Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume IX

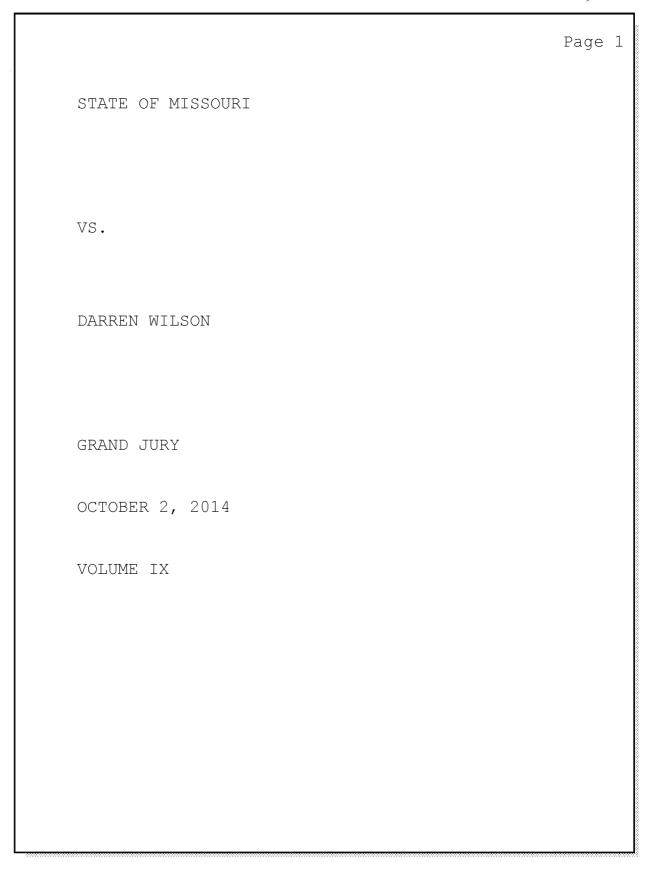
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Page 2
           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
 1
 2
                       STATE OF MISSOURI
 3
     STATE OF MISSOURI
 5
 7
     VS.
 8
     DARREN WILSON
10
11
12
          The following is a hearing before the Grand
     Jury of St. Louis County, at the offices of St.
13
     Louis County Prosecuting Attorney's Office, 100
14
15
     South Central Avenue, in the City of Clayton, State
16
     of Missouri, on the 2nd day of October, 2014, before
17
18
19
20
21
22
23
24
25
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Page 3
 1
     APPEARANCES OF COUNSEL:
 2
 3
      FOR THE STATE:
         Ms. Kathi Alizadeh & Ms. Sheila Whirley
         Assistant Prosecuting Attorneys for St. Louis
 5
 6
     County
 7
         100 South Central Avenue, 2nd Floor
 8
         Clayton, MO 63105
          (314) 615-2600
10
11
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14
15
16
17
18
19
20
21
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23
24
25
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	Page 5
1	GRAND JURY HEARING VOLUME IX
2	MS. WHIRLEY: I'm Sheila Whirley, of
3	course, Kathi Alizadeh, the 12 grand jurors are here
4	and is here taking town everything we're
5	saying this morning. We are going to start out with
6	the witness that we talked about last time we were
7	together that's .
8	Before she comes in, however, she is here
9	waiting to give testimony. Before she comes in
10	we're going to listen to a statement that she gave
11	to the federal, during the federal investigation,
12	FBI and U.S. attorney and well a couple of attorneys
13	from the Department of Justice. So we will hear
14	that interview. It is probably in totality an hour
15	and 13, 14 minutes, something like that.
16	We have the transcript that Kathi will
17	pass out in a moment and she wanted to let everybody
18	know that we just got the transcript, I believe,
19	last night.
20	MS. ALIZADEH: This morning.
21	MS. WHIRLEY: This morning. We haven't
22	had a chance to proof it. So as you are listening
23	and you read, if you hear something different than
24	what's printed, what really count is what you hear
25	because that's in 's words.
i e	

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Page 6
 1
               Someone else is listening and transcribing
 2
     what she has to say, but the real evidence is the
 3
     actual statement that she's giving, the audio
     recorded statement. So with that little bit, is
 5
     there something wrong?
 6
               MS. ALIZADEH: No.
 7
               MS. WHIRLEY:
                             They had a break, it is
 8
     going to be like two different recordings because
     they take a break and then they come back on a
10
     second recording that's only 13 minutes, and the
11
     first one is a little over an hour. So with that
12
     bit of introduction, we'll stop recording,
13
     and then we'll play.
14
               (The interview of
                                                  is being
15
     played at this time.)
16
               MS. WHIRLEY: I didn't say the date is
17
     October the 2nd, 2014 and the exhibit that you just
18
     heard the audio recording was Grand Jury Exhibit
19
     Number 23.
20
               We do have that witness here and it is
21
     approximately 12:07 p.m. now. We'd like to go on
22
     with the witness. Lunch will be here momentarily,
23
     if it is not here already. Can we do the witness
24
     and then lunch? Okay.
25
```

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Page 7
 1
 2
     of lawful age, having been first duly sworn to
 3
     testify the truth, the whole truth, and
 4
     nothing but the truth in the case aforesaid,
 5
     deposes and says in reply to oral
 6
     interrogatories, propounded as follows, to-wit:
 7
                          EXAMINATION
 8
     BY MS. WHIRLEY:
               Introduce yourself to the jurors and spell
10
     your name for the court reporter.
11
          Α
               Okay. Hello everybody. My name is
12
                         , last name
13
14
          Q
               And,
                             as you can see I'm standing
15
     back here so that when we have a conversation when I
16
     ask you questions, you answer, you will speak up
17
     loud enough so I could hear you.
18
          Α
               Okay.
19
               That way we'll know all the grand jurors
     can hear you too, okay?
20
21
          Α
               All right.
22
               We've got a map up here and that's Grand
23
     Jury Exhibit Number?
24
               MS. ALIZADEH: 25.
25
               MS. WHIRLEY:
                              25.
```

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	Page 8
1	Q (By Ms. Whirley) You've got a pointer, you
2	know how to use it, right? I'm going to ask you
3	some questions and I want you to be able to show us
4	up on the map, there you go, is that okay?
5	A Yes.
6	Q Good, all right. So show us, first of
7	all, where you live currently if it is on the map?
8	A Right there. (indicating)
9	Q What's that address?
10	A , Apartment
11	Q And that's on, what's the street, is that
12	Canfield Drive?
13	A Yes, Canfield Drive.
14	Q And you indicated on the map where that's
15	located, is that like a first, second, third floor?
16	A Third.
17	Q It is the third floor. Okay. Now, you
18	know why we're here?
19	A Yes.
20	Q This is about the Michael Brown shooting?
21	A (Nods head.)
22	Q And that occurred on August 9th of 2014.
23	Do you remember that day pretty well?
24	A Yes.
25	Q And that would have been a Saturday,

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```
Page 9
 1
     correct?
 2
          Α
               Yes, ma'am.
 3
               Okay. Now, it was somewhere around noon;
          Q
     is that right?
 4
 5
          Α
               Yes.
 6
               Tell us from the beginning what you saw,
          Q
7
     what you know about the Michael Brown shooting?
 8
          Α
               Okay.
               Speak up loud enough.
10
          Α
               Sure. Start from the beginning of the day
11
     or the beginning of everything that I saw?
12
               Let's start with the beginning of your
          Q
13
     day.
14
          Α
               Okay.
                     I woke up that morning, I was
15
     waiting to have my boss to come get me for work.
                                                         We
16
     were supposed to be heading out a little ways before
17
     that evening, I'm sorry, the afternoon, she called
18
     me.
19
               I'm sorry, I didn't hear you well.
                                                     Will
20
     you tell us what you were going to do at work that
21
     day?
22
          Α
               Oh, no, we were heading off for work.
23
               Heading off for work?
          Q
24
               Right.
          Α
25
               What kind of work do you do?
          Q
```

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```
Page 10
 1
               I'm a sales consultant for
 2
               And that's the job with
          Q
 3
     she's your employer?
               Yes.
 4
          Α
 5
          Q
               Okay. And what were you going to do that
     day, on Saturday?
 7
               I don't remember like because the way we
 8
     work is we go door to door, but I don't remember
     where exactly where we were headed that day.
10
     were going out to work.
11
               You go door to door and do marketing or
          Q
12
     sales?
13
               Yes.
          Α
14
              What are you selling?
          Q
15
          Α
               We're technically not selling, it is
16
     energy, the regulation of energy through Ameren.
17
               Okay, all right. Go ahead.
          Q
18
               Okay. So I was calling her to ask her if
19
     I could probably get a ride. I didn't have another
20
     ride that day and she was just saying, yeah, that
21
     was early, around 8 or 9 o'clock. She said I will
22
     be there shortly. I'm waiting for her. I finally
23
     get a call from her, I was cleaning my room, which
24
     is right there on the very corner.
25
              Can you get the light on?
          Q
```

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	Page 11
1	A Yeah, which is right there on the third
2	corner. So I'm sitting in my room.
3	Q Here?
4	A Yeah.
5	Q Okay.
6	A I'm sitting in my room and I look down at
7	my phone and I'm getting a call from . At
8	the same time I'm getting a call from her, I hear
9	tires screeching in the middle of the street. We
10	had gotten into a car accident about a couple weeks
11	before that, so that already made me go to check on
12	her, hopefully she didn't hit anybody or she didn't
13	crash or anything like that. So that's what drew my
14	attention outside the window. I then looked out the
15	window and just noticed the police car outside.
16	Q And where did you notice the police car
17	when you looked out the window, where on the map,
18	show us?
19	A It is like a police SUV, not a smaller
20	car, a bigger one, it is about right there, sorry.
21	Q Do it again. If you need to stand up, you
22	can. You don't have to, it is up to you.
23	A Okay. It is right around there.
24	Q Okay. That's where you saw the car from
25	your window here?

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		Page 12
1	A	Yes. I had noticed that 's van, it
2	was right	around here. I could still see her too.
3	Q	Was she driving when you noticed her or
4	was she pa	arked?
5	A	She was at a standstill.
6	Q	She was in the car, but it wasn't moving?
7	A	Yes.
8	Q	And where was it again?
9	A	Right around here.
10	Q	Okay. There is her car right around
11	there?	
12	A	Yes.
13	Q	How was the police car stopped in the
14	street?	
15	A	It was in the middle of the street,
16	slanted.	
17	Q	Okay. Slanted?
18	A	Slanted towards basically this way.
19	Q	And what street would that be?
20	A	This is West Florissant.
21	Q	So it was facing west?
22	A	Yes, that is West Florissant, it was
23	facing Wes	st Florissant.
24	Q	West Florissant, okay. So, and then what?
25	A	Okay. Where was I, I looked out of my

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		Page 13
1	window an	d I saw a glimpse of just the top of a hat.
2	Q	What color?
3	A	It was a red hat.
4	Q	Okay.
5	A	The glimpse of a top of a hat, just next
6	to the ve	hicle and I just saw a movement, a jerking
7	away move	ment.
8	Q	A movement of what, the car or person what
9	was the m	ovement?
10	A	It was an arm.
11	Q	It was an arm?
12	A	Yes.
13	Q	Did you later learn whose arm?
14	A	Yes, I later found it was Michael Brown's
15	arm.	
16	Q	Michael Brown's arm?
17	A	Yeah.
18	Q	You saw a jerking of the arm?
19	A	Yes.
20	Q	And then what?
21	A	Okay. It was like simultaneously as I'm
22	getting a	phone call, I hear the tires screeching
23	and I loo	k out the window and I hear gunshots at the
24	same time	. Because this all happened very quickly,
25	this guns	hot.

