Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume X

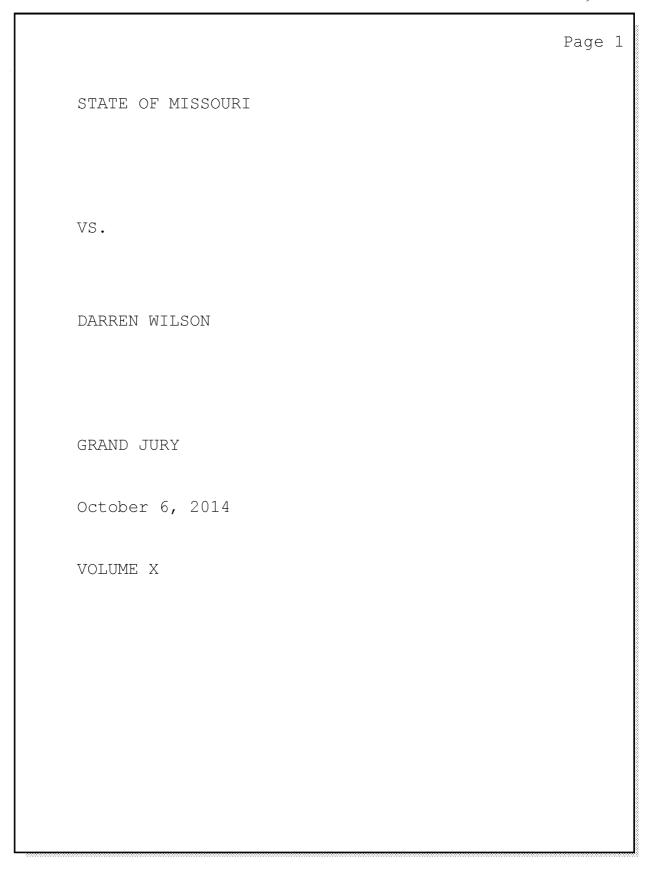
Date: October 6, 2014

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Page 2
           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
 1
 2
                       STATE OF MISSOURI
 3
     STATE OF MISSOURI
 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
14
     Louis County Prosecuting Attorney's Office, 100
15
     South Central Avenue, in the City of Clayton, State
16
     of Missouri, on the 6th 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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15
16
17
18
19
20
21
22
23
24
25
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	Page 5	
1	GRAND JURY HEARING VOLUME X	
2	MS. ALIZADEH: Good morning.	
3	(Everyone says good morning.)	
4	MS. ALIZADEH: It is October 6th. This is	
5	Kathi Alizadeh with the prosecutor's office.	
6	Present is Sheila Whirley with the prosecutor's	
7	office. All 12 grand jurors are present here today,	
8	as well as , the stenographer, who is taking	
9	down and recording matters that are going on today	
10	in the grand jury.	
11	It is about 8:39 a.m., and my	
12	understanding is we are going to go to about 2:30	
13	today, correct? We have a witness that's here	
14	already this morning. Her name is	
15	. We heard from her husband, ,	
16	last week.	
17	She wanted to come in first thing in the	
18	morning, so we're going to go ahead and have her	
19	testify first, and after her testimony, we will	
20	listen to the statement of and	
21	. We didn't get a chance to do	
22	that last week.	
23	I have a witness scheduled to be here at	
24	1:00 this afternoon. So her name is	
25	and she is the fiancee, or girlfriend, I can't	

```
Page 6
 1
     remember, of
                               . If you recall,
 2
           has already testified.
 3
               So we'll probably listen to her statement
     in the morning if we have time. We probably should,
 4
 5
     and then at this point, we might be done for the day
 6
     after
                       testifies.
 7
               Sheila and I have been talking about
 8
     trying to schedule your time and make use of your
     time as best we can. We're running into the issue
     now that some of these witnesses are not very
10
11
     anxious to come in and meet with you. And so we're
12
     going to probably need to be searching for some
13
     people and giving them written invitations to appear
14
     before you.
15
               So I'm trying desperately to get your day
16
     scheduled tomorrow, so I know you are here until
17
     6:00. We want to be able to keep you busy all day.
18
               And then we've got, I've got some
19
     witnesses lined up, and then on Thursday we have
     witnesses lined up too, but as of right now, I don't
20
21
     have necessarily the whole day filled. So we'll try
22
     our best. And it may be that we go ahead and call
23
     some other witnesses.
24
               We have lab people, we have police
25
     officers yet to testify who, obviously, would be
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Page 7
 1
     easier for us to get here if we need them here.
 2
               So, at this point then, we're ready to go.
 3
     We're going to go ahead and call
 4
 5
     of lawful age, having been first duly sworn to
 6
     testify the truth, the whole truth, and
7
     nothing but the truth in the case aforesaid,
 8
     deposes and says in reply to oral
     interrogatories, propounded as follows, to-wit:
10
                         EXAMINATION
11
     BY MS. ALIZADEH:
12
               Good morning,
                                 . Can you state
          Q
     your name for the reporter and spell it for the
13
14
     court reporter?
15
          Α
16
17
          Q
               And,
                               , you're married to
18
              is that correct?
19
          Α
               Yes.
20
          Q
               And how long have you and
                                                  been
21
     married?
22
          Α
                  years.
23
               And are you, you're familiar with
24
            's family?
25
          Α
               Yes.
```

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		Page 8
1	Q	Is that correct?
2	A	Uh-huh.
3	Q	You know his brother, ?
4	A	That's my brother-in-law.
5	Q	Your brother-in-law, and then lives
6		is that
7	correct?	
8	A	Correct.
9	Q	And they live in Canfield Green Apartment
10	Complex,	correct?
11	A	Correct.
12	Q	And how long has lived
13	in the Ca	nfield Green Apartments?
14	A	Um, I'm going to say maybe years. I'm
15	not quite	sure. was living there when and I
16	married a	nd met, so we've been actually years,
17	together	I'm quite sure years.
18	Q	So as long as you've known ?
19	A	As long as I've known .
20	Q	been there?
21	A	Yes.
22	Q	Has been living with all that
23	time as w	rell?
24	A	Yes, off and on.
25	Q	Off and on. And so do you recall

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Page 9
 1
     Saturday, August 9th, of this year?
 2
          Α
               Yes.
 3
               And in the morning, did anything happen
 4
     that was noteworthy, was there anything special
     about the morning prior to you going to the
 5
 6
     apartment?
 7
          Α
               Actually, that was
 8
               Okay.
          Q
10
          Α
               So we went down there before we were
11
     preparing to go to the
                                           because I
12
     wanted to show what I got to wear to the class
13
     reunion.
14
               Ma'am, the microphone that's in front of
15
     you doesn't amplify so you need to speak loud enough
16
     so that we can all hear you all the way back here.
17
     And please raise your hands if you can't hear her.
18
     Did you need her to repeat the last answer she gave
19
     anyone? Okay.
20
                     So,
                                     you were going, you
21
     had a plan then that day to go to
22
                     apartment in the afternoon; is that
23
     correct?
24
          Α
               Uh-huh.
25
               And so you proceeded to the apartment
          O.
```

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```
Page 10
 1
     complex, about what time did you get there to the
 2
     apartments?
 3
          Α
               It was before noon, about maybe 11:30,
     11:45, somewhere along in there, I'm not guite sure
 4
     of the exact time.
               And who was in the car with you?
          Q
 7
          Α
               My husband and I.
               What kind of vehicle were you in?
 8
          0
          Α
              I have a
10
          Q
              Who was driving?
11
          Α
              My husband.
12
               So when you came into the complex, did you
          Q
     enter the complex off of West Florissant or did you
13
14
     come in the back way through the Northwinds
15
     Apartments?
16
               Off of West Florissant.
          Α
17
               Okay. So from West Florissant then you
     turn onto Canfield Drive and go through a
18
19
     residential area before getting to the complex; is
20
     that correct?
21
               Correct, uh-huh.
          Α
22
               And so we've got a map here that's marked
          Q
23
     as Grand Jury Exhibit Number 25. And right here,
24
                 is a laser pointer so you don't have to
25
     get up and point. You just press that button,
```

```
Page 11
 1
     hopefully, and that will work.
 2
                    So do you recognize the map here as
 3
     familiar to you, the streets and the buildings as
     far as that being Canfield Green?
          Α
               Yeah, pretty much.
 6
               Okay. If West Florissant is in this
 7
     direction?
 8
               Uh-huh.
          Α
               So you entered coming down this curve; is
10
     that right?
11
          Α
               Correct.
12
               Now, this was a Saturday, sunny day, did
          Q
     you see people out and about?
13
14
               Um, yeah, I mean, not a lot of people, but
          Α
15
     the victim, as we came in off of Canfield, he and
16
     the other young man were walking in the street. And
17
     I said something to my husband in effect, why don't
18
     they just get on the sidewalk.
19
               Okay. So when you were driving now, this
20
     direction is east, okay?
21
               Uh-huh.
          Α
22
               That's going east. So you were going east
23
     on Canfield Drive?
24
          Α
               Uh-huh.
25
               Can you use the laser pointer and show me
          Q
```

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```
Page 12
     where you first saw the two men that were walking in
 1
 2
     the street, where were they when you first saw them?
 3
               Right about right here. (indicating)
 4
               Okay. So as you came around the curve,
          Q
 5
     you could see them walking in the street?
 6
               Uh-huh.
          Α
 7
               Just the two of them?
 8
               Yes.
          Α
               And when you say they were in the street,
10
     were they on the side, in the middle?
11
          Α
               In the middle.
12
               Okay. And so did you recognize either of
          Q
13
     those?
14
               No, just two kids.
          Α
15
          Q
               Two kids. Now, of course, we now know
16
     that one of those kids was Michael Brown. Having
17
     now known his identity, do you recall ever having
18
     met him?
19
          Α
               No.
20
               Or seen him at the apartments?
          Q
21
               No, we don't frequent Canfield. I mean,
22
     we go to visit
                                      or to take
                                                   to
23
              needs to go. I don't know anybody in
24
     Canfield except for
25
               You don't socialize with people from the
          Q
```

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		Page 13
1	complex?	
2	A	No.
3	Q	And so then the other boy was Dorian
4	Johnson.	That name doesn't ring a bell to you?
5	A	No, it does not.
6	Q	Okay. So when you first saw them and in
7	this area	where you had pointed, which direction
8	were they	walking, were they walking east?
9	A	Yes.
10	Q	And
11	A	Into the complex.
12	Q	Okay. So as you approach them, you saw
13	their bac	ks?
14	A	The back view of them, correct.
15	Q	And so did you, I imagine you had to go
16	around the	em or you went around them, correct?
17	A	Uh-huh.
18	Q	Did you honk at them or , not
19		
20	A	
21	Q	Roll down the window and say anything to
22	them?	
23	A	No.
24	Q	Did they just appear to be walking?
25	A	They was just walking, I mean, they were

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Page 14
 1
     doing what kids do. I mean, I live in
                                                       , so
 2
     kids don't walk on the sidewalk, they just don't.
 3
     They have sidewalks but they don't walk on them.
 4
                    So, I mean, we just kind of chalked
 5
     it up as them being kids not doing what they're
     supposed to be doing, I mean, they just do it.
 7
               Did you notice either of them if they had
 8
     anything in their hands?
               No, I don't recall.
10
          Q
               Do you remember what either of them was
11
     wearing?
12
               Um, I'm going to say the victim had on a
          Α
13
     white T-shirt and khakis. The other young man had
     on a white T-shirt, I believe, and black pants or
14
15
     black jeans or something.
16
               Okay. So the other one is the smaller
          Q
17
     one, I quess?
18
          Α
               Yes.
               We'll call the victim, I know you know who
19
20
     eventually was shot is the bigger one, correct?
21
              Correct, uh-huh.
          Α
22
               And there was the smaller one?
          Q
23
              Smaller kid, yes.
          Α
24
               So you said the smaller one had on a black
25
     shirt and dark pants?
```

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```
Page 15
 1
               Dark pants, yeah, or dark jeans or
 2
     something.
 3
               Okay. Anything else that you noticed
          Q
     about them that drew your attention?
 5
          Α
               No, I mean, like I said, it was a Saturday
 6
     morning, I mean. They was just walking in the
7
     street and I made a note to my husband, why don't
 8
     they just get on the sidewalk, and that was pretty
     much it. He didn't say anything, I didn't say
10
     anything, we didn't blow, he just kind of went
11
     around and did what we needed to do.
12
               Okay. Were they walking shoulder to
13
     shoulder or one in front of the other, do you
14
     remember?
15
               I mean, I guess side by side, you could
     say. I mean, just, I mean, when you see kids
16
17
     walking and there was only two of them, so it wasn't
18
     like it was a group of children, they were just
     walking down the street.
19
               Okay. So after you pass by them, did you
20
          Q
21
     proceed to
                                   s apartment building?
22
               Uh-huh.
          Α
23
               Can you use the laser pointer and show on
24
     the map, do you see where apartment is?
25
          Α
               Is this Caddiefield?
```

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```
Page 16
 1
               This is Caddiefield Road, this is also
 2
     Caddiefield Road because it goes around like that.
 3
               Can I stand?
                             This is hard for me to do
     because it's peripheral vision, I'm not used to
 4
 5
     looking at.
 6
               Correct, I understand. Do you know the
7
     number of
                   unit?
 8
               I think it is this one right here.
               Okay. So when you proceeded down Canfield
10
     Drive, you turned on Caddiefield, did you park in a
11
     parking space?
12
                            This is building, I
          Α
               Right here.
     believe, and would have parked right in here.
13
14
     (indicating)
15
          Q
               Okay. Now, did you have, do you recall if
16
     your windows were up or down?
17
               That I don't remember. It was hot, I
18
     imagine that the air was on. It was hot that day.
19
               Okay.
          Q
20
          Α
               So the windows were more than likely up.
21
               As you drove down Canfield Drive, did you
          Q
22
     see any vehicles approaching you?
23
          Α
               No.
24
               In your direction?
          Q
25
          Α
               Huh-uh.
```

