

Case: Grand Jury- Ferguson Police Shooting

Transcript of: Grand Jury

Date: September 10, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 10, 2014

VOLUME IV

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI,

5

6

7 vs.

8

9 DARREN WILSON,

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11

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 10th day of September, 2014,
17 before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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1 GRAND JURY HEARING

2

3 MS. WHIRLEY: Good morning. Present is
4 Shirley Whirley, Kathi Alizadeh, the 12 jurors and
5 the court reporter. This is September the 10th,
6 2014. This morning we are going to start out by
7 watching a series of video clips that depict Dorian
8 Johnson discussing what he saw as an eyewitness in
9 this case.

10 As you recall, Dorian Johnson was the
11 person who was with Mike Brown at the time of the
12 shooting.

13 There is approximately six video clips
14 that you will see. And once you see those videos,
15 then we'll also provide you with a transcript and an
16 interview. I think it is approximately two hours
17 and 13 minutes, something like that, interview that
18 Dorian Johnson gave to the FBI, and St. Louis County
19 Police were also present. So you will hear his
20 statement to them.

21 And then after that, we'll likely break
22 for lunch and when we resume in the afternoon, we
23 anticipate that Dorian Johnson will testify.

24 So with that bit of an introduction, Kathi
25 Alizadeh is operating the laptop to get us started.

1 And I think we are projecting, correct?

2 MS. ALIZADEH: Just for explanation.

3 MS. WHIRLEY: This is audio.

4 MS. ALIZADEH: No, these are video.

5 MS. WHIRLEY: Okay.

6 MS. ALIZADEH: These are videos that were
7 on news outlets and some of them, some of these
8 clips contain other statements from other people,
9 comments reporters have made about the incident.
10 And as much as possible, I want to exclude those.

11 So it will take me a second, I have my
12 notes where we are starting and stopping on these
13 and it will take me a second on each clip to get to
14 that point. And then we will start it and you will
15 see that clip.

16 The only time you will hear from a
17 reporter is when they're asking questions of Dorian
18 Johnson, obviously, to understand his statement, you
19 need to hear the questions.

20 So as much as I can, I'm going to get to
21 wherever I need to get. I'm hoping that when I hit
22 this, we are going to see it and hear it.

23 (Grand Jury Exhibit Number 9
24 marked for identification.)

25 MS. ALIZADEH: This is what I've marked,

1 it is a disc, it is marked Grand Jury 9. I didn't
2 stay last night to look at my exhibits, I'm hoping
3 that's the next number.

4 This is a disc that contains video clips
5 of interviews of Dorian Johnson and the first clip
6 is on KTVI. The date of the interview is 8/9/14 and
7 I'm starting this clip at one minute and seven
8 seconds into the clip, and I am going to stop it at
9 one minute and 20 seconds into the clip. None of
10 these are terribly long. They are news clips.

11 (We have a pause.)

12 MS. ALIZADEH: Just for the record, we had
13 a brief break because we were having difficulty with
14 the audio. I think we have that resolved. So once
15 again, and actually now this is starting at 106 and
16 I will try to stop it at 120.

17 (Playing the video at this time)

18 MS. ALIZADEH: So I stopped that at 120.
19 Is there anybody that needs to see that again and
20 hear that again?

21 : Yeah, I need to see it
22 again. It looks like the volume was up kind of
23 loud, I can't pick up what he's saying. If you
24 would put that at like half.

25 (Playing the video clip.)

1 MS. ALIZADEH: Anybody else need to hear
2 it again?

3 So the next is a clip from CNN. The date
4 is August 12th of 2014. I'm starting the recording
5 at 19 seconds into the clip and I will end it at six
6 minutes and six seconds into the clip.

7 (Playing the clip.)

8 MS. ALIZADEH: Does anybody want to hear
9 that again? The next clip is KSDK on August 12th of
10 this year, 2014. I'm playing starting at actually
11 29 seconds and I will stop it at two minutes and 40
12 seconds.

13 (Playing the clip.)

14 MS. ALIZADEH: Anybody want to hear that
15 clip again?

16

17 Miss Kathi, what date was the second video?

18 MS. ALIZADEH: Second video was on the
19 12th.

20 : That was the 12th.

21 MS. ALIZADEH: So the next video is MSNBC,
22 it is also on August 12th of this year. I'm going
23 to start it at 27 seconds and it goes to a minute 47
24 seconds. And actually, immediately after this clip
25 is another MSNBC clip that is a continuation of that

1 interview you will see a little overlap, but this
2 interview sounds like it kind of gets cut off, but
3 then on the next clip it continues.

4 (Video clip is being played.)

5 MS. ALIZADEH: Anybody want to see that
6 part again?

7 So again, the next clip is also MSNBC and
8 it is a continuation of the same show or program.
9 I'm going to start it at the beginning of this clip.
10 So zero seconds and it runs until nine minutes and
11 21 seconds and then continues onto the next clip as
12 well.

13 (Video clip being played.)

14 MS. ALIZADEH: Does anybody want to see
15 that again? It continues onto the next clip.

16 (Video clip is being played.)

17 MS. ALIZADEH: So I'm continuing the next
18 clip. You can see it started with the last question
19 that he asked on the previous clip, so this next
20 clip will go from zero to 24 seconds. And this is
21 also again it is MSNBC on August 12th.

22 (Video clip is being played.)

23 MS. ALIZADEH: I actually stopped it at 29
24 seconds accidentally, asleep at the switch.

25 Anybody want so see that brief clip again?

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10         I'm going stop it a two minutes and 40
11     seconds.
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13 MS. ALIZADEH: Okay. So that is the last
14 clip on Grand Jury Exhibit Number 9. Does anybody
15 want to see that again or any other clips?

16 And again, this is available to you at any
17 time, you know, during this investigation. You want
18 to hear it or see it again, we'll make sure you have
19 the opportunity to do that.

20 MS. WHIRLEY: I'm going to go get the
21 transcripts.

22 MS. ALIZADEH: She was going to bring them
23 into when they were done.

25 MS. WHIRLEY: We're back on the record.

1 It is approximately what, 9:45 or so.

2 Right now we're going to play the recorded
3 interview of Dorian Johnson which occurred on August
4 the 13th, 2014. An interview he had with the, an
5 agent from the Federal Bureau of Investigation and
6 also a detective from St. Louis County.

7 This interview is approximately two hours
8 and 13 minutes long. We provided you with
9 transcripts of the interview. You can write on
10 these transcripts if you wish.

11 Kathi, did you have something else you
12 want to say about that?

13 MS. ALIZADEH: At any time, you know, we
14 discussed this during the break that if, since this
15 is over two hours long, if anybody needs to take a
16 break in the middle of it, let me know, I will try
17 to find a place where it is kind of a pause to stop.

18 And there was a question during the break
19 by one of the jurors about whether you can ask
20 witnesses questions when they testify. And I know
21 you have been so far, but of course, that's true of
22 any witness.

23 We don't have a witness right now, this is
24 just obviously the audio interview, but any time a
25 witness is before you and been sworn in, you may

1 inquire of anything that you think is relevant and
2 we want you to.

3 Sheila and I will ask questions of
4 witnesses as we have been going on. If at any time
5 you want to inquire, anything is relevant. There is
6 no, there is no objections to questions and we would
7 have in a courtroom or anything of that nature,
8 okay.

9 (Grand Jury Exhibit Number 10
10 marked for identification.)

11 MS. ALIZADEH: So with that being said,
12 I'm going to play Grand Jury Exhibit 10, which is a
13 DVD and it is an audio recording, and for the
14 record, this DVD contains a number of interviews of
15 other witnesses. And so for the record, I'm going
16 to be playing the interview of Dorian Johnson and
17 Sheila said the transcript of that interview is
18 given to you.

19 (Interview is being played at this time.)

20 MS. ALIZADEH: Anybody want to take a
21 break right now or keep going?

22 It is 11:17, let's take about a five
23 minute or so break and stand up and move around a
24 little bit.

25 (Recess)

1 MS. ALIZADEH: It is 11:24 and I'm going
2 to resume the playing of the interview of Dorian
3 Johnson.

4 (The interview is being played.)

5 (End of the playing of the interview of
6 Mr. Johnson.)

7 MS. ALIZADEH: It is 12:13, I think your
8 lunch is going to be here at 12:30. What I would
9 propose we do because this is not going to take very
10 long at all is that I have what I've marked as Grand
11 Jury Exhibit 11.

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

14 MS. ALIZADEH: Which is another disc or
15 DVD and it contains video from the Ferguson Market,
16 the incident you heard Dorian Johnson talk about.
17 They went in, got the Cigarillos and left the store.
18 They are pretty brief clips. You want to watch them
19 now since we have 15 minutes and then I thought
20 during lunch, you also heard during his interview
21 that he was drawing on some maps and we have copies
22 of those maps. And also he made a drawing I can't
23 find it in my office right now, I think Sheila might
24 have one.

25 I thought while you are eating lunch, you

1 can pass around those maps and look at them as you
2 are relaxing if you want to. This will only take a
3 couple minutes. You all right with me playing this
4 now?

5 So for the record a DVD, that on the DVD
6 itself it says 14-43984, and it says video segments.
7 There is no audio with this disc.

8 (Video is being played at this time.)

9 MS. ALIZADEH: Now, for the record that
10 was called register snippet and that was a view of
11 where the cash register is and the counter is.

12 So this next snippet, it is called door
13 snippet. It is at the door of the food store, the
14 convenience store.

15 (Playing of the video clip.)

16 MS. ALIZADEH: Would anybody like to see
17 those snippets again? And of course, you can watch
18 them at any other time you wish.

19 . Can we ask you a
20 question, both, either one of you a question about
21 maybe we'll find out more later, but how this
22 pertains or relates to the knowledge that maybe
23 Officer Wilson would of had at the time?

24 MS. ALIZADEH: You will hear some evidence
25 about that.

1 Okay.

2 MS. ALIZADEH: There will be, we have a
3 lot of witnesses to call still.

4 : Okay.

5 MS. ALIZADEH: A lot of these things, it
6 is difficult for us to, if we were in a trial, you
7 try to put things on in order that people can make
8 sense of it. But in a trial you make an opening
9 statement so you can outline for the jury what the
10 evidence is going to be.

11 But we are not doing that here, and so you
12 all understand you are hearing things and not
13 knowing what's left to come.

14 There will be, I believe, other witnesses
15 who talk about that, so we'll just have to wait and
16 see how that testimony comes in.

17 : Will we hear
18 testimony any of witnesses inside the store to the
19 events that happened in the store?

20 MS. ALIZADEH: Possibly. Sheila and I
21 have not made out our list. Our intention is to
22 call as many people as we can. Some people may not
23 be cooperative. We will serve subpoenas on people
24 who don't voluntarily agree to come in.

25 I don't know how else to explain that

1 other than we are going to have as many people as we
2 can, that we think know anything about this coming
3 in and testifying. So there will be many, many
4 witnesses to come, all right?

5 So at this time it is 12:23, if you all
6 will just break for lunch and your lunch will be
7 here in less than ten minutes. And the plan right
8 now is shortly after 1:00, we'll give you an update
9 of when we might start up in the afternoon.

10 (Recess)

11 MS. WHIRLEY: So present is Sheila
12 Whirley, Kathi Alizadeh, Dorian Johnston is our
13 witness. We have 12 grand jurors and the court
14 reporter.

15 Dorian Johnson, I said your name, I
16 generally ask --

17 MS. ALIZADEH: Sheila, he needs to be
18 sworn in.

19 MS. WHIRLEY: Thank you.
20
21
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25

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

7 EXAMINATION

8 MS. WHIRLEY: Thank you.

9 BY MS. WHIRLEY:

10 Q So introduce yourself to the grand jurors?

11 A Good afternoon everybody. My name is
12 Dorian Johnson, as you all well know. I'm thankful
13 that you all could come, part of your busy schedule,
14 I don't know if you all have anything else to do,
15 I'm thankful you can come and hear my story.

16 Q Thank you. Now, Dorian, I stand in the
17 back of the room. I do that so that we can have a
18 conversation and you will talk loud enough for even
19 me to hear you. These mikes that you see, they are
20 just recording, they're not really making your voice
21 louder, so speak up for me, okay? We have a lot of
22 fans in here to try to keep the room a little bit
23 cooler.

24 A Okay, yes, ma'am.

25 Q Okay, good, that's better. Now, you came

1 here on your own free will; is that correct?

2 **A** Correct, yes.

3 **Q** You do have an attorney, your attorney is
4 Freeman Bosley?

5 **A** That's correct also.

6 **Q** And he's outside sitting, he cannot be a
7 part of the testimony, he cannot be in here while
8 you testify, but he's outside and you know that if
9 you ever want to take a break and consult with him,
10 or talk to him, you have a right to do that.

11 **A** Oh, okay.

12 **Q** Do you understand?

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

14 **Q** Your mother came too, as a matter of fact?

15 **A** Oh, yes, she's here with me also.

16 **Q** And she's in the TV room right now. We
17 made her comfortable sitting in the TV room.

18 Now, we told you that you are not a
19 focus of any criminal charges, right?

20 **A** Yes.

21 **Q** That we just want to hear from you being
22 the person that was with Michael Brown that day, in
23 your own words, what happened, that's what we are
24 here for. We are not here to prosecute you. You
25 may tell us some things that have to do with

1 criminal behavior. I know there is an incident at
2 the store, at the Ferguson Market. We will play
3 that video and ask you to tell us what's going on
4 there.

5 There is some talk about smoking weed
6 and those kind of things, but that's not anything
7 that we are here to prosecute you for. I want to
8 make that clear on the record, okay?

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

10 **Q** Because we want you to feel free and
11 comfortable to tell us only the truth here, that's
12 what we are trying to do. This is a fact finding
13 mission, okay?

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

15 **Q** All right. So with that said, let's talk
16 about you knew Mike Brown, right? You call him Big
17 Mike?

18 **A** I'm going to ask if I can refer to him as
19 Big Mike, that's the way it sounds funny saying if
20 it is okay with the jury.

21 **Q** Absolutely, I will call him Big Mike too
22 if you don't mind.

23 **A** Thank you.

24 **Q** So you were good friends with Big Mike?

25 **A** We were good friends, but not childhood

1 friends.

2 **Q** So tell us how you met Big Mike?

3 **A** I met Big Mike, I recently had, well, not
4 recently, but I just moved in those apartments, I
5 had me and my girlfriend, my daughter, we were
6 staying in the apartment, two bedroom apartment, I
7 had a roommate. I just moved over there.

8 I only been staying in those
9 apartments for about eight months. I met Big Mike
10 around the fifth month that I was living there. I
11 met him through a friend that I know from the area,
12 neighborhood down the street where he lived.

13 **Q** Okay.

14 **A** So when he introduced Big Mike, they came
15 to my apartment one day, they want to play video
16 games, you know, relax and have conversation. And I
17 didn't have a problem with that.

18 So they came over, and when he came
19 to my door, he was real quiet when he came in, you
20 know, he was the biggest person in the room. So it
21 struck me as kind of strange, I don't really be
22 around people that I don't know. So I asked him a
23 question, I was like, hey, how you doing. I live
24 here, this is my house.

25 And he spoke back to me, he said I'm

1 all right, you know. And he just kind of kept it to
2 hisself. I felt that he was good, he was just a
3 person that didn't speak a lot. So he was all right
4 with me to be in my house.

5 **Q** Did you socialize with him on a regular
6 basis after that or how often would you say you was
7 in his presence?

8 **A** Like I said, it was my apartment, so you
9 know, I had bills and things like that. I was
10 working at the time of me first moving into the
11 apartments. I recently lost my job around the sixth
12 month, I met him in the fifth month, so now I'm on
13 the verge of finding new work and finding a way to
14 pay the bills. So I was not able to connect with
15 him on a daily basis or even every other day because
16 I'm trying to find work.

17 **Q** And what was your address at the time that
18 you met him?

19 **A**

20 **Q** And did he live in that same apartment
21 complex?

22 **A** No, he did not. He stayed in an apartment
23 complex behind, there is another one called
24 Northwinds and it was right behind Canfield. When I
25 met him, the time that I met him.

1 **Q** When you met him. And on August the 9th
2 at the time of the shooting, was he living in
3 Northwinds.

4 **A** No, at that time he had recently moved out
5 of his grandmother's house. He was staying with a
6 friend that I knew in Canfield across the parking
7 lot.

8 **Q** Okay. All right. So when you first met
9 him, he was living with his grandmother in
10 Northwinds?

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

12 **Q** And so after you met him, so you had known
13 him before the shooting probably a couple of months,
14 two to three months?

15 **A** Yes, maybe a month or two.

16 **Q** A month or two?

17 **A** A month or two.

18 **Q** But you really didn't hang out with him?

19 **A** No, ma'am, not on a daily basis.

20 **Q** You were a few years older?

21 **A** Yeah.

22 **Q** He was 18 you were 22?

23 **A** 22, yes, ma'am.

24 **Q** But you liked him?

25 **A** Right, he was a real comfortable guy. I

1 didn't feel a threat from him to where I could, you
2 know, I could let him around my family, my daughter
3 and my girlfriend and let him into my home. He was
4 that comfortable around me that I could, you know, I
5 could trust that he wouldn't bring harm to me and
6 anybody around me.

7 **Q** He had been to your home before?

8 **A** Yes, ma'am, once.

9 **Q** And he knew your girlfriend?

10 **A** I had introduced him to each other, I
11 introduce anybody that comes over to my girlfriend
12 and let them know we live here as a family, not as
13 she's visiting, you know, she is with me.

14 **Q** Okay. Had you ever been to his
15 grandmother's house?

16 **A** One time, but I never met anyone in his
17 family. At that time I think his grandmother was
18 real strict on who she let inside her home. So at
19 that time I didn't know them that well, so he was
20 telling me that you should come around more, my
21 granny, she will like you, you will be able to come
22 in.

23 And at that time I really wasn't, you
24 know, into, I didn't have the time for it, like I
25 said because like I said, I was still on the verge

1 of looking for new work.

2 Q I guess it is fair to say you guys really
3 didn't hang out much, he was somebody that you was
4 comfortable with?

5 A Correct, that's exactly.

6 Q Okay. So we're going to be talking a lot
7 about August the 9th, you realize that?

8 A Yes, ma'am.

9 Q This is the day of the shooting. Tell us
10 how your day began, August the 9th?

11 A August the 9th, it began like any other
12 day. I start my morning, I wake up, I take a
13 shower, and I ask my girl does she like breakfast,
14 what would she like for breakfast. I head out to go
15 get it. Upon getting breakfast I get me some
16 Cigarillos. I smoke marijuana in my mornings when I
17 start my day off, so I was going headed to the
18 store.

19 Q Now wait a minute, just stop here to now
20 and then to make sure we are all clear. So that is
21 kind of what generally happens for you in the
22 morning?

23 A In the morning, yes.

24 Q On August the 9th, you got up, was it
25 around seven something?

1 **A** Around 7:00 that morning.

2 **Q** 7:00. Did you smoke marijuana that
3 morning?

4 **A** I didn't actually get a chance to smoke, I
5 was going to get some Cigarillos because I didn't
6 have any, and there was a guy in the complex who
7 sold them.

8 **Q** Who sold the Cigarillos?

9 **A** Yes, he sold the Cigarillos, so I didn't
10 initially have to go to the stores.

11 **Q** I was going to ask you, was the market
12 open at seven or not?

13 **A** It is.

14 **Q** Did you get Cigarillos from another guy
15 that morning?

16 **A** No, I actually did not.

17 **Q** Tell us what happened after you got up?

18 **A** When I got up and got dressed up or
19 whatnot, I leave out my front door coming down my
20 balcony, I stay on the third floor. I come down my
21 balcony, around my building. I see Big Mike across
22 the parking lot, the apartment complex is set up in
23 the drive through areas, once you come out to it,
24 you can see right across, there is nothing blocking
25 it.

1 I saw him at 7:00 in the morning, he
2 was helping someone put some kids in the car, he was
3 putting some kids in the car for his auntie, I
4 believe it was.

5 Q Okay. And what, did you go over to where
6 he was or did he come to you?

7 A Yeah, just coincidentally the guy who I was
8 going to is like a path is passing up the building
9 where he is living in now. So I was going to pass
10 the building whether he was outside or not, just
11 coincidentally he was outside and he was alone at
12 the time.

13 He said the friend that I knew that
14 he was staying with, the one that I knew, he was
15 upstairs asleep.

16 Q What was that friend's name?

17 A His name was

18 Q Okay. So you didn't interact with
19 at that time?

20 A Not at all.

21 Q And so how did you and Mike, based on
22 information I've heard, you guys kind of hooked up
23 at that point, that morning?