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```
Page 14
 1
                    I'm looking out my window, it is just
 2
     a couple, two or three, I'm looking out my window.
 3
     I notice that they're coming from the exact
 4
     direction as the police car. I notice that they're
 5
     coming from the direction, the direction that the
 6
     police car vehicle, so still right there.
 7
     really loud because it was right outside my window.
 8
               Okay. You said the shots were coming the
 9
     direction of the police car?
10
          A
               Yes.
11
               Did you make any assumptions about that?
          Q
12
               I did. I, um, in the beginning stages I
     did make assumptions. I thought that, couldn't
13
14
     really tell, you couldn't tell, but I thought that
15
     maybe a bullet hit the police car, maybe it hit the
16
     building into the police car. It was just like, you
     could hear an extra oomph, you know what I mean?
17
18
               You didn't know what had occurred, but you
19
     heard --
20
          Α
               Yeah.
21
               -- but you heard the sound of shots?
          Q
22
               Yes.
          Α
23
          Q
               Okay.
24
               Just right next and that all happened like
          Α
25
     simultaneously.
```

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Page 15 1 Once you heard the shots, what did you 2 notice next? 3 Α I looked away to grab my purse because I was looking for her car, but I noticed it was fine, 4 5 but I was going to go outside and go to her, but I 6 decided to not go outside because of gunshots 7 outside my door. I grabbed my purse and head back 8 to the windows. At this moment I'm headed, I'm 10 looking out the window, it is facing towards this 11 street now. 12 This is a different window you are looking Q 13 out? 14 Yes, this is the window from my balcony. Α 15 Q Okay. 16 A big glass sliding door, it is a window 17 and door you can walk straight out. 18 Were you still inside the apartment 19 though? 20 Yes, I was. So I'm at the balcony and I 21 just notice other police officer run down the 22 street, just running, chasing, who knows, he's just 23 running, to me he was running. 24 Could you see who he was running after or 25 why he was running?

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Page 16 At the time I couldn't, my focus was on 1 2 this car that was right here in front of my 3 apartment. The car is right there. 4 So what was the proximity of the car to 5 the police car, to the police truck? 6 The car, okay, the police car, or the Α 7 police truck is right here in the middle of the 8 street, somewhere around here. And the other car was like in front of this Canfield Drive sign, so it 10 is just right there, right in front of my window. 11 So right behind the police car? Q 12 Α Yeah. 13 What kind of car was that? Q 14 It was a Monte Carlo, two-door car. Α 15 Q What color was it? 16 It was a dark color, it was black or a Α 17 dark blue car, like a dark, dark blue, but I'm 18 pretty sure it was a black color. 19 Okay. Why did that car draw your 20 attention? 21 I saw somebody I recognized like crouching 22 next to the car. It was, I call him DJ, it was 23 Dorian Johnson. He was just crouching next to the 24 I originally thought the police, he'd been 25 involved in something and he was hiding, but the

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Page 17 1 police just ran right past the car like not even 2 looking no other directions, ran right past it. 3 he's just still kneeling and that's when I start to think he must be hiding from the police because there's --5 6 So did you hear some more shots after you 7 heard the shots from you thought was in the car, or 8 around the car? Yes. As I'm looking down at him, I'm A hearing more gunshots. 10 11 As you are looking down at whom? 12 At Dorian and like he's right in front of 13 So I'm looking kind of down when I see him. 14 Do you know where the shots are coming 15 from at this point? 16 Α I could tell that it was following the 17 police, so the police was the one shooting the 18 It was like, my eyesight is coming from a 19 car area at first and now it's coming from this way. 20 (indicating) 21 Okay. So there are shots coming, the 22 officer is running, or shots being fired and the 23 officer is running, do you see anybody else at that 24 point? 25 Α No, my um, my vantage point gets blocked

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- 1			
			Page 18
	1	off from	the police running because he runs behind,
	2	how do I	explain this, this little small wall right
	3	here. He	e just runs right around there somewhere.
	4	Q	So he runs past the wall?
	5	A	Yeah.
	6	Q	And at that point your vision is blocked,
	7	by the wa	ny?
	8	A	By the officer, yes.
	9	Q	How far did you see the officer run to?
	10	A	From his car down.
	11	Q	Show us where, how far you saw him run?
	12	A	If his car was right around this area, he
	13	ran strai	ght past the Monte Carlo, straight back
	14	where I o	can't see him any more, about right around
	15	here. (ir	ndicating)
	16	Q	So not quite to the intersection?
	17	A	Yeah, not quite all the way over there.
	18	Q	Okay. And that's the intersection of
	19	Canfield	Drive and Copper Creek Court?
	20	A	Copper Creek Court.
	21	Q	He didn't get to that intersection?
	22	A	No.
	23	Q	Did you see the officer stop running?
	24	A	No.
	25	Q	What did you see next, you say he's

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Page 19

- 1 running?
- 2 A Okay. As I'm glancing down and Dorian, I
- 3 heard the gunshot as I notice the officer running
- 4 past me. I just glimpse at the officer, I wasn't
- 5 too much paying attention to him because I'm more
- 6 thinking about what is going on next to this car.
- 7 There is also people inside the car and it appears
- 8 to me like Dorian was going to hop in it and just
- 9 leave, but that never happened.
- I just have a glimpse, what I presume
- 11 to be a kid, I don't know why I thought it was a
- 12 kid, but he just looked young, you can tell somebody
- 13 young. He just turned around at this moment,
- 14 nothing is blocking any more, and I can see somebody
- 15 turn around was starting to put their hands like
- 16 this. (indicating)
- 17 **Q** Before you get to that, where did you see
- 18 the person, I don't know if you say you saw him stop
- 19 running or saw him turn around, did you see that
- 20 person referred to as Michael Brown, did you see
- 21 Michael Brown stop running or running at all?
- 22 A When I, um, saw him, I hadn't known that
- 23 it was him by the vehicle at first, I didn't draw
- 24 that connection. By the time I got over here, like
- 25 I saw it was almost over, basically the color of the

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			Page 20
	1	hat. The	re was no person with a hat on over here,
	2	never got	the connection at first. But I saw him
	3	like get	out of the blockage. So he was moving
	4	towards tl	nis way. (indicating)
	5	Q	Who?
	6	A	Michael.
	7	Q	He was moving toward?
	8	A	This way. (indicating)
	9	Q	This way?
	10	A	Yeah.
	11	Q	Where was he when you first got sight of
	12	him after	your vision was blocked by the wall or
	13	whatever?	
	14	A	He was right around here. (indicating)
	15	Q	And that car is not related to this case?
	16	A	Okay.
	17	Q	So where did you see him?
	18	A	It was like right around where his car is.
	19	Q	At the intersection or not quite the
	20	intersect	ion?
	21	A	I just say the intersection.
	22	Q	So he was closer, some feet away from the
	23	intersect	ion of Copper Creek?
	24	A	Exactly.
	25	Q	On Canfield Drive when you saw him?
-1			

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Page 21 1 Α Yeah. 2 And when you first saw him in this area, 3 was he moving at all, tell us again what he was doing when you first saw him? 4 5 Α When I first saw him he was coming to a still and turning. 7 So he had been moving? Q 8 Α Yes, you could tell because --Show us what you saw? Q 10 Α Okay. 11 If you don't mind, please. Q 12 Sure thing. Okay. He's moving his body Α this way, can everybody see me? I'm sorry, he's 13 14 moving his body. I don't know, I couldn't tell, he 15 was most likely running too. 16 Tell us what you saw? Q 17 Okay. This way, this is what I saw Α basically. 18 19 Q Okay. 20 At that moment I start hearing just a 21 great deal of shots. I could not say how many shots 22 it was, after that it was a great deal of it. 23 So at the time you demonstrated for us 24 that he was turning around because at first his back 25 was to where you saw the officer running?

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	Page 22
1	A Yes.
2	Q And he was turning around facing the
3	officer?
4	A Yes.
5	Q Could you see the officer too at that
6	point?
7	A I still could not see the officer.
8	Q So the officer now was blocked, but you
9	could see Brown?
10	A Yes.
11	Q And he turned around and this has been
12	important and we've heard a lot about hands up, so
13	once again, demonstrate for us turning around and
14	the hands?
15	A Okay. I saw him turn to his right, turned
16	around, but as he was turning, I'm sorry, he was
17	like this. What I was saying was that I didn't see
18	like a big all the way up there kind of thing, I
19	just saw a turned around kind of right here.
20	(indicating)
21	Q Kind of shoulder high, hands up?
22	A Yes.
23	Q But his palms were like facing the
24	officer?
25	A Yes.

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	Page 23
1	Q Did you see any blood?
2	A I did not see any blood.
3	Q Did he appear injured to you?
4	A No, he didn't. Not at that point.
5	$oldsymbol{Q}$ And when he was standing there with his
6	hands up, did you see him move at all?
7	A No, okay, that's the part I want to get
8	to. After that, it was just a lot of gunshots. So
9	at this point, I'm looking out my window. I guess I
10	either glance back at Dorian or I flinch or I do
11	something to where I take my eyes away and next
12	thing I know, he is falling down.
13	So I never saw him make any more
14	movements except for a lot of shots and he started
15	falling down. He fell on his knees and he hit his
16	face on the ground.
17	Q When you saw him falling down, did he
18	appear to be at the same spot that he was when you
19	saw him turn around?
20	A In my recollection he was.
21	Q When he fell down, where was he?
22	A Right around the same spot. Right around
23	that area. (indicating)
24	Q Do you recall how many shots you heard?
25	A No, ma'am.

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	Page 24
1	Q When he turned around?
2	A No.
3	Q Did he appear, because you can see him
4	now, right, when he turned around you had full view
5	of him, but not the officer?
6	A Yes, the officer was blocked.
7	Q Did he appear to be reaching for anything?
8	A No, ma'am.
9	Q Did he touch his waist at all?
10	A No.
11	Q So you saw him actually go down?
12	A Yes.
13	Q And hit the ground. I don't want you to
14	hit the ground, but can you demonstrate how he went
15	down?
16	A Okay. But now from my point of view I'm
17	just looking at his knees, but I'm sure it wasn't
18	that slow, but like a fast, knees, boom and falling
19	forward. (indicating)
20	${f Q}$ Okay, thank you. Did he move any more
21	after that?
22	A No.
23	$oldsymbol{Q}$ Okay. And what did you do after you saw
24	him fall to the ground?
25	A Started crying.

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Page 25 1 Started crying. Okay. And then as you 2 are crying, what happens next? I'm going to get you 3 some napkins. 4 When you saw him fall, then you say 5 you started crying, then what happened next? 6 I just ran to my room where I left my Α 7 phone and, um, the condition of my phone is 8 incredibly horrible. I dropped it, it was cracked in many spots. You cannot really see the screen, 10 that wasn't my first intention was to get my phone. 11 I just ran back like I have to make this work 12 somehow. I ran back, got my phone and just started 13 recording everything that I saw from that point on. 14 Q Okay. 15 Α I just hit the record button and have my 16 phone, even though you couldn't tell on the screen, 17 see the screen. 18 Did you call anybody or talk to anybody? 19 Α No, I was too shocked. 20 Q Okay. And at some point you, I think this 21 maybe --22 I'm sorry, after I left, after like the 23 whole aftermath happened, I did make a couple phone 24 calls, but not like during the whole part where they 25 took the tape up and all of that. I was mainly on

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Page 26
     my balcony after things started, after an hour or so
 1
 2
     passed, I started getting phone calls and then
 3
     making them.
 4
               How long was it after the shooting did the
          Q
 5
     police contact you for a statement that day?
 6
               Probably about an hour and a half.
          Α
 7
          Q
               Okay.
 8
               Two hours.
          Α
               How did they know to contact you?
          Q
10
          Α
               Because they saw me and
                                         standing
11
     right there.
12
               Standing?
          Q
13
               On my balcony.
          Α
14
               At this point you were both standing on
          Q
15
     the balcony?
16
          Α
               Yeah.
17
               Do you remember what you were wearing?
          Q
18
               I had my uniform on.
          Α
19
     came to my balcony, she said we can't be out here
20
     with our uniforms on, we have to change shirts. You
2.1
     have a shirt that I can wear? I went in my room and
22
     gave her one of my shirts.
23
               MS. ALIZADEH: I'm having trouble hearing
24
     you,
               I'm sorry.
25
          Α
```

