## Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume VIII

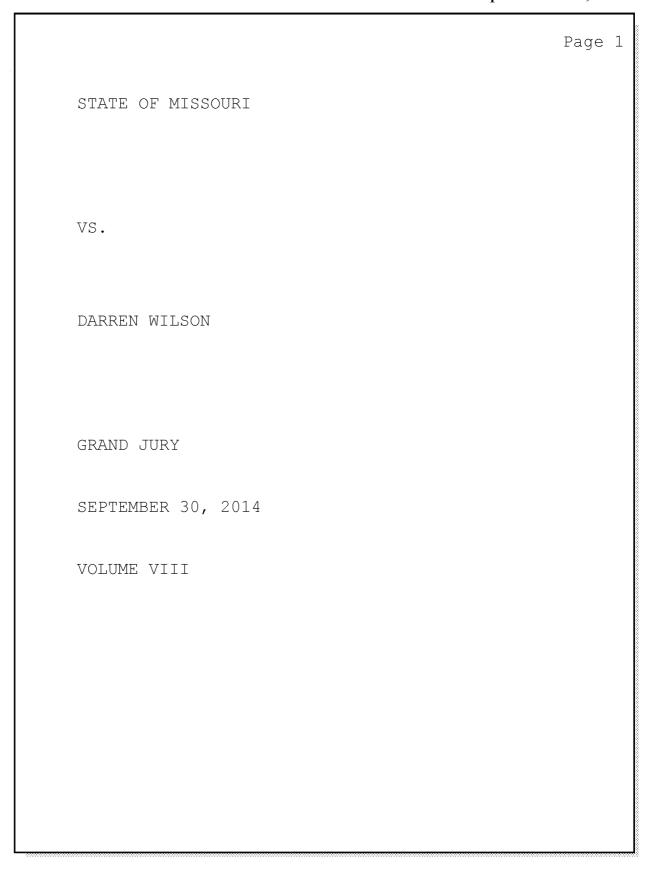
Date: September 30, 2014

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Page 2
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           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
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                       STATE OF MISSOURI
 3
     STATE OF MISSOURI
 5
 7
     VS.
 8
 9
     DARREN WILSON
10
11
12
          The following is a hearing before the Grand
     Jury of St. Louis County, at the offices of St.
13
14
     Louis County Prosecuting Attorney's Office, 100
15
     South Central Avenue, in the City of Clayton, State
16
     of Missouri, on the 30th day of September, 2014,
17
     before
18
19
20
21
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23
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Page 3
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     APPEARANCES OF COUNSEL:
 2
 3
      FOR THE STATE:
         Ms. Kathi Alizadeh & Ms. Sheila Whirley
         Assistant Prosecuting Attorneys for St. Louis
 5
 6
     County
 7
         100 South Central Avenue, 2nd Floor
 8
         Clayton, MO 63105
          (314) 615-2600
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	Page 5
1	GRAND JURY VOLUME VIII
2	MS. ALIZADEH: Good morning.
3	(Everyone says good morning.)
4	MS. ALIZADEH: It is Tuesday,
5	September 30th at 8:32 a.m. Present is myself,
6	Kathi Alizadeh, and Sheila Whirley of St. Louis
7	County Prosecutor's Office. All 12 grand jurors are
8	present as well as the court reporter, who is audio
9	recording and taking down everything that is being
10	said this morning.
11	I want to give a little pep talk to you as
12	it were. I can only imagine the disruption that
13	this causes in all of your lives and schedules, and
14	I hope you know how appreciative that we are that we
15	have the 12 of you who have agreed, even though
16	maybe your arms were twisted a little bit, but
17	agreed to, you know, devote the time and effort that
18	this matter takes.
19	Don't think I'm understating it or
20	overstating it to say how important this is. And I
21	know you all, you know, since you're not a jury,
22	there is no admonition that you not watch the news
23	and anything like that, and I know that you can't
24	really avoid seeing things about this in the news
25	and, you know, not only here locally, but as well
I	

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Page 6 1 throughout the country. This is a very public 2 matter and it is very important that we get this 3 right. 4 And, as you know, Mr. McCulloch made a 5 statement in the very beginning we were going to be 6 as thorough as possible. And that means anybody who 7 says that they saw part of this or knows something 8 about it, is going to be able to be heard. 9 Even people that are reluctant to come in, 10 we're going to do whatever we can to get them here 11 because it is important that you have all the facts 12 and information. 13 And I know sometimes it seems like it is 14 very tedious because some of these eyewitnesses have 15 made multiple statements and again, Mr. McCulloch 16 has promised that there wasn't going to be anything 17 that you didn't have the opportunity or weren't able 18 to see or hear, and that means playing all of these 19 statements for you. 20 And we do that because, obviously, there 21 is times when if a witness makes multiple 22 statements, sometimes over time their statements 23 changes, sometimes dramatically, sometimes only 24 slightly and insignificantly, but I think that those 25 are things that you all have a right to consider

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Page 7 when the witness testifies, if they've made previous 1 2 statements that are different than what maybe they 3 are telling you in the grand jury. That happens in every case, every time a 4 5 witness makes a prior statement, that statement can 6 be brought up, as you know well, you said this 7 previously, how come you are changing your story. 8 And, you know, neither Sheila and I are 9 prepping these witnesses in the way we would if we 10 were having a trial. We try cases, we have our 11 witnesses come in and we talk to them about what is 12 going to happen, we go over what their testimony is 13 going to be, not in the sense like rehearsing, we want to know what they're going to say before they 14 15 get up there and testify. 16 And that's just good lawyering. No one 17 would ever expect me to put on a witness in a trial 18 when I didn't know what they were going to say. 19 But in this case, you know, we don't want to have to, we don't want to in any way influence 20 21 what these people are going to come forward and say 22 to you. And so we don't do any prepping with any of 23 these witnesses, other than to explain to them what 24 is going to happen when they come in here, the 25 process. So I don't know what they're going to say

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Page 8 1 when they get here. 2 I mean, I have an idea because they've 3 made prior statements, I assume they are going to say something like they said before, but the reality 4 5 is, I don't know, and that's why it is important 6 that we play for you those prior statements so that 7 you know what they have said previously and can 8 compare that to what they say today when they 9 testify. 10 A lot of times, I know it is tedious and 11 it seems redundant, why are we hearing this person 12 say the same thing now three times. 13 If the person makes the same statement 14 three times, you may consider that when you are 15 deliberating about how that, what that means for 16 that person's credibility, their ability to have 17 observed what they say they saw and recall what they say they saw. Those were all things that I think 18 19 are important because there are a lot of people that 20 see bits and pieces of what happened that day, and I 21 think you can even see right now how, you know, 22 depending on where you were standing, it affects 23 what maybe you say you saw, and that's human nature 24 too. 25 So, again, Sheila and I are not worried,

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Page 9 1 but very, we're concerned about the speed that this 2 is coming in. We're going to do our best to try to 3 kick it up if we can. 4 A lot of these eyewitnesses you are going 5 to hear from who have made multiple statements, we 6 expect that hopefully that's going to be less and 7 less and eventually, you know, we'll get through the 8 eyewitnesses, and then you are going to hear from ballistics people, and lab people, and DNA people, 10 and, of course, those witnesses don't have prior 11 recorded statements that we'll have to present to 12 They may have reports that you will get copies 13 of, but at any rate, I know that this is tedious. 14 know you want your lives back, your lives back the 15 way they were. 16 All I can tell you is that this will be 17 over at some point, this is not indefinite, and 18 we're doing everything we can to try to get through 19 this as quickly as possible. 20 We were hearing the other day that there 21 is rumors that you all are going to be done this 22 I'm here to tell you, no, that's not week. 23 happening. 24 Originally, we had made estimates we would 25 get done about the end of October, early November.

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Page 10 1 We may go into mid November. 2 As I said in the beginning, if this takes 3 until January for you all to have what you need to make this decision, then that's what we're going to 4 5 have to do. 6 We'll do it as quickly as we can without 7 rushing through it and skipping through things that 8 need to be done. So that being said, I truly, truly 10 apologize for the disruption in your lives. You all 11 really seem to be a great group of people, I'm so 12 glad you all get along as you do, it would be awful 13 if we had people that, you know, had conflicts and 14 bickering going on. You all seem to be, as best as 15 you can, hanging in there with us. 16 So, again, Sheila and I thank you for your 17 patience. So that being said, yes. 18 I have a 19 question. I try not to watch the news, I try not to 20 read anything about this because I like to have an 21 open mind so I have all the facts that is presented

23 My concern is that, um, my concern is that

everybody is saying hurry up, hurry up, hurry up,

from what I'm hearing. Hurry up, make a decision, 25

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here.

22

24

Page 11 1 hurry up and get this done, hurry up and get that 2 done. 3 And I know that this information has been disseminated. I know Mr. McCulloch before has said 4 5 there is a process and this is the process that we 6 have to follow. 7 Is the NAACP, or these other, you know, 8 coalitions, are they confirming what he is saying to 9 the people of Ferguson? I mean, I don't know if you 10 can comment on that, but. 11 MS. ALIZADEH: Well, all I can tell you --12 I think everybody needs to 13 rachet it down a little bit and let us do what we 14 can do. I have faith and trust in everybody in 15 here, you know, to make the decision that's 16 appropriate. I'm not saying it is the right 17 decision, I'm not saying it is the wrong decision, 18 but make the decision that's appropriate based on 19 the facts. But is that being disseminated by these 20 groups or whatever to the people there? 21 MS. ALIZADEH: Well, there has been, as I 22 said, there have been rumors, I think there was 23 someone who had tweeted yesterday, a person of 24 public, a public person that, you know, I hear 25 unverified rumor the grand jury is going to have

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Page 12 their decision by Friday. I don't know where they 1 2 get this stuff. I don't know where that comes from, 3 but I know that last week and yesterday Mr. McCulloch did give interviews to the media. 5 Last week he gave interviews to several 6 media outlets describing the process. The fact how 7 a grand jury is selected, you know. 8 My office has nothing to do with how you 9 all are selected. The fact that you were selected 10 way before this even, you know, happened, you know. 11 And then the process of how, you know, when you have 12 regular lives, this is not like a jury in a trial 13 where Monday through Friday from 8:00 to 5:00 you 14 are going to be here until it is done. That's not how it works. In a trial that's how it work, I 15 16 mean. 17 We have jurors that we have to tell them 18 in advance this is going to be a two-week trial, 19 this is going to be a three-week trial. But he has 20 made those statements and, you know, I can't, I 21 can't help what goes around in the rumor mill. Ι 22 don't think we have much control over that. 23 But I will express to him those thoughts 24 that if any wisdom in trying to bring together some 25 of the people in the various communities who can

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Page 13 1 disseminate that message that, you know, be patient. 2 I mean, there is that catch phrase people 3 always talk about, rush to judgment. That was a 4 phrase made popular years ago. People keep saying 5 hurry up, hurry up. We're not going to rush to 6 judgment here. 7 If we wanted to, we could present this 8 case as we do any other case. We could have a 9 detective come in here and tell you what he thinks, 10 you know, the evidence is, and then you all would be 11 making your own decision based on that, but that's 12 not how we've chosen to do this because of the 13 importance of letting all sides be heard in this 14 matter. 15 So I will talk to Mr. McCulloch about the 16 strategy behind that, that it might be, because we 17 all want everybody to just calm down. It will 18 happen, there will be an answer, but you have to be patient, you have to let the grand jury do their 19 20 job, you have to let us do our job. 21 And, you know, the problem is too, we 22 can't tell people how often you're meeting, what 23 days you're meeting, how many witnesses are

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testifying, because we're prohibited from talking

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about that.

24

25

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Page 14
 1
               And so when people ask questions how often
 2
     are they meeting or how many hours a week or how
 3
     many witnesses are they hearing from, we can't
 4
     answer those questions.
 5
               I think just the fact that the questions
 6
     are asked and we can't answer it, I wonder if that
7
     might create even more like, well, why aren't you
 8
     telling us this.
 9
               So I will talk to him and maybe we'll kick
10
     that around and we meet daily, except for these
11
     days. We usually don't meet on these days, but we
12
     meet pretty much every day and talk about what's
13
     going on and how we are progressing.
14
               And so yes,
15
                                             I'm going to
16
     piggyback on her question. I've heard a lot of
17
     people talking about, this is people who should
18
     know, talking about why don't they just arrest him,
19
     and then figure out what's going on, why don't they
20
     just take action, do they not understand the
21
     process? Is that the problem, or is there a way to
22
     bypass this because it seems to me that we're doing
23
     what needs to be done and we're doing what's right
24
     and people are not seeing that.
25
               MS. ALIZADEH: Well, you know, the one
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 1
     thing I will tell you is that, you know, my friends
 2
     and neighbors know what I do and they know I'm doing
 3
     this. And trust me, they are asking me questions
     all the time.
 5
                                 I hear you.
 6
               MS. ALIZADEH: All I can say is I don't
7
     want to talk about it, I don't want to talk about
 8
          I'm just crazy busy, doing what we can, I'm not
     going to talk about it. I don't want to talk about
10
          It is like I go home, I still bring work home,
11
     I don't want to be talking about it and I shouldn't
12
     and I don't. But I do tell them, we're working, you
13
     know, we're working hard and so it is just going to
14
     take a while before this process is completed.
15
               And, you know, as far as like you saying
16
     watching the news and everything, I don't watch the
17
            I truly don't. I watch the news in the
     morning so I can see what the weather is, if there
18
19
     is like a traffic accident on the highway on my way
20
     in so I need to go a different route.
21
               I don't want to see what's going on, even
22
     though I know it's there and I hear about it,
23
     because, number one, I just need to have a little,
24
     you know, of my personal life that isn't affected by
25
     this, but also I just don't want any of that to
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Page 16 1 affect what I'm doing. 2 I can't worry about what's going on out 3 there because I can't control it. And as Sheila knows and will tell you, I'm a control freak, and I 4 5 think you all know that. 6 When I can't control something, I don't 7 want to have, I just have to put that over there. 8 Yeah, I can't listen to too much of this on the news and I can't be concerned, like I said, we were 10 talking yesterday with these rumors, who came up 11 with that, how is that getting out. 12 But it is like, you know, it is like being 13 in high school. These rumors get started, I have no 14 idea who started them, and then it is like the game 15 of telephone because next thing you know the rumor 16 morphed into something different and we can't worry 17 about that, we can't worry about that. 18 Just know that we're working behind the 19 scenes every day, hard to get this put together for 20 you guys. We also, I will remind you and press upon 21 you if there is anything that you think that you 22 need that you don't have, and I know that you have 23 made the comment, , previously, about 24 wanting to hear from the private medical examiner 25 that the family Michael Brown had hired. We're

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Page 17 1 looking into that. 2 You all have asked questions along the 3 way, and trust me, we are not ignoring those 4 questions, we are doing what we can to see. You 5 think there is something we need to know about or 6 hear that we haven't given you, then we're not doing 7 our job and we want to make sure we give you 8 whatever you think you need. 9 MS. WHIRLEY: Did you have a comment? 10 Last 11 night on the news, I know you just said you don't 12 watch the news, it was stated that Officer Wilson 13 had a case pending, a previous case pending. My 14 question is, how much does that affect what we're 15 going through? 16 MS. ALIZADEH: It shouldn't affect what 17 you have. I was aware of that. Simply because I 18 saw some cameras out yesterday, and I saw an 19 attorney that was commenting about it and I heard 20 about what it was. 21 But, you know, up until August 9th, he was 22 an on duty police officer who made traffic stops and 23 arrests and did other things other police officers 24 do and so I would imagine, I've not looked, but I 25 would imagine he has pending cases in our office.

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Page 18
               How those are handled and what comes of
 1
 2
     those cases shouldn't be your concern. I will tell
 3
     you that I do not believe, and I will look into
 4
     this, but I do not believe that he will, I mean, I
 5
     know he won't be testifying in front of this grand
 6
     jury any more because you're only hearing this
 7
     matter.
 8
               I don't know that, I can't say for sure he
 9
     wouldn't be called to court or called to testify on
10
     anything else, but I think it is unlikely, but I
11
     don't know. I don't know that necessarily will have
12
     any impact on what you all are doing.
13
               That's the best I can say about that.
14
               On for today we have a witness here, his
15
     name is
                           . He's going to tell you what
16
     he knows about this matter and
                                               , of
17
     course, has made previous statements so we're going
     to start out by listening to those statements.
18
19
     First statement was done on August 12th, and it was
20
     done by the County Police.
21
               And, remember, as I said a lot of times
22
     when the police do a statement, then the FBI has to
23
     come along and do their own statement, so after we
24
     hear the statement by the County Police, we will
25
     hear a statement that was done by the FBI.
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- 1		
		Page 19
	1	You all remember that last time I played
	2	that video that purportedly has comments
	3	made by , and
	4	then I was trying to play the audio back, and I
	5	thought then I might not have the right clip. So I
	6	straightened that out, so we may play that also
	7	later today if we have a gap in things.
	8	We don't want you sitting here with
	9	nothing to do. We're going to keep you busy as long
	10	as you're willing to work.
	11	you can turn off the recorder. The
	12	recording will be paused while we are playing the
	13	interview of that was done on
	14	August 9th by St. Louis County police detectives and
	15	that recording is contained on Grand Jury Exhibit
	16	Number 17. And, pause that recording.
	17	(This is the interview of
	18	being played at this time.)
	19	MS. ALIZADEH: During the playing of that
	20	statement, I passed around to you copies of the map
	21	that I marked as Grand Jury Exhibit Number 30.
	22	(Deposition Exhibit Number 30
	23	marked for identification.)
	24	MS. ALIZADEH: Which was a drawing that
	25	was done during the statement of It
	i	

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Page 20 1 is apparent in the statement that there was another 2 drawing done, I don't know if I have that one, I 3 will have to check and see if I have it and if not, I will get that for you as well today. 4 5 Remember, we talked about they were 6 drawing the car and the position of the car or 7 something. 8 So the next statement is about an hour 9 long as well, so do you all want to take a 10 five-minute break for bathroom and stand up. All 11 right. We will do that. It is 10:09 a.m. How 12 about 10:15, is that enough time? 13 (Recess) 14 MS. ALIZADEH: It is 10:21 on 15 September 30th, we took a short break. This is 16 Kathi Alizadeh. Sheila Whirley, as well as all 12 17 grand jurors and the court reporter. And we are now 18 going to play for you a recorded statement that was 19 done of , who was the gentleman who we 20 just played the statement that he made to the County 21 Police. 22 This is the statement that he made last 23 week during an FBI interview. I just looked and it 24 appears to an hour and 18 minutes long, and it is 25 cued up and ready to go. If we don't have

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Page 21
 1
     transcripts as of right now because the statement
 2
     was only last week.
 3
               So if we get transcripts while you're
     still seated in this matter, I'll get those to you
 4
 5
     for your review later.
 6
               All right. And at this time I will ask
 7
                 to pause the recording while we play the
     you,
 8
     recorded statement of
 9
               (This is the interview of
                                                        . )
10
                             Today is September 24th, it
11
     is 10:10 a.m.
                    This is Special Agent
12
     I'm here with DOJ trial attorney
                                                 and USA
13
                     And would you state your name, sir?
14
15
                          :
                                          , okay.
16
                                     , I met you before.
                        :
17
     (inaudible) My name is
                                       and I am with the
18
     Civil Rights Division of the Department of Justice,
19
               is a prosecutor here, federal prosecutor
20
     based here in St. Louis. So we are working on this
21
     investigation with the FBI, and because we know you
22
     gave an interview with the County Police, we didn't
23
     get a chance to meet you and we wanted to meet you,
24
     okay?
25
                             Okay.
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Page 22
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                          So all your answers need to be
 2
     out loud because this is being recorded, but if you
 3
     nod your head or shake your head I'll remind you.
                             I understand.
 5
                          And I'm sure you know this, and
     I have no doubt that we just want you to know that
 7
     if you talk, some type of false statement or lie or
 8
     embellish or exaggerate, it's a crime to make false
     statements to federal agents, we want you to know
10
     that.
11
                            I understand.
12
                          Okay. And we want what you
13
     know versus what you assume. So if there is a
     distinction when you talking about something and you
14
15
     assume it, we want to know what you assumed versus
16
     what you, yourself, know, what you heard and saw
17
     that today.
18
                            Okay.
19
                        : It is natural that you've heard
20
     other names and we may need to ask you about that as
21
     well, but we want your observation. It is important
22
     not to guess, if you guess, let us know.
23
                          : Okay.
24
                          If I ask a question, and you
25
     answer a question that seems confusing, let us know
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Page 23
     because if you answer, we'll assume that you
 1
 2
     understand.
 3
                             Okay.
                        : Okay?
                          : Uh-huh.
                          And you know you're at the FBI,
 7
     and you came through security, but we want to make
 8
     that you know it is voluntary. So at any point you
     have had enough, you want to leave, you let us know.
10
                             Okay.
11
                           We are not going to force you
12
     to stay here.
13
                             No problem.
14
                           Do you have any questions of
15
     us?
16
                            No.
17
                             Just real quick, I want to
18
     make sure I have your name spelled right. Can you
19
     spell it for me?
20
21
                             Okay.
22
23
                            Okay, thank you.
24
                                       you spoke to County
25
     Police back on August 12th. Do you remember
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Page 24
 1
     speaking to them?
 2
                          : Yes.
 3
                          Okay. So we are, I'm not going
 4
     to go through your whole account because I know that
 5
     you are, you already gave that and going to the
 6
     state grand jury tomorrow, right?
 7
                             Yes.
 8
                           I don't want to make you rehash
 9
     the whole thing.
10
                             Okay.
11
                                 and I are with the
12
     federal prosecutor's office, we are prosecutors.
13
     we won't have the opportunity to see you tomorrow,
14
     so that is why we listened to your recorded
15
     statement, we have read the transcript. We just
16
     have some specific questions that don't jump out at
17
     the recording because we can't see you.
18
                             Okay.
19
                           That is what we want to focus
20
     on.
21
                          : All right.
22
                          There were certain things that
23
     you, um, you talked about and when you talk about,
24
     you said do this or do that. Do this and do that
25
     doesn't come across in a recording and it,
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	Page 25
1	obviously, won't come across on this recording. But
2	in the beginning when you saw the, the tussle in the
3	car, can you describe for me or show me what you
4	actually saw Michael Brown do and what the police
5	officer were doing?
6	Well, actually, as I just
7	stated to them, from my porch I can only see from
8	the passenger side.
9	: Okay.
10	: I don't know if he had
11	grabbed him or what, but you could see them tussling
12	in the car, they were moving around.
13	: When you say he grabbed him
14	I don't know who grabbed who.
15	: I know. When you say he?
16	The police officer.
17	: Okay.
18	Because he was walking, he
19	must have said something to him and he was
20	approaching the truck. Then we saw the tussling.
21	: Let me ask you, you said he
22	must have said something to him, you mean
23	: I think the officer said
24	something to him because Michael started walking
25	towards the truck.

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 1
                          Okay. That's what I was going
 2
     to ask you, what made you say, when you say he, I'm
 3
     trying to figure out.
                            I'll make sure I state it.
 4
 5
                          Okay. I know when you use the
 6
     expression he must have said something, that's one
7
     of those assumptions. When you say that, I want to
 8
     you to explain that's why you are making that
 9
     assumption.
10
                            Well, I'm assuming he said it
11
     because he was approaching the car. I mean, if the
12
     officer tells me to stop and come here, I'm coming
13
     there, okay.
14
                       : Okay.
15
                            I'm going to approach you, I
16
     want to talk to you. I'm going to find what is
17
     going on.
18
                          That's fine, that makes sense.
19
                            But I could see them
20
     tussling, you know, and after that is when the first
21
     shot rang out.
22
                          Let me ask you about the
23
     tussling specifically. I know you said from what
24
     your vantage point was, can you describe from your
25
     vantage point what Michael Brown's position was?
```

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```
Page 27
 1
                             He was outside the car door.
 2
                        : Okay.
 3
                             Outside the truck door.
                                                       Не
     was in one of those big 4x4, not 4x4, SUVs.
 5
                          Right.
 6
                             He was on the outside and the
 7
     officer was still in the truck.
 8
                          And how is Michael Brown's
 9
     body?
10
                          : He was like, he was, I could
11
     see the top of his head, he had a hat on.
12
                        : Okay.
13
                             I could see the top of his
     head, and then he dropped down and he disappeared
14
15
     for a minute. Next time I saw his head is when I
16
     heard the shot, that's when he popped up.
17
                           Okay.
18
                             Okay.
19
                           Were you able to see from your
20
     vantage point whether Michael Brown's body was bent
21
     over --
22
                             From my vantage point I can
23
     say clearly he was not inside that truck. He was
24
     partially, maybe his head, was right there at the
     officer's head.
25
```

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```
Page 28
 1
                        : Okay.
 2
                            But so for his body being in,
 3
     no, I couldn't say with 100 percent accuracy that
     his body was, but I'm quite sure it wasn't.
 5
                        : Okay. So you don't know for
     sure?
 7
                          : No.
 8
                          What about his hands?
                            They were inside.
10
                        : Okay.
11
                          : Uh-huh.
12
                          So his hands were inside, just
     correct me if I say this wrong. Michael Brown hands
13
14
     were inside the car?
15
                          : I believe so.
16
                          Okay. You couldn't tell if any
17
     part of his like shoulders or anything were in it,
18
     is that fair?
19
                          : No, no.
20
                        : No, you couldn't tell or no
21
     they weren't?
22
                             I can't tell.
23
                          Okay. Can you tell, you said
24
     his head disappeared from view. So do you not know,
25
     can you tell whether any part of his head was inside
```

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```
Page 29
 1
     the car?
 2
                          : No.
 3
                        : No, it didn't or you can't
     tell?
 5
                             No, I can't tell.
 6
                           Okay, fair enough. Were you
 7
     able to see any movement that the police officer was
 8
     making inside the car?
 9
                             I could see him jerking
10
     around.
11
                        : Okay.
12
                             I could see his body, see his
13
     torso, I could see maybe from like the shoulders up,
14
     jostling around like they are moving back and forth
15
     like this, just like some kind of tug of war or
16
     something was going on.
17
                        : Okay. Just for the recording
18
     won't pick up what you are. You are kind of leaning
19
     back and forth in your chair?
20
                             Right, they are kind of
21
     rocking back and forth, like they were in some type
22
     of struggle.
23
                          Okay.
24
                             Okay. That you could clearly
25
     see that they were struggling, but I could not tell
```

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	Page 30
1	how much of his body was in the truck.
2	: Okay.
3	I can't say for certain how
4	much of his body was in the truck.
5	: That's fair.
6	: You are referring to Michael
7	Brown?
8	: Huh?
9	: How much of Michael Brown's
10	body was in
11	How much of Michael Brown's
12	body was in the truck?
13	: The officer was in the truck
14	at the time?
15	: Officer was in the truck.
16	: When you say we, we saw, who
17	are you referring to?
18	: Had some other family members
19	there on the porch with me.
20	: Is that your brother and
21	sister-in-law?
22	: Yes.
23	: Was there too?
24	: Yes.
25	: Okay. And so once the shot