24 A Yeah, when I saw him, like I said, we
25 wasn't real childhood friends, but he was cool

1 enough to me if I saw him I would stop and speak to
2 him.

3 So I stopped and spoke to him. He
4 asked me where I was headed to. I told him, I was
5 going to get some rillos and get something to eat
6 for me and my girl, I'm headed back to the house.
7 He was like okay, well, I'll match you. I guess he
8 had his own weed, so he said he would match me one.
9 Matching is, if you don't know, is just someone I
10 will roll the weed, he will roll the blunt, we both
11 exchange blunts.

12 Q In matching does that mean that one person
13 has the weed and one person has the rillos?

14 A One person has their weed and rillos, the
15 other person has his weed and rillos and they smoke
16 together, it is just smoking together basically.

17 Q So he said he would match you?

18 A Correct.

19 Q And then what happened?

20 A He stopped and talked to some construction
21 workers. There was two construction workers that
22 was doing work on the bottom floor at the time of
23 his building. They was doing work on my building
24 also, but they was doing work at his building and he
25 had stopped and said something to them. I really

1 didn't hear, but I notice that the construction
2 worker, he stopped working and he didn't have like a
3 frown on his face, so much as he was being, you
4 know, back and forth complying. They was having a
5 nice little conversation, but it wasn't that long
6 for about one or two minutes.

7 **Q** So you could not hear what they were
8 saying?

9 **A** No, I couldn't hear what they were saying.
10 I wasn't really focusing on their conversation
11 because, you know, it didn't have anything to do
12 with me. I had my mission that I was going to do,
13 so I guess, you know, at the time I didn't really
14 think the construction worker would say anything,
15 you know, it is the general neighborhood I live in.

16 **Q** Had you all smoked, matched and smoked
17 yet?

18 **A** Not yet, no.

19 **Q** Not yet?

20 **A** No.

21 **Q** You said there was a person in the complex
22 that actually sold the rillos?

23 **A** Yes.

24 **Q** Is that where you were headed?

25 **A** That's where I was headed, yes.

1 **Q** But that changed?

2 **A** Yes, it changed.

3 **Q** Tell us how?

4 **A** It changed. We started talking, our
5 conversation was about sports, he was into clothes
6 and fashion, our conversation was drifting from
7 topic to topic, but really based on sports, design,
8 girls or what our future plans was.

9 He was just telling me he was about
10 to go off to school or go to school. I was telling
11 him about my past experience in school. I was in
12 school before Lincoln University, when I graduated
13 high school, I went straight to school. So I was
14 telling him some challenges that he was going to
15 face, even though he wasn't at a university, he was
16 going to face some challenges. Basically our
17 conversation was about future, future emphasis.

18 **Q** Okay.

19 **A** It kind of took my mind off of going to
20 the person in the complex because he didn't know the
21 guy that I was going to. Big Mike, he didn't know
22 the guy I was going to get the rillos from. When I
23 told him I was going to get Cigarillos, he was like,
24 I need one too. Let's walk to the store.

25 By that time the conversation was so

1 deep that I forgot that there was a person there
2 that I was going to, so we ended up just walking to
3 the store.

4 Q Any idea, I know timing is difficult, but
5 if you started out at seven-ish in the morning, any
6 idea how long, how much time went by before you got
7 to the market?

8 A Before we got to the market, I mean, it
9 wasn't really an hour, it wasn't that long, but our
10 conversation because he had to go, I asked him could
11 he go check on my friend that I knew ask him
12 if he wanted to walk to the store with us. He said,
13 yeah, he went up to go check on him. When he came
14 back down, he told me that he was really sleepy, he
15 didn't feel like it, he wanted to sleep in that
16 morning.

17 So that's basically what 30 minutes,
18 I'm not real pressed on time, but it could have been
19 more than an hour before we started walking.

20 Q So from the time you left Canfield Green
21 and then you saw Mike, Big Mike talked to the
22 construction worker, you all talked some more and
23 then you walked to the market?

24 A Correct.

25 Q Okay. Did you go get anything to eat

1 first or you went to the market first?

2 **A** No, we went straight to the market.

3 **Q** Market, okay. So tell us about the
4 market, what happened at the market?

5 **A** At the market, now, prior to walking to
6 the store, never came up that he didn't have any
7 money. I had money, I had money in my pocket. It
8 never came up he didn't have any money or what we
9 were going to do in the store because we already
10 knew we was going to purchase Cigarillos, in my mind
11 that's what we were going to do.

12 It didn't strike me, I never thought
13 that he didn't have any money because like I said,
14 when I did see him the times that I see him, he
15 dressed nice and next generation clothing, so it is
16 kind of pricier, so I figure that he had money.

17 **Q** Okay.

18 **A** When we got to the store, while we're in
19 the store, Big Mike talks to the store clerk faced
20 eye-to-eye, face-to-face. I'm standing right behind
21 Big Mike.

22 **Q** Is it a female or male store clerk?

23 **A** It is a male store clerk that he's talking
24 to. I also see the female store clerk, she's at her
25 register and she is just looking at us.

1 **Q** But he is talking to the male store clerk?

2 **A** Yes, he is talking to the male store
3 clerk.

4 **Q** Go ahead.

5 **A** As he is talking to the male store clerk,
6 the male store clerk ask him what does he want. Big
7 Mike says in a very not, you know, threatening voice
8 he just said, and while he was saying what he
9 wanted, he said I want these box of Cigarillos.
10 While he was saying it, he was leaning forward to
11 grab them.

12 **Q** Okay.

13 **A** He leaned forward, but it wasn't a snatch
14 and grab motion like he did it really quickly. He
15 did it like, like he did it before I should say.
16 Once he reached over the counter the first time, the
17 store clerk, he was standing right in front of him,
18 he never did anything, he didn't say anything, the
19 first time, he didn't smack his hand down or
20 anything like that.

21 That was the time that he pulled back
22 and he handed the box, it was a box of mini
23 Cigarillos, 69 cent Cigarillos. It was just a box
24 of them. He turned around and handed those to me.

25 **Q** Okay.

1 **A** Now, at this time I still didn't think
2 that he was not going to pay for them because I have
3 saw people purchase a lot of Cigarillos at one time,
4 a large amount. It is not that much 30 or \$40, you
5 can buy you a box.

6 It wasn't until he went back the
7 second time and grabbed a handful of the single
8 Cigarillos. Now first he grabbed the box and the
9 store clerk did nothing, this time he was going back
10 to grab the single Cigarillos. As he was coming
11 back, the store clerk did a late response and he
12 swung at his hand, but he missed because he was so
13 late, he smacked the counter.

14 **Q** The store clerk did?

15 **A** The store clerk did.

16 **Q** This is behind the counter that this is
17 occurring, the store clerk is behind the counter?

18 **A** The store clerk is behind the counter, Big
19 Mike never went behind the counter.

20 **Q** I see.

21 **A** He was standing in front of the register,
22 I was standing right behind him, there was another
23 male, he was inside the store, he had just purchased
24 something. We were, the time where he snatched back
25 and the store clerk missed, he kind of hit the top

1 of some Cigarillos, which made some of them fall.
2 And Big Mike turned to pick them up, and as he
3 picked those up, he faced towards the door, that's
4 when I knew okay, something is not right here.

5 I didn't see, from where I was
6 standing, I didn't see money get transferred to the
7 store clerk and that's why I sat the box of
8 Cigarillos back on the counter. I've been to the
9 store a lot of times.

10 Q Did the store clerk say anything or did
11 Big Mike say anything to the store clerk when the
12 store clerk swatted at his hand?

13 A At that time, no.

14 Q Nobody said anything?

15 A No one said, words were not exchanged at
16 the time that I can hear.

17 Q Okay.

18 A Because I'm standing behind him, but I'm
19 trying to gather up, am I being pranked or is this
20 something. Because I didn't hang out with Big Mike
21 on a day-to-day basis, I didn't know how well his
22 relationship was to the store clerk, so I didn't
23 know was, you know, did he do this all the time or
24 anything like that, I didn't know. I was trying to
25 gather that in my head at the time.

1 Now, while all of this is going on,
2 Big Mike is making his way towards the door. The
3 store clerk had came around, now he came around his
4 register and he's making his way to the door. He's
5 not like running or anything like that, more a pace
6 walking and when he got to the front door, he didn't
7 get there yet because a man, like I said, there was
8 another male customer in there at the time. He had
9 just purchased something. As he's leaving out, he's
10 kind of holding the door open like he's watching,
11 but he's trying to get away at the same time, like
12 he didn't have nothing to do with it, but he is
13 watching. I see him holding the door open.

14 As he let the door close, Big Mike
15 was almost at the door, so he was going to put his
16 hand on the door to, you know, to push the door
17 open.

18 By that time the store clerk had got
19 around and he was almost in front of the door, he
20 didn't get there right directly in front of the door
21 so much as put his hand on the door.

22 Big Mike, Big Mike thrushed the door
23 open to where the store clerk, it slipped out of his
24 hand, so the door flew open. And at that time I
25 was, I knew, I saw what was going on, but I didn't

1 know it was going to happen that way. So I was
2 trying to pull myself as far away from the initial
3 contact with the store clerk as possible because I
4 didn't know what was going on.

5 So at that time when he slung the
6 door open, I was making my way, I was trying to get
7 around Big Mike and the store clerk to exit the
8 store because I didn't want any part of it, I knew
9 there was cameras in the store.

10 When Big Mike tried to go out and
11 thrush the door open and came out of the store
12 clerk's hand. The store clerk then tried to grab
13 Big Mike and Big Mike kind of reverses the grab and
14 grab, like it was a very fast motion, but the store
15 clerk never came off of neither one of his feet. He
16 never fell on the floor or got punched or anything
17 like that, it was a very fast motion, just a shove.

18 Q So when this grabbing is occurring, is Big
19 Mike saying anything?

20 A At the time all he said was, get back.

21 Q Big Mike told him to get back?

22 A Big Mike told the store clerk to get back.

23 Q What about the store clerk, is he saying
24 anything?

25 A He didn't say anything else, but the last

1 time I heard the store clerk saying something, we
2 were walking out of the store and I heard the store
3 clerk say, I'm going to call the police.

4 Q And did Big Mike say anything in response
5 to that?

6 A Just kept walking.

7 Q Okay. What did you guys do then, did you
8 go and get something to eat?

9 A At that time eating and all of those other
10 things that I had on my mind were left field. I had
11 just witnessed something occur that I feel like if
12 not, you know, I was there. So I walked in with
13 him, I felt like I was an accomplice.

14 I was trying to figure it out in my
15 head at the time we were leaving out of the store
16 like, all right, I didn't know this was going to
17 happen. I didn't touch anything, but I did see what
18 just happened and I know there was a crime.

19 Q Did you all talk about it, did you and Big
20 Mike talk about it?

21 A Yes.

22 Q What did you all say?

23 A I asked him, I looked at him, actually,
24 looked at him for a while and stared at him because
25 the times when I did meet him before that day, he

1 didn't strike me as a person who would do anything
2 like that. He never talked about any crimes or
3 anything like that. And prior to that day, it
4 shocked me a lot, it shocked me a lot. So I was
5 asking him, I was like, you know hey, I don't do
6 stuff like that. What's going on.

7 And so much is giving me an answer as
8 to why he did it was he was basically laughing it
9 off, be cool, be calm, stuff like that laughing it
10 off but in my head I'm like, I can't be calm, I
11 can't be cool because I know what just happened and
12 we were on camera.

13 Q Did you talk to him about being on camera?

14 A I never said that, but I knew we were on
15 camera.

16 Q Did he appear as if he had, was
17 intoxicated or impaired in any way at that time?

18 A No, like I said, the conversation leading
19 up to the store was a general conversation I would
20 have with anybody any other day. There was nothing
21 strange about the conversation. He didn't say any
22 words that made me feel like you need to sit down or
23 anything like that. Up until that point I thought
24 he was mindful of everything that was going on at
25 the time.

1 **Q** So when you first encountered him or first
2 made contact with him that morning, you said you all
3 had never smoked together between the time you
4 caught up with him to the time you went to the
5 store?

6 **A** Yes.

7 **Q** Did he seem like he had some marijuana or
8 something before you saw him that morning?
9 Basically what you know of him?

10 **A** Yeah, based on what I saw of him that
11 morning before we walked to the store, he didn't
12 look like he smoked anything that morning or
13 anything like that at that time.

14 **Q** Okay. So you guys are walking towards
15 West Florissant?

16 **A** We are waking down West Florissant.

17 **Q** On West Florissant?

18 **A** Now we are walking down West Florissant,
19 from Ferguson Market to Canfield is actually like,
20 walking is like a four minute, five minute walk,
21 especially when you are having a conversation
22 talking, could be longer, could be shorter, but in
23 that timeframe of walking to Canfield, I saw a
24 police cruiser coming down, coming down West
25 Florissant. It was a Ferguson cruiser, it was a

1 truck.

2 At that time in my head I was like,
3 wow, he called the police. They came really
4 quickly, I knew that they would probably come
5 quickly. I was just, wow, we're really going to get
6 locked up, this is going to happen.

7 But when the police officer, you
8 know, they passed us, the first car never stopped at
9 the Ferguson Market. The first car stopped at
10 McDonald's right next to the Ferguson Market and
11 they kind of just sit on the lot. And that kind of
12 struck me as odd. I was like, wow, maybe he didn't
13 call the police at that time. Maybe he didn't call
14 the police or they didn't get the dispatch call or
15 anything like that because they drove past us and at
16 no point in time, the shorts that I had on, I had on
17 pajama shorts, I didn't have pockets on them.

18 I was not able to grab Cigarillos out
19 of Big Mike's hand to put in my pocket, he had
20 pockets. He did not put the Cigarillos in his
21 pocket. The Cigarillos now he has them in both
22 hands, now he is spreading them evenly apart and we
23 are walking down plain sight West Florissant to
24 Canfield.

25 Q You are not like running or hiding?

1 **A** Not running or not hiding, we are in plain
2 sight walking down the sidewalk while we are on West
3 Florissant and I see the police cruiser.

4 **Q** You walk to West Florissant and then what
5 is the street that takes you into Canfield
6 Apartments?

7 **A** Canfield Drive.

8 **Q** Canfield Drive. So you walk up Canfield
9 Drive?

10 **A** Well, once we get to Canfield, I see
11 another police cruiser pass us by. Now this one, I
12 believe, in my mind I believe he was going to the
13 store to check the car if the store clerk made the
14 call. At that time I wasn't aware, but I heard him
15 say as I was walking out the store that he was going
16 to call the police.

17 And seeing two police squad cars
18 before we got to Canfield, it made me believe that
19 he did call the police and if so, why didn't they
20 pull up on us at that time.

21 But we got to Canfield and now we're
22 walking down Canfield, like I said, we wasn't
23 running, we wasn't ducking behind bushes or anything
24 like that.

25 **Q** There is not a lot of cars out on Canfield

1 out at this time, a lot of traffic?

2 **A** At that time there was not a lot of
3 traffic, maybe two or three cars passed, which is,
4 you know, not that much traffic up and down Canfield
5 to what is backed up two or three cars will pass you
6 going both ways.

7 **Q** This is a Saturday?

8 **A** Yes.

9 **Q** And according to the information, the
10 records, it is somewhere around 11-ish or so, right
11 around noon time that you guys were at that store?

12 **A** According to the information, like I said.

13 **Q** Would that sound reasonable to you if you
14 heard that?

15 **A** It sounds about right, about 11:30 or
16 12-ish maybe.

17 **Q** Okay, okay. So now you are walking, I
18 guess, east on Canfield?

19 **A** Canfield.

20 **Q** Drive?

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

22 **Q** All right. And tell us what happens?

23 **A** We are going down Canfield on the
24 sidewalk. As we approach, we get close to the
25 leasing center, the leasing office is right at the

1 beginning of Canfield.

2 The conversation we was having at
3 this point, we was talking the same, the
4 conversation never changed about what we were
5 talking about future goals and stuff like that, what
6 we were planning on doing.

7 And basically he was asking me
8 questions on how did I transform to coming from
9 where I was and getting on track and now I have my
10 own apartment and stuff like that, I was just
11 telling him a few things that I went through in my
12 life that made me change and stuff like that.

13 I knew he wasn't someone like me, I
14 knew he didn't grow up where I grew up from, where
15 there was a bunch of violent gangs and violent stuff
16 occurring all the time. I knew that much about
17 because I read from his demeanor he didn't come up
18 that way. I'm telling him about my life story and
19 how I come up from a bunch of tragedies. I went to
20 school, I was still able to do things that I need to
21 do in life.

22 At that time he asked, at that time
23 there was no cars, no traffic, no one was coming up
24 or down Canfield Drive. We got in the middle of the
25 street, got into the middle of the street. We're

1 walking in the middle, I'm in front of Big Mike and
2 he's right behind me. He's real big so I know
3 people can see him right above me.

4 So we are walking on the street. At
5 that time we are walking like 30 seconds, I'm not
6 really on the time preferences, about 30 seconds and
7 traffic started going, but no one blew their horns,
8 no one made irregular turns to get around us like we
9 were in the way and no one yelled out their windows,
10 you guys are in the way, get out of the street,
11 anything like that. Two or three cars had passed
12 us.

13 Q Let me ask you a question. Where were you
14 guys headed at this point?

15 A At this point we was headed back to my
16 house or his house because where we were staying,
17 like I said, we were staying directly apart from
18 each other, but on opposite side of the streets. I
19 lived on this side, my building was on this side and
20 the building he was staying in at that time was on
21 the other side of the street.

22 Q So you hadn't decided whose place you were
23 going to go to yet?

24 A We hadn't made it to that point yet.

25 Q Okay. And your plan was to go and smoke?

1 **A** Yeah, smoke and something like that?

2 **Q** So you hadn't decided whose house yet.

3 **A** No.

4 **Q** Okay. So go ahead and finish.

5 **A** As we're walking down the street, now I
6 see the police cruiser approaching us, coming up
7 west going back towards West Florissant. The police
8 cruiser is approaching us, right before the police
9 cruiser approached us, two cars had passed us
10 already. Nobody said anything like we are in the
11 street or nothing like that.

12 When he got right directly on the
13 side of us, the police officer Darren Wilson, when
14 he got on the side of us he rolled his window down
15 and he said, get on the sidewalk, but it wasn't in a
16 polite manner, it was very rudely.

17 **Q** You can say whatever he said.

18 **A** He said get the F on the sidewalk.

19 **Q** That's the get the --

20 **A** Get the fuck on the sidewalk.

21 **Q** Had you ever have had any interaction with
22 him before?

23 **A** No, ma'am, I had never seen him before.

24 **Q** You had never seen him before. Do you
25 know if Big Mike had ever seen him before?

1 **A** We didn't get a chance to talk about it.
2 Like I said, I just moved in that area, I really
3 wasn't caught up too much in the police or anything
4 like that, I go to work and come home.

5 **Q** Nobody said oh, I know him?

6 **A** Yeah, nobody said anything like that, it
7 was just me and Big Mike. He didn't say anything at
8 the time when the police pulled up on the side of
9 us. The initial pull up Big Mike said, he didn't
10 say anything. I was the one that was talking when
11 the police officer said get the F on the sidewalk.
12 I told the police officer we was just a minute away
13 from our destination, I live in Canfield and we'll
14 be off the street closely.

15 Now, at that time I was looking at
16 the officer's face, but not really in his eyes. I
17 really didn't look back up at Big Mike, he didn't
18 say anything. I was the one talking to the officer
19 and I wasn't loud with the officer or anything like
20 that. I was just telling him where we were headed
21 to.

22 **Q** How close were you and Big Mike at this
23 time?

24 **A** At this time me and Big Mike, he's like
25 right on my back.

1 **Q** He's behind you, single file?

2 **A** Yes, he's right behind me, single file.

3 **Q** All right, go ahead.

4 **A** As I'm telling the police officer we were
5 just going to get out of the street, we were close
6 to our destination, I stayed in Canfield. I believe
7 that he was pulling off. So we continued to walk.
8 In my mind I thought he was just, you know, okay,
9 they're just kids, they will get out of the street
10 shortly.

11 **Q** So you stayed in the street?

12 **A** Yes, we stayed in the street.

13 **Q** Okay.

14 **A** We continued to walk and have our
15 conversation, but almost a split second we heard the
16 tires screech, and the officer, he pulled back in
17 the truck very fast to the point at an angle if we
18 didn't hear his tires screech, the back of his
19 cruiser would have struck one of us, not both of us,
20 it would have struck both of us or one of us because
21 of the way he angled in reverse.