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314-241-6750

```
Page 27
               MS. ALIZADEH: I want the jurors to hear
 1
 2
           It is okay for you to talk in your direction,
 3
     but can you talk a little louder so I can hear you
     too.
          Α
               Yes, ma'am.
 6
               (By Ms. Whirley) What color are your work
          Q
 7
     shirts?
 8
          Α
               They're anywhere from orange, to blue, to
 9
     black.
             I just gave her a normal shirt.
10
          Q
               What did you have on?
11
          Α
               I put on a black shirt.
12
               A black shirt. Did you have on a black
     shirt before then?
13
14
          Α
               No.
15
          Q
               What did you have on before then?
16
               Before I got dressed, I had on a, pretty
          Α
17
     sure my blue uniform shirt.
18
               You're not sure though?
               I'm pretty sure.
19
          Α
20
          Q
               Okay. Now --
21
          Α
               She had on the same color.
22
               Okay. Dorian Johnson, you mention him, I
          Q
     think you refer to him as DJ?
23
24
          Α
               Yes.
25
               So you know him?
          Q
```

FAX 314-241-6750

314-241-6750

	Page 28
1	A Yes.
2	Q You knew him before this day?
3	A Yes.
4	${f Q}$ How well did you say you know him, did you
5	socialize with him?
6	A He was the very first person I met when I
7	moved there, like the month before I had moved
8	there. He was just walking down the street. I
9	said, hey, I'm going to be your new neighbor, I'm
10	going to need a friend and we started after that.
11	$oldsymbol{Q}$ How long did you live there before this
12	happened?
13	A From July the 1st, I moved in July the
14	1st.
15	${f Q}$ And this was August the 9th. Now, did you
16	know Michael Brown?
17	A I did not know that I had met him if that
18	makes sense. Somebody standing outside tells me
19	like hey, this is the guy we were with that one
20	time, you know, kind of thing. I didn't immediately
21	recognize him at all.
22	${f Q}$ So do you ever recall whether or not you
23	socialized with him?
24	A I still don't remember exactly what it
25	was, but the memory of what I was doing that day is

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314-241-6750

```
Page 29
     in my head, I still don't remember interacting with
 1
 2
     him.
 3
               Okay.
          Q
               But I know I've been in the same room with
 4
          Α
 5
     him.
 6
               But somebody told you that he had been in
          Q
7
     the same place you had been?
 8
          Α
               Yeah.
               Did you remember it then when he told you
10
     that?
11
               I remember the incident, I can't remember
12
     him like that.
13
               Did you actually talk to him?
               He said I did, but I can't recall the
14
          Α
15
     information if we did talk or what we would have
16
     talked about and everything.
17
          Q
               Okay.
               Yeah, somebody had to actually point out
18
19
     to me who it was.
               Now, at some point do you go outside your
20
21
     balcony, I mean, from the inside of your apartment
22
     to the outside on your balcony?
23
               Uh-huh.
          Α
24
               Do you go down to the front? And you said
25
     yes to that question, right, that you go out to the
```

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314-241-6750

Page 30 1 balcony? 2 Α I believe out of my door, yes. 3 Okay. Let me, I wasn't real clear. Q At some point did you go out onto 4 5 your balcony outside? 6 Α Yeah, okay, yes, I was standing on my 7 balcony. 8 My next question was, at some point did you go out of your apartment to the ground outside? 10 Yes, later on. We were trapped inside the 11 yellow tape for quite a little bit. 12 Not until the police allowed you to? Q 13 Basically. Α 14 When you are outside on the balcony, is 15 that where you tape that or recorded, you actually 16 went outside to record? 17 Α Yes. 18 When Michael Brown dropped to the ground, 19 were you inside or outside? 20 Α I was inside. 21 You were inside. I'm going to step back Q 22 here so you can talk. 23 Okay. I was inside. 24 You were inside. What I'm trying to find 25 out, did you see the officer when you went out?

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	Page 31
1	A Okay. When I went out my door, there were
2	two officers there at this time.
3	$oldsymbol{Q}$ Okay. The first time you went out on your
4	balcony outside, there were two officers there?
5	A Yes, there was already another officer on
6	the scene by the time I went and got my phone,
7	picked it up and put it on the camera and walked
8	outside, there were two officers there.
9	Q And that's when you started recording?
10	A Exactly.
11	Q You didn't see the officer when Michael
12	Brown was actually shot?
13	A Exactly.
14	Q He was out of your view?
15	A Yes. So I don't know the proximity they
16	were in.
17	${f Q}$ That was going to be my question, but you
18	answered it. Now, there's been some discussion
19	about, I'm sure you have heard this, you have been
20	interviewed a few times; is that right?
21	A Yes.
22	Q You have given interviews to the media,
23	you've talked to the FBI, to the police?
24	A Yes.
25	Q We're trying to make sure we get things

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314-241-6750

```
Page 32
 1
     clear, probably everybody asking you probably the
 2
     same type of questions.
 3
                    At the window, when you first saw
     Mike Brown at the window, are you sure of what you
 4
 5
     saw regarding the arm and pulling and that kind of
 6
     thing?
 7
          Α
               Yes, I had made an earlier assumption that
 8
     he was being pulled because why else would you be
     jerking from the police.
10
          Q
               When you say jerking, can you show us what
11
     you saw?
12
               Like just a quick movement, like a quick
          Α
13
     arm jerk. (indicating)
14
               You saw that?
15
          Α
               Yes.
16
               Regarding the shots fired before Mike
17
     Brown fell down, you recall how many shots you
18
     heard?
19
          Α
               No.
20
          Q
               No?
21
          Α
               Yes, no.
22
               MS. WHIRLEY: Anybody else have any
23
     questions? Well, Kathi, let's start with you.
24
                (By Ms. Alizadeh) Hi
          Q
25
          Α
               Hello.
```

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	Page 33
1	Q I know you met Sheila before you walked in
2	here, I work with Sheila and so I'm an assistant
3	prosecuting attorney and she and I are both
4	presenting this case to the grand jury, so I haven't
5	had a chance to talk to you; is that right?
6	A Yes.
7	Q Okay. I'm going to show you some
8	pictures.
9	A Okay.
10	Q I think, you'll see that these are
11	pictures of the scene on that day and they may help
12	you explain where you were in relation to what was
13	going on. So these are pictures that were taken by
14	a detective and are contained in an envelope that I
15	have marked as Grand Jury Exhibit Number 23.
16	I'm going to show you what has been
17	identified and marked as Image Number 4. Can you
18	see okay or would it be better if you
19	A No, I'm okay.
20	Q You can see that okay?
21	A Yes.
22	Q Okay. Does it help if I turn down the
23	lights?
24	MS. ALIZADEH: Everybody can still see to
25	write, right? There is a little bit of a glare on

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314-241-6750

```
Page 34
     this, that's not actually like the sun coming up.
1
 2
     That's just the way the light shines on the
 3
     photograph paper.
 4
          Α
               Okay.
 5
          Q
                (By Ms. Alizadeh) So you've got a pointer
 6
     there and I'm going to use one too. But from what I
7
     am gathering, this is your building, correct?
 8
          Α
               Yes.
               And you live right up here?
          Q
10
          Α
               Yes.
11
               So this window right here, is that your
          Q
12
     bedroom?
13
               Yes, both of those.
          Α
               Both of these?
14
          Q
15
          Α
               Yes.
16
               So you have a window that looks out
          Q
17
     looking west toward West Florissant and you have a
     widow in your bedroom that looks out onto Canfield?
18
19
          Α
               Yes.
20
          Q
               Now, is this the parking lot where
21
     had actually parked her vehicle?
22
          Α
               Yes, that's just, that's not.
23
               She pulled in here?
24
               Yeah. So she wasn't that close, she was
25
     over there.
```

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	Page 35
1	$oldsymbol{Q}$ Did she park over there or did she park
2	against your building?
3	A She parked right here. (indicating)
4	Q Right there. So she's not parked right
5	along here? (indicating)
6	A Yes.
7	<pre>Q She's not; is that correct?</pre>
8	A Yes, that's correct.
9	Q Okay. And so when you first, something
10	drew your attention, there were three things that
11	all happened kind of at the same time. The tires
12	squealing and your phone ringing?
13	A Yeah.
14	Q And gunshots, which originally you said
15	three shots is what you heard, is that how you
16	remember it today?
17	A I remember hearing a couple of shots, two
18	or three, yes.
19	Q Okay. A couple of shots, does that mean
20	two or does it mean two or three?
21	A It could have been two or three.
22	Q Okay. And so when you looked out, is this
23	the window you first looked out?
24	A Yes.
25	<pre>Q And that's your bedroom?</pre>

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314-241-6750

```
Page 36
               I'm sorry, when
                               was calling me,
1
 2
    no, I was sitting on my bed.
 3
              Okay. You said you looked and saw it was
         Q
             calling you?
 5
         Α
              Yes.
              How did you know it was calling
          Q
7
    you?
 8
                              , okay, the way my phone is
          Α
               Because
     shaped, you can see the right side of the screen,
10
     like the very right side. So at the end of her
11
    number, I know the last four digits of her number.
12
     It was her calling me.
13
              Okay. So your phone was on the bed?
14
         Α
              Yes.
15
          Q
               So did you go over and look at the phone
16
    when it was on the bed before you went to the
17
    window?
18
              I picked the phone up and went to the
          Α
19
    window.
20
              Okay. So when you go to the window, you
21
     look out and see the police car?
22
         Α
               Yes.
23
               I want you to know, at least I can't speak
24
    for everyone else, I truly believe you were there
25
     and I know you saw things. What we're trying to
```

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Page 37 figure out, because as many people have said, 1 2 sometimes over time your memory changes or sometimes 3 people influence your memory, not intentionally, but 4 because you sit down and you talk with people about 5 what they saw and those memories kind of become your 6 memories, okay. 7 So what we're trying to do, and you 8 know that people have asked about various statements you have made in the past. We're just trying to 10 make sure that we understand that this is what you 11 saw and not what you say, you're not saying it 12 because somebody else mentioned it and now you 13 believe it too. 14 Α Yes. 15 Q Do you understand that? 16 Yeah, I get what you're saying. Α 17 And, you know, are you years old? Q 18 Α Yes, ma'am. 19 I know what you saw was horrible and it is 20 probably never going to come out of your brain, it 21 will be in there forever and I'm sorry we have to 22 ask you this many detailed questions. 23 probably something you don't want to have to think 24 about, but it is important that we get this 25 information, okay?

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```
Page 38
 1
          Α
               Yes, ma'am.
 2
               So now when you first look out, you see
 3
     the police car and you see what direction is the car
     facing?
 4
               It is facing towards that way.
     (indicating)
 7
               Facing towards West Florissant?
 8
          Α
               Yes.
               Now, you know in the FBI interview, the
10
     gentleman, Mr.
                             asked you a whole bunch a
11
     questions about when you first entered on the day
12
     this happened, you said when you first looked out,
13
     you saw a police officer get out of the car and
14
     running?
15
          Α
               Uh-huh.
16
               Do you remember him talking to you about
          Q
17
     that?
18
               I remember him mentioning it.
19
               Have you had an opportunity to look at the
20
     transcript of your prior statement or to listen to
21
     it?
22
          Α
               No.
23
               Okay. You haven't looked at it or
24
     listened to it, so I understand that this might be
25
     the first time, but I'm going to show you a
```

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314-241-6750

```
Page 39
     transcript. It says it is on August 9th at
1
 2
     2:19 p.m. And it has Detective , do you
 3
    remember talking to him?
              Yeah.
         Α
 5
          Q
              And then you're , correct.
                                                   Ιt
     says he starts out by saying that you're at
 6
7
    Canfield in an unmarked police vehicle. Were you in
 8
    his car or in a police car when you made this
     statement?
10
          Α
               I was in a car.
11
               Okay. So now you've given some
12
     information about your phone number and so forth.
13
    And then you start talking to him around page three
14
    about the fact that your boss was going to pick you
    up. She was going to pick you up and she was headed
15
16
     towards me, do you see that?
17
          Α
               Yes.
18
               And then you said here on page three, at
19
    the moment I heard a car tire skirrr, like skirrr,
20
     like it hurried up and pulled over. At the same
21
    time she called me to come outside cause I was
22
    waiting on her.
23
                    So I saw her, so I looked out the
24
    window and I saw the police. And the first thing I
25
     saw was, and then the officer interrupts you.
```

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```
Page 40
 1
     going to stop you here for a second, okay.
 2
                    And then he asked you where was
 3
               She was at her van, blah, blah, you
 4
     were just getting ready to tell him the first thing
 5
     you saw, he stops and asked you about
 6
          Α
               Yes.
 7
               And then you talk about over in the
 8
     parking lot, do you see the van? Yes.
                                             Where is it?
     Right behind those officers.
10
                    So you are talking about where you
11
                  right? She's in the
                                                   Do you
     see
12
     see where I'm leading you down the page?
13
          Α
               Yes.
14
               And she's sitting in her van, yes. Okay
15
     what happens then. Okay. So she witnesses
16
     everything from behind, but I witness it from the
17
     top.
18
                    You are on the third floor, right?
19
          Α
               Right.
20
               I looked outside and saw the police the
21
     first thing. The only thing I saw at that moment
22
     was, and then he stops you again, right?
23
          Α
               Right.
24
               Like you couldn't get those words out.
25
     I'm going to stop you again. And then he's asking
```