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```
Page 31
     rang out and Michael Brown started running, how soon
 1
 2
     after did the police officer get out of the car?
 3
                            A matter of seconds.
 4
                          Okay. Was it instantly or was
 5
     there a slight pause?
 6
                             There was like a slight
 7
     pause. I would say within two or three seconds, he
 8
     was coming out.
 9
                          Okay.
10
                            As Michael was running away,
11
     the other gentleman, Mike went one way, the other
12
     gentleman went the opposite direction.
13
                          The other gentleman was Michael
14
     Brown's friend?
15
                            Michael Brown's friend.
16
                        : Do you know his name?
17
                             No, I don't, I don't know
18
     him.
19
                        : Okay.
20
                            I've seen Michael Brown in
21
     the neighborhood, he passed me. Myself and the
22
     other lady, we always sit out. I'm collecting
23
     Social Security, she's retired, we just sit out and
     we talk, watch around. And I seen him walk past
24
25
     because he has a friend who stays in an apartment
```

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```
Page 32
     who is just beyond me.
 1
 2
               And he would always come by and say, how
 3
     you doing, sir, how you doing, ma'am, how you all
     doing, you know, everything else. That's the only
 4
 5
     contact I had. Other times I may have seen him at
     the stores in the neighborhood.
 7
                          Okay. We are veering off a
 8
     little bit. Just so I can ask you, you have a
 9
     friend that, Michael Brown has a friend that lives
10
     in the apartment complex?
11
                            I have no idea.
12
                          I thought you just said.
13
                            Oh, Michael Brown has a
     friend that stays, not the one that was with him, I
14
15
     don't know him. Him, I know nothing about.
16
                          I understand that. I just ask
17
     you the friend that Michael Brown stays with in the
18
     apartment complex, do you know that friend's name?
19
                          : It is a female, no, I don't.
20
                         Do you know in which building
21
     she lives in?
22
                            Uh --
23
                            Here is a map if that helps.
24
                             I believe it's, it is
25
                          Okay.
```

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```
Page 33
 1
                            I think so.
 2
                          Do you know which level?
 3
                            No.
                                  Because she was on third
     floor. I think she moved down, I'm not sure.
 5
                          Okay.
                            I can't say for certain.
 7
                          Okay. So back to what we were
 8
     just talking about, the friend that Michael Brown
     was with that day, we'll just refer to him as the
 9
10
     friend, would that be easier?
11
                         : Okay.
12
                          Okay. You said Michael Brown
13
     took off running and there was a pause, police
14
     officer chased. What was that friend doing?
15
                           After he ran, he disappeared,
16
     you couldn't see him. You don't know, we thought he
17
     had ran around to the side of the building, but
18
     someone is saying and other people was saying one of
19
     the reason that I heard and read that he was
20
     actually behind the other police truck that was
21
     there, he ran behind this other car.
22
                        : So not straight?
                          : So I didn't see him.
23
24
                          I want to just know, just tell
25
     us initially you saw him with Michael Brown,
```

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_	
	Page 34
1	correct?
2	Right.
3	: I'm talking about the friend.
4	Right.
5	: During the tussle that you
6	described, where was the friend?
7	Practically on the sidewalk.
8	: Okay. What was the friend
9	doing?
10	Just standing there watching
11	what was going on between officer.
12	: From your vantage point where
13	Michael Brown took off running, what did the friend
14	do?
15	He ran the opposite way.
16	Did you see him again?
17	No.
18	: So when the police officer took
19	off running after Michael Brown, can you describe,
20	were you able to see his gun?
21	Let me stop you.
22	: Sure.
23	: He did not take off running
24	after Michael.
25	: Okay.

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```
Page 35
 1
                             Excuse me.
 2
                          You okay?
 3
                             I'm having spasms, okay.
 4
     This is not showing me anything, okay.
 5
                             If you don't like this map,
     we'll go with that one.
 7
                             All right. You are looking
 8
     at, okay, all right.
                           This is, I can't tell which
     one is which right here.
10
                           If this doesn't help you, you
11
     can --
12
                             This is Canfield.
13
                             Coming from West Florissant.
                             Uh-huh.
14
15
                             Coming around. This is the
16
     last driveway, okay.
17
                          Okay.
18
                             This is one right here.
19
     driveway right here, okay, his friend went toward
20
     West Florissant. Michael ran towards the first
21
     driveway which is located where the memorial is on
22
     the post.
23
               The officer got out of the truck, came
24
     around to the back of the truck.
25
                        : Okay.
```

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```
Page 36
 1
                            Assumed his position like
 2
     this. (indicating)
 3
                          And you are showing, was the
 4
     gun out in the front of you?
 5
                            The gun was out like this, he
 6
     had his hand out, he was in his position and he
7
     told, that was after the shot he got out, when he
 8
     got shot he ran. By the time he got to the edge of
     the driveway after he crossed the sidewalk, he got
10
     on the black part of the driveway he stopped,
11
     Michael stopped. He was looking at hisself to see
12
     where he was hit, he was doing this, but he had
13
     stopped.
14
               The officer, at that time, he had come
15
     around to the back, Michael had his back turned to
16
     him. He told him stop, but he had already stopped.
17
               Michael turned around to face him and he
     had his hands shoulder high, just a little bit above
18
19
     his shoulders, but they were out away from his body.
20
                          Okay. Let me just stop you for
21
     one second. So you are saying when the officer got
22
     out of the vehicle, you are saying he ran around his
23
     car and stopped and did not chase after Michael?
24
                         : No.
25
                          And when Michael was running
```

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```
Page 37
     away, the officer was not shooting at him; is that
 1
 2
     correct?
 3
                             No, he didn't shoot then.
                        : Okay.
 5
                             He didn't fire, he already
 6
     had fired one shot when he came around to the back
 7
     and assumed the position. He yelled at him to stop,
 8
     which Michael had already stopped, when Michael
     turned around, he told him again, stop.
10
                        : Okay.
11
                             Michael took a step off the
12
     sidewalk. As soon as his foot hit the street, the
13
     officer let loose, wham, wham, wham.
14
                           Okay.
15
                             Right.
16
                           So that initial shot though
17
     occurred inside the vehicle, correct?
18
                             Correct.
19
                          Okay. So you're saying that
20
     the next time any shots were fired was when Michael
21
     Brown was facing the officer; is that correct?
22
                          : Correct.
23
                          And that was after the officer
24
     said stop?
25
                             Right.
```

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```
Page 38
                          And then he didn't shoot until
 1
 2
     Michael Brown made a movement?
 3
                            Made a movement.
 4
                          And the movement was totally
 5
     opposite, correct?
 6
                            Right. He took a step to the
 7
              It looked like he was giving up. Because
 8
     that is what we were saying. He is giving up, he is
     giving up, you know, we're looking at him, he's
10
     giving up. But then as soon as he took a step, he
11
     got his foot in the street, he fired three shots.
12
                          All right. Let me ask you
13
     about when you said he had his hand up. You had
14
     described previously that he was standing, as you
15
     said, his hands up around where the shoulders were,
16
     his palms were facing him.
17
                            No, they were like this.
18
     Palms are facing the officer, they were like this.
19
     Indicating)
20
                       : Okay.
21
                          : You are the police officer, I
22
     turned around and I did like this.
23
                          Okay. Show your palms are out?
24
                            Right, right.
25
                          Okay. Just so I can
```

```
Page 39
     understand. From my understanding when the police
 1
 2
     were interviewed by the County Police, you described
 3
     he kind of stopped and looked down to his right?
 4
                            When he stopped at this time,
 5
          He kind of, when he stepped off, he was still
 6
     like this, but he had his hands up, he was still
 7
     trying to find out where he was shot to me.
 8
                          And then tell me what makes you
 9
     say that?
10
                            Because he looked down to his
11
     side.
12
                       : Okay. You said his right side?
13
                            Yeah, this side, yeah,
     looking on this right side and then he took a step
14
15
     out. And he had his hands up and as soon as he took
16
     that step and got to street, maybe about to, he is a
17
     big guy, he could have made it about three steps.
18
                          Let me ask you this, when he's
19
     running, he stops in front of the driveway. Based
20
     upon your vantage point, you think that he stopped
21
     because he was looking at to see where he was shot?
22
                            Yes.
23
                          Okay. So when he did that, at
24
     that moment he stopped, where were his hands
25
     initially?
```

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```
Page 40
 1
                            Like this, he had them like
 2
     this. He took them away from his body to see, he
 3
     was like looking, he was looking.
 4
                          All right. That's a little bit
     different --
 5
 6
                            No, I told it before, I said
 7
     when he stopped he was looking, he was like this,
 8
     his hands were not steady like this, but he had them
     up to look at because he's a big guy, he had to look
10
     and see what was up.
11
                          He was like moving his arms.
12
                            Moving his arms to see what
13
     was going on.
14
                           : You have your palms sort of
15
     facing you like he was checking --
16
                            Right, he's checking out his
17
     own body.
18
                          Okay.
19
                            Okay. But when he turned to
20
     face the officer he was like this. He had his hands
21
     up, palm facing the officer like, okay, you got me.
22
     He had already told him to stop.
23
                          All right. I need to just go
24
     back and try and (inaudible) a little bit. When he
25
     was checking out his body, were you able to see?
```

		Page 41
	1	I can't tell.
	2	: Is there anything that stood
	3	out to you?
	4	: Nothing stood out to me.
	5	: Okay.
	6	You know.
	7	: And so when he turned around
	8	and took that step is when he had his palms out?
	9	Right.
	10	: So right after that when the
	11	officer started shooting, what did Michael Brown do?
	12	: After he fired that first
	13	round, that first volley. He hit him, he started
	14	staggering, he first kind of went back like, pow,
	15	from the impact.
	16	: Okay.
	17	And then he started
	18	staggering. And he was looking at the officer as he
	19	brought his head up, he looked down, oh, God, I've
	20	been shot. He looked up at the officer and he was
	21	looking at him and he was staggering, he was trying
	22	to stay on his feet. And myself and my family is
	23	telling him stop, dude, stop, stop, stop.
	24	: Were you actually saying that
	25	out loud?
-1		

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```
Page 42
 1
                            Yes, he couldn't hear us, you
 2
     know, from where we live.
 3
                          I know he couldn't hear you,
     but were you actually yelling it in hopes?
 4
 5
                            Hoping that he would hear but
 6
     he was staggering. We could see that he was
 7
     staggering and he took about, I don't know, three or
 8
     four more steps, but as he was taking his steps
     forward at that time, the officer took a few steps
10
     back, he was still in his spot. When Michael took
11
     the other steps and he was staggering, his body was
12
     like -- can I stand up, please?
13
                            Yeah, absolutely.
14
                            Okay. He was standing up, he
15
     was shot. He was leaning like this, but his head
16
     was like this. And he was standing up staggering,
17
     he was trying to stay up on his feet like this.
18
                          Okay.
19
                            And he was definitely, we
20
     were yelling at him stop, stop, stop.
21
     sister-in-law and
                                 said, oh, God, he's
22
     getting ready to kill him, he's getting ready to
23
     kill him. And no sooner than he said that, no
24
     sooner those words came out of their mouth, he was
25
     going down, it looks like he was going down. And he
```

```
Page 43
     let off four more shots pow, pow, pow, pow.
 1
 2
                          Okay. When the officer was
 3
     shooting was when Michael Brown was coming towards
     him; is that right?
 5
                            Yeah, he was not charging
     him, he was defenseless, hands up, he was trying to
7
     stay on his feet and you could see that his knees
 8
     was beginning to buckle, he was going down. When he
     shot him as he was going down, he hit face first,
10
     splat.
11
                          Where were his arms when he
12
     fell to the ground? You are showing arms at either
     side of his head?
13
14
                            When his body hit is when I
15
     ran up there his arm, one was like, I can't exactly
16
     tell on the body, one was like this when he hit
17
            I guess they moved when he hit the ground,
     but he was dead on the way down.
18
19
                          Can you picture where his arms
20
     were on the ground?
21
                            Kind of like.
22
                          I don't want you to guess if
23
     you don't know.
24
                            No, I can't say for sure.
25
     I'm trying to picture it, but to tell you the truth,
```

```
Page 44
 1
     I didn't really want to see it, you know, because
 2
     when I ran up there and I saw who it was, I'm like,
 3
     oh, my God. I just saw him earlier this morning.
                          I'll get to that in a second,
 4
 5
     but let me just clarify. So you saw two additional,
 6
     two volleys of shots --
 7
                          : Right.
 8
                         Correct?
                             Right.
10
                        : Each time the officer was
11
     firing, Michael Brown was coming towards him?
12
                            Yes.
13
                          Okay. And at no time did
     Michael Brown say anything, correct?
14
15
                             I could not tell or hear if
16
    he did say anything.
17
                          You didn't hear him yell, don't
18
     shoot?
19
                             No, I didn't.
20
                          Were you able to hear the
21
     officer say stop?
22
                             Oh, yeah, he was very loud.
23
                           You didn't hear Michael Brown
24
     say anything like okay, okay, okay?
25
                             No, I didn't hear that.
```

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	Page 45
1	: Okay.
2	: Listen, I'm dealing with two
3	very excited . One is , and this is the
4	first time seen anything like that and
5	right here.
6	: Talking in your ear?
7	Right.
8	You were able to hear the
9	officer?
10	: Oh, yeah.
11	: You didn't hear anything from
12	Michael Brown?
13	No.
14	: From your vantage point, you
15	didn't see his mouth moving as though he was saying
16	anything?
17	My eyes was really focused on
18	the officer because when he started moving,
19	staggering forward, I wanted to see what he was
20	getting read to do cause everybody was like, he is
21	getting ready to kill him.
22	: Okay.
23	So I wanted to see what he
24	was getting ready to do, but Michael was staggering.
25	You could see him clearly staggering, you know. And

Page 46 1 then when he started like he was going down, he 2 fired again and that's when I said, oh, my God, he 3 just killed him. 4 Okay. So I just want to 5 (inaudible), when this was all happening, your 6 attention shifted to the officer, correct? 7 I could still see Michael, I 8 wanted to see what he was going to do. I had both of them in line of sight. 10 : Okay. Is it fair to say that 11 Michael was more, just based on how you are 12 describing it and the visual you just gave me, is it 13 fair to say that Michael was more in your peripheral 14 vision at that point? 15 Both of them, both of them. 16 From my vantage point, I can see both, okay. But to 17 say, now I'm trying to make this as clear as I can. 18 I can see both of them, but as Michael was 19 staggering toward him, you know, trying to keep his balance, as he was moving forward, you could see, I 20 21 could see the officer stepping back. 22 When he took those steps back and Michael 23 was staggering forward, I thought, oh, my God, 24 that's when they said he is getting ready to shoot 25 him. Sure enough, as soon they said that, he let

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Electronically signed by

```
Page 47
 1
     loose.
 2
                              That's when you all are
 3
     yelling stop, stop, stop, you wanted Michael to
     stop?
 5
                             Yeah, we wanted Michael to
 6
     stop. They anticipated in a split second,
 7
           , he's getting ready to kill him.
 8
                              Let me ask you this,
                  On August 12th, I want to take you
10
     through what you said at that time.
11
               You said as he faces the officer, this is
12
     Detective
                      asking you this, as he faces the
13
     officer, you say that his hands go up to a point
14
     where you said about to his shoulders almost.
15
                             Right.
16
                              That's when he has his palms
17
     sort of facing himself and he's looking over his
18
     body?
19
                             When he got first shot and he
20
     got to the driveway, his hands were up facing
21
     himself because he was looking like at himself.
22
                           : Right, let me --
                             When he turned around.
23
24
                           : Uh-huh.
25
                             He gave up, his hands was up
```

Electronically signed by

```
Page 48
     to the shoulder, that's when he went up facing the
 1
 2
     officer.
 3
                             Okay. You went on to say
 4
     back on August the 12th, Detective
                                         says, your
 5
     arms are like palms up and hands and fingers are
 6
     roughly shoulder height, is that fair enough to say?
 7
               You say yeah, about close to his shoulder.
 8
               Do you agree with that?
 9
                            Yeah, yes.
10
                          : With his palms facing
11
     towards himself like this?
12
                            No, not turned, his hands are
13
     like this.
14
                          : No, I'm talking about --
15
                            They're not, excuse me, what
16
     you are saying, the hands are pointed toward him,
17
     they were not, I didn't say they were pointed toward
          I said his hands were like this. I described
18
     it. I didn't say they were pointed toward him.
19
20
     only time I said his hands was anywhere near is when
21
     he first got shot.
22
               When he turned, they were this way.
23
                             All right. Let me just take
24
     you through this, okay, and just see if you agree
25
     with this. On August 12th, Detective
                                                   asked
```

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Page 49
     you, your arms are like palms up, and hands and
 1
 2
     fingers are roughly shoulder height, is that fair
 3
     enough to say?
 4
               You say, yeah, close to his shoulder,
 5
     right?
 6
                            Uh-huh.
 7
                            And he asked you at somewhat
 8
     of angle? You say at 35 to 45 degree angle from the
 9
     body. About like this, and you have the palms up,
10
     right?
11
                         : Oh, yeah.
12
                             And you say he is standing
13
     there, he looks, he looks down looking at his body.
14
     That's where you're saying you thought he was
15
     looking to see if he was shot?
16
                         : Right.
17
                          : Okay. And then after that,
18
     you go on to say that Detective
19
     Michael Brown is standing facing the officer at this
20
     point with his hands at his rib cage. And you say,
21
     yeah.
22
               And Detective says hands, palms up,
23
     like at his rib cage.
24
               And you say, uh-huh. Does that sound
25
     right?
```

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```
Page 50
 1
                             Yeah.
 2
                           : On basically when Michael
 3
     Brown, this is what he asked you, Michael Brown is
     standing facing the officer at this point with his
 4
 5
     hands at his rib cage, and you say, yeah.
 6
               Detective
                                says hands, palms up, and
 7
     you say uh-huh. Is that the way you recall it
 8
     today?
 9
                             Yeah.
10
                           : And you go on to say, or
11
     Detective
                      asked you, and he was looking down
12
     at his body at some point. You already told him he
13
     was looking down at his body. Detective
     says, he was looking down at his body at some point,
14
15
     and you say right, right, uh-huh. Okay. All right.
16
               Is that the way recall it?
17
                             Yeah.
18
                             Okay. Just to be clear too,
19
     we talked about when you thought that the officer
20
     must have said something to Michael Brown because
21
     Michael Brown then approached the vehicle, that's
22
     when you saw the tussle.
23
               So you actually saw Michael Brown come to
24
     the side of the vehicle, he approached the side of
     the vehicle?
25
```

```
Page 51
 1
                             Right, he wasn't that far
 2
     from me.
 3
                           : Okay.
                             His friend was still, when he
 5
     looped around, Mike was still in the street, his
     friend had backed up. His friend had actually --
 7
                              That's when he goes to the
 8
     sidewalk?
                             Yeah, he steps back, you
10
     know.
11
                              Let me ask you this.
12
     had asked you this a little while ago about, and you
13
     sort of were very clear about where everyone was.
14
     But she had asked you about when the officer went
15
     after Michael, where was his gun at that time, or
16
     could you see it. And you corrected her and said,
17
     well, he just went to the back of the vehicle and
18
     assumed his stance.
19
                             When he came out from around,
     he must of already pulled it out of his holster as
20
21
     he was coming around.
22
                              And that's what I'm
23
     wondering. Could you see that, could you see where
24
     the gun was before he assumed his stance?
25
                             It was in his hand and he
```

```
Page 52
 1
     brought it up.
 2
                          : Okay. Before he brought it
 3
     up in a stance, it was in his hand.
                            It was in his hand.
 4
 5
                           : You are directing like out
     by itself?
 7
                            Right. He's pulling it out
 8
     and as he came around so he could get a line sight
     on Michael, he whipped his hand up, gun is already
10
     in his hand, put it in his palm and aimed.
11
                             Shortly after that he said
12
     stop?
13
                            He said stop. When he said
     stop, Michael had already stopped.
14
15
                          : Uh-huh.
16
                            When he turned around, he
17
     said stop again. When Michael took another step, he
18
     said stop. As he hit the street, after he said
19
     stop, he fired. That's when he started staggering
     around. You could tell he got hit the way his body
20
21
     jerked, okay. And as he was coming forward, trying
22
     to keep his balance, I guess keep from falling, he
23
     couldn't stand. He was trying to get hisself in a
24
     position, I believe, so that he could stand up.
25
               As he took those steps, the officer took
```

```
Page 53
     about two, three steps back. As he did that at the
 1
 2
     same time, he yelled stop again. Michael was then,
 3
     you could tell he was about ready to fall. At the
 4
     angle of his body, torso practically straight, knees
 5
     wobbly, but the torso was almost at a 45 degree
 6
     angle, his hands are slowly coming down.
 7
                       : His hands were coming down?
 8
                            Right, coming down.
                         And he was bent toward the
10
     officer?
11
                         : He was bent toward the
12
     officer.
13
                             Let me stop you there real
14
     quick. On August 12th, again, I want to take you
15
     back to what you said. Detective
                                              asked you
16
     where you describe exactly this point, Detective
17
            asked you, and where are his hands at this
18
     point.
19
               And you say, after he hit him with the
20
     three shots, they were down.
21
                            Right.
22
                          : Detective says, okay,
23
     where at?
24
               You say, down beside his body like this.
25
     And then he says, you were basically putting your
```

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```
Page 54
 1
     hands down at your side.
 2
               And you said, yeah, they, like they were
 3
     down.
                          : Right.
 4
 5
                             Is that the way you recall
 6
     it today?
 7
                          : Right.
 8
                          That was after three shots?
                          : After the three shots.
10
                         Because he was going down?
11
                            Yeah, he was hit. As he was
12
     coming forward, he was trying to maintain his
13
     balance.
               And I know this, I've been shot, all
14
15
     right. I've been shot in the leg, so I know how it
16
     is to try to get your balance.
17
               And as I try to make this perfectly clear,
18
     his torso was straight, knees wobbly, but his upper
19
     torso was bent and he was still, kept his focus on
20
     the officer.
21
                          So to be clear, from your
22
     vantage point, and I don't want you, I know you were
23
     shot so you know how it feels to be wobbly. From
24
     what you could actually see, Michael Brown was
25
     focused on the officer, correct?
```

	Page 55
1	: Uh-huh.
2	He was bent forward, correct?
3	: Uh-huh.
4	: Is that yes?
5	Yes.
6	: Okay. His arms were at his
7	side at this point?
8	: Right, right.
9	: He was moving toward the
10	officer?
11	Right, very slowly and
12	wobbly.
13	And the officer had said stop?
14	Right.
15	: At that point, Michael Brown
16	hadn't stopped; is that correct?
17	: It looks like he was falling.
18	He was staggering, he was staggering, trying to stay
19	up. Okay.
20	He was shot, he was hurt. He was trying
21	to keep up on his feet. He wasn't going toward the
22	officer to try to get to him. He was trying to
23	stand up. He was trying to maintain hisself, but
24	you could see his body was giving out. And the
25	angle his body was, when he told him to stop that

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```
Page 56
     last time when he's looking at him and that's when
 1
 2
     the comments were made, he's getting ready to kill
 3
     him.
 4
               And no sooner than they said that he was
 5
     going like this, his body was coming like this
 6
     because he wasn't even looking and he fired. That's
7
     the only way he could have hit him in the head, the
 8
     only way. He was already on his way down.
     was unarmed, you had already put three to four shots
10
     in his body.
11
               Granted, he is a big boy, but he was hurt,
12
     he was hurt.
13
                             And this is the point right
14
     before that, that final shot you refer to --
15
                         : Right.
16
                          : -- trying to tell him to
17
     stop?
18
                            Right, right. When he fired
19
     off that last volley, he hit down face first.
20
     got a very hysterical
                                      who has never seen
21
     anything like that in her life. My sister-in-law is
22
     going berserk. My brother and I look, we didn't
23
     even see the other officer, he had just moved away.
24
               Our focus, our focus is So when I
25
            , he got his wife and got them, took
     aot
                                                       in
```

```
Page 57
 1
     the apartment, got them calmed down, I came back
 2
     out, I left and I ran up the street because I wanted
 3
     to see what happened, not what happened, but to see
 4
     him, you know, just some visible reason I wanted to
 5
     see the body. As I got there and close and I saw
 6
     his face, I knew who it was.
 7
                             You talked before too about
 8
     at that point people started coming out from
 9
     everywhere?
10
                            From everywhere.
11
                           : Can you tell us about that,
12
     what was going on at that time?
13
                            They all, they running out,
14
     from my vantage point I can see every apartment on
15
     the opposite side of the street. The gentlemen who
16
     were working, my apartment, my bedroom, I can see
17
     them and the apartment that they are working on and
18
     I'm watching them.
                         They are making a lot of noise,
19
     but anyway, from the front of my house, I couldn't
20
     see them. I knew they were there, I knew they were
21
     there. People on my side and my street, no one was
22
     there.
23
               The immediate apartment building where he
24
     was shot, I couldn't tell if anybody was up there.
25
     The apartments that are already in the back of the
```

```
Page 58
     driveway where he was stopped at, where the memorial
 1
 2
     is, I didn't see anyone on this side of the street
 3
     in my sight.
               The other part I can't see that.
 5
                             Just tell me about when you
 6
     went out there, you know, you mention people coming
 7
     out from sort of everywhere from the back of the
 8
     complex.
 9
                          : From the back of the complex,
10
     from everywhere.
11
                            And you talk about
12
     August 12th, the one reason you came forward is in
13
     your own conscious you wanted to make sure the
14
     family got the truth about what really happened,
15
     that is why you decided to come forward?
16
                             Yes.
17
                              You were concerned about
18
     what other people were saying. What were you
19
     concerned about?
20
                             You have to understand out
21
     there, they were looking for anything. Majority of
22
     them that came running out from the other sides and
23
     the back, those three or four gentlemen that run up,
24
     oh, he had his hands up like this.
25
                              Like straight up in the air?
```