22 He never drove and turned around, he
23 reversed real fast. Why he reversed so fast on us
24 and the angle that he did in the manner, now we are
25 almost not inches away from his front door, like we

1 was right in his face now. He never got out of the
2 car, he just pulled right back on the side of us,
3 but it is almost at an angle.

4 Q Okay.

5 A When he pulled up we are face-to-face. Me
6 and Big Mike are shoulder to shoulder now and the
7 officer is facing us.

8 Q So you both are facing this driver's side
9 door?

10 A Driver's side door.

11 Q Where are you in proximity to Big Mike?

12 A I'm on Big Mike's right-hand side. I'm
13 standing right on the side.

14 Q So you are at the front or the rear of the
15 car?

16 A I'm still in the beginning of the car, I
17 never really walked and got far to the back. I was
18 like in the middle of the front door and the rear
19 door, so I'm like right here in the middle. And it
20 is more Big Mike because he's larger than me, it is
21 more him in the window, but mostly my face, I'm
22 short and like the top part of me.

23 Q Okay. And the car is facing west?

24 A Yes.

25 Q Towards West Florissant?

1 **A** Yes, but it is not straight facing, I'm
2 standing counter facing.

3 **Q** Okay, all right. All right, go ahead, and
4 so you all are at the door and then what?

5 **A** The officer pulled back. What did you
6 say? Very loud, angry.

7 **Q** Who did he appear to be talking to?

8 **A** At the time I believe he was talking to
9 both of us. Like I said, Big Mike never said
10 anything when the officer pulled up on us. So at
11 the time I believe he was talking to both of us when
12 he said, what did you say?

13 And Big Mike, in an instant, Big Mike
14 was finished saying something, his door was thrust
15 open, very complex, he thrust his door open real
16 hard. We was so close to the door that it hit
17 mostly Big Mike, but it hit me on my left side and
18 it closed back on him, like real fast. Just the
19 same speed, boom, boom, that fast.

20 And at that time he never attempted
21 to open the door again like to try to get back out,
22 but his arm came out the window and that's the first
23 initial contact that they had. The officer grabbed,
24 he grabbed ahold of Big Mike's shirt around the neck
25 area.

1 **Q** So did he grab his neck or his shirt
2 around the neck area?

3 **A** It was more of both because he had a real
4 good grip on him.

5 **Q** Was there any warning, did he just stuck
6 his hand out and grab, does he say something, did he
7 say anything?

8 **A** No, ma'am, at this time when the door had
9 closed back on him, he didn't say anything. His arm
10 almost in an instant came out the window, his left
11 arm, I remember it was his left arm, came out the
12 window and touched Big Mike around his neck area and
13 his throat. I watched his hands, you know, they
14 really tightened up, so yeah, he had a good grip on
15 it, that what's I saw first.

16 **Q** Were you still right behind Big Mike when
17 this occurred?

18 **A** At this time I'm not behind him any more,
19 we're side to side so I can see everything that is
20 going on. I'm still in the windowed, I'm still
21 right here standing in the same spot, I never moved.

22 And at that time Big Mike, he still
23 has the Cigarillos in both of his hands, divided
24 evenly, he never put them down in his pocket or
25 anything like that.

1 Now, from the beginning of the grab,
2 it is a tug of war. Big Mike places his hands
3 openly, one hand on top of the cruiser and the other
4 hand more right up under the window, the side
5 mirror. He's trying to pull off the officer's grip.

6 **Q** How is he doing that with the Cigarillos
7 in his hand?

8 **A** He placed the Cigarillos on the car and
9 his hands are on the car. He never dropped a single
10 pack. He still has them in his hand not dropping
11 them, but he's pulling away, but he still grab on.
12 So he never could really get a good grip on the car,
13 but he's really trying to pull away.

14 **Q** Okay.

15 **A** At this time the officer, I'm not hearing
16 what the officer is saying, I'm not hearing what Big
17 Mike is saying, so now I'm not in shock, but that's
18 the beginning of my shock level. That's where I'm
19 like, this doesn't happen every day, something is
20 out of order here.

21 They are talking to each other, they
22 are yelling and cussing. And neither one of them
23 can calm down, they both have angry faces on while
24 they are talking.

25 They both were very upset and they

1 couldn't calm do. There wasn't any wrestling or
2 anything like that, punches were thrown. It was
3 more a tug of war and it was very intense, very
4 intense.

5 **Q** Okay. And so please tell us what
6 happened?

7 **A** While the officer is grabbing ahold of Big
8 Mike, he kind loses grip around his neck, that's how
9 I knew he had a good grip. He never fully let Big
10 Mike go, now he has a good grasp on his shirt. So
11 now Big Mike's able to turn different angles while
12 he is trying to pull away.

13 And at a point he turned, now we are
14 face-to-face, and he put his hands like, grab these,
15 Bro. And in shock, I'm so not unconsciously, my
16 hands open to where he could put the rillos in my
17 hand, but I'm still standing in the same spot. I
18 never said anything any more, I'm just standing in
19 shock. I'm this close, I'm standing right here.

20 I almost feel like someone needs to
21 come out here and say something to either one of
22 them to calm somebody down.

23 At the time I couldn't open my mouth,
24 I couldn't speak. I wanted to say could someone
25 calm down. I could not speak at that time and the

1 Cigarillos were placed in my hand.

2 At that time he turned back around,
3 facing the officer now, and now he can get a good
4 grip on the car.

5 So now as he is pulling away, it is
6 with more power, with more force. The officer is
7 trying to pull him inside the vehicle through the
8 window, like he's pulling him, but he's pulling
9 away. The officer never attempted to open his door
10 again after the first initially opening his door and
11 close back on him.

12 Now he's trying to pull him, he's
13 pulling away.

14 Q Was he pulling him with both his hands?

15 A No.

16 Q The officer is only using the left hand?

17 A The officer is only using his left arm and
18 trying to pull Big Mike in and I could tell Big Mike
19 was, he was getting the best of the officer because
20 here was in a better position to pull away. He was
21 outstanding and he was pulling off of something.

22 The officer was using one hand,
23 although he had a nice size, I really couldn't get
24 the full body, but from his arm and when I seen his
25 arm, he had nice size so where he was kind of

1 strong, he looked strong enough to pull, but not
2 strong enough to fully pull him all the way in the
3 car.

4 **Q** Was the car moving at all?

5 **A** No, at this time it was parked, it was
6 still there in the same spot he pulled up in, same
7 angle he was in.

8 And by this time there was cars
9 behind and they could not get through because of how
10 the officer had his vehicle or the cars couldn't get
11 through the other way either east or west. So now
12 we're just like three cars parked more towards the
13 same direction the officer was going.

14 **Q** That would be west on Canfield Drive?

15 **A** On Canfield Drive. Now, in the midst of
16 the tug of war, I never see Big Mike actually have
17 his body inside the vehicle, like the officer never
18 fully got him inside so much as he has torso or top
19 area coming toward the window.

20 **Q** Did you ever see Big Mike's hands inside
21 the car?

22 **A** No, ma'am, I never, I'm still standing
23 there, more shocked than ever because I see it is
24 escalating, I can see and hear the cuss words, I can
25 see the frowns on their faces getting more intense.

1 MS. WHIRLEY: Is there a question?

2 I do have a question.

3 MS. WHIRLEY: It is okay with me.

4 : Do you want to wait?

5 MS. WHIRLEY: You can go ahead and ask a
6 question.

7 You said you were on his
8 right?

9 A Yes, ma'am.

10 : You were both very close
11 to the door?

12 A Correct.

13 : You said he had his hands
14 on the police car?

15 A Correct.

16 And he handed you the
17 Cigarillos in your hand?

18 A Yes, ma'am, correct.

19 : Did he and you both have
20 in one hand?

21 A Correct, yes, no. He handed both of them
22 in my hands he had, my hands were free, so he handed
23 them to me at the same time.

24 : Reason I ask this, I'm
25 not judging, the reason I ask you is because that in

1 the film we saw, he only had the Cigarillos in one
2 hand.

3 **A** Yes, when he initially grabbed out of the
4 store, he had a lot of them in one hand when he
5 grabbed them in the store. Once he got outside the
6 store, that's when he divided them kind of and had
7 both of his hands.

8 He's 6'3" or 6'4?

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

10 You're not six feet?

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

12 : So how do you know he is
13 so much taller than the car than you, you say you
14 saw both of his hands, how did you see his left
15 hand?

16 **A** The officer or Big Mike's?

17 Big Mike.

18 **A** Big Mike.

19 : He's so big, he's up
20 against the car.

21 **A** Yeah.

22 How could you be sure?

23 **A** He was never like, I see what you're
24 saying, he was never that close to the car, like I
25 said, because of the position that he had on the

1 officer standing outside. He was more overpowering
2 the officer and the officer couldn't get him to
3 close to the car.

4 So as he is pulling away, I can see
5 his hand on front of the car, not both of his hands
6 were on top. One hand was on top, the other hand
7 was kind of by the side mirror on the officer's
8 cruiser. So I can see his hands as he's pulling
9 away, but then the officer, you know, there's a tug
10 of war. He pulled him and then he pulled away.

11 That begs another
12 question. You said he was getting the best of the
13 officer. And when Sheila asked you if the car was
14 moving, not was it mobile, but was moving, like was
15 it so much force that it was rocking or something?

16 **A** I mean, the truck, yes, it was moving.

17 Because you didn't say
18 you could tell that Big Mike was getting the best of
19 the officer?

20 **A** Yes.

21 : If he is 300 pounds and
22 6'3", there has to be movement of the car?

23 **A** Yeah, because of the distance, or
24 whatever, and he was standing, the car was moving,
25 thank you for clearing that up.

1 MS. WHIRLEY: I'm glad she cleared that
2 up.

3 A It wasn't moving, but it was shaking and
4 moving, thank you.

5 : . You said
6 initially that generally your process is to get up
7 in the morning, check with your girlfriend and your
8 baby to see if they want anything to eat on that
9 date, your intent was to go get the Cigarillos from
10 somebody in the apartment complex?

11 A Yes, ma'am, correct.

12 : Okay. And then was your
13 intent to get something, you said something to eat
14 for your girlfriend; is that correct as well?

15 A Correct, yes, ma'am.

16 : Naturally you didn't get
17 to the friend's apartment for the Cigarillos, you
18 were kind of diverted you said to the Ferguson
19 Market; is that correct?

20 A Yes, ma'am, that's correct.

21 : At which time that's where
22 the alleged theft had occurred?

23 A Yes, ma'am, correct.

24 Of the Cigarillos. You
25 came out, you're coming back to the apartment

1 complex; is that correct?

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

3 Where did you, if I
4 understand correctly, there's a McDonald's in this
5 area, is that also correct.

6 **A** Yes, ma'am, right next door to the store.

7 At any point did you stop
8 at the McDonald's to get breakfast for your
9 girlfriend or your baby at that time.

10 **A** No, ma'am. At that time I was more
11 concerned with getting home, getting away from that
12 whole incident because of what had just occurred in
13 the store, now I'm more wanting to just get back to
14 my daughter and my girl because I know the
15 seriousness of what just occurred.

16 Uh-huh, okay. And you
17 said that you had lived there approximately about
18 eight months you said, right?

19 **A** Eight months.

20 Although you only met
21 Mike, I think you said about three months before
22 this incident occurred; is that correct?

23 **A** One or two months.

24 : One or two months.

25 **A** Or five.

1 : You knew other people that
2 lived in the complex; is that correct?

3 **A** As neighbors, I only knew one other person
4 that visited the complex as a childhood friend. I
5 knew him as a childhood friend that one person,
6 everybody else that I met, I met them as neighbors,
7 I never stayed in Ferguson before.

8 : Okay. Now while you were
9 there, I'm of the impression, I don't want to
10 speculate, you had no other contact, had no other
11 contact directly with Ferguson Police Department for
12 any reason, any tickets or any altercations or
13 anything of that nature?

14 **A** Yes, ma'am, I never had any.

15 While you are in the
16 apartment complex, I mean, I'm quite sure sometimes
17 you hear through the grapevine well, yeah, this guy
18 got stopped or whatever or the police is like that,
19 did you hear any conversations to that effect from
20 any residence in the apartment complex?

21 **A** Yes, ma'am, all the time. Every day I
22 hear different stories about people's different
23 encounters with Ferguson Police. Be very mindful of
24 the police around. Whenever you're coming outside
25 the door, people are always giving you a warning,

1 they are up the street now, they are down the street
2 or something in that manner basically keeping you
3 aware of Ferguson Police.

4 : Okay, all right. With you
5 being the older person, I think I heard in one of
6 the DVDs that we saw or either in the transcript of
7 that, you were basically kind of being a mentor to
8 Mike; is that correct?

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

10 You saw that as an
11 unofficial mentor?

12 **A** That's correct. It wasn't just like that
13 with Big Mike, it was other kids his age that would
14 see me and they see how I look and they see me
15 walking up and down the street.

16 I have a dog, so me and my dog, I
17 walk my dog a lot. I just live a peaceful lifestyle
18 and they see that and they see me with my tattoos
19 and my dreadlocks asking questions every day. They
20 see me how did you, what happened, how did you get
21 your job or anything like that.

22 So it is on a, it wasn't random that
23 a person his age would come to me asking me how and
24 the ways to get to work, to be the life to where you
25 be comfortable a little. It was just me and him

1 didn't talk on a daily basis, I didn't see him on a
2 daily basis.

3 : Okay. And with having
4 that kind of relationship, when this incident
5 occurred at Ferguson Market, did you have any
6 opportunity at any time before this happened to kind
7 of inform Mike what you had heard about the
8 condition or the relationship between the community,
9 the African-American community or community in that
10 area and the Ferguson Police Department?

11 **A** No, ma'am, to my knowledge, Big Mike was
12 living in Ferguson a lot longer than I was. Like I
13 said, his grandmother stayed in Northwinds, they
14 still in Ferguson. He knew a lot of people that
15 stayed in Ferguson.

16 He was very popular, you know, with
17 the kids, or people in the area. I was just the new
18 resident, first time owner, year lease holder, I
19 really didn't know people around or that much about
20 Ferguson to give him knowledge about Ferguson and he
21 stayed there a lot longer.

22 : Okay. So, I mean, did he
23 have the opportunity to let you know about the
24 Ferguson Police Department if he's been there
25 longer?

1 **A** Yes, but not, he never directly told me
2 like yeah, man, Ferguson, they really be on us like
3 that, he never really said anything like that
4 towards me or never really brought up incidents
5 where he had encountered with the Ferguson Police.

6 My other neighbors that stayed around
7 who lived or who owned their apartment or drive up
8 and down the street every day, those are the ones
9 getting stopped and they had their complaints, but
10 he really didn't talk about Ferguson Police.

11 When the officer, Officer
12 Wilson, Darren Wilson, when he first accosted you
13 and Mike Brown in the street as you are walking back
14 to your, I guess, wherever you intended on going,
15 hadn't been decided yet, going to go to his place or
16 go to your place or not, but when he, I believe you
17 guys are walking east then; is that correct, on
18 Canfield and he is traveling west on Canfield, the
19 officer in his vehicle, is that correct?

20 **A** If west is going towards West Florissant,
21 east towards Northwinds, yes, that's correct. I'm
22 sorry, I don't know.

23 Okay. When he stops you
24 and he makes this comment to you, okay, and then you
25 say that you tell him that you are about a minute

1 from where you are going, you need to get to, okay,
2 can you write that down for me in relative about
3 approximately how many feet, did you have a block to
4 go, did you have like 20 feet to go, 10 feet to go
5 or what?

6 **A** Yeah, like I said, we was just at the
7 leasing office where my building is and his building
8 is away from the leasing office is not a block away,
9 probably 20, 30 feet away.

10 : So about 20 or 30 feet?

11 MS. WHIRLEY: We can look at the map, did
12 you have another question?

13 Yeah, I had another
14 question. Was there any particular reason when the
15 police officer gives you an order that you and Mike
16 did not obey that order to get out of the street at
17 that time and onto the sidewalk?

18 **A** The reason, I mean, at the time in my head
19 and the response that I give back to the officer, I
20 didn't feel like I was rude. I knew by law that we
21 really wasn't committing a crime at the time because
22 there was no traffic flow and no one was, you know,
23 we wasn't holding up traffic or anything like that
24 because cars were still able to pass us.

25 It was more so, it was more so like a

1 father figure talking to a son and that's where, you
2 know, we are just walking down the street. But no
3 one said anything like that, but this is what I'm
4 thinking in my mind, we are just walking down the
5 street, we are not causing anybody any harm. He
6 didn't initially pull up on us and stop us because
7 of the store incident, which I thought when I saw
8 him I thought he's coming to get us for the store,
9 but once he told us just get on the sidewalk, in my
10 mind I'm like well, I guess he didn't call the
11 police.

12 So at that time if the officer didn't
13 know and I feel that he didn't know about the store
14 because Big Mike still did have the Cigarillos in
15 his hands in plain sight when the officer pulled up
16 on us. He was just saying get on the sidewalk.
17 Once I responded to him telling him we was a minute
18 away from the destination, I felt like that we were
19 not committing a crime, we were having our
20 conversation, we was just walking.

21 At that time the officer really
22 didn't look like, you know, he was mad or he was
23 telling us that we was committing a crime, he was
24 just saying get on the sidewalk. We was basically
25 okay, we will be out of the street in a minute.

1 : Did you, I mean, did the
2 thought ever come to your mind at that point in time
3 that maybe he was doing it for public safety to
4 avoid you being struck by a vehicle in the street or
5 anything of that nature, maybe for your own safety?

6 **A** At the time, no, I was not thinking that,
7 but I could see how that would come into effect. At
8 the time I was not thinking we was in harm's way or
9 anything like that. Like I said, cars had passed us
10 before the police got on the side of us, no one
11 made, you know, any remarks saying, hey, you guys
12 are in our way or blowing their horn or anything
13 like that. So at the time I didn't feel like we
14 were in harms way.

15 : Earlier you spoke about
16 the construction worker, you did not speak to the
17 construction worker, you did not talk to them?

18 **A** No, I didn't say anything so much as just
19 stand there. I honestly didn't believe the
20 construction worker would give a conversation
21 because they were working at the time.

22 : Okay.

23 **A** I was just standing there.

24 : Could you hear them
25 talking?

1 **A** Not so much as, hey, when the construction
2 worker spoke back, I kind of bowed out of their
3 conversation. I didn't hear what they were saying
4 to one another.

5 : You didn't hear him
6 talking about getting high and something?

7 **A** At first I heard because that's what I was
8 initially going to do. So I heard him bring up
9 smoking or anything like that, but I couldn't get
10 detailed on what exactly was said between him and
11 the construction worker. I couldn't really factor
12 in exactly what they were both saying.

13 : Where was the
14 construction worker on your way back, they were
15 gone?

16 **A** We did not get there.

17 : You didn't get that far?

18 **A** We didn't get that far.

19 : You mentioned, you said
20 it was almost, you didn't know if you were being
21 punked because it was almost like he had done it
22 before. Do you think it is possible he could have
23 done it before, do you think it is possible? I
24 mean, he is a big guy, he's a big guy.

25 **A** Yeah, he's a big guy. I really can't say

1 if it is possible that he would do it at another
2 store or anything like that. All I can say is how I
3 felt at that time when I did see that because I
4 never seen it before like that or the store clerk
5 react that way or that slow.

6 Yes, it was like he knew the people
7 like he had been in that store before, like he knew
8 them, that store before and he knew things like that
9 in that store.

10 It was not like he had
11 stolen before or he was just familiar?

12 **A** Familiar with the store to where he could
13 just pick up things and just pay for however he
14 pleases.

15 I'm going to kind of ask
16 you the same thing that he asked you. You said you
17 didn't feel like you were doing anything wrong, but
18 in the manner that the police spoke to you --

19 MS. WHIRLEY: Speak up a little bit for
20 us.

21 : In the manner that he
22 said get the fuck in, on the sidewalk.

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

24 : Why were you not even on
25 the sidewalk? It was not safe, is there a reason

1 why you didn't take advantage of the sidewalk, why
2 you didn't do that?

3 **A** It wasn't a reason that I wasn't on the
4 sidewalk, it was more just a decision that we made.
5 When we get down there or anything like that, but
6 the initial, the reason we didn't follow the
7 complaint, like I said, Big Mike at this time never
8 said anything.

9 : Okay.

10 **A** It was more like a chastisement than you
11 are breaking law or you are committing a crime or
12 you might bring harm to yourself.

