
16 personally.

17 And so it was implied, in my opinion,  
18 that he was making reference, that Darren Wilson was  
19 making reference to believing that there could have  
20 been a weapon in Michael Brown's waistband, however,  
21 as you said, he never specifically mentioned the  
22 word weapon.

23 GRAND JUROR: On that same note, we know  
24 that Michael Brown's hand was, had the severe injury  
25 with blood, so you would be able to look at the

1 shirt and shorts to be able to see if there was  
2 blood in that specific area, correct? I don't know  
3 if you can to verify, did you verify that? His  
4 comment that he saw him at his waistband or shorts  
5 or shirt, did you look to see on Michael Brown's  
6 actual shirt or shorts if there is blood in that  
7 area?

8 A There is both his shirt and his shorts are  
9 very bloody so.

10 MS. ALIZADEH: It may be difficult to tell  
11 whether it was from that or from the body laying in  
12 the street and so forth.

13 GRAND JUROR: When you interviewed Darren  
14 Wilson, did he at any time tell you how many times  
15 he thought he shot his weapon?

16 A He didn't recall. And realistically in my  
17 experience that is a normal acceptable answer to  
18 hear from a police officer who has been involved in  
19 a critical incident. Very often police officers  
20 either don't know, or get the number of shots  
21 incorrect. And I don't see that as being something  
22 that frequently occurs.

23 GRAND JUROR: Did he mention it to  
24 Detective in the preliminary.

25 A In terms of how many shots? You would



1 have to ask Detective that.

2 GRAND JUROR: For some reason I got he  
3 said he shot four times, four shots.

4 A I'm making reference to in terms of total  
5 shots.

6 GRAND JUROR: Uh-huh.

7 A Are you making reference to something?

8 GRAND JUROR: Total shots, yeah.

9 A No. I mean, clearly, I think he probably  
10 could deduce that when he went back to the station  
11 that his weapon carries 12 rounds in the magazine  
12 plus one in the chamber. And, you know, he can,  
13 obviously, I don't know that he did, count how many  
14 rounds he had left. But he didn't make reference  
15 to, he didn't know when I asked him.

16 MS. ALIZADEH: If you are looking for  
17 where that might come from, keep in mind that I had  
18 Sergeant testify about what he first told him,  
19 so you can review Sergeant 's testimony. We had  
20 testify about his cursory interview at  
21 the hospital, so you can review that. Neither one  
22 of those were recorded interviews keep in mind. And  
23 then there was the recorded interview with Detective  
24 , which you have that transcript.

25 And then finally, Special Agent

1 testified that she interviewed him, but her  
2 interview was not recorded as well. So you wouldn't  
3 maybe, you could look back at the transcript of her  
4 testimony and then also keep in mind that Darren  
5 Wilson testified before this grand jury and you  
6 could review his testimony to see if there's mention  
7 of how many shots.

8 A Yes, ma'am.

9 GRAND JUROR: What is the policy and  
10 procedure of when a police officer goes to the  
11 hospital to be examined as far as who is present in  
12 the room with the patient and the doctor?

13 A Well, I don't know that I can answer that  
14 question. Obviously, Ferguson Police Department may  
15 have their own policy in terms of how they handle a  
16 situation like that. I would say with St. Louis  
17 County, obviously, you would have the patient and I  
18 would assume that you would probably have a  
19 supervisor there who is there to provide support to  
20 an injured officer. I'm just talking in general  
21 terms here, provide support to an injured officer.  
22 And you may have another police officer there again  
23 to provide support or something needs to take place,  
24 but I can't specifically answer for Ferguson Police  
25 Department.

1 GRAND JUROR: And they would be present in  
2 the examine room?

3 A During any kind of examine taking place?

4 GRAND JUROR: (Nods head.)

5 A My guess would be that would be up to each  
6 individual officer whether they were comfortable  
7 with a co-worker or a supervisor being present.

8 Obviously, if they weren't  
9 comfortable, I'm sure a supervisor or co-worker  
10 would leave, but if they are comfortable, I'm sure  
11 they could stay too.

12 GRAND JUROR: And when the doctor is  
13 examining the patient, would there be a reason for  
14 the supervisor to be answering questions?

15 A I guess it would probably depend on what  
16 type of questions they would be answering.

17 GRAND JUROR: But they're not the patient?

18 A There is obviously an aspect to some sort  
19 of workman's comp or payment issues or any number of  
20 things like that could arise that a supervisor may  
21 take upon his, may take responsibility for. But  
22 specifically in any specific situation, I don't  
23 know. I think it would be entirely different.

24 Obviously, just as if any of us got  
25 hurt in a work place environment, I'm sure a

1 supervisor and/or co-worker would be there to assist  
2 in whatever way they could through the process.

3 GRAND JUROR: I have one question, I have  
4 a couple of questions, one in particular is about  
5 his visit to the emergency room. It says in his  
6 triage report that the patient presented with St.  
7 Louis County Police to the emergency room for  
8 evaluation from home.

9 And when we had somebody testify here, I  
10 just want, do you know if he went home first?

11 A He did not go home.

12 GRAND JUROR: Okay.

13 A He went to the Ferguson Police Department  
14 at the direction of Sergeant and he waited  
15 there until Detective arrived. And,  
16 obviously, Detective drove, not with, but  
17 followed Darren Wilson and I believe Colonel  
18 from the Ferguson police station to the  
19 emergency room.

20 GRAND JUROR: Do you know where Darren  
21 Wilson lives, or what street, or what I'm trying to  
22 determine is how far away he lives from the  
23 hospital?

24 A He lives quite a ways away.

25 GRAND JUROR: I just want to make sure I

1 understand what you were trying to say earlier, I  
2 know everybody has asked some questions about some  
3 of the things he told us here versus some of the  
4 things he told you about.

5 A Sure.

6 GRAND JUROR: I want to make sure I'm  
7 understanding what you are saying because with my  
8 work I'll talk a certain way with my co-workers then  
9 I would with this guy right here. So I'm assuming  
10 that it is acceptable for things to be inferred, I'm  
11 a little nervous, it is acceptable to go unspoken  
12 that you know could have happened, that he would  
13 have to explain to us.