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Page 17 1 And so did you, after you parked your car, 2 what's the first thing you noticed going on around 3 here? Well, once we were going up the steps, the 4 police car came down going towards West Florissant, 5 6 and I said to my husband, oh, he's going to stop 7 them and tell them to get on the sidewalk. 8 Um, and we just kind of proceeded up 9 the steps. 10 Now, earlier you had pointed to this one. Q 11 See, I'm not used to looking at these. 12 once we got on the landing, the police officer had 13 stopped and said something to them. 14 Now, could you hear what he said? Q 15 Α No, I'm assuming, I'm not going to say he 16 said, but from the activities that we saw from the 17 porch, he stopped and the kids, the children 18 stopped. I don't know what he said, I didn't hear 19 that, we were too far away to hear. I'm just 20 assuming that he said the same thing I had said to 21 my husband, get on the sidewalk. 22 So now you, the stairs that go up to the Q 23 apartment unit, those are exterior stairs, correct? 24 Α Correct. 25 So you're going up the stairs and you're Q

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Page 18
     still outside and you can see what's going on?
 1
 2
          Α
               Uh-huh.
 3
               What floor did
                                                  live on?
          Q
               There is only three floors. There is the
 4
          Α
     basement and that would be the first floor and then
 5
 6
     the second floor, or you can say the second floor
 7
     and then the third.
 8
                     on the top level?
          Α
                         on the second. Well, there is a
10
     basement apartment and then
                                      apartment.
11
     on, I guess you could say second floor, I don't know
12
     how they classify the floors.
13
               So there's a unit above
14
          Α
               Above , right.
15
          Q
               All right. So when you're on the porch,
16
     this is like a decking area that's right off the
17
     front door for
                       unit?
18
               Uh-huh, a little patio out there.
19
          Q
               And was
                              out there?
20
          Α
              When we walked up the steps?
21
               Yes.
          Q
22
          Α
               No, he was inside the apartment.
23
               So now you said, can you use the laser
24
     pointer and show me when you say you saw the officer
25
     stop and talk to the kids, where about were they
```

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	Page 19
1	when you saw that?
2	A About right here. (indicating)
3	${f Q}$ Okay. And so you see the officer stop?
4	A Uh-huh.
5	Q Give me an idea, were we talking a matter
6	of seconds or a minute or two that he paused and
7	there was some kind of exchange between those kids?
8	A It may have been maybe a minute.
9	${f Q}$ And then what happened, what did you see
10	happen?
11	A He said whatever he said, then we heard
12	two gunshots. He was still in the car, the boys
13	were outside of the car. Well, before we heard the
14	gunshots, I don't know what he said or what they
15	said or what the conversation was, but the car was
16	headed west on Caddiefield, on Canfield, and he, I
17	guess, backed the car up and was at an angle.
18	Q Let me ask you this. The time when he
19	paused that you thought that he might have been
20	saying, hey, get on the sidewalk, or what you
21	assumed he might have said, was that after he backed
22	up?
23	A No, it was before.
24	Q Okay. So he stops, pauses for a little
25	bit, and then does the vehicle proceed west on
1	

Page 20 1 Canfield then a little ways? 2 Α Yes, uh-huh. 3 And do the boys, what do the boys do? Q They just were kind of standing there, 4 Α 5 and, like I said, it happened really fast, but the 6 car was headed east, and then whatever conversation 7 they had, the officer backed the car back, but it 8 was at an angle and that's when we heard two gunshots inside the vehicle. 10 Okay. So when the officer, I think you 11 said east, but you meant west, right? 12 I'm sorry. Α 13 He's going westbound and then he puts it in reverse, backs up, and he's at a little bit of an 14 15 angle in the street? 16 Α Yes. 17 Did you hear tires squealing or screeching or anything? 18 19 No, it wasn't like it was a chase or 20 anything. I mean, he just, I mean, I don't know 21 what happened, they exchanged words, I'm quite sure, 22 and, you know, you just, I think he kind of whipped 23 the car in reverse so it was at an angle. 24 Okay. Q 25 Α Not a full complete angle, it was no

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Page 21 1 longer straight. 2 When the first time the officer 3 encountered the boys, were the boys on the driver's side of his car or on the passenger side? Α All the way on the driver's side. When he reversed it around to where it was 0 7 at an angle, are the boys still on the driver's 8 side? Still on the driver's side. 10 So from your vantage point where you were 11 standing, are you looking at the driver's side of 12 the car or the passenger side? 13 Driver's side. Well, at the driver's Α 14 side. We were on that side of the vehicle, I 15 couldn't see what was on the other side of the car. 16 Okay. So then after he comes back, Q 17 reverses and stops his car at an angle, what do you 18 see happen between the boys and the police officer? 19 I didn't see, I just didn't see anything 20 actually happen. We just kind of heard the two 21 gunshots and I told my husband, oh, no, he's 22 shooting, they're shooting. 23 At this point did you know who was 24 shooting? 25 Α No.

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-		
		Page 22
	1	Q Okay. So you hear two gunshots?
	2	A Uh-huh.
	3	Q Were they in close succession like boom,
	4	boom, or was there a pause between the two of them?
	5	A Well, more like a pop, pop.
	6	${f Q}$ Okay. And so did your attention, was your
	7	attention always on the car or were you
	8	A No, I mean, it was just, like I said, we
	9	were walking up the steps and then all of the sudden
	10	the car was coming down the street, the kids were
	11	coming down the street, and I assume that he did
	12	what we probably should have said and told them to
	13	get out of street and go on the sidewalk.
	14	I don't know what was said, I'm just
	15	assuming.
	16	${f Q}$ Okay. So after you hear the two gunshots.
	17	A Uh-huh.
	18	Q What do you see happening at the officer's
	19	car?
	20	A That's when the victim started running
	21	away from the car and the person that was with him,
	22	he kind of disappeared. I don't know where, when
	23	the two gunshots went off, he kind of hunched and
	24	then he just disappeared.
	25	The victim kind of, when he came from

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Page 23
 1
     on the driver's side, he kind of hid on the back
     side of the car and that's when he ran, I'm hoping
 3
     I'm saying this right, there is a grassy area, he
     kind of ran over this way, he kind of ran this way.
 5
          Q
               Okay. So he's running now east down
     Canfield?
 7
               Yes, ma'am.
          Α
 8
               And can you tell at this point if he's
          0
     injured?
10
          Α
               Well, he ran this way and then he kind of
11
     got into the grassy area and he kind of stopped and
12
     looked down at his hands. I'm assuming there was
13
     blood, but he looked down at his hands and then he
14
     turned back around, he turned back around and
15
     started going back towards the police officer.
16
          Q
               Okay. Let's stop now.
17
                    After you saw, you heard the two
18
     gunshots, the victim starts running east on
     Canfield, the other guy kind of disappears?
19
20
          Α
               Uh-huh.
21
               What's the officer do?
22
               Well, by that time he's out of the car and
          Α
23
     he's kind of, I guess, chasing the victim.
24
               Okay. Now I'm going to stop you here
          Q
25
     because you said I guess, chasing?
```

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		Page 24
	1	A He got out of the car.
	2	Q You saw him get out?
	3	A I'm sorry.
	4	Q It's all right. We make these assumptions
	5	all the time, you know, that's what we do when we
	6	observe things. Oh, it looks like he was doing
	7	this. But what is important is, you talk about what
	8	you saw.
	9	So the officer gets out of his
	10	vehicle. I guess, I'm assuming, from the driver's
	11	side?
	12	A Yes, from the driver's side.
	13	Q And so at that point, could you see if he
	14	had a gun?
	15	A Yes, he had his gun.
	16	Q And could you see what he was doing with
	17	the gun or where his gun was?
	18	A When he got out of the vehicle, he did get
	19	out with his gun drawn.
	20	Q Okay.
	21	A And as I said, the victim, he ran towards
	22	this grassy area, he stopped and he looked down at
	23	his hands and then he proceeded to come back towards
	24	the officer.
	25	By the time the officer was out of
1		

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```
Page 25
     his car, I'm going to say he was running with his
 1
 2
     gun drawn.
 3
          Q
               Okay. When you say his gun drawn, I'm
     going to --
               I could see the gun.
               That's out of the holster is what it means
 7
     to me?
 8
          Α
               Correct.
               But there's, was it down at his side, was
10
     he running like this? (indicating)
11
          Α
               No.
12
               Was running like this? (indicating)
          Q
13
              He had both his hands on the qun.
          Α
14
          Q
              Okay.
15
          Α
               And he was running swiftly or walking fast
16
     towards the victim.
17
               Okay. And so did you ever observe or hear
     the officer firing, as he was running after the
18
19
     victim?
20
          Α
               Yes, he did.
21
               How many shots did you hear as he was
22
     moving towards the victim?
23
               I'm going to say he fired maybe three to
24
     four shots as they were, I guess, walking kind of
25
     towards each other.
```

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Page 26 Okay. Now, let me stop you then. 1 2 is a lot going on in here and, obviously, you know, 3 I hate to say that we have to pick this apart, but 4 we really do. 5 So as you see him, he's got his gun 6 drawn and he has both hands on it and it's pointed 7 out in front of him, you demonstrated kind of out 8 with your arms straight in front of you and he's moving towards the victim. 10 Α Uh-huh. 11 The victim, you said, stops in this area 12 here, kind of in the grassy area, so he's not on the 13 street any more? 14 No. Α 15 And then he stops and you said that he Q 16 looks at his hands? 17 Uh-huh. Α 18 Can you stand up and show the grand 19 jurors, because I know you made a motion a couple of 20 times. Show them what he looked like. 21 He looked down like this and, I think, I'm 22 going to say it was his right hand, he looked at his 23 hand and then he started walking back towards the 24 police officer. (indicating) 25 Okay. So from your vantage point if he's O.

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```
Page 27
     over here, when he stops, he's somewhat facing your
 1
 2
     direction, would that be fair to say?
 3
               He was running and he stopped, he looked
     down and he turned around like this.
 5
          Q
               Could you see anything in his hands?
          Α
               No.
 7
                     So you can go ahead and sit.
 8
     did the officer fire his weapon at any time other
     than in the car, did he fire his weapon before the
     victim turned around?
10
11
          Α
               No.
12
               Okay. So the victim stops, looks down at
13
     his hands?
               Uh-huh.
14
          Α
15
          Q
               And then turns around. At this point,
16
     does the officer fire?
17
                     Well, he turned around like this and
     he started moving towards the cop.
18
19
               Okay.
          Q
20
          Α
               And then he is standing there, and he just
21
     proceeded to shoot.
22
               Could you hear either the officer or the
          Q
     victim say anything?
23
24
          Α
               No, ma'am.
25
               So when you saw Mike, well, the victim,
          Q
```

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```
Page 28
     when you saw him move toward the officer, can you
 1
 2
     describe his pace, do you understand what I mean by
 3
     that?
               Uh-huh.
          Α
 5
          Q
               Okay.
               I mean, he wasn't running, he just, to me
7
     it was slow motion, so he turned around, looked down
 8
     at his hands.
               Let me ask you some questions just to help
10
     you out through this, okay.
11
                    So from the time the victim turns
12
     around, is the officer still moving toward him or
13
     has the officer stopped?
14
          Α
              He stopped.
15
          Q
            He'd stopped?
16
          Α
               Uh-huh.
17
               Are you good at guessing or judging
          Q
     distances?
18
19
          Α
               Not really.
20
          Q
               All right. So let me ask you this --
21
          Α
               He was not this close to him.
22
               This is too close?
          Q
23
               Yes.
          A
24
               All right. Tell me when you think.
          Q
25
          Α
               About right there.
```

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	Page 29
1	Q Okay. So what do you want to guess that
2	to be 20 feet, close to 20 feet. And so after the
3	victim stops and turns around, when he moves in the
4	direction toward the officer, does the officer move?
5	A Not really, no.
6	$oldsymbol{Q}$ Okay. So he stays basically in the spot
7	where he had stopped?
8	A Uh-huh.
9	${f Q}$ And how close then does the victim get to
10	the officer?
11	A He just kept walking.
12	Q What were his hands doing as he's walking?
13	A I'm sorry. He is walking like this and he
14	kept walking, and I asked my husband, why won't he
15	stop.
16	Q Were you or your husband or anyone else
17	that you can hear yelling anything, that you recall,
18	saying to your husband, why won't he stop?
19	A Why won't he stop. I asked why does he
20	keep shooting him.
21	Q So I can be clear about this, the officer
22	did not shoot at him while he was running away from
23	him?
24	A No, ma'am.
25	Q He turns around and starts walking back to

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```
Page 30
     the officer, is that when the officer starts
 1
 2
     shooting?
 3
          Α
               He just, I mean, he was walking back
     towards him and he started, he started shooting.
 4
                                                         Не
 5
     just kept shooting, he just kept shooting. And I
 6
     asked my husband why is he, why won't that boy stop.
 7
               Do you recall hearing the gunshots in your
 8
     mind, can you hear them?
          Α
               (Nods head.)
10
               Was there just one succession of gunshots
11
     or were there shots, then a pause and then more
12
     shots?
13
          Α
               He shot like maybe three or four times,
     and he stopped. And then he just started shooting
14
15
     again.
16
               When he shot three or four times, did
          Q
17
     Michael Brown go down to the ground at that point?
18
          Α
               No.
19
               He was still standing?
               And so I asked my husband, well, maybe he
20
21
     doesn't have real bullets, maybe they are rubber
22
     bullets, he's not stopping, why doesn't he stop
23
     shooting.
24
                    And, of course, he couldn't answer
25
     that because he doesn't know.
```