```
Page 59
 1
                            Straight up in the air.
 2
                           : With his palm facing the
 3
     officer?
                            Yeah, we were standing, no.
 5
     The gentleman that was besides us, the workers, no.
 6
     We knew that. And then you could see, you have to
 7
     understand the mentality of some of these young
 8
            They have nothing to do. If they can latch
 9
     onto something, they embellish it because they want
10
     something to do. This is something that give them,
11
     okay, now we have something to do to get into.
12
               I've lived out there off and on for almost
13
        years. Majority of them do not work. All they
     do is sit around and get high all day. That's it,
14
15
     and just talk stupid. And they had that there, when
16
     we was standing there, someone at the top of the
17
     hill, I had got back to my porch, someone at the top
18
     of the hill, my brother and my sister and
19
     had
                   back on the porch when I came back,
20
     fired off some shots.
                            The officers heard it and
21
     they started running, okay.
22
               Everyone that was on the other side of the
23
     street started pointing, where did it come from,
24
     everybody started pointing. We had two people,
25
     never seen these people before in my life in the
```

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```
Page 60
     whole time I've been out there, came up, you all
 1
 2
     better not say nothing. You all snitching and all
 3
     of this and that upset
                             They said this to you
                            They were talking. I was
 7
     looking at the officers. was down there and I
 8
     happen to turn when said like what, what. You
     know, I was like, wait a minute, I said turn around,
10
     everybody was still doing this. But she and this
11
     other girl had made a point to say something to
12
                             То
13
                            Right.
14
                          : About not snitching?
15
                            About not snitching.
16
                            Two females?
17
                            Yeah, I'm like what? And I
     told the girls, I tell you what, you all used a very
18
19
     derogatory term, turn around. Everyone is pointing
20
     that way, you know. For three days I had to deal
21
     with
          because that shook to the core, just
22
     not use to anything like that.
23
                          Can you explain this, what
24
     prompted these girls to come over to
25
                            Because everybody was
```

```
Page 61
     pointing, you know, when they heard the shot.
                                                     I was
 1
 2
     pointing. Where did it come from. I said right up
 3
     there.
 4
                          Because you were telling the
 5
     police where the shot came from?
 6
                            Right, but the thing was, the
7
     whole crowd was pointing up to the top of the hill.
 8
     And I'm like, wait a minute, they single out and
         wasn't even pointing.
10
                          I understand, okay.
11
                            Okay. So the thing is, I
12
     live there, when it comes to saying certain things,
13
     I've got to protect
                               I don't care.
                                               I'm sorry
14
     that happened to Michael Brown, I'm sorry for his
15
     family's loss, but I have a
16
     that's number one. I don't care about nothing.
                                                       Ι
17
     really wasn't going to say anything. I really
18
     wasn't because I got to protect
19
     scared,
                was scared for three weeks, she was
20
     scared.
21
                          Let me ask you this, before
22
     whenever we was talking about people coming out and
23
     hands up in the air, you said there were workers
24
     nearby who were saying hands in the air?
25
                            No, no, no, they didn't say
```

```
Page 62
 1
     that.
 2
                        : What did they say?
 3
                             They said the same thing I
 4
     said and my brother did. His arms were shoulder
 5
     length, just above his shoulders.
                        : Can you describe these workers?
 6
 7
                             They working, they are
 8
     plumbing, some plumbers.
 9
                             What they look like
10
     physically?
11
                            Younger, white hair gentleman
12
     and --
                            Both white?
13
14
                            Uh-huh.
15
                             But they were actually there
16
     with you correcting all of these other younger
17
     people?
18
                            No, everyone did that.
19
     wasn't until a couple days later, because I saw him
     when I was out there watching everything going on.
20
21
     I saw him talking to a couple officers, but he was
22
     talking to a plain clothes detective and a Ferguson
23
     officer, I think, I'm not sure. I couldn't see, but
24
     I know he had a blue shirt on, Ferguson wears blue
25
     shirts. I assume it was a Ferguson officer and the
```

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```
Page 63
 1
     other gentleman was in a suit.
 2
               And he was talking to him. The younger
 3
     quy, he was like, oh, he was going nuts, you know,
     but the older gentleman was talking about what he
 5
     saw.
 6
               A few days later because he was coming
7
     around and doing something on every building. And
 8
     he gets out, eventually said, yeah, everybody out
     there talking about the poor man had his hands up in
10
     the air. He said, I didn't see that, he said, did
11
     you see that? I said, no, I didn't see that. So
12
     the young guy say, he was with him, I didn't see it
13
     either.
14
                             These are the two white
15
     workers that you are talking about?
16
                         : Yeah, right.
17
                             They were back there a few
18
     days later and talked to you personally?
19
                            They didn't talk to me, just
20
     in the course of conversation they were working on
21
     our building.
22
                             You were there and had that
23
     conversation?
24
                            Right, right. I'm standing
25
     there, he come down there and working on the pipe.
```

```
Page 64
     I was barbecuing, that's how the conversation
1
 2
     started. And we got, he said, man, I'm so shook up
 3
    and everything else about this and that. He said,
    well, it got crazy all of these guys over there,
 4
 5
     everybody running around, they're talking about the
 6
    man had his hands all the way up in the air, he
7
    didn't. Did you see that? I know you saw it,
 8
     didn't you? I said, yeah. He said, did you see
 9
    what I see? I said, yes. He didn't have them all
10
     the way up. And we both, at the same time, same
11
    position, okay. Young guy quit after that. He
12
     said, I'm not coming out here.
13
                          You said there was a lady with
14
     you during this conversation?
15
                            Older lady, she didn't see
16
    the incident though.
17
                       : Who is she?
18
                            She's the downstairs lady.
19
                          : Was there any other
20
    conversation within that day about this?
21
                         : No, uh-huh. All he had to do
22
    was connect the pipe. They had missed a connection
23
    on the pipe and then we got to talking about
24
    barbecuing, talking about, started talking about
25
     other things. He lived in Jefferson County.
```

```
Page 65
     said how bad it is down there, you know.
                                                Now I have
 1
 2
     to come here, stuff happens everywhere.
 3
                           : Everywhere.
 4
                             You know, he said, this was
 5
     crazy, you know.
 6
                             Did he have anything else to
 7
     say about it, anything crazy about it?
 8
                            No, that's just the way the
 9
     people reacted.
10
                           : Let's go back to that.
11
     first started talking about the two white workers
12
     that were there when you first came down.
13
                            Uh-huh.
14
                              People were coming out and
15
     saying all kind of things. And you talked about
16
     people talking about him having his hands straight
17
     up in the air you kind of said, no, that's not what
18
     I saw.
19
                             Uh-huh.
20
                             Maybe I misunderstood.
21
     you say also that the workers were down there at the
22
     same time saying, no, we didn't see that either at
23
     that time?
24
                            No, he didn't say that at
25
     that time. When I came down after the shots were
```

```
Page 66
 1
     fired and everything else, I came back down because
 2
     the crowd was big, it grew in a split second.
 3
     walked down to the edge of my driveway and I looked
     over to see the building, I can see the building
 4
 5
     they are working on from my bedroom window.
 6
               He was talking, as I said, he was talking
7
     to a detective because his car was parked up on the
 8
     grass on my side of street. And another officer in
     uniform had on a blue shirt. I didn't see the
10
     insignias, but I'm just saying that because Ferguson
11
     wear that types of collar, that may be a Ferguson
12
     officer that I had not talked to that man at all
13
     that day.
14
                          : Okay.
15
                            I did not speak to him.
16
                           : All right. Let's back up a
17
                       When you come down and there are
     little bit then.
18
     people saying things that you didn't see, how
19
     quickly after those last shots were fired was that
20
     happening? I mean, where people were actual
21
     actually saying things like that?
22
                            After he hit the ground, I
23
     would say it took at least about a minute.
24
                             That's when the crowd starts
25
     to gather, it was like an instant?
```

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1	Page 67
	In a minute, maybe 20, 30,
2	two, three minutes, at least be about 70 or 80, it
3	grew.
4	: Not just the crowd, but
5	people talking about saying things that didn't
6	happen?
7	: Right, right. They start
8	embellishing it when the stepfather showed up.
9	: When, I'm sorry?
10	The stepfather.
11	: The stepfather.
12	He's the first one that I
13	later found out, I didn't know it was the stepfather
14	until a few minutes later when he approached. They
15	had started the tape up and he was trying to get to
16	him. Oh, you know, my God, yeah, he was screaming
17	and hollering. And the officer is trying to calm
18	him down.
19	And then I saw his cousin, a little girl,
20	she has blond hair, she ran up the street. They all
21	came from Northwinds. That's where the majority of
22	the crowd came from.
23	
	When you say they started
24	embellishing, what did you hear?
25	Oh, the officer ran up behind

	Page 68
1	and shot him in the back.
2	: That's not true?
3	Not true.
4	What else?
5	: He hads his hand straight up
6	in the air, not true. Then some guy, I don't know
7	who the heck it was, I had never seen him before, he
8	came out of the blue. He was coming out saying that
9	Mike had reached in and got the gun out of his hand,
10	not true.
11	: You mention on August 12th
12	that after that it was everyone started coming from
13	the back saying, oh, my God, he had his hands up in
14	the air telling him don't shoot, don't shoot, don't
15	shoot. And you said he never uttered a word, right?
16	: Right.
17	: Referring to Michael Brown?
18	I said that I could hear.
19	: Right, right. Just what you
20	saw and heard.
21	That I could hear.
22	: And you went on to say,
23	that's when everyone come back and all of them
24	started saying things, oh, he was on his knees.
25	Yeah.

	Page 69
1	: When he shot him, he shot
2	him on his knees?
3	: Right.
4	: And then he came by and they
5	said he was lying down and the officer came and shot
6	him in the head.
7	That was false.
8	: None of those things
9	happened?
10	None of those things
11	happened, none of those things.
12	: I also want to ask you, you
13	said early on when we were talking you saw Michael
14	Brown earlier in the day?
15	Uh-huh.
16	: Can you describe your
17	interaction of what you saw?
18	: Me and the lady was sitting
19	outside, sitting on the step. She was sitting in
20	her chair on the lower level and he come up, instead
21	of going through the driveway, they cut across the
22	grass right there.
23	: When you say that was he with
24	his friend that he was there during the incident?
25	: No, he was with some girl. I
l	

```
Page 70
     never seen her before either. And he came through
 1
 2
     and he say, how you doing, sir, how you doing,
 3
             I said, how you doing. I said, you all
     ma'am.
     doing okay? Yeah. He said all right, looks like it
 4
 5
     is going to be a good day. All right. And he
 6
     walked up.
 7
                       : About what time was that.
 8
                            About, it was early. It was
 9
     early. I don't know, probably around 8:00,
10
     somewhere after 8:00.
11
                          Did you see him at all that
12
     morning.
13
                            Next time I saw Michael he
14
     was laying on the ground, or the street.
15
                          Have you seen that girl he was
16
     walking with, have you seen her since.
17
                            I think I have. I can't say
18
     100 percent sure.
                       I wasn't paying too much
19
     attention to her. He was talking to me.
20
     talking to me, I'm looking at your face.
21
                             Do you know her name?
22
                            No, no, I don't know.
23
                             Let me ask you.
24
                            I don't want to know anybody
25
     else.
```

```
Page 71
 1
                             Let's talk about that.
                                                      You
 2
     talk about the things, the crowd grew and the young
 3
     guys out there saying things that were not true.
     August 12th, you said something about this, I want
 4
     to ask you about it. By living out there if you go
 5
 6
     against what they are saying, you think they might
7
     nut you up and go crazy. What do you mean by that?
 8
                            They had it in their mindset
 9
     of what happened.
                        They're set.
                                       They are looking
10
     for a reason to explode because they don't have
11
     anything to do.
12
                          Why, why look for a reason to
13
     explode?
14
                            They got nothing else to do.
15
     They are running all day, they are drinking and
16
     they're getting high all today. We see this all the
17
     time.
18
               We have been on Canfield Green apartment
19
     management to get all the drugs out of there.
20
     All the time. Northwinds got so bad they put gates
21
     up. When the gates up, the crime went up. You
22
     know, I don't trust anyone out there.
23
               They all walking around with their pants
24
     below their butts and everything else, no T-shirts
25
     on and they are so strong they will stand right
```

```
Page 72
 1
     there in front of you and roll that stuff up.
 2
               I had to run two of them off my porch who
 3
     and came and sit on my porch while
                                                   and
     grandkids are inside, I'd been to the doctor's
 4
 5
     office.
              (inaudible) They are sitting on my porch,
     on my chairs rolling up their blunts. That's how it
7
     is.
 8
               And if they strong enough to do that and
 9
     they feel you are going up against them, huh-uh,
     never, I've got
10
                              I have to protect.
11
                          What would happen to somebody
12
     like that?
                            Oh, shoot, they'll jump you,
13
14
     they'll jump you.
15
                          Do you think that's the general
     feeling there if someone say something to either us
16
17
     or the local police, goes against what they want,
18
     that they will go against them.
19
                             I think now as it is getting
     longer in time, the majority of them in our
20
21
     neighborhood, my community, want the truth.
22
     that outside forces that are coming in. When they
23
     burnt that thing down yesterday, 80 percent of the
24
     people were from the city, not from there. Cars
25
     were coming in, the parking lots were full.
```

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```
Page 73
     lets us know immediately this is not Canfield, this
 1
 2
     is not Ferguson.
 3
                          You mention the burning down
 4
     issue, the memorial?
 5
                            Yes.
                          Did you see that?
 7
                            Oh, yes.
 8
                          What did you see?
                            I was standing outside in the
10
     morning, I come out every morning, step out, try to
11
     smoke a cigarette outside. I stepped outside, there
12
     was a gray car and a red car, I mean, a white and
13
     black car, sorry, sitting there. A gray, dark gray,
     charcoal gray car pulled up there, now there's three
14
15
     of them.
16
               The first two, they were taking pictures.
17
     In fact, a girl was in the white car, she got out
18
     and stood on the driver's side, took a couple
19
     pictures, got in. And I saw those two drive off.
20
               The charcoal gray car pulled up beside it.
21
     I said, oh, I forgot my cigarette butt, I left it on
22
     the kitchen counter. So I walked in, I got it, I
23
     came back out, I left and I walked to the other side
24
     of the porch, just look around, I like to look
25
     around, see the cars and see who is out and
```

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```
Page 74
 1
     everything else. By the time I reach my door step,
 2
     my front door, he gunned it or she gunned it or they
 3
     gunned it and the car peeled off.
               Next thing I know, whoosh.
 5
                          It shot up?
 6
                             It just blew up and there
 7
     wasn't no slow flame, it just whoosh.
 8
                          You talking about the memorial?
 9
                             Yes.
10
                           Did you see anybody go other
11
     and do anything?
12
                             I didn't see anybody.
13
     could have done anything from the car window.
14
     could have threw something out of the window.
                                                      But
15
     that was definitely to me an accelerant because the
16
     way the fire went up, it just went whoosh.
17
     wasn't a slow burn. I mean, they talking about a
18
     candle, candle, most of that stuff was wet.
19
                        : Okay.
20
                            Most of it was wet.
21
                             All right. We are going to
22
     leave this running.
23
                             I'll talk to myself.
24
                             Okay.
25
                              We'll be back in just a
```

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```
Page 75
 1
     minute, thank you.
 2
               MS. ALIZADEH: There is no conversation
 3
     during this break, so I'm going to try to fast
     forward it, it is not long.
 4
 5
                            All right.
                                                    , I
     don't think we have much. We don't want to take up
 7
     a lot of more of your time. We just have a few more
 8
     questions for you, okay.
 9
               My understanding is before we took the
10
     break, you talk about one concern you had,
11
     obviously, after this shooting occurred, people
12
     coming out and saying things that were not true
13
     based on what you saw, correct?
14
                            Yes.
15
                           : One of those things these
16
     young men coming out saying that Michael Brown had
17
     his hands all the way up in the air like
     surrendering at the time that the shooting was going
18
19
     on; is that correct?
20
                            Right.
21
                           : You didn't see that?
22
                            I did not see that.
23
                             Okay. I just want to
24
     clarify that. If I could, I referred you to some of
25
     your statement on August 12th and I just want to
```

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```
Page 76
     make sure that I understand your statement then and
 1
 2
     now, okay. And if you like, I have another copy
 3
     here, you can refer to if you want to or I can read
 4
     you these portions, is that fine?
                            That's fine.
 6
                             Okay. At the bottom of page
7
     seven it said, you are referring to Michael Brown,
 8
     you said that he had like one foot on the grass and
     one foot on the driveway, which you told us today.
10
     And then he turned around and he was like this.
11
     that is why people thought he raised his hands, and
12
     I think you are talking there about people claiming
     that he had his hands raised. You said he did
13
14
     something like this, is that what you are referring
15
     to him looking at his body?
16
                            Looking at his body. And I
17
     stated there they embellish, they embellish.
18
                             Okay.
19
                            He had them up, to make it
20
     clearer that he was giving up, they went from one,
21
     which is what I saw to something that they probably,
22
     they assumed he did and stuck them straight up in
23
     the air.
24
                           : Right, okay.
25
                            Okay.
```

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```
Page 77
1
                             And so when you were
 2
     demonstrating that he turned around and he had his
 3
    hands like this, that is why people thought he
     raised his hands, you're talking about when he was
 4
 5
     looking at himself to try to determine whether he
 6
     was injured?
7
                            Right.
 8
                             Okay. And you said you went
 9
     on page eight, you said he looked down and then he
10
     did this, and he looked at the officer and he walked
11
     and he took about three to five steps. He hit him
12
     again, pow, pow, pow. So you were demonstrating
13
    there again and then as you went on, Detective
14
            made an effort to kind of narrate the way you
15
    were demonstrating on the tape, do you recall that?
16
    Back on August 12th, when you were demonstrating for
17
    him he was kind of narrating back to you so it would
18
     show up on the tape, do you recall that?
19
                            I believe so.
20
                             Okay. On page 17 of your
21
     statement you said as he faces the officer, strike
22
    that.
23
               Detective asked you as he faces the
24
    officer. You say, uh-huh. You say that his hands
25
     go up to a point. Where? And you say about to his
```

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```
Page 78
 1
     shoulders almost.
 2
               And then you go on to page 18, and you say
 3
     like this. And Detective
                                       says, kind of
 4
     raised? And you say he had his hands up like this.
 5
               And, of course, you can't see that on the
 6
     tape so the detective narrates and he says, your
 7
     arms are like palms up, and hands and fingers are
 8
     roughly shoulder height, is that fair enough to say?
 9
               You say, yeah, about close to his
10
     shoulder, yes, uh-huh.
11
                            Not in the position that you
12
     got.
13
                          : Okay.
14
                          : When I said it, I said like
15
     this, not like this. They were close to the
16
     shoulder, yeah, about shoulder height.
17
                           : About shoulder height?
18
                            About shoulder height.
19
                           : With palms up?
20
                            His hands were out, his arms
21
     out away from the body, not like this. His were out
22
     like this. Away, they are away from his body.
23
                          : Okay.
                          : Not like this, not like this,
24
25
     not like this, they are away from his body. This is
```

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	Page 79
1	my shoulder, this is exactly how I showed him.
2	Okay. With the palms up?
3	: Palms are up.
4	: All right.
5	: Nothing, I got nothing, I'm
6	giving up.
7	: Okay. You say that they are
8	about close to his shoulder and Detective
9	says they are at about somewhat of an angle. And
10	you say, what would you say, a 35 or 45 degree angle
11	from the body.
12	And you go on to say on page 18, he's
13	standing there and he's looking, he's looking down
14	at his body. And he looks up at the officer and you
15	say, he looks up at the officer and by this time he
16	was standing facing him after he turned around in
17	this position.
18	On page 19 you say, Detective asked
19	you, Michael Brown is standing facing the officer at
20	this point with his hands at his rib cage. So now
21	his arms are further down, his hands are at his rib
22	cage?
23	After the shots.
24	: Okay.
25	: Someone left out it was after

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-		
		Page 80
	1	the shots.
	2	: I just want to make sure.
	3	The first volley of shots?
	4	After the first volley of
	5	shots, his arms came down because he was staggering.
	6	Like he was coming, as he got hit like, oh, shoot,
	7	he was staggering around, all right.
	8	They had to come down a little bit, they
	9	were coming down. Like I said, when they weren't at
	10	his body, I didn't say they were next to his body.
	11	He asked me a question, I demonstrated and he said
	12	something that his narration is not what I showed,
	13	okay.
	14	: The narration is not?
	15	: Whatever he wrote, I don't
	16	know, he just stated, yes, but his depiction of what
	17	I said of what I showed him is incorrect.
	18	: Let me just finish running
	19	through it, okay, and we can talk about it.
	20	Okay.
	21	: Bottom of page 19, Detective
	22	says, Michael Brown is standing, facing the
	23	officer at this point with his hands at his rib
	24	cage. And you say, yeah.
	25	And Detective says, hands, palms
	i	

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```
Page 81
     up, and so they're at his rib cage, palms up.
 1
 2
               And then you say well, they weren't up
 3
     against his rib cage, it was out because he was
     looking down, slightly away from his body.
 4
 5
                            Uh-huh.
 6
                            And Detective
                                                   says
 7
     that he was looking down at his body at some point.
 8
     And you say, right, right, uh-huh.
 9
               And then you go on to say on page 20.
10
     Detective
                      says, is anybody saying anything at
11
     this point?
12
               And you say the officer as he raised his
13
     head, he told him to stop. As Michael Brown raised
14
     his head, the officer told hold to stop; is that
15
     right?
16
                            Right.
17
                           : And he says, as Michael
18
     Brown raises his head? And you said, as he raises
19
     his head, he says stop right there. He asked you,
20
     the officer says this? And your response was, yeah,
21
     he did say stop. And when he left from that fixed
22
     spot, then he was walking toward him.
23
               And he asked you, towards the officer?
24
     And you say, towards the officer. When he, as soon
25
     as he put his foot on the street, he hit him three
```

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```
Page 82
 1
     times.
 2
               And he asked you like, how many steps do
 3
     you think he took before the officer fired?
     said, big boy, he didn't take that many steps, I
 4
 5
     really couldn't count, yeah.
 6
               And so that's the first volley that he has
 7
     his hands down near his ribs at the time of the
 8
     first volley?
 9
                            Right.
10
                             Okay. I just wanted to make
11
     sure of that. That's why I wanted to ask you about
12
     this, sir. You know, there were three or four times
13
     where Detective
                            , or you went back to when
14
     Michael Brown turned around and where his hands
15
     were. And on August 12th, I mean, there wasn't even
16
     any mention with him having his hands up with his
17
     palms facing the officer or all the way up.
18
                            I didn't say, when he turned,
19
     his hands was up, he was looking down to see where
20
     he was hit.
21
                             Uh-huh.
22
                            His back was turned like
23
     this. As he was turning around, still looking, when
24
     he faced the officer, there they were.
25
                            Above his shoulders now?
```

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```
Page 83
 1
                             No, they are right by his
 2
     shoulders, right by his shoulders.
 3
                              On the 12th you only
 4
     describe him as having his palms up toward the sky,
 5
     right?
 6
                             No, I did not say that they
7
     were pointing up. I said, his hands were up like
 8
     this. I didn't state palms towards the sky.
 9
                           : All right.
10
                             If you go say that, no, no,
11
     no, no, I never said pointed up.
12
                              This isn't something he
13
     wrote.
14
                             I didn't say pointed up
15
    toward the sky.
16
                           : Detective
                                                asked you,
17
     your arms are like palms up and hands --
18
                             Palms up?
19
                           : -- with hands or fingers are
20
     shoulder height?
21
                             Isn't this up?
22
                           : Palms up, right?
23
                             Is this up? I've got them
24
     down like this now, this is my depiction of up, not
25
     like this, this is my depiction.
```

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	Page 84
1	: All right. One thing that
2	concerned me though is that people are coming
3	forward and saying that he had his hands up.
4	: Above his head.
5	: Above his head.
6	: Like this, all the way up.
7	: All right.
8	He didn't.
9	: But consistently as it is
10	described on August 12th, you have your palms up,
11	right? And not facing towards the officer, but
12	palms up, correct?
13	Right. When he turned to
14	face the officer, his hands were in this position.
15	: Okay. With his palms facing
16	out, sir, or were the palms facing up?
17	This is what I consider up.
18	So you consider this up?
19	: We need to be able to
20	describe this for the tape, that's
21	This is facing forward, to
22	clarify?
23	Well, he was facing up then
24	facing forward.
25	Okay.

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```
Page 85
 1
                            Not like this.
                                             They were
 2
     facing him, hands u like this is my hands palms
 3
     facing the officer they weren't like this pointed
 4
     towards the sky. They were pointed toward him.
 5
                             That's what I wanted to ask
 6
     you is because on August 12th, I mean, you never
 7
     said anything at any time about his palms actually
 8
     facing the officer.
 9
                             I said his hands were up.
10
     never said his palms were facing the sky. I said
11
     his hands were up, about shoulder length, arms out
12
     away from the body, that's what I said. I'm going
13
     to stick with that because that's what I saw.
14
                             Before the first volley
15
     though, his hands were coming down towards his rib
16
     cage?
17
                            Yeah, he was looking for
18
     them, he's still looking like. He's searching to
19
     see where he was shot. His arms were like this.
20
                             All right. Now you have
21
     your palms sort of facing --
22
                            Right, like this.
                                                He is
23
     searching his body and looking at his arms and
24
     everything to see where he was shot.
25
                             All right.
```

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```
Page 86
 1
                             When he turned around and
 2
     faced the officer, I'm going to say it again, this
 3
     is what I saw. His hands was up shoulder length,
     palms facing the officer, not up toward the sky.
 4
 5
     That is my definition of palm, hands up, okay.
 6
               Now, when the people down the street
 7
     demonstrate they say hands up, they are like this.
 8
     Not like that, but like this.
 9
                              Hands straight up in the
10
     air?
11
                             Right.
12
                           : And that didn't happen?
13
                            No.
14
                              And just to clarify there,
15
     you were then demonstrating that after he turned
16
     around, his hands come back down towards his rib
17
     cage and you were demonstrating, I want to make sure
     this is clear for the tape. If you don't agree with
18
19
     what I say, correct me, and I know that you will.
20
                             Uh-huh.
21
                              When his hands come back
22
     down, you're demonstrating that his palms are then
23
     sort of facing towards himself as he is looking at
24
     his body seeing if he is injured?
25
                            Right, still looking, he's
```

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```
Page 87
 1
     looking again.
 2
                             That was immediately before
 3
     that first volley of shots?
 4
                            Right.
 5
                             And that was at the time
     that the Officer Wilson was staying stop.
 7
                            He had already stopped.
 8
     was looking, he was turning around, still looking.
     The officer said stop, he was turning.
                                             Okay.
10
     doing this, my back is to the officer.
11
     looking at his body like this. And just as he
12
     started turning, the officer said stop and he was
13
     still looking.
14
               And then he looked up, and when he was
15
     caught looking at the officer, his arm proceeded to
16
     go out like this. Palms away from, facing the
17
     officer, arms away from the body, palms facing in I
18
     give up stance, I give up.
19
               The officer again says stop. He wasn't
20
     moving, he took a step up. He stepped out on the
21
     street, his hands were still in the exact same
22
     position, palms facing up, arms away from the body
23
     and he shot him.
24
                           : Now, you just said though
25
     that before he shot, before that volley, his hands
```

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```
Page 88
 1
     had come back down towards the rib cage.
 2
                            He came down, right.
 3
     still turned around before the shots, he looked up
 4
     and as he faced the officer, his hands went up.
 5
     was still doing this as he was turning, looking at
 6
     hisself. He was checking his body out to see what
 7
     was going on it.
 8
               As he turned, I'm looking, I'm turning,
 9
     I'm looking, his hands like this.
10
                             You have your hands and your
11
     arms --
12
                            Right, like this.
                                                It was
13
     away from the body, palms are facing like this.
14
                             Palms are facing towards his
15
     own body?
16
                            Okay.
                                   I'm looking up, I see
17
     you, you're the officer. His arms went up. That's
18
     when I demonstrated to him as I was standing there,
19
     okay.
20
               Now, he asked me a question, yes. Hands
21
     were up, that's it. This is what I say hands were
22
          Not this. Every depiction of everything that
23
     these people are doing out in the street so far,
24
     photographs and T-shirts, hands up. Not palms up,
25
     hands up.
```

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	Page 89
1	: The hands straight up.
2	Right.
3	: That's what they are saying.
4	My definition what I saw his
5	hands were up like this, same way.
6	: Shoulder height?
7	But only they were here.
8	All right. But if I
9	understand correctly, what you said today and what
10	you said on August 12th is, he then takes a step or
11	two forward off that curb.
12	Uh-huh.
13	: The officer was saying stop
14	again.
15	: Uh-huh.
16	: And at the time of that
17	first volley, his hands had come back down towards
18	his rib cage where again he is looking to see if he
19	had been shot.
20	I have to say he already had
21	them down. As he turned, he started to face the
22	officer, his hands were up. They didn't come back
23	down again until after the volley was fired.
24	: The first volley?
25	: The first volley.