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```
Page 41
     you where you were looking outside, top floor,
 1
 2
     second, I'm sorry, third floor. He's trying to
 3
     clarify where you are, okay.
                    And then it says here, you're looking
 4
 5
     out the window, right? No, this one. You are
 6
     pointing to him where the windows are, right?
 7
     Facing towards the police car.
 8
                    So you are talking about what you
 9
     knew. And then you get back to, cause I heard the
10
     skirrr, and I just assumed it was her and she was
11
     calling me. So I was going to grab my things to
12
     come outside to go to work.
13
                    He says, okay. And then you say, so
     at the moment where, I mean, before I did, I just
14
15
     looked outside to make sure she was, it was her
16
     waiting for me and I saw a police officer.
17
                    I don't know name running toward this
18
           I didn't see the hassle at first, but I did
19
     see him get out of the car and run in a hurry.
20
                    The guy was, oh, I'm sorry. I can't
21
     remember his name, but it was a friend of a friend
22
     of mine and , I think you are talking about,
23
     are you talking about Dorian at that point?
24
               No, I was talking about, they keep telling
25
     me I knew --
```

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```
Page 42
               So that is actually
 1
          Q
                                           not
 2
     isn't it?
 3
          Α
               Yes.
 4
               Okay. So he ran and so at that time I
 5
     came from that window and I ran to the patio right
 6
             I open the blinds and I could see past this
 7
     corner, so I could see directly there from the
 8
     blinds.
                    So there I saw the man running, I
10
     kept hearing some gunshots. The lady's window
11
     across the apartment complex from mine, her window
12
     got shot cause steady shots fired.
13
                    So you're talking about the first
14
     thing you see is the officer get out of his car and
15
     run. And you also mention that I didn't see the
16
     hassle at first.
17
               Yeah, when I was mentioning that, they was
     saying stuff was going on inside a police car and a
18
19
     lot of stuff. And I was trying to let him know that
20
     before the tires screech, I didn't see anything that
21
     they were doing before that happened.
22
               Okay.
          Q
23
               They said there was stuff going on, and
24
     everybody was talking about it and so I did not see
25
     those things that they said.
```

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```
Page 43
               Oh, okay. So on page 7, again, we're
1
 2
    talking about how many gunshots do you think you
 3
    heard and I think that this is initially, okay.
    Well, I've heard three at first. Like as soon as I
 4
 5
    heard the skirrr, I heard three gunshots, boom,
 6
    boom, boom. And then I came to the window and
7
    before I could exit my house from the balcony to the
 8
     actual door, is when I kept hearing more and more
 9
     shots.
10
                    So I was technically trying to say
11
    behind, stay behind the door, which is why I could
12
     see, um, him getting shot, but I wasn't present for
13
    the video to be show cause I was all, I was inside,
14
    okay.
15
                    And then he asked you some questions
16
     about he wants to understand what you are saying.
17
     So you look out of that far window and there's
18
             s car, right? Right.
19
                    And what do you see at that point?
20
                    And I saw the man, I'm sorry, by the
21
    man, I mean the police officer getting out of his
22
    car and running full speed.
23
                    So again, when he's asking you, you
24
    look out the far window, you see
                                               s car, at
25
    what did you see at that point? I saw a man
```

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Page 44 1 running, the police officer. 2 That's what I saw. Α 3 Okay. So if you want to look through this, I can let you, but I don't recall you ever 4 5 telling the police in your interview on the 9th that 6 you saw anything happen between the officer and 7 Michael Brown at the car? 8 And I didn't make that recollection like that at first. I have to sit down and think and 9 10 process everything that had just happened to me. 11 And certainly that's understandable 12 because, as I said, you're years old, you've just 13 witnessed something that hopefully none of us ever 14 have to see. And I know you were emotional at the 15 time. 16 Do you they think it's possible that 17 that initial recollection was that you didn't see anything at the car and it was only until after 18 19 people were talking to you about it then you started 20 to think that maybe you saw what happened at the 21 car? 22 No, I know that because I didn't make the Α 23 recollection because I didn't know those were the 24 same people -- person I was seeing. I know that I 25 hadn't seen Dorian before, I saw him by the 2-door

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Page 45 1 I know that after Michael get shot, that was 2 after I know it was Michael, and that was a person 3 without a hat on. And I, you know, couldn't tell who it was him at that time. 5 Q Okay. 6 It was a brief, a very brief meeting 7 anyway. 8 Okay. I'm going to show you a few more images so the jury can kind of see what your actual 10 location is. Again, you see the police car with the 11 tape around it, that's the officer's car, correct? 12 Α Yes. 13 And then this is your building right up here and where you live right there, right? 14 15 Α Exactly. 16 And so when you come out of the front of 17 your building, we can see this wooden staircase and is the deck right there on the front? 18 19 Α Yes. 20 Okay. And then I'm going to borrow your 21 thing here. So this thing right here, this kind of 22 like wall, if you're on your deck, does it block 23 your vision from what's going on right here in front 24 of the street? 25 No, if I'm right there on my balcony. Ιt Α

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Page 46 1 only blocks what's kind of to the left of me. Ιf 2 I'm on the left of the balcony on the other side, 3 shortly to the right of me. It doesn't block that much view. 5 I'm going to show you Number 7, and when you were looking out through the blinds, was it out 7 a sliding glass door or was it out an exterior door? 8 It was my sliding glass door. Okay. Gee, I wish this wasn't. I'll move 0 10 it down. 11 I might confuse you, I call it a door and 12 a window because you can open it and see out of it, 13 but yes, it is my sliding glass door. 14 Okay. We see in this picture on the third Q 15 floor is, there's a window and you said that's one 16 of your bedroom windows, correct? 17 Α Yes. 18 And just as we're looking at the picture to the right of that, is that a sliding glass door? 19 20 Α Yes. 21 And then it leads out to your balcony? Q 22 Α Yes. 23 And then is there another door? Q 24 Yes, there is another door, yeah, you've Α 25 seen some of it that was my shadow right in there.

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- 1		
		Page 47
	1	Q It is right in there, right?
	2	A Right.
	3	Q So when you were peeking out the blinds,
	4	was it out of this sliding glass door or out of
	5	here?
	6	A Yeah, it was out of my sliding glass door.
	7	Q Sliding glass door. And so you don't come
	8	out until after Michael Brown's been shot, correct?
	9	A Yes.
	10	Q So your entire vantage point once you come
	11	to this window, you stay at that window until after
	12	Michael Brown's been shot, correct?
	13	A Yes.
	14	Q And so wouldn't you agree if people were
	15	running in this direction and if things are moving
	16	in this direction, this wall is going to block what
	17	you are seeing, isn't it?
	18	A For some partially, yes.
	19	Q Okay. So there's things that you wouldn't
	20	have been able to see?
	21	A Yeah, that's true.
	22	Q There's a time period where you don't see
	23	anything. And then, you know, when you say you
	24	don't see the officer when Michael Brown gets shot,
	25	do you think it's because this wall was blocking

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Page 48 1 where he was? 2 Α Yeah, but from where I'm looking out my 3 window. You want that back up? Q 5 Α Yeah. From where I'm looking out my 6 window, it blocks like a little bit of how the 7 street is shaped. So it blocks from like here, if 8 I'm looking out of my balcony, I can see, that's the right side of it, I can see kind of over the right 10 I can still see the left, I can still see 11 what's right in front of me, just a little portion 12 portion of the whole space. 13 Just to be clear, you never came out of that sliding glass door? 14 15 Α Yes. 16 Okay. I don't show you this picture to 17 upset you, okay. I am going to show you Number 14. 18 Α Okay. 19 This, again, now, I'm going to orient you here because this police vehicle that you see, the 20 21 middle of the picture, that's not the officer's car? 22 Definitely. Α 23 His car is up here, okay. So you're 24 apartment is right there. 25 Α Yes.

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		Page 49
1	Q	What's that red dot on right there?
2	A	My balcony.
3	Q	Is that your sliding glass door or is that
4	your front	door?
5	A	That's my sliding.
6	Q	Okay. And so, and wherever this picture
7	was taken	from, which it looks like it is actually
8	on the sid	dewalk perhaps?
9	A	Uh-huh.
10	Q	Across the street. If you look in a
11	straight l	ine from where the picture is, you can see
12	into your	sliding glass doors, correct?
13	A	Yes.
14	Q	At then this wall at some point would
15	obscure so	ome of your vision westbound a little bit?
16	A	Yes.
17	Q	I just made a note and I want to make sure
18	that I und	derstood this correctly. So you, when you
19	heard the	first gunshots, whether it is two or
20	three, and	d you thought they were coming from the
21	direction	of the police car, and then, you were in
22	your bedro	oom at that point, correct?
23	A	Yes.
24	Q	And then I wrote a note that you just
25	today said	d I grabbed my purse and headed toward my

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314-241-6750

	Page 50
1	front window?
2	A Yes.
3	Q So where was your purse?
4	A It was right there on my bed.
5	Q Okay. So you look out your bedroom
6	window, which we know is the window that faces the
7	west?
8	A Yeah, I looked out of all of the windows.
9	I looked out both of my room windows and then to the
10	balcony. It was just a peek though.
11	${f Q}$ And so you go and grab your purse and then
12	you say you looked out your front window. You
13	talking about the sliding glass door or you talking
14	about the bedroom window that faces Canfield?
15	A Did you say you, can you repeat that,
16	ma'am?
17	Q This is just my notes, I want to make sure
18	I wrote it right. I don't know if I did or not.
19	But I have here, grabbed my purse, headed toward my
20	front window.
21	A Yes, okay, that's when I had grabbed my
22	purse and headed towards the balcony.
23	Q That is the sliding glass window?
24	A Yes.
25	Q So I assume that you leave your bedroom,

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	Page 51
1	what's on the inside of the sliding glass door?
2	A Blinds.
3	Q No, is it like your family room, kitchen?
4	A Living room, yes.
5	Q Living room area, okay. So you go from
6	your bedroom to the living room and then to look out
7	that window?
8	A Yes.
9	Q And you also said in your statement to the
10	FBI, or your attorney did, that you had pointed out
11	to someone tire marks in the street where the car
12	had, you know, we heard you say it screeched its
13	tires.
14	A Exactly.
15	Q Who did you point those tires mark out to?
16	A To her and her husband.
17	Q Your attorney?
18	A And her husband, yes.
19	Q So when was that?
20	A Um, we were making a short video about the
21	bullet that hit the wall across from mine. So we
22	were talking about that and I was just saying the
23	tire mark screech and this is where I heard the car
24	at and where I saw the car, and where the bullet hit
25	the wall and stuff like that.

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314-241-6750

Page 52 And you said in your statement to the FBI 1 2 that you had made, you had written down everything 3 that you had scene shortly afterwards. How long after it happened did you write everything down? 4 5 Α Right before or right after I got my 6 attorney. So that wasn't long at all, that was 7 within a week or two weeks of it happening, a week 8 or two weeks, maybe not even that long. And then when they asked you about that 10 statement, you said that you burned it? 11 No, I didn't burn it, I got rid of it, I 12 threw it away. 13 You threw it away? 14 Yeah. Α 15 Q Why did you throw it away? 16 Because I become really paranoid. Every Α 17 day I came home there was a different reporter on my 18 door and everybody knew where I lived at. 19 couldn't get one sense of peace at all. 20 So I was getting calls, my family was 21 getting calls, every day they would come to my door. 22 I started to get paranoid they are going to find 23 this and use this. I got this really bad paranoid 24 feeling, the whole thing was sick to my stomach. 25 got rid of everything that I had wrote down.

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```
Page 53
               Why didn't you just give it to your
 1
          Q
 2
     attorney?
 3
               Because she didn't, she had already been
          Α
     listening to me, she didn't need it. She was there
 4
     when I wrote some of it.
 6
               So she knew that you had made a written
          Q
 7
     recollection of this?
 8
               She had known about one of them that I
     made.
 9
10
          Q
               Did she ever read it?
11
          Α
               I'm pretty sure I let her read it, yeah.
12
               Do you know if she might of made a copy of
          Q
13
     it?
14
               Oh, no, she didn't. As a matter of fact,
          Α
15
     I don't know if I was reading it to her, but I
16
     remember her knowing about it, the little phrases,
17
     I'm sorry, like on a little note pad thing.
18
               Okay.
          Q
19
               That was the first one I had written.
20
     had written it down multiple times after I started
21
     getting paranoid, I didn't do it at all.
22
          Q
               Okay.
23
               MS. ALIZADEH: I don't have any other
24
     questions. Anybody have questions?
25
                                                  My
```