13 If those were represented in the way
14 he came off to us when he first said it, then maybe,
15 okay, you know what, we'll get on the sidewalk.
16 Because of the way he said it and the manner that he
17 said it, it was more like we're not your kids, we're
18 not doing anything legally wrong, just walking down
19 the street even though it could be considered a
20 crime jaywalking, but we are just walking in the
21 street, we are not committing any crime or bringing
22 harm to anyone.

23 : My last question right
24 now. When the police, you said that the police
25 passed you?

1 **A** Yes, after that.

2 : And you're walking back?

3 **A** You talking about after the store?

4 : Yes.

5 **A** Okay.

6 : Are police going both
7 ways?

8 **A** No, the police came.

9 : From the area of the
10 store?

11 **A** Not the area from the store, from deeper
12 in Ferguson, so they was coming towards the store.

13 : Okay.

14 **A** When I first saw the official squad truck,
15 it was a truck, not a car. Like I said, they didn't
16 even go to the store, they went to McDonald's, they
17 was on the parking lot. They turned around coming
18 off the parking lot, but didn't really come off the
19 parking lot or didn't confront us.

20 The third police car.

21 **A** Darren Wilson.

22 : Darren Wilson is the one
23 that said get the F on the sidewalk?

24 **A** On the sidewalk.

25 : You said I'm not doing

1 anything, I'm going home, and that's when he backed
2 up.

3 **A** Correct.

4 : And you couldn't go
5 anywhere --

6 **A** Yeah, at that point when he backed up on
7 us, I stopped.

8 : Okay.

9 **A** Because I felt that he had something else
10 to say and I didn't want to make myself look guilty
11 by running away or being startled and, you know,
12 making a quick reaction, so I just stood there and
13 complied with the officer even though he never said
14 freeze or hold when he pulled back. I felt I will
15 just stand still and see what he asked.

16 (Grand Jury Exhibit Number 15
17 marked for identification.)

18 **Q** (By Ms. Whirley) So at no time when the
19 officer pulled back, we have brought a map that's
20 marked as Grand Jury Exhibit Number 15 that would
21 hopefully help you kind of illustrate where you guys
22 were, does that look familiar?

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

24 **Q** Okay, good. But my question before we get
25 started is when the officer pulled back, he never

1 said, he never questioned you about that store
2 incident?

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

4 **Q** He never gave you any other directions
5 then get out of the street or get on the sidewalk?

6 **A** After he initially said get on the
7 sidewalk, he never even brought the sidewalk
8 situation back up. He never brought the store up
9 after he gave his first statement about getting on
10 the sidewalk and I told him exactly how I said we
11 are a minute away from our destination. We will be
12 out of the street shortly. After he pulled back,
13 there was no more sidewalk talk, it was nothing, it
14 was just anger.

15 **Q** And then the altercation ensued?

16 **A** Began from there.

17 **Q** All right. I'm not sure how sturdy this
18 tripod is, hopefully it will get us through. Can
19 everyone see this map? You had a question?

20 : . A couple
21 questions. I want to keep it before we move on.
22 When you went into the market, you talked about
23 payment, did you have money in your hands? I know
24 you didn't have any pockets, I'm trying to figure
25 out where you had your money?

1 **A** I had my money in my shoe at the time,
2 yes, I had my money in my shoe.

3 When you left the store, I
4 thought it was strange you guys stuck together. You
5 didn't seem concerned, then kind of something bad
6 was there, then you kind of stuck with Mike, kind of
7 walk down the street, see the cops coming knowing
8 they might be coming for me, I would expect probably
9 more hide behind the bush, get back in place. What
10 is the reason you walked down the street waiting for
11 the cops to come get you?

12 **A** Like I said, that was in my mind at the
13 time, we're not running, there is nothing really to
14 hide behind on West Florissant. We could have run
15 behind the stores, we still had to get out in the
16 open eventually to get down Canfield. In the mind
17 walking from Ferguson Market to Canfield, we're
18 never making it to Canfield. We're never making it
19 to Canfield how far this store is, to how many
20 police cars we see on a day, you know, that's just
21 in the area, we'll never make it to Canfield.

22 You know, just seems
23 strange to be in the middle of the street, you think
24 on the sidewalk to kind of avoid being noticed.

25 **A** In my mind, I'm still trying to fathom

1 everything that is going on and why he didn't put
2 the Cigarillos in his pocket. He still had them in
3 his hand the whole time leaving out the store, all
4 the way walking down Canfield Drive.

5 When the police officer
6 backed up at you, obviously, very aggressive. You
7 think he intended to hit you, you think it was a
8 miscalculation on the part of his judgment what he
9 thinks, I shouldn't ask it that way, but I'm just
10 trying to, I mean, that's pretty aggressive if you
11 felt like you had to literally get out of the way to
12 avoid him hitting you, if you felt that way?

13 **A** Yes, correct. It was very aggressive and
14 fast the way he pulled back, but because we heard
15 the tires, we was able to step back almost a second
16 before the truck, the back of the rear of it kind of
17 hit us, so it didn't hit us, but the way his car was
18 angled, it very well could have hit both of us.

19 : . Just a
20 quick follow-up question. Is it typical for you to
21 walk down the middle of the street when you went to
22 the market or walk around the neighborhood.

23 **A** No, sir. I walked in the middle of the
24 street before, but it is not like I just wake up in
25 the morning, hey, we are going to walk in the middle

1 of the street. It is something you do, you are
2 crossing the street and try to stay a little longer
3 or you just walking down the sidewalk. It wasn't
4 planned to walk in the street.

5 Typically you would be on
6 the sidewalk?

7 **A** Correct.

8 : In my mind an act of
9 defiance going down the middle of the street
10 expecting cars to go around you and, you know, pay
11 attention to you. If I see somebody in the middle
12 of the street I'd be concerned about hitting them
13 and really slowing down and moving over.

14 **A** Yeah, that's correct.

15 : I would interpret that
16 they are being defiant to show strength or
17 something.

18 **A** Correct, walking down the middle of the
19 street could, you know, cause harm if someone had
20 to, but like I said, walking down the middle of the
21 street we saw two, three, maybe even four cars pass
22 us and no one blew their horn, no one even stopped
23 or slowed down. They kept the same speed and just
24 rolled right passed us.

25 Eventually there might

1 have been a driver that caused a confrontation?

2 **A** If, but it didn't come at all, we didn't
3 get anyone telling us to get out of the street, you
4 are in our way, anything like that, no comments like
5 that.

6 : Thank you.

7 MS. WHIRLEY: We just have, as I
8 mentioned, Grand Jury Exhibit Number 15 as an aid to
9 help the jurors. I'm going to try to move it where
10 everyone can see it. Can you guys see it from here?

11 **A** You want me to stand up?

12 **Q** That would be great, Dorian, thank you.
13 I'm going to give you this pen.

14 **A** Well, as you all can see Number 12, this
15 is my building right here . Like I said, we
16 have a driveway, you see into the driveway, Canfield
17 Drive, you can see directly over. This is the
18 building --

19 **Q** Excuse me, this says Caddiefield Drive.

20 **A** Caddiefield, this is Canfield and through
21 the apartments like the driveway, they have
22 Caddiefield.

23 : . You lived in
24 Caddiefield.

25 **A** Yes, I lived on ,

1 Like I said, you can see directly
2 across coming out of my building, this building that
3 he was standing with a friend, Building Number
4 Big Mike. They were standing on the third floor
5 also.

6 That morning when I came out, I could
7 see him, Big Mike right about right here helping
8 someone put kids in the car.

9 The guy who I was going to --

10 **Q** (By Ms. Whirley) Let me stop you a minute.
11 When you indicate where Big Mike is, could you put
12 BM or MB, either one, so we can keep track of who is
13 who. This is him too, right?

14 **A** This is where he was living.

15 **Q** This is you down here?

16 **A** This is, right. I will put DJ for me.

17 **Q** Okay.

18 **A** I don't know if you can see it. And this
19 is Big Mike. Now initially when I first met him he
20 was staying a little further back in Northwinds. At
21 the time of the incident he was staying here at the
22 time, something was going on with his grandmother,
23 he had to move out, and he was staying with a
24 friend.

25 When I came out that morning, he was

1 down in the parking lot area. Now the guy I was
2 going to go to for the Cigarillos, stayed in this
3 building right here Number Like I said,
4 regardless whether I saw him or not, I was passing
5 this building, that's the way I walk through to go
6 to the guy.

7 When I saw him, we had our words,
8 we're going to match, now we are walking up.

9 Now this is where we are going
10 towards the store, going up Canfield. Now back to
11 the part where the officer pulled up on us.

12 One is the leasing office, the first
13 building. We were pretty much, we didn't get on
14 into the street until we were like right before the
15 leasing office, so it had to be right here where we
16 initially just crossed over into the street.

17 Now, when the street, the officer
18 doesn't pull up on us until about right here is
19 where the police officer first really pulled up on
20 the side of us.

21 After he initially said get on the
22 sidewalk, we got to about, I say we wasn't really
23 that far away from him, we got to about right here.

24 Q When he said get on the sidewalk, you are
25 still, you said I don't have, I'm almost at my

1 destination, you keep walking east?

2 **A** Yes, we were still walking, but eventually
3 I figure we were going to get out of the street.

4 : . So you were
5 right there at Copper Creek Road and he said get the
6 F on the sidewalk?

7 **A** Yes.

8 : You said not but a
9 minute, you kept walking, you didn't hesitate, you
10 didn't even do anything except we are almost home?

11 **A** Yes, that is what I told the officer. We
12 are a minute away from our destination, I'll be out
13 of the street shortly. At this time Big Mike said
14 nothing, no words were out of his mouth towards the
15 officer.

16 **Q** (By Ms. Whirley) Let me stop you for a
17 minute. Your destination would be like, show us
18 where you were when you told the officer you are
19 almost at your destination, this goes to one of the
20 grand juror questions.

21 **A** This leasing office where we are at. This
22 is where the officer stopped us. He asked us to get
23 on the sidewalk, I told him we were going to our
24 destination. This is where I was headed, this is
25 where Big Mike's house was and, you know, it is not

1 very close, but it is not very far. You can
2 actually see both our buildings from standing right
3 there, there is no real big trees or anything, they
4 were actually cutting trees down in the
5 neighborhood.

6 Q (By Ms. Whirley) You don't know the
7 distance between that?

8 A I don't know the distance, you can see
9 both the buildings from where we are standing from
10 the leasing office.

11 Q All right.

12 A Now, once he pulled back on us. Let me
13 see, you know what, I'm sorry, yeah, when he pulled
14 back on us.

15 Q Is there something wrong?

16 A Yeah, I'm sorry, like I said, because of
17 that day and what was going on, I really couldn't
18 time or distance time and distance really is a blur
19 to me, so much actually happened.

20 Q Are we right with the location as far as
21 when, where he stopped you?

22 A Where he stops us, yes. I really can't
23 tell how far we got down like the distance he had to
24 drive in reverse, but I know he had to drive in
25 reverse.

1 The front of his car never met us,
2 the back of his car met us first when he came back.
3 I'm describing from the distance because where he
4 was shot was down here, Big Mike was shot down here
5 in this area.

6 **Q** That's where his body fell?

7 **A** That where his body was. One of the cars
8 that I had to duck behind for cover, they were along
9 this right here. (indicating)

10 **Q** Put car or something to let us know.

11 MS. ALIZADEH: Why don't you make, before
12 when you have done this, yeah, make a rectangle.

13 **A** Okay.

14 MS. WHIRLEY: That's better.

15 **A** Like one car. It had to be a second car
16 and third car would be like right behind.

17 MS. ALIZADEH: And Dorian, all three of
18 those cars were going towards West Florissant?

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

20 MS. ALIZADEH: They were on the right side
21 of the street?

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

23 Now, like I said, I don't know how
24 far we got along, but because of how the officer
25 pulled reverse on us, now his cruiser was more like

1 on both sides. I'll put another rectangle, but his
2 rear was more on the side where he was coming from
3 and kind of like, the beginning of his front was on
4 the other side. Either way cars couldn't come this
5 way or go the other way. They were stuck, and at
6 that moment that's when these three cars were
7 standing right there. And like I said, me and Big
8 Mike, we are standing on this side of the police
9 cruiser car.

10 Now, when he pulls up on us and he
11 said, what did you say? I could tell that he's mad
12 then, that's when he tried to open his door. Like I
13 said, the way I was standing on the side of Big Mike
14 when he opened his door, we was so close to his door
15 that it hit us, but more so it hit Big Mike, only
16 like a little portion of me, maybe the end of the
17 door, it didn't really hurt me or anything like
18 that, but it struck us and it closed back on the
19 officer.

20 At that time is when his arm came out
21 the window and he grabbed onto Big Mike.

22 **Q** (By Ms. Whirley) Okay.

23 **A** Any other questions or should I continue?

24 : . Where
25 did you say that the door hit you?

1 **A** The door hit me on my left side, left arm,
2 not my whole body because Big Mike is so big he
3 takes more of the door than me, but just a piece of
4 my arm and a piece of my body.

5 Did you have any visible
6 injuries to that area?

7 **A** No, it hit more Big Mike than me, I didn't
8 have any bruises but I felt the door hit me.

9 : Require any medical
10 attention?

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

12 MS. ALIZADEH: Dorian, can I ask you some
13 questions? I know you have, at this point you've
14 known Big Mike a couple months, maybe three months
15 max?

16 **A** Yes.

17 MS. ALIZADEH: I know you've said that he
18 was a great guy, you liked everything about him,
19 right?

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

21 MS. ALIZADEH: You considered yourself,
22 you know, kind of a mentor?

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

24 MS. ALIZADEH: You are older, you came
25 from a violent background, not you violent, but

1 lived in a violent area?

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

3 MS. ALIZADEH: So, you know, when you go
4 to the store and you see him just take these
5 Cigarillos and you said he just said I'm going to
6 take these Cigarillos, right?

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

8 MS. ALIZADEH: That's really brash,
9 wouldn't you agree?

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

11 MS. ALIZADEH: That's like indignant. And
12 then when the clerk tries to stop him, he pushes the
13 clerk aside?

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

15 MS. ALIZADEH: Doesn't he?

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

17 MS. ALIZADEH: You are surprised by that.
18 And I think, you know, no one is saying that you had
19 anything to do with planning that or even were aware
20 it was going to happen, but just that behavior,
21 that's pretty brash, wouldn't you say?

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

23 MS. ALIZADEH: And then so when you are
24 walking back and now you heard the clerk say I'm
25 going to call the police, let me ask you this, after

1 he pushes the clerk aside, and I know you are
2 watching this and if you want to watch the video
3 because we couldn't get it to work in the other
4 room, we can play it again for you. We can play it
5 for you, but doesn't Big Mike come back at the clerk
6 at some point?

7 **A** He does, but that's almost like because
8 the store clerk made a move like he was going
9 towards, like I said, the first time before the
10 store clerk actually tried to grab for Big Mike
11 because the first initial grab the store clerk just
12 grabbed the door and Big Mike just pushed the door.


13 Now, the store clerk made another
14 step like he was trying to grab for Big Mike and
15 that's when it was like a real --

16 MS. ALIZADEH: Like a push away?

17 **A** Fast push away, and I don't know if the
18 store clerk was going to walk back on or anything,
19 but that was like a stare down, like he kind of like
20 stared at him.

21 MS. ALIZADEH: And that was threatening,
22 he was threatening, don't you think, he is 6 foot
23 5 inches tall?

24 **A** He was a small man. He was almost smaller
25 than me, shorter than me, you are right.

1  MS. ALIZADEH: That would be extremely
2 intimidating, don't you think?

3 **A** I could see where it made the store clerk
4 kind of eased off.

5 MS. ALIZADEH: Sure.

6 **A** You know what, I will just leave this at
7 the hands of the police.

8 MS. ALIZADEH: At this point, I mean, this
9 is not behavior you are used to seeing from him,
10 correct?

11 **A** No, ma'am, I wasn't aware of it.

12 MS. ALIZADEH: But it is clearly very much
13 macho, I'm going to take these Cigarillos, I know
14 he's not saying that, but that was kind of his
15 demeanor, like what are you going to do, stop me?
16 I'm taking them, right?

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

18 MS. ALIZADEH: Okay. So then you are
19 walking down the street, I know you said you are
20 kind of freaked out at this point?

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

22 MS. ALIZADEH: And you see cop cars coming
23 by oh, my God, you know, but Big Mike doesn't really
24 care, does he?

25 **A** Not so much care because when he saw, he

1 looked at my face. I'm just walking like oh, my
2 goodness. When I see the squad car I kind of follow
3 it, I want to see are they going to the store or
4 what is going on. And once he sees that on my face,
5 he is like just walk normal, so we are just walking.

6 MS. ALIZADEH: But he doesn't even put the
7 Cigarillos in his pocket?

8 **A** Like I said --

9 MS. ALIZADEH: He has them out there like.

10 **A** Just walking, yes, ma'am.

11 MS. ALIZADEH: Whatever, you know. He
12 owns the street right there, right, kind of?

13 **A** I don't want to say he thought he owned
14 the street, he was very bold with how --

15 MS. ALIZADEH: Bold, that's a good way to
16 put it. So then, you know, as you walk back and you
17 say you are walking in the middle of street.

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

19 MS. ALIZADEH: I know, you know, it is
20 Saturday, noon-ish, there is people out, but not
21 like rush hour or anything, but, you know, cars are
22 going back and forth, cars are going, passing you,
23 but they don't have any trouble getting past you.

24 **A** No, ma'am, none whatsoever.

25 MS. ALIZADEH: But then the officer stops

1 and says get the fuck on the sidewalk.

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

3 MS. ALIZADEH: And you said hey, we are
4 just going to my place, we are going to be there in
5 just a minute and you guys kind of keep walking and
6 he then drives past you, correct?


7 **A** That was, in my mind, that is what I was
8 thinking, yes, ma'am, I heard his car pull off.

9 MS. ALIZADEH: Okay. And then you hear
10 screeching tires and then do you look back to see
11 him reversing towards you?

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

13 MS. ALIZADEH: You hear him say what?

14 **A** What did you just say? He thought someone
15 had said something else.

16 MS. ALIZADEH: s it possible that Big
17 Mike, who is behind you now, could have said
18 something to the officer as the officer pulled away,
19 could have said something ignorant to him?

20 **A** No way, no, ma'am. He was standing behind
21 me, he was so close if he would have said something,
22 I would have heard. He didn't say anything, like I
23 said at that time only I spoke to the officer.

24 Now, I could kind of see where he may
25 have been looking at the officer, kind of staring

1 him in his eyes, I'm talking he never said anything,
2 probably eye-to-eye contact with the officer. I
3 don't know if that, like he did the store clerk,
4 eye-to-eye with the store clerk where he thought --

5 MS. WHIRLEY: I want to interrupt you.
6 Did you see that or you just speculating?

7 **A** I am speculating right now.

8 MS. WHIRLEY: We want you to tell us what
9 you know, what you saw.

10 **A** I was looking at the officer because I was
11 talking to the officer. I wasn't directly looking
12 into his eyes, so much looking at his face and
13 telling him what was going on, but at no point in
14 time I heard Big Mike say anything at all, he never
15 said anything.

16 MS. ALIZADEH: But the officer said, what
17 did you say? That kind of sounds like he heard
18 something.

19 **A** Or he may have got a look that may have
20 looked like he said something. That's why I
21 speculate that he may have been looking at the
22 officer, but, you know, the way the officer pulled
23 back on us, yes, I feel like, all right, I'm lost.
24 I was the one that just told you, I didn't say
25 anything else.

1 MS. ALIZADEH: You didn't saying?

2 A No out of order, no cuss words or anything
3 like that.

4 MS. ALIZADEH: You didn't hear Mike say
5 anything?

6 A No, ma'am.

7 MS. ALIZADEH: Is it possible, if he said
8 it like under his breath as he turned his head,
9 might be that you didn't hear it?

10 A I didn't hear him mumble anything.

11 MS. WHIRLEY: Here is a question.

12 : . If the
13 police had already passed you guys up as you are
14 walking towards home, he is going back towards West
15 Florissant, how could he have heard you because he
16 had to come back to you and say what did you say?

17 A Exactly, so I felt that was my random
18 thinking, no one said anything, but I didn't say
19 that to the officer because I didn't know what he
20 was feeling at the time, the way he pulled a reverse
21 on us, I was let me stand fast and see what he is
22 going to say. That's why I basically was standing
23 side to side talking to him.

24 : Okay, this is
25 So now you say you don't even think the police heard

1 you say we are almost home?