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```
Page 90
 1
                             I know we went over that at
 2
     length. So now, so tell me (inaudible) if so he's
 3
     running away, he stops.
                          : Uh-huh.
 4
 5
                             I'm looking around, seeing
 6
     what's going on. He turns over this shoulder?
 7
                             No, turn your back, you are
 8
     looking at yourself.
 9
                            I'm looking at myself, okay.
10
                            All right. Now slowly turn
11
     to me during the same thing.
12
                           Over this shoulder?
13
                            Whatever. And then as you
14
     turn and you turn around and face me, then your
15
     hands go like this.
16
                             I go like this. A round of
17
     shots go off, his hands are still here.
18
                            His hands are here and then
19
     he steps forward, stop.
20
                            As he's turning around, you
21
     said going like this, does he take a step forward?
22
                             As he did that, he took a
23
     step forward, he said stop, but his hands was up by
24
     the time he said stop.
25
                             Stop.
```

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```
Page 91
 1
                             He took a step, he was out in
 2
     the street. When his foot hit the street, bam, bam,
 3
     bam.
                             So that's the first. So then
 4
 5
     where do his hands go?
 6
                             He is like this, he is like
7
     this, they moving down.
 8
                             He started doing this?
 9
                             He didn't really tell, but he
10
     got hit.
11
                             You show it was kind of like
12
     a round.
13
                             It was like, oh, and then he
14
     stopped. And then he was staggering to stay on his
15
     feet, I'm staggering to stay on my feet, you're the
16
     officer.
17
                             Yes.
18
                             I'm staggering to stay on my
19
     feet and then I raise up like this, my hands are
20
     still in this position.
21
                             Okay.
22
                             All right. I'm staggering,
23
     I'm like this, I'm falling forward, I'm just
24
     staggering towards you, I'm coming towards you.
25
                             Okay.
```

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```
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 1
                             He takes three steps back as
 2
     he started staggering. He's still in the position.
 3
     When he started staggering forward, he let loose
 4
     again.
                             But he is staggering forward.
 6
                             That's how he was. He was
 7
     barely up. He was trying to keep focus on the
     officer.
 8
                             When you say he fell, he
10
     didn't hit his knees, he fell face first.
11
                             No, face first.
12
                             The whole time he never moved
13
     his hands down like this?
14
                             They were coming down as he
15
     was falling.
16
                             His hands could have been at
17
     his side when he fell?
18
                             It could have been.
19
                             Okay.
20
                              Let me ask you one more
21
     time, they weren't --
22
                             They weren't up under his
23
     body.
24
                              You say on August 12th, you
25
     said Michael Brown standing facing the officer at
```

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- 1 this point with his hands at his rib cage or
- 2 Detective says that and you say, yeah. And
- 3 he says, hands, palm up and you say uh-huh.
- And he was looking, he says he was looking
- 5 down at his body at some point and you say, right,
- 6 right.
- 7 You said the officer as he raised his head
- 8 he told him to stop. He asked you, as Michael Brown
- 9 raised his head. You say as he raises his head, he
- 10 says stop right there. You say the officer said
- 11 this. And you say, yeah, he did say stop and he
- 12 left from that big spot that he was walking towards
- 13 him.
- And he asked you, towards the officer?
- 15 And you say, toward the officer when he, as soon as
- 16 he put his foot on the street, he hit him three
- 17 times.
- 18 How many steps do you think he took before
- 19 the officer fired? You told him you didn't count
- 20 it.
- 21 So what you indicated there was at the
- 22 time he takes the steps toward the officer, and the
- 23 officer says stop right there, and then fires that
- 24 first volley, you say that just before that, Michael
- 25 Brown is standing, facing the officer at this point

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Electronically signed by

```
Page 94
     with his hands at his rib cage, hands, palms up.
 1
                                                         So
 2
     this is while he is looking?
 3
                             They are about like this.
     Yeah, but they're not, they are like this, they are
 4
 5
     up.
 6
                              That's fine. On August 12th
 7
     you said that at the time --
 8
                             Right.
 9
                           : -- the first volley
10
     happened, he was facing the officer with his hands
11
     at his rib cage hands, palms up. Is that accurate?
12
     Is that accurate what you said?
13
                             Yes, uh-huh.
14
                           : And then that's the first
15
     volley of shots?
16
                          : First volley.
17
                           : Okay, I think I understand.
18
                             Hands up, no matter how you
19
     say it, hands up.
20
                           : At his rib cage.
21
                             Right, about right in here.
22
    He's a big boy.
23
                           : Right.
24
                          : All right. He had definitely
25
     given up.
```

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```
Page 95
 1
                              The hands are at his rib
 2
     cage at the time of the first volley of shots?
 3
                             Right.
                           : And with his hands, with his
 4
 5
     hands --
 6
                             Away from his rib cage, away.
 7
     Not at his rib cage, away, his arms are still
 8
     extended.
 9
                          Okay. So you have your hands
10
     kind of out by your sides now.
11
                             Is this my rib cage?
12
                           I'm just trying to understand
13
     for the tape. Your hands are now, they are lower
14
     now, hands down by the side.
15
                             All right. (inaudible) The
16
     ribs.
17
                              Is it fair to say that at
18
     the time of that first volley, Michael Brown is
19
     standing, facing the officer, with his hands at his
     rib cage, hands, palms up. Is that yes?
20
21
                             I don't like the phrase palms
22
     up because when you say palms up, I'm saying his
23
     hands are like this.
24
                                          all I'm doing is
25
     asking about your statement on August 12th.
```

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```
Page 96
 1
                            Okay. I didn't say palms up.
 2
     Hands up. I never said palms up.
 3
                             Okay. Well, repeatedly on
 4
     August 12th it was palms up.
 5
                            No, I said hands up, I never
 6
     said palms up.
 7
                            All right, that's fine.
 8
                             I said hands.
                             I don't think we have
10
     anything else. I just wanted to clarify that and
11
     make sure what we have here, but what you've
12
     indicated though is what you said on August 12th was
13
     accurate and that is at the time of the first volley
14
     he had his hands at his rib cage; is that right?
15
                            Yes.
16
                           : Okay.
17
                            Okay. So the interview is
18
     completed 11 (inaudible).
19
               MS. ALIZADEH: Okay. It is 11:33, we just
20
     completed playing the recorded statement of
21
            that was done by the FBI. Just making a
22
     point of saying on the record that they took a break
23
     during the interview. And I did fast forward
24
     through the break because there was no conversation
25
     during that time period, so we went forward to where
```

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```
Page 97
     the interview resumed. Would you all agree with
 1
 2
     that? You heard resume the interview, correct, all
     right? Everybody is shaking their head, okay.
 3
               So we have
 4
                                         here. Are we
     ready to bring him in? Everybody ready?
 5
 6
               Anybody need to stand up, go to the
 7
     bathroom? Let's take a two minute break.
 8
     of lawful age, having been first duly sworn to
 9
10
     testify the truth, the whole truth, and
11
     nothing but the truth in the case aforesaid,
12
     deposes and says in reply to oral
13
     interrogatories, propounded as follows, to-wit:
14
                         EXAMINATION
15
     BY MS. ALIZADEH:
16
               Would you please state your name and spell
          Q
17
     it for the court reporter, please?
18
          A
19
          Q
               And,
                               , I'm going to walk back
20
     here because if I can't hear you, and I have
21
     actually not the best hearing in the world, but I
22
     know we might not be able to hear you.
23
     microphone that is in front of you does not amplify
     your voice, it is recording.
24
25
                    So, and if any of you at any time
```

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```
Page 98
     can't hear what he says, you need him to repeat
 1
 2
     something, please raise your hands.
 3
                     So,
                                     can you tell me how
 4
     old you are?
          Α
          Q
               And where do you live?
 7
          Α
 8
               That's in the Canfield Green Apartment
          0
 9
     Complex?
10
          Α
               Yes, it is.
11
               And how long have you lived there?
          Q
12
               Uh, about
          Α
                             years.
13
               And back in August of this year you were
          Q
     living there; is that right?
14
15
          Α
               Yes.
16
               And you lived there, I'm not going to ask
17
     you the names, but you lived there with
                                                          ;
18
     is that correct?
19
          Α
               Correct.
20
               And I'm going to show you, this is a
21
     laser pointer. So there is a little button right
22
     here and there is a map that is next to the witness
23
     stand. It is marked Grand Jury Exhibit 25. We have
24
     been using this for the past few meetings.
25
                    Do you recognize this as being the
```

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Page 99 streets and the buildings that comprise the 1 2 apartment complex of Canfield Green? 3 Α Yes. Okay. And just to situate yourself, this 4 5 is Canfield Drive that goes all the way through the 6 apartment complex, correct? 7 Α Correct. 8 I will tell you over in this direction is West Florissant? 10 Α West Florissant. 11 As you are going down Canfield in this 12 direction you are going east and then the Northwinds 13 Apartments are east of the Canfield Apartments, 14 would that help orient you to how this is set up, 15 correct? 16 Α Yes, uh-huh. 17 So now can you use the laser pointer and 0 point to what building you were living in in August? 18 19 Right there. (indicating) Α 20 Okay. And so just so we can understand 21 these buildings, these are apartments; correct? 22 Correct. Α 23 Do you have to enter the building before 24 you get into your apartment or does each apartment 25 have an exterior door?

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```
Page 100
               We have a porch, you walk up the steps, I
 1
 2
     stay on the second floor and I go through the door.
 3
               So from the outside of the building you
     walk up exterior steps?
 4
 5
          Α
               Yes.
 6
               And then your front door is on the
7
     exterior of the building?
 8
          Α
               Correct.
               And so is there like a little, is it
10
     wooden steps?
11
          Α
               Yes.
12
               So is there like, uh, you said porch, like
13
     a little decking area?
14
               Yeah, a little small wooden porch.
          Α
15
          Q
               Okay. And that's right where your front
16
     door is?
17
               Yeah, off, go from one side of the
18
     building, from one side of the steps all the way up,
19
     one continual porch.
20
               So where you were pointing before, this
21
     little jet out on the roof of the building.
22
          Α
               Yes, there are steps right here. You come
23
     around and you go up these steps.
24
               Okay.
          Q
25
          Α
               This is the overhang right over the steps.
```

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		Page 101
1	Q	Okay. So this part is like an overhang
2	that cove:	rs the steps from the elements?
3	A	Right, yes.
4	Q	And so you said that the decking or the
5	porch, son	me people call it a balcony?
6	A	Right.
7	Q	It goes all the length of the building?
8	A	Yeah, right. It spans almost halfway
9	between w	nere I am now where the red dot is and the
10	end of the	e building, so just to about the middle.
11	Q	Okay. Are there other apartments front
12	doors on	this side of the building?
13	A	Mine is on this side, this is this is
14	and the tl	nird floor and
15	Q	If this is the west side of the building,
16	there is	other front doors is what I'm saying.
17	A	There's one more.
18	Q	Okay. And you all share that balcony
19	then?	
20	A	Correct.
21	Q	And you said you are on the second floor?
22	A	Right.
23	Q	So is there another way to get out of the
24	apartment	besides the front door?
25	A	No.

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	Page 102
1	Q No slider, no glass or anything?
2	A Well, we have sliding glass doors, excuse
3	me, other than the front door that opens out onto
4	the porch. So we can get a breeze.
5	${f Q}$ Okay. So you can go out onto the porch
6	through the sliding glass door?
7	A Correct.
8	<b>Q</b> As well as the front door?
9	A Yes.
10	${f Q}$ Okay. And so, um, from when you stand,
11	now, is there any furniture on your porch?
12	A Yes, I have two chairs and a table.
13	Q Do you have a habit or just something you
14	like to do is to sit out on the porch?
15	A Yeah, I like to sit out on the porch early
16	in the morning. Sometimes, especially when the kids
17	are going to school I sit out and keep an eye on
18	them. And I have a neighbor downstairs who lives in
19	the lower level and sometimes her and I sit out and
20	talk, you know, since I'm collecting Social
21	Security, I don't work and she's retired, and keep
22	each other company, just keep an eye out.
23	Q Okay. And just, again, so I'm clear, does
24	this porch or deck or balcony, whatever we are
25	calling it, does it wrap around to the other side of
i .	

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Page 103 1 the building? 2 Α No, it doesn't. 3 So when you sit on your chairs, are you north of the little staircase? 4 5 Α I'm right here. (indicating) 6 Okay. And so from that position when you Q 7 are on your balcony at that position you have a good 8 shot down Canfield? I can see all the way down to this end. 10 Almost right to the bend. 11 Okay. So now, let's talk about the 9th of 12 You know the exact times are not important, but this occurs a little after noon on the 9th? 13 14 Α Yes. 15 Q Do you remember was there anything that 16 memorable about your day prior to that? 17 remember anything happening or special? 18 It was normal. I was watching the 19 gentlemen that were working on this side here. 20 were making a lot of racket, they were doing a lot 21 of plumbing and excavation over here. 22 My bedroom window is located on this 23 side, so I can see this building completely and I 24 can see up to about right here from my window. 25 Q Was home that day?

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		Page 104
1	A	Yes, was.
2	Q	Okay. Now, we know that other people
3	arrived a	t the apartment, but in the morning, was it
4	just you	and your home that day?
5	A	Yes.
6	Q	And so just to be clear, from your bedroom
7	window, w	hich you say is on the north side of the
8	building,	there is no balcony?
9	A	No.
10	Q	You can't get out of your bedroom from
11	there?	
12	A	No.
13	Q	Okay. So, and it was a clear day?
14	A	Yes, it was.
15	Q	Sunny and hot, right?
16	A	Right.
17	Q	Do you have air conditioning in that unit?
18	A	Yes, central air, yes.
19	Q	Pardon me?
20	A	Central air, yes.
21	Q	So would you of had your windows closed, I
22	mean, it	is August 9th I would imagine you probably
23	have the	AC running?
24	A	Well, we didn't turn it on, we like to
25	keep it o	ff for a while. We will turn it off early

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Page 105 in the morning and wait until the temperature rises 1 2 because can't take the cold that much. 3 usually wait until maybe 1:00 or 2:00 and then I will turn on the air when it starts to get hot. 5 Q When you don't have the air on, do you have the windows open or closed? 7 Α Open. 8 How about the sliding glass door, would 9 that be open, do you have a screen for that slider? Sometimes 10 Α has it open, sometimes 11 doesn't. occupies the living room. 12 Q Okay. 13 That's domain. Α All right. So, at some point, we know 14 Q 15 that your brother and his wife come over to you and 16 apartment, correct? 17 Correct. Α 18 But at some point there is something that 19 draws your attention to the street, correct? 20 Α Correct. 21 Whatever it is, and we'll talk about it in 22 a second, whatever draws your attention to the 23 street, is that before or after your brother and his 24 wife get there? 25 It is practically simultaneous. Α

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Page 106 1 Q Okay. 2 Α I was looking out the window and I saw two 3 gentlemen walking down, they were right on the middle line walking down the street. I couldn't 4 5 overhear, but they were saying something to the 6 workers. They were walking in the very middle of 7 the street, which caught my attention. 8 I saw my brother's truck coming this 9 way, so I got up to meet him at the door. 10 what happened. 11 Okay. You saw two gentlemen walking down 12 the middle of the street you say? 13 Right. Α 14 And they were walking west toward West 15 Canfield? 16 Right. Α 17 I mean West Florissant. Q 18 Yes, towards West Florissant. Α 19 Just to be clear about this, did you see 20 them walking and then do you see them later in a 21 different position? 22 When I, as I saw them pass, I saw my Α 23 brother's truck coming down, I got up. 24 Did you see --Q 25 Α By the time I got to the door and opened

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Page 107 1 the door, my brother had just pulled in. 2 Q Okay. 3 They were located right about right here. Α 4 (Indicating). Q Okay. They had progressed past this one driveway 7 and they were right about here, almost close to the 8 next driveway. Okay. And now the two men we're talking 10 about, was one of the men Michael Brown? 11 I later found out it was, yes. 12 But it is the same person that you later 13 see get shot in the street? 14 Α Yes. 15 Q And we know, we've heard from your 16 previous statements that you knew who he was from 17 the complex, but you didn't know his name on that 18 date? 19 Α No, I didn't. 20 Q And you weren't friends with him other 21 than a polite greeting in passing? 22 Yes, he has a friend who lives in this Α 23 building right here. He would come through every 24 now and then, he would speak to me and the lady 25 downstairs or sometimes I see him at the store, at

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	Page 108
1	the QuikTrip or any of the other stores. He would
2	always speak to me, I would speak to him.
3	Q But you recognized him as someone you had
4	seen in the complex?
5	A Right.
6	<b>Q</b> What about his friend?
7	A I had never seen him before.
8	${f Q}$ Okay. And Mike Brown, we know is a big
9	guy?
10	A Yes.
11	Q He was 6'5" or something like that?
12	A Yes.
13	Q And the other gentleman, was he shorter?
14	A Shorter.
15	Q Skinnier?
16	A Thin, dreadlocks I think it was, braids,
17	whatever you call them.
18	<b>Q</b> And so you saw those two guys walking
19	from, they stopped, you saw them talking to the two
20	construction workers?
21	A Yeah, kind of slowed down, they were
22	talking to them as they were steadily walking.
23	Q Okay. So they didn't stop and chat for
24	like 30 minutes or anything like that?
25	A Not for long, I don't think they stopped
i .	

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Page 109 1 that long, no. 2 And at this point, other than you saw them 3 walking down the middle of the street, was there anything that was odd to you? 4 5 Α No. Nothing? Q 7 Α Nothing odd, no. 8 And so you see your brother driving his 9 truck down and he pulls onto Caddiefield, does he 10 park and he and his wife get out of the truck? 11 He parks, almost immediately as soon as he 12 comes in because right behind him was an officer, 13 excuse me, he was coming in this direction. And my 14 brother got out and heard him say something, I 15 couldn't overhear what he said. 16 Okay. Let me stop. You said your brother Q 17 got out and you couldn't hear what he said. Are you 18 talking about your brother? 19 Α No. 20 Q Saying something? 21 No, by the time he got to the porch, the 22 truck was coming down, the officer's vehicle was 23 coming this way. By the time my brother got to the 24 porch, he was just past the two guys. He slowed 25 down and then he kind of went a little further and

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```
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     then he backed around and he turned around and he
 1
 2
     came in, like cut them off.
 3
               Okay. So let's stop. So your brother has
          Q
     got, what is it a pickup truck or SUV?
 4
               He has a SUV.
 5
          Α
 6
                     So he's coming in from this
 7
     direction, does he pass this Mike Brown and the
 8
     other kid walking in the street?
               Yes, he had just passed. He had to pass
10
     them when he got to my driveway. They were past my
11
     entranceway right there, they were about right here.
12
               So your brother goes past them, did he
          Q
     have to go like around them, are they still in the
13
     middle of street?
14
15
          Α
               Yeah.
16
               They are still in the middle of the
          Q
17
     street?
18
          Α
               Right.
19
               Your brother then goes this direction and
20
     you said you see a police vehicle?
21
               Right.
          Α
22
               And is it an SUV?
          Q
23
              Yes, it is.
          Α
24
               And it is a Ferguson vehicle?
          Q
25
          Α
               Yes.
```

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	Page 111
1	Q And you see it driving in which direction,
2	coming from here?
3	A Going this way, going eastbound.
4	<b>Q</b> When is the first point you notice the
5	Ferguson vehicle, where was it?
6	A When my brother pulled in, he was about
7	right here. (indicating)
8	<b>Q</b> And you say he was driving this way?
9	<b>A</b> Yes.
10	Q East?
11	A Right.
12	${f Q}$ And then does he pass the two guys that
13	are walking in the street?
14	A I'm looking, my brother's back there, we
15	looked around, him and his wife. He kind of slowed
16	down and said something. And he had just got maybe
17	a few feet past them, right about here, all right,
18	and they were steadily walking. I couldn't hear
19	from the distance, I couldn't hear anything that
20	they are saying.
21	<b>Q</b> Okay.
22	A Next thing we know.
23	Q Let me stop you. Are you now, where are
24	you in your apartment?
25	A I'm on the my porch.

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		Page 112
1	Q	By the front door?
2	A	I'm outside my on the front door right at
3	the raili	ng.
4	Q	Okay. And so you stayed, you couldn't
5	hear if a	nything was said?
6	A	No.
7	Q	And then what happens next?
8	A	The officer backs his car up and he kind
9	of put th	e car at an angle with the front pointed,
10	okay. Le	t me see right here. His car was pointed
11	toward th	at tree, there is a tree right there if you
12	can see i	t. And I'm looking at the passenger side,
13	we're loc	king at the passenger side, we couldn't see
14	the drive	er's side.
15	Q	So you're saying that the police vehicle
16	was still	pointing east?
17	A	Yes, he was still pointing east, sort of
18	east. He	was sort of at an angle. I've got a 45
19	degree an	gle.
20	Q	But he never turned around in the street?
21	A	No.
22	Q	So he passes the boys and then backs up?
23	A	Yeah, and cuts them off.
24	Q	Okay.
25	A	He cuts in front.

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	Page 113
1	<b>Q</b> And then the vehicle stops at somewhat of
2	an angle?
3	A Yes.
4	${f Q}$ Okay. But from your vantage point here,
5	you are seeing the passenger side of the car?
6	A Yeah, I couldn't see the driver's side.
7	We're looking at the passenger side, and Michael and
8	the gentleman were on this sidewalk, on this side.
9	Q So, let's be clear
10	A No, they were close to the side they
11	are on the sidewalk side, but they were still in the
12	street.
13	Q Were they on the driver's side of the
14	vehicle?
15	A At that time, when he cut them off, they
16	were both on the driver's side.
17	Q Okay. So let me ask you, when they were
18	walking down the street, did they stay on the yellow
19	line in the middle of street?
20	A Yeah, they stayed in the street.
21	<b>Q</b> But the officer cuts them off?
22	A Right.
23	Q And so, but they're on the driver's side
24	of the car at this point?
25	A Yes, but they are still in the street,

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```
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 1
     they're not on the sidewalk, they are still in the
 2
     street.
 3
               All right. And so is the officer's
          Q
     vehicle between you and the boys?
 5
          Α
               Yes.
               Now, we know Mike Brown was tall, could
7
     you see his head over the roof of the car?
 8
               A little bit, yes.
          Α
               Okay. But did you, was it, what about the
     smaller guy?
10
11
          Α
              Couldn't see him.
12
              Couldn't see him?
          Q
13
          Α
               No.
14
               Then why don't you describe what happened
          Q
15
     next?
16
               Okay. After the officer stopped and
          Α
17
     pulled in that position. Michael walked, something
18
     he was saying, I don't know what he was saying or
19
     whatever. He proceeded to walk towards the
20
     officer's truck on the driver's side. They was
21
     still located right here. (indicating)
22
               Okay.
          Q
23
                     Then my brother noticed, he said
     wait a minute, looks like they're struggling.
24
25
     are looking at the car, we can see them tussling,
```

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Page 115 all right. His head was above the truck for a 1 2 moment and then it went below it. 3 Q Okay. 4 Α All right. And it was still tussling. 5 His friend had backed up a step back on the 6 sidewalk, then we heard a shot. His friend ran this 7 direction, Michael ran to this driveway right here, 8 beside this building. Just so we can be clear, this street is 10 Copper Creek Court? 11 Α Right. 12 So you are saying, you had the pointer, the little laser --13 14 Right, right here. Α 15 Q -- at the corner of Canfield Drive and 16 Copper Creek Court? 17 Right, he had ran towards this way. he's running --18 19 He's running east down Canfield? 20 As he's running this way, the officer got 21 out of his truck, came around from the back, got to 22 this side where he was now on the driver's side 23 because he had a clear line of Michael over here. 24 Then he assumed his position with the 25 pistol. As he turned around, as he came around, he

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```
Page 116
1
    was coming up with the gun. He held the gun up like
 2
    this. (indicating) When he got to here, Michael was
 3
     standing right on the grass and he was like looking
 4
     down at his body.
 5
          Q
               Okay. Let me stop you here. At this
    point have you seen anything in Michael's hands?
 6
7
          Α
               No.
 8
               When he was stopped, when they were
 9
    talking down the street, did you see anything in his
10
    hands?
11
          Α
               No.
12
               How about the other boy, anything in his
          Q
13
    hands?
14
               No.
          Α
15
          Q
               They weren't carrying anything that you
16
     saw?
17
               No.
          Α
               And then you said, you know how important
18
     some of this gesturing has been, right?
19
20
          Α
               Uh-huh, right.
21
               So they are here to actually witness what
22
    you are going to do. And so you say when Michael
23
     Brown gets to, is he in the grass actually?
24
               He's is standing at the very edge. Okay.
          Α
25
     The driveways are blacktop, he is stopped right at
```

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Page 117 1 the blacktop right, at the very edge. 2 Okay. Q 3 His back was turned to the officer. Α Q Okay. 5 Α And he had his hands like this, like he's looking down at his body to see. 7 Okay. Can I ask you to stand up that will Q 8 really help them to see what you're doing and he's stopped now? 10 Α He's stopped with his back towards the 11 officer and he stopped and he was doing this. As he 12 was trying to see where he was shot. 13 Q Okay. 14 All right. Α 15 Q Uh-huh. 16 As he was turning, at that time the Α 17 officer had already been around to the back of his 18 truck and got into his spot. By the time he got there, while Michael was there, he was slowly 19 20 turning around and the officer said stop. When 21 Michael turned around, he just put his hands up like 22 this. They were shoulder high, they weren't above 23 his head, but he did have them up. He had them out 24 like this, all right, palms facing him like this. 25 The officer said stop again. Michael

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Page 118 1 then took a step, a few steps it took for him to get 2 from that blacktop to the street. When he stepped 3 out on the street, the officer said stop one more time and then he fired. He fired three to four 4 5 shots. When he hit him, he went back. Can I stand? 6 Q Sure. 7 When he hit him he, did like this, and he 8 went like, like his balance -- he started staggering 9 and he looked up at the officer like why. 10 Now, just to be clear, you can't hear him 11 say anything? 12 I can't hear him say that, but he's 13 looking at him and he is doing, you know. So then 14 as he's stopped, he's trying to steady, he starts 15 staggering, my brother says, he's not going to stand 16 up, he's getting ready to fall, he's getting ready 17 to fall. 18 He looks like he was trying to stay 19 on his feet, and he started staggering toward the police officer and he still had his hands up. 20 21 At some point between the officer's 22 truck, which by that time this is about 30, 35 feet, 23 when he reached out into the street, he started walking toward the officer, the officer took three 24 25 steps back and he yelled out stop to Michael again

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Page 119 1 three times. 2 Michael's steadily walking toward 3 him. More or less to me and to my brothers, he was 4 staggering. 5 Okay. To your brothers, did you have more 6 than one brother? 7 Well, I mean my brother. I didn't mean to 8 say brothers, my brother. He was staggering, you know. And as he was staggering forward, his head, 10 his body kind of went down at an angle. He was like 11 this, more or less fighting to stay up. You could 12 see his legs wobbling. 13 Were his hands the way you had them? 14 His hands were coming down like this, all Α 15 right. And he had his head up and he's facing the 16 officer like this and he is steadily moving, and the 17 officer was moving back, stop. He yelled stop the third time, he let off four more shops, but as he 18 19 was firing, Michael was falling. After he stopped 20 firing, Michael, he went down face first, smack. 21 When that happened, another police 22 truck SUV pulled in behind him, again, assumed 23 almost that exact same spot. He pulled in almost at 24 the exact same angle. 25 The officer, when we looked around,

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```
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 1
     he was gone, we didn't see him. His friend, we
 2
     never saw him.
 3
               When you said we looked around, the
          Q
     officer was gone?
 4
               He left.
          Α
               Are you talking about --
 7
               He didn't drive off, he walked away.
          Α
     must have walked back to the other officer.
 8
               Okay. Are you talking about the officer
10
     who did the shooting?
11
          Α
               Who fired the hot.
12
               Okay. He had walked away from Michael
          Q
13
     Brown's body?
14
               Right.
          Α
15
          Q
               Okay.
16
               He walked back and the other officer was
17
     coming towards the driveway. We never saw him.
18
                    This is when I lost sight of what was
19
     going on.
20
          Q
               Why did you lose sight of what was going
21
     on?
22
          Α
               Because
                                  freaked out,
23
     and sister-in-law freaked out.
24
               Did you go inside your apartment?
          Q
25
          Α
                       was standing right at my shoulder.
               No,
```