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```
Page 54
     question is in regards to at the car when you saw
 1
 2
     Michael Brown jerk away.
 3
          Α
               Yes.
                                You describe it as arm
 4
 5
     movement, you did see the arm?
 6
          Α
               Yes.
 7
                                Do you know if that was
 8
     reaction to the gunshot you heard, he was reacting
     to a gunshot?
10
          Α
               It may have been.
11
                                The timing wise was right?
12
               Yes, it was almost simultaneous.
          Α
13
                                Do you know if it was the
14
     right arm or left arm that you saw pull away?
15
          Α
               Um, I think, I want to say left arm
16
     because in the front how the police car was shaped,
17
     that picture is gone. How it was slanted, kind of
     slanted and I'm looking toward the front. I just
18
19
     see a jerking motion moving backwards, I want to say
     left arm.
20
21
                             : After he jerked back, did
22
     he go forward again and reengage, or was this out of
23
     your view?
24
               I didn't see anything after that. It was
25
     a very quick glimpse.
```

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314-241-6750

```
Page 55
 1
                                Do you know how long after
 2
     that he tried to run or did you see him actually
 3
     pull away and run?
               Um, after I saw the little jerking motion
 4
          Α
 5
     is when I was reaching for my purse.
 6
                                Thank you.
 7
          Α
               You're welcome.
 8
               MS. WHIRLEY: Anybody else?
 9
                                                   After
10
     Michael Brown fell, you did continue to observe the
11
     scene, correct, you saw them put up the yellow tape
12
     and all of that?
13
          Α
               Yes, sir.
14
                                 Did you see anything that
15
     would indicate that anybody moved or interfered with
16
     anything within that taped off area?
17
               No, no, they wouldn't let anybody near it.
     There were already two officers right there and
18
19
     another one putting up tape. They were securing and
20
     putting the cones down.
21
                                                      if I
22
     can, I'm just referencing back to the testimony or
23
                                          , Detective
     statement you gave to
24
            the day when you are sitting in the police
25
     vehicle, do you remember that?
```

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314-241-6750

```
Page 56
 1
               Yeah, yeah, the car, yeah.
          Α
 2
                               I'm referencing page ten
 3
     of that transcript.
 4
               MS. ALIZADEH: Did I leave that with you
 5
     up there?
 6
          Α
               No, you didn't.
 7
               MS. ALIZADEH: You know what, mine has
 8
     markings on it, if you don't mind markings.
 9
          Α
               Thank you. Is this everything?
10
               MS. ALIZADEH: You said page ten?
11
                            : Yeah, page 10.
12
          Α
               Okay.
13
                             : Go down, I guess fifth
14
     paragraph, I guess. Where it says, I'll just read
15
     what it says here. It says, you're responding to
16
     Detective
                     . You said, yes, she said they shot
17
     through the window and, um, the other guy was
18
     unarmed because he put his hands up so to be
19
     compliant, so this is okay.
20
               So I saw the officer running and by the
21
     time I got to the next window, I saw him get down
22
     like, arms up and then get shot afterwards.
23
               When you say here I got to the next
24
     window, I saw him get down. Okay. Who get down,
25
     who is it that you're referring to, do you recall?
```

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314-241-6750

```
Page 57
          Α
               I'm sorry, you said who I was referring
 1
 2
     to?
 3
                                Yeah, uh-huh.
               This sounds odd jumping up, I'm trying to
 4
          Α
 5
     think about what I was talking about.
 6
                                Okay.
 7
          Α
               I don't know, say get down, I might have
 8
     said, for instance, when I saw him fall.
 9
                             : Okay.
10
          Α
               That's probably, that's the most likely
11
     cause how this paragraph is jumbled, I'm pretty sure
12
     I was talking about when I saw him fall when his
13
     arms are like that. (indicating)
14
                                So you are referencing
15
     Michael Brown; is that correct?
16
          Α
               I was, yes, ma'am.
17
               MS. WHIRLEY: Is there someone else?
18
                                I have one other question.
19
          Α
               Sure.
20
                             : At any time did you hear
21
     the officer yell to Michael or to Dorian or whoever?
22
               I heard no audio.
          Α
23
                                You heard no audio?
24
               Only gunshots.
          Α
25
                                Thank you.
```

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314-241-6750

```
Page 58
 1
                                          We saw a lot of
 2
     news clips also, including the video you shot on
 3
     your phone following the incident.
          Α
               Okay.
 5
                               So my question for you, in
     the video the two officers, and obviously you
 7
     witnessed the event, you saw Officer Darren Wilson,
 8
     how certain are you in the video that you shot of
     those two officers that the one on the right is
10
     Officer Darren Wilson?
11
               Okay. I'm want to say 99.9 percent
12
               They look nothing alike. You can tell one
13
     was short and kind of chubby, the other one is tall
14
     and more built. He was the only one running and the
15
     only one that had left the scene before everybody
16
     gathered there.
17
                    Between the two people, I'm
18
     100 percent sure between those two people, it was
19
     not the guy on left, it was the guy on the right
20
     99.9 percent accuracy.
21
                                             Of the two
22
     people, are you sure it was Darren Wilson or is that
23
     someone who looked more like Darren Wilson? I mean,
24
     are you sure when you are taping that was Darren
25
     Wilson?
```

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```
Page 59
 1
               I'm sure that was Darren Wilson.
          Α
 2
                               I have another question,
 3
     this is going back to the interview you gave with
     the FBI and I'm going to reference page 11 and 12.
 4
 5
               Okay.
          Α
 6
                                That's not the one.
 7
               MS. ALIZADEH: You talking about the FBI
 8
     interview?
 9
                                Yeah.
10
               MS. ALIZADEH: I have one.
11
                                And again, I'm confused,
12
     that's why I'm asking you these questions.
13
          Α
               Okay.
14
                                This is some kind of car
15
     accident or something. I just automatically looked
16
     right out my window and right now I'm looking out
17
     the window to see a police car right in the middle
18
     of the street. I see a young man standing, and
19
     that's what you said earlier today.
20
               So then you go, I couldn't really tell
21
     what was going on. There was a lot of movement, but
22
     then you say I'm looking at pull into the
23
     driveway after the shot was fired.
24
               Now, the shot fired out the window, so
25
     that's my question. Because you go on to say, you
```

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314-241-6750

```
Page 60
 1
     gather your purse and some items and at this time
 2
     Michael is running down the street and Darren is
 3
     chasing him. So I'm looking at the officer.
               I'm really confused by this.
 5
          Α
               Uh-huh.
 6
                                 I just want to know from
7
     page ten where you are talking about seeing him
 8
     doing a lot of movement.
          Α
               Okay.
10
                                Is that where you heard
11
     the first shot because on the next page I'm looking
12
               pulling into the driveway, a shot was
13
     fired.
14
              Okay. They did all go on at the same
          Α
15
     time.
16
                              : Okay.
17
               It was like a movement, it was like the
     window, you are looking out the window and then
18
19
     movement, shot, all of that happening. Out of the
20
     corner of my eye I could see
                                           just turning.
21
                              : It was all simultaneous?
22
          Α
               Exactly. She was already by this point to
23
     turn, she was probably, I don't know, she was
24
     already right there and she just turned into the lot
     and --
25
```

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```
Page 61
 1
                                And that's why,
 2
             , if that shot could have been his hand and
 3
     then jerked from the shot being fired in the car,
 4
     these things were all happening at the same time and
 5
     that's why you thought that?
 6
          Α
               Yes.
 7
                                Thank you.
 8
          Α
               You're welcome.
                                                 When you
10
     recorded the video, is that the video of who you
11
     think is Darren Wilson, is that the same person you
12
     saw getting out of the police vehicle?
13
          Α
               Yes.
                               Okay. During your
14
15
     recording of the video, could you tell us what you
16
     saw after, I quess, what the police officer was
17
     doing after Michael Brown fell to the ground?
18
               Okay. You want me to tell you what the
19
     police officer's doing? Okay. So, while I'm
20
     watching him, I'm not really looking at my phone,
21
     I'm just looking at the things that happen. I have
22
     my phone facing on him so I can get whatever it
23
     could get. I'm looking at him just talk to the
24
     other officer.
                     They are kind of like just
25
     whispering. He didn't look as if he used the same
```

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```
Page 62
     type of protocol as other police officers, if that
 1
 2
     makes sense.
 3
                    Like usually okay, I going back to
     what I saw. I'm looking at him standing here
 4
 5
     talking to the other officer, he's just standing
 6
     there looking over the body, just looking like, like
 7
     just a weird look. Just looking at it. He then
 8
     just starts pacing back and forth next to the body,
     not like back and forth, like immediately back and
10
     forth, it was just kind of a slow movement while he
11
     was looking at the body. He keeps walking and
12
     looked backs at the body and then finally just walks
13
     away and just leaves. After he walks out of my
14
     video, I don't see him any more.
15
                                                 Did you
16
     ever see him make like a radio call?
17
               Yeah, the officer on the left was the one
18
     doing this on his little walkie-talkie or something,
19
     which was connected. He was just talking, Darren
20
     Wilson was talking to him, probably explaining what
21
     was going on. He was just, he was like, I was
22
     outside at that point, but I still didn't hear him
23
     say anything, I didn't hear the exact words.
24
                              One more question,
25
                Did he appear to look injured in any way,
```

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```
Page 63
 1
     did you see him grab his face?
 2
               I did not.
          Α
 3
                                Like injured people do?
 4
          Α
               Yeah, no, no, no holding of the head, no
 5
     gripping the body, no having somebody else look at
 6
     an injury or none of that.
7
                                Thank you.
 8
               MS. ALIZADEH: But you did see that his
 9
     face was red?
10
          Α
               When I first was talking to the police
11
     officer, I was trying to make the distinction to
12
     him, it looked red out of anger.
13
               MS. ALIZADEH: You said you saw his face
     and it looked red?
14
15
          Α
               Yeah, as he was running --
16
               MS. ALIZADEH: You were just assuming why
17
     it was red, you don't know why it was red, you just
     saw his face looked red, right?
18
19
          Α
               Yes, ma'am.
20
               MS. ALIZADEH: Obviously, you've never
21
     seen, I assume, you have never seen him before that
22
     day, correct?
23
               Probably not.
          Α
               MS. ALIZADEH: Whether his face was
24
25
     naturally red --
```

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Page 64 Α Exactly. 1 2 MS. ALIZADEH: It was enough you remember 3 seeing it? I tried to make the distinction, it did 4 5 look red out of anger to me. He looked pissed off 6 while he was running. He was running full speed, it 7 could have been the wind making his skin red, it 8 could have been anything, but I did say that it was red. 10 And, yeah, we 11 are kind of picky. But later in the interview they 12 asked you about that, and they said it was emotion. 13 Could it have been worry, could it have been fright. 14 You said, yes, it could have been one of those. Yes, it could have been. 15 Α 16 : It could have been. You, 17 at this point, were you trying to tell the people 18 that were interviewing you that you felt that it was 19 an emotional red, but you don't recall what kind of 20 emotion it was? 21 The emotion that I picked up was anger. 22 So she got to telling me it doesn't have to be 23 anger, it could be. I said, you're right, it very 24 well could be anything, but the emotion I picked up 25 was anger.

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```
Page 65
 1
                                 Thank you.
 2
                                Okay.
                                                        So
 3
     you're saying you never saw him grab his face, not
     once?
          Α
               No.
                                Because he could have been
7
     hurt, right?
 8
          Α
               Yes, not once.
               MS. ALIZADEH: Could you see the officer's
10
     head in the vehicle?
11
          Α
               No.
12
               MS. ALIZADEH: To clarify, you're not
13
     saying he didn't grab the officer's face, you're
14
     saying I couldn't see what was going on in the
15
     vehicle, correct?
16
          Α
               Exactly.
17
               MS. ALIZADEH: Are you talking about the
     officer grabbing his own face?
18
               He's talking about the aftermath.
19
20
                                I'm asking did the officer
21
     grab his face in a way to indicate he was injured in
22
     some kind of way?
23
               Yeah, no, I didn't see that.
24
               MS. ALIZADEH: Okay, sorry. See how we
25
     get confused when we say he and we don't know who we
```