2 **A** No, he definitely heard me say that.

3 Again, I was looking at his face while I was talking
4 and telling him.

5 : Again, I'm not judging
6 you, but somebody just stole something?

7 **A** Right.

8 : On the video that we
9 watched, he grabbed ahold of the man?

10 **A** Right.

11 : He said something to him
12 and he lunged at him, okay, you are walking down the
13 street?

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

15 : The police tell you to
16 get the fuck on the sidewalk?

17 **A** Correct.

18 And you say I'm almost
19 home, you are thinking to yourself we are not doing
20 anything wrong, didn't you? Somebody did just do
21 something wrong, so that still begs the question why
22 you did not listen to the police?

23 **A** Yeah, like I said before, at the time we
24 was walking from the store, I saw with my two eyes
25 police squad cars pass us by, neither one of those

1 cars stopped us or said hey, did you just come out
2 of that store or anything like that.

3 So in my mind at the time they were
4 unaware or the store clerk never made the call
5 because before we saw Darren Wilson, we saw two more
6 police cars. He was the third police car we saw and
7 he was the first one that stopped us.

8 MS. ALIZADEH: So you guys thought, or at
9 least you thought you were in the clear that this
10 officer wasn't talking to you about the Cigarillos.

11 A Not so much me in the clear because I know
12 I didn't commit a crime. I was so much thinking
13 maybe he didn't call the police, that's all I was
14 thinking.

15 MS. ALIZADEH: You were worried, you
16 already said --

17 A I was worried because of, I know that, you
18 know, he's not a person like that and I'm worried
19 because I don't think, well, I don't know what is in
20 his mind. I can't think what he's thinking at the
21 time, but I know, you know, I've been locked up
22 before, not for anything like that, jail is not for
23 nobody. Nobody should ever want to go to jail. So
24 I knew that's where he was headed, so that is where
25 my worry and fear is coming from.

1 MS. ALIZADEH: Okay.

2 MS. WHIRLEY: You say when he came back,
3 he never mentioned anything about the Cigarillos or
4 the store?

5 A Darren Wilson the police officer?

6 Q (By Ms. Whirley) Yes, the police officer.

7 A He never stopped stop us and said hey,
8 freeze, stop right there, let me get out of my car
9 anything like that. I've been stopped by police
10 before, I know there is a way that they stop or pull
11 up on people, suspects for committing crimes.

12 So exactly what I said, didn't feel
13 like he was stopping us or telling us anything like
14 we were committing a crime so much as chastising
15 from a father to a son, like you are doing some
16 wrong. Hey, put that down or don't touch that, it
17 came off like that, that's how he said it.

18 : . You did
19 say that you have money in your tennis shoes?

20 A Yes, ma'am.

21 Why don't you pay for the
22 Cigarillos?

23 A At the time I thought he was going to buy
24 them because when we was in the store, I never
25 confronted the store clerk, I never even walked up

1 to the register, I just stood back because I thought
2 that he was buying the Cigarillos.

3 When I saw that he wasn't, I didn't
4 need that many Cigarillos, that's why I just, you
5 know, set it back. And because of what was going on
6 at the time, I don't even want to be, you know, I'm
7 really trying to get out of the store now. I don't
8 like what is going on, so I'm leaving so much as
9 hey, I'll pay for them, it is all right. I'm just
10 trying to leave now.

11 : When you saw your friend
12 do something that is wrong and you have the money,
13 why don't you pay?

14 **A** Oh, no.

15 : Or at least offer to pay?

16 **A** I'm sorry, I didn't have enough money to
17 purchase all of them.

18 : At least some of them,
19 what have you?

20 **A** I didn't have enough to purchase all the
21 Cigarillos that he was grabbing. And at the time,
22 like I said, we never had a conversation about what
23 he was going to do in the store or anything like
24 that. We was just going to get some Cigarillos.

25 At the time you didn't

1 even pay for one Cigarillo?

2 **A** At that time I was basically, hey, you
3 know what, I'm not a part of this, I didn't know,
4 although I didn't say it, I was basically just
5 trying to get out of the store like all of the rest,
6 there was another person in there, he was just
7 trying to get out of the store, so I'm getting --

8 : You are with him and he
9 is doing that, you are an accomplice?

10 MS. ALIZADEH: You can't hear him?

11 **A** I'm sorry, I'll speak up. The store clerk
12 actually does notice me, like I said, it was a male
13 store clerk and his daughter was there. She's
14 looking directly at me, I'm looking at her
15 face-to-face and she sees me actually put the box of
16 Cigarillos back and I step back.

17 Because they are kind of in front of
18 the door so I really can't get through, like walking
19 straight. So I have to kind of side step them. The
20 store clerk, as he walked past me, he never tried to
21 grab me, hey, you with him, he never did anything
22 like that. So I felt like, you know what, he saw me
23 put those back, he saw that my intentions were not
24 to steal from him, so that's why I believe he didn't
25 never try to grab me or hold me back or from leaving

1 or anything like that.

2 . When the police
3 officer backed up and almost ran over you, let's
4 say, and you guys were facing his window, when he
5 opened his door, what is your sense of what he was
6 trying to do when he was opening your door, do you
7 think he was intentionally trying to hit you with
8 the door or was he potentially trying to get out of
9 the car very quickly?

10 **A** That I can't speculate on. Again, I
11 cannot speculate what is in someone's mind or what
12 their agenda is going to be, but the force that he
13 used and the power behind it, I believe it was
14 unnecessary. He could of, and the way he backed up,
15 if he would have backed up straight back, he would
16 have been able to open his door, step out of his car
17 perfectly. But because of the angle where he
18 reversed and how close we were and how fast he did
19 it, it happened real fast. Everything happened
20 continuously right back to back.

21 It was really with a lot of force and
22 power that wasn't needed.

23 Do you think, do you think
24 it is possible that he didn't know how close you
25 guys dies were to the car?

1 **A** I don't think that it is possible not to
2 see someone. You have a couple of mirrors attached
3 to your car as you are backing up, I'm sure, I pray,
4 I hope he was using his mirror and not intentionally
5 trying to strike us. But like I said, I can't
6 speculate what he was doing, I know that he was very
7 forceful and powerful.

8 MS. ALIZADEH: But Dorian, you said you
9 guys had to kind of jump out of the way?

10 **A** We definitely had to step back, not so
11 much as a big leap to where, you know, oh. It was
12 more of a step back real fast because of the rear
13 end, you know, it wouldn't have, the whole back of
14 the car wouldn't have hit us, it would have been
15 like a corner of the side of the rear because of how
16 he was turning his vehicle, it would have struck one
17 of us, if it would have hit him, it would have fell
18 into me, but if it would have hit me, I would have
19 fell onto the ground.

20 : . It seem likely
21 to pull up next to you, you had the first encounter,
22 he continued down west, probably, potentially looks
23 in the mirror, sees you have not adjusted your path.

24 **A** Right.

25 : He's aggravated because

1 you aren't doing what he asked for, backs up, not
2 only does he back up to stay straight, he backs up
3 and puts his rear end across that center line,
4 therefore, blocking your path. You can no longer
5 walk down the center line any more, he is going to
6 take that away. And possibly when he is asking you
7 what did you say, I had a feeling he may be
8 referring back to the first conversation we had and
9 he is wondering, what did you say? Didn't you tell
10 me you were going to get out of the street?

11 Again, I'm assuming different things in
12 there, but it may not have been a secondary
13 conversation that he's referring to, what did you
14 say when I drove away or when I was coming back, he
15 very well could have been referring to the very
16 first conversation, he's wondering why you are still
17 in the street?

18 **A** I can see where you are saying, he maybe
19 didn't hear exactly what I was saying to him or
20 something like that. I never said that it right
21 away, officer, we get right on the sidewalk. So I
22 could see why he would be like, they're not getting
23 off the street and pulled back.

24 : Right.

25 **A** Even still, like I said, if he would have

1 pulled back straight, the altercation would have
2 happened a lot different, I'm sure he would have
3 happened a lot different if he been able to get out
4 of the car, full body, stand straight up, but
5 because of how that little small incident reacted,
6 it kind of turned the next level up a lot.

7 MS. WHIRLEY: Okay. Anybody else? All
8 right.

9 Dorian, why don't you have a seat, we may
10 go back to the map.

11 Q (By Ms. Whirley) Let's get to the actual
12 shooting.

13 A Okay.

14 Q We left off with you talking about the
15 officer had his left hand out of the car and he is
16 pulling Big Mike in or trying to, so now the
17 Cigarillos have been handed off to you?

18 A Yes, ma'am.

19 Q Go from there?

20 A I'm sorry, could I stand up? This map is
21 perfect and I just want to see very perfect,
22 everything is here.

23 So at the time, like I said --

24 Q You still have the pen in case you need
25 to?

1 **A** Big Mike and Darren Wilson, the officer,
2 they are doing their tug of war. He passed me off
3 the Cigarillos. Now he's back, at no point in time
4 did I begin to move away, I stood in the same
5 position, same spot. I'm still in the driver window
6 of the officer the whole time they are doing their
7 tug of war, so I can see both of them. I'm going
8 back and forth looking at both of their faces.

9 I'm hearing cuss words from both of
10 them, but I don't really hear the officer saying,
11 you know, stop or get down on the ground.

12 I really like, I'm shocked, the shock
13 level I'm going through right now is continuously
14 building. So now it is more and more stuff, I'm
15 trying to comprehend that it is not, it shouldn't be
16 happening, that I know shouldn't be happening. They
17 are pulling back and forth. At this time I heard
18 the officer says, I'll shoot. This is the first he
19 says, I'll shoot.

20 At that time I was looking at Big
21 Mike when he said I'll shoot. In my mind taser, I
22 see people get tased before and it looks like it
23 hurts a lot.

24 **Q** Let me stop you a minute. So the first
25 time the officer says, I'll shoot, Big Mike's hands

1 are free now?

2 **A** Yeah.

3 **Q** He's given you the Cigarillos?

4 **A** Yes.

5 **Q** No shots have been fired yet?

6 **A** Not at the moment, no.

7 **Q** Okay. So do you know where his hands are
8 when the officer is saying, I'll shoot?

9 **A** I can still see both Darren Wilson's hand
10 and Big Mike's hands.

11 **Q** Tell us about it?

12 **A** Big Mike's left hand was still on like
13 right above the side mirror, right up under that,
14 right up under the side mirror. His other arm now
15 because of the tug of war pull, the officer's grip
16 come up, from up on his neck, to the shirt collar,
17 to the shoulder, to basically he never let go. Now
18 he has Big Mike. Big Mike's left arm is on the car
19 pulling away still, and he's trying to pull away
20 because now he basically just has his arm.

21 **Q** So the officer has his right arm?

22 **A** Yes, with the officer's left arm, he's out
23 the window grabbing Big Mike's right arm.

24 **Q** Okay. So he has Big Mike's right arm,
25 does he pull it inside the car?

1 **A** I really, from the time of everything
2 happening and once he said, I'll shoot, now my focus
3 has switched and locked on the officer and say what
4 he is saying he's going to shoot because in my mind
5 I assume it is a taser. If it was going to be a
6 taser, no matter who was in the wrong or who was in
7 the right, if I would have saw that taser, I would
8 have immediately told my friend Big Mike, look, just
9 stop, stop moving, stop pulling away, just stop.

10 But because I saw the gun and the
11 barrel, I've been shot before. It is the worse pain
12 I can ever imagine, it does not feel good, because I
13 saw the barrel, I went into a deeper shock.

14 **Q** You didn't think everybody should just
15 stop when you saw the gun?

16 **A** I was praying, I was, I'm in such shock
17 right now and firm, because when the officer pulled
18 up and that's why I was trying to make clear people
19 were, he's a witness, key witness. I was so
20 victimized that people don't even understand.

21 There was a witness standing on their
22 balcony, a witness drive by in her car, me being
23 right there in the moment, I felt victimized because
24 I felt so afraid that I couldn't talk.

25 I couldn't say what was on my mind

1 because I'm so afraid of, I couldn't calm it down.
2 I don't have the power to calm down the police
3 officer and obviously Big Mike is bigger than me.

4 Q Let's just go back. I understand what you
5 are saying about seeing the shooting like that, but
6 when Big Mike's right hand or arm is being pulled
7 into the car, I don't know if you said that or not,
8 you said that the officer had his right hand with
9 his, the officer's left hand had Big Mike's right
10 arm?

11 A Correct.

12 Q Where is it, did you see it or not, where
13 his right, where Big Mike's right hand was?

14 A I didn't see Big Mike's right hand because
15 the officer had it, but it was up, so it may have
16 been times when the officer could have pulled his
17 right, because his left hand never removed off the
18 officer's car.

19 So there could have been times when
20 the officer pulled him, but like I said, because of
21 the position how Big Mike has on the officer,
22 officer never got out of the car, he is still
23 sitting down. He has a better way of pulling with
24 more force, so he is just pulling. I can see more
25 of the officer's arm out the window than his arm in

1 the window.

2 Q From your vantage point, you can tell if
3 Big Mike's hand ever went inside the officer's car?

4 A No, because at the point, I'm back and
5 forth, but when, I'll shoot, my eyes locked on the
6 officer.

7 Q So where was, where were the hands, I'm
8 interested in the hands and the arms?

9 A At that point when the officer said I'll
10 shoot, now is like Big Mike, this hand is not on the
11 car any more.

12 Q That's the left hand?

13 A The left arm is not on the car any more,
14 the officer still has the right arm, but he's not
15 inside the car. And when I look up and see the
16 officer, the officer has his gun pointed, his left
17 arm grabbed, he has his gun pointed aimed at Big
18 Mike.

19 In my mind it was probably aimed at
20 both of us, but I assumed he wasn't directly just
21 trying to go for Big Mike. He had his gun pointed
22 towards us. I'm still standing in the doorway and
23 at the time he said I'll shoot. He was going to say
24 it again, I'll shoot and almost, he didn't get to
25 finish his sentence, the gun went off.

1 **Q** At the time that the gun went off, where
2 were the hands of Big Mike?

3 **A** The left arm was down at his side. He was
4 standing straight up, I was standing right on the
5 side of him. The right arm was still up in the air
6 while the officer, but still pulling, but it is not
7 like he got any, pulling off the car, he is still
8 pulling the officer.

9 At this time, like I said, I see more
10 of the officer's arm outside the car than Big Mike's
11 arm inside the car, so he has a better position to
12 pull away from, the officer was sitting down.

13 **Q** Just so I understand with the officer's
14 left hand, he's pulling Big Mike's right arm into
15 the car and Mike's pulling away and the officer has
16 his gun in his right hand?

17 **A** Correct.

18 **Q** And he says, I'll shoot?

19 **A** Correct.

20 **Q** While this pulling is going on?

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

22 **Q** Okay. Go ahead, well, there is a
23 question?

24 Real quickly,

25 When the gun went off as soon as he said I'll

1 shoot, do you know if the gun was inside the car or
2 outside the car.

3 **A** The gun definitely was inside the car when
4 he fired the shot. How me and Big Mike was
5 standing, we were standing straight up, so we
6 definitely was outside the vehicle. The bullet came
7 outside the car and struck him. He was never inside
8 the car and got struck, he was outside the car when
9 the first shot went off. The officer was inside the
10 car, so the gun was inside the car, but when he shot
11 the gun, bullet traveled outside his car and struck
12 Big Mike in the chest, or I seen blood coming from.

13 **Q** (By Ms. Whirley) You are not sure where
14 the wound --

15 **A** It struck him, I definitely know that it
16 hit him, I saw the blood with the first shot.

17 **Q** Are you absolutely certain, I know you
18 talked about being in shock and that kind of thing,
19 this is very important, this jury is trying to get
20 this thing figured out.

21 Are you absolutely certain that you
22 did not see Big Mike's hands inside the officer's
23 car in a struggle with the officer?

24 **A** Now, his hand being inside the car, I
25 won't speculate on, like I said, there was times

1 where the officer had a good pull and his arm would
2 get in there, but majority of the time the officer
3 really didn't have that much power because of the
4 position that they both had. I'm not saying that he
5 was stronger than the officer, but because the
6 officer was sitting down in his car and Big Mike was
7 standing up and he had better, more strength in
8 pulling from the officer.

9 Q Right, can you go ahead?

10 A I never saw at no point in time Big Mike's
11 hand touch the gun or anything like that because of
12 the gun was already out drawn.

13 Q How about touching the officer?

14 A Now, touching the officer, now touching
15 the officer, maybe, because they're pulling each
16 other, but as far as striking the officer, or
17 physically striking the officer, no, I didn't see.

18 Q You didn't see him with a fist?

19 A No, ma'am, he never had his fist clenched
20 up like in a punching manner, so much as trying to
21 grab stuff and push himself off of.

22 Q Could it have happened and you missed it?

23 A Him striking the officer?

24 Q Right, some type of physical altercation
25 with the officer inside the car?

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

11 MS. WHIRLEY: Go ahead, questions?

12 : . In
13 here, what we heard earlier, you said that you could
14 tell, you couldn't really see him, the officer, you
15 said you couldn't tell what color hair he had, you
16 couldn't see what kind of build he was, but because
17 of his arm, you could tell that he was a certain,
18 you could assume that he was a certain build. If
19 you couldn't see the officer inside the car, is it
20 possible that you couldn't have seen Big Mike's arm
21 go into the car as well.

22 **A** I was going to say on that, the way they
23 ask that question, they was basically asking for a
24 description on the officer. And I told them that
25 because I was in a state of shock, I couldn't give

6 **A** Yeah, I'm still standing right here, but
7 I'm not like, he's got blue eyes, brown eyes, no. I
8 step back, there is a gun pointed at you guys,
9 that's how I'm acting like at this point.

12 **A** How tall I am? 5'6" or 5'7".

14 **A** 123,125.

17 **A** Not in front, but on the right side.

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

21 **A** I really couldn't, I didn't know how big
22 he was until I heard it.

24 **A** Yes, please.

25 : 285 pounds and 6'4".

1 He's a big, big guy.

2 **A** Yes.

3 With a big tummy.

4 **A** Yes, it wasn't so much his weight, he was
5 like big in bulk. He wasn't like blabby fat.

6 : I don't mean, big tummy,
7 or could be muscle whatever. You are a pretty small
8 guy, I am a small person too.

9 **A** Okay.

10 : If I am close to her and
11 she's fighting with them, and the other arm and I am
12 here and I have the side of the car, the head rest
13 on the seat, I don't know that I can see what
14 happened with the hand whether he touched the gun or
15 no. Describe the police or no. I don't see that
16 you can have as much vision as you say. I don't
17 think that you are lying, I think that you don't
18 have as much of a good vision as you say.

19 **A** Okay.

20 It is difficult for me to
21 understand that.

22 **A** And that's what I'm trying to make you
23 understand because of where I'm standing outside the
24 vehicle and how close I am to Big Mike and
25 everything that I saw, the officer never got Big

1 Mike inside the window. You have to think about
2 someone sitting down trying to pull in a 6'9", 285
3 pound person.

4 You're not going to have that much
5 ease with just, hey, get over here in this window.
6 No, he's big, he's standing up, and the officer's
7 gun is on his right side, I believe, because that's
8 where he draw from with his right arm. In order for
9 Big Mike to have touched the gun, it is almost like
10 his whole top half of his body had to be inside the
11 vehicle, and that never happened.

12 His arm, yes, but like I said, the
13 officer had it. It wasn't like his arm was in the
14 window free, the officer has his left arm on his
15 right arm, so if he made a grab and got that far
16 over there, it wasn't because --

17 So did you say he had the
18 right arm, not the left?

19 **A** Not the left, the left arm never went
20 towards the window whatsoever.

21 MS. ALIZADEH: Dorian, do you understand,
22 I don't know, I'm not a physics person or anything,
23 you know you kind of said to yourself that Mike
24 Brown was, Big Mike was in an advantageous position
25 and that he was standing on his feet outside the

1 vehicle.

2 **A** Correct.

3 MS. ALIZADEH: And the officer is seated
4 in his vehicle?

5 **A** Correct.

6 MS. ALIZADEH: Hard to figure out why he
7 couldn't break free if the officer has him just with
8 his left hand?

9 **A** Uh-huh.

10 MS. ALIZADEH: First of all, by the neck?

11 **A** Uh-huh.

12 MS. ALIZADEH: And then you said by his
13 shirt?

14 **A** Correct.

15 MS. ALIZADEH: You couldn't just, do you
16 understand it might be difficult to understand why
17 he couldn't just, just the sheer weight of him if he
18 had fallen over his shirt would have ripped.