14 A Can you give me a specific example of what  
15 you are making reference to?

16 GRAND JUROR: Several things. I can't  
17 remember what Sheila asked, but she asked a question  
18 and then he asked a question about did he say he was  
19 unarmed. He said, well, several times that his hand  
20 was still in his waistband and I can see where some  
21 people would say that he was holding an injury or  
22 something, but as a police officer, and as a fellow  
23 police officer, you don't know that's what he was  
24 doing, you think he could be, so you're taking as a  
25 police officer that doesn't have to be explained to

1 you.

2 A Correct, I think just like it is in any  
3 industry or any line of work, I think there are  
4 obviously things that don't necessarily need to be  
5 explained or as you said, implied in any industry.

6 And you make reference to the hand in  
7 the waistband. A hand in the waistband to me in a  
8 situation is an alarm in any given situation because  
9 I don't know as a police officer, I'm talking in  
10 general terms here now, I don't know is that  
11 person's hand cold or is it that they're going to  
12 pull out a knife or a gun or baton or whatever.

13 GRAND JUROR: So it is possible that the  
14 difference is in things that he told you and the way  
15 he explained things how he told us could simply be  
16 you are a police officer and you know the situation,  
17 you know the type.

18 A I think that's possible, yes.  
19 Specifically in the situation with the hand in the  
20 waist, I believe I knew what he was making reference  
21 to when he's talking about he makes mention to it  
22 four times, you know.

23 GRAND JUROR: It is a concern?

24 A It was obviously a concern to him and to  
25 me as a police officer, it would be a concern to me

1 also.

2 MS. ALIZADEH: Let me ask. I'm sure your  
3 lunch is here. If you want to follow-up with him  
4 after lunch, we can do that or you think there's  
5 another five minutes worth of questions we can try  
6 to finish with him. He's sticking around.

7 If for some reason during lunch you want  
8 to ask him something else, you know, we'll bring him  
9 back. But I know your lunch is probably here. Is  
10 there anything pressing right now that you want to  
11 ask him before break?

12 GRAND JUROR: When you spoke with or  
13 interviewed Officer Darren Wilson, at that time was  
14 he represented by an attorney?

15 A He was, yes.

16 GRAND JUROR: At any time did his attorney  
17 say that there's certain things that you cannot ask  
18 him?

19 A He did not, no.

20 GRAND JUROR: He did not.

21 A No. As a matter of fact, I think during  
22 the course of the interview his attorney maybe said  
23 two words.

24 GRAND JUROR: So he was present there with  
25 Darren Wilson?

1           A       Yes, ma'am, yes. He was present in the  
2 conference room when we interviewed him. So it was  
3 myself, Detective           , Darren Wilson, and Darren  
4 Wilson's attorney in the conference room.

5           MS. ALIZADEH: Correct me if I'm wrong, I  
6 believe we've heard that his attorney was also  
7 present with him at the hospital?

8           A       He was, yes.

9           MS. ALIZADEH: Had actually ridden from  
10 the Ferguson Police Department with Colonel  
11 in the car with Darren Wilson, correct?

12          A       I don't remember specifically if he was in  
13 the car, but he definitely was at the Ferguson  
14 Police Department and he definitely was at Christian  
15 Northwest Hospital with Darren Wilson, yes.

16          GRAND JUROR: A public citizen or police  
17 officer walking down to the park, they're sitting in  
18 a car and they are strangled and beaten to death,  
19 that's a homicide and there is no weapon involved;  
20 is that correct? Are physical hands ever a weapon  
21 or you beat me to death?

22          A       Is it a homicide? Yes. A homicide is  
23 simply a manner of death, but more specifically a  
24 homicide is a death at the hands of another person  
25 so yes, it would be a homicide.



1 GRAND JUROR: And hands would be a weapon?

2 A Could be absolutely, yes.

3 GRAND JUROR: So I'm getting to the point  
4 this officer felt he was in danger of being beaten  
5 to death sitting in his car, you could almost say  
6 there was a weapon involved at that point, that's  
7 where I'm confused a little bit. I understand no  
8 weapon in the form of a pistol or handgun, if you  
9 are in danger, that your life was in danger that you  
10 are being beaten to death, is there a weapon there  
11 or not?

12 A Well, there's a weapon in the sense there  
13 is something in a hand?

14 GRAND JUROR: Right.

15 A No. Can you use your hands a weapons,  
16 yes.

17 GRAND JUROR: Right. There is no  
18 requirement to see a physical weapon, gun, knife,  
19 for a police officer or citizen to defend themselves,  
20 or in the case of a police officer to use deadly  
21 force. You don't need to see a handgun to defend  
22 yourself with deadly force if you are police  
23 officer, you assume your life is in danger by means  
24 other than a physical weapon?

25 A If a police officer --

1 MS. ALIZADEH: Let me stop you here.  
2 We're going to give you prior to your deliberations  
3 what the law states when a law enforcement officer  
4 can use force, when a person defending themselves  
5 can use force, and when they can use deadly force.

6 And so, you know, this would be maybe his  
7 understanding of the law, but we have taken great  
8 pains to make sure we are going to get you the law  
9 so that I don't want anybody to misinterpret it. So  
10 I'm just going to stop you there and we'll give it  
11 to you before your deliberations okay?

12 GRAND JUROR: Okay.

13 GRAND JUROR: Kind of a follow-up on what  
14 he's saying.

15 Due to Michael Brown's size and demeanor,  
16 could Darren Wilson have considered him as a person  
17 as being a weapon?

18 MS. ALIZADEH: You know, these are all  
19 things there are, is the definition of deadly weapon  
20 including in there?

21 MS. WHIRLEY: We can put it in there,  
22 deadly force is in there.

23 MS. ALIZADEH: Here is the thing. You all  
24 know from being a grand jury for several months,  
25 that there's, you know, for example, with armed

1 criminal action, you know, you have to have  
2 committed a crime by, with, through the use of a  
3 dangerous instrument, a deadly weapon and there are  
4 definitely definitions as to what is a deadly weapon  
5 and a dangerous instrument.

6 I believe once you see the law that we've  
7 written, it talks about what a person, their  
8 reasonable belief is. And so those things that you  
9 are asking is, could a person reasonably believe  
10 that their life was threatened, that's the crux of  
11 what you all have to talk about. And again, it is  
12 necessarily appropriate for him to answer those  
13 questions, whether or not Darren Wilson could have  
14 reasonably felt that he was, his life was in danger  
15 is something you all have to decide. And be guided  
16 by what the evidence is and then what the law is  
17 that Sheila and I have put together based on the  
18 statutes and criminal instructions and jury trials,  
19 okay.