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314-241-6750

```
Page 66
 1
     are talking about?
 2
               MS. WHIRLEY: Is there more questions?
 3
     Feel free. If not, I have a question for her. Did
 4
     you have something?
 5
          Α
               I'm sorry, I just want to make a note of
 6
     something I said earlier. While I was outside
7
     filming, I didn't notice the red any more after that
 8
     as I was looking. And when I was looking back on my
     videos, I didn't notice the red that I had
10
     originally noticed. This is another reason that I
11
     presumed it to have been anger.
12
               MS. WHIRLEY: Okay. We've asked you a lot
13
     of questions here today. But we may not have asked
14
     the question that you wanted us to ask, something
15
     you may want us to know. Is there anything else you
16
     think it is important for us to know that maybe we
17
     didn't ask the question?
18
               IJm −−
          Α
19
               MS. WHIRLEY: Or you like to tell us?
20
          Α
               Um, no, you already know everything that
21
     happened in the aftermath. How troubled people
22
     were, that's about it.
23
               MS. WHIRLEY: Talk this way so we can hear
24
     you.
25
          Α
               Okay, sorry. I didn't make any, I'm
```

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FAX 314-241-6750

```
Page 67
     sorry, I'm trying to think of something relevant.
 1
 2
               MS. WHIRLEY: You don't have to, you don't
 3
     have to think of anything. If you had something in
 4
     your mind we wanted to hear it, but you don't have
 5
     to say anything if you don't, that's fine. Thank
 6
     you very much.
 7
               One last thing, did you think, did it
 8
     appear to you that Michael Brown was threatening
     this officer?
10
          Α
               Not in my point of view because I couldn't
11
     see him that many times in a threatening manner
12
     toward the police officer at all.
13
               MS. WHIRLEY: At the time that he was shot
     I'm referring to.
14
15
          Α
               Oh, no, no.
16
               MS. WHIRLEY: Okay. That's all I have.
               That wasn't an issue.
17
          Α
18
               MS. ALIZADEH: All right.
19
               MS. WHIRLEY:
                             Thank you.
20
               (End of testimony of
21
               MS. ALIZADEH: This is Kathi Alizadeh.
                                                        Ιt
22
     is October 2nd, 1:57 p.m. Present is myself and
23
     Sheila Whirley, all 12 jurors are present and we had
24
     a very brief lunch break, thank you for being brief.
25
     We have a couple witnesses that are here.
```

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```
Page 68
 1
     know if we'll get to both of them today. Because
 2
     they're here and generally our preference is that
 3
     you would hear the recorded statements first, we're
 4
     just going to go ahead and put them on and play the
 5
     recorded statements at a later time just so we can
 6
     try to get them on and off.
 7
               So the witness we'll call is
 8
10
     of lawful age, having been first duly sworn to
11
     testify the truth, the whole truth, and
12
     nothing but the truth in the case aforesaid,
13
     deposes and says in reply to oral
14
     interrogatories, propounded as follows, to-wit:
15
                          EXAMINATION
16
     BY MS. ALIZADEH:
17
               Could you please state your name and spell
     it for the court reporter?
18
19
          Α
20
21
                                how old are you?
          Q
               Now,
22
          Α
23
               And did you grow up in the St. Louis area?
          Q
24
          Α
               I did.
25
               Are you familiar with the Canfield
          Q
```

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314-241-6750

```
Page 69
 1
     Apartment Complex?
 2
          Α
               I am.
                     Now, just so I can let you know,
 3
               Okay.
 4
     the court reporter has to take down everything
     that's being said.
 5
 6
               Okay.
          Α
 7
               And so if you talk before I stop talking,
 8
     and that's almost like everybody does that, right,
     it is hard for him to get both down.
10
          Α
               Okay.
11
               I'll try not to walk on you and you try
12
     not to walk on me and it will make easier for him,
13
     okay?
14
          Α
               Okay.
15
          Q
               You don't live in the Canfield Apartment
16
     Complex; is that correct?
17
          Α
               Right.
18
               How is it that you're familiar with the
19
     complex?
20
          Α
                          lives in the area, in the
21
     subdivision.
22
               All right. And does actually live in
          Q.
23
     an apartment in Canfield Green?
24
          Α
                        does.
               Yes,
25
               How long has lived there?
          Q
```

FAX 314-241-6750

314-241-6750

		Page 70
1	78	
1	A	Well over years.
2	Q	Who does live with?
3	A	•
4	Q	?
5	A	Yes.
6	Q	And so you remember the day of August 9th,
7	correct?	
8	A	I do.
9	Q	You married or single?
10	A	Married.
11	Q	What is your wife's name?
12	A	
13	Q	And so that was a Saturday on August 9th.
14	Do you re	emember anything about the morning that was
15	unusual c	or anything happening that was different in
16	the morni	ng?
17	A	No, not at all, not where I live.
18	Q	But you had plans that day to go visit
19		; is that correct?
20	A	Correct.
21	Q	And did you and go to the
22	Canfield	Green Apartment Complex?
23	A	We did.
24	Q	Who drove?
25	A	I did.

FAX 314-241-6750

314-241-6750

_			
			Page 71
	1	Q	And what type of vehicle were you driving?
	2	A	I drive a , black.
	3	Q	And so that's an ?
	4	A	It is.
	5	Q	So when you come into the complex or at
	6	least on t	chis day, were you coming in off of West
	7	Florissant	or were you coming in from the back way
	8	through th	ne Northwinds Apartments?
	9	A	We were coming in off of West Florissant.
1	. 0	Q	Just you and your wife in the vehicle?
1	.1	A	Yes.
1	.2	Q	It was a sunny day?
1	. 3	A	It was.
1	. 4	Q	Was it around noon when you first got to
1	. 5	the comple	ex?
1	. 6	A	Yes, uh-huh, about 12, 12:30, give or
1	. 7	take.	
1	. 8	Q	And so when you entered the, West
1	. 9	Florissant	is somewhere over here and I'm
2	20	referenci	ng Grand Jury Exhibit Number 25, which is a
2	21	map that s	shows the roads in the Canfield Green
2	22	Apartment	Complex, but this is Canfield right here,
2	:3	sir, does	that help orient you to what you are
2	2.4	looking at	<u>-</u> ?
2	2.5	A	It does.

FAX 314-241-6750

314-241-6750

			Page 72
٠	1	Q	And this would have been over here is West
	2	Florissan	t?
	3	A	Uh-huh.
	4	Q	And as you are coming down West
	5	Florissant	t, this is a residential neighborhood
	6	correct?	
	7	A	Right.
	8	Q	Single family homes?
	9	A	Right.
	10	Q	Do you see the building that
	11	lives in?	
	12	A	I do.
	13	Q	Okay. You have a laser pointer there,
	14	they have	kind of been cantankerous, sometimes you
	15	have to sl	nake them or something. Can you point
	16	where the	laser pointer?
	17	A	Right there. (indicating)
	18	Q	The building that you are talking about
	19	actually h	nas four different units?
	20	A	Uh-huh.
	21	Q	You have the laser pointer on, if this is
	22	north, oka	ay, so you have the laser pointer on the
	23	unit that	would be on the northwest side of that
	24	building,	is that fair to say?
	25	A	Correct, uh-huh.
- 1			

FAX 314-241-6750

314-241-6750

	Page 73
1	Q And what floor does live on?
2	A The second floor.
3	Q So when you pulled into the complex, did
4	you notice anything unusual or that drew your
5	attention?
6	A No, we just drove down the street, just
7	normal on that day. Just pulled into the parking
8	lot and we parked.
9	Q Did you see any guys walking on the street
10	when you pulled in?
11	A Um, after we parked, yes, because once I
12	parked we, my wife had made a comment because I saw
13	the police officer's truck driving this way up
14	Canfield.
15	Q So you're coming in, going east on
16	Canfield, you saw a police officer's truck coming
17	west?
18	A Yes.
19	Q So toward you?
20	A Right.
21	Q All right. Now, at this point had you
22	seen any kids or when I say kids, I mean, like older
23	teenagers or walking the street?
24	A No, not at that point. I mean, because I
25	think it was after we probably, right as we parked

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314-241-6750

		Page 74
	1	and maybe I might have passed them coming into the
	2	neighborhood and never did pay any attention.
	3	Q Okay. So now when you came down Canfield
	4	Drive, did you pass the police vehicle before you
	5	turned into the parking area?
	6	A No, we had actually had parked the car and
	7	then we came past, right as we were getting out of
	8	the vehicle because my wife had just made a
	9	statement that we had just got off 70 and we saw
	10	another Florissant police SUV, and we was like is
	11	that the same truck? And he drove right past and
	12	Q No lights on?
	13	A No.
	14	${f Q}$ Was he going like he was going to a call
	15	or something?
	16	A No.
	17	Q Speeding?
	18	A No, he was driving the speed limit down
	19	the street.
	20	Q Leisurely?
	21	A Uh-huh.
	22	Q Did you have your windows opened or
	23	closed?
	24	A My windows were closed because it was hot
	25	that day and we had the air on.
1		

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314-241-6750

-		
		Page 75
	1	$oldsymbol{Q}$ Okay. So now when you are pulling into
	2	Canfield on Canfield Drive, do you pull in on this
	3	street here?
	4	A Right, uh-huh.
	5	Q Are there parking spaces that are along
	6	this edge of the building?
	7	A There are.
	8	Q Is that where you parked?
	9	A Yes.
	10	Q And we've seen pictures of the buildings
	11	and everything, these are buildings that you walk up
	12	a staircase that's outside of the building to get to
	13	the upper floors, correct?
	14	A Correct.
	15	${f Q}$ So did you notice anything when you, were
	16	you carrying anything in your hands when you got out
	17	of the car?
	18	A No.
	19	Q No groceries, you didn't have anything
	20	that you were getting out of the car?
	21	A No.
	22	Q So what's the first thing as you were
	23	getting out of the car and proceeding to the
	24	staircase, did anything draw your attention?
	25	A Yes, like I say, me and my wife was going
	i	

FAX 314-241-6750

314-241-6750

Page 76 up the steps and then we turned and looked back down 1 2 Canfield because we saw the officer's truck going 3 down the street. And he stopped in the middle of the street somewhere around, let me see here, around 4 5 here he stopped his truck around this section right 6 here. (indicating) 7 Okay. Did you actually see him stop his Q 8 truck? Α Yes, I did. 10 And what happened, what did you see? Q 11 He stopped his truck and then I saw the 12 two gentlemen walking down the street. At that 13 point, I don't know if he said something to them, I 14 guess, or they said something to the officer, and 15 then they kept walking. 16 So now did you hear anything being said? Q 17 Α No, no. 18 So you are just kind of assuming? 19 Right, because he stopped, he stopped his 20 truck and he, I guess he said something to them 21 because they stopped and started talking with him 22 for a brief moment. 23 Okay. So the two guys on foot stopped Q 24 walking as they were next to the police truck for 25 briefly?

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FAX 314-241-6750

1		
		Page 77
1	A	Right.
2	Q	And then they keep walking?
3	A	Right.
4	Q	The same direction they had been?
5	A	Correct.
6	Q	And so did they come from, were they
7	walking e	ast then on Canfield?
8	A	Yes, I'm sorry.
9	Q	And the officer was going west on
10	Canfield,	correct? His truck was going in this
11	direction	, correct?
12	A	Correct.
13	Q	And so was it about in this area that you
14	saw him f	irst make contact with them?
15	A	Correct.
16	Q	All right. How long, how many minutes or
17	seconds?	
18	A	It was about 15 seconds, maybe 20 seconds
19	at the mo	st.
20	Q	Okay. And then when you see the boys
21	start wal	king again, does the vehicle move any more?
22	A	Yes.
23	Q	What does it do?
24	A	He in turn, as he's talking to the
25	gentlemen	, there was another white vehicle pulled up

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314-241-6750

Page 78 1 behind him and when the gentlemen started walking 2 down the street, he in turn threw his truck in 3 reverse and pulled it like he was trying to block their way of going back down Canfield. 4 Q Okay. In a way to where he is now facing like 7 towards going up West Florissant at an angle in the 8 middle of the street. So he was kind of like impeding their walkway down the street. 10 Okay. And when he did that, did he block 11 their forward motion? 12 Α Somewhat, yes. 13 What happened then? 14 From that point I turned around and I told Α 15 my wife they're down there struggling. I mean, 16 they're down there fighting or something. 17 couldn't tell exactly what was transpiring because 18 the truck, I was on this side of the struck looking 19 at what's going on. 20 So I couldn't see exactly if the 21 gentleman reached inside his truck or the officer 22 reached and grabbed him or whatever, but the other 23 gentleman he stood down, he ran somewhere. 24 There was a white car that was behind 25 him. I don't know what happened with the white car,

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	Page 79
1	but then he took off, something happened, I heard a
2	gunshot go off inside the struck.
3	Q Okay. Let me stop you. So are you still
4	outside of the apartment?
5	A I am.
6	Q Are you going up the stairs?
7	A I'm standing on the porch.
8	Q So on the third floor?
9	A No, on the second.
10	Q Second floor, okay. And so from your
11	vantage point here, you're looking down here?
12	A Correct.
13	Q Now, when the officer angled his car?
14	A Uh-huh.
15	Q When he went in reverse and angled his car
16	is his car between the boys and you?
17	A Yes.
18	Q Okay. So can you, so the car is blocking
19	your view of
20	A Of the driver's side.
21	Q The driver, okay. So you can see the back
22	of the vehicle?
23	A I can see the passenger side of the
24	vehicle and the back of the truck.
25	Q And so you can't tell what was going on,

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314-241-6750

Page 80 1 could you see the truck moving or anything? 2 Α No. 3 Was it rocking or anything that you know? Q I couldn't tell you. Α 5 Q What made you think there was a struggle going on? 7 Because you could see, I mean, I could see 8 them going back and forth. I mean, I'm standing on the porch at an angle looking down. 10 Q Okay. 11 So I could see something going on, but I 12 can't tell whether or not if he, again, who grabbed 13 who or what have you, I don't know because like I 14 said, the truck was, it happened on the driver's 15 side of the vehicle. 16 Okay. Who was engaged in the struggle, 17 you said there was two boys or gentlemen walking and 18 then the officer that was driving, who among those 19 three were engaged? 20 Α Mr. Brown and the police officer. 21 Okay. Now, did you know Mr. Brown before Q. 22 this day? 23 Α No. 24 But he's the gentleman that was shot and 25 is deceased, correct?

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314-241-6750