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		Page 31
1	Q A	nd so after he shot three or four times,
2	and then th	e victim continues to walk toward the
3	officer, he	fires again, the officer shoots again,
4	about how m	any times for this?
5	A I	'm going to say three times and then
6	that's when	he collapsed, he just collapsed to the
7	ground.	
8	Q W	as he in the street or on the grass?
9	A B	y this time he was in the street.
10	Q O	kay. And when he fell to the ground, did
11	he fall on	his back, on his front?
12	A H	e fell facedown.
13	Q O	kay. Did you ever see him fall to his
14	knees?	
15	A (Shakes head.)
16	Q S	o he just
17	A H	e just kind of toppled over.
18	Q –	- he went straight down. And did the
19	officer con	tinue to fire after he fell on the
20	ground?	
21	A N	o, he just kind of stopped and kind of
22	froze and j	ust looked.
23	Q D	id you see the officer approach his body?
24	A H	e didn't touch him.
25	Q O	kay. And at this point, are there any

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Page 32 1 other police vehicles in the area at this point? 2 At this time there was a white car, I 3 don't know what kind of car it was, a white car kind of moved around the police car and then by that time other cars started to arrive. 6 The white car, did it look like a police Q 7 car or just a white car? 8 No, I think it was just a white car on the street. 10 0 Before it moved around the police officer, 11 where it had it been? 12 I don't know, I guess they were coming down the street, but -- and they just kind of went 13 14 around. 15 Q Okay. 16 The police car. Α 17 And so was that car moving west on Canfield then? Did you see that car leave the area 18 19 then or did it just park over here? 20 Α I think it just parked over there. 21 Okay. What about the shorter kid, did you 22 ever see him again? 23 No, ma'am. Α 24 After Michael Brown was down on the 25 ground, did you ever see anyone move his body before

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```
Page 33
1
     it was eventually removed from the seen?
 2
         Α
               No.
 3
               What about the officer's vehicle, did you
          Q
     ever see the officer get back in his vehicle?
 5
          Α
               Huh-uh, no.
 6
               Did you continue to watch after this or
7
     did you go inside?
 8
               No, we were standing there and, um, I just
 9
     said, I told my husband, he just killed that baby.
10
               MS. WHIRLEY: I can't hear, I'm sorry.
11
               I'm sorry. After that all happened, I
12
    just said, I told my husband I said, he just killed
13
    him, he just killed that baby. By that time
14
                   came outside and, of course,
15
    years old, just try to tell to go back in the
16
    house.
17
              (By Ms. Alizadeh) Was your
          Q
18
19
         Α
                   was inside her apartment.
                                              There is a
20
    patio door, was kind of standing inside the
21
    patio door.
22
               Had seen some of it, was upset?
          Q
23
              Very.
          Α
24
               And how about you, you were upset at this
25
    point?
```

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```
Page 34
               Yeah, because I had never witnessed
 1
 2
     anything like that. So, of course, there are a lot
 3
     of questions to why. I mean, I have a son, I have a
                 son, and they could of --
 5
          Q
               Do you need to take a break?
              (Shakes head.)
          Α
 7
               The --
          Q
 8
          Α
              I'm sorry.
               You're doing all right. Just breathe,
     okay. Take a little water.
10
11
                    What's your son's first name?
12
                                         This is why
          Α
13
     issues like this is why we don't frequent my
14
                       There is a lot of things going on
15
     down there and my son does not go down there unless
16
     he's with us.
                    I have a
                                         child and that
17
     could have been my son, and so that is why it is
18
     hard for me.
19
               Okay. When you saw the victim turn around
20
     and walk toward the officer, and you had
21
     demonstrated kind of that his hands were in the same
22
     position?
23
               Uh-huh.
          Α
24
               And I'm going to describe this, you tell
25
    me if I'm describing it accurately, but his hands
```

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		Page 35
1	are, his	fingers are pointed toward the ground?
2	A	Yeah.
3	Q	His palms are facing forward?
4	A	Yes.
5	Q	And his arms are slightly bent at the
6	elbows, b	out to his side?
7	A	Uh-huh.
8	Q	Is that accurate?
9	A	Yes, ma'am.
10	Q	Did his hands, when he turned around, did
11	his hands	s stay in that position?
12	A	Pretty much.
13	Q	And as he walked toward the officer?
14	A	They stayed.
15	Q	Did they ever go up?
16	A	No.
17	Q	You never saw them go up like this?
18	(indicati	ng)
19	A	No.
20	Q	What about, did you ever see his hands go
21	towards h	nis side or like was he ever
22	A	No.
23	Q	feeling on his abdomen like for?
24	A	No.
25	Q	Never saw that?

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Page 36 1 (Shakes head.) He had on a white T-shirt 2 and khaki pants or shorts. He didn't have a hoodie 3 on like most of the kids, he didn't have a hoodie on or anything where he could have did anything like 4 5 that. 6 Okay. And never heard the officer or him Q 7 say anything? 8 Α No. Okay. Um, did, when he was walking toward 10 the officer, did you feel, in your opinion, was that 11 in a threatening manner? 12 No, he wasn't. He didn't have his hands 13 up fist ball or anything of that nature. I think he 14 was stunned, honestly. He just turned around and he 15 just, like I said, he turned around and he looked at 16 his hand and he turned around and he did like this 17 and he kept walking, he just kept walking toward the 18 officer, he didn't stop. 19 I asked my husband, why don't he just 20 stop, why don't he just be still, why don't he just 21 stop, and he didn't. 22 Did you ever see the officer get on his 23 radio or talk into a radio, either while he was on 24 the street or back at his car? 25 Α No.

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```
Page 37
 1
               At some point you saw other policemen
          Q
 2
     come?
 3
               (Nods head.)
          Α
 4
               Did you see them taping off the scene,
          Q
 5
     putting tape up?
 6
               After.
          Α
 7
               Afterwards?
          Q
 8
          Α
               Yes, ma'am.
               Did any of those officers move the
10
     victim's body?
11
          Α
               No.
12
               Did any of those officers move Darren
13
     Wilson, the officer who was involved in the
14
     shooting, his name is Darren Wilson, I don't know if
15
     you knew that, but did you see anybody move Darren
16
     Wilson's vehicle?
17
          Α
               No.
18
               What kind of car was Darren Wilson
          Q
19
     driving?
               It's an SUV, I don't know if it is a
20
          Α
21
     Blazer, I don't know it is just the regular Ferguson
22
          I don't know, I'm not good at cars, I don't
23
     know.
24
              Was it clearly marked as a police vehicle?
          Q
25
          Α
               Uh-huh, yeah. It had Ferguson Police
```

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```
Page 38
 1
     Department on the side in writing.
 2
               Did you ever notice, were the lights on?
 3
          Α
               No.
 4
          Q
               The light bar on top of the car or
 5
     anything?
 6
          Α
               Huh-uh.
 7
               What about a siren or one of those
 8
     squawkers, did you here any whoop, or anything like
     that?
10
          Α
               No.
11
          Q
               Okay.
12
               MS. ALIZADEH: Does anybody have any
13
     questions?
               MS. WHIRLEY: I do, yeah.
14
15
          Q
               (By Ms. Whirley) Tell me what you meant by
16
     things are going on at Canfield Apartments where you
17
     won't allow your
                                   son to go there without
18
     you?
19
               It is just not an area that I want him in.
20
     I mean, it's just a lot of things that go on just,
21
     it's not a safe environment.
22
               Okay.
          Q
23
               So, I mean.
24
               You mean like the other folks that live
25
     there?
```

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		Page 39
1	A	Yeah.
2	Q	Or the police?
3	A	Just the complex in general. I just, it
4	is not sa	fe, it is not somewhere I want him.
5	Q	Okay. Can you tell me where you were on
6	the map w	hen the police first encountered Mike Brown
7	Michael a	nd Dorian Johnson?
8	A	We were walking up the steps, this little
9	patio,	porch.
10	Q	You were on porch?
11	A	Uh-huh. And then this is where
12	apartment	sits.
13	Q	So were you watching them when the police
14	encountered them or were you walking to the	
15	apartment	?
16	A	It is open, so you can see whatever is
17	going on	on Canfield.
18	Q	And it had your attention because it was
19	the police?	
20	A	Uh-huh.
21	Q	And a couple kids in the middle of the
22	street?	
23	A	Uh-huh.
24	Q	Okay. Now, you said that the police, show
25	me here o	n the map where you were when the police,

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```
Page 40
 1
     after Michael Brown ran from the car, where were you
 2
     when the police first started firing?
 3
               Right here. We hadn't gone into the
          Α
 4
     apartment.
               You were still outside?
          Q
          Α
               Uh-huh.
 7
               And you were, of course, watching at this
          Q
     point?
 8
          Α
              Yes, ma'am.
10
          Q
               And you have good vision?
11
          Α
               Yes, ma'am. And I have contacts, I'm over
12
       , yeah, bifocals, actually, yeah.
13
               You could see clearly, there was no
          Q
     impairment for you to see?
14
15
          Α
               Nothing wrong with my vision, no.
16
               Well, I guess you already told us, when
17
     Michael Brown and the officer, I quess, he was
18
     facing the officer and the officer first started
19
     shooting you said about 20 feet?
20
          Α
               Approximately.
21
               How far apart they were?
          Q.
22
               Yes, ma'am.
          Α
23
               Did you ever see Michael Brown charging at
     the officer?
24
25
          Α
               No.
```

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```
Page 41
 1
          Q
               Okay.
 2
          Α
               I mean, he turned around, and I'm assuming
 3
     that he was just stunned, that's how it appeared to
          That he looked down at his hands and he saw
 4
 5
     blood. He turned around and he just started walking
 6
     back towards the officer.
 7
               Did it appear that he was surrendering?
 8
               I guess you could say that.
          Α
               You were there?
          0
10
          Α
               I assumed that that's what he was doing,
11
     but I couldn't hear words being, between the two
12
     people because I don't recall them saying anything,
     I don't recall.
13
               I'm sorry, I'm trying not to talk at the
14
15
     same time. Did it seem like they were talking or
16
     words were being exchanged, even though you couldn't
17
     hear them?
18
               I really can't say.
19
          Q
               Okay.
20
          Α
               To be perfectly honest, I can't say. I
21
     would assume and I would hope, but I can't say.
22
               Where did you see Michael Brown's body
          Q
23
     fall after the last shooting?
24
               He was in the street. I want to say maybe
          Α
25
     about right here. (indicating)
```

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- 1				
			Page 42	
	1	Q	Okay. It looks like to you it is right	
	2	around Copper Creek Court?		
	3	A	Yes.	
	4	Q	And Canfield Drive?	
	5	A	Yes, ma'am.	
	6	Q	Was it like east of the intersection? I'm	
	7	sorry, west of the intersection?		
	8	A	He was going back towards the police car.	
	9	Q	Okay. Which was headed west initially?	
	10	A	West, uh-huh.	
	11	Q	So west of the intersection. In your	
	12	opinion,	did it appear necessary for the officer to	
	13	shoot him	n that last time?	
	14	A	No.	
	15	Q	Why?	
	16	A	Because he had stopped, I mean, he was	
	17	kind of s	standing there and he just started boom,	
	18	boom, boo	om, boom, and he just fell.	
	19	Q	Okay. So when you said he had stopped?	
	20	A	He was just standing there, he wasn't	
	21	moving, h	ne wasn't running, he wasn't doing anything.	
	22	Q	So the last round of shots, Michael Brown	
	23	was not e	even walking towards the officer?	
	24	A	No. He walked and then it was like as he	
	25	was shoot	ing, he just started falling like a domino,	

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Page 43 1 he just kind of fell. 2 Okay. So explain to me, I don't want to 3 be confused. Why you didn't think it was necessary for him to shoot those last rounds of shots at 5 Michael Brown? 6 I just think it was too much. I mean, 7 that's just me being a mother, this being a child, 8 he was not charging at him, he did not have a weapon that I could see, I mean, I guess because these are 10 the question that I asked my husband. 11 Okay. Q 12 I asked him whatever happened to a warning shot, whatever happened to shooting in the ankle or 13 somewhere just to stop him, but he just kept going. 14 15 Q Okay. 16 MS. WHIRLEY: All right, thank you. Any 17 questions? 18 MS. ALIZADEH: Let me ask a couple more 19 questions, 20 (By Ms. Alizadeh) When you first saw them 21 at the car, after the officer had backed up, did you 22 see any kind of confrontation at the car? 23 I don't know what happened inside the Α vehicle when the first two shots went off. 24 25 Q. Uh-huh.