19 **A** I understand that, that would almost be
20 believable if the officer was somebody of my size.
21 If the officer was a small person, Darren Wilson
22 didn't look small from his arm and from his, like I
23 said, I saw his top part. He never got out of the
24 car for me to see his full body size. I could tell
25 he wasn't a small officer. It wasn't like he could

1 be overtaken (sic) very easily.

2 Once you have a grasp on something, I
3 don't care if someone's really strong, if you have a
4 good grip on it, you can pretty much hold on to a
5 lot if someone's stronger than you, you can still
6 hold onto a lot. Not his flesh so much more, but
7 more his shirt. I'm not letting this shirt go sort
8 of thing.

9 MS. ALIZADEH: Just to clarify, you didn't
10 see him get out of the car, you saw him standing up
11 and fully out of the car later, correct?

12 **A** The police officer?

13 MS. ALIZADEH: Yeah, right.

14 **A** Yes, I did, correct.

15 MS. ALIZADEH: So how would you compare
16 him to how your build and height is? How tall did
17 you say you are?

18 **A** 5'6", 5'7", 123 pounds. He was bigger
19 than me.

20 MS. ALIZADEH: Okay.

21 **A** He wasn't so much bigger than me like Big
22 Mike, but he was bigger than me. You can tell he
23 was a full grown man, he was a grown man. He didn't
24 look like he was fat, he looked like he was a little
25 muscle, like a little training on him. He looked

1 like he was solid muscle also.

2 I didn't see where he was very weaker
3 than Big Mike, just so much as he had a bad position
4 sitting down not even getting out of the car, again,
5 to even confront. Just basically trying to, like he
6 was trying to pick up a kid or something like that.
7 It is still the whole ordeal more still looking like
8 chastisement from a father to a son type of deal.

9 MS. WHIRLEY: Number 1?

10 : Yeah, .
11 Just take a couple steps back, I'm trying to trace
12 how this began. Again, he puts it in reverse, what
13 did you say, from your point of view or perspective,
14 are you saying that Officer Darren is the aggressor
15 in this situation in regards to making that first
16 grab or whatever that is first?

17 **A** Correct, yes, I am. He was the aggressor
18 by initially just the way he reversed and opened his
19 door and the grab, it was overaggressive. I felt
20 like it wasn't needed.

21 If it was just regular backing up and
22 just gently getting out of his car, we had no reason
23 why we wasn't running no time before then, so we had
24 no reason to run from him if he would have did it
25 right if he was, you know, answering to a distress

1 call and he did catch us, or catch him. He would
2 have definitely locked both of us up at the time,
3 but like I said, he never said anything about the
4 store, he never got out of the car or anything like
5 that, it was all aggressive.

6 : Okay, thank you.

7 Q (By Ms. Whirley) Okay. So the first shot
8 goes off in the car while he has Big Mike's hand?

9 A Yes, ma'am.

10 MS. ALIZADEH: Right arm.

11 A At this time with the gun out, he don't
12 have much of the flesh so much as his shirt.

13 Q (By Ms. Whirley) Okay.

14 A A real tight grip on his shirt now.

15 Q Does he have on a long or short sleeve
16 shirt?

17 A Short sleeve shirt.

18 Q What about the police officer?

19 A The police officer, like I said, he had a
20 short sleeve shirt on, yes. I seen his arm, his
21 forearm, yeah, he had short sleeve shirt on.

22 Q So you told us the position of the hand
23 when the gun goes off the first shot inside the car,
24 he's in the car, the shot you said went out of the
25 car?

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

2 **Q** Hit Big Mike and then what?

3 **A** When the first shot went off, we were so
4 close and ringing, I've been shot before so
5 instantly everything, emotions that I had, like I've
6 been shot three or four years ago, so everything is
7 still fresh. With guns, I really dislike them loud
8 bangs.

9 At the time and seeing the fire come
10 out of the gun and shot go off, when I see Big Mike,
11 I see the blood come down his, where the officer had
12 his right side. I'm on his right side, I see the
13 blood come down.

14 I never looked at myself because I
15 was so afraid I was like, oh, I saw him. My eyes
16 got big, he didn't say anything after that. He kind
17 of looked at my face and saw my eyes and at that
18 time, that was when the officer let go and we were
19 both able to run. That's when I turn and run. He
20 was right behind me.

21 **Q** Which way did you run on the map?

22 **A** After the first shot took off, we both ran
23 this way. (indicating)

24 **Q** Okay.

25 **A** Now, I was so in shock and so in fear, at

1 that time now I'm just, I'm really afraid, I'm
2 really afraid. I don't know if the officer's coming
3 towards Big Mike or just towards both of us. Right
4 now I'm just so afraid that the time I get past the
5 first vehicle, I was in front of Big Mike when we
6 was walking. When I took off running, I was still
7 in front of him.

8 When I got to the first vehicle,
9 which was like a Sunfire or gray Sunfire, so very
10 small vehicle. The officer was not yet out of his
11 car, he was still in his car because I was able to
12 run to the car and like stand, not squatting real
13 low, but I was standing behind the car, the Sunfire,
14 but I know he was able to still see the back of my
15 neck and hair and all of those things.

16 When Big Mike ran past me, he saw me,
17 he looked directly at me he said, keep running, Bro.
18 And at that time is when I kind of hear the door
19 opening, I figure the officer is getting out of his
20 car now, but before then, like I said, the officer
21 was still in his car, I was able to run, squat
22 behind the first car.

23 Big Mike ran, he was right behind me.
24 He looked directly in my eyes and said, keep
25 running, Bro. That's when I knew that I was still

1 in plain sight. Now, the tension of me, I'm so
2 afraid that I can't move any more, so I'm just
3 standing there behind the first car now.

4 There is people in this car. Now
5 there is people coming outside the house because
6 they heard the first shot, there is not that many
7 people. As Big Mike run past me and sees me, he
8 keeps going. He makes it past the second car, once
9 he gets to the second car, I can feel, I'm not
10 looking around me because I'm so scared. I'm just
11 standing there and I can feel someone approaching,
12 so I kind of give a glance over to my right and it
13 is the officer now, he's walking, he's walking, but
14 he is kind of fast walking. He's not running or
15 anything like that, but he has his weapon drawn.

16 **Q** Just like you are doing now?

17 **A** Yes, in this manner, his weapon is drawn
18 and he's walking in at fast manner. He's not saying
19 anything, he's not saying freeze, he's not saying
20 anything at this time while still just
21 concentrating, he is walking.

22 As I see him, I'm in plain sight, Big
23 Mike was able to see me. He ran past me, keep
24 running. I'm so scared, I cannot move my feet.

25 And I watch the officer walk past, he

1 never even looked at me. He just kept walking past
2 and I'm watching him and I'm in awe. I'm like okay,
3 is he looking for us or is he going after him, but
4 everything is in my head is just racing real fast
5 because of the gunshot and I'm hyperventilating, my
6 heart is pounding.

7 After he walked past me, I kind of
8 stand up more. I'm trying to ask the people in the
9 first car, could I please just let me in the
10 vehicle, I stay in the same complex. You can just
11 drop me off. They said no, and they pulled off on
12 the sidewalk.

13 **Q** Where did they pull to?

14 **A** The first car? They didn't drive through
15 the driveway, they pulled on the sidewalk to drive
16 past the police officer. Once they pulled off, I
17 was even more visible now. I'm standing straight,
18 the officer's back is towards me, Big Mike's back is
19 towards me and the officer because he is running
20 away.

21 I'm watching the officer, he's
22 walking and Big Mike gets past the third car, the
23 final car before the second shot was fired. It was
24 the second shot fired, pow, the officer shot. I
25 don't know if it hit, I wasn't that close to see

1 that it struck Big Mike, but the manner that he
2 jerked and just stopped in his track, I sense that
3 he was hit again.

4 The first time I definitely knew, I
5 definitely saw him get shot the first time, he had
6 been struck one time already.

7 The second time he shot, I didn't
8 know if it hit him or not, but he kind of jerked and
9 that's when he stopped running. He just kind of
10 stopped and turned around at the officer. And now
11 he's face-to-face with the officer, but not so
12 close.

13 Now, Big Mike is probably, he's not
14 fully at the driveway, but he gets probably to the
15 curb of the driveway when the second shot, and now
16 at the second shot, the officer, I'll just put DW,
17 he's passing the third vehicle.

18 **Q** Where are you?

19 **A** At this time I'm still right here.

20 **Q** You are at the second vehicle?

21 **A** Yes, but I'm more over to the side now
22 because like I said, I was trying to talk to the
23 people in the front car. I was on the side of their
24 car when I was trying to talk to them.

25 After they pulled off, I had to stand

1 up and I was still in shock and now I'm just
2 watching the officer, you know, pace towards Big
3 Mike. I see him fire the second shot, I see Big
4 Mike turn around and face the officer. And now the
5 officer is past the last car and Big Mike is off the
6 sidewalk now more in the street.

7 Q What is Big Mike doing?

8 A At that time Big Mike's hands was up, but
9 not so much up in the air because he had been struck
10 already in this region somewhere on this. It was
11 like this hands is up and this hand is kind of like
12 down sort of.

13 Q His hands were nowhere near his waist?

14 A No, his hands never went down towards his
15 waistline or anything, like he didn't have a belt on
16 or anything.

17 Q Was he sagging, was his pants sagging or
18 you say he wasn't wearing a belt?

19 A Yeah, at that time he didn't look like he
20 was sagging.

21 Q That's okay if he was, I'm trying to get
22 the picture.

23 A At that time I wasn't looking for, I was
24 looking more at him and the officer because how he
25 stopped, I felt like he was shot again, so now I'm

1 really fearing like, wow, he's been shot twice. Not
2 knowing for sure he has been shot twice, definitely
3 know he has been shot one.

4 Q Okay. The reason why I am asking you
5 about the sagging, we probably all know the kind of,
6 you know, how young folks do it.

7 A Yeah.

8 Q A lot of times when they are sagging,
9 their pants are down so low that you can actually
10 see the waist area.

11 A Right.

12 Q That's what I'm asking, was he sagging or
13 do you recall?

14 A No.

15 Q Was not, but no belt?

16 A No belt on.

17 Q Did he have a weapon that day?

18 A No, ma'am.

19 Q Did you?

20 A No, ma'am, none whatsoever, anything like
21 that.

22 Q All right. He turns around, show us again
23 how his hands were?

24 A His hands, this one is higher, this hand
25 is higher, this one is, like I said, he was

1 definitely struck with the first shot. So I could
2 tell he was injured because this hand was a little
3 lower than this hand. As I'm looking at him, he
4 said I'm, he didn't say I'm unarmed per se, he said
5 I don't have a gun, but he's still mad, he still has
6 his angry face. I don't have a gun.

7 And he goes, he never started running
8 because, you know, he's hit, but sort of, I don't
9 have a gun. And before he can say the second
10 sentence or before he can even get it out, that's
11 when the several more shots came.

12 Q How close would you say the officer was to
13 Big Mike when Big Mike is saying to him, I don't
14 have a gun. Like can you kind of show us?

15 A I can't be definite on feet.

16 Q Big Mike is somewhere here, and the
17 officer is here?

18 A Yes. He's not on the sidewalk no more,
19 he's on the street level now and the officer has,
20 he's not so close to the third car, but he's like,
21 he's not on the sidewalk on the other side, he's
22 closer to the other side of the street, the opposite
23 side of Big Mike.

24 Q You are where?

25 A I'm still standing right in plain sight

1 standing on the side.

2 Q You can hear him say I don't have a gun?

3 A I can see him start to say something.

4 Q What did you hear him say, if anything?

5 A I heard him start to say I don't have, but
6 you know, in my state of mind in my shock, I'm
7 bouncing in and out. Time, in my mind slowed down
8 and everything, I can see what is going on.

9 Q Let me just make sure I understand because
10 this is important. Does he actually say, did you
11 actually hear him say, I don't have a gun or this is
12 what you are thinking he's trying to say?

13 A No, the first statement was I don't have a
14 gun.

15 Q You heard him say that?

16 A Yes, I don't have a gun.

17 Q Okay.

18 A The second statement he was starting to
19 say I, you know, he couldn't get the full sentence
20 out before the rest of the shots hit his body. And
21 I stood and watched face-to-face as every shot was
22 fired and as his body went down and his body never.
23 His body kind of just went down and fell, you know,
24 like a step, you know what I'm saying? Like a step,
25 his body just kind of collapsed down and he just

1 fell.

2 **Q** Was he walking towards the officer as he
3 was collapsing?

4 **A** He couldn't get a step off like. When he
5 was giving his second sentence, what he was going to
6 say, it was like he was going to step close to the
7 officer, but like I said, before he could even get
8 that sentence out, the rest of the shots was hitting
9 him and he was going down.

10 **Q** And was shots being fired as he was going
11 down?

12 **A** Shots was definitely fired while he was
13 going down. The last shot he fired he was so close
14 to the ground, it looked like to me he was already
15 on the ground. His knees were, he was going down,
16 he was already down before the last shot came.

17 **Q** So he never like got on his knees, he was
18 just falling down?

19 **A** He was falling. I can almost feel the
20 shots because like I said, I've been shot before.
21 I'm so face-to-face with him being shot, I'm seeing
22 his eyes blink and all of these different. It is
23 making me relive the pain of coming through because
24 I've only been shot one time.

25 I can see how many shots this officer

1 is firing, it is sickening to my stomach, I'm almost
2 bursting in tears right there. I threw up a little
3 in my mouth initially. I got in my head that he's
4 dead. When I see his body hit the ground, in my
5 head I say he's dead.

6 At that time while he's on the
7 ground, the officer is standing there, he doesn't
8 look around like he's looking for me or anything
9 like that, I'm still in plain sight. I never went
10 anywhere until it clicked back to me that he may
11 could be looking for you too.

12 Again, at that time, that's more fear
13 for my life. I just seen him gun down and kill
14 someone I was just walking with my friend Big Mike,
15 I see that, I see with my eyes he killed him. Now
16 in my head I'm wondering what is he going to do with
17 me.

18 Q Let me ask you this. When he stopped
19 shooting, what did he do, the officer?

20 A When he stopped shooting, the officer, he
21 just kind of stood there.

22 Q Did he go check for, check his pulse?

23 A No, ma'am.

24 Q Did he check to see if there was a weapon
25 anywhere?

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

2 **Q** What do you mean he just stood there?

3 **A** After giving the final shots, the rippling
4 shots because there is only one rippling shots.
5 Boom, boom, boom, boom, boom, he kind of stood
6 there. And at that time I see him, and I see Big
7 Mike on the ground, he's not moving, breathing or
8 anything like that. I see the officer kind of just
9 standing there, it wasn't for like a full two
10 seconds when I took off running, I just --

11 **Q** So you didn't see the officer when he went
12 back to his car or when he left the scene or
13 anything like that?

14 **A** No, I didn't see him go back to his car or
15 anything when I took off running. My building is
16 right here, I was so afraid for my life that I
17 didn't want to go to any other direction, so I took
18 this direction all the way, all the way around. I
19 went the longest way around to my house.

20 Now, when I got into my apartment, I
21 wasn't there for a minute or two, my girlfriend is
22 there, I'm hyperventilating, I'm still throwing up,
23 I have been throwing up since I started running.
24 I've been throwing up all the way along the run.

25 When I got there, she's trying to

1 calm me down, but I'm telling her, I'm trying to
2 tell her what just happened, but I'm so, I mean, I'm
3 hyperventilating so much that I can't really tell
4 her, and now I want to see did it really just
5 happen, did he just die, was he just injured, did
6 that just happened. So not a full two minutes --

7 MS. ALIZADEH: Excuse me, Dorian, do you
8 mind because we have been going now almost two hours
9 and the court reporter because his hands need a
10 break.

11 A Okay.

12 MS. ALIZADEH: Can we take, because we
13 still have a bit for you to do and if you need a
14 break or restroom break, we'll walk you out here in
15 a minute. Is that all right if we take like a five
16 minute break so that the court courter can stretch
17 his hands. You all can take a five minute break if
18 you like.

19 (Recess)

20 Q (By Ms. Whirley) Okay. Dorian, you were
21 telling us about, I think where we left off Mike
22 Brown or Big Mike had fell down.

23 MS. ALIZADEH: Actually, Sheila, we had
24 gotten to the point where he was back in his
25 apartment and was now saying you were going to go

1 out again that's kind of where.

2 **A** Correct.

3 MS. WHIRLEY: Thank you, Kathi. So go
4 ahead and finish.

5 **A** Like I said, when I had got back to my
6 apartment, hyperventilating, still trying to figure
7 out. At the scene, I kind of pretty much assumed
8 that he's dead. But when I ran to my apartment and
9 I was able to kind of get it together, it wasn't a
10 minute or two minutes, I came back out to check to
11 see if he's all right, is he moving or, you know,
12 did he really get killed.

13 When I came back out to the street,
14 you can see where my apartment is, how close the
15 street is. When I came back out, I came back
16 straight away. Came back straight away, I got to
17 about right here and I could still see that Big Mike
18 was still laying in the street in the same position
19 he was when he had got shot. But I did not see the
20 officer any more, I saw his cruiser, his car was
21 still there, it didn't look like he was inside the
22 car.

23 I continued to walk along because now
24 there is a lot of people outside right now. At this
25 time when coming back now, there is a lot of people,

1 but I did not see the officer any more, I did not
2 see any officers on the scene.

3 Q (By Ms. Whirley) That is what my question
4 was, so there is no police officers on the scene at
5 this time when you walk back?

6 A No, ma'am.

7 Q So there is no tape of anything?

8 A No tape, nothing right at the moment. At
9 the moment of me coming back, there was just Big
10 Mike laying in the street, his car was still there,
11 but Darren Wilson himself was not present any more,
12 there was a bunch of other people congregating
13 outside.

14 Q People from the neighborhood?

15 A Yes.

16 Q What did you do then?

17 MS. ALIZADEH: Can I ask a real quick
18 question? When you were in the house, when you went
19 back to your apartment.

20 A Yes, ma'am.

21 MS. ALIZADEH: Did you change clothes
22 then?

23 A Yes, ma'am. When I got into the
24 apartment, that's when I had changed my clothes.
25 I'm sorry, thank you for bringing that up. Yes, I

1 had changed my clothes in fear that he would see me
2 when I came out, but I definitely had to come back
3 out to see was he dead or not. I wasn't doing it, I
4 was still in fear of my life. So I just changed,
5 really didn't change that much I just put on
6 different bottoms and tank top.

7 **Q** (By Ms. Whirley) How long were you in the
8 house?

9 **A** Not even two, five, three minutes.

10 **Q** You didn't shower?

11 **A** I didn't shower or anything, I just
12 changed my bottoms and put on a tank top.

13 MS. WHIRLEY: Okay. You had a question?

14 : You
15 changed because you were afraid that the police
16 would recognize you?

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

18 When you came
19 back around and you were taking a peek at the scene,
20 did you notice whether the other two cars that were
21 in the traffic stop, were they still there?

22 **A** No. When I came back on the scene, the
23 rest of the cars, the two cars, they had already
24 pulled off, I'm assuming they pulled off. The car
25 was still right there. They had to pull through the

1 driveway or pull off like the first car just drive
2 on the sidewalk.

3 **Q** (By Ms. Whirley) So the road was open
4 between Michael Brown and the police cruiser, nobody
5 else on the road?

6 **A** Correct, yes, sir.

7 : At any
8 time from the first time the officer approached you
9 and Mr. Brown to the time of his death, did he ever
10 call for help?

11 **A** No, ma'am, the officer never got on his
12 dispatcher or anything like that. He never even
13 seemed like he really needed any help. We wasn't
14 threatening his life in a threatening manner. I
15 definitely wasn't doing anything like assisting Big
16 Mike in pulling him away. It was more so just him
17 and Big Mike, I didn't see him needing any help.

18 : . You said
19 that you had crouched down behind that first
20 vehicle?

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

22 : You described a Toyota,
23 are you speaking of a two door Toyota?

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

25 Or a Pontiac Sunfire; is

1 that correct?

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

3 Can you tell me were you
4 down on your knees like this, both knees, one knee
5 down like this or what?

6 **A** Yes, ma'am. I never got down on my knees
7 so much as crouch down slightly, just a little. I
8 played football in school, so I got a good crouch.
9 I was just basically standing there. I'm behind the
10 car, but I know that I'm not low enough because the
11 car is so small I didn't really want to get down on
12 the ground. I was just really trying to stoop.