20 I don't want you to, I don't think it is  
21 appropriate for him to interpret the law. That's  
22 going to be your job and if you have questions about  
23 the law, because under the grand jury rules, we are  
24 your legal advisers. So if there are questions  
25 about the law as you are deliberating, you ask us

1 those questions because we are your legal advisers.

2 GRAND JUROR: Without relation to the law,  
3 have you in your dealings as a police officer, ever  
4 seen anyone knocked out by one punched?

5 A Have I personally seen it? No. Have I  
6 responded to calls where someone has been knocked  
7 out with one punch by a neighbor, a person at a bar?  
8 Yes.

9 GRAND JUROR: Everything that they are  
10 talking about, I just want to get back to the basics  
11 of what happened or see what happened. Necessarily  
12 walking in the middle of the street is not that big  
13 of a deal, but when it got to the point, I've heard  
14 it described as a tussle, a struggle and everything  
15 like that, so when a citizen and a police officer  
16 are in a tussle, that's a crime by the person  
17 tussling with the police officer?

18 MS. ALIZADEH: I'm going to stop you  
19 there.

20 GRAND JUROR: Why?

21 MS. WHIRLEY: We have a rule on that too.

22 MS. ALIZADEH: Because there are issues  
23 about who was the initial aggressor, whether or not  
24 the officer was making a lawful arrest, those are  
25 all things that the law will tell you. You can

1 consider whether you believe the officer's actions  
2 were lawful, and those are things that once you read  
3 the law.

4 GRAND JUROR: So you are going to give us  
5 those guidelines for us?

6 MS. WHIRLEY: Right.

7 MS. ALIZADEH: We're not going to give you  
8 the facts and say if he did this and then this, if  
9 you believe this, then this. But we're going to  
10 give you what the law says when a law officer can  
11 use force to affect an arrest and when that force  
12 can be deadly. And then also when a person can use  
13 force to defend themselves and when that force can  
14 be deadly.

15 There is all kind of things about whether  
16 or not the person is an initial aggressor, you know.  
17 And under the law, a law enforcement officer can be  
18 an initial aggressor, unless his arrest is unlawful.  
19 So there is all kind of things that go into that  
20 that I don't think he can answer those questions.

21 GRAND JUROR: As long as we are going to  
22 get those guidelines.

23 MS. WHIRLEY: You will get definitions  
24 also and you apply the facts as you know them to the  
25 law.

1 GRAND JUROR: Just in case you don't come  
2 back, I need this for me. When starting your  
3 investigation after you already interviewed Officer  
4 Wilson, okay. You heard A of the story, there's A  
5 and B, but B is deceased.

6 A Correct.

7 GRAND JUROR: My question is, you heard  
8 his testimony, starting your investigation, you have  
9 A in your mind and then you go interview all of the  
10 other witnesses. When B doesn't have a voice, you  
11 don't make that your main concern during your  
12 investigation, I'm asking you as a police officer or  
13 a detective.

14 A Okay. What's the question?

15 GRAND JUROR: So the question is, Officer  
16 Wilson's testimony told you his scenario what  
17 happened. Of course Mike Brown cannot speak.

18 A Right.

19 GRAND JUROR: You only have what part A  
20 said, you don't have part B. So going off what he  
21 said and you are starting your investigation, that's  
22 your focus point, so do you like try to put  
23 everybody's investigation towards part A or you  
24 trying to put this scenario together?

25 A Absolutely not. Do I try to put

1 everyone's toward part A as you made reference? In  
2 the initial phases of an investigation, it's simply  
3 to, I'm summarizing it here.

4 GRAND JUROR: Okay.

5 A It is simply to find as many witnesses as  
6 we can and gather the facts. There is no skewing to  
7 one side or to the other. It's essentially locate  
8 witnesses, obtain their statements from them, and it  
9 is to gather the evidence at the scene.

10 And then in this particular instance,  
11 right, I present it to you, ladies and gentlemen of  
12 the grand jury, and you can make the decisions from  
13 there. But there is no skewing one side either way,  
14 okay.

15 GRAND JUROR: Thank you.

16 GRAND JUROR: One last question. In your  
17 eight years as a detective, have you ever had to  
18 arrest a police officer?

19 A I have, yes, several times.

20 GRAND JUROR: Can you give one example?

21 A I've, well, this year I arrested a St.  
22 Louis County police officer for an assault.

23 Several years ago I arrested a city  
24 police officer for an assault. I've conducted other  
25 investigations into police officers where they have

1     been arrested for a sex crime. Those are the three  
2     that are popping up right now. I'm confident there  
3     are a few others one.

4                 GRAND JUROR: Assault, domestic assaults  
5     or they --

6                 A     One was an on duty assault that took place  
7     at a MetroLink station and the incident was captured  
8     on video. The other one was an assault that took  
9     place, the officer was in uniform and he was at his  
10    station, he was getting off duty or had just gotten  
11    off duty and he assaulted several individuals and so  
12    obviously, both of those individuals I arrested.

13                MS. ALIZADEH: Any other questions?

14                And really, he won't be going far. If  
15    after lunch you think of something else you need to  
16    ask him to call him back, we're not going to start  
17    deliberations right now. So we'll conclude for  
18    lunch at this time.

19                               (Lunch recess taken)

20                MS. WHIRLEY: This is Sheila Whirley, it  
21    is November 21st, I'm not sure of the time, it is  
22    after 1:14 or so. I did reach                regarding  
23    his report and he advised me that his report would  
24    be more complete and detailed, and that he could  
25    have it to us by noon on Monday. I asked him what



1 would be different, you know, or significant, and he  
2 said that he would be able, he can derive from the  
3 photos that he viewed once he was here the bullet  
4 trajectory and the position that the body was in  
5 when it was shot.

6 When he was here, he basically answered  
7 our questions, but a report, when he would sit down  
8 and write a report it would be more comprehensive  
9 and detailed.

10 He said he didn't realize, he hadn't  
11 started working on it, he didn't realize he could  
12 submit one after his testimony, but he could work on  
13 it and have it ready by Monday noon, before noon.  
14 With that in mind, I know you didn't give us your  
15 answer as to what you had decided about the report,  
16 what do you think, do you want the report?