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```
Page 121
 1
          Q
               Okay.
 2
          Α
               Okay. All I did was turn around,
 3
     like oh, my God, was about ready to collapse.
          , oh, I never seen anything like that.
 4
                                                  That's
 5
     when my attention turned to
 6
                    My brother's attention turned to his
7
     wife. She was standing to
                                    right. My attention
 8
            . So when I grabbed
                                        to try to calm,
     was to
 9
                     together and got
     because get
                                          in,
                                                  backed
10
     up and went in and sat down. I told
                                               hold on,
11
     I'll be right with you.
12
                    My sister-in-law came in and she
13
     walked in the door and she was freaking out. She is
14
     running all through the house. And when we looked
15
     back, we never saw the sight of the other officer.
16
     We saw the other police officer walked up to the
17
     sidewalk. He stopped right there.
                                         And then
18
     everyone from this side, from this building, this
19
     building, started running up to the front. And then
20
     there was a crowd that came from this way.
21
                    It is almost like someone had,
22
     whatever kids are doing and the crowd is whoosh,
23
     came right there, that was it.
24
          Q
               Okay. Now, you wear glasses I see?
25
          Α
               Yes.
```

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	Page 122
1	$oldsymbol{Q}$ Do you need them for distance or reading
2	or both?
3	A Both.
4	Q Did you have them on that day?
5	A Yes.
6	${f Q}$ So when you wear your glasses, would you
7	say your vision is good?
8	A Yes.
9	Q Okay. Now, after the officer shot Michael
10	Brown and he went down in the street, did you ever
11	see anybody move Michael Brown's body or than when
12	they took it away?
13	A No, huh-uh.
14	${f Q}$ What about the officer who shot, did you
15	ever see his car move after that?
16	A No, it stayed in that position the whole
17	time.
18	Q Okay. And then you know that, did you see
19	later in the day that there were multitude of police
20	officers there?
21	A Tremendous amount.
22	<b>Q</b> And did you see that they were doing crime
23	scene work, they're collecting things, they're
24	taking measurements, did you see any of that?
25	A I saw a few of them. When they got there,

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- 1 they put tapes up, can't even see there's a pole and
- 2 another tree right here. They ran it from here to a
- 3 pole here, across the street and then there's
- 4 another tree here. They had almost like boxed it in
- 5 right there.
- While they were doing it, that's when
- 7 the stepfather, I later found out was the stepfather
- 8 and his cousin were coming down the street. She was
- 9 screaming and hollering, and my focus was on the
- 10 stepfather because I was trying, they was trying to
- 11 keep him from crossing the tape. He wanted to go
- 12 over and see his body.
- When he got there, I left out of my
- 14 apartment, went around the street, got right up here
- 15 where his head was pointing towards this direction
- 16 to see who he was. I had an idea, but I wasn't
- 17 sure. When I got there, I saw his face, that's when
- 18 I noticed who he was. When I saw that, I'm like oh,
- 19 my God. So I went immediately back. I just wanted
- 20 to go down there to see.
- 21 I'm still worried about and
- 22 my sister-in-law because they was still freaking
- 23 out. When I got back, the lady that is downstairs
- 24 with me and I told her. You know that big guy that
- 25 we see? We call him the gentle giant. You know the

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Page 124
     gentle giant that comes through? She say, yeah.
 1
 2
     That's who is laying out in the middle of the
 3
     street, and then she freaked out.
 4
               Right, of course.
          Q
 5
          Α
               Uh-huh.
 6
                            , I'm not trying to confuse
          Q
               And
 7
     you or have you change your recollection in any way?
 8
          Α
               Okay.
               After this occurred, police officers
10
     arrive on the scene and were taking photographs, did
11
     you see any of that?
12
               No, I didn't.
          Α
13
               Okay. I am going to show you a couple of
     photographs that were taken and these are
14
15
     photographs that have been identified previously as
16
     contained in Grand Jury Exhibit 3. Detective
17
     the crime scene person, had taken these photographs.
18
     And I am going to show you what I've marked as Image
19
     Number 24.
20
                    I didn't mark it, it is already
21
     marked as Image Number 24, okay. Now, looking at
22
     that image, if I tell you that in this direction the
23
     cameraman is facing West Florissant.
24
          Α
               Uh-huh.
25
               And this is the officer's vehicle in
          Q
```

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Page 125 1 street, do you see which direction it is facing? 2 Α Yes, it is right there. 3 But it is generally, you're right, it is catty-corner, but it is facing towards West 4 5 Florissant? 6 Right. I'm thinking, see here is the 7 sidewalk. See where it is looking towards me is 8 right down the street. So I'm going to show you Image Number 25, which is a little closer view of that vehicle? 10 11 Yeah, I'm still seeing it's pointing 12 toward the sidewalk from my viewpoint. It is 13 pointing toward the sidewalk. And this direction is West Florissant? 14 15 Α Correct. 16 Does that change your recollection of 17 which direction the officer's vehicle was facing? 18 Yes, it does. This is wrong, this is 19 wrong. 20 You are saying this is wrong and I want to make sure we're clear on. Do you believe that the 21 22 pictures are wrong? 23 From the angle. 24 You think that the pictures are wrong from 25 the angle. Let me see if I can find different

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```
Page 126
 1
     pictures from different angles. This is Image
 2
     Number 18. That's Officer's Wilson car there.
 3
          Α
              Okay.
               This is Number 19, this is Officer
 4
     Wilson's car?
 6
               Yes, okay. My apartment is on this side.
          Α
 7
     So, yes, that is correct.
 8
               So does that change your recollection
     about which direction the car was facing?
10
               I'm saying, yeah, I still say it was
11
     pointed towards the guy, his body. This is the
12
     angle, yes, I had it this way. It is that way from
13
     my angle from where I'm looking.
14
               Okay. So but you still believe that the
     officer's vehicle came from this direction?
15
16
          Α
              Right.
17
               Okay. And it never turned around in the
          0
18
     street?
19
               I didn't see it turn around.
          Α
20
          Q
               Do you know how the officer's vehicle
21
     got --
22
               He did it, he went past here as he was
          Α
23
     going, all right. And then he eventually backed up
24
     and turned. (indicating)
25
               So it backed up?
          Q.
```

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	Page 127
1	A Yeah.
2	Q And so put it in reverse, I assume?
3	A Right, in reverse and turned around, cut
4	him off because they were still in the middle of the
5	street. When he passed them, he had to get a better
6	angle so he could get closer to them, I guess.
7	<b>Q</b> Okay.
8	A So yes, you are right. From my angle, the
9	truck was there.
10	Q As we're looking at Image Number 29, which
11	is again West Florissant to the right of the
12	picture.
13	A Uh-huh.
14	${f Q}$ This would be the north side of the
15	street?
16	A Right, this side right here.
17	${f Q}$ This side of the street is the north side
18	of the street?
19	A Right, uh-huh, that's the north side.
20	${f Q}$ You are standing on the sidewalk on the
21	north side of the street, that's the passenger side
22	of the vehicle; is that right?
23	A Right.
24	${f Q}$ And your apartment is actually on the
25	south side of the street?

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- 1 A No, it bends around. See how it bends
- 2 around? The truck is pointing this way, I'm still
- 3 looking down toward it, I'm still, I'm looking at
- 4 the passenger side.
- 5 Q Okay. Now, from the point that you saw
- 6 Michael Brown stop and he turned around, to the
- 7 point where he eventually fell into the street, can
- 8 you give me an idea, your best estimate of how far
- 9 that was?
- 10 **A** I'm only guessing from where the officer
- 11 was standing the first time he stopped, about 30,
- 12 35 feet.
- 13 **Q** Okay.
- 14 **A** I might be off on that.
- 15 **Q** Okay.
- 16 **A** Because you understand also I'm way back
- 17 here, this.
- 18 **Q** Right here?
- 19 **A** Right here.
- 20 **Q** Okay.
- 21 **A** They are located right here. So to judge
- 22 the distance from there to there, you know, I may be
- 23 off from that.
- 24 Q Sure. But he runs in this direction,
- 25 comes to about this corner and turns around. Do you

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- 1 recall when he turned around, did he turn around so
- 2 that he faced your direction or did he turn the
- 3 other way clockwise or counterclockwise or do you
- 4 know?
- 5 A He turned over left. So that would be
- 6 what, counterclockwise, yeah.
- 8 Brown.
- 9 A Spin to your left, turn around to your
- 10 left, like that.
- 11 Q So as he turned towards the officer, his
- 12 back went to you?
- 13 **A** Yes.
- 14 **Q** Okay.
- 15 **A** Uh-huh.
- Now, you said in a previous statement that
- 17 when he was looking down, it looked like he might
- 18 have been looking at his hands.
- 19 A Hands or side or whatever, he was trying
- 20 to look, I said looking at his body to try to see
- 21 where he was shot.
- 22 And you said previously that you could see
- 23 something on his hand?
- 24 **A** Yeah, it looked like he had something from
- 25 the distance, we weren't quite sure. In fact, we

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- 1 kind of discussed that. I have told the officer it
- 2 looks like he had something on his hand, but I can't
- 3 give you 100 percent, I can't say for 100 percent
- 4 that it was something.
- 5  $\mathbf{Q}$  Okay.
- A Because the distance I'm from him, I can't
- 7 really tell.
- 8 Q Sure.
- 9 A You know, that's what I thought.
- 10 Q As he turned around and he's turning
- 11 around away from you to face the officer, then if
- 12 he's on this corner and you are right here, you're
- 13 seeing him primarily from behind?
- 14 A Right, his back was turned. When he got
- 15 to the edge of the driveway where your finger is,
- 16 his back was turned to us and his back was facing
- 17 our side of the street. He had stopped. This is
- 18 the street, he stopped and he did like this. And he
- 19 was turning around like this, you know, on the left
- 20 side as you turn, that's the way he was turning.
- 21 Q He turned to face the officer, was the
- 22 officer in the street actually?
- 23 A Yes, he was at the rear of his vehicle at
- 24 that time. He had to pull his gun out and he had it
- 25 in his hand, you know, the defensive spot I guess,

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Page 131 or whatever they said it is. 1 2 Michael Brown would have been looking back 3 in this direction? He was looking, okay. The officer was 4 Α standing on this side out in the middle of the 5 6 street right here. He was looking this direction, 7 not that way. 8 This is the sidewalk right here. Well, he is looking out this way because 10 the officer's truck is still in the street. He's at 11 the rear of the truck, he's at the rear of his 12 vehicle. 13 And his vehicle was pretty much in the middle of the road, correct? 14 15 Α Right. 16 So the officer is in the middle of the 17 road? 18 Practically, not in the middle, not in the middle, he's closer to the side, he's closer to the 19 20 street, to the sidewalk. 21 On the south side? Q 22 Α Yes. 23 Okay. So when Michael Brown turns, he's 24 looking in this direction? 25 Α Yes, he's trying to see where the officer

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```
Page 132
 1
     is.
 2
               So from that direction, and where your
     vantage point is, you can't really see his face at
 3
     that point, correct?
 4
 5
          Α
               No, just the side view.
 6
          Q
               Okay. And so you say, you said then at
7
     that point his hands go up?
 8
               Yes.
          Α
               And the officer is telling him to stop,
10
     but he moves towards the officer?
11
          Α
               Correct.
12
               Okay. And if I were to tell you that from
13
     this corner of Caddiefield, I'm sorry, Canfield
14
     Drive and Copper Creek Court to where Michael
15
     Brown's feet were in the street, in other words,
16
     when he fell down, okay, and his body laid there.
17
          Α
               All right.
               From his feet to that corner is 48 feet
18
19
     and 2 inches, does that sound about right?
20
               I couldn't say for a certainty. If you
21
     say that's the measurement, that's what it is. I
22
     don't know the distance.
23
          Q
              Okay.
24
               I'm not good at that distance.
          Α
25
               Okay. But you saw him travel, when I say
          Q
```

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Page 133 1 travel, he moved from this corner toward the officer 2 until he was down dead in the street? 3 Α Right. And if that was measured, I don't want you 4 Q 5 to comment on somebody else's accuracy, if someone 6 measured it and said it was 48 feet and 2 inches? 7 Α I would have to agree. 8 Does that sound about right? 0 I would have to agree, but I'm saying from A 10 my vantage point from what I thought or assumed, it 11 looks like it was about 35 feet. If it measured 12 that much, then it is. 13 Okay. And as you say he turns around, he puts his hand up and he starts to move toward the 14 15 officer, you hear the officer tell him to stop? 16 Α Right. 17 And you said he gets two or three steps and the officer shoots pow, pow, pow, three or four 18 19 times? 20 Α Yeah. 21 And at that point you kind of acted, not 22 acted, I didn't mean to say acted, but you 23 demonstrated that he kind of appeared to have been 24 hit? 25 Α Yes.

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	Page 134
1	Q Did you see blood on him at that point?
2	A From my distance we couldn't see it.
3	Q Okay. And at that point also, I mean, you
4	are seeing him kind of from behind also?
5	A No, we're looking dead almost to his side.
6	Turn your shoulder facing her, I'm looking at your
7	side.
8	Q Okay.
9	A About like that.
10	Q A full profile?
11	A I'm looking at his profile.
12	Q Okay. And then he takes a few more steps
13	toward the officer, I mean, if the measurement is
14	correct, at some point he travels 42, or 48 feet and
15	2 inches from the corner to where his feet were.
16	But he only moves twice, according to what your
17	recollection is, correct?
18	A First time when he told him to stop, he
19	moved and stepped out into the street. Then he
20	started to stagger forward, the officer took some
21	steps back. He told him to stop, he yelled stop
22	three times again and after he yelled the third stop
23	he fired again.
24	<b>Q</b> Okay. Now, after the first round of
25	shots, not in the car, but after Michael Brown

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Page 135 turned around and you say you said his hands were in 1 2 this position. (indicating) 3 Α Yes. Or thereabouts? Α Correct, about shoulder height. After he turned around, now you've said Q 7 previously that his hand kind of went limp by his 8 sides? Α Yeah, well, they started to come down 10 after he fired off that first volley. 11 Okay. Q 12 He started coming, he was trying to keep himself up. He looked like he was hit, so his hands 13 14 were naturally coming down. 15 Q So if you have a profile of him. 16 Α Uh-huh. 17 And his hands are like this, as his hands come down, could it be that his hand went somewhere 18 19 around his torso? (indicating) 20 No, his hands kind of came, they were 21 still out to the side, he was still like this. 22 was trying to balance hisself, his hands came down 23 about chest or waist. He had his head up looking at 24 him and he was staggering, trying to stay on his 25 feet.

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Page 136
 1
                    As he was moving, he was staggering
 2
     and that's when my sister-in-law and
                                                     said,
 3
     oh, my God, he's getting ready to kill him. And
     that's when the officer was backing up and that's
 4
 5
     when he fired, I think he yelled stop, excuse me, he
 6
     fired the next round, next volley.
 7
                     I'm not going to be so, I'm not
               Okay.
 8
     going to belabor this too terribly much. Do you
     recall in your statement with the County Police, you
10
     said after he was shot the first time his arms went
11
     limp to his side?
12
          Α
               I said his arms were coming down, yes,
13
     they were coming down.
14
               Okay. And I know you haven't had an
          Q
15
     opportunity to review your statements and I
16
     understand that and your first statement was on
17
     August 12th, so this would have been like on a
18
     Monday after that shooting happened, 9th, 10th, 11th
19
     12th, no, Tuesday, I guess. So I'm going to show
20
     you what has been printed up, and this is a
21
     transcript that is of August 12th.
22
          Α
               Okay.
23
               Detective
                                     , do you remember
24
     him?
25
          Α
               Yes.
```

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	Page 137
1	Q And there was another detective,
2	correct?
3	A Uh-huh.
4	<b>Q</b> And they spent almost an hour or about an
5	hour talking to you that day. And at some point,
6	I'm going to refer you to page number 21. And you
7	talk about where his hands were after the first
8	volley of shots. And then you say after he hit him
9	with the three shots, they came down?
10	A Here, and I stood up and I showed him.
11	Like I said, his hands were about right here and
12	they look like he, looks like his hands, like I said
13	in the statement were limp, they were going down.
14	<b>Q</b> Detective says, okay, where at?
15	And you say, down besides his body like this. So
16	obviously you are demonstrating.
17	A Yes, coming down. By the time, when I
18	showed him, he asked me where they were, I stood up
19	and showed him that his hands were coming down.
20	They were down almost by his side, they were coming
21	down.
22	${f Q}$ And then he says, okay, and you are
23	basically putting your hands down at your side and
24	you say, yeah, they were like they went limp.
25	A Yeah, they were like this.
1	

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		Page 138
1	Q	Okay.
2	A	This is the way I demonstrated.
3	Q	Okay. And that's one of the problems
4	because c	obviously we can't see what you were doing
5	that day.	
6	A	Right.
7	Q	And so that's why all of these times
8	people ha	ave been asking you, they go into, seems
9	like grea	at lengths to try to describe what you are
10	doing, bu	it for these people, if you would stand up
11	please or	ne more time.
12	A	Okay.
13	Q	As Mike Brown stops.
14	A	Right.
15	Q	At the corner.
16	A	Uh-huh.
17	Q	Do what you say you saw him do with his
18	hands?	
19	A	The first time?
20	Q	Yes.
21	A	After the shot was fired from the truck.
22	Q	Yes.
23	A	When he reached right here.
24	Q	Uh-huh.
25	A	His back was turned. He was like this,
1		

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- 1 looking at hisself to see what is going on. And he
- 2 started to turn with his back to me like this, he
- 3 had his hands up like this, and he looked at the
- 4 officer. The officer was at the back of his truck,
- 5 he yells stop.
- 6 So Michael took a step from the
- 7 blacktop to the street, he was walking towards him.
- 8 He was walking towards him, but he had his hands up
- 9 like this. (indicating)
- When he stepped out into the street,
- 11 the officer fired three times. When he hit him, he
- 12 started to stagger around and his hands started,
- 13 like this coming down, so his hands were going limp
- 14 and he was staggering toward the officer.
- As he was moving towards the officer,
- 16 the officer was moving back, and the officer told
- 17 him stop, stop, stop. By the time he said the third
- 18 stop, Michael was still trying to stay up on his
- 19 feet. That's when the comments were made behind me,
- 20 no, he's not going to shoot him again, the man can't
- 21 even stand on his feet. The next thing I know, he
- 22 fired the other shots.
- He couldn't hardly stand up, so when
- 24 he fired, he was going down. When I went down and I
- 25 looked and I'm saying okay, that's the only way he

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- could have hit him in the head. He had to be going 1
- 2 down.
- 3 Everyone come back from the back
- 4 said, oh, no, he went down to his knees. He did not
- 5 go down to his knees. And then they said, the
- 6 officer walked up to him and shot him in the back of
- 7 his head. No, that's not what happened, okay.
- 8 officer didn't walk over there and say okay, bam,
- no, he didn't do that.
- 10 Michael did not go down on his knees
- 11 and stand there like that in front of the officer
- 12 like that. When he shot the last rounds, he went
- 13 down and he landed face first. Okay. When he hit
- 14 that ground, that's when my attention went from him
- 15 to her.

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- 16 Right. Q
- 17 That's when everyone started All right.
- running up here making accusations and assumptions 18
- 19 they saw this young man lying down in the street.
- 20 They saw this police car, they saw the other car
- 21 over here, this other officer on the north side of
- 22 the street, on the sidewalk, then it went from zero
- 23 to 100 in a split second. Because the crowd got
- 24 there and then you had everyone that's on this side
- 25 here in the immediate building right across from him

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Page 141 1 that everyone over here came out. 2 It went from whew, it was terrible. 3 And from the time that Michael Brown Q stopped on that corner until he fell in the street, 4 5 are we talking about a matter of just a few seconds? 6 A few seconds. Again, that incident as Α 7 I've described from the people coming up, that 8 incident after that first shot, initial shot at the truck when they ran it went from zero to 100 in a 10 split second also. It was slow motion to us, but it 11 was moving. 12 And just backing up briefly and talking Q 13 about what happened up at the truck. You said that 14 because the truck was pointed toward Northwinds and 15 they're on the driver's side, the car is between you 16 and them, correct? 17 Α Right. And so you can't really see what's going 18 19 on inside the truck, would that be fair to say? 20 Α No, we couldn't. 21 You said, at some point in the previous 22 statement you said, when the officer fired or when 23 he heard the gunshot, it seemed like he was trying 24 to get him off of him? 25 Α I don't know what was happening in that

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Page 142 1 truck. 2 Okay. Q 3 Α I could not tell you. I could not see. 4 All we could see was there was some type of 5 disturbance or altercation at the side of that 6 truck, okay. We could not see if the officer got 7 out of the truck and/or Michael they say he got out 8 and Michael pushed him back in. We can't see that because we are on the opposite side. 10 All I know is that when we heard that 11 shot and his friend went that way and Michael went 12 there, the officer exited his vehicle, came around 13 to the back and assumed the position. That's what 14 we saw. 15 Q Okay. 16 And then after that, whew, they scattered. It went bam, bam, bam, it went so fast. 17 18 But do you remember on August 12th, again, 19 I'll show you here on a transcript when the officer 20 was asking you, and he's talking about what was 21 happening, what was going on at the car. 22 Α Right. 23 And Detective says, who never 24 exited the car? And you said, the officer. And he 25 says, okay. And you said, he never exited. He shot

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- 1 him to get him off of him, that was your impression
- 2 on the 12th?
- 3 A Right, that's my impression on the 12th.
- 4 Q Okay. Has that changed, do you still feel
- 5 that the officer, in your opinion, it looked look he
- 6 was trying to get him off of him?
- 7 A Whatever was going on in that truck, if
- 8 Michael had a grip on him or he had a grip on
- 9 Michael, some way he just felt the only way he can
- 10 get him out or so that he can get control of the
- 11 situation was to fire. He fired.
- 12 When he came out and he stepped out
- into that street and he fired the first volley, we
- 14 figure okay, that's it. We were also yelling at
- 15 him, and my sister-in-law yelling, stop
- 16 man, stop, stop, stop.
- 17 As he was staggering forward, that's
- 18 when he said oh, my God, he's getting ready to kill
- 19 him because he backed up, the officer backed up and
- 20 then he shot him again.

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- To this day no one is going to change
- 22 my mind, if he had not fired that last volley, that
- 23 young man would have been alive. Because even
- though he was coming toward him, he had no weapon.
- 25 His hands were coming down. They were not in front

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Page 144 of him they, were to his side. 1 2 Q Okay. 3 Α He was staggering, trying to stay on his feet. The only way he could have got shot in the 4 5 top of his head when he was firing that last round, 6 he was on his way down, he hit him in the top of his 7 Eye, top, only way. head. 8 So in a matter of seconds, you can clearly 9 see that Michael Brown was going down? 10 Α Right. 11 When the second volley went out? Q 12 Α Right. 13 When the second volley went out. 14 That second volley went off, he was Α 15 coming, you can almost tell his body was going limp 16 because he was like this, he was like this. He was 17 looking up at him, like I'm looking at you and I'm 18 still trying to stay on my feet. Only way he could 19 do was go down, he's top heavy. The man was 20 290 pounds. (indicating) 21 But from this point to where he moved 22 toward the officer, you would agree if the 23 measurement said 48 feet, that that's about right? 24 I said 30, 35, if it says 48, it was 48. Α 25 MS. ALIZADEH: Sheila, do you have any

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Page 145
 1
     questions?
 2
               MS. WHIRLEY: Yeah, just for
 3
     clarification.
               (By Ms. Whirley) You heard the first shot
 4
     in the car; is that correct?
 5
 6
          Α
               At the car.
 7
               And when was the next time you heard
 8
     shots?
               Was when Michael got to this driveway.
10
          Q
               Okay. So when the shot was fired at the
11
     police car, Michael ran?
12
          Α
               Right.
               Did the officer trot or run after him?
13
14
               No, he exited his vehicle, Michael was
          Α
15
     going in this direction to here. He had to come
16
     around so he can get an eye on him.
                                           If he went
17
     around to this side, I don't think he could have
18
     seen him. I mean, if he hadn't of stopped, I don't
19
     think he would of had a good line of sight on him.
20
                    I think in his mind, the only way he
21
     thought maybe he thought he was going to run back
22
     the way he came, I don't know.
23
          Q
               Okay.
24
               What was going through the officer's mind,
25
     I don't know his procedure or what they are trained
```

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Page 146 to do. All I know is he came out of the car and he 1 2 came around to the back. He was standing at the 3 rear. Okay. Did he shoot at Michael Brown while 4 5 Michael Brown was running? 6 We didn't hear no shots until after he got Α 7 there and he moved off. When Michael got there, he 8 had already stopped. He stood right there and the officer told him stop. 10 Q Okay. 11 Even though he had already stopped. 12 Okay. So between the time that Michael Brown ran from the police car and Michael was at the 13 14 intersection of Copper Creek --15 Α Copper Creek and Canfield. 16 -- and Canfield. You didn't hear any Q 17 shots fired? 18 No. Α So Michael Brown, he tells Michael Brown 19 Q 20 to stop? 21 Right. Α 22 Michael Brown had stopped, but his back 23 was to the officer? 24 Yes, and he was turning, he was turning as 25 the officer yells stop.

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Page 147 At the time that his back was to the 1 2 officer, did it appear to you that he had been shot? 3 I assume that he was because his hands was 4 up, he was standing with his back to us, but he was 5 looking at his body. As he was turning, he was 6 still looking down. And, you know, when he yelled 7 stop, his head came up and was looking at the 8 officer, and he did like this. (indicating) Okay. So when he had his back to the 10 officer and he had stopped at that intersection that 11 we just talked about. 12 Right here. (indicating) Α 13 He appeared to be shot to you at that 0 14 time? 15 Α I assumed he was. 16 Why? Q 17 Because of the proximity of him and the Α officer at the truck. 18 19 You felt he must have been shot at the Q 20 truck? 21 Right. Α 22 Okay. So he turned around and you already Q 23 demonstrated that he had, he was staggering and he 24 had his hands up, was it in your opinion was he 25 surrendering at that point?