13 But once Big Mike looked me in my
14 face as he is going by and says, hey, keep running,
15 Bro. At that moment I knew this is not a good place
16 to be, but I could not move because of fear and
17 shock that I was. My mind was like go, run, go, but
18 I was just like, uh, I couldn't move at the time.

19 : Is there any reason why
20 you didn't want to get on the ground, you said
21 somebody is shooting at you?

22 **A** Like I said, I'm so much in shock that
23 I've been shot before and the time that I have been
24 shot, I just kept running. I got hit running, so I
25 figure if I'm going to get hit, I'm going to get

1 shot, it might as well be trying to get away instead
2 of laying there basically waiting for it to happen.

3 : Your back is
4 to the car?

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

6 : Your back is to the
7 action so to speak?

8 **A** No, my back was to the car. At that time
9 when Big Mike passed me, he passed in front of me.
10 He past in front of me and he was still going and
11 now at that time my back is towards the officer in
12 the vehicle.

13 : Okay.

14 **A** Big Mike ran past me.

15 : You can see Big Mike?

16 **A** Yeah.

17 Your back is to the
18 officer and the officer's car?

19 **A** Correct.

20 MS. WHIRLEY: ?

21 : . So we
22 appreciate hearing your perspective and you are
23 obviously very much involved in this. From your
24 point of view, from your perspective, if you had to
25 say, you know, what caused Officer Darren Wilson to

1 fire all of these shots as you are pursuing Mike
2 Brown, what would you say is the cause of that?
3 Kind of from what you've seen and everything that
4 happened, why would you say he was pursuing him?

5 **A** You are saying why didn't he fire the
6 shots from the beginning or from the last couple
7 shots?

8 : He is out of the vehicle
9 and he is pursuing as Mike is running, why would you
10 say, do you have any suspicion?

11 **A** I saw no reason possible for him to
12 actually fire the weapon now. If he would just pull
13 it out to threaten him to stop running, I could see
14 him doing that, but I still didn't understand why he
15 pulled a gun out to threaten somebody to stop him,
16 but like I said, I didn't see no reason for him to
17 fire the shots. The first one or the rest of the
18 ones afterwards.

19 : Thank you.

20 So you
21 mentioned that he never said stop or halt when Big
22 Mike was running?

23 **A** Correct, yes, sir.

24 : So I guess the point where
25 he fired the one shot and he turned around?

1 **A** Yes.

2 : Leading up to that, you
3 never heard stop, get on the ground?

4 **A** No, sir and like I said, I was still on
5 the scene to the point where I could, I was still
6 right in the area and the only thing that I heard
7 was Big Mike tell me to keep running. After that
8 there was no more words said by anybody, it was just
9 shots fired.

10 : . I have a
11 question. You said after the first shot, your ears
12 were ringing?

13 **A** Yes.

14 : I've been in close range
15 with a loud noise, I know it can take a while for
16 your hearing to fully restore where it is like
17 cotton or ear plugs, how well did you actually hear
18 Michael Brown say, keep running, Bro, or was it
19 really muffled to you. I guess where I'm going with
20 this, if you really couldn't hear that well, were
21 you able to hear the officer clearly if he was
22 saying anything?

23 **A** Right, and I understand that. Prior to
24 the first shot firing off and I got to the car, I
25 guess the ring, like I said, I've been shot at

1 before, I've been shot once before, but I've been
2 shot at in crazy situations, walking home from
3 school and all.

4 So the ringing affect from gunfire,
5 it really didn't drown out everything because my
6 adrenaline was pumping so hard, my mind is going so
7 many different ways, like survival mode I should
8 say. So once he says something, I can definitely
9 hear, I'm like I'm locked in on him and the police
10 officer, Big Mike and the police officer.

11 So once he runs by me and says, keep
12 running, Bro, it is almost clear as us having a
13 conversation.

14 As the police officer is walking by,
15 he's not saying anything so much as focusing on
16 where he's going because he never once glanced over
17 at me like Big Mike did. Big Mike actually turned
18 his head and looked at me and kept running. The
19 officer walked past me and now that I'm not, I'm not
20 crouched down lower than I was when Big Mike saw me,
21 I'm still, is the officer going to see me or what is
22 he going to do because I know he can see me. What
23 is he going to say. He never said anything, never
24 look towards me, he just kept walking past me.

25 Q (By Ms. Whirley) So when you go back to

1 the scene to verify that what you thought happened
2 did indeed happen, what did you do then when you see
3 him laying, and there is no police there, what do
4 you do?

5 **A** At that time I kind of stood back into the
6 crowd of people that is starting to come out now
7 because at that time now, police officer was coming.
8 At that time it wasn't Darren Wilson who came back,
9 it was some other officer.

10 He initially started putting up the
11 tape around the area. At that time it was, he was
12 by himself.

13 So the family and people, I could
14 tell it was his family. They were trying to get
15 information from that officer who had just got on
16 the scene, so he really didn't know anything that
17 happened. So he's basically telling them to get
18 back, get back, move away and move away. I'm just
19 standing there like if this is his family and all
20 they want to know is why their son is laying in the
21 street uncovered. He wasn't covered at that time.

22 Everyone is taking pictures of him
23 and stuff like that, he's not covered, he's bleeding
24 everything, he's out in the open. The parents want
25 to know why, they're asking this officer who is on

1 the scene caution up, he's not telling them
2 anything, he has no information. Darren Wilson
3 wasn't there to tell him anything, you know, he was
4 gone.

5 His car was still there, they
6 actually had to take some caution tape over his car
7 because they left it there at that time so his car
8 was still there. It was cautioned off, but when I
9 saw that they were not giving, you know, the parents
10 what happened or anything like that and I was kind
11 of waiting to see if they were, if anybody were
12 going to come out to speak to them and say anything,
13 no one said anything.

14 Q Did you make contact with the police to
15 let them know what was going on?

16 A At that time I was real fearful, I was
17 more scared of police. I should say I didn't want
18 them to know when I ran the first time, everyone was
19 saying well, there was somebody with him, he ran so
20 fast we couldn't tell who it was, that's how fast I
21 was running. Even people who see me every day in my
22 complex didn't know it was me running.

23 Q Who was the first person that you talked
24 to about what happened?

25 A I had, I went to his grandmother's house.

1 She had just got out of the hospital and stuff. She
2 is staying in Northwinds, when I see his uncle and
3 all of them standing right there, I immediately all
4 right, they are not going to tell these people
5 anything, I have to tell their family. I was with
6 him last, I saw what happened. So I went to his
7 family only where he was living at.

8 Q His grandmother's house?

9 A His grandmother's house.

10 Q Did you actually talk to his grandmother?

11 A Yes, I talked to his grandmother.

12 Q What did you tell her?

13 A I told her exactly what happened. From
14 the start of the morning all the way to the store
15 incident.

16 Q What you told us here today?

17 A Yes, exactly.

18 Q So you went through the whole thing with
19 the grandmother?

20 A I told the grandmother, yes, ma'am,
21 grandmother, I think, I don't know if his auntie or
22 uncle was there, but it was definitely the immediate
23 family who lived there.

24 Q You told them?

25 A I told them.

1 **Q** Okay. Did anybody talk about calling the
2 police?

3 **A** They actually wanted me to walk down, that
4 was my first interview. I don't know if it was Fox
5 2 or anything like that, the first statement that
6 I've given. And that was the reason I gave it
7 because the family they asked me if I could do it
8 for them because they wanted to get it out
9 immediately. Their words, so it wouldn't be covered
10 up or misconstrued or any type of way. They wanted
11 me to get it out there quickly.

12 Even at that time now, it's a lot,
13 there is a strong police for now, there is a lot of
14 police officers, detectives out there. While I'm
15 talking to the camera, I'm talking to the camera
16 crew right here in this area where the cameras are
17 located at.

18 They taped off pretty much this area.
19 They taped off so all of that was taped off, nobody
20 could come through here or there or anybody like
21 that, it was taped off. Police force strong right
22 here and they are walking around, but I'm right here
23 talking to the camera. The first interview, I'm
24 talking to the camera, I'm talking to the uncles and
25 they are standing right there. At no time no police

1 officers came or looked for me or even was saying
2 they were looking for me.

3 Q You talking about that particular day?

4 A Yeah, that day.

5 Q So you didn't talk to the police, you were
6 so fearful?

7 A I was so afraid. I didn't know what was
8 going to happen to me. I basically just didn't,
9 really I didn't feel comfortable with Ferguson at
10 the time. That was really who was out there at that
11 time, there was a lot of Ferguson police officers
12 and I just felt like, you know what, I don't need to
13 be seen right now. I don't want to be detained in
14 any type of way, you know. It was just a lot at the
15 time and I was just in the crowd.

16 Even so, no one was asking for me or
17 looking for me really, they was just trying to
18 patrol the area what was going on.

19 Q Did you learn a day or two afterwards that
20 the police were wanting to get your statement?

21 A I didn't, a couple, three or four days, it
22 wasn't until I had my lawyer, that really was what
23 my concern was, I wait until I got a lawyer so that
24 I can, if they were looking for me, they wanted me.
25 I can go to my lawyer, here is what happen. I have

1 a lawyer right here that will represent me and stuff
2 like that.

3 At the time I didn't have nobody
4 representing me, I didn't have no one even caring if
5 it was me there or not.

6 Q Like the next day, did anybody tell you
7 that the police came to

8 A

9 Q looking for you to get a statement?

10 A I was actually there. No one came, I was
11 there in my apartment that day, no one came, knocked
12 on the door.

13 Q Not on the 11th, nobody came?

14 A Probably so because I don't know if I was
15 going to stay there on the 11th. When I came out,
16 the next day after this on the 10th, people thought
17 I was dead. Because they said that they found a
18 body, that is what happened, they found a body
19 behind Dominoes. The media, it was out of control,
20 people thought it was me.

21 When I came out of my apartment,
22 people crying and oh, they killed him too and all of
23 that. When some people saw me, like a neighbor saw
24 me, he was like, oh man, they are saying you're
25 dead. They said they found some body behind the

1 pizza place, you need to get out of here, it is
2 crazy.

3 So at that time my fear grew, not of
4 just me, for my daughter and my girlfriend.

5 Q Did your girlfriend tell you that the
6 police were looking for you to get a statement?

7 A She didn't see the police.

8 Q The police didn't make contact with your
9 girlfriend to your knowledge?

10 A Not with her or me.

11 Q So when did you first talk to the police?

12 A The first police that I did talk to was
13 the FBI and St. Louis County, and that was four days
14 prior to them releasing the video, so four days
15 before that, I had my talk with the FBI.

16 Q So that would have been the 13th of August
17 probably?

18 A Yeah, the 13th.

19 Q Okay. And so, even though the county
20 police, you know, the county police had taken over
21 the investigation?

22 A Well, I was out there long enough to see
23 the county actually come in and Ferguson leave, I
24 saw all of that.

25 Q Okay. And the county police were trying

1 to get you to get a statement, but you just weren't
2 aware of that?

3 **A** At the time, no, I wasn't aware of that,
4 that the county was looking for me or they wanted me
5 for questioning or anything like that.

6 MS. ALIZADEH: Can I ask a question?
7 Dorian, I know you talked about when you, you were
8 right by the police vehicle and you see these three
9 cars come up?

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

11 MS. ALIZADEH: Did you notice were any
12 cars coming from that direction?

13 **A** At that time, actually, through the
14 incident, no cars were coming in that direction.
15 There was no one trying to get over even though I
16 could see the police squad car is on the opposite
17 side of the line as well, but no one came. There
18 was no one held up that way.

19 MS. ALIZADEH: When you ran after the
20 police officer shot Mike and you ran away, you ran
21 kind of around, did you run around the police car,
22 is that the line you drew?

23 **A** That the tape, that's me here and that's
24 run all the way around.

25 MS. ALIZADEH: So when you ran in this

1 direction, did you say anything to anybody?

2 **A** Oh, no.

3 MS. ALIZADEH: Did you say anything?

4 **A** I didn't say anything, I was just running.

5 MS. ALIZADEH: You didn't say they killed
6 my friend.

7 **A** It did come out, but I didn't get it out
8 loud where someone would have heard it, I was just,
9 killed my friend. You know, I was still
10 hyperventilating, but it didn't come out a clear
11 sentence to where somebody standing there would have
12 heard it.

13 MS. ALIZADEH: You didn't see whether
14 there were any cars right there that would have seen
15 any of this?

16 **A** Oh definitely, the three cars.

17 MS. ALIZADEH: No, no, no, I'm sorry, on
18 the other side of the police car?

19 **A** No, when I was running, I wasn't looking,
20 I looked at the officer, I seen that he was still
21 standing there, and that's when trying to figure out
22 something in his head, let me run and I just ran. I
23 just kept running.

24 MS. ALIZADEH: Okay.

25 : : I have a

1 question for you. You talked about Michael Brown
2 said something, exchange words with the officer
3 during the tug of war at the car, you heard him say
4 something. And you heard him say something towards
5 the end right before he was killed, you didn't hear
6 the officer say anything during that tug of war or
7 anything during that entire time that he was coming
8 down the street.

9 **A** I didn't hear him, no, when he was coming
10 down the street after he got out of the car he said
11 nothing, I didn't see his mouth move. I was there
12 looking at him, his mouth wasn't moving, he didn't
13 say freeze or anything like that before he fired the
14 second shot, which made him stop.

15 And the car, because of the, I'm not
16 used to seeing, I see police officers get into it
17 with people before, I'm not use in that manner
18 sitting in his car, tug of war and all of that, I'm
19 not used to seeing it like that.

20 I'm not focused so much on what they
21 said, so much as saying who was going to calm down,
22 who was going to give in to the words because that
23 is all it was at the car was just words. There was
24 no physical altercation really as much as the
25 pulling of the arm, but so much as words being said

1 in a very aggressive manner.

2 Nothing like, no threatening manner
3 like I'll kill you, or let me go or I'll punch you.
4 Let me the F go, get the F off of me, and what the
5 officer said, I couldn't really make what he was
6 saying, I heard him cussing also, he had a very
7 angry face.

8 : Once he exited the car,
9 you didn't hear the officer say anything?

10 **A** Once he got out of the car after the shot
11 was fired, he didn't instantly get out of the car
12 when we ran, it took him like a minute maybe, or
13 some seconds to get out of the car, that's how I was
14 able to get to where I was able to position myself.

15 I didn't hear the door open until
16 after Big Mike was passing me telling me to keep
17 running. I hear the door and now, I didn't look
18 back at the time, so I'm not really sure if it was
19 his door or the people's door whose car I'm hiding
20 behind, but I hear a door open and slam. And almost
21 seconds later, I see the officer walking past me, so
22 I kind of figure he was getting out of his car at
23 that time.

24 MS. ALIZADEH: Dorian, you said it took
25 almost a minute for him to get out of the car?

1 **A** I wouldn't want to --

2 MS. ALIZADEH: I'm not pinning you to
3 that.

4 **A** It is almost like it was a pause before he
5 got out of the car.

6 MS. ALIZADEH: Okay. Now, you said
7 earlier that he never radioed for help, is it
8 possible while he was in the car, that's what he was
9 doing?

10 **A** It is possible that little split second of
11 him not instantly getting out of the car he was
12 radioing for backup.

13 MS. ALIZADEH: You don't know why the
14 delay in getting out of the car or if he was calling
15 for help, you don't know?'

16 **Q** (By Ms. Whirley) And just to be clear,
17 between the time that you started, your day with Big
18 Mike at seven-ish and/or up to the time of the
19 shooting, 12-ish or so, you guys never did get a
20 chance to smoke the weed?

21 **A** We never got a chance to do anything. We
22 never got a chance to make it back to the house.

23 MS. ALIZADEH: Were you two ever apart
24 during that day, like where he could have been doing
25 something that you weren't there to witness?

5 **A** From the time I saw him, we was together
6 from seven all the way to him dying.

8 : . You
9 said several times that the police officer didn't
10 say stop or freeze or halt or whatever, but he did
11 say twice I'll shoot, I'll shoot you.

15 The first time he said
16 I'll shoot, his gun went off and the second time the
17 officer pulled his weapon out and said the second
18 time I'll shoot you. What did you think that meant,
19 did you not think that meant to stop?

21 I'll shoot you, when a
22 cop says, police officer.

25 : Okay.

1 **A** That means get out of the way, either get
2 out of the way or protect ourself because, you know,
3 if he really wanted to stop. They have a lot of
4 phrases that they teach the first day at the academy
5 halt, freeze.

6 I'm sure like you go through some
7 type of simulation to where any, you know, any
8 altercation they have they might already been
9 through a simulation or something like that in
10 training to where he knows how you are supposed to
11 handle a situation as opposed to just pulling his
12 gun on people who doesn't have guns drawn on him,
13 who don't have weapons drawn down on him.

14 I'm not saying anything at all, he's
15 not, he's yelling, but he's not making any
16 threatening remarks towards the officer, so there
17 was no need for him to draw his gun in the first
18 manner, and that's what it really became. Oh, let
19 me get away because now it is starting to get out of
20 hand either furthermore the argument. And that was
21 in itself and I see that you could of, I'm not going
22 to say what he should of did or could have did
23 because he's a police officer, what I do I'm a
24 civilian.

25 All I'm saying is the gun definitely

1 was, it was out of order. Could have been a taser,
2 anything that made someone stop. The taser make me
3 stop, anything less lethal than a gun. He could
4 have pulled out the billy club to show he was going
5 to use force if we didn't stop.

6 : Then
7 you see they were the police say I shoot, you don't
8 need to stop?

9 **A** If you're not doing anything wrong.
10 If you are running, you
11 continue running when the police say I shoot?

12 **A** We wasn't running at the time, we was just
13 standing there. If we had been running he said I'll
14 shoot, oh, yeah, I'll stop. I don't want to get
15 shot. We are standing still and someone draws a gun
16 on you.

17 : What did he say the
18 second time, I shoot?

19 **A** Second time was not running, we was still
20 standing at the car. He said it first, he said I'll
21 shoot, and when he said it the first time, he's just
22 aiming at us, he's not, you know, out of his car, we
23 are still standing right there. The second time he
24 begins to say it, but he doesn't even finish it when
25 the gun goes off, when his gun goes off.

5 MS. WHIRLEY: Why do you need a lawyer,
6 why do you think you need a lawyer?

15 I would love to have a representative
16 on the side of me that he takes my story and says it
17 in a way that you'll understand it in dialogue that
18 you will understand.

23 :

25 And I don't have money to

1 hire a lawyer if I need it.

2 **A** I definitely don't either. It is a
3 blessing to get to that age, I pray we all get to
4 that age.

5 MS. ALIZADEH: So Dorian, let me clarify
6 this to make sure. You are saying the officer fired
7 one shot while he was inside the vehicle?

8 **A** Correct.

9 MS. ALIZADEH: And his gun was still
10 inside the vehicle?

11 **A** Correct.

12 MS. ALIZADEH: And no part of Mike Brown's
13 body at that point was inside the vehicle?

14 **A** Correct.

15 MS. ALIZADEH: And that's the only shot
16 you heard at the car, correct, the only shot that
17 was fired at the car?

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

19 MS. ALIZADEH: And then as Mike Brown ran
20 away, the officer once he is going toward Mike
21 Brown, he fired one shot?

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

23 MS. ALIZADEH: And you believe that that
24 hit Mike Brown at that point?

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

1 MS. ALIZADEH: While Mike Brown is running
2 away?

3 A Yes. His back is facing me and the
4 officer, Big Mike is ahead of us now. So he's the
5 farthest one, the officer is behind him and I'm
6 behind the officer, but basically Big Mike's back is
7 facing both of us.

8 MS. ALIZADEH: Now, Mike is running, I
9 guess, at this point, right?

10 A Yes, ma'am.

11 MS. ALIZADEH: Can you just stand up for
12 me and show me what position Mike's body was in when
13 you believe the officer shot him?

14 A The second time?

15 MS. ALIZADEH: Yes, from behind as he was
16 running away.

17 A As he's running away, he's running with
18 his arms down. Once the second shot fired off, I
19 see his body do like a jerking movement, not to
20 where it looked like he got hit in his back, but I
21 knew, it maybe could have grazed him, but he
22 definitely made a jerking movement. He didn't take
23 a step after that, his next steps was turn around
24 after the second shot.

25 MS. ALIZADEH: Okay. So when he made that

1 jerking movement and you are assuming that he had
2 been hit by a bullet?

3 **A** The second time. He was already struck
4 the first time for sure with my eyes I saw blood
5 come from his shirt.

6 **Q** Right. I'm talking about when you say you
7 saw him do kind of a jerk?

8 **A** That would have been the second time he
9 was hit.