17 MS. ALIZADEH: Tell them the other option.

18 MS. WHIRLEY: I thought we would go to the  
19 other option if they don't want the report.

20 MS. ALIZADEH: They should know all of  
21 their options.

22 GRAND JUROR: If I'm hearing you right, in  
23 his report is he saying that based on the trajectory  
24 of the bullets he is going to show a diagram of  
25 positioning of the body that resulted in those

1 injuries?

2 MS. WHIRLEY: I didn't go into detail  
3 questioning of him, and that's where the other  
4 option comes in and we will talk about that in a  
5 minute, but what he said basically is his report  
6 will talk about the trajectory of the bullets and  
7 what position the body was in when it was shot based  
8 on his findings.

9 Now, the other option is, as Kathi was  
10 suggesting, I could find out if you want to ask him  
11 a question, like you had a pretty detailed question  
12 right then, I could try and reach him again and see  
13 if he is available, maybe we could do a conference  
14 call and you can ask him some questions about what  
15 his report would say that he didn't talk about here  
16 or how it may differ or how it is more complete.  
17 Was there another option? I think those were the  
18 two options. Am I missing one?

19 MS. ALIZADEH: The options are continue  
20 without the report or without a conference call.

21 MS. WHIRLEY: That's the third option.

22 MS. ALIZADEH: Or let's just wait for the  
23 report on Monday at noon, or let's get him on a  
24 conference call and see if he can explain to us what  
25 might be in his report that he didn't testify to

1 when he was here, or we need to have him back live  
2 and in person for you all to question him in person.  
3 I'm not suggesting any of these.

4 MS. WHIRLEY: Yeah, it is up to you.

5 MS. ALIZADEH: These are all your  
6 decisions. Sheila is the one who talked to him  
7 that's why I told her, tell him what you said.

8 MS. WHIRLEY: That's what he basically  
9 said.

10 GRAND JUROR: He said that he could tell,  
11 hit report is going to be tell us what position the  
12 body was in when he was shot.

13 MS. WHIRLEY: He's going to be giving an  
14 opinion is my understanding is, he wasn't there.

15 A That's different than what he said when he  
16 was here, so if that's the case, then I think we  
17 need to wait until we have the report.

18 GRAND JUROR: What he said, is a  
19 prima dona. How much time he need to do a report, a  
20 final report. Every time he says something, he  
21 change his mind, I'm sorry, but to me he's a prima  
22 dona.

23 MS. ALIZADEH: This discussion you should  
24 all have by yourself and off the record. Here is  
25 the thing, and this is one thing that, I wasn't part

1 of the call, Sheila was. I'm asking her some of  
2 these questions because I asked her, now, I'm  
3 cross-examining Sheila.

4 MS. WHIRLEY: Not going to happen.

5 MS. ALIZADEH: Is he going to say  
6 something different than what he testified to?

7 MS. WHIRLEY: And my understanding is, no,  
8 not necessarily different, unless that's a  
9 conclusion you may come up with. It is basically a  
10 more detailed and complete report regarding the  
11 trajectory of the bullets and the position that the  
12 body was in when it was shot.

13 If you all recall something different that  
14 he said when he testified, I'm not suggesting that  
15 you are, but that's, you know, for you to decide.  
16 He basically said that his report would be about his  
17 findings, I'm repeating it, this is verbatim, the  
18 trajectory of the bullets and the position of the  
19 body when he was shot. I didn't question him any  
20 further than that.

21 MS. ALIZADEH: So we have the evidence all  
22 set up in the room for you. First of all, do you  
23 need me to call back to answer any  
24 further questions at this time? No, okay.

25 Now, you all asked about the duty belt,

1     which we do have in evidence and you will be able to  
2     see it, but I have the photographs of it when the  
3     duty belt was seized, and it looks like this was  
4     seized by Detective           , who you have already  
5     heard from.

6                 So I will let you look at those and I'll  
7     mark the envelope that contains those photos. There  
8     are six images, Grand Jury Exhibit 107.

9                         (Grand jury Exhibit Number 107  
10                        marked for identification.)

11                MS. ALIZADEH: Obviously we had some  
12     matters during the lunch hour that kind of kept me  
13     busy with things. I did try to look for that  
14     Quantico report about the gunshots that you hear.  
15     And I know I have it, I haven't had really time to  
16     search through my stuff for it. So while you are  
17     looking at evidence, I will try to lay my hands on  
18     that as well.

19                You want to hear the interview of  
20                before you go look at the evidence? Yes.

21                So, can you tell me, can I look at my  
22     little chart.

23                (Playing of the interview of  
24                by the FBI. The following is a  
25     transcription of that interview. The Witness will

1 be .)

2 THE FBI: Today is August 25th, 2014.

3 Time is approximately 7:12 p.m. This is Special

4 Agent of the FBI along with Special

5 Agent with the FBI. We are here to

6 talk with This is regarding the

7 Michael Brown, the death of Michael Brown. The

8 civil rights investigation with St. Louis Division

9 of the FBI. We are at the offices of his attorney,

10

11

12 , if you could just state your

13 name and spell it for me?

14 THE WITNESS: ,

15 .

16 THE FBI: If you could give me your date

17 of birth and your address?

18 THE WITNESS: . Address

19 ,

20 .

21 THE FBI: And you understand that this

22 interview is being recorded?

23 THE WITNESS: Yes.

24 THE FBI: Are you fine with that being

25 recorded?

1 THE WITNESS: Yes.

2 THE FBI: Okay. So we are here to talk to  
3 you today about the civil rights investigation we  
4 have regarding the death of Michael Brown. If we  
5 could just start we have here at the

6 . Can you take a look at this map and  
7 point out to me where you think your apartment is?

8 THE WITNESS: Uh --

9 THE FBI: would be over  
10 here.

11 THE WITNESS: Okay, .

12 THE FBI: You think it was .

13 THE WITNESS: Yeah.

14 THE FBI: If you wouldn't mind just  
15 circling there and if you could kind of point out  
16 which side of the building you're on.

17 THE WITNESS: Would be here.

18 THE FBI: Okay. Can you put like a little  
19 star there? Okay.

20 How about initialing that too? So we can  
21 look at this later and know that it was you that  
22 marked it and exactly where it is that you are at.

23 Is that where you were at on August the  
24 9th, 2014?

25 THE WITNESS: Yes.

1 THE FBI: Were you in your apartment or  
2 inside your apartment?

3 THE WITNESS: Inside.

4 THE FBI: About what time is it that you  
5 think that this has happened?

6 THE WITNESS: About 12:35, it is right  
7 before, about 12:35 at the earliest and the latest I  
8 give 12:45.

9 THE FBI: If you could tell me what you  
10 were doing that day, walk me through what happened  
11 right before and right through when you heard the  
12 shots?