```
Page 81
1
          Α
               Yes.
 2
               And when you saw the two boys, did you
 3
     recognize Mr. Brown?
               No.
 4
          Α
 5
          Q
               Okay. Haven't seen him in the complex or
     anything?
7
          Α
               No.
               Would you describe him as pretty big guy,
 8
     tall?
10
          Α
               Yes, from what I saw.
11
               And compared to like the other kid he was
12
     with, Michael Brown was substantially taller; is
     that right?
13
14
          Α
               Yes.
15
          Q
               He was the one that was at the vehicle
16
     struggling with the officer?
17
          Α
               Yes.
18
               And then what happened then, you heard a
19
     qunshot?
20
               I heard a gunshot, and about another 20
21
     seconds later, I heard another gunshot go off, or
22
     maybe 15 seconds another shot goes off.
23
               Okay. Let me stop you. When you heard
          Q
24
     the first gunshot what, if anything, does Michael
     Brown do at the vehicle?
25
```

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314-241-6750

		Page 82
1	A	He was still, they were still standing at
2	the door a	at the window of the vehicle. They were
3	still, I g	guess, struggling or going back and forth,
4	I don't kr	now.
5	Q	Okay. And then a few seconds go by?
6	A	Uh-huh.
7	Q	And then you heard another gunshot?
8	A	Another second gunshot.
9	Q	What, if anything, did he do after the
10	second?	
11	A	He took off running.
12	Q	Which direction did he run?
13	A	He started running down Canfield this
14	direction.	
15	Q	Was he running in the street?
16	A	Yes.
17	Q	Or on the sidewalk or the street?
18	A	He was running in the street.
19	Q	Now, at this point are you still on the
20	porch?	
21	A	I am.
22	Q	Did you ever go inside s?
23	A	Yes, I did. I stepped inside the door
24	when the f	First, the first gunshot went off, my
25	family, th	ney ran inside the door and then we came
1		

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314-241-6750

Page 83 1 back outside. Because we didn't hear any more 2 shooting, to see what was going on. 3 So let me get this straight, were you inside or outside when the first gunshot went off? Α We were outside when the first gunshot went off. 7 Were you inside or outside when the second 0 8 gunshot --Α We were inside when the second gunshot 10 went off. 11 Q Okay. So you run inside, were you fearful 12 because the gunshots were going off? 13 Α Correct. 14 And then you said he took off, meaning 15 Michael Brown took off and started running down 16 Canfield. Were you observing that from the inside 17 of 's apartment or did you come back 18 outside? 19 I came back outside. Α 20 What did you see then as you saw Michael 21 Brown running down Canfield? 22 Α So I saw Mr. Brown running down the 23 street, he ran down the street from the police 24 officer. He stopped right here at this driveway 25 right here and he turned around in the entrance of

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FAX 314-241-6750

Page 84 the driveway about right there on the corner of the 1 2 driveway. 3 And he looked down at his hand or at 4 his side, and at that point, the police officer had 5 got out of his vehicle and was pursuing Mr. Brown 6 down the street. 7 Mr. Brown turned around and was 8 walking back towards the police officer, I quess, they were like 20 meters maybe, 10 meters apart and 10 Mr. Brown had his hands to his sides by his waist up 11 and mister, the officer shot and he shot like six 12 times. 13 Okay. So let me back up. You say as he ran down the street, he stops, meaning Michael 14 15 Brown? 16 Right. Α 17 And when he stops, is his back to the officer when he stops? 18 19 Α No. 20 Q So does he run backwards? 21 No, I'm sorry, yes. If he was running, Α 22 yes, he was running down with his back towards the 23 police officer, yes. 24 Okay. And so you said when he stops, he 25 looks down and looks like he is looking at something

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314-241-6750

Page 85 1 or his hands or body or something? 2 Α Right, like he's looking at his hand. 3 Do you recall which hand or both hands? Q 4 Α If I'm standing on the corner right there 5 where it was, I guess it would have been his left 6 palm. 7 Okay. So everybody can see you since you Q 8 are seated, do you mind standing up and doing that 9 motion? 10 Α Right. Standing on that corner, like he 11 looked down at his palm, still like looked like this 12 at his palm or something, he looked down. 13 Q Okay. 14 At that point he turned around and started 15 walking back towards the middle of the street and 16 had his hands like this, walking towards the middle 17 of the street. 18 At that point the police officer was, 19 had already stopped, had his gun drawn and Mr. Brown 20 was walking towards him with his hands like this and he fired. He fired one shot and Mr. Brown took a 21 22 couple steps and he fired like two or three or four 23 more shots. (indicating) 24 Okay. Q 25 Α That's when he fell, he fell in the middle

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Page 86
 1
     of the street.
 2
               Okay. After the two gunshots that you
 3
     heard from inside the vehicle what we are assuming,
     do you think that happened when the officer was
 4
     still in the vehicle?
 6
               I would assume because I didn't see him
 7
     out of the vehicle.
 8
               You saw the first qunshot or you saw, you
     were outside and looking when the first gunshot went
10
     off, but you were inside when the second gunshot
11
     went off?
12
          Α
               Correct.
13
               Were you looking when the second gunshot
     went off?
14
15
          Α
               We were looking out the window.
16
               Okay. So was the officer still in the car
          Q
17
     for the second gunshot?
18
               Yes, he was.
          Α
19
               And then Michael Brown takes off running
20
     after the second gunshot?
21
               Uh-huh.
          Α
22
               And the officer, does he get out of the
          Q
23
     car?
24
              He does.
          Α
25
               And does he run or walk after him?
          Q
```

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314-241-6750

		Page 87
1	A	He is running.
2	Q	How is he running?
3	A	In like a haste to try to catch him.
4	Q	Do you see his gun?
5	A	I don't believe I did.
6	Q	Okay. So as he gets to about 20 meters?
7	A	Uh-huh.
8	Q	From Mr. Brown is when Mr. Brown turns
9	around?	
10	A	Right, and that's when he had his gun
11	drawn.	
12	Q	So when you say his gun drawn, the
13	officer's	gun?
14	A	Yes.
15	Q	Never saw a gun on Michael Brown, correct?
16	A	No.
17	Q	How was he holding the gun when you saw
18	him with h	nis gun drawn?
19	A	He was in a stance and was holding it like
20	this. (inc	dicating)
21	Q	Okay. And could you hear anybody saying
22	anything?	
23	A	No.
24	Q	Didn't hear the officer giving commands?
25	A	From where I was standing on 's

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314-241-6750

Page 88 1 porch right here and they were, let's see, about 2 right here, no, I couldn't hear exactly what they 3 were saying, but I could see what was transpiring in front of me. Q Okay. And so then, was your brother 6 next to you or with you when this was -- when 7 you were watching this? 8 It was my brother, my wife and Α 9 standing on the porch. 10 Q Altogether? 11 Α Yes. 12 Okay. And so when you say you saw Mike Brown turn around, then would his back be towards 13 14 you? 15 Α Catty-corner, sideways because like I 16 mentioned, from where he is standing in the 17 driveway, like his side is facing me looking up from 18 here and he's standing at an angle at the driveway 19 looking like this and he looks down to his side and 20 then he starts, the way he was turned, he was turned 21 as though he was facing this way. 22 Okay. Q 23 Going off the street so that's the angle 24 that I had. So when he walked out in the middle of 25 the street with his hands up to his sides, that's

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	Page 89
1	when, you know, he took a couple steps and the
2	officer fired.
3	And me and my wife were like, why is
4	he walking. And he took a couple more steps and the
5	cop, the officer fired like four more shots and
6	that's when he fell.
7	${f Q}$ So from the time of the first gunshots in
8	the car until Michael Brown turns around to face the
9	officer, did you hear or see the officer shooting
10	his gun as Michael Brown is running away?
11	A No.
12	${f Q}$ Okay. And so once he turns around, and
13	you said he stopped and he is looking and then he
14	turns around and his hands go into this position?
15	(indicating)
16	A Yeah, like this. (indicating)
17	Q So out to his sides, palms facing forward?
18	A Right.
19	${f Q}$ And then he began to move towards the
20	officer?
21	A Correct.
22	Q Was the officer still moving?
23	A He was in a stance, no, he was standing
24	like this facing Mr. Brown.
25	Q Okay. As Mr. Brown started walking or