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```
Page 44
               I don't know what was said, I don't know.
 1
 2
               So at this point Michael Brown, or the
 3
     victim, is standing outside the driver's window or
     driver's door, right?
          Α
               Yes.
               And was he close to the vehicle?
          Q
 7
          Α
               Like right here. (indicating)
 8
               And you are motioning?
          0
          Α
               I'm sorry.
10
          Q
               It is about an arm's length?
11
          Α
               Uh-huh.
12
               Did you notice if any part of his body was
          Q
     inside the vehicle, could you tell?
13
14
               No.
          Α
15
          Q
               It wasn't or you couldn't tell?
16
          Α
               I couldn't tell.
17
                     So you don't know what was going on
               Okay.
     between the officer and the victim at the vehicle
18
19
     except that they were up close within?
20
          Α
               In proximity.
21
               Close proximity. And then you heard two
          Q
22
     gunshots?
23
               Yes, ma'am.
          Α
24
               And it was after the second gunshot
          Q
25
     that --
```

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```
Page 45
         Α
1
              He ran.
              -- he ran?
          Q
 3
               Uh-huh.
         Α
               After the first gunshot, did Michael Brown
          Q
    or the victim remain at the driver's window?
 5
         Α
               Uh-huh.
7
               Or did he back away from the car?
 8
               The shots were like consecutive. It was
          Α
     like boom, boom. I'm like, oh, no, they're
10
     shooting. And I sat there because I didn't know who
11
    was shooting. And that's when he backed away from
12
    the car and started to run, and that's when the
13
     officer got out of the car to run after him.
14
               MS. ALIZADEH: All right.
15
               MS. WHIRLEY: Questions?
16
                                                    When
17
    you said it is not a safe area, if I could get just
     a little bit more clarification. This is not a safe
18
19
            Is there gang activity in the area that you
20
    know?
21
               Honestly, I don't, I don't know. I just
22
    don't want my child there. When I say that, it is
23
     just that my son is years old, he's
24
                , he's a good kid. Things happen, police
25
    are always down there. I don't know what goes on.
```

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```
Page 46
     I honestly don't go down there at night. So when I
 1
 2
     say I don't want my child there, he abides by what I
 3
     tell him and he goes places where I feel he is going
     to be safe.
 5
                                I understand.
 6
               I understand that's
                                                    's
          Α
7
     home, I'm not comfortable with him being
 8
                   daughter, and
                                                   knows
     they can come and take out during the day, but
10
     it is just too much, it is too much activity,
11
     whether it is the residents or police or whatever, I
12
     don't want him there.
13
                    And as a mother, he does what I tell
     him to do. So it has nothing to do with that.
14
15
     mother is a business owner, I don't like for him to
16
     go where her business is at night because he's
17
     This is my way of protecting my child as much as I
18
     can protect him.
                                Uh-huh.
19
20
               When I say go somewhere, he don't go.
21
              he drives, he's a good student, but when he
22
     leaves my house and he's going somewhere, he needs
23
     to give me a phone call.
24
                               Uh-huh.
25
          Α
               And that's what I expect him to do.
```

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Page 47
     he's on his way home, he needs to give me a phone
 1
 2
     call.
 3
                                Uh-huh.
 4
          Α
               But that's my way, that's our way of
 5
     protecting him as much as I possibly can. I don't
 6
     know what happens there because I don't live there.
 7
                                Uh-huh.
 8
               But I don't want him there because it is
          Α
 9
     too much police activity, there is too many people
10
     many walking up and down the streets all the time,
11
     and I don't know what they do there because I don't
12
     live there, but I don't want either one of my kids
13
     there. I'm going to tell you how I feel and my
14
     husband.
15
                                If I can ask another
16
     question being a mother, like you said, of a
17
                   Do you also advise him to respect --
18
               Yes.
          Α
19
                              -- law officers?
               Every time I tell him what to do and he
20
          Α
21
     even encountered being stopped by a police officer
22
     and it scared him to death because he was not doing
23
     anything, this is when he first learned how to
24
     drive. He was going to my aunt's house, it was dark
25
     and I don't know if you all are familiar with Parker
```

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Page 48 Road, there are no lights on Parker, he had his high 1 2 beams on. The police officer pulled him over and he 3 stopped, he was not disrespectful, he was not belligerent, he pulled out his insurance, his 4 5 license and the police officer told him, young man, 6 I'm just giving you a warning, turn your high beams 7 And my child was so afraid, the officer wanted 8 to know if he needed us to come and pick him up. So he respects the authority, 10 however, I don't want him to be in a situation where 11 he has to second guess anything that my husband and 12 I have told him about, what he's supposed to do when 13 he's encountered by a person of authority. My child 14 has a 3.5 GPA. He's never been suspended, he's 15 never been in trouble, but it is always that one 16 incident. 17 When he leaves the house, he's only 18 to have two people in his car outside of his sister. 19 I mean, I mean, I was a teenager, my husband was as 20 well, but we try to train him and teach him to do 21 things that he's supposed to do. But that's not 22 always the case. And when you have other people in 23 your car, you don't know what they have on them. 24 we've given him as much guidance as we possibly can. 25 Now whether or not he uses it when he

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 1
     walks out the door, that's another story.
 2
                               Uh-huh.
 3
               MS. ALIZADEH:
                                           just to
     clarify, the officer that pulled over your son, was
 4
 5
     he a Ferguson officer?
 6
          Α
               No, he was a county.
 7
               MS. ALIZADEH: Okay. And that encounter
 8
     went okav?
               He was fine, it just scared him to death.
          Α
10
               MS. ALIZADEH: Maybe that's a good thing,
11
     right.
12
               I mean, when he got in the house, he was
13
     trembling. I mean, he was shaking, and we were like
14
     what is wrong with you. He is like, I got stopped.
15
     I'm like, okay. Calm down, but because he knows he
16
     has to respect authority. And he just, but I didn't
17
     do anything. Which I understand that, but he had
18
     his high beams on on a dark road and he could have
19
     blinded the other driver.
20
                    And, again, like I said, he was
21
     just learning how to drive. It was dark, he figured
22
     I turn on the high beams and I will be okay.
               MS. ALIZADEH: But the officer wasn't
23
24
     belligerent with your son?
25
          Α
               No, huh-uh.
```

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Page 50
 1
               MS. ALIZADEH: And just, again, I didn't
 2
     ask you to make sure, but do you know any Ferguson
 3
     police officers?
          Α
               Um, I don't think he's a Ferguson police
 5
     officer. One of the coaches for my kids track team,
     I can't think of the man's name, he was a Ferguson
 7
     police officer and I believe he's retired.
 8
               MS. ALIZADEH: Okay. Did you know Darren
 9
     Wilson?
10
          Α
               No.
11
               MS. ALIZADEH: Any other questions?
12
                                          If you could,
13
     take me back to the time when Michael Brown ran into
14
     the grassy area as you said, is turning around?
15
          Α
               Uh-huh.
16
                               Before he was shot at by
17
     the police officer after running?
18
               Uh-huh.
          Α
19
                               And started moving back
20
     towards the officers with his hands down like this,
21
     both you and
                          have both kind of said that
22
     there was a sense of frustration with you why
23
    Michael Brown was still moving forward a little bit,
24
     sounds like you were both a little frustrated with
25
     that. Can you describe that a little?
```

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               I didn't understand why he just didn't
 1
 2
     stop and maybe get on his knees, just stop moving
 3
              I just didn't understand why he kept going.
     I mean, I don't know if his parents have talked to
 5
     him about ten and two and doing certain things when
 6
     you are stopped.
 7
                    So, yes, I was frustrated.
 8
                                Okav.
               I don't honestly think he has been taught
10
     what to do and that's just my personal opinion.
11
     Again, as I say, I have a
                                            son, and so
12
     you know, there is certain things that you do and
13
     don't do when you are approached by authority.
14
     he just, he just should have stopped. He just
15
     should have stopped.
16
                                Do you have any idea or
17
     logical guess as to how much distance he covered
18
     moving back towards the officer, was it a few steps,
19
     was it ten steps?
20
          Α
               No, it was probably maybe ten steps.
21
                               Okay.
22
          Α
               He was close enough to, I think reassure
23
     the officer that he was not a threat, that's my --
24
               MS. WHIRLEY: He is what?
25
          Α
               He was close enough where he wasn't a
```

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```
Page 52
 1
     threat. I think when he turned around and his hands
     are down, I think the officer should have said okay,
 3
     I mean, I don't know, I don't know what was going
     through his mind. I don't know what was going
 4
 5
     through the victim's mind, but again, I was
 6
     frustrated because he just, I mean, he just should
 7
     have stopped and I guess, I don't know, he should
 8
     have did something different than just keep on
 9
     moving.
10
                                Thank you.
11
                                          The officer, was
12
     he moving at that time as Michael Brown was
13
     approaching him or maybe when he paused between the
14
     two series of shots or at any time?
15
          Α
               He was standing still.
16
                                Was the officer moving
17
     towards Michael, away from Michael or standing
18
     still?
19
          Α
               He was standing still.
20
                                Through all the shots he
21
     was just standing still?
22
               Uh-huh.
          Α
23
                                       Thank you.
                                Okay.
24
                                                  I quess
25
     at the time when he turned around and he had his
```

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 1
     hands like this? (indicating)
 2
          Α
               Uh-huh.
 3
                               You said that, you could
     see both of his hands?
          Α
               Uh-huh.
 6
                                In your opinion, could the
 7
     police officer see both of his hands?
 8
               Yeah, honestly, yeah, I believe so.
          Α
                                Thank you.
10
                                         . Could you see
11
     Michael Brown's face or was his back to you when he
12
     had his hands like?
                          (indicating)
13
               When he turned around this way, it was his
          Α
     back and then he was looking this way, it was still
14
15
     his back, but you could see his hands out to his
16
     side.
17
                                 And you say he wasn't
18
     charging, he was just moving forward?
19
               I want to say it is almost as if you tell
20
     somebody to come here and they're coming, but he
21
     just kept walking, he just kept going, he just
22
     didn't stop. Even today, I don't know why, I don't
23
     understand that and when it was all going on I asked
24
     my husband why won't that child just stop.
25
                              : I understand. This
```

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     question is hard for me to ask, okay. This one you
 1
 2
     said that in your opinion because you're a mother,
 3
     you felt like it was too much, too many shots, I'm
 4
     going to ask you if it was your husband or child
 5
     that was the officer, would you feel the same way?
 6
               Yes, I would.
          Α
 7
                                 Okay.
                                       Thank you.
 8
               I have to be perfectly honest, this has
          Α
 9
     changed his life, it has changed this child's
10
     family's life, everybody's life and it went from 0
11
     to 100. And honestly, I think it was just something
12
     that could have been thought through a little bit
13
     more because his life has changed, no matter what
14
     happens, both of them. It has changed a lot of
15
     lives.
16
                              : I do,
                                                  I just
17
     want to make sure that I heard you correctly.
18
     said the last shots were fired, the ones that you
19
     feel were excessive, Michael Brown was not walking
20
     towards the officer at that time, he had stopped?
21
          Α
               No.
22
                                Okay. Thank you.
23
                                                 Just one
24
     clarification. Were there any other cars besides
25
     the white car that you saw that could have been
```

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     blocking the police officer where he had to walk
 1
 2
     around to come and show his full body?
 3
          Α
               No.
               MS. ALIZADEH: Any other questions?
 5
                                                 At any
     time did you see Michael Brown reach under his
7
     shirt?
 8
              No, I did not.
          Α
 9
                               Thank you.
10
               MS. ALIZADEH: All right. This will
11
     conclude the testimony of
                                                    Thank
12
     you.
13
               (End of the testimony of
14
           .)
15
               MS. ALIZADEH: It is October 6th, it is
16
     9:47. We just had a midmorning break. This is
17
     Kathi Alizadeh, present also is Sheila Whirley and
     all 12 grand jurors, as well as the court reporter.
18
19
     We will be playing a couple of recorded statements.
20
               I thought, and Sheila and I decided, we
21
     talked, probably make more sense to play
22
            s statement first since she just testified
23
     and be fresh in your mind. And the first statement
24
     is about, well, it is 54 minutes and 32 seconds. It
     is just under an hour.
25
```

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 1
               So we will start that, we will cease the
 2
     audio recording while the statement is playing. And
 3
     then at the conclusion of that statement, we will
 4
     play the statement of
                                          , which is
 5
     considerably shorter. Although I don't know how
     short, I have to find out, all right. So at this
 7
     time we'll cease the audio recording and begin
 8
     playing the statement. While the statement is
     playing, I will pass around Grand Jury Exhibit
10
     Number 32.
11
                         (Grand Jury Exhibit Number 32
12
                         marked for identification.)
13
               MS. ALIZADEH: Which is a map that
                       used during her statement and she
14
15
     made some drawings and labeled some things as the
16
     statement is being played. It might be helpful for
17
     you to be able to have seen this.
18
               MS. WHIRLEY: Her recording, just for the
19
     record, is Grand Jury Exhibit Number 24.
20
               (Interview of
                                                is being
21
     played at this time.)
22
               MS. ALIZADEH: It is 10:44 a.m. here and
23
     so I have passed around Grand Jury Exhibit Number
24
          This exhibit, as well as all the others that
25
     we've seen and used will be available to you if you
```

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Page 57 1 want to see it again or at the conclusion of all the 2 evidence, will be made available to all of you 3 again. We had a change of plans today. The 5 witness for this afternoon left me a message needing 6 to reschedule, so I have now gotten ahold of the 7 firearms examiner who is going to come over at 8 1:00 or whenever you are done with your lunch break. So he will give his testimony after lunch. 10 going to try to get somebody else. He won't take an 11 hour and a half, but I will try to get another 12 police officer or someone else to come in to round 13 out the rest of the afternoon. 14 And as of right now, I've got to see 15 what's going on outside of this room. If you want 16 to take a quick break since we will start back up 17 with listening to more statements. 18 (Recess). 19 MS. ALIZADEH: It is 10:54, this is Kathi 20 Alizadeh. Sheila Whirley is not in the room, she's 21 just outside. All 12 grand jurors are present, as 22 , the stenographer, and right now Judge is 23 asked her to come over and she needs to 24 address you as a group. There won't be any 25 individual questioning, but she's going to talk to

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Page 58 you as a group right now, all right. 1 2 Neither Sheila nor I will be in the room 3 when she's here to talk to you. 4 THE COURT: It is Monday, October 6th, and 5 I'm back in front of you mainly because I'm always 6 thinking about you and I have a little bit of 7 information that I want to share with you. 8 hope that what I'm here to say will also guide you. Um, I received some information that some 10 of you, and by the way, I have no names, and you are 11 not at the principal's office right now, you have 12 not been called to the principal's office. I want 13 to assure you about that, but some of you may have 14 done some independent investigation or some 15 research, and I'm here to caution you about that. 16 Your job, as you know, when I told you 17 when you started here will be to listen to the evidence that you're going to hear and then at some 18 19 point, you're going to be deliberating. 20 It's very important that you all come to 21 deliberate, that you are all considering the same 22 evidence. You will each have thoughts about the 23 evidence you've heard, you will each have opinions, 24 but the very important thing to give the decision 25 you make credibility and value is that you are all

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- 1 considering the same information and evidence.
- 2 And so I'm here to caution you do not go
- 3 out and do independent research and investigation.
- 4 If there is something you want, you tell the
- 5 prosecutors. They will go and get that for you.
- 6 And if they can't get it for you, they'll tell you
- 7 why they can't get it.
- 8 Ask for anything you think you need to
- 9 reach the decision you're going to be reaching, and
- 10 I can't caution you enough about that.
- I think of you often and I think of you
- 12 because, and I told you this before, I told you at
- 13 the beginning and I still tell you this, you are the
- 14 face of our community. This decision is important,
- 15 you are good people. You collectively are our St.
- 16 Louis County. We have St. Louis County, that's our
- 17 community here.
- 18 You are, you are the face of our
- 19 community. Your decision will be the decision of
- 20 the community because you good people have listened
- 21 to all of this evidence and then reached your
- 22 decision.
- The decision you reach will be thoughtful,
- 24 it will be thorough, and it will be based on as much
- 25 evidence as you ask for and as can be brought to

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Page 60 1 you. 2 And just so you are deliberating and 3 talking back and forth, just so you all know, you're thinking about the same evidence. That's why it is 4 5 so important that you not do this independent 6 research, independent investigation. 7 So I'm going to ask you to please, if 8 there's something you have, it has to be shared 9 collectively. I'm going to ask you from this point 10 forward, do not go forward and do anything 11 independent. Ask the prosecutors for it. 12 I guess I've stated what I really wanted 13 to state, but I have such faith in you. 14 you, no matter what the decision is, your decision 15 is going to be the result of a well thought out and 16 conscientious approach to considering it. That's 17 what is provided for in the law. You're going 18 through a very hard task at this time. 19 But when you go through that task, you 20 should know at the end of the day, and I will know 21 at the end of the day, you have done everything that 22 is provided for under the law in our justice system 23 when grand juries sit, and you have done everything 24 that has been asked of you as a citizen of St. Louis 25 County.