13 THE WITNESS: I was in my room, I probably  
14 (inaudible) Before 12:35 but I know I was in the  
15 house. I never did anything that morning. I was at  
16 home all day. And I was talking at approximately  
17 12:35, the time that I gave, I heard the shots while  
18 I was talking to my friend on Glad.

19 THE FBI: What is Glad?

20 THE WITNESS: Glad is a social app that  
21 you can download on your phone and you can have a  
22 multimedia experience through texting and video.

23 THE FBI: Okay. Is that on a Google  
24 phone, iPhone, what kind of phone?

25 THE WITNESS: Android phone, Google phones



1 and iPhones, I think have the access to that.

2 THE FBI: Okay. Your phone is what kind  
3 of phone?

4 THE WITNESS: Android.

5 THE FBI: Android, okay. So it is an app  
6 that you downloaded that you can use to video text  
7 people, regular text messaging that you type out a  
8 message, that kind of thing?

9 THE WITNESS: Right. It is a social app  
10 where you can talk and meet people, and you can also  
11 talk to friends, meet friends and send texts and  
12 video.

13 THE FBI: Who was it that you were talking  
14 to go on Glide that day?

15 THE WITNESS: I was talking to ,  
16 .

17 THE FBI: Can you spell that for me?

18 THE WITNESS:

19 THE FBI: Do you know 's last name.

20 THE WITNESS: It is a name. So  
21 it is .

22 THE FBI: .

23 THE WITNESS: .

24 THE FBI: .

25 THE WITNESS: .

1 THE FBI: .

2 THE WITNESS: Yeah.

3 THE FBI: So you were talking with  
4 that day?

5 THE WITNESS: Yeah.

6 THE FBI: So you think about 12:35, 12:45  
7 in that time period?

8 THE WITNESS: Yeah.

9 THE FBI: And can you tell me, what was it  
10 prior to the recording that you played for us prior  
11 to us starting this recorded interview, can you tell  
12 us what was happening before you made that  
13 recording?

14 THE WITNESS: In the house with me?

15 THE FBI: Yes.

16 THE WITNESS: I never left the room, I was  
17 in the room most of the time. I was laying down on  
18 my bed. Calls came in, I was just in my room. Just  
19 really have the day, you know, just not doing  
20 anything at that moment.

21 THE FBI: Okay.

22 THE WITNESS: But just in the room most of  
23 the time laying down on the bed.

24 THE FBI: And prior to sending the video  
25 messaging you already showed us, did you see or hear

1 anything prior to that relative to this case?

2 THE WITNESS: Just the shots that I  
3 mentioned, and three shots before.

4 THE FBI: You think you heard three shots  
5 before you sent the video?

6 THE WITNESS: About three shots.

7 THE FBI: Do you know how long that was  
8 before you sent the video, before you made, I'm  
9 sorry, made the video?

10 THE WITNESS: Maybe about, I don't know,  
11 maybe about five, six seconds maybe.

12 THE FBI: Okay. You heard the shots and  
13 you think you heard three shots?

14 THE WITNESS: Yes, it was loud.

15 THE FBI: Okay.

16 THE WITNESS: And I think, I said it to my  
17 roommate, one of us mentioned that it was very loud,  
18 and then I would need to send him a video. I didn't  
19 when somebody talking to you (inaudible.) Then I  
20 send the video, the video I heard more.

21 THE FBI: So about five seconds after you  
22 heard the shots you started recording the video; is  
23 that correct?

24 THE WITNESS: About then, yeah.

25 THE FBI: And then the video that you

1 showed us prior again to us starting this recording  
2 has you creating a video message that has both audio  
3 and video, correct?

4 THE WITNESS: Yes.

5 THE FBI: There is shots heard in that  
6 message as well?

7 THE WITNESS: Yes.

8 THE FBI: And then do you hear anything  
9 more after that, you stopped the video, did you hear  
10 any more shots afterwards?

11 THE WITNESS: No.

12 THE FBI: Was there any time during that  
13 time where you went outside of your apartment that  
14 you would have seen anything?

15 THE WITNESS: No, I was inside the  
16 apartment the whole time.

17 THE FBI: Okay. Can you give us your  
18 roommate's name as well.

19 THE WITNESS: Uh, .

20 THE FBI: Can you spell that for me?

21 THE WITNESS: . .

22 THE FBI:

23 THE WITNESS: Yeah. I'm sorry, ,  
24 her name is , . I'm sorry about  
25 that.

1 THE FBI: . The , get  
2 rid of that, that's not right.

3 THE WITNESS: Yeah.

4 THE FBI: and he's your  
5 roommate there?

6 A She, it is a girl.

7 THE FBI: And she is your roommate at the  
8 apartment. Do you have any other roommates?

9 THE WITNESS: Along with , a couple  
10 people staying there, but you know, just at that  
11 time it was three of us.

12 THE FBI: Okay. was there,  
13 yourself, was there as well?

14 THE WITNESS: wasn't there, after  
15 she moved in, he came after.

16 THE FBI: He came after.

17 THE WITNESS: Yes.

18 THE FBI: Can you spell his name for me?

19 THE WITNESS: , .

20 THE FBI: How much later did he come to  
21 the apartment.

22 THE WITNESS: Um, after 1:00, maybe about  
23 1:30.

24 THE FBI: All right. So definitely at the  
25 apartment during the time of the shooting?

1 THE WITNESS: He wasn't there. And then I  
2 remember him asking me is it okay to come in the  
3 doors and he eventually came.

4 THE FBI: Okay. I think the other piece  
5 of information that you wanted to tell us about was  
6 a video recorder that was removed, video camera that  
7 was removed. Can you tell me a little bit about  
8 that?

9 THE WITNESS: That came into my mind when  
10 I spoke, another eyewitness who was giving me  
11 details of the entire thing.