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314-241-6750

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Page 90
     moving toward the officer, did you say he was
 1
 2
     walking?
 3
          Α
               Yes.
               Was it in a, I mean, casual walk or was it
 4
 5
     hurried or do you have any description of it?
 6
               It would be speculation for me to say
          Α
 7
     because I don't know Mr. Brown, I don't know how he
 8
             I just know he took steps towards the police
     officer.
10
          Q
               Okay. But he wasn't running?
11
          Α
               No.
12
               He wasn't charging?
          Q
13
          Α
               No.
14
               Was his body upright at that point?
          Q
15
          Α
               It was.
16
               And so when he walks towards the officer,
          Q
17
     did the officer move backwards or forward or to the
18
     side?
19
               From what I could tell he stood still.
          Α
20
               How about Michael Brown. From the time he
21
     ran and stopped and turned around and started in the
22
     opposite direction, does he ever, is he always in
23
     the street or does he move off the street at some
24
     point?
25
          Α
               Well, I mean, again when he ran down the
```

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314-241-6750

Page 91 street, he got to right at the edge of the driveway, 1 2 which is right here. So this is like a water 3 fountain or a fire hydrant or street sign, right there at the corner --5 Q Okay. 6 -- of the driveway. He stopped right 7 there at the edge of the driveway and then he 8 turned, he turned around, like I mentioned, he stopped, looked at his palm and then he started 10 walking back towards the police officer. 11 From the time he stopped and turned 12 around, and I'm going to ask you to estimate a 13 distance, from where he stopped and turned around until his body came to rest in the street. 14 15 Α Uh-huh. 16 Can you give my an idea how many feet that Q 17 was? From the sidewalk to the middle of the 18 Α street, about five, maybe five, 10 yards maybe. 19 20 Okay. Did you ever see Michael Brown 21 doing anything with his hands around the front of 22 his body? 23 Α No. 24 And so when you're looking at him from 25 your vantage point, you're seeing the left side of

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Page 92 his body, correct? 1 2 Α Correct. 3 Could you clearly see his right hand? 4 Yeah, I mean, when he's walking back 5 across the street, he's walking like this. 6 (indicating) 7 Q Okay. He had both his hands like this. 8 Α (indicating) 10 You didn't see him ever reaching or make a 11 motion toward his waistband? 12 Α No. 13 And then you said there was a round of shots, you said maybe six shots? 14 15 Α Yes, four to six shots I heard, yes. 16 Okay. And then did you see if Michael 17 Brown was hit, could you tell if he was hit? 18 I couldn't, I mean, again, like I 19 mentioned, when the first shot went off, well, the 20 third shot went off when Mike started walking back 21 across the street and he shot. And like I 22 mentioned, me and my wife made the comment, why is 23 he still walking, why is he walking, is he missing 24 him? And then he took like three more steps and he 25 fired like another five, four, five rounds, and

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Page 93 1 that's when he staggered and he fell where he laid 2 in the middle of the street. 3 Okay. And where, can you point on the pointer where he ended up laying in the middle of 4 5 the street? About right here. (indicating) 7 0 Okay. And now, did you remain at 8 s while the aftermath was going on? I did. Α 10 0 Did you ever see the officer approach 11 Michael Brown after he went down on the ground? 12 He walked over to him and then he turned around and he went back and that's when another 13 14 police officer, I guess the other police officer 15 started coming into the neighborhood. 16 Did you ever see the officer who did the Q 17 shooting, did you ever see him on a walkie-talkie or 18 on a radio that was on his shoulder or anything? 19 Α Not that I can remember. 20 And did you ever see anybody, I mean, I 21 know that Michael Brown's body was out on the street 22 for several hours, but did you ever see anybody move 23 his body from one location to another location? 24 Α No. 25 Did you ever see the car that the officer Q

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Page 94 had stopped in, where the altercation initially took 1 2 place, did you ever see that moved? 3 Not that I remember, not that I remember because I think me and my wife, we stayed there 4 about another 35 to 45 minutes after everything 5 6 happened. And when all the police and everything 7 came down, they taped off the street and everything 8 and, um, then we left, we left. Now, when is it that you were first 10 contacted or first contacted the police? 11 I was contacted that evening, that night 12 by a County Police officer. 13 Were you still at Canfield? 14 No. Α 15 Q How is it that they knew to contact you, 16 do you have any idea? 17 My wife had mentioned to and we went, it was actually the night 18 19 We were at a 20 and there was a gentleman there, I 21 have his card, I can't think of his name right now. 22 But he is an attorney or something for the city or 23 something, but he asked, they were talking about it 24 at the table where we were and he asked us if we 25 didn't mind speaking with a police officer regarding

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Page 95 1 it. 2 And then I said I really didn't want 3 to get involved in this because I hate I saw what I 4 did. He got on the phone and he called two detectives and they came out that evening about 6 11:00. And me and told him, kind of somewhat 7 mentioned our story and I gave him my name and 8 address, and he came out and got in contact with us at a later date. 10 So you talked to the officers late in the 11 evening that first day? 12 Α Yes. 13 And then you talked to them again and gave a different, not different, gave a more detailed 14 15 interview later; is that correct? 16 Correct, right. Α 17 The more detailed interview, were there 18 also FBI agents present? 19 When they came and talked to me, no, it 20 was just the two detectives. 21 Q. Okay. 22 They came and spoke to me. And then a few 23 nights later, they came back, along with a few other 24 attorneys and another FBI agent, they came and spoke 25 with my wife

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- 1			
			Page 96
	1	Q	Okay. Is there anything that you recall
	2	about wha	t you saw that day that is important or you
	3	think tha	t the jurors should know about?
	4	A	(Shakes head.)
	5	Q	you are shaking your head no?
	6	A	No.
	7	Q	How is your eyesight?
	8	A	Good.
	9	Q	Do you where wear glasses?
	10	A	I do for reading.
	11	Q	Okay. So distance, you have no difficulty
	12	seeing?	
	13	A	No.
	14	Q	How about your hearing?
	15	A	My hearing is good.
	16	Q	Good.
	17	A	Uh-huh.
	18	Q	All right.
	19		MS. ALIZADEH: Sheila, do you have any
	20	questions	?
	21	Q	(By Ms. Whirley) When Michael Brown was
	22	walking t	owards the officer, when he first turned
	23	around, h	e started walking, let me make sure I
	24	understan	d. When he first turned around was there a
	25	shooting,	was he shot then or was he thought when he

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Page 97 1 started walking towards --2 Α When he started walking back towards the 3 police officer. You couldn't hear anything that was being 0 5 said? I couldn't hear, no. 7 So as he's walking towards the officer, he 8 said he wasn't like running or charging at him? Α Right. 10 Did it seem like he was walking towards 11 the officer to fight, did you get that impression? 12 Α No. 13 Did you get the impression that he was 14 threatening the officer as he walked toward him? 15 Α No. 16 What was your impression of the way he 17 walked toward him? 18 Again, like I say, it is hard for me to 19 speculate how Mr. Brown walked because I don't know 20 him. 21 Right --Q 22 I don't know how he's walking, he was just 23 walking, I guess, in a normal pace towards the 24 police officer, that's what I'm saying. 25 I guess what I'm asking is, demeanor, you O.

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Page 98
 1
     know how a person, their outward, like if I'm, you
 2
     know, I'm walking like this, you know?
 3
               I quess he was walking in a demeanor as I
          Α
 4
     give up.
          Q
               That was your impression?
          Α
               Yeah.
 7
               Okay.
          Q
 8
               MS. WHIRLEY: That's all I have.
               MS. ALIZADEH: Just really quickly.
10
          Q
               (By Ms. Alizadeh) From the time you first
11
     saw Michael Brown at the officer's window until
12
     Michael Brown was lying in the street, how many
13
     minutes or seconds do you think that took?
14
               I would say probably about five, five
          Α
15
     minutes, ten minutes at the max, if that.
                                                 I don't
16
     probably like, I'm sorry, it was probably more like
17
     probably like five minutes at the max.
18
               MS. ALIZADEH: Okay.
19
               MS. WHIRLEY: Real quickly.
20
          Q
               (By Ms. Whirley) When Michael Brown was
21
     running away from the officer, I think you said you
22
     heard maybe a couple shots and then Michael Brown
23
     ran?
24
              Correct.
          Α
25
               I'm sorry; is that correct?
          Q
```

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	Page 99
1	A Correct.
2	Q Did you hear any shooting while he was
3	running?
4	A No.
5	Q Okay. The next time you heard shots was
6	when he turned around?
7	A Correct.
8	Q With his hands the way you demonstrated?
9	A Correct.
10	MS. WHIRLEY: Okay. Anybody else?
11	When he was
12	walking towards the officer, could you see his face
13	clear enough to see if there was any kind of
14	expression, a blank look, aggressive look or
15	anything?
16	A No, I could not.
17	: You could not read his
18	face?
19	A I could not.
20	Okay.
21	From the
22	time that this happened until the time that you said
23	
24	A Uh-huh.
25	: Is that where, the

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Page 100
     attendee where the city attorney made contact with
 1
 2
     you there?
 3
          Α
               Uh-huh.
                                From the time of the
 4
 5
     incident on August the 9th until the time that you
 6
     spoke to the police or whatever.
 7
               Uh-huh.
          Α
 8
                             : Do you know what length of
 9
     time elapsed?
10
               Yes, this happened about, I guess, about
11
     12:30, 12:40 that afternoon. I didn't speak with
12
     anybody until later that night, yes.
13
                                It was the same day?
14
          Α
               It was the same day, yes, ma'am.
15
                             : Okay, thank you.
16
               MS. ALIZADEH: But just to be, I'm going
17
     to try to make sure I understand. Were you
18
     interviewed that night or was it just you spoke to
19
     them and said, hey, I saw this and made arrangements
     to be interviewed later?
20
21
               That's exactly, that's what happened. We
22
     made arrangements to interview later because, again,
23
                                         and the, he
     we were at
24
     didn't want to really get into that because my wife
25
     was still kind of emotional. He didn't want to talk
```

```
Page 101
 1
     about it.
 2
                     So they took our name and our phone
 3
     number and they contacted us at a later date.
     think it was like two days or a day later.
 4
 5
     came by my home and spoke with me regarding it.
 6
                                                  Could you
7
     tell Mr. Brown, I guess his attire, his shorts and
 8
     shirt, where they sagging, were his pants kind of
     hanging low or do you remember?
10
          Α
               I don't remember, I don't remember.
11
                             : Okay. Did it seem to you
12
     when he turned around, did it ever appear to you
13
     that he reached up under his shirt?
14
          Α
               No.
15
               MS. ALIZADEH: Anyone else have any more
16
     questions?
17
                (End of the testimony of
                                                         .)
18
19
20
21
22
23
24
25
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Page 102
 1
 2
     State of Missouri
 3
                         SS.
     County of St. Louis
 4
 5
          I,
                            a Licensed Certified Court
     Reporter by the Supreme Court in and for the State
 7
     of Missouri, duly commissioned, qualified and
 8
     authorized to administer oaths and to certify to
     depositions, do hereby certify that pursuant to
10
     Notice in the civil cause now pending and
11
     undetermined in the County of St. Louis, State of
12
     Missouri.
13
          The said witness, being of sound mind and being
14
     by the grand jury first carefully examined and duly
15
     cautioned and sworn to testify to the truth, the
16
     whole truth, and nothing but the truth in the case
17
     aforesaid, thereupon testified as is shown in the
18
     foregoing transcript, said testimony being by me
19
     reported in shorthand and caused to be transcribed
     into typewriting, and that the foregoing page
20
21
     correctly sets forth the testimony of the
22
     aforementioned witness, together with the questions
23
     propounded by counsel and grand jurors thereto, and
24
     is in all respects a full, true, correct and
25
     complete transcript of the questions propounded to
```

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Page 103
 1
     and the answers given by said witness.
               I further certify that the foregoing pages
 2
 3
     contain a true and accurate reproduction of the
     proceedings.
          I further certify that I am not of counsel or
     attorney for either of the parties to said suit, not
 6
7
     related to nor interested in any of the parties or
 8
     their attorneys.
10
11
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Electronically signed b

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Page 104
 1
     COURT MEMO
 2
 3
     State of Missouri vs. Darren Wilson
 6
 7
 8
     CERTIFICATE OF OFFICER AND
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume IX
12
     10/2/2014
13
     Name and address of person or firm having custody of
14
15
     the original transcript:
16
17
     St. Louis County Prosecuting Attorney's Office
18
     100 S. Central Ave.
19
     Clayton, MO 63105
20
21
22
23
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25
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Page 105
 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 106
1	Upon delivery of transcripts, the above
2	charges had not been paid. It is anticipated
3	that all charges will be paid in the normal course
4	of business.
5	GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6	515 Olive Street, Suite 700
7	St. Louis, Missouri 63101
8	IN WITNESS WHEREOF, I have hereunto set
9	STATEMENT OF DEPOSITION CHARGES
10	my hand and seal on this day of
11	Commission expires
12	
13	Notary Public
14	
15	
16	
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