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Page 61 1 So my caution to you is if there is 2 anything you want, you tell these prosecutors, they 3 will get you that information. And if they can't, they will tell you why, ask them why. You are 4 5 certainly free to do that. 6 But keep yourself safe too. I respect the 7 law and I follow the law and I'm following the law 8 right through to the very end. And, um, I will answer questions that people have because people are 10 free to ask questions in our justice system. 11 If the press comes to me and ask me 12 questions, I am going to follow the law in that 13 regard. I believe I have followed the law up to 14 this point with regard to any questions from the 15 media, I will continue to do that, but when you do 16 independent investigation, I worry that you keep, 17 that you may expose yourself to dangerous 18 situations, and you may create a situation where 19 people start talking about you and reporting they've 20 seen this, they've seen that, and it may lead to 21 more problems than we could ever imagine. 22 So please keep your research and 23 investigation here in this room, please keep 24 yourselves safe and please know that you are the 25 very good people of St. Louis County, we are lucky

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 1
     to have in St. Louis County doing this very hard
 2
     work. Your collective decision when you reach it
 3
     will be the decision, no matter what it is. I don't
     know what it is, I'm pretty darn sure you don't know
 4
     what it is at this point.
 6
               That is the decision that our justice
7
     system has thought about, provided for in the laws,
 8
     and will guide you ultimately to making your
     decision and decide what the next step will be under
10
     our justice system.
11
               So it is nice seeing you once again.
12
     Thank you for your very hard work. That's all I
13
     wanted to say, thank you.
14
               (End of Judge
                                        's statement.)
               MS. ALIZADEH: All right. It is
15
16
     11:04 a.m. on October 6th. This is Kathi Alizadeh,
17
     present also is Sheila Whirley, all 12 grand jurors
18
     are present as is
                        , the court reporter.
19
     next going to play a taped statement from
20
              If you recall, he's already testified, I
21
     think, last Thursday. We'll hand out the
22
     transcripts. And then as usual, we will have
23
     pause the recording while the recorded statement is
24
     being played and then we'll resume.
25
               I don't have, if there is a map, I don't
```

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 1
     have it. So I will have to, they talk about doing a
 2
     map in the statement and I don't remember if they
 3
     do. If they have a map, then I'll have to get that
 4
     for you this afternoon.
 5
               So pause the recording now, we're going to
 6
     play from State's Exhibit Number, Grand Jury Exhibit
7
     Number 24, which is the disc that contains witness
 8
     statements, including the statement of
10
               (Interview of
                                             is being
11
     played at this time.)
12
               MS. ALIZADEH: It is 11:15, we just
13
     finished listening to the recorded statement of
14
15
               Uh, I'm now going to pass out some
16
     transcripts and we will listen to the recorded
17
     statement of
                                 Her statement is also
18
     being played on a disc, from a disc that is on Grand
19
     Jury Exhibit Number 24. And
                                         is going to pause
20
     the audio recording while the statement is being
21
     played.
22
               (Interview of
                                           is being played
23
     at this time.)
24
               MS. ALIZADEH: And I believe, although the
25
     officer didn't specify, that he starts out in the
```

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Page 64 1 interview and he says that he is at 2 with , I believe that that is where she 3 lives, which on the map is right here, Building Number . Okay. 5 And I will also let you know that we have 6 a map that has been put together for you that has 7 the dots on it of every one of the witnesses who are 8 testifying and you will have a legend that will have the number of the witness and then the name. 10 So eventually when all the witnesses are 11 done testifying, we'll have that and you will be 12 able to go back and say this is where that girl was, 13 this is where that guy was and so forth. 14 So it will kind of help to pull all of 15 that together, but right now since we haven't heard 16 from all the witnesses and the map is already marked 17 with all the witnesses, we are going to wait until 18 we get all of those people on to testify. So you 19 don't have to worry about trying to remember so much 20 as far as where everybody was because there will be 21 a map given to you that kind of lays that out. 22 Um, also, there is a recorded statement of 23 that was done on September 30th, by the 24 FBI. And I just got that transcript this weekend, 25 and I haven't got the actual recording yet, but I

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 1
     did talk to the agents this weekend and I'm hoping
 2
     that they're going to drop off this recording, as
 3
     well as some other recordings this morning. So I
     will check during the lunch hour and if I have that
 4
 5
     recording, then we will listen to that after the
 6
     lunch hour.
 7
                            is scheduled first thing in
 8
     the morning. If we don't get on that this
 9
     afternoon, we will try to listen to that before she
10
     testifies in the morning, okay?
11
               And so we'll just skip that second
12
                               for now, and the next
     statement of
13
     statement that I'm going to play is a statement of
14
                   She's also scheduled to testify
15
     tomorrow. And if you recall,
                                                is the
16
     fiancee of
                               whose already testified.
17
     I'm going to pass out, obviously, not obviously, but
     her statement is very brief as well.
18
19
               (Interview of
                                        was played at
20
     this time.)
21
               MS. ALIZADEH: It is 11:28. We just
22
     finished playing a recorded statement of
23
          , which was played on Grand Jury Exhibit Number
24
     24.
25
               At this time, unfortunately, I don't have
```

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 1
     anything scheduled, although I do have a witness
 2
     scheduled for tomorrow. I don't have transcripts
 3
     printed up yet, let me see if it is on there.
               You want to see how long that statement
 5
     is?
 6
               If you want to hang tight, I can try to
7
     print out a ten minute statement that will get us
 8
     closer to the lunch hour. Hopefully it will just
     take me really quick.
10
               MS. ALIZADEH: And,
                                        , if we want to
11
     go ahead and pause the audio recording and then we
12
     can step out while I'm printing these up. And if
13
     you guys want to talk, you are able to do that while
14
     we are out of the room, okay.
15
                           (Recess)
16
              MS. ALIZADEH: It is October 6th, 2014, it
17
     is 11:36. This is Kathi Alizadeh, Sheila Whirley is
18
     present, as well as all 12 grand jurors and the
19
     court reporter. So we took a brief break while I
20
     printed up some transcripts. So we're next going to
21
     play for you a recorded statement from a witness
22
     whose name is
                     , and I believe that's
23
24
               Who is, he's a juvenile. I can't remember
25
     how old he is. I am hoping he is going to be able
```

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 1
     to testify tomorrow, that's the plan. We will go
 2
     ahead and listen to his statement now and get that
 3
     out of the way.
               His statement is about ten minutes long I
 4
 5
     think, you said Sheila? And it is also contained on
 6
     Grand Jury Exhibit Number 24.
 7
                                              is being
               (Interview of
 8
     played at this time.)
 9
               MS. ALIZADEH: All right. It is 11:48,
10
     this concluded the playing of the recorded statement
11
     done on August 9th, 2014 of
                                                    And so
12
     at this time we'll go ahead and begin our lunch
13
     break. I think the lunch is supposed to be
14
     delivered at noon. So if you all want to just take
15
     a break and use the restroom and whatever, or chat
16
     amongst yourselves. And then when the food gets
17
     here, we'll give, you know, a good amount of time to
     eat and then you'll just let us know when you are
18
     ready to start up after you are eating your lunch.
19
20
               The next witness I hope is going to be
21
     here, he's going to be here like a quarter after
22
     noon that is for me to talk to him. We should be
23
     able to get going as soon as you're ready. All
24
     right. So we'll conclude for the morning.
25
                          (Lunch recess taken)
```

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               MS. ALIZADEH: This is Kathi Alizadeh.
                                                       Ιt
 1
     is October 6th at 12:58 p.m. I'm present, as well
 3
     as Sheila Whirley of the prosecutor's office, all 12
 4
     grand jurors are present. We're going to begin the
 5
     afternoon session. We are going until about
     2:30 today. I have had to, we had a witness cancel,
 7
     so I did my best to get a couple of people in here
 8
     to make good use of your time for this afternoon.
               So the first witness you are going to hear
     from is
10
                                  And then on his way is
11
     another detective, his name is
12
     So hopefully we'll get the two of them in.
13
     apologize if it is not 2:30, then you guys are going
     to break early today and go on your way because I
14
15
     don't think I can get anybody else in this
16
     afternoon.
17
               So if the witness now would be sworn.
18
19
     of lawful age, having been first duly sworn to
20
     testify the truth, the whole truth, and
21
     nothing but the truth in the case aforesaid,
22
     deposes and says in reply to oral
23
     interrogatories, propounded as follows, to-wit:
24
                         EXAMINATION
25
```

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Page 69
 1
     BY MS. ALIZADEH:
 2
               Could you please state your name and spell
     it for the court reporter?
 3
          Α
 5
          Q
               Um, can you please tell me how you're
     employed?
 7
               I am a police officer with St. Louis
 8
     County Police Department, assigned as a firearm and
     tool mark examiner in the crime laboratory.
10
               And so you originally received your
11
     training to be a police officer; is that right?
12
          Α
               Yes.
13
               When did you become a police officer?
14
               In early, I'm sorry, 1991. I became an
          Α
15
     officer commissioned and hired by St. Louis County
     and have not worked for any other departments.
16
17
               So as a police officer after your
     graduation from the academy and during your training
18
19
     with the academy, you learned how to use firearms,
20
     correct?
21
          Α
               Yes.
22
               And then at some point you went from being
23
     a uniformed officer to having this specialized area
24
     of tool marks and firearms examiner, correct?
25
          Α
               That's correct.
```

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Page 70 So can you explain for the jurors, first 1 2 of all, when is it that you went and got your 3 training for that? After four and a half years on patrol, I 4 Α went into the Crime Scene Unit and was in the Crime 5 Scene Unit for six and a half years. 7 So approximately 2002 I was assigned 8 in the crime laboratory, trained under other qualified firearm examiners, both on the job and 10 through available training outside the laboratory by 11 firearm manufacturers, ammunition manufacturers, ATF 12 training opportunities, FBI training opportunities 13 and so forth. Completed that training in 2004 and 14 have been an examiner ever since, even becoming the 15 supervisor of the section, I think, two and half, 16 almost three years ago now. 17 So you began in the firearms lab in 2002 Q you said? 18 19 Α Yes. 20 So there's, you had approximately two 21 years of training before becoming a firearms 22 examiner? 23 A qualified examiner, yes. 24 Now, to be a qualified examiner, do you 25 have to have any type of certification or

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- 1 qualification?
- 2 **A** There are opportunities for certification
- 3 through an international organization. They're not
- 4 required, only a small percentage of examiners take
- 5 that opportunity and I have not, so I am not
- 6 certified through them, but I have been qualified
- 7 both in state and federal courts numerous times as
- 8 the expert witness.
- 10 working solely and strictly as a tool marks and
- 11 firearms examiner for St. Louis County Police
- 12 Department?
- 13 A That's correct.
- 14 Q And can you give me an estimate of how
- 15 many times you have testified as an expert witness
- 16 in that area in state and federal courts?
- 17 **A** I wish I had counted them. Truthfully my
- 18 best estimate would be dozens, not 50, but more than
- 19 25.
- 20 Q Okay. And in those cases, have you been
- 21 qualified to testify as an expert in the field of
- 22 tool marks and firearms examination?
- 23 **A** Yes.
- 24 Q So can you explain for the jurors,
- obviously, firearms and tool marks are two different

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     types of things you might be looking at in this
 1
 2
     case?
 3
               Uh-huh.
          Α
               The investigation into the shooting of
 4
 5
     Michael Brown. You were looking at firearms and
 6
     ballistic materials; is that correct?
 7
          Α
               Yes.
 8
               Okay. So while it might be very
     interesting to talk about tool marks and what you do
10
     with them, let's skip that part of your expertise
11
     and we'll go straight to the firearms portion of it,
12
     is that all right?
               Very good.
13
          A
               Now, in the laboratory setting at St.
14
15
     Louis County Police Department Crime Laboratory, are
16
     evidence items submitted to you for you to examine
17
     and test?
18
               Yes, they are.
          Α
               And in this particular case, which is in
19
20
     relation to St. Louis County Police Department's
21
     Complaint Number 14-43984, were there items
22
     submitted to you for you to examine and test?
23
          Α
               Yes.
24
               So first off, let's talk about a weapon.
25
     Was there a weapon submitted to you for you to test
```