12 THE FBI: Who was that that you are  
13 talking to?

14 THE WITNESS: The eyewitness, was  
15 telling me that.

16 THE FBI: Okay. And how do you spell  
17 's name?

18 THE WITNESS: It is kind of a name,  
19 I don't know how to. I think it is , ,  
20 something it is .

21 THE FBI: Okay.

22 THE WITNESS: .

23 THE FBI: Do you know 's last name.

24 THE WITNESS: .

25 THE FBI: .

1 THE WITNESS: Yeah.

2 THE FBI: Okay. So you were talking with  
3 about this incident, the shooting of Michael  
4 Brown?

5 THE WITNESS: Yes.

6 THE FBI: And it sparked something in your  
7 head about cameras or?

8 THE WITNESS: Well, I was just trying to  
9 get information or details about what happened.

10 THE FBI: Okay.

11 THE WITNESS: Since I live in the  
12 community I was just curious what happened.  
13 (inaudible.)

14 THE FBI: So she's the one that told you  
15 that this camera had been removed?

16 THE WITNESS: Yeah.

17 THE FBI: You didn't see the camera  
18 removed?

19 THE WITNESS: No.

20 THE FBI: Okay. Do you know which camera  
21 it was, did she tell you?

22 THE WITNESS: No.

23 THE FBI: Well, then that's something we  
24 can follow-up with her since you don't have any  
25 independent knowledge of that camera, it is

1 something that she has the knowledge of which camera  
2 and who removed it from where it was?

3 THE WITNESS: Right.

4 THE FBI: Was there anything else in the  
5 shooting of Michael Brown that would be helpful for  
6 us?

7 THE WITNESS: No, I can't think of  
8 anything.

9 THE FBI: I asked you before about whether  
10 you would be willing to share the video that you  
11 showed to us today, is that something you are  
12 willing to share with us?

13 THE WITNESS: Yes.

14 THE FBI: We will go ahead and have you  
15 sign a form that allows, you know, gives us  
16 authorization to take that off your phone and take a  
17 copy of that directly off your phone.

18 Okay. Anything else?

19 I don't want to get into what she told  
20 you, what you talked with her. Do you have any  
21 information, a way to contact her?

22 THE WITNESS: No.

23 THE FBI: You don't.

24 THE WITNESS: I mean, well, she has a  
25 sister that I talk to, so her sister.



1 THE FBI: What's her sister's name? Is  
2 there a cell phone number we can reach her at?

3 THE WITNESS: .

4 THE FBI: What's 's last name.

5 MS. WHIRLEY: I don't know her last name.

6 THE FBI: Okay. Do you have a number for  
7 ? s sister is the one who supposedly  
8 saw what happened?

9 THE WITNESS: 's sister is the one  
10 who lives in the apartment complex. .

11 THE FBI: Do you know where she lives at  
12 in the apartment complex?

13 THE WITNESS: doesn't live in  
14 apartment complex, does. Okay.

15 THE FBI: Again, was the one  
16 telling you about this camera?

17 THE WITNESS: Yeah.

18 THE FBI: Did you talk to, your other  
19 roommate wasn't there, but your roommate  
20 , did you talk to that roommate, did that  
21 roommate, did she see anything, was she outside?

22 THE WITNESS: No, she was inside.

23 THE FBI: She was inside.

24 THE WITNESS: She was inside.

25 THE FBI: So she may have heard something,

1 she was not outside to be able to see anything.

2 THE WITNESS: Right.

3 THE FBI: Okay. Again, any other  
4 questions?

5 Do you have s address?

6 THE WITNESS: No.

7 THE FBI: Okay. All right. The time is  
8 now 7:26, we'll go ahead and stop the recording.

9 (End of the recorded interview.)

10 MS. WHIRLEY: Is that the only thing that  
11 we're listening to?

12 MS. ALIZADEH: This is Kathi Alizadeh, we  
13 just played off of Grand Jury Exhibit Number 49,  
14 which is a disc, we just played a statement from  
15 , which was recorded by the FBI  
16 previously, previous to his testimony before this  
17 grand jury.

18 Are there any other recorded statements  
19 that I indicated to you that we have available?  
20 Just for the record's sake, as well as for y'all to  
21 know, on that list I should indicate what exhibit  
22 the statements are on. So if at any time, even  
23 during your deliberations you want to hear it, I can  
24 play it for you.

25 Sheila and I talked about the fact that if

1 you want to listen to a witness' statement on a disc  
2 where there are multiple statements, probably if you  
3 can ask us to go ahead and cue it up. We can leave  
4 the room if you want to be alone and talk while its  
5 playing, there is a lot of people's statements on  
6 there that didn't get played because they say they  
7 didn't know anything or what have you.

8 And then, but I will tell you statements  
9 that I did not have previously that I since have  
10 gotten. This is the statement of which  
11 was done, it is a two and a half hour statement that  
12 was done the night before he testified, and I've  
13 marked that as Grand Jury Exhibit Number 109.

14 This is a disc that has a statement of  
15 that was done by the FBI on  
16 September 2nd of 2014. I didn't have that  
17 previously, that's Grand Jury Exhibit 108. And a  
18 recorded statement of that was done  
19 the day before she testified for you guys and that's  
20 Grand Jury Exhibit 110.

21 So all of the statements that I've  
22 indicated that you have not heard you either have  
23 the transcripts for or I have them on disc for you  
24 to listen to whenever you need to, all right.

25 With that being said. Any other

1 statements you want to listen to? You just let me  
2 know.

3 At this point let's go ahead and take our  
4 break for y'all to take a bathroom break if you want  
5 and then reassemble here and then we will go look at  
6 the evidence in the room, is that all right? And  
7 then you guys can let us know what your decision is  
8 about 's report.

9 (Recess)

10 MS. ALIZADEH: It is November 21st,  
11 2:47 p.m.

12 MS. WHIRLEY: And my understanding is  
13 you're ready to get instruction on the law so that  
14 you can begin your deliberation. You've also made a  
15 decision you asked us to check on the report,  
16 autopsy report by . I checked on it, I  
17 reported back and he said it was not ready, but he  
18 could have it ready by noon, which is on the east  
19 coast is my understanding, by noon on Monday. My  
20 understanding is you have agreed that you will wait  
21 for that report before turning in your decision; is  
22 that correct? Yes. However, you want to begin your  
23 deliberations now, correct?

24 (Jurors indicate yes.)

25 MS. WHIRLEY: We have prepared the law for

1 you, we have prepared the relevant statutes, and  
2 Kathi is going to grab the indictments, they are  
3 ready. We just need to bring them in here and I'll  
4 pass this around.

5 We have kind of reduced down the statute  
6 so that it is applicable to this case and easier to  
7 understand and read. Of course, if you have any  
8 questions along the way you can ask us by knocking  
9 on the door or ringing the bell. I guess ringing  
10 the bell would be better. And definitions that you  
11 think are applicable to the statutes.