10 MS. ALIZADEH: Okay. When you say you saw
11 that happen, at that point his arms are not up,
12 raised up, correct?

13 **A** Not when his back is facing, none
14 whatsoever, no.

15 MS. ALIZADEH: Right, and then he stops?

16 **A** He stops and he turns around.

17 MS. ALIZADEH: And he turns around and his
18 arms are going up as he is turning around?

19 **A** Yes.

20 MS. ALIZADEH: Okay. And then the
21 officer, he doesn't proceed toward the officer?

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

23 MS. WHIRLEY: Is he saying anything?

24 **A** At the time as soon as he turns around, he
25 didn't say anything. A split second later, he was

1 still angry because I know he could feel the shot.
2 He could feel the first shot if he was only shot one
3 time at that time, he definitely could feel that
4 shot. Shot him right in the area because his hand
5 couldn't really get up there. He was saying, I
6 don't have a gun, pop, pop, pop, pop, all the shots
7 came then.

8 MS. ALIZADEH: So from the time he turned
9 around, he did not proceed towards the officer?

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

11 MS. ALIZADEH: You have said maybe half
12 step and then he went down?

13 **A** Half a step maybe, his foot was coming off
14 the ground. He was being riddled with more shots
15 and then caused him to tumble over.

16 MS. ALIZADEH: Let me ask you this. From
17 the time you think he might have been shot when you
18 saw the jerk, did he proceed to run any distance
19 after that?

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

21 MS. ALIZADEH: He stopped immediately?

22 **A** He stopped immediately after that. After
23 that motion, pop, stopped, turned around.

24 MS. ALIZADEH: Is it possible that after
25 you saw him jerk like that, he continued to run

1 maybe another 20, 22 feet?

2 **A** Away from the officer?

3 MS. ALIZADEH: Yeah.

4 **A** No, after the second shot was fired, that
5 literally stopped him in his tracks and turned
6 around at that point.

7 MS. ALIZADEH: Then when you saw him turn
8 around, is it possible that he ran, not ran, at that
9 point he stopped running, right?

10 **A** Right.

11 MS. ALIZADEH: Is it possible that he
12 moved maybe 20, 22 feet toward the officer before he
13 fell?

14 **A** Not 20 to 22, not that far. Like I said,
15 he was barely on the sidewalk, he was barely on the
16 sidewalk to the parking lot. He was going towards
17 this building. I presume that's the way he was
18 running. He wasn't really all the way on the
19 driveway when the second shot went off, and he
20 turned around, and he was in the street.

21 He was taking a step towards the
22 officer to show him that he didn't have anything,
23 his hand was up, so he is showing the officer, I
24 don't have a weapon on me.

25 And as he's walking toward the

1 officer saying that in an angry manner, he was
2 saying it an angry manner, he was hurt, still
3 frustrated probably, so he's telling him, I don't
4 have a gun. I don't have -- before he can say, you
5 know, anything else, this man is riddled with more
6 shots until he tumbled other.

7 MS. ALIZADEH: He doesn't like run at the
8 officer?

9 A No, ma'am. At no point in time when he
10 turned around he made a rush towards the officer or
11 anything like he was going to tackle the officer or
12 anything like that. He was standing straight up.

13 MS. ALIZADEH: He maybe got like a step
14 you said before the gunshots?

15 A Before the several shots came. That was
16 the only time it came repeatedly, boom, boom, boom,
17 boom, boom, and he went down and that was it. He
18 wasn't moving any more.

19 MS. WHIRLEY: I don't know who was first.
20 : . When the
21 second shot was fired by Darren Wilson, where was he
22 related to his patrol car, was he right next to his
23 patrol car?

24 A The officer?

25 : Yes, on the second shot.

1 **A** Oh, no. The second shot, like I said,
2 once he got fully out of the patrol car, he never
3 turned back to it or got back in it. He came away
4 from the patrol car and like I said, feet and
5 distances are rough to me right now.

6 I definitely know that his patrol car
7 was in front of this driveway and in front of this
8 building, and when he shot the second shot he was at
9 the end of the building.

10 : . That being said,
11 going the same direction, they
12 found two bullet casings near the car. Do you have
13 any idea, any speculation why they find two bullet
14 casings at the car when you only heard one shot.

15 **A** I honestly do not know. He definitely
16 only shot one time inside the car, it wasn't
17 multiple shots. If they found, I mean, we don't
18 have forensics both shells match his gun. If they
19 did, I was lost after the first shot. That just
20 shows how much more shock I was in because I
21 definitely know he shot once, I wasn't aware of a
22 second shot at the car.

23 MS. WHIRLEY: Yes,
24 . So my question
25 again, so you were talking about doing the turning

1 motion when all the shots were fired, we'll see
2 where the wounds are, my thought was from the
3 turning, you were demonstrating the turning, I just
4 want to make sure. I don't know if you want to show
5 us, you are saying he is walking like this, you are
6 saying that second shot came on this side and then
7 that he turned?

8 **A** Yes.

9 : And the rest were on this
10 side?

11 **A** Well, he was running away, I didn't see
12 where the bullet struck him.

13 Okay.

14 **A** That's why I was trying to go back, but I
15 definitely saw the officer fire his gun while his
16 back was towards us, and both me and the officer, I
17 saw his body jerk. If he was struck, I don't know
18 if he was fully struck or he just grazed him, but
19 that's what stopped him in his tracks from running
20 away from the second shot.

21 : Thank you.

22 MS. WHIRLEY:

23 : . When you
24 came back after changing clothes and you saw people
25 were starting to come out at the scene, was anybody

1 in the street between the patrol car and where Big
2 Mike was laying in the street?

3 **A** Oh, yes, there was people crossing, no one
4 actually got close to his body, but people were
5 walking through the street, back and forth across
6 the side.

7 They would get on the sidewalk as
8 close they wanted to, but they wouldn't get in the
9 street by the body. They got pretty close to get
10 some real crazy pictures of his body.

11 MS. WHIRLEY: Was there anything stopping
12 them from getting up to his body before when it
13 first happened because you said there were no police
14 cars there initially?

15 **A** Nothing stopped anybody from the public
16 coming up to the dead body and just looking at it.
17 It was uncovered, his body was not covered at the
18 time, there was no police officers out there,
19 nobody, just the squad car. And he was not there,
20 there was no yellow tape. So people were just
21 coming out their doors, kids, you know, there is a
22 lot of kids out.

23 Just looking at the dead body, like
24 he is right here laying in front of us, that's how
25 people were able to walk up and look at his body,

1 and take their phones out, take pictures of his
2 body, was nobody telling them to stop.

3 At that time his family wasn't even
4 out there. It is just a bunch of random people
5 walking around coming out of that building, oh, it
6 is a dead body in our street. They are walking up
7 to it like it is a prank or something like that.

8 No, this is a real dead person, he's
9 not covered, his pants down are by his knees, you
10 could see the blood spilling from his top part, not
11 out of his head, but you can tell that it is blood
12 leaking because it is all coming from the top part.

13 I didn't even actually know he had
14 got shot in his face and head until the autopsy
15 report showed. I actually thought he just got shot
16 in his upper region and chest. When I seen a puddle
17 of blood coming from the top part of his body.

18 : Just to be clear, you did
19 see people between the car and this body in the
20 street?

21 **A** Correct.

22 MS. ALIZADEH: Dorian, you mentioned that
23 you didn't know until the autopsy report, what
24 autopsy report are you referring to?

25 **A** The private autopsy report that they

1 actually, there was only one that they spewed to the
2 public. It was the private autopsy where it said he
3 got shot in his face. It came out and went back in,
4 got shot in the top of his head. That's the only
5 one that I saw that they was releasing to the
6 public.

7 MS. ALIZADEH: Did you see an actual
8 report or you just saying what you saw because it
9 was on the news. I mean, they were speaking on the
10 news, did you actually see a report?

11 A Like the documentation of it, no, ma'am.

12 MS. ALIZADEH: So you are basing that on
13 what they said on the news?

14 A What the examiner said on the news, not
15 the media, the private examiner that was hired by
16 the family. And I'm sure his credentials follow him
17 wherever he goes. I know he is not random that's
18 doing an autopsy.

19 MS. ALIZADEH: No, and I'm not saying
20 that. I'm trying to figure out.

21 A Where I did I get those --

22 MS. ALIZADEH: I'm sorry, you know that
23 there was an autopsy done first?

24 A Yes.

25 MS. ALIZADEH: And then there was another?

1 **A** Second one.

2 MS. ALIZADEH: And a third?

3 **A** A third, right.

4 MS. ALIZADEH: I was trying to figure out
5 which one you were talking about?

6 **A** Correct, the family private autopsy.

7 MS. ALIZADEH: Okay. I'm sorry. Just one
8 more. When you made your statement to the FBI, was
9 that down at FBI or were you at the U.S. Attorneys
10 Office?

11 **A** I was down at my lawyer's.

12 MS. ALIZADEH: Oh, your lawyer's office,
13 that's right. Had you seen the autopsy report at
14 that time or did you know, I'm sorry, I know you
15 didn't see it. Had you learned the results of the
16 private autopsy at that point?

17 **A** Not from the private autopsy, but from
18 different witnesses account from where their
19 perspective was, their point of views, like the girl
20 on her third floor --

21 MS. ALIZADEH: Okay, we don't want to talk
22 about what other people saw.

23 **A** That's what I said.

24 MS. ALIZADEH: Because other people will
25 come in and say what they saw.

1 **A** Yeah, so.

2 MS. ALIZADEH: My question was, when you
3 talked to the FBI, we know that that was on the
4 13th, right?

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

6 MS. ALIZADEH: You hadn't seen, you didn't
7 know any results of any autopsy at that point, did
8 you?

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

10 MS. ALIZADEH: Okay. I just want to
11 clarify that. I don't know when you learned that
12 stuff.

13 **A** Okay.

14 MS. ALIZADEH: All right.

15 MS. WHIRLEY: Another question over here?

16 : I have a question.

17 . You said you went home and you
18 changed clothes so you wouldn't be recognize?

19 **A** Yes.

20 : Did you have any blood on
21 your clothes

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

23 : You were standing so
24 close to him?

25 **A** No, I didn't have, like blood didn't

1 splatter off of him so much as inside his shirt. I
2 seen it pop up on his shirt, he had a white shirt
3 on. So blood just trickled down his side.

4 MS. WHIRLEY: Anybody else? You Kathi?

5 MS. ALIZADEH: I just wanted to make sure
6 before we're done today, put your name and the date
7 of today's date on that map that you have been
8 drawing on, okay?

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

10 MS. ALIZADEH: And then also one final
11 thing, Dorian, and I know that there are people that
12 say that they've seen things, some have come forward
13 and maybe some have not. And as we explained to you
14 before this started, we're trying to get to the
15 truth.

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

17 MS. ALIZADEH: And so it is important if
18 there is someone out there that says they saw any
19 part of this, you know, we don't want the people
20 well, yeah, I talked to somebody who told me this.

21 **A** Right.

22 MS. ALIZADEH: But people who actually saw
23 this. Are you aware of anyone who claims that they
24 saw any part of this who has not talked to the
25 police or the FBI?

1 **A** I'm frankly surprised they have so many
2 witnesses to the actual event, prior to it happened,
3 I only saw one person that was out there when the
4 first shot went off all the way up to the last shot,
5 I only saw one person. I wasn't aware of anybody
6 and I only saw her because before the initial first
7 shot when the police stopped us, she was on her
8 balcony and I just happen to glance up and see her
9 and she stood there.

10 MS. ALIZADEH: Do you know who she is?

11 **A** Yes, her name is .

12 MS. ALIZADEH: Besides her, do you know
13 anybody who has said to you, man, that wasn't right,
14 I saw the whole thing. I'm not getting involved.
15 Is there anybody that you know of who claims to have
16 seen it, but is not going to come forward on their
17 own?

18 **A** Since the day all of this, of everything
19 that happened, I haven't spoken to anyone in
20 Canfield, per se. They really, I haven't seen, I
21 haven't been in that area.

22 It was a hard time for me getting my
23 things out of my apartment complex, so that's what
24 I'm dealing with now actually because they don't
25 want me consulting with nobody who may have heard

1 something from somebody else that want to tell me
2 something and stuff like that, I really don't know.

3 MS. ALIZADEH: The reason I ask you is
4 that at some point, I want to make sure that we've
5 heard, I don't want somebody coming forward down the
6 road and saying, hey, they never contacted me.

7 **A** Right.

8 MS. ALIZADEH: You know, if you know
9 somebody or later learn of somebody, would you let
10 us know so that we can try to talk to them?

11 **A** I pray that they get resolved before then,
12 but if someone ever came to me with evidence that
13 they was there and seeing something that is not
14 brought up already, then I would definitely relay
15 them to you all.

16 MS. ALIZADEH: Just also to clarify
17 because earlier you said you kind of knew some
18 neighbors and stuff, and you saw on the
19 balcony. Did you know her name before all of this
20 happen.

21 **A** I met her as She had recently just
22 moved there. I saw her moving in. I offered to
23 help them. I saw it was just two girls, I offered
24 to help them. She told me her name, she told me it
25 was I later found out her full name.

1 MS. ALIZADEH: So you had met her before
2 that date?

3 A Correct.

4 MS. WHIRLEY: Is there anything you want
5 to tell us that we just didn't think to ask that you
6 think is important, is information about this case?

7 A Yes. Regardless of everybody's opinion of
8 me, I know a lot of speculation of my past and
9 criminal record that I have or anything like that,
10 that day I felt like even though the store thing had
11 happened, I didn't feel like someone should have
12 lost their life.

13 I feel like the incident at the car
14 with both Mike Brown and Officer Darren Wilson could
15 have been resolved without deadly force.

16 We definitely wasn't posing a threat
17 to his life. I just want, I just pray that
18 everybody sees the evidence for what it really is.
19 Deadly force was really not necessary, everything
20 else, had he knew about the store incident, him
21 stopping us, all of that that's protocol, I get
22 that. Deadly force was never ever needed and I pray
23 that people really see that we didn't have any
24 weapons on us or anything like that.

25 He could be in jail right now.

1 MS. WHIRLEY: You mentioned something, you
2 know, the grand jurors may want to factor. You said
3 something about a criminal record?

4 A Yes, because I stay watching the news and
5 media outlets. I see they dug through years in my
6 past to see an incident that happened in Jefferson
7 City, but what they fail, they keep leaving out is I
8 was a freshman in college at this time, everybody
9 makes, you know, crazy little moves their freshman
10 year. I was just beginning, I was getting out, I
11 was breaking out of my kid years, you know, just
12 being on my own around new people, Atlanta people,
13 Washington people, people I never see on a daily
14 basis, I'm from St. Louis.

15 So to hold that against me and
16 Michael Brown on a day that has nothing to do with
17 it, I feel like it is very wrong, especially for
18 them not to dig two or three years prior and in
19 Darren Wilson's file and see if any complaints were
20 made against him. Basically all I keep seeing is
21 slander on my name.

22 Q (By Ms. Whirley) We don't want to slander
23 you, but we just want all the information you can
24 get. What is the nature of the thing in Jefferson
25 City, what happened?

1 **A** There was just basically me walking with a
2 group of kids that I knew, we were going to a YMCA
3 to play basketball. I didn't have membership there.
4 They actually had membership there. So we are
5 walking through some apartments, one of the guys,
6 you know, he grabbed a package and, you know, he
7 ripped it opened. As we are walking towards the
8 YMCA, I see a pool guy, he sees us, but he doesn't
9 see anything in our hand or anything like that, but
10 he sees us walking from out of the apartments going
11 towards the gym.

12 So I guess whoever's package it was,
13 they made the call saying someone had stole
14 something off their property or something like that.

15 And I guess he took it in his own
16 mind that I just saw these guys coming out of those
17 apartments. When they went to run the YMCA cameras
18 to see who had just recently walked in, I did not
19 pay to get in, even though I was supposed to. I
20 kind of just walked right on past, go down to the
21 gym, play basketball.

22 And when the police came and they ran
23 the camera back and they saw like he didn't pay or
24 this group right here, they came down, they grabbed
25 basically the last group.

1 MS. WHIRLEY: Did you get charged with
2 that?

3 A I did not get charged with it, I had to go
4 to court on two charges.

5 MS. WHIRLEY: What were the charges?

6 A I had a false report to an officer, I had
7 stealing charge that they were trying to see if I
8 was the one that had stole it. I was going to
9 court. At that time of me leaving court, I had been
10 fed up with being stopped by off campus police and
11 on campus police because of the stereotypical they
12 look at people from St. Louis. And being stopped
13 everyday, being late for class and having to remake
14 up work, I just said you know what, Jefferson City
15 school, Lincoln University was not for me at the
16 time.

17 So I left, and still having to come
18 back to court in Jefferson City, I've been getting a
19 lot done down here in St. Louis. I don't have a
20 charge for the City or County of St. Louis, but when
21 they run my name, they see Jefferson City. They
22 detain me sometimes, some police officers let me go.
23 A couple police officers they detain me. Jefferson
24 City, they never come and get me. The warrant is a
25 500 mile, my lawyer reached out to them, if you are

1 outside 500 miles.

2 MS. WHIRLEY: 50 miles.

3 **A** 50 miles, we are not coming to get you.

4 I'm sure the other police officers they see that,

5 but they always detain me and they hold me.

6 MS. WHIRLEY: You were never on probation

7 for that?

8 **A** When I got locked up, when I had got

9 locked up, I got to the Jefferson City probation

10 about the stealing, I guess I was in the middle of

11 asking the judge can I do my probation in St. Louis

12 because I was not from Jefferson City and in the

13 middle of that we kind of lost contact, lost

14 communication.

15 MS. WHIRLEY: It was probation, you had

16 resolved it through probation?

17 **A** Right.

18 MS. WHIRLEY: Was it a felony or

19 misdemeanor?

20 **A** It was a misdemeanor.

21 MS. WHIRLEY: Do you have an other

22 convictions or felonies or misdemeanors?

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

24 MS. WHIRLEY: All right.

25 MS. ALIZADEH: I just want, you had

1 mentioned the stealing thing and then you said a
2 false police report?

3 **A** Yes.

4 MS. ALIZADEH: Is that the same incident
5 or was that a separate thing?

6 **A** That was the same incident with the
7 officer who actually had me, he put me in the car,
8 took me down to the station. I had both my school
9 campus ID and my state ID in possession of me. When
10 the officer asked me my name, I didn't say anything
11 so much as just handed him my identification. I was
12 mad at the time, again, I was a freshman in college,
13 I'm kind of angry with the police, so I don't really
14 want to say anything to them, but I know what he is
15 going to ask me for my identification.

16 So I hand him my school ID and both
17 my state ID at the same time. He is looking at both
18 of them, he's looking at me. I have a very
19 distinguished feature about me, I have one of my
20 eyes, I have a cataract, one of them is blue and the
21 other one is brown. It is like that on both my
22 picture ID, I have distinguish color on my eyes.

23 So I'm sure he can see that, in my
24 mind I know he can see it, I know he can tell that
25 this is me, who I am. He actually called campus

1 security from Lincoln University, they also came
2 down and verified that's him, you know, we seem him
3 walking around on campus. But because I never said
4 nothing to the officer, he took that as
5 disobedience.

6 And he was like, you are not going to
7 tell me anything, so I'm just going to write down
8 that you gave me a false report. Me being a
9 freshman and not really wanting to talk to him, I
10 just kind of shrug my shoulders not thinking too
11 much of it until it got to court and it was like
12 this is serious, but the judge, he threw that one
13 out of court. I never got charged for that or
14 anything.

15 MS. ALIZADEH: Okay.

16 MS. WHIRLEY: Anything else? Dorian, we
17 appreciate you coming.

18 (End of the hearing for September 10,
19 2014.)
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2 State of Missouri

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SS.

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County of St. Louis

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Notice in the civil cause now pending and

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undetermined in the County of St. Louis, State of

12

Missouri.

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The said witness, being of sound mind and being

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by the grand jury first carefully examined and duly

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cautioned and sworn to testify to the truth, the

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whole truth, and nothing but the truth in the case

17

aforesaid, thereupon testified as is shown in the

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foregoing transcript, said testimony being by me

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correctly sets forth the testimony of the

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aforementioned witness, together with the questions

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propounded by counsel and grand jurors thereto, and

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1 COURT MEMO

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5 Grand Jury- Ferguson Police Shooting

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7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury

12

13 9/10/2014

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

16

17 St. Louis County Prosecuting Attorney's Office

18 100 S. Central Ave.

19 Clayton, MO 63105

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2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
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8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

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