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Page 73
 1
     and examine?
 2
          Α
               There was a firearm submitted for my
 3
     examination, yes.
               And I say weapon, I guess that's pretty
 4
 5
     all inclusive. The weapon in particular is a
 6
     firearm, correct?
 7
          Α
              Correct.
 8
               And you tested that weapon and compared it
     to some other materials that have been submitted to
10
     you?
11
          Α
               That's correct.
12
               Did you put your conclusions in a report
     that you then gave to me?
13
               I did.
14
          Α
15
               All right. And I'm going to show you
16
     Grand Jury Exhibit Number 33.
17
                          (Grand Jury Exhibit Number 33
18
                         marked for identification.)
19
          Q
              (By Ms. Alizadeh) Is that a copy of a
20
     report you made in this case?
21
               Yes, it is.
          Α
22
               I'm going to pass this around so everybody
23
     can have a copy of that as well. So Officer
24
                 when you are submitted, in this case,
25
     the firearm, what do you do to begin your
```

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Page 74 1 examination? 2 Α In this particular case, after opening the 3 package to observe the weapon, firearm, I discovered that it had what appeared to be blood on it. In the 5 interest of safety for myself and others that might 6 handle this firearm after me, I cleaned it with 7 bleach to kill any biohazards and remove that 8 apparent blood from the firearm. Okay. So let's back up now. This weapon 10 was submitted to you by Detective is 11 that correct? 12 The seizing detective was 13 From him it went to a secure vault that they have 14 access to for dropping off evidence after hours. 15 That vault is then accessed by Property Control 16 Unit, and in this case , who is the 17 supervisor of the Property Control Unit. Removed it 18 from that vault and brought it to me. 19 So what day did you receive that firearm? 20 Α October 11th of 2014. I'm sorry, did I 21 say October? I meant August, I'm sorry. 22 That would have been a Monday, correct, or Q. 23 If the 9th was a Saturday, that would make 24 the 11th a Monday? 25 Α That sounds correct.

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Page 75 1 Can you describe how this weapon, this 2 firearm was packaged and how you first saw it? 3 It was packaged in a box that we have 4 specifically on our department for the storage of 5 firearms and it is sealed with evidence tamperproof 6 In other words, if the tape is torn to open 7 the package, you can tell by the tearing of the 8 tape. And it is also itemized on an 10 evidence receipt that accompanies that box. 11 submission has some of the case information and the 12 contents of the box listed thereon. 13 Now, when you received the box, did you 14 examine it to determine whether or not the tape that 15 sealed the box had been tampered with? 16 Α It was sealed when I received it. 17 Had you noticed, or in any case when you noticed that there has been a tear in the evidence 18 19 tape, would you notify the seizing detective 20 immediately? 21 Α Yes. 22 Okay. So in this case, it appeared to Q 23 still be intact, correct? 24 Α Yes. 25 Was there anything unusual about the way Q

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Page 76 1 it was packaged? 2 Α Not to my recollection. 3 Now, there has been testimony from 4 Detective , and I'm just going to ask you to 5 take my word on this, that when he first found the 6 weapon or first got the weapon I'll say, that it had 7 been packaged, so to speak. And he described to the 8 jurors the way that was. The weapon had been placed in like an 10 evidence envelope and the magazine and live round 11 had been removed from the weapon and the slide had 12 been locked in its back position. Did you see any 13 evidence envelope with the box that you opened up, 14 was there anything like that in there? 15 Α Truthfully, I don't recall, however, 16 that's not unusual. So the answer to your earlier 17 question anything unusual, no, because it's not 18 infrequent that that does occur, especially the 19 firearm being made safe and unloaded and the action 20 locked up and so forth, that is actually a 21 requirement of the laboratory that we not have 22 loaded or unsafe firearms. 23 Specifically in this case I don't 24 recall an envelope, but if there was in that box, it 25 would still be there today.

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Page 77 Whatever the condition it was in 1 2 was not unusual to you? 3 Α Correct. 4 And, in fact, the St. Louis County Police 5 Department's Crime Laboratory examines firearms and 6 ballistic materials from any police department in 7 St. Louis County that would submit them to you; is 8 that fair to say? Yes, including federal agencies, yes. 10 And I would imagine, and I'm not sure, 11 would it be fair to say that just different 12 departments, they may have a different way of 13 packaging a firearm? In other words, they might not 14 use the same box that the county uses and so forth? 15 Α That's absolutely true. In fact, that's 16 why it is not unusual because we have a requirement 17 that the guns be boxed. It is for a safer storage 18 and so forth, easier to store. Those agencies that will use those 19 20 envelopes, when they arrive at our lab we will offer 21 them boxes. It is not unusual to have that envelope 22 in that box, no matter how they choose to submit it. 23 Still other agencies will choose boxes very 24 different from our own. Simply whatever they have 25 available because then they meet the requirement of

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- 1 having the firearm boxed.
- 2 Now, we have also heard testimony from
- 3 Detective that when he seizes a weapon, in
- 4 order to package it and submit it for examination,
- 5 that he would zip tie through the ejection port of
- 6 the weapon in order to prevent that slide from
- 7 moving. Did you notice if that had been done in
- 8 this case?
- 9 A I didn't pay particular attention to note,
- 10 but every firearm is required to have a safety of
- 11 some sort applied to it for its submission and that
- is the most common. And, in fact, when I'm done
- 13 examining, I put on the very same zip tie.
- 14 **Q** And then he also testified that he would
- 15 use some kind of led identification number seal that
- 16 he would put on the trigger guard of the weapon to
- 17 mark it, so to speak, or number it. Is that also
- 18 something that you use for sealing?
- 19 A Absolutely, it's a led tab that has a
- 20 steel wire coming from it. That led is manufactured
- 21 for our department with our name on one side and
- 22 forgive me, our number on one side that is unique.
- 23 It is an incremental numbering system on those led
- 24 seals. They are unique so they're not repeated. So
- 25 that number, when that led wire goes through the

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- 1 trigger back into the led and is crimped on with the
- 2 led crimper, it embosses St. Louis County on it
- 3 ideally. Then that is a unique number identifiable
- 4 to that specific firearm and yes, I am very use to
- 5 seeing those.
- 6 Q All right. So when you first receive that
- 7 weapon and you look at it, did it appear to be
- 8 handled properly in your opinion, came to you at
- 9 least in a condition that didn't raise any
- 10 suspicions with you?
- 11 A Correct, I found it as I would expect to.
- 12 Q Okay. So can you describe what this
- 13 weapon is?
- 14 **A** Yes, it is a pistol. It's made, as you
- 15 can see on your copies, by Sig Sauer, Incorporated.
- 16 They're located in Exeter, New Hampshire. This
- 17 model is a P229 and the caliber of it is .40 Smith &
- 18 Wesson.

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- 19 Again, it is a pistol, the finish I
- 20 call black, that's mainly for the color.
- 21 Manufacturer's have many different names for their
- 22 finishing processes. We don't try to keep up with
- 23 those. We simply try to know what color that finish
- 24 is. It has six lands and groves with a left twist
- 25 inside the barrel, and this firearm has serial

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- 1 number 55B003794.
- 2 Q All right. The things that you indicated
- 3 just now about the weapon, are those things you can
- 4 see in your visual examination of the weapon or did
- 5 you have to like actually look through some kind of
- 6 device in order to determine that it had six lands
- 7 and grooves with a right side twist, I mean, a
- 8 left-hand twist?
- 9 **A** That is the interior of the barrel. It
- 10 took some lighting to eliminate that. It can be
- 11 seen with the naked eye, however, low power
- 12 magnification is best. I have an eye loop, it is a
- 13 jeweler's loop, it is only 5X, it is not very much
- 14 at all. Like a magnifying glass, it is not very
- 15 much at all. It makes it easier to see. So I can
- 16 look into the barrel and determine the number of
- 17 lands and groves and the direction of that twist.
- 18 **Q** In regard to the caliber of the weapon,
- 19 what does that mean?
- 20 **A** The number is roughly the diameter from
- 21 the raised area of the land on one side to the
- 22 raised area of the land on the other side on the
- 23 interior of the bullet. Interior diameter, if you
- 24 will.
- 25 The interior of the barrel?

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Page 81 1 Of the barrel. However, that's not an 2 exact measurement. There are different tolerances 3 that the manufacturers have. The S & W after that number is Smith & Wesson is what that stands for. 5 They developed that caliber, so .40 Smith & Wesson 6 caliber is a name of this caliber of ammunition that 7 this firearm is designed to fire. 8 All right. And when you say that you cleaned the weapon of blood, did you do any testing 10 on that to determine it was blood? 11 The testing of any blood or search for any 12 fingerprints if it was necessary is all done before 13 the firearm comes to me in the laboratory. 14 Q Okay. 15 A So I understand that there were some tests 16 done, I don't know specifically what tests nor the 17 results. 18 But you didn't do any yourself? 19 That's correct. Α 20 Q Okay. And so after, are you familiar with 21 this weapon? 22 Α Yes. 23 Not this particular one, but the Sig Sauer 24 .40 caliber pistol? 25 Α Yes, in fact, it is the same firearm that

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Page 82 we are issued as county police officers. 1 2 All right. And so after having cleaned 3 the firearm, what do you do then to continue your examination of the weapon? 5 Α I then made note of these observations and then began to do some more observations and some 7 simple tests to include determinating the capacity 8 of a magazine that was submitted with the firearm and that was 12. 10 The firearm has no safety, I took 11 note of that. 12 Is that unusual that a weapon of this type 13 does not have a safety? Is it manufactured without 14 a safety or is it somehow removed from the weapon? 15 Α This firearm and many others have internal 16 safeties and when we speak of a safety, we are 17 referring specifically to an external safety that 18 can be applied by the person possessing the firearm. 19 There are no external safeties on this firearm, but 20 there was never designed to be. It was not removed 21 from this weapon, it is simply not present. 22 Okay. And so then you also indicated Q 23 there was a magazine submitted with this weapon, 24 correct? 25 Α Yes.

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Page 83 Can you describe for the grand jurors what 1 2 is a magazine, it is not People or Time, obviously, 3 but what was the magazine that was submitted to you? Some people call it a clip, but it's that 4 Α 5 detachable part of the firearm that contains the ammunition. You can load it with as many as you 6 7 like up to its capacity and in this case as many as 8 12 live cartridges inside the magazine. magazine when you desire, when you use your desires, 10 would seep into that firearm and lock into it and 11 contain that ammunition. 12 The firing cycle, it would take 13 individual cartilages to load and fire from that 14 magazine. And to continue to do so as many times as 15 you fire it until the ammunition supply is 16 exhausted. 17 So the magazine that was submitted to you, 18 was it empty as submitted to you? We receive it in both manners, where it is 19 20 loaded and unloaded. I don't remember at the moment 21 if he unloaded the magazine or not. 22 Do you recall if there were any live Q 23 rounds that were submitted with this weapon? 24 I did have one live cartridge submitted Α 25 with the magazine and firearm.

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Page 84 1 So now I called it a round and you just 2 called it a cartridge. Can you describe for the 3 grand jurors what you mean by a cartridge? A cartridge is the unfired ammunition. 4 Ιt 5 is a live cartridge where the primer is ready to be 6 fired, I'm sorry, there is gunpowder contained in 7 the cartridge case. And the bullet is seated in the 8 mouth of that cartridge case. Again, it is unfired. A round is a interchangeable term if 10 you will, perhaps a layperson's term. It can mean 11 the same thing, but among fire examiners the 12 definition of that is a live cartridge. 13 What else did you note about this weapon that you indicated in your report. You have here 14 15 trigger pull SA, not applicable. What does that 16 mean? 17 Trigger pull single action and next to 18 that is DA, for double action, I put not applicable 19 because I did not test the different trigger pulls 20 that firearm has. It is a measurement taken in 21 pounds. And the reason why I did not report that is 22 because it can vary. One pull of the trigger might 23 be 5 pounds and the next one might be 7 pounds. 24 Unless it becomes a key element in the case, it is 25 simply too variable to have much meaning to me and

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- 1 for me to testify to it. It is seemingly
- 2 unimportant.
- 3 Q So in that case where someone says I was
- 4 holding the weapon and I barely touched the trigger
- 5 might be relevant, but in this case it was not; is
- 6 that correct?
- 7 A To my understanding, correct. There is no
- 8 denial of firing the weapon, there is no question of
- 9 how long the trigger pull might have been and things
- 10 of that nature, so it was not recorded.
- 11 Q And then CYL and CYL rotation, what do
- 12 those terms mean?
- 13 **A** CYL is standing for cylinder. And that is
- 14 for a revolver type weapon, this is a pistol, so it
- does not have that cylinder, so it is not
- 16 applicable.
- 17 **Q** All right. And then you described the
- 18 barrel length in inches; is that correct?
- 19 A That's correct, three and three quarter
- 20 inches.
- 21 **Q** And then muzzle trigger length you have
- 22 NA, is that because it is a short pistol as opposed
- 23 to a long gun?
- 24 A That's correct. That's more intended for
- 25 the overall length of firearms. Sometimes that

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- 1 length becomes an issue in the application of
- 2 statutes. For example, sawed off gun, it has to be
- 3 a certain length to be legal. And if it is any
- 4 shorter than that, the measurement would have been
- 5 taking there.
- 6 Now, we've described the action of this
- 7 weapon or firearm as being semiautomatic.
- 8 A Yes.
- 9 **Q** What does that mean?
- 10 A Semiautomatic pistols fire one bullet,
- 11 fire one cartridge with each pull of the trigger.
- 12 So if you pulled that trigger one time, even if you
- 13 hold it back and don't release it, it is only going
- 14 to fire the one time. You have to release the
- 15 trigger then until it resets internally and then if
- 16 you pull that trigger again, assuming you have more
- 17 ammunition it would then fire again.
- But again, it only fires one time
- 19 with each pull of the trigger.
- 20 Now, you described in this case the
- 21 magazine that was submitted to you as having a
- 22 capacity of 12 cartridges. Can this weapon, when
- 23 the magazine is seated in the handle of the weapon,
- 24 can it have more than 12 cartridges and be fully
- 25 loaded.

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- 1 A Yes. If you were to seat the magazine and
- 2 work the action of the firearm, open the slide,
- 3 release the slide, it would feed that top cartridge
- 4 from the magazine into the chamber of the barrel.
- 5 If you remove that magazine, and you have 11 in it,
- 6 if you put another one in it. So it is now again at
- 7 capacity with 12, reseat that magazine, you now have
- 8 a total of 13 live cartridges available to be fired
- 9 in that magazine, I'm sorry, in that firearm without
- 10 reloading it again.
- 11 Q And you identified the cartridge, the live
- 12 round I called it, but the cartridge that you were
- 13 submitted, you've listed as one Federal JHP, what
- 14 does that mean?
- 15 A The Federal is the marketed name stamped
- on the head stamp or on the base, if you will. If
- 17 you stand that cartridge up on the bottom, it says
- 18 Federal, that's who markets that ammunition. And
- 19 JHP stands for Jacketed Hollow Point, that is the
- 20 style of the bullet that's loaded into that
- 21 cartridge case.
- 22 **Q** And the cartridge that was submitted to
- 23 you, is this the type and caliber of a cartridge
- 24 that could be fired from that weapon?
- 25 **A** It is. I did not note the caliber next to

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1

2

3

4

7

8

10

11

12

13

14

cartridge?

the bullet.

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Page 88 that cartridge because it is the same caliber that the firearm is designed to fire. Sometimes ammunition that is submitted differs from the firearm, but I note when it is different here. because there is no such note. I know that that is a .40 Smith & Wesson caliber cartridge. All right. You also indicated that you had been submitted five bullets. Can you explain what is a bullet, how is a bullet different from a The cartridge is the combination of all the elements needed to fire a weapon. The primer in the cartridge case that contains the gunpowder and So when you're firing a cartridge, a

15 16 firing pin strikes the primer, which is a very small 17 explosive. So that sets off that explosion, that 18 miniature explosion sends fire into the open chamber 19 of that cartridge case where the gunpowder is. 20 So that fire then ignites the 21 gunpowder. It doesn't detonate, which means to burn 22 instantly, it burns rapidly, it deflagrates, which 23 means it creates pressure. So that pressure that is 24 created by the burning gunpowder is the same 25 pressure that pushes the bullet out of that

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Page 89 1 cartridge case through the barrel towards its 2 target. 3 And then the bullet is the piece that comes out of the barrel of the gun and is what we 4 5 normally think of as a bullet, it is what it shoots 6 at targets or things? 7 Correct. In this case, for example, the 8 submitted cartridge is a jacketed hollow point bullet. So that bullet would leave the cartridge 10 case after having been fired, go through the barrel 11 of the firearm. It's designed to make minimal, but 12 contact with the lands and groves in that barrel to 13 impart spin to the bullet so that when it leaves the 14 barrel, it's a spinning bullet in flight now. 15 The purpose of that is if you think 16 of the analogy of a football, if you throw a spiral 17 football, it will go farther and more accurately 18 then an end over end football. It is the same 19 principles at work here. If the bullet is spinning, 20 it will go farther and more accurately than 21 tumbling. That rifling is what gives it that 22 stability. 23 So the bullet is forced through the barrel 24 of the gun, what happens to then the rest of the 25 cartridge?

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- 1 A The energy that pushes that bullet out the
- 2 barrel is equal, but opposite on that cartridge
- 3 case. And in essence on the gun in the shooter's
- 4 hand itself. That's the recoil that you see in
- 5 cowboy movies.
- That cartridge case after it has
- 7 fired that bullet, it is marked in several ways by
- 8 that firearm. First, as I mentioned the firing pin
- 9 striking that primer will leave a mark.
- The pleasure from the firing process
- 11 pushing that cartridge case rearward against the
- 12 breech of the firearm impresses the contours of that
- 13 breach into the surface of that fired cartridge
- 14 case.

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- In this case, speaking of pistols,
- 16 the action of the firearm is intended to extract
- 17 that fired cartridge case from the chamber. So
- 18 there is a little hook on the firearm that grabs the
- 19 rim of that fired cartridge case and pulls it out,
- 20 pulls it rearward of that chamber as it is pulled
- 21 rearward then it is designed to hit what's called an
- 22 ejector. It is nothing more than a little piece
- 23 that when that cartridge case is pulled rearward, it
- 24 hits that ejector to deflect it out of the open side
- 25 of that slide of the firearm.

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Page 91 1 So to answer your question in a short 2 order, after firing the bullet, the cartridge case 3 is ejected from the pistol and then before the action closes, it needs the next cartridge from the 4 5 magazine to reload it if there is one available. 6 So, what you just described from pulling Q 7 the trigger and the firing pin hitting the cartridge 8 and the bullet being expelled from the gun and the casing coming out and the next cartridge being 10 loaded up into the firing position, is that called a 11 cycle, is that the firing cycle? 12 Α Yes. 13 And that happens at one pull of the trigger, correct? 14 15 Α That will happen with each pull of a 16 trigger on a semiautomatic pistol like this. 17 So it doesn't require someone actually 18 pulling the slide back in order to cause the gun to 19 cycle again? 20 Α No, it doesn't. In fact, if you were to 21 that, you would be ejecting a live cartridge and not 22 have as much firing capacity because you would be 23 wasting your ammunition. 24 Can you explain, because there has been 25 testimony perhaps that when this weapon was fired

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Page 92 1 during the incident of August 9th, that the officer 2 pulled the trigger on a couple of different times 3 and the weapon didn't fire. Did you test fire this weapon yourself? 4 I did. Α Was it normal, did it fire normally? 7 Yes, I noted no defects at all. Α 8 Is there anything that you can explain 9 that would have happen that would cause a weapon to 10 not fire the cartridge if on this weapon pulled the 11 trigger back? 12 Α To be clear, you're asking for speculation 13 or generally speaking, correct. 14 Sure, right. I know you don't know what Q 15 happened in this case. 16 Α Right. 17 I'm just asking you what could possibly be the reasons that you could pull the trigger and the 18 19 weapon wouldn't fire? 20 Α Okay. Sometimes ammunition is simply bad 21 ammo, maybe the primer doesn't have a priming 22 compound in it. So no matter how many times you 23 strike it, it is not going to fire. 24 Sometimes a firearm might fail to 25 feed a cartridge from the magazine, so you might try

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Page 93 1 to cycle it and it doesn't feed that cartridge, so 2 there is no cartridge in it to fire. 3 There are other scenarios if you are successful firing one cartridge, but it fails to 4 5 extract, in other words, the hook doesn't grab the 6 rim and pull it out or if it fails to eject and it 7 pulls out from that hook, but it doesn't eject 8 before the action closes on it. It might have it standing to where the open end of that fired 10 cartridge case pointing up and out of the gun, they 11 call it a stovepipe, like a stovepipe on the top of 12 your house. 13 Another factor might be in some way 14 the action is impeded during the firing process. 15 Perhaps unimpeded a firearm and ammunition might all 16 be in perfect working condition, but if there was 17 something blocking the action to where it couldn't 18 cycle freely, then it might cause some of these 19 other events to occur, especially not being able to 20 fire after one shot because it wasn't allowed to 21 cycle enough to feed the next one. There could be 22 many others. 23 Let me ask you a question. In this 24 particular weapon, when you fire it, I don't know 25 that this is the technical term for it, but the

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Page 94 1 hammer, is that a technical term? 2 There is a hammer that strikes the firing 3 pin, yes. The hammer, as you can see it externally Q 5 on the gun when you examine the gun, correct? 6 Α Yes. 7 And when you fire that weapon, does the 8 hammer come back and go forward striking the firing pin? 10 Α That's correct. So if there would be something that would 11 12 prevent that hammer from moving backwards and 13 forward, would that cause the gun to not fire even 14 though you pulled the trigger, it could? 15 A Absolutely it could. And that, in fact, 16 would be a scenario where the action of the firearm 17 is impeded. Yes, interference with that hammer and 18 motion of that hammer would prevent the firing pin 19 being struck and firing that cartridge. 20 And then what about, you know, you've 21 described, or I did and you also explain to where 22 the hammer strikes the firing pin, which is 23 basically on the bottom of the bullet, correct? 24 It's inline with the primer of the loaded Α 25 live cartridge, yes.

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Page 95 1 If there is something that is in between the hammer and that firing pin, whether it be, you 3 know, but something that would be between that action, could that possibly explain why you pulled 4 5 the trigger and nothing happened? 6 Α Yes. 7 In other words, if a part of your hand 8 would be in between that firing pin and the hammer, that could prevent the weapon from firing? 10 Α Yes, absolutely. 11 And if that were to have happened, again, 12 pure speculation, but if that were to have happened, 13 and the weapon would not fire, if that obstruction 14 was removed between the hammer and the firing pin, 15 would the weapon then be able to cycle normally 16 after that? 17 Misfire. 18 Or would you have to then go ahead and 19 eject that round? 20 This firearm you could pull the trigger a 21 second time. If the action is not impeded, it would 22 be expected to fire then. It is not true of all 23 firearms, but this firearm yes. 24 Q Okay. And if that were to have happened 25 with this firearm, would there be anyway to tell

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Page 96 1 that simply from your examination of the weapon? 2 In the scenario you've described, no. 3 Because there are no marks on that live cartridge for me to observe. In other words, a different 5 scenario, for example, I gave a bad ammunition was 6 my first example. If you tried to fire it once and 7 pulled the trigger again and that firing pin struck 8 that primer a second time and then fired, I would note two firing pin impressions and know that there 10 was more than one attempt to fire it. 11 But in your scenario, no. 12 would be no marks made, I would have no indications 13 on what evidence was submitted to me? 14 Now, in this case, let me ask you, you Q 15 described how the gun was fired from the weapon and 16 you mention that there are marks left on the empty 17 cartridge that is ejected from the ejection port, 18 correct? 19 Α Yes. 20 And there is also markings that are made 21 on the bullet itself as it is forced through the 22 barrel of the gun, correct? 23 That's correct. Α 24 And can you see those markings using a 25 microscope?

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	Page 97
1	A Yes.
2	$oldsymbol{Q}$ Are those markings made by the individual
3	weapon that fires that cartridge?
4	A The answer is yes and no. And if you'll
5	allow me, let me explain.
6	Q Okay, go ahead.
7	A There are what's called class
8	characteristics. The number of the lands and groves
9	and the direction of their twist inside the barrel,
10	as well as the dimension of those lands and groves,
11	that is determined by the manufacturing. They make
12	many, many firearms with those specifications.
13	So you might have one right after
14	another coming off an assembly line that putting six
15	left .40 caliber barrels out to be put into these
16	pistols. And they're going to have those same class
17	characteristics, they are intended by the
18	manufacturer.
19	However, as the tool wears during the
20	making of that part, and as the gun is used after it
21	is manufactured and sold, by firing, cleaning,
22	abusing, misuse, etc., there are microscopic
23	qualities in that are called individual
24	characteristics. They're specific. Every one of
25	us, if we were all given the same firearm in this
l	

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Page 98
     room would treat it the same way and have exactly
 1
 2
     the same microscopic qualities or individual
 3
     characteristics in our barrels after a hundred or a
     thousand rounds as an example.
 5
                    Are they unique to the weapon? Yes.
 6
     There are some characteristics that I look for under
7
     the microscope to be able to tell one bullet from
 8
     another, from the source of another or to determine
     whether or not they came from the same source fire.
10
               So in this case, were you able to examine
11
     the shell casings that you had been submitted and
12
     you had a total of 12; is that correct?
13
               Yes, that's correct.
          Α
14
               Were those shell casings the same make and
15
     manufacture as the live round that was submitted to
16
     you?
17
               Yes, they're Federal and .40 S & W
          Α
18
     caliber.
19
               Were you able to compare the bullets which
20
     are submitted to you, which are five in number,
21
     correct?
22
               Initially five.
          Α
23
               And one later?
          Q
24
              And one later.
          Α
25
               On the 11th.
          Q
```