12 So we're going to the statutes, and will  
13 give the foreperson the indictments and I will pick  
14 up the extras.

15 MS. ALIZADEH: So the indictments that we  
16 have prepared there is an indictment for murder in  
17 the first degree, a Class A felony and armed  
18 criminal action and unclassified felony, there is  
19 two copies.

20 There is indictment for murder in the  
21 second degree and armed criminal, two copies.

22 An indictment for voluntary manslaughter,  
23 a Class B felony, and armed criminal action, two  
24 copies.

25 An indictment for involuntary manslaughter

1 in the first degree and armed criminal action, two  
2 copies.

3 And involuntary manslaughter in the second  
4 degree and armed criminal action, two copies.

5 MS. WHIRLEY: The relevant statute it  
6 pretty much lays out the elements of the crimes that  
7 you have indictments for. It also has definitions  
8 that might be applicable to the crimes that are laid  
9 out in the statutes that you are looking at, it is  
10 not a statute, it is an indictment.

11 The standard of proof is probable cause,  
12 we did confirm that. So you guys, that is what you  
13 have been working with probable cause all along  
14 since you have been grand jurors and that doesn't  
15 change. Even though this has been a very long,  
16 arduous task going through this evidence. Your  
17 standard of proof is still probable cause. You're  
18 not here to determine guilt or not guilty, it is  
19 probable cause, is it enough to go to trial.

20 Now, what makes this a little bit  
21 different is that if you will look on page, the  
22 first page, it talks about assault of a law  
23 enforcement officer in the first degree. And that's  
24 part of the indictment because the officer is saying  
25 he was arresting him for assaulting him. So that's

1 what you would be considering in your deliberation  
2 and we have provided you with definitions of assault  
3 in the first degree, on the second page is assault  
4 in the second degree and the third degree. And then  
5 also a law enforcement officer's use of force in  
6 making an arrest. An officer can use force in  
7 making an arrest, got that laid out for you.

8 MS. ALIZADEH: Real quick, can I interrupt  
9 about something?

10 MS. WHIRLEY: Sure.

11 MS. ALIZADEH: Previously in the very  
12 beginning of this process I printed out a statute  
13 for you that was, the statute in Missouri for the  
14 use of force to affect an arrest.

15 So if you all want to get those out. What  
16 we have discovered, and we have been going along  
17 with this, doing our research, is that the statute  
18 in the State of Missouri does not comply with the  
19 case law.

20 This doesn't sound probably unfamiliar to  
21 you that the law is codified in a written form in  
22 books and they're called statutes, but courts'  
23 interpret those statutes. And so the statute for  
24 the use of force to affect an arrest in the State of  
25 Missouri does not comply with Missouri Supreme, I'm

1       sorry, United States Supreme Court cases.

2                   And so what Sheila has come up with is a  
3       statement of the law as to when an officer can use  
4       force to affect an arrest, that does track our  
5       Missouri Statute, but also takes into consideration  
6       what the Supreme Court says, okay.

7                   So the statute I gave you, if you want to  
8       fold that in half just so that you know don't  
9       necessarily rely on that because there is a portion  
10      of that that doesn't comply with the law. And then  
11      the thing that Sheila is giving you, that statement  
12      about use of force to affect an arrest, I don't know  
13      is that what you called it, is that the title.

14                  MS. WHIRLEY: Law enforcement officers use  
15      of force in making an arrest, yes.

16                  MS. ALIZADEH: That does correctly state  
17      what the law is on when an officer can use force and  
18      when he can use deadly force in affecting an arrest,  
19      okay.

20                  I don't want you to get confused and don't  
21      rely on that copy or that print-out of the statute  
22      that I've given you a long time ago.

23                  MS. WHIRLEY: Did you have a question?

24                  GRAND JUROR: So we're to disregard this.

25                  MS. ALIZADEH: It is not entirely



1 incorrect or inaccurate, but there is something in  
2 it that's not correct, ignore it totally.

3 GRAND JUROR: It is because of the  
4 federal?

5 MS. WHIRLEY: Of a Supreme Court case and  
6 we must follow Supreme Court of the United States.  
7 It is Tennessee v. Garner, not that that matters  
8 much to you.

9 GRAND JUROR: The Supreme Court, federal  
10 Supreme Court overrides Missouri statutes.

11 MS. ALIZADEH: As far as you need to know,  
12 just don't worry about that.

13 GRAND JUROR: All right.

14 MS. ALIZADEH: Just disregard that  
15 statute.

16 MS. WHIRLEY: We don't want to get into a  
17 law class.

18 That's that one and is that all you want  
19 to say on that?

20 MS. ALIZADEH: Yeah, I wanted to point  
21 that out.

22 MS. WHIRLEY: Use of force and defense of  
23 a person, and we've added use of force and it is  
24 actually, I'm sorry, we consider it a self-defense  
25 instruction. So the first one is self-defense as it

1 relates to the information that you may have heard  
2 regarding Michael Brown.

3 The second one is self-defense as it  
4 relates to the law enforcement officer. As you  
5 deliberate and looked at the indictment, if you have  
6 questions about definitions, again, we have provided  
7 definitions, so just refer to that sheet that you  
8 have. And then also, probable cause is the  
9 standard, but Kathi, something she added that, you  
10 know, I need to tell you unless you want to do it, I  
11 can do it.

12 MS. ALIZADEH: No, you do it.

13 MS. WHIRLEY: Is that in order to vote  
14 true bill, you also must consider whether you  
15 believe Darren Wilson, you find probable cause,  
16 that's the standard to believe that Darren Wilson  
17 committed the offense and the offenses are what is  
18 in the indictment and you must find probable cause  
19 to believe that Darren Wilson did not act in lawful  
20 self-defense, and you've got the last sheet talks  
21 about self-defense and talks about officer's use of  
22 force, because then you must also have probable  
23 cause to believe that Darren Wilson did not use  
24 lawful force in making an arrest. So you are  
25 considering self-defense and use of force in making

1 an arrest.

2           You have all the information you need in  
3 those documents that we gave you to help in your  
4 deliberation. But again, if you have additional  
5 questions, we're here, we're not going anywhere, did  
6 you have something?