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- 1 A When he left from here and he was walking
- 2 toward him, I believe he was giving up.
- 3 **Q** Why?
- 4 A Because his hands was up, he was walking
- 5 toward him. Where was he going to go. The officer
- 6 was standing there with a gun dead aimed on him.
- 7 Q And you never saw a weapon with, you never
- 8 saw Michael Brown with a weapon?
- 9 **A** No, no.
- 10 **Q** Did you ever see Michael Brown appear to
- 11 be reaching for a weapon?
- 12 A No, no, his arms never went down to reach
- 13 for his belt, his hands stayed in this position
- 14 until he stepped off, off of this right here into
- 15 the street. And then when he got shot, that's when
- 16 his arms started moving. He was like oh, my God,
- 17 that's it, okay.
- 18 At that time when he fired off that
- 19 first volley right there, it still didn't look like
- 20 he was trying to reach for any weapon, he was trying
- 21 to see what was going on, where he was hit, all
- 22 right.
- As he was coming off of there and
- 24 fired that next volley, his hands were coming down
- 25 beside his body. It was like he got hit, that's it.

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Page 149

- 1 He started staggering, he was staggering as he was
- 2 doing it. As he came, his body, his torso, his legs
- 3 were straight up, but his torso was almost like at a
- 4 45 degree angle with his head came up to look at the
- 5 officer.
- The officer moved back three steps as
- 7 Michael was walking toward him or staggering toward
- 8 him, he took about three steps back and he was still
- 9 yelling. I clearly heard him tell Mike, stop, stop,
- 10 stop. But you can say that the man was in distress,
- 11 he was trying to stay on his feet. As he said that,
- 12 after he said the last stop, he fired.
- 13 Q Could you tell, I know you said you are
- 14 not good with distances, but could you tell how far
- 15 the officer was from Michael Brown when he fired
- 16 those last shots?
- 17 A After looking at it, again, I'm bad at
- 18 distances, but I would say at least about 20,
- 19 25 feet.
- 20 Q 20, 25 feet. Okay. I'm going to walk out
- 21 and by that I mean I'm going to come where you are
- 22 in this room.
- 23 **A** Uh-huh.
- 24 **Q** And then I'm going to start going
- 25 backwards so you can let us know how far, I'm going

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Page 150 to be Michael Brown and you will be the officer, 1 2 okay? 3 Α Okay. So I'm going back, and you let me know 5 when it is the distance that it appears to you how 6 far they were when the officer fired the last shots. 7 Farther than this? 8 Α Close to. Close to this? 10 Α Close, might be a few feet further back. 11 If not 5, less than 5 feet further back. 12 We are talking 15, 20 feet? Q 13 Α Right. Okay. And in your opinion, right before 14 15 the officer fired those last shots, well, first let 16 me ask you this, you said that he was going down and 17 that's how you think he got the head shot, how did you know he was shot in the head? 18 19 We went around there, the amount of blood, 20 excuse me, after they covered him up, they put a 21 white sheet over his body, white sheet covered his 22 head. When I went back up there, the sheet had, 23 this is his head, the sheet extended about this far 24 out, about 2, 3 three feet this way, about 3 feet 25 this way. It was completely soaked. Can only come

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Page 151
 1
     from the head shot.
 2
               Soaked with blood, the top of it?
 3
               The sheet was soaked. It turned from
          Α
     white to complete red.
 4
 5
          Q
               So you knew he was shot in the head, did
     you ever --
 7
               I didn't know he was shot in the head.
 8
          0
               Okay.
               I didn't know he was shot in the head.
                                                         Ι
10
     assumed he was shot in the head.
11
               Got it.
          Q
12
               Later on when it came out that he was
13
     shot, because when we looked at myself and a few
14
     other people looking at it, they say there was
15
     another older gentlemen standing up there and this
16
     lady oh, my God, he must have been shot, all that
17
     blood. He must have been shot, he must have been
18
     shot in the head, you know. That's when they were
19
     all up over on this side of the street was saying
20
     yeah, he walked up to him, pow.
21
               You knew that wasn't right?
          Q
22
          Α
               I knew that was wrong.
23
          Q
               Okay.
24
               But I wasn't going to say anything because
25
     I lived out there years, okay. To go against
```

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```
Page 152
     anything that they have already assumed would be to
 1
 2
     put
 3
                     I'm not in good health. My only
 4
     concern is . I'm sorry that man got killed, I'm
 5
     sorry for his family, but I wasn't going to do
 6
     anything that would jeopardize
 7
          Q
               Okay.
 8
               That is my main concern. That's why I'm
          Α
 9
     out there.
10
          Q
               And those last shots, in your opinion, the
11
     officer did not have to fire because Michael was
12
     already disabled?
13
               He was already disabled, yes, in my
          Α
     opinion he was already disabled because you could
14
15
     clearly see the man was in distress and was trying
16
     to stay on his feet.
17
               It does not appear he was charging the
          0
     officer?
18
19
          Α
               No, he was not charging.
20
          Q
               Or threatening the officer?
21
               He was not threatening, he was staggering
22
     toward the officer.
23
          Q
               Okay.
24
               MS. WHIRLEY: Anybody else questions?
25
                                                 The last
```

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Page 153 you guys were just talking about. So your opinion 1 2 right before the last volley of shots, he had lost 3 control of his body when the yelling stop, stop, stop, your opinion is that he couldn't stop because 5 he had lost --6 No, he couldn't stop because he was Α 7 wobbly, you could see he was trying to stand up. 8 You could see clearly, we could see he was trying to stand up. That's when and them were 10 yelling at him, man, stop, please stop, please stop, 11 he was trying to stand up. Because the way of the 12 angle of his body, he was like bent over with his 13 head up. And you could see almost instantaneously, 14 you can see him going down. You know, that's why 15 everyone sitting up there talking about he went down 16 to his knees he went face first. 17 I'm going to say it again, : your opinion then is that you felt like he could not 18 19 stop? 20 Α No. 21 He could not control his 22 body? 23 No, he could not control his body, he had 24 been hit. I don't know how many people in here or 25 if anyone has, but I know I have. I've been shot.

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Page 154
     And when that bullet hits you, you don't immediately
 1
 2
     feel it. First thing you feel is the heat and when
 3
     that heat hits you, everything goes haywire.
                    He could not stand it okay.
 5
                                                   I have
 6
     a question. When you and Kathi were talking, she
 7
     indicated it was 48 feet and 2 inches from where he
 8
     was first shot at the corner to where he was last
            When he was last shot and fell to the ground
10
     we determined that it was about 20 feet, you said 20
11
     to 25 feet, we determined 15 to 20, we are going to
12
     split the difference 20 feet, okay. Heated
13
     situation, everybody is crazy.
14
               Uh-huh.
          Α
15
                                 The officer doesn't know
16
     whether or not he has a weapon and Michael Brown is
17
     still moving forward.
18
               Yes, he is he is staggering forward.
19
                                 If it took just a few
20
     seconds for him to travel 48 feet and 2 inches, it
21
     wouldn't take very long for him to travel 20 feet,
22
     right?
23
               Right.
          Α
24
                                 What do you think the
25
     officer should have done?
```

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Page 155 After he fired and he was coming --1 2 : He was coming towards 3 him, I know you say he was staggering, but the officer did not know any of these things. 4 5 Α I don't know their procedures. Okay. 6 They're saying he's coming, he's probably menacing, 7 I've heard all kind of things. 8 : You can't really see his 9 face though, right? 10 I cannot see his face, but I can clearly 11 see his hands were coming down. 12 You can see like this? 13 He was not coming at him in a menacing Α way. He was fighting to stay on his feet, he was 14 15 steadily walking, he's steadily walking. 16 I understand. 17 As he's walking toward him, he's staggering toward him, the officer is backing up. 18 19 He backed up. All right. Then he fired the last 20 shot. He kept on going, he made a few steps and 21 then bam, he went down now. 22 Now, I don't know the distance that 23 it was he had moved a certain distance before he 24 fired the last few shots, okay. He staggered, if it 25 took that many steps, then that's what it took,

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```
Page 156
 1
     that's what I saw.
 2
 3
          Α
               Yes, ma'am.
 4
                                 You know now that he
 5
     don't have any weapon, but at that moment when that
 6
     happened, you don't know if he has a weapon or not?
 7
          Α
               I cannot see any weapons in his hand.
 8
                                 Okay. You don't see it.
          Α
               I do not know if he had any on his body,
10
     but I didn't see any weapons in his hands.
11
                                 I understand, sir.
                                                      Ι
12
     want you to answer me, at that moment you were sure
13
     that he didn't have any weapon?
14
               Yeah.
          Α
15
                                 You don't see it?
16
          Α
               I don't see hit.
17
                                 But you are not sure he
18
     don't have any weapon?
19
               Right, that's my assumption, yes.
20
                                 Your assumption?
21
               Right.
          Α
22
                                 I don't mean to pick
23
     apart --
24
               Right, that's what your job is.
          Α
25
                                 But you said in here in
```

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Page 157 your statement on the 12th, you said I'm going to 1 2 call it or I'm going to say it, I feel like he was 3 executed. From what you are describing to us, you know, the police officer saying stop, stop, stop, 4 5 and him continuing to move and even moving after 6 he's injured, um, do you still feel that way? 7 Yes, because I don't believe he had any 8 weapons on him. 9 You don't believe --10 Α They didn't find any weapons on him. 11 was hit, he was in distress, he was coming at him 12 and he wasn't coming toward the officer to do any 13 harm, he was trying to stand on his feet. 14 And the only direction his body could 15 move was forward, all right. He knew he hit him, he 16 know how many shots, but as big as Michael was, I 17 don't know what's going through his mind. 18 read his mind, the officer's mind. Maybe he thought 19 that Michael was coming at him as big as he is, he 20 could still do some harm to him. 21 Maybe he did. 22 That's why he felt like he had to use Α 23 deadly force. I'm seeing someone who is hit, who is 24 clearly in distress, who cannot stand on his feet, 25 why?

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Page 158
 1
                                 Again, I'm going to go
 2
     back to what you just said. I just have to know,
 3
     this is very important. You said you don't know
     what's going through the officer's mind, maybe he
 4
     did think he was in distress, you just said that,
 6
     right?
 7
               Yeah.
          Α
 8
                                 He didn't know whether or
 9
     not --
10
          Α
               He could see that he was in distress.
11
                                 But he didn't know
12
     whether he was in danger?
13
               He didn't know whether he was coming.
          Α
     may have assumed that hey, I got this 6'5", 290
14
15
     pound guy and I already put four bullets in him and
16
     he is still coming.
17
                              : And he's still moving
18
     toward him?
19
               And he's still moving. But he should have
20
     clear sight to see that this man was in distress.
21
     He could see that he could not, barely stand on his
22
     feet. But to take to fire four more rounds was
23
     excessive in my opinion, okay.
24
                                 Thank you.
25
                                                 Um, you
```

Page 159

- 1 said when the officer exited the vehicle after the
- 2 first shot is fired what, in your mind, how, can you
- 3 picture how many seconds it took, he came out, you
- 4 say, did he come out already, drawn his weapon?
- 5 A I can't see him from the driver's side.
- 6 As he was coming around, you could see the gun in
- 7 his hand. By the time he got to the back bumper of
- 8 his truck, it was in this position. He had already
- 9 unholstered, he had to cause by the time he got to
- 10 the back of the truck, it was coming up and he got
- 11 in that stance quick. (indicating)
- : If anything would have
- been in his vision in order to not see Mr. Brown,
- 14 because you said --
- 15 **A** Well, he had to turn his back to him for a
- 16 split second because he's coming around from the
- 17 back of the truck, he's running this way, Michael is
- 18 going that way, but he came around to the back of
- 19 the truck.
- 20 : Right.
- 21 **A** To get a line of sight on him. So he had
- for a split second to come around, but as he's
- 23 coming round, he could see through his windows. He
- 24 could look through the windows of the truck to see
- 25 where he is, okay. But when he came around to the

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Page 160 1 back, he had a better line of sight, but no 2 obstructions to where no one, these two, three 3 people would not be sitting there, then I gotcha. But as I'm coming around, I got all 4 5 of this glass. I can see through the glass, okay. 6 I see which direction you are going in, okay. 7 coming around, I'm looking through the glass. 8 coming around, I'm at the back of the truck, I see where you are, now you are in the front of my truck 10 the officer's side, now I gotcha. 11 The officer, even though 12 he came around his vehicle, did he ever come at an 13 angle closer because I think I believe I read in 14 your testimony on August the 12th that you said that 15 he had set at angle, like catty-corner --16 When I said at an angle, I was giving the Α 17 position that the officer was standing in. 18 wasn't like this, he stood like this. (indicating) 19 : Right, but then the 20 officer moved closer to curb? 21 So his body was at an angle, his body was 22 like this and his truck --23 MS. ALIZADEH: Hey, hey, just for the sake 24 of the court reporter, he can't take it down when 25 both of you talk at once.

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```
Page 161
 1
          Α
               Oh, I'm sorry.
 2
               MS. ALIZADEH: I'm just, I encourage the
 3
     question and answer, but it helps him if.
               We don't talk.
 4
          Α
 5
               MS. ALIZADEH: The question goes and then
 6
     answer goes, and then the question goes, so he can
7
     take it down, sorry.
 8
          Α
               I'm sorry.
                                I'm sorry.
10
               MS. ALIZADEH:
                               That's all right.
11
                                So the officer is at an
12
     angle position to fire?
13
               Right.
          Α
14
                                Okay. He calls stop,
15
     stop, was there any other vehicles in his way of
16
     vision?
17
          Α
               None.
18
                                Where he had to go around
19
     more?
20
          Α
               No.
21
                                To see Mr. Brown?
22
          Α
               No.
23
                                Okay. Did you ever see
24
     Dorian once they both broke away from the car?
25
          Α
               Who is Dorian?
```

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```
Page 162
 1
                               The guy that was with him?
 2
          Α
               Oh, I didn't know his name.
                                            I never knew
 3
     his name. No, huh-uh. Once Michael hit that side,
     we looked back, I didn't know where he went.
 4
 5
     assumed, excuse me, that this is the building, we
 6
     thought he had ran around to the side of the
 7
     building over here, but in his statements on the
 8
     news he was behind one of the police trucks.
     didn't see that.
10
                    I mean, he is a little guy, truck is
11
     kind of high, all right. My eyesight was on
12
     Michael, for some odd reason we are glued to him,
13
     okay. Because as the officer was coming around, we
14
     figure that something happened between Mike, we knew
15
     Michael was at the truck, we was watching them two.
16
                    Him, we didn't see him, he
17
     disappeared.
                   He was a little guy, he was gone.
18
     Okay, but by the time the officer had gotten around
19
     here, there was another truck came down and he got
20
     in that spot. There was another police officer
21
     truck.
22
                    So he says, Dorian said that he was
23
     in there, then standing beside one of the police
24
     trucks and he was watching the whole thing.
25
     didn't know that. I never knew him, never seen that
```

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```
Page 163
     guy in my life. All the times that I've seen
 1
 2
     Michael, I've seen him plenty of times walking
 3
     through the neighborhood, I never saw him with that
 4
     guy, never.
 5
                                Did you ever see any other
 6
     vehicles behind the police SUV?
 7
          Α
               No, after that?
 8
                               During the shooting?
 9
               Within what, two, three minutes, police
          A
10
     cars from everywhere was coming, you know. But
11
     before they, as they were coming, it was the crowd
12
     of people were coming from everywhere. From up here
13
     at Ellison, this is the first street. From there,
14
     from all parts of the complex and from Northwinds
15
     they are running up there.
16
                    The stepfather and them I believe
17
     they stayed in Northwinds, he was one of the first
18
     ones there. And they started, everyone got on their
19
     phones, they were calling and taking pictures, next
20
     thing I know there is crowd everywhere, okay.
21
                    So that is what I was concentrating
22
     on because I didn't know what they were going to do
23
     because they were getting crazy, all right.
24
     were hyping themselves up.
25
                                Thank you.
```

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```
Page 164
 1
                                                 Do you
 2
     have any medical training,
 3
          Α
               Okay, no.
 4
                            : No medical training.
                                                      You
 5
     ever serve in the armed services?
 6
          Α
               No.
 7
                               Anything like that? I'm
 8
     not saying this to dispute anything that you have to
     say, I understand that you said that this is your
10
     opinion of what you saw that you felt this
11
     particular, whatever shots or whatever may have been
12
     the cause of Michael Brown's death, and that's
13
     clearly from your personal opinion, not from a
14
     medical opinion; is that correct?
15
          Α
               Correct.
16
               MS. ALIZADEH: Can I just really quickly
17
     want to revisit something.
                                 And
     remember when you did this picture or this drawing
18
19
     when Detective
                           was talking to you?
20
          Α
               Yes.
21
               (By Ms. Alizadeh) Okay. Now, you have
22
                                                      's,
     here white car, actually that's Detective
23
     he labeled white car.
24
               Yeah, there was a white car sitting right
25
     here at the end of the driveway right here on
```

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```
Page 165
 1
     Canfield pointed toward Canfield. I mean, toward
 2
     West Florissant.
 3
                    We later found out that this
 4
     gentleman has a friend that stays back here in the
 5
     back and when the first shot rang off, that car went
 6
     this way towards West Florissant. I didn't see it
7
     ever again.
 8
               Okay. But you have on your diagram that
     the car is actually west of the police vehicle?
10
               Yeah, it is on this side. All the cars
11
            The car is here, his car was closer to this
12
     driveway down here.
13
               All right. So you don't recall the car
          Q
     being on that side of the police car?
14
15
          Α
               No.
16
               West of the car?
          Q
17
               No, it was parked right here.
                                               That's what
     I told him, I said he was sitting right there and
18
19
     after the shot rang off at the truck, he pulled off
20
     and sped off.
21
               MS. ALIZADEH: I'm sorry, there was some
22
     other hands?
23
                                                      when
24
     Michael Brown was, let's say at the lamp post, I
25
     quess, on the corner of the asphalt, I quess that's
```

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```
Page 166
 1
     Copper Creek Court?
 2
          Α
               Uh-huh.
 3
                               And he turned around.
                                                       And
     at one point you mentioned you could see something
 4
 5
     in his right hand or on his right hand?
 6
               It looked like, looked like he had
          Α
 7
     something on his hand, cause he kept looking at it
 8
     like this, and he started looking at his body.
 9
                             : Can you clarify at what
10
     point you actually saw that?
11
               As he turned, and he you could see as he
12
     is coming around, he's spinning around, looked like
13
     we saw something that was on his hand cause he kept
14
     doing like this. He kept looking at hit and then he
15
     looked down, he looked at both sides of his body.
16
                    So I'm guessing he may have touched
17
     hisself to see if there was blood or something cause
18
     you could see there was splotches cause he's real
     dark and then he turned around and he did that,
19
20
     looked up. And as he spun around, and then he says
21
     that's it, boom. When he turned around, he had his
22
     hands facing the officer, we couldn't see the palms.
23
                               Okay. It was before the
24
     first volley of shots?
25
          Α
               Before the first volley.
```

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```
Page 167
 1
                                Thank you.
 2
          Α
               Yes.
 3
                                                    How far
     behind the vehicle was the officer when he fired his
 4
 5
     first volley of shots?
 6
               He was practically catty-corner to the
 7
     rear corner.
 8
                                 Okay.
                                       So then how far
 9
     was he from the rear bumper when he fired the second
10
     volley of shots?
11
          Α
               Maybe three to four steps behind it.
12
                                All right. So he never
13
     actually got past his rear bumper?
14
          Α
               No.
15
                                 Okay. Thank you.
16
               MS. ALIZADEH: Anyone else have any
17
     questions?
18
                            thank you. Is there anything
19
     that we haven't asked you or anything that you think
20
     is important for this grand jury to know before you
21
     conclude your testimony?
22
               No, I think you pretty well covered it.
          Α
23
               MS. ALIZADEH: Okay. This will end the
24
     testimony of
25
               (This is the end of the testimony of
```

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```
Page 168
 1
                  . )
 2
               MS. ALIZADEH: Good afternoon, it is
 3
     2:07 p.m. on September 30th. We are in the grand
     jury, present is myself, Kathi Alizadeh and Sheila
 4
 5
     Whirley, as well as all 12 grand jurors and the
 6
     court reporter, and we have just gotten back from
 7
     our lunch break.
 8
               I do have two officers who I believe are
 9
     going to testify this afternoon. One is going to be
10
     Detective
                                He's the officer who is
11
     the primary case officer investigating this matter.
12
     I'm only going, we're not going to get into the
13
     entire investigation. I'm simply calling him to ask
14
     him some questions about the interview that he had
15
     with
16
               And then after that, we will have
17
              If you recall he was the crime scene
18
     investigator who went to the Ferguson Police
19
     Department, and then followed them to the hospital
20
     and actually took pictures of Officer Wilson and
21
     then he will testify about seizing other items
22
     because we had to interrupt him to get Dr.
23
     on, if you recall. Hopefully he will just be like
     another 30 minutes.
24
25
               Neither of them are here yet, I assume
```

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```
Page 169
 1
     they're on their way, but so we're going to go ahead
 2
     and start playing some statements of a witness that
 3
     we anticipate will be testifying Thursday morning
     for you. This is, this is Grand Jury Exhibit 31,
 4
 5
     which is a disc that contains media clips, clips of
 6
     interviews that were done by a witness whose name is
 7
 8
               I don't know if you recall this is an
 9
     employee of
                                  that she actually was
10
     going to pick up. I'm first playing clip one.
11
               As usual, I'm not going to play the clip
12
     in its entirety, a lot of these contain comments by
13
     the reporter and stuff. I'm starting this at 55
14
     seconds and I will play it to a minute and 15
15
     seconds, so this isn't long at all.
16
               (Clip is being played at this time.)
17
               MS. ALIZADEH: All right. I missed that
18
     because I was messing around with this.
19
     anybody need to see that again? I'll start it again
20
     because I didn't have the volume up.
21
                                         Can you freeze
22
     it too? I'd like to see the view that she had from
23
     her balcony a little better.
24
               MS. ALIZADEH: How about I play the whole
25
     thing, I go back and freeze it in the middle since
```

```
Page 170
     some of you didn't hear what was being said.
                                                    Ι
 1
 2
     don't want to stop it in the middle and then we will
 3
     go back and freeze it.
               (Clip is being playing at this time.)
 4
 5
               MS. ALIZADEH: So you want me to go back
     and look at that video again?
 7
                                Freeze frame it on the
 8
     intersection and then when we can see that apartment
     in the background, those two places.
 9
10
               MS. ALIZADEH: Okay, I will do my best.
11
               (Clip is being played at this time.)
12
                                Right there, other time
13
     he used the zoom it looked like.
14
                             : No, that's not his
15
     apartment building that we just heard, right?
16
               MS. ALIZADEH: Now, if you notice in the
17
     street and it is easier to see on the screen that
18
     there are some items in the street. It tells you it
19
     looks like a couple of those traffic cones and then
20
     a looks like a crucifix, and I can't tell what that
21
     black thing is.
22
                                 Looks like a statute.
23
               (Playing the clip.)
24
                                Can you show us on the
25
     aerial view what building she's in?
```

```
Page 171
1
                               She's in
 2
                               She's number
 3
               MS. ALIZADEH: Yeah, she's in this
    building here. And I believe we will hear in
 4
 5
    her statements, I believe it is , or at least
 6
     right here. (indicating)
7
               Any interest in me going back and freezing
 8
     again?
            No, all right.
 9
               That was a clip that was aired on
10
    August 10th, 2014 at 5:30 p.m. on NBC nightly news.
11
               This next clip, or the second clip on the
12
     disc, Grand Jury 31 aired at 10:00 p.m. on
13
    August 10th, 2014 on KSDK.
14
               I'm going to start it at 137, if I can.
               (playing the clip.)
15
16
               MS. ALIZADEH: I'm going to start it at
17
     136, it is only going to 149, so this is also very,
18
    very brief.
19
               (playing the clip.)
               MS. ALIZADEH: Anybody want to see that
20
21
            Next clip aired on 8/15/2014 on CNN program
    again?
22
     is New Day. I'm going to start this at 28 seconds
23
     and this goes until six minutes and five seconds.
24
     So this is a lengthier clip. Starting at 27
25
    seconds.
```

```
Page 172
 1
               (playing the clip).
 2
               MS. ALIZADEH: Anybody need to see that
 3
     again?
               Next clip is number four. It aired on
 4
     August 18th, 2014 at 10:00 a.m. on CNN At This Hour
 5
 6
     with Berman and Michaela.
 7
               I'm going to start the clip at 40 seconds
 8
     and it will play to four minutes and five seconds.
 9
               (Playing the clip.)
10
               MS. ALIZADEH: And then the last clip is
11
     clip number five, the fifth clip it aired on
12
     August 18th, 2014 at 7:00 p.m. on CNN.
               I'm going to play this from the beginning
13
     until three minutes, it plays until three minutes.
14
15
               (Playing the clip.)
16
               MS. ALIZADEH: Anybody need to see any of
17
     these clips over again?
18
19
20
21
22
23
24
25
```

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```
Page 173
 1
 2
 3
     of lawful age, having been first duly sworn to
 4
 5
     testify the truth, the whole truth, and
 6
     nothing but the truth in the case aforesaid,
 7
     deposes and says in reply to oral
 8
     interrogatories, propounded as follows, to-wit:
                          EXAMINATION
10
     BY MS. ALIZADEH:
11
               Would you state your name and spell it for
          Q
12
     the court reporter.
13
          A
14
15
          Q
               And you're a detective with St. Louis
16
     County Police Department?
17
          Α
               Yes, ma'am.
18
               And how long have you been with the St.
19
     Louis County Police Department?
20
          Α
               Since January of 2002.
21
               How long have you been in the detective
          Q.
22
     bureau?
23
               Since March of 2008.
          Α
24
               And are you in the Crimes Against Persons
          Q
25
     Unit?
```

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Page 174 Α Yes, ma'am. 1 2 And were you in that Crimes Against 3 Persons Unit back in August of this year? Yes, ma'am. 4 Α 5 Q And are you the primary case officer 6 involved in the investigation of the shooting of 7 Michael Brown? 8 Yes, ma'am. Α And just so we can make clear on the 10 record, the officer involved in that shooting is a 11 Darren Wilson, are you in any way related to Darren 12 Wilson? 13 No, ma'am. Α Have you testified before this grand jury 14 Q 15 before, I mean, not on this matter, but this grand 16 jury has been working since May, have you testified 17 since May to the grand jury to your knowledge? 18 I don't recall. And this is the first time you've 19 20 testified regarding the shooting investigation in 21 this matter, correct? 22 Α Correct. 23 And I'm not going, we're not going to go 24 into every aspect of your investigation right now. 25 But what I wanted to direct your attention to was an

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```
Page 175
     interview that you did on August 12th, 2014 and the
 1
 2
     subject that you were interviewing was a
 3
               That's correct.
          Α
 5
          Q
               And that interview was conducted, it began
     at 1557, would that be 3:57 or what is 1557?
 7
          Α
               3:57 correct.
 8
               P.m.?
          0
          Α
               Yes.
10
          0
               And it also was at the New Horizon Seventh
11
     Day Christian Church; is that correct?
12
               That's correct.
          Α
13
               And how is it that you knew that
14
            had some information for police?
15
          Α
               The pastor of the church, Reverend
16
          had contacted the St. Louis County Police
17
     Department and indicated that one of his church
18
     members had information regarding the incident.
19
               All right. And so did you make
20
     arrangements to interview
                                                he was the
21
     church member, correct?
22
               That's correct.
          Α
23
               You made arrangements to interview him at
24
     the church?
25
          Α
               Yes.
```