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- 1 A On the 11th I had five submitted to me.
- 2 And they indeed were observed to be jacketed hollow
- 3 point design bullet and .40 caliber, and it had six
- 4 land and grove impressions with a left twist.
- 5 Q And when we're talking about the five
- 6 bullets, these are spent bullets, correct?
- 7 A Right. These are fired. They would not
- 8 have the lands and groves of the barrel incrust upon
- 9 them until they're fired through the barrel, yes.
- 10 **Q** Were you able to determine whether or not
- 11 the five bullets that were submitted to you and the
- 12 12 casings that were submitted to you, were you able
- 13 to draw any conclusions after comparing those items
- 14 with the firearm that had been submitted to you?
- 15 **A** I was. In test firing the submitted
- 16 firearm, I retained fired cartridge cases and fired
- 17 bullets. That's what I microscopically compared to
- 18 submitted evidence. I was able to determine that
- 19 all 12 of the submitted fired cartridge cases have a
- 20 sufficient quantity and quality of those matching
- 21 individual characteristics for me to conclude that
- 22 they were fired in this firearm.
- 23 **Q** So just so we're clear, the 12 cartridge
- 24 cases, they're like we call casings, or what I call
- 25 casings?

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Page 100 1 Α Yes. 2 The hollow kind of left over that gets 3 thrown out of the ejection port, correct? That is correct. 4 Α 5 0 And then were you able to, I see here on 6 page two of your report, you number the bullets as 7 QB 1 through 5, and then you also reference where, 8 where they were discovered. Is this information that you received on the evidence packaging that 10 each bullet was packaged in? 11 It may or may not be on the package 12 itself, but I get that directly from the evidence 13 receipt that accompanies that evidence and 14 packaging, yes. 15 So for QB 1, which is a copper jacketed 16 hollow point bullet, .40 caliber, you have here from 17 FPDVEH.108. What does that mean? 18 Uh, that is in quotations, because I took 19 it directly from the evidence receipt. And my 20 understanding is that stands for Ferguson Police 21 Department Vehicle Number 108. 22 Okay. And you have here a measure of 158 Q 23 grams and CSU Number 7. What does that mean? 24 The 158 is in grains, we measure in Α 25 grains. And the CSU stands for Crime Scene Unit and

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dicate

lys from

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ged and

red from

- 1 that Number 7 next to that is their item number. So
- 2 seizing detectives item number was given my
- 3 laboratory specimen number QB 1. It stands for
- 4 questionable, by the way. QB stands for
- 5 questionable cartridge case.
- 6 Q And so the QB 2, 3 and 4, you indicate
- 7 have been from the evidence receipt. It says from
- 8 Brown's right side of back, right side of chest and
- 9 right side of head. Those are all spent bullets
- 10 that were seized by someone else and packaged and
- 11 according to evidence receipt, were recovered from
- 12 the body of Michael Brown, would that be what you're
- 13 indicating?
- 14 **A** It is.
- 15 Q And then regarding QB 5, it says from
- 16 roadway and your information was then that this
- 17 bullet was received from a roadway or on the street?
- 18 A Yes, I had no further description of a
- 19 specific location. Just what I noted there in the
- 20 roadway.
- 21 Q And so after examining QB 1 through 5,
- 22 were you able to make any, draw any conclusion about
- 23 whether those bullets were fired from the weapon
- 24 that had been submitted to you, the Sig Sauer?
- 25 **A** Yes, I was.