7           GRAND JUROR: No.

8           MS. WHIRLEY: And that's enough to get you  
9 started and hopefully this will clarify things for  
10 you as you go through the indictments. And I think  
11 we have already talked about, you'll decide how you  
12 want to go through the indictments if you want to  
13 look at them one at a time, but you must make a  
14 decision whether it is true bill or no true bill for  
15 each indictment.

16           MS. ALIZADEH: And as was brought up at  
17 the very beginning of this and what we have  
18 researched and discussed, the possibility of well,  
19 what if there's, you know, five people want to  
20 indict on murder first and five people that want to  
21 indict on murder second, and two people that don't  
22 want to indict. If you have nine people that vote  
23 indict on anything, then there will be an  
24 indictment. What that indictment is we will deal  
25 with if that happens, but there was some question,

1 well, is it kind of like a hung jury if we all can't  
2 agree on the charge. No.

3 If there are nine people to vote for an  
4 indictment, regardless of what charge you are  
5 indicting on, then know that there will be an  
6 indictment and we will give you further instruction  
7 on what that indictment, what offense it will be.

8 And the one thing that Sheila has  
9 explained as far as what you must find and as she  
10 said, it is kind of in Missouri it is kind of, the  
11 State has to prove in a criminal trial, the State  
12 has to prove that the person did not act in lawful  
13 self-defense or did not use lawful force in making,  
14 it is kind of like we have to prove the negative.

15 So in this case because we are talking  
16 about probable cause, as we've discussed, you must  
17 find probable cause to believe that he committed the  
18 offense that you're considering and you must find  
19 probable cause to believe that he did not act in  
20 lawful self-defense. Not that he did, but that he  
21 did not and that you find probable cause to believe  
22 that he did not use lawful force in making the  
23 arrest.

24 So if you guys need clarification on that  
25 when you get down to discussing it, I can print that

1 out or something, you understand the difference, the  
2 distinction, okay?

3 GRAND JUROR: Tell us those three again,  
4 one is committed the offense?

5 MS. ALIZADEH: Probable cause to believe  
6 that he committed the offense, which means that he  
7 met all the elements of that offense. You remember  
8 that from your grand jury days. And you must find  
9 probable cause to believe that Darren Wilson did not  
10 act in lawful self-defense and you must find  
11 probable cause to believe that Darren Wilson did not  
12 use lawful force in making an arrest. And only if  
13 you find those things, which is kind of like finding  
14 a negative, you cannot return an indictment on  
15 anything or true bill unless you find both of those  
16 things. Because both are complete defenses to any  
17 offense and they both have been raised in his, in  
18 the evidence. So any other questions about the law?

19 Okay. And then just one last thing is  
20 that Sheila and I talked about making, we can't make  
21 a closing argument to you and we're not going to,  
22 but I wanted to say something and I asked Sheila if  
23 she would, if we could prepare a statement together  
24 to say and so I just wanted to first thank you. We  
25 both wanted to thank you and how difficult this has

1     been and the sacrifice that we know you all have  
2     family and jobs and we understand the burden it has  
3     been for you to be here for now 24 days, 25 days  
4     that you've actually been here.

5             We also want you to understand that your  
6     decision, whatever it is, should be based on the  
7     evidence that you heard in here and the law that  
8     we've explained to you, not based upon what the  
9     media says, not based upon public opinion, not based  
10    upon your fears, you have to base it on the evidence  
11    and the law.

12            And whatever that decision is, it will be  
13    the correct decision and we will stand by that  
14    100 percent, whatever your decision is.

15            And then finally I wanted to say, and  
16    Sheila agrees, but we wanted to point out that if at  
17    times it seemed like in our questions we were  
18    somehow expressing our opinions either about what we  
19    think the evidence is, or about the credibility of a  
20    witness. We want you to understand as attorneys it  
21    is our job to challenge witnesses' statements and  
22    that sometimes, you know, you don't get to the truth  
23    unless you challenge a witness statement.

24            We have not had any particular rhyme or  
25    reason what witnesses we have taken, we have kind of

1     traded off just because we are sharing the workload,  
2     but if at any time you felt that we were trying to  
3     express our opinion to you, we certainly were not.

4             Sheila said, as attorneys either of us can  
5     argue either point effectively and well because  
6     that's what we do, but in challenging witnesses, and  
7     I know that many of you have asked challenging  
8     questions of the witnesses as well, it is up to you  
9     to determine the facts and it is up to you to  
10    determine the credibility of the witnesses that  
11    testify and don't read into anything about what you  
12    think our opinions are because really our opinions  
13    don't matter, it is up to you and what you guys  
14    think.

15            So with that being said, thank you, thank  
16    you very much.

17            MS. WHIRLEY: Thank you very much. And I  
18    just want to add, you know attorneys, they cannot  
19    stop talking. I have to have the last word. That I  
20    totally agree with that and we were trying to give  
21    you a balanced presentation of the evidence. So you  
22    might see us go back and forth because we are trying  
23    to keep it balanced for you, and get to the truth  
24    and hopefully that was accomplished.

25            And I think you are going to make the

1 right decision, I think you are very bright, I have  
2 said that since I first met you many, many months,  
3 ago it seems now. Do you work, if you need  
4 anything, we will be out here. Thank you.

5 MS. ALIZADEH: Now, do you want to go on  
6 record and say what time it is and that we are then  
7 leaving the room.

8 I know I got the last word in, didn't I.

9 (Grand jury starts deliberations at 3:04  
10 p.m.)

11 MS. ALIZADEH: It is approximately 5:55  
12 p.m. and we are going to recess for the evening and  
13 reconvene Monday morning at 9:00 a.m. We are  
14 waiting on the autopsy report of and we  
15 are hoping it will be here before noon Monday. So  
16 with that, we are in recess for today.

17 (End of Grand Jury Hearing Volume XXIV.)  
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I, Randy R. Dunn, a Licensed Certified Court Reporter by the Supreme Court in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the County of St. Louis, State of Missouri.

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The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions

1 propounded by counsel and grand jurors thereto, and  
2 is in all respects a full, true, correct and  
3 complete transcript of the questions propounded to  
4 and the answers given by said witness.

5 I further certify that the foregoing pages  
6 contain a true and accurate reproduction of the  
7 proceedings.

8 I further certify that I am not of counsel or  
9 attorney for either of the parties to said suit, not  
10 related to nor interested in any of the parties or  
11 their attorneys.

12  
13 -----

14 Randy R. Dunn RPR, CRR, CCR No. 193  
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