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```
Page 176
1
              And the grand jury has already heard the
 2
     statements, so we're not going to go through the
 3
     statement, but present for the statement was
    yourself, and then Detective
 4
             is that correct?
         Α
               Correct.
7
               Was the reverend or pastor
                                                    , was
    he present for that interview?
 8
          Α
               He was not.
10
          0
               Where in the church did this interview
11
    take place?
12
          Α
               It took place in a conference room, right
    outside of Reverend s office.
13
14
               You had an audio recorder that you used to
15
    record the interview that you had that day?
16
         Α
               T did.
17
               And, in fact, you have recorded numerous
    witness statements in relation to your investigation
18
19
     into the shooting of Michael Brown; is that correct?
20
          Α
               Correct.
21
               And are almost all of those interviews
22
    audio recordings?
23
              Yes, ma'am.
24
               And so did you, were you aware that
25
    subsequent to your interview,
                                                  was
```

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		Page 177
٠	1	interviewed by the FBI and an attorney from the U.S.
	2	attorney's office and an attorney from the
	3	Department of Justice?
	4	A I was.
	5	Q Now, were you a part of that interview?
	6	A I was not.
	7	Q Were you present for that interview?
	8	A I was not.
	9	Q And so at some point did someone that was
	10	involved in that interview contact you about the
	11	statement that made during that
	12	interview?
	13	A I was contacted, yes.
	14	${f Q}$ And were you aware that that interview was
	15	also audio recorded?
	16	A I was.
	17	<b>Q</b> And have you listened to that interview?
	18	A I have.
	19	<b>Q</b> And have you listened to the interview
	20	that you did with him?
	21	A I have.
	22	Q Now, you and I had a conversation, my days
	23	are really running together, when is it that you and
	24	I got together and talked about this, was it,
	25	today's Tuesday, was it Friday or yesterday? I
- 1		

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```
Page 178
 1
     think it was Friday.
 2
          Α
               I think Friday.
 3
               Okay. Actually, you and I speak on a
     daily basis; is that right?
 4
 5
          Α
               That's correct, yes.
 6
               And I see you at my office or over at DCI
          Q
7
     almost daily, correct?
 8
          Α
               Yes.
               At some point did you and I have a
10
     discussion about how
                                         demonstrated the
11
     way he saw Michael Brown use his hands during the
12
     incident on August 9th?
               We did.
13
          Α
               And you recall that in the audio interview
14
15
     that you did with
                                     , you actually tried
     to describe how, are you trying to describe what
16
17
     he's demonstrating?
18
               I'm describing what the actions that he is
19
     making, how he's demonstrating his hands are, yes.
20
               And when you describe it, do you hear him
21
     both after having listened to it, but also live,
22
     would he either agree or correct you if it wasn't
23
     correct?
24
              Yes, ma'am, that's correct.
          Α
25
               And so can you please stand up for us?
          0
```

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	Page 179
1	A Sure.
2	Q There's a part of the interview where
3	says as Michael Brown is running away
4	from Officer Wilson, he comes to a point near the
5	corner of Copper Creek Court and Canfield Drive and
6	he stops. And then he does something with his hands
7	that if you recall, describes as if
8	he is looking on his body or on his hands in some
9	manner?
10	A Yes, ma'am.
11	<b>Q</b> Does he demonstrate for you during his
12	interview how he was seeing Michael Brown with his
13	hand?
14	A He does.
15	<b>Q</b> Can you show the jurors what he showed you
16	Michael Brown was doing?
17	A Sure. He was seated, but he said that
18	Michael Brown's hands were essentially, I'll
19	describe it palms up with his hands and fingers
20	roughly at shoulder height, elbows not touching his
21	rib cage, but elbows at a natural fall, just as I'm
22	demonstrating to you right now. (indicating)
23	Q When he did that, did he move his head to,
24	again, demonstrate what he saw Michael Brown doing?
25	A Did

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	Page 180
1	Q , yes.
2	A Yes.
3	Q How was he, do for the grand jurors what
4	you saw doing?
5	A He described it as more of him looking at
6	his hands and kind of looking at his body. He also
7	made reference to looking down at the right side of
8	his body almost as if Michael Brown was checking
9	himself out.
10	${f Q}$ Okay. And then he then describes for you,
11	you can sit down.
12	A Sure.
13	Q He describes for you Michael Brown turning
14	around and then moving toward the police officer,
15	correct?
16	A Correct.
17	<b>Q</b> And what does he say Michael Brown does
18	with his hands as Michael Brown turns around to move
19	toward the police officer?
20	A That his hands go down.
21	Q And he describes Michael Brown being, at
22	least the officer shooting a volley of shots that he
23	believes he hit Michael Brown and appeared to him it
24	hit Michael Brown and that his hands, I believe he
25	uses the word go limp at his sides?

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Page 181 1 I believe that is correct, yes. 2 Okay. Now, does he ever describe or 3 demonstrate to you Michael Brown having his hands in front of his torso, whether in his pelvis or belly 4 5 button region? 6 Α No. 7 Does he ever describe for you or 8 demonstrate to you Michael Brown having his hands in the air at the height of his shoulder or head with 10 his palms facing forward? 11 Α No. 12 Does he ever use words or describe to you Q 13 that Michael Brown was surrendering? 14 Use the word surrendering, no. Α 15 Q Are you sure at no time during your 16 interview with him did he demonstrate that Michael 17 Brown's hands were up at his sides with the palms 18 facing away from his Michael Brown's body, facing 19 forward? 20 Α He did not, no. 21 MS. ALIZADEH: Sheila, do you have any 22 questions? 23 MS. WHIRLEY: Does anyone else have 24 questions? Because I'm kind of reviewing something. 25 MS. ALIZADEH: I'll give you time. I'11

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Page 182 1 ask a few more questions as well. 2 (By Ms. Alizadeh) Now, Detective, when you 3 talked to , did he draw a map that you helped him label during the course of your interview? He drew a map and also identified various 7 points on it and then during the course of the 8 interview, yes, went back and clarified by labeling those. 10 Q Is a copy of that Grand Jury Exhibit 30? 11 Α Yes, ma'am. 12 And from his description of, during your 13 interview, did he indicate that Officer Darren Wilson's vehicle came from the direction of West 14 15 Florissant traveling east on Canfield Drive? 16 Α He did. 17 And did he also indicate to you that 18 Michael Brown and his friend were walking down 19 Canfield Drive toward West Florissant or in a 20 westerly direction? 21 I would have to check that. I believe he 22 also said they were walking from West Florissant 23 towards Canfield Green Apartment Complex. 24 Okay. And in your investigation when you Q 25 arrived, the vehicle that Darren Wilson was in, to

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```
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     your knowledge and information, had it been moved
 1
 2
     after Officer Wilson stopped it?
 3
               No, ma'am.
          Α
               And is the, I know that the vehicle is
 4
 5
     somewhat at an angle in the roadway, is the front of
 6
     the vehicle pointing in a northwesterly direction?
 7
          Α
               Primarily, yes.
 8
               MS. ALIZADEH:
                              Sheila, have I stalled
 9
     enough for you to figure out what you want to ask?
10
                             : This is
11
     The view from, that
                                     s balcony, did he
12
     have a clear view in your opinion of that whole
     crime scene?
13
14
               Yes, sir.
          Α
15
                             : Okay.
16
          Α
               Yes, sir.
17
               MS. ALIZADEH: Let me follow-up with that.
18
     Detective
                      , have you ever been on
           's front porch.
19
20
          Α
               I have not.
21
               (By Ms. Alizadeh) Okay. And we've
22
     discussed different points of view and what somebody
23
     could see from their vantage point, correct?
24
          Α
               Correct.
25
               And if
                                 was standing on his
          Q.
```

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```
Page 184
 1
     balcony, he could see the corner of Canfield Drive
 2
     and Copper Creek Court, would that be fair to say?
 3
          Α
               Yes.
               And he could look down the street and see
 4
 5
     the location where the police officer's vehicle
 6
     eventually was, correct?
 7
          Α
               Yes.
 8
               If Michael Brown had turned around at this
     corner and walked in a direction down the street
 9
10
     toward the officer coming from near the grassy
11
     corner toward the middle of the street, would
12
                have a straight-on view of Mr. Brown at
13
     that point? In other words, could he see his front?
14
          Α
               No.
15
          Q
               Okay. Would he see directly his back or
16
     would he see an angle part of that?
17
               I would say that he would be able to see a
     slight angle, but see his back, yes.
18
19
               Mostly his back?
20
          Α
               Right.
21
               (By Ms. Whirley) The question I have,
          Q.
22
                      I don't know if you have the
23
     transcript in front of you, do you?
24
          Α
               I do.
25
               On page 34. When you are again clarifying
          Q
```

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Page 185 1 whether his hands were all the way up or not and 2 is saying he didn't have them all the way up, 3 but he did have them all the way up, I'm not sure if that's a typo or not. Are you with me? 4 5 Α I'm with you. 6 Enough to notice this officer should know 7 he was not threatening him, he was not in imminent 8 danger, the boy was not threating him in any way, he's not charging, he was struggling to stay on his feet. 10 11 So he didn't tell you, he never told 12 you he was surrendering that is as you said, 13 correct? 14 Α Correct. 15 Q But he characterized Michael Brown as not 16 threatening the officer in his opinion? 17 Yes, ma'am. Α 18 Okay. And then he was, his hands, he 19 didn't say he had them all the way up, he did have 20 them all the way up enough for this officer to know 21 that he was not threatening him, did he demonstrate 22 what he meant by that? I don't believe he did. I took it that he 23 24 was still making reference to the same posture that 25 I have previously describe.

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```
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 1
               Say that again?
          Q
 2
               I took it that he was making reference to
          Α
 3
     the same posture that he had previously described to
 4
     us.
 5
          Q
               As not threatening, his hands were up, but
     he was not being threatening?
 7
               Correct, the hands that I described
          Α
 8
     earlier, hands up, about shoulder height.
 9
               Okay. And that was the not threatening
     gesture you took him to mean?
10
11
          Α
              Yes, ma'am.
12
          Q
               Okay.
               MS. WHIRLEY: That's all I have.
13
               (By Ms. Alizadeh) Detective
14
          Q
                                                  , if you
15
     can refer to page seven. And near the bottom of the
16
     page where you get to the point where
17
     is telling you about how Michael Brown had ran and
18
     then he turned and then in the last paragraph on
19
     that page,
                              , referring to Michael Brown
20
     says, right at the, he had like one foot on the
21
     grass and one foot on the driveway, and then he
22
     turned around and then he like, like this.
23
     (indicating) So that is why people thought he raised
24
     his hands.
25
                    Is he gesturing or demonstrating when
```

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```
Page 187
     he says he turned around and he like, like this, was
 1
 2
     he demonstrating?
 3
               Again, making reference to what I had
          Α
     previously stood up and described.
 4
 5
          Q
               Okay. So when he said, he like, like
 6
     this, that is why people thought he raised his
7
     hands, was he making that same motion that you have
 8
     already demonstrated?
               Yes, ma'am.
          A
10
          Q
               Okay.
11
               MS. WHIRLEY: Anybody else have questions?
12
                                                 I quess
13
     the whole hands up is he -- when you -- I guess,
14
     what would be your definition of hands up, all the
15
     way up or would they be like this or like that?
16
               Well, I mean, obviously the two motions
          Α
17
     that you made your hands were both up.
18
                                Okay. I'm actually
19
     reading from, I guess, this is page 18. And you say
20
     your arms are like palms up and hands and fingers
21
     are roughly shoulder length, is that fair enough to
22
     say?
23
               MS. ALIZADEH: It is close to the top of
24
     the page.
25
          Α
               So if you would, if you would make
```

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Page 188 1 reference to page 17 on that, at the bottom of the 2 page. We're discussing, this is kind of when we get 3 into the specifics of it, but he says as he faces the officer, I asked him, his hands go up to a point 4 5 where? And he says about to his shoulders. 6 So he's making reference, again, and 7 this is kind of what I'm explaining. He is making 8 reference to his hands or his fingers being roughly 9 shoulder height, which is as how he was describing 10 as I am explaining it here. And then we make 11 reference to his elbows, and kind of like I 12 described to everyone earlier, that his elbows were 13 again, close to his body. I'm not saying touching 14 his body, but close to his body in a position like 15 this. (indicating) 16 And then it goes on, we again clarify 17 palms are up, hands or fingers are roughly shoulder 18 height, is that fair enough to say? And he says, 19 yeah, about close to his shoulders, yes. 20 So then again, I'm just clarifying 21 with him that we are kind of, we are talking about 22 almost a plane here that would extend from his 23 shoulders to where his fingers or his hands would 24 be. Did I answer your question? 25 Okay.

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```
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 1
               MS. ALIZADEH: Any other questions?
 2
                                              . And then
 3
     to clarify that, would that be sustained for you to
     say that he had his hands up?
 4
 5
          Α
               That he, that
                                            was saying
 6
     that Michael Brown had his hands up.
 7
                             : Yes.
 8
               Yes, ma'am, that he had his hands in the
          Α
 9
     position I described, yes.
10
                                If you said halt, would
11
     you consider that that person had his hands up?
12
               MS. ALIZADEH: Well, let me say for the
13
     record just so we can make clear on the record you
14
     have your palms facing forward when you are doing
15
     that, correct?
16
                               Maybe I don't know what
17
     hands up is. If someone raised their arms, I would
18
     think hands up. I would think regardless if my
19
     hands are faced this way, my arms are up, to me
20
     that's a stop, you see what I'm saying? To me
21
     that's what I'm trying to get clarification.
22
               Okay. Could you ask the question one more
          Α
23
     time, please?
24
                               My question is, the way
25
     that
                     said the way he saw Mr. Brown raise
```

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```
Page 190
     his hands.
 1
 2
          Α
               Yes, ma'am.
 3
                                Would that be substantial
 4
     for you as a police officer to say that you said
 5
     stop, stop or halt, halt, and a person raised their
 6
     hands, would that be okay for you to say oh, he had
 7
     his hands up, a surrender motion?
 8
               I would say it would depend on the
 9
     situation that I was in.
10
                                I mean, so this would be
11
     stop. Is it fair to say that he might have been
12
     hurt somewhere where he couldn't raise his hands all
13
     the way up?
14
               Well, I think based off of
          Α
                                                          S
15
     statement, he was indicating that Michael Brown was,
16
     as I kind of described earlier, that he was checking
17
     himself to see if he was injured.
18
                    So, yes, when you and I are sitting
19
     here having this conversation, are my hands up right
20
     now, and I'm am demonstrating what I had previously
21
     demonstrated the position that
                                                   had
22
     described to me. So if I'm sitting here like this,
23
     are my hands up? Yes, my hands are up.
24
                                          Would you
25
     consider there is a distinction between hands up in
```

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```
Page 191
     a surrender situation? Could they be separated?
 1
 2
     Your hands up in the method you described, that
 3
     doesn't necessarily 100 percent mean that it would
     be a surrender, it could be a case by case basis?
 5
          Α
               Again, like what I had said earlier, I
 6
     think every case is different and it would depend on
7
     circumstances, yes.
 8
                                Yes.
               Yes, sir.
          Α
10
                                          And again, in
                             :
11
     the context of
                                  's first interview with
12
     you, this comes right as Michael Brown turns around
13
     before this first, there is an initial shot, before
14
     the first round of shots, correct?
15
          Α
               Say that one more time, please?
16
                                So when
                                                is
17
     explaining this to you.
18
          Α
               Sure.
19
                                This whole motion.
                                                     He is
20
     saying this comes before Officer Wilson pursues him
21
     and shoots the first rounds of shots, correct?
22
          Α
               Correct.
23
                                That's what I thought.
24
          Α
               Correct.
25
                                             I just want to
```

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```
Page 192
     make sure I understand. Everything that he said
 1
 2
     from what I can see he is talking about having his
 3
     hands, palms up, rib cage length, maybe out a little
     bit and looking at himself searching for injuries?
 4
 5
          Α
               Correct.
 6
                                There is never anything
7
     in here where he puts his arms up to his shoulders
 8
     with his palms out?
 9
               With his palms out, no, but again,
10
     remember as I described, he does his hands. I'm not
11
     saying to his shoulders, like palms forward facing,
12
     but he does have his hands at shoulder, yes, ma'am
13
     at shoulder height.
14
                              : Okay.
15
          Α
              But with palms up.
16
                                         I'm looking at
                            :
17
     the line of sight that
                                       would have as he
18
     is looking at Michael Brown. I don't see how he
19
     could see the right side of his right hand from the
20
     angle he is at. Seems like he could only probably
21
     see the left arm and left hand, would you say that's
22
     a fair assessment? I know he is looking down
23
     somewhat, maybe he can see something over the
24
     shoulder.
              Yeah, I think --
25
          Α
```

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```
Page 193
 1
                                His hands are down and
 2
     he's a big body man.
 3
               I think it would be very, I wouldn't want
     to comment on that without having been there.
 5
                    Yes, ma'am.
                             :
                                I'm
                                                     Do
 7
     you have cause to study police procedures, not only
 8
     in other states nationally, but also globally as
     well.
10
          Α
               Globally, no, ma'am.
11
                                Not in other countries
12
     whatever?
13
          Α
               No, ma'am.
14
                                Because what I was
15
     wondering is there a standard norm, would this be a
16
     surrender motion or is this normally the surrender
17
     motion that you see from?
18
               Again, I think it would depend, every
19
     situation is different and every person is different
20
     and I think every person reacts differently.
21
               MS. ALIZADEH: And just to let you know,
22
     Detective
                     will probably appear on future
23
     dates because there will be other aspects of the
24
     investigation that he will be needed to testify to.
25
     And since he's readily available, we will just bring
```

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```
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     him as needed as opposed to try to cover everything
 1
 2
     at this point.
 3
               I'm not trying to say you can't ask him
 4
     whatever questions you want, but don't feel like you
 5
     have to ask him all of those questions now because
 6
     he will be available for later, all right?
 7
               Any other questions regarding the
 8
            statement or anything of that nature?
 9
                                           I quess with
                             : Just one.
     that position,
10
                                     I guess that position
11
     that you had his hands, I guess you could clearly
12
     probably see at that time that he was not armed if
13
     you got your hands this way?
14
               I wasn't there, but there was never any
15
     indication given that
                                          thought he was
16
     armed.
17
                             : Okay, thank you.
18
               MS. ALIZADEH: That
                                                  thought
19
     he was armed?
20
          Α
               Correct.
21
               MS. ALIZADEH: As opposed to Darren
22
     Wilson, whatever was in his mind.
23
                                           . I'm going to
24
     go a little bit. She was talking about, everybody
     was talking about, could this be the surrender
25
```

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```
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     motion and it would depend on the situation.
                                                    If the
 1
 2
     situation were you were holding your hands like
 3
     this, yet still moving toward somebody, would you
     consider that a surrender?
 5
          Α
               Still moving toward someone?
                                Uh-huh.
 7
          Α
               No.
 8
                                 It would depend on the
     situation?
 9
10
          Α
              It would. Obviously, it depends on the
11
     situation.
12
                                But in theory you would
13
     not consider this and moving forward a surrender
14
     motion?
15
          Α
              (Nods head.)
16
               MS. ALIZADEH: Anybody else. All right
17
     this concludes the testimony for today of Detective
18
19
               (End of the testimony of Detective
20
            )
21
               MS. ALIZADEH: This is Kathi Alizadeh with
22
     the prosecutor's office. Present is myself, Sheila
23
     Whirley, all 12 grand jurors and the court reporter.
24
     We just had a brief break and now we are going to
25
     continue with the testimony of Detective
```

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```
Page 196
     of the St. Louis County Police Department.
 1
 2
                         EXAMINATION
 3
     BY MS ALIZADEH:
 4
               Detective
                               , I will remind you that
          Q
 5
     you were sworn previously on September 9th and that
 6
     oath is still I in effect, all right?
 7
               Yes, ma'am.
          Α
 8
               Just to get back where we had left off.
 9
     If you recall he has already given testimony about
10
     having photographed Darren Wilson's face and neck
11
     areas and that he then also talked about having gone
12
     back to the Ferguson Police Department and seizing
13
     the gun, and you recall he describes swabbing the
14
     gun. And now I think we're going to take up from
     there and Detective , if you want to sit in
15
16
     that chair.
17
          Α
               Thank you.
               We will kind of resume where we had left
18
19
     off.
20
                    I think previously you testified that
21
     when Darren Wilson had left the Ferguson Police
22
     Department to go to the hospital, he had draped his
23
     uniform shirt over a chair, I believe or do you
24
     recall?
25
          Α
               I didn't testify to that.
```

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Page 197 1 Somebody else did, I'm sorry. Q 2 Α Yes, ma'am. His uniform shirt and his 3 department issued weapon were still at Ferguson Police Department. He was still wearing his white 4 5 T-shirt, his brown uniform pants and his boots. 6 And now I recall there was discussion that Q 7 he didn't have anything to change into so he went 8 back to Ferguson wearing his uniform pants? 9 Α Correct. And his boots and his T-shirt? 10 Q 11 Α Yes, ma'am. 12 So when you arrived back at Ferguson and Q 13 you've already testified about the gun and how you 14 found it and then what you did with it, did you also 15 photograph and seize the officer's clothing? 16 Α I did. 17 And I'll show you, you've already 18 testified about the series of photographs that you 19 took in your, in the course of your investigation, 20 which I had previously shown you were contained in 21 Grand Jury Number 10. And I'm going to start up 22 again with Image Number 24. If you can put that on 23 the overhead and explain what that is that you are 24 seeing. 25 Α All right. This is the overall view of

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Page 198 1 the front of the officer's shirt as it appeared when 2 it was handed to me. He had just removed it. 3 was maintained at the Ferguson Police Department and this is what it looked like when I first seized it 4 5 when photographing it. 6 So are you actually photographing it at Q 7 the Ferguson Police Department? 8 Α I am. 9 Okay. And so you've laid the shirt out in 10 that manner? 11 Α Yes. 12 Now, as you lay the shirt out in that way, do you, are you doing a visual examination with your 13 naked eye to see if you see any stains or any tears 14 15 or any defects in shirt itself? 16 Α Yes. 17 And the manner that you have it laid out right there, did you see any stains or defects or 18 19 tearings in the fabric of the shirt? 20 Α No, ma'am, not as it appears, no. 21 Then showing you your Image Number Okay. 22 Can you describe what that is? 25. 23 That is a close-up view of his name tag. 24 And is there anything that is on the name 25 tag or is there a reason why you got a close-up view

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```
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 1
     of the name tag?
 2
          Α
               Other than get a specific view that his
 3
     name tag, he was wearing it at the time of the
     incident and that's how he was dressed.
 5
          Q
               And so as you see in the image, the name
     tag is actually still on the shirt?
 6
 7
               Yes, ma'am.
          Α
 8
               Okay. And then in Image Number 25, is
          0
     that 25?
               We just did 25, sorry.
10
          Α
               26.
11
          Q
               Image Number 26.
12
               It is a close-up view of his issued police
          Α
13
     officer badge from Ferguson Police Department.
14
               And again, the reason for that would be
          Q
15
     just to show it is on his shirt on the day in
16
     question?
17
          Α
               Yes.
18
               Okay. And again, there's a ball point,
19
     looks like a pen that's in the pocket of his shirt?
20
          Α
               Yes, ma'am.
21
               Image 27?
          Q
22
               This is an overall view of the back of his
          Α
23
     shirt.
24
               And did you visually examine that?
          Q
25
          Α
               I did.
```

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	Page 200
1	Q Did you see any stains or tears or defects
2	in that shirt?
3	A No, ma'am.
4	Q And Number 28?
5	A It is an overall view of the pocket that
6	is below his name tag.
7	Q Now, in this image, is this a breast
8	pocket?
9	A It is.
10	${f Q}$ On the left side of his shirt or over
11	where his heart would be, his left or his right?
12	A It is over his right.
13	${f Q}$ Over his right, all right. Is this the
14	same pocket that had the pen in it?
15	A No, it was not.
16	Q So does he have a name tag oh, okay. This
17	is the pocket, I understand. All right. And so did
18	you see anything looking at the shirt in this manner
19	that has any stains or defects?
20	A Not in this manner, no.
21	Q I'm going to show you Image Number 29.
22	A This is next imaging sequence when you
23	flip up that pocket flap, there is a pinkish red
24	mark. So being the sequence would be, we showed you
25	an overall view of the pocket as it was. Now we

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```
Page 201
     flipped up the pocket flap and in the next few
 1
 2
     images and we will go through them, we will get
 3
     closer and we will put a measuring device in it, a
     ruler.
 5
          Q
               Now, as you see the pocket flap on the
     pocket itself, on the other side of the flap there
 6
 7
     was a button, correct?
 8
               Yes, it is a sewn-on button.
               And that's just for show, I guess?
          Q
10
          Α
               Correct.
11
               So the pocket, it connects or attaches by
          Q
12
     the little Velcro on the corner; is that correct?
13
               Yes, ma'am.
          Α
               And when you lifted up that flap, did it
14
          Q
15
     appear to you that the Velcro was still?
16
          Α
               Attached.
17
               Attached?
          Q
18
          Α
               Yes.
19
          Q
               And then there appears to be some paper or
20
     something inside the pocket?
21
               Correct, it is a notebook.
          Α
22
               Okay. Did you seize that notebook?
          Q
23
               I did not.
          Α
24
               Didn't you examine it?
          Q
               No, I did not.
25
          Α
```

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1	<b>Q</b> Did you leave it in the shirt pocket?
2	A No, ma'am, it was removed.
3	Q Okay. I'm going to show you Number 30.
4	A That's a closer view of that pinkish red
5	mark.
6	Q And Number 31?
7	A That's a view of the same mark with a
8	measuring device on it.
9	$oldsymbol{Q}$ And again, you can pass these around when
10	you have time because it is easier to see, but at
11	the time that you are examining this shirt and
12	looking at it, did you know what that pinkish red
13	substance was?
14	A I knew it wasn't blood. I do not know
15	what the source was.
16	${f Q}$ At the time that you are photographing it,
17	did you know it wasn't blood at that time?
18	A Correct.
19	Q So you had already done some kind of
20	A Presumptive test.
21	Q test, presumptive test before the
22	photographs?
23	A Yes, ma'am.
24	Q Okay. I don't need you to go into detail
25	into the presumptive test, it was a test that you

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Page 203 1 did there at the police department? 2 Α Yes, ma'am. 3 Using tools or equipment or substances Q that you carry in your crime scene van? 4 5 Α Correct. And a presumptive test will show you what? 7 Α It is a two-part test. Once you moisten 8 your two swabs with the first agent and then swab 9 this area, you remoisten it with a second reagent. 10 If it turns a bright color of pink, it is 11 presumptive for blood. 12 It's not positive because that's 13 what -- we can't do that, but I did not get a 14 positive reaction. And based on the color and my 15 training and experience I was pretty confident at 16 the time that it wasn't blood, however, if I'm going 17 to be able to testify to the results of that, then I have to do a presumptive blood test. I can't just 18 19 automatically say, well, that's not blood. 20 So that's why we confirm this and did 21 not have a positive reaction with phenolphtaleine. 22 Phenolphtaleine, which is as I explained, a two-part 23 presumptive test. I did not get a positive 24 reaction, so it was not blood. 25 Okay. Now, I'm going to show you your Q