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	Page 102
1	Q And what were your conclusions?
2	A The first one listed specimen QB 1,
3	apparently from Ferguson police vehicle was
4	inconclusive. It had enough damage to its surfaces
5	that I did not have enough of those microscopic
6	characteristics to match to my test shots to
7	determine that it came from the same source.
8	I did not have enough differences
9	either to think or believe that it came from a
10	different source firearm. So it is inconclusive for
11	number one. However QB 2, 3, 4 and 5 had a
12	sufficient quantity and quality of those matching
13	individual characteristics in the rifling striations
14	that we've talked about for me to conclude that they
15	were indeed fired from this firearm.
16	Q Now, at a later date you were submitted
17	another evidence item and asked to compare it to
18	your QB, what's the gun called?
19	A QF 1 or the test shots are TB 1A and B, TC
20	1A and B, compared with my test shots.
21	${f Q}$ Okay. Did you make a report after you
22	examined this additional evidence item?
23	A I did.
24	Q And is this a copy of your report?
25	A It is.
1	

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```
Page 103
 1
                          (Grand Jury Exhibit Number 34
 2
                         marked for identification.)
 3
               (By Ms. Alizadeh) And Grand Jury Exhibit
     Number 34, I made copies of this report for the
 4
 5
     grand jurors.
 6
                    So what was the additional item that
 7
     was submitted to you?
 8
               It was a copper jacketed hollow point
 9
     bullet fragment.
                       In other words, it was not the
10
     complete whole bullet, it was only part of that
11
              I note that it was one side of a bullet,
12
     all the way from base to nose. It was part, once
13
     part of a .40 caliber bullet. It had six lands and
14
     groves with a left twist represented and it was from
15
     2909 Canfield, seized on September 3rd of this year.
16
               All right. And you examined this QB 6,
17
     your QB 6 and were you able to compare it to the
     test shots that you fired from the Sig Sauer weapon
18
19
     that was submitted to you back on the 11th of
20
     August?
21
               I did make that comparison, yes.
          Α
22
               And what, if any, conclusions did you draw
          Q
23
     from that?
24
               It had sufficient quantity and quality of
25
     those matching individual characteristics for me to
```

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Page 104 conclude that this bullet was also fired from this 1 2 firearm. 3 0 And the items that you tested and examined 4 in this case, did you repackage them and were those 5 submitted to property control for safekeeping and 6 storage? 7 Α That is the intended destination and, yes, 8 I finished my examination, resealed the packages and put them in our vault on a shelf that is intended for the evidence to be forwarded to property 10 11 control. 12 And just one more thing because I haven't 13 seen the firearm that we're talking about in this 14 case, but I recall from other cases I've had that 15 sometimes the firearm has orange tape on the end of 16 the barrel, is that still done when you are finished 17 examining a weapon? 18 It is. It's an extra measure. about the zip tie earlier, I provide the officers, 19 20 my department with bright orange zip ties and that 21 is so it is readily visible to anyone that if the 22 firearm is handled openly, especially in court at a 23 later time, that that's highly visible and they know 24 that it's safe. 25 I add in my lab when my examination

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Page 105
     is done, I added, my other examiners we add that
 1
 2
     bright orange tape to the barrel as well.
 3
     nothing more than a visual indicator for you that
     what is being handled is safe and can't be fired in
     the state it's in.
 6
               So that bright orange tape I'm assuming is
 7
     on the barrel of this gun that was placed there by
 8
     vou?
          Α
               Yes.
10
               MS. ALIZADEH: Does anybody have any
11
     questions?
12
               MS. WHIRLEY: I have just a couple. You
     want to go first?
13
14
                                No.
15
          Q
               (By Ms. Whirley) That bullet, the copper
16
     bullet fragment from 2909 Canfield, was that like a
17
     building that it was taken from or would you know?
18
               MS. ALIZADEH:
                              That's the next question.
19
               I understand it is another apartment in
20
     the area, but where inside that building I don't
21
     have specific knowledge.
22
               (By Ms. Whirley) On first page of Exhibit
23
     Number 33, Grand Jury 33, poor condition of residue,
24
     what does that mean?
25
               When I look in the barrel, I simply note
          Α
```

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Page 106 is it clean and free of any debris, is there 1 2 residues. I'm not even certain what those residues 3 might be. Sometimes it is dust from people carrying 4 it, it gets clothing dust in it, sometimes it is from firing it. There is residues left behind. 5 6 When you fire a cartridge, 100 percent of the gun 7 powder isn't consumed, there is some partial burned 8 and some unburn powders, sometimes they're left in the barrel, sometimes they just fly out of the gun 10 and left in the nearby area. 11 Residue is simply that there was some 12 debris in that barrel, but the barrel itself was not 13 obstructed. It wasn't heavily fouled with multiple 14 firings and build up of residues, it was simply a small amount of residue. 15 16 Okay. And the grain, like it's 158.0 17 grain, 177.0 grain, what does that grain mean, what 18 are we talking about? 19 Α That's a measurement much like grams and 20 ounces and so forth. 21 Of what, though, what are we measuring? Q 22 That is the weight of the bullet. Α

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So specimen QB 1, I described as a bullet

The full weight of that bullet that was

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Q

Α

itself.

Okay.

23

24

25

Page 107 1 submitted to me was 158 grains. 2 And they're different weights because of 3 what they went through once they were fired? Yes, and they're manufactured in different 4 Α 5 weights by manufacturers. Their starting weight 6 might be, for example, 154 grains, but they might 7 add weight because they retain wall material if they 8 were dug out of the wall or something of that nature. 10 Or if it is a fragment, you might 11 only have part of the full weight of the bullet. 12 Sometimes that weight helps us determine a caliber, 13 it didn't really come into play in this scenario. 14 The internal safety, what is that on this Q 15 weapon, you said it has an internal safety? 16 Α Basically what I mean is the parts in the 17 firearm are designed so it cannot be fired unless 18 you pull the trigger. If you drop it, it's not 19 If you hit on the hammer, you know, going to fire. 20 with something, it's not going to fire. It's 21 designed not to go off unless you pull the trigger 22 of that firearm. 23 So this weapon was fired 12 times; is that Q 24 correct, based on your examination? 25 Α For there to be 12 fired cartridge cases

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Page 108
 1
     ejected in the area of this firearm as it's alleged,
 2
     the trigger would of had to have been pulled 12
 3
     times.
              12 individual times?
          0
               At least, yes.
          Α
 6
               Is that the difference between a
          0
 7
     semiautomatic and an automatic?
 8
               Yes, an automatic you could hold the
     trigger back and it will continue firing until you
10
     release the trigger. So a fully automatic firearm
11
     might fire every cartridge available to it with one
12
     pull of the trigger, but this is not that kind
13
     weapon.
14
               MS. WHIRLEY: I don't have anything else,
15
     thank you.
16
          Α
              You're welcome.
17
               MS. WHIRLEY: Oh, no, I do. One more
18
             I'm sorry you guys.
19
               Where it says offense assault on LEW,
20
     which is Law Enforcement Officer.
21
               MS. ALIZADEH: LEO.
22
               MS. WHIRLEY: LEO, I'm sorry, which is
23
     Law Enforcement Officer.
24
          Α
               Yes.
               MS. WHIRLEY: Where does that come, I
25
```

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Page 109 mean, this is your report, is that some 1 2 determination you made? 3 Α No, actually, that is some of the, as I mentioned earlier, some of the case information that 4 5 is provided to us on the evidence receipt that is submitted with the evidence. That case information 7 is entered into our laboratory system, so different 8 areas of the lab know what evidence they have to examine and so forth. And it is auto populated into 10 our reports. 11 So it was submitted, again, on the 12 evidence receipts that the offense is an assault on a law enforcement officer. 13 14 (By Ms. Whirley) Okay. You had nothing to 15 do with that being determined? 16 Α That's correct. Now, we will often get 17 receipts from the same incident that might have 18 different offenses listed. We, there's no real 19 rhyme or reason to figuring out which one is 20 accurate because we're not determining what the 21 charges might be. So most often we go with what is 22 either most commonly submitted or what is first 23 submitted. 24 In this case the copy of receipts

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that I have most commonly are listing assault of an

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25

Page 110 officer as the offense. 1 2 MS. WHIRLEY: That has nothing to do with 3 your examination? That's correct. Our examination is done 4 Α 5 the same way regardless of what that offense is 6 quite honestly. Sometimes there are non-offenses 7 that are submitted to the lab and the examination 8 remains the same. MS. WHIRLEY: Thank you. 10 Α You're welcome. 11 We 12 heard previously about this stovepiping, and how it 13 didn't appear that there was any. Would that have 14 to be taken off, would it have to be repaired for 15 that gun to fire again if that was there? 16 Good question. No, there is no physical Α 17 repair needed for that. Basically the fired 18 cartridge case becomes an obstruction to the action 19 of that firearm. And a practiced user of that 20 firearm can clear that because it's not permanently 21 trapped. It is just kind of pinched in place. 22 if you pull the slide back and release that 23 pressure, it can fall out or be caused to fall out. 24 And then there is no impairment to the action. 25 if you let the slide go, the firearm would then

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```
Page 111
 1
     again act normally.
 2
                                 Is that the only type of
 3
     reason that that firearm wouldn't go, or whatever,
     that you would be able to see? Like you always talk
 4
 5
     about if something obstructing like a hand or piece
 6
     of whatever, the stovepiping is the only thing that
 7
     you would be able to examine, it is not necessary
 8
     for you to be able to tell exactly what happened and
     say it would be able to be fired, am I explaining
10
     myself correctly?
11
               I think I understand your question.
12
     there any circumstances where a firearm wouldn't
13
     function that I could tell, is that basically what
14
     you're asking?
15
                                 That's right, that you
16
     couldn't tell, you couldn't say no, that firearm
17
     didn't get stuck.
18
          Α
               No.
19
                                 There is no possible way
20
     that it would happen that way?
21
               I could not, you posed a good question. I
22
     can't think of a scenario where I could prove that
23
     something did not happen in the firing of the
24
     firearm.
25
               MS. ALIZADEH: Officer
                                                 , let me
```

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Page 112 1 ask you a question. 2 Α Okay. 3 MS. ALIZADEH: If the, in the firing of the weapon the cartridge has stovepiped and you said 4 5 it kind of gets caught in that ejection port and the ejection port has a door to it, correct? 7 There's an opening in the slide called the 8 ejection port, but not a door per se that closes on 9 that. 10 Q (By Ms. Alizadeh) Okay. But the cartridge 11 gets caught in between something, correct? 12 Basically the barrel itself where it's 13 supposed to feed into, it can get caught against 14 that and then when the slide closes on that, that 15 ejection port is what might hold that fired 16 cartridge case against the barrel to where it is 17 kind of standing up out of there. 18 If that were to have occurred, could you 19 look at that cartridge casing and see marks on it 20 that might indicate that it had been stuck in the 21 gun that way? 22 Α And that's where I was thinking the answer 23 might take me, but is it possible? Yes. However, 24 because those marks are unpredictable, there may be 25 marks on a cartridge case that I can't determine

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Page 113
 1
     their origin.
 2
                    So while it very well may have
 3
     happened and there may be marks from being a
     stovepipe, it's also quite possible that it is not
 4
 5
     something that I could conclusively say were from a
 6
     stovepipe simply because ammunition in a pocket with
 7
     keys is going to get marked. Ammunition thrown in a
 8
                                       I mean, they get
     drawer is going to roll around.
     marked in so many ways, same as anybody's jewelry or
10
     anything else that we have with a metal surface, it
11
     is going to have scratches and so forth to it.
12
                    And it's not in a uniform or
13
     explainable way for me to determine if it was or was
     not from that type of event.
14
15
          Q
               Okay.
16
               Does that answer your question?
          Α
17
                                Yes, yes.
18
               Yes, ma'am.
          Α
19
                                                 You said
20
     that when you received the gun from the evidence
21
     locker or the supervisor or whatever.
22
               Uh-huh.
          Α
23
                                That you saw blood on the
24
     gun.
25
          Α
               Okay.
```

```
Page 114
 1
                                This is kind of a two-part
 2
     question. Tell me where on the gun did you see the
 3
     blood and you cleaned it off yourself that you've
     testified; is that correct?
          Α
               Yes.
                                Could you tell me where
7
     you saw the blood on the gun and also in the area
 8
     where the hammer is on the gun?
          Α
               Uh-huh.
10
                             : Was there any blood or
11
     human tissue that you found in that area as well?
12
               I don't take note of where I see the blood
13
     or any tissue because it will have been in
14
     photographs before it gets to me. It also goes for
15
     other examinations and sampling before it gets to
16
          So by the time I'm receiving it, all of that
17
     other testing and documentation has been completed
18
     and I don't have it as a concern in my part of the
19
     laboratory. I hope that you will find that answer
20
     from other witnesses, but I don't have those.
21
                                Thank you.
22
          Α
               You're welcome. Yes, sir.
23
                                                 Going
24
     back to the stovepiping, I guess.
25
          Α
               Uh-huh.
```

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Page 115 1 If that was to happen, 2 would that be, would it come out as a bullet or does 3 it come out as a spent casing? 4 Α Good question