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Page 204 1 Image 32. At this point we have already talked 2 about that he wore the pants back to the police 3 station, did he ultimately remove the pants for you to examine and photograph? 4 He did. 5 Α 6 Is that what we're seeing in this image? 7 These are the image of his unform pants Α 8 that are displayed. Officer Wilson or Darren Wilson did tell me that there was blood on his pants. 10 is easier to see when you look at these photographs 11 at your convenience, but my orange indicator is 12 pointing to the area which did have red stains on it 13 that was identified by Darren at the time of my 14 investigation. 15 So the pants were removed, he changed 16 into other clothes, the pants were displayed just 17 like his uniform shirt and for orientation purposes, 18 and that is why I put that orange indicator in there 19 so it draws your eye to the center of the photograph 20 so you know what the focal point of that is. 21 And so that would be on the left leg. Are Q 22 we looking at the front or the back of his pants? 23 It is the front, it is his upper left 24 thigh area. 25 Okay. And then showing you your Image 33. Q

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		Page 205
1	A	That is a closer view of that same area.
2	Q	And then finely, your Image 34.
3	A	Again, it is the same area. Now we have a
4	measuring	device in there for scale.
5	Q	Now, did you do a presumptive test on that
6	substance	, did you swab that pant leg?
7	A	I did.
8	Q	And what was the result of your
9	presumpti	ve testing?
10	A	That was a positive reaction indicating
11	that it wa	as blood.
12	Q	And the shirt and the pants, were they
13	both seize	ed and packaged by you?
14	A	Yes.
15	Q	Now, regarding the shirt, did you remove
16	the badge	and the officer's name tag from the shirt?
17	A	I did.
18	Q	You have already indicated you took the
19	notebook o	out?
20	A	Yes, ma'am, his personal property and that
21	belonging	to the Ferguson Police Department was
22	removed.	
23	Q	Okay. And so any further examination of
24	any stains	s on either the shirt or pants or any other
25	substance	that might be on there, that would have

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```
Page 206
 1
     been done at the lab by other detectives or other
 2
     investigators, would that be fair to say?
 3
               Other scientists or technicians?
          Α
          Q
               Yes.
          Α
               Yes.
 6
               So you don't do the other testing to
          Q
 7
     determine for sure if it is blood or determine whose
 8
     blood it is or what the type of the blood is or
     anything like that?
10
          Α
               No, I do not.
11
               MS. ALIZADEH: Do you have a question?
12
                              No.
13
               (By Ms. Alizadeh) You packaged up, you
          0
     swabbed the gun and packaged that and the round that
14
15
     was left in the gun and the magazine, those were
16
     conveyed to the lab as well, correct?
17
          Α
               Correct.
               And the clothing that you testified about
18
19
     that was packaged and conveyed to the lab, correct?
20
          Α
               Correct.
21
               All right. Now, was there anything else
22
     that you seized at the Ferguson Police Department?
23
               I took a control, in essence, DNA sample
24
     with what's called buccal swab, B-U-C-C-A-L, is how
25
     it's pronounced. As a control for our scientists in
```

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Page 207 our crime lab to immediately have a DNA sample from 1 2 Darren Wilson that they can compare to make sure, 3 either confirm or dispel or verify whether that blood that we believe to be blood on his uniform 4 5 pants was his. 6 So to expedite that process, we take 7 a DNA sample from him that was also seized and 8 submitted. That was also conveyed by you to the crime 0 10 lab? 11 Α Yes. 12 Okay. Was that the conclusion of your investigation while you were at the Ferguson Police 13 14 Department? 15 At the Ferguson Police Department, yes. 16 What did you do then, this is all Q Okay. 17 still, we're on the 9th? 18 Yes, ma'am. Α Okay. What did you do after you were 19 20 finished at the police department? 21 I went back to the original scene because 22 I was also tasked with the completion of the 23 processing of the Ferguson Police Department marked

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Tahoe vehicle. We requested one of our contract

towing services to meet me there on scene.

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24

25

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Page 208 watched him load the vehicle and he was escorted to 1 2 our crime lab where we have a vehicle processing 3 area. 4 So when that vehicle was escorted by 5 me, it was unloaded, placed in our processing area 6 and I completed the processing of their police 7 vehicle. 8 So now the jurors have already seen some 9 photographs of the vehicle at the scene, those were 10 not taken by you; is that correct? 11 Α No. 12 Your photographs were at the processing Q 13 area? 14 Correct, 111 South Meramec. Α 15 Q Did you do anything to process the vehicle 16 while it was at the scene? 17 Α No, ma'am. 18 So once you got the vehicle towed to the 19 garage where you were going to begin the processing 20 of that vehicle, what did you do? 21 Once it was placed into our processing Α 22 area, the area of concern was the driver's door 23 The driver's mirror had been pushed back, it 24 has flexible mirrors that was an area of concern. 25 There was broken glass inside the

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- 1 door. I had already been informed that Darren
- 2 Wilson had fired a round through the door, so I had
- 3 a certain defect in the driver's door.
- 4 I was requested to fingerprint the
- 5 outside of the door and also swab for potential DNA
- 6 sources on the top edge of the door where the window
- 7 comes out of the door there is a rubber strip there.
- 8 And also there was some red stains, which we
- 9 believed to be blood on the inside of the driver's
- 10 door. So all of that was completed in my
- 11 investigation.
- 12 **Q** And so initially, and I know you took
- 13 photographs of the vehicle while it was in your
- 14 garage?
- 15 **A** Yes.
- 16 **Q** Is that done first or do you do the other
- 17 testing and investigation first?
- 18 **A** That's done first.
- 19 **Q** The photographing?
- 20 **A** Yes.
- 21 **Q** And so let's start with your first image
- of the vehicle, which is Number 35.
- 23 **A** This is an overall view of the interior of
- the driver's door so you can see the entire door
- 25 panel.

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```
Page 210
 1
               Now, I know we'll see photographs in a few
 2
     minutes, this white or lighter color marking right
 3
     here, is that a defect in the panel of the door?
                     That's where the projectile entered
 4
          Α
               Yes.
 5
     the door.
 6
               All right. Showing you your Image 36.
          Q
 7
               This is a closer view of the interior door
 8
                   You have red stains here, you might
     handle area.
 9
     have to pass this around.
10
                                          If you could
11
     push it down a little bit lower.
12
               MS. ALIZADEH:
                              This might, I don't know if
13
     that battery is going dead. All of this area here
14
     has red stains on it here and here, all of these
15
     darker marks are also red stains. There is a line
16
            The reflection is such it is difficult for
17
     you folks to see, so please look at it later when
18
     you folks have the opportunity.
19
               (By Ms. Alizadeh) Those red stains that
20
     you pointed out, did you suspect that could be
21
     blood?
22
          Α
               Yes.
23
               And did you do any presumptive testing of
24
     the door handle at this time?
25
          Α
               Yes.
```

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Page 211 Okay. And what was the result of that 1 2 presumptive testing? 3 Α It was positive. 4 And then did you also swab that area and 5 preserve those swabs and packaged them to send them 6 to the lab? 7 I did. Α 8 And just so we're clear on this, when you do the presumptive testing, you do that by using 10 swabs, correct? 11 Α Yes, a very small area. 12 Is that the same swab then that you Q Okay. sent to the lab for further testing? 13 14 Α No. 15 Q So you do a separate swab? 16 Α Correct. 17 And when you do that second swab, you don't use those same chemicals that you talked 18 19 about? 20 Α No. When we are taking swabs for DNA, all 21 we use is sterile water. All we do is moisten the 22 tips of the cotton swabs. If it is a dried 23 material, which this was by this time that I was 24 involved in this. So to get a complete sample, all 25 you need to do is moisten the tips of those, swab it

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1	and then replace it in the container and then
2	forward it to the crime lab.
3	<b>Q</b> And then on your Image Number 37.
4	A That's a closer view of the door handle
5	with those red stains with a measuring device.
6	Q Image 38?
7	A Another area on the top sill of the
8	driver's door interior, also red stain again, again
9	with the measuring device.
10	${f Q}$ And those are your fingers in the
11	pictures?
12	A Yes.
13	$oldsymbol{Q}$ So you are gloved the whole time you are
14	processing this car; is that correct?
15	A Always.
16	<b>Q</b> And then Image Number 39?
17	A It is just further back toward the door
18	handle, the same area of that door with a scale.
19	: . Are you
20	also taking fingerprints too?
21	A Yes, ma'am. We did that on the outside of
22	the door.
23	: On the outside?
24	A Yes, ma'am.
25	: Did you take any on the

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Page 213 1 inside of the leather? 2 No, ma'am. That's not a conducive surface 3 for me to get a decent fingerprint evidence. It is rough, there could be some other foreign materials 4 on it when it was cleaned. I really need a decent 6 surface to retrieve that fine ridge detail, that's 7 why I did not fingerprint. 8 (By Ms. Alizadeh) So the exterior of the 9 vehicle would be the painted metal? 10 Α Yes. 11 There's no glass in this window, correct? Q 12 Α Correct. 13 And the trim that went around the window? Q 14 Α Yes. 15 Q Showing you exhibit, or your Image Number 16 40. 17 This is an overall view of that defect 18 where the arm rest meets the door panel. There's a 19 defect in there from earlier, this is just a closer 20 view, going to be a series which we will walk 21 through. 22 You can also see in this that there 23 is also wet stains here and here and here. 24 Showing you Image Number 41? Q 25 Α That is a closer view of that same area.

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Page 214 1 Image Number 42? Q 2 Α That's a closer view of that same area, 3 specifically the bottom edge with the measuring device. 4 5 Q Now, starting with Image Number 43, can 6 you describe what you're seeing and what those 7 things are on the edge of the car. Let's do this. 8 Α As asked, the exterior of 9 that is processed with fingerprint powder. 10 developed latent fingerprint evidence, then those 11 lifts are removed by placing lifting tape on there. 12 We also photograph those latent lifts in place and 13 our system is that there are always, we always use 14 letters on latent lifts and we try to use numbers on 15 evidence. 16 So every one of those is numbered A 17 through E. and they're always photographed in place. 18 This was the area that I developed 19 latent fingerprint evidence and so based on the 20 information that I received, that's where we 21 determined to be the best area that they were 22 concerned about as far as retrieving latent 23 fingerprint. 24 Now, the tape that you see in these 25 photographs, when you remove that from the surface

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Electronically signed by

Page 215 1 of the vehicle, what do you do with that tape in 2 order to preserve it? 3 They're placed on what's referred to as a Α liftback. In essence, it is a bright white card. 4 5 So you would have contrast or latent fingerprint 6 examiners can compare that to known or ink 7 impressions. Be it from other police officers, 8 Darren Wilson, anyone. 9 That's how they make those 10 comparisons. 11 Q You're not the person who makes those 12 comparisons, correct? 13 No, ma'am, I'm not a latent examiner. Α 14 So your job is to search for areas, make a Q 15 determination of where you might find some latent 16 fingerprint or palm print perhaps? 17 Α Correct. 18 And then you did visualize it by putting 19 that? Develop those with fingerprint powder. 20 Α 21 And then lift them off the surface? Q 22 Correct. And then they're submitted to Α 23 our fingerprint unit. 24 Okay. And how many lifts did you do in 25 this case?

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Page 216 1 I had prints A through E. 2 Did you process any other part of the 3 vehicle for fingerprints? No, I did not. 4 Α 5 Q I'm going to show you your Image Number Can you describe what we see in there? 7 Once we had photographed the outer part of 8 the interior door panel, in order to retrieve that 9 projectile, that door panel was removed. 10 Also when that projectile went 11 through there, it also damaged part of the inner 12 door skin. And also went through and struck the 13 outside of the door, which I believe another 14 detective had photographed. It looks like a bump. 15 So once I retrieved that projectile 16 and there is some other documentation there also in 17 the bottom of this, so we have overall view of it. 18 All of that glass I had to sift through in order to 19 retrieve that projectile. 20 So to tie this into a photographic 21 series, we take an overall view of the door, meaning 22 the source of where we recover the projectile from. 23 We orange triangle by indicator in that pile of 24 glass is where I retrieved the projectile after 25 scooping all of this out from inside of the door.

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```
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 1
                    So that is displayed there for you
 2
     and further sequencing.
 3
               So when you say you scooped the glass out,
          Q
     was the glass inside this area down?
 4
 5
          Α
               All down in there, yes.
 6
               Down in this area, but behind this metal
          Q
 7
     panel?
 8
          Α
               Right.
 9
               So you had to actually scoop it out with a
10
     tool or with your hands?
11
          Α
               My hands.
12
               As you scoop it out, are you just dumping
     it on the ground then or does it fall on the ground
13
14
     there?
15
          A
               No, I'm taking out small handfuls by small
16
     handfuls. I don't want to lose anything else, maybe
17
     this projectile fragmented, maybe there are sharp
18
     edges to it. So we're very cognizant as far as
19
     trying to retrieve as much evidence as we can.
20
                    The good thing for me as an
21
     investigator is the projectile is pretty much
22
     intact. So we didn't have a lot of small, minute
23
     pieces of metal that were not directly related to
24
     that projectile.
25
                    So as I'm doing it, I'm carefully
```

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Page 218 1 putting in a pile, going through every handful. 2 When I finally retrieved, determine that it was a 3 projectile. It is left right there and we start our sequence as far as taking photographs. 5 0 So showing you your Image Number 45, what do you see in that image? 7 This is an overall view of where that 8 projectile, once it went through that plastic door panel entered the interior metal skin of that door. 10 Is just an overall view of it. 11 focal point in the center of the photograph will be 12 right about here, which you will see when you get further into the seats. 13 14 Image 46? Q 15 A This is a closer view of it. The area of 16 concern is right here. (indicating) 17 And so a little clearer, actually, looking 0 18 at the image with your own eyes. 19 I guess from the very top of it, 20 maybe at the one or two o'clock position, there is a 21 defect on the metal? 22 Α Yes. 23 Okay. Showing you Number 47? 24 That's a closer view with the scale next Α 25 to it. The area of concern, again, is this upper

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- 1 portion right here. (indicating)
- 3 garage, could you see that defect that was on the
- 4 outside of the door?
- 5 A Yes, it was pushed out or bowing out.
- 6 And does the location of that defect
- 7 correspond with where that mark, the defect was on
- 8 the my of the insides of the door?
- 9 A I would say it is consistent.
- 10 Q Okay. You didn't take any measurements to
- 11 or anything to determine?
- 12 **A** No, ma'am.
- Okay. All right. Showing you your Image
- 14 48.
- 15 **A** This is a closer view, one of a series as
- 16 far as we orientated originally as far as the
- 17 source. The interior of the door, we have the pile
- 18 of glass that I had gone through, the projectile
- 19 with the orange indicator, and that was just a
- 20 closer view of the same area with the indicator and
- 21 projectile.
- 22 **Q** Image 49?
- 23 A This is a close-up view of it. Again, the
- indicator and the projectile recovered hasn't moved.
- 25 It is just a closer view of it.

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	Page 220
1	Q Is that 50?
2	A It is and this is a closer view now with a
3	scale.
4	<b>Q</b> And so can you use the laser pointer and
5	point to what we're seeing as the projectile?
6	A Right here.
7	<b>Q</b> You recognize that as a spent projectile?
8	A Yes.
9	${f Q}$ So what did you do with that projectile
10	once you found it?
11	A It was packaged, marked and forwarded to
12	our firearms examiner.
13	<b>Q</b> And is that the same place where you
14	forwarded the weapon and the pieces of the weapon,
15	the magazine and the spent round?
16	A Correct.
17	Q Not spent round, a live round?
18	A Live round.
19	<b>Q</b> Okay. Did you do any testing to determine
20	if there was any substance on that spent projectile?
21	A No, I wouldn't do that. Our firearms
22	examiner would do that.
23	Q So if there is blood or anything on there
24	that's not something that you would have looked at
25	or tested for?
1	

	Page 221
1	A No, ma'am.
2	${f Q}$ And how about the glass, did you take
3	samples of the glass?
4	A No.
5	${f Q}$ Are you aware does the St. Louis County
6	Crime Laboratory do any testing on glass as far as
7	breaking patterns or matching up broken glass?
8	A Our crime lab does not do that. They
9	don't do crashing matches, they don't do comparison
10	as far as the chemical make up of the glass,
11	properties of the glass, as far as the matching of
12	the glass.
13	Q (By Ms. Alizadeh) after
14	you finished processing this vehicle, did you put
15	the vehicle back together?
16	A No, ma'am.
17	<b>Q</b> What became of that vehicle?
18	A It was towed at the request of Chief
19	of the Ferguson Police Department to go back
20	to the Ferguson Police Department.
21	${f Q}$ So you didn't put the door panel back on
22	or put anything back together?
23	A No, ma'am.
24	${f Q}$ Did you take any measurements of the
25	vehicle?

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```
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 1
               No, I did not.
 2
               Did you have any other investigative
 3
     things that you did in regard to this investigation
     into the shooting of Michael Brown?
 4
 5
          Α
               No, ma'am.
 6
               MS. ALIZADEH: Does anybody have any
 7
     questions?
 8
               Okay that will be it for the testimony of
 9
     the Detective
10
               (End of the testimony of Detective
11
            )
12
               MS. WHIRLEY: We ready? We're resuming,
13
     it is approximately 4:03 p.m. I'm Sheila Whirley,
14
     not Shirley Whirley, also Kathi Alizadeh is here,
15
     the 12 jurors, and the court reporter. We're going
16
     to hear the recording that was an interview with
17
                   , Detective
                                               on August
18
     the 9th, 2014.
                     The day that Michael Brown was shot.
19
     And this is approximately 2:19 p.m. that the
20
     interview was being conducted. And this interview
21
                        . And we'll spell
     was
                                             , it is
22
     spelled
                                              So I'm going
23
     it commence now, it is a little less than a hour so
24
     should take us up to a good time.
25
               MS. ALIZADEH: We don't need, for the sake
```

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     of the court reporter, we have provided a transcript
 1
 2
     to all the jurors, as well to the court reporter,
 3
     and also at this time we can pause the audio
     recording while we play this so as not to duplicate
 4
 5
     things.
 6
               MS. WHIRLEY: Okay. This is the playing
 7
     of the interview of
 8
               (The interview of
                                                  is being
 9
     played at this time.)
10
               MS. WHIRLEY:
                             That concludes the recording
11
     of
                          It is approximately 4:38 p.m.
12
     our time. And her interview went from 2:19 p.m.
13
     until I believe 2:52 p.m. on August the 9th of 2014.
14
     Do you have anything else, Kathi?
15
                            :
                                          What was the
16
     Grand Jury Number Exhibit?
17
               MS. ALIZADEH: Of the disc?
18
                            : Yes.
19
               MS. ALIZADEH: This was Disc Number 24,
20
     which has a bunch of different recordings on it. We
21
     don't have anything else lined up for today. So I
22
     quess we'll let you go at this point.
23
     hopefully, we're going to end at 2:30 on Thursday.
24
     So hopefully we'll have our plan is to play another
25
     taped statement of which is about another
```

Page 224 1 hour. And then hopefully have 2 testify for you and then we have a couple other 3 witnesses coming in so we will hear their statements 4 before they come in as well. So hopefully we will 5 get three eyewitnesses done tomorrow. 6 MS. WHIRLEY: Thursday. 7 MS. ALIZADEH: Or Thursday. So we are 8 chuqqing along. Any questions anybody has or any 9 concerns? And I hear, I'm going to meet with Bob 10 McCulloch about maybe communicating with people out 11 there about the process of the grand jury and why it 12 is not going to be done this Friday and so forth. 13 T think 14 he has done pretty much getting it out there. 15 think the community leaders need to back him up and 16 confirm what he's saying, I mean. I'm guite sure 17 the process is written somewhere in the book or law 18 books or whatever and it is pretty out there what 19 the process is, they just need to tell, I think, the 20 community to try and get some stability back into 21 the community. 22 This is what, this is what they're doing, 23 this is what they need to do. I mean, if I were in 24 Michael Brown's or Darren Wilson's shoes, I would 25 want somebody to know everything before you make a

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Page 225 decision what happens to me or my life or what I did 1 2 or what I didn't do. 3 MS. ALIZADEH: And that was, you know, Mr. McCulloch's, pledge at the very beginning that 4 5 you all would hear everything. I know it is very 6 tedious at times, but as you are beginning to see, 7 there is a lot of people that see different bits and 8 pieces, a lot of different viewpoints, a lot of different statements and so, you know, it is going 10 to be up to you guys to sift through that. We don't 11 want to leave anything out. Down the road after 12 this decision is made, I don't want somebody saying, 13 well, you didn't call this person. 14 But as far as the community leaders, you 15 know, that's going to be something that is up to 16 Mr. McCulloch. And as you know, there have been a 17 lot of those same people have called for him to 18 recuse himself and not be the prosecutor on this 19 I don't know what kind of communication would 20 happen between them if there would be, but I hear 21 you and I know what you're saying. But ultimately, 22 Sheila and I are we're just doing this part of it, 23 it will be up to Mr. McCulloch to decide how to 24 handles that kind of public relations issue. 25 MS. WHIRLEY: We will convey it to him

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Page 226
 1
     though.
 2
               MS. ALIZADEH: Okay.
 3
                                          Could you maybe
     just do a little research too to see if there has
 4
     and how common it is that a grand jury would release
 6
     a statement with their ultimate decision at the end?
 7
     I don't know that we would ever want to, but it
 8
     might be an option to help calm things or a thought.
 9
               MS. ALIZADEH: It is funny that you say
10
     that and I think, I don't know if you guys have
11
     asked that before. I mean, I have been here 26
12
     years and, um, actually even before Bob McCulloch
13
     was the elected prosecutor. And never in my
14
     experience, now I know that we have had several
15
     grand juries conduct investigations into excessive
16
     force involving police officers, whether it be
17
     shootings, whether it be homicide or an assault
18
     where a person wasn't killed, I'm not aware of ever
19
     being a statement released after the grand jury has
20
     made its determination.
21
               MS. WHIRLEY: I'm sorry, Kathi, let me
22
     make sure I understand. Were you suggesting that a
23
     grand juror would make a statement?
24
                             : I'm not actually
25
     suggesting that we want to, just was wondering if it
```

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     ever happened or was that in the history of that or
 1
 2
     kind of like you were going through what the debate
 3
     time we would also continue if we didn't have a
     certain number going to look into that. I'm curious
 4
 5
     as well if there had been any historical point of
 6
     grand juries doing that. I don't even know if we
 7
     would even want to.
 8
               MS. ALIZADEH: I'm not aware of anything
 9
     like that ever happening.
10
                                 I don't think, one thing,
11
     I don't want them to know me or know anything.
12
     don't want anything out there.
13
                                Yeah, we would never make
14
     a statement with names.
15
                              : But for me, I don't want
16
     nothing to do with any release, the press, the news.
17
                               Just to be clear, it
18
     wouldn't be an individual statement.
19
                                 I do the best that I can.
20
               MS. ALIZADEH: I'm not sure what your
21
     charge is. I know that the judge read the charge to
22
     you as to what your duties and obligations are.
23
     don't know how that extends beyond your term. Like,
24
     you know, I know when we have a trial, the jury is
25
     told they can't discuss this with anyone, but at the
```

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Page 228 1 conclusion of the trial that admonition is lifted 2 and they're told you can discuss this with whomever 3 you wish or not at all, it is up to you. 4 I haven't seen what the charge is that the 5 grand jury gets. I don't know that if the grand 6 jury is allowed to talk about this after the fact. 7 I'm not sure about that and we can look into that, 8 but what I'm guessing or I'm thinking, and you all, you know, again, there's nothing written in stone 10 right now, but you are talking about the possibility 11 as the grand jury as a group preparing some kind of 12 formal statement that would accompany your decision. 13 And it wouldn't be like your names would be attached 14 to it, you would agree on some kind of statement 15 that you would want to make about whatever you would 16 want the public to know about that. 17 I'm not aware of that ever happening and 18 so I'll look into that to see if that's even 19 possible. Obviously, if they say no because your 20 admonition is not lifted after, then you can't talk 21 about your, the process and your deliberations and 22 the evidence that you heard. 23 So I will look into that. Thank you. 24 25 MS. ALIZADEH: I haven't forgotten about

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     the fact that you all are interested in getting some
 1
 2
     law and we have talked about that too. We just
 3
     haven't had a lot of time.
               We do have another attorney who is going
 4
 5
     to help us do some of the background research and
 6
     stuff like that, we just kind of got him.
 7
     like we have an assistant now. So it will be
 8
     somebody that can help do some of this background
 9
     research and go over some things. Give you whatever
10
     answers or information you think you, need, okay?
11
               Everybody have a great evening and this
12
     concludes the session of this afternoon on
13
     September 30.
14
                (End of the September 30, 2014 Grand Jury
15
     Proceedings.
16
17
18
19
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Page 230
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 3
     State of Missouri
                         SS.
 4
 5
     County of St. Louis
 6
                            a Licensed Certified Court
          I,
 7
     Reporter by the Supreme Court in and for the State
     of Missouri, duly commissioned, qualified and
 8
     authorized to administer oaths and to certify to
10
     depositions, do hereby certify that pursuant to
11
     Notice in the civil cause now pending and
12
     undetermined in the County of St. Louis, State of
     Missouri.
13
14
          The said witness, being of sound mind and being
15
     by the grand jury first carefully examined and duly
16
     cautioned and sworn to testify to the truth, the
17
     whole truth, and nothing but the truth in the case
18
     aforesaid, thereupon testified as is shown in the
19
     foregoing transcript, said testimony being by me
20
     reported in shorthand and caused to be transcribed
21
     into typewriting, and that the foregoing page
22
     correctly sets forth the testimony of the
23
     aforementioned witness, together with the questions
24
     propounded by counsel and grand jurors thereto, and
25
     is in all respects a full, true, correct and
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Page 231
 1
     complete transcript of the questions propounded to
 2
     and the answers given by said witness.
 3
                I further certify that the foregoing pages
     contain a true and accurate reproduction of the
     proceedings.
 5
          I further certify that I am not of counsel or
 7
     attorney for either of the parties to said suit
 8
     related to nor interested in any of the parties of
     their attorneys.
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Gore Perry Reporting and Video 314-241-6750

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Page 232
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     COURT MEMO
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     State of Missouri vs. Darren Wilson
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 8
     CERTIFICATE OF OFFICER AND
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume VIII
12
     9/30/2014
13
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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Page 233
 1
     ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:
 2
 3
     St. Louis County Prosecuting Attorney's Office
     100 S. Central Ave.
     Clayton, MO 63105
 5
     Total:
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	Page 234
1	Upon delivery of transcripts, the above
2	charges had not been paid. It is anticipated
3	that all charges will be paid in the normal course
4	of business.
5	GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6	515 Olive Street, Suite 700
7	St. Louis, Missouri 63101
8	IN WITNESS WHEREOF, I have hereunto set
9	STATEMENT OF DEPOSITION CHARGES
10	my hand and seal on this day of
11	Commission expires
12	
13	Notary Public
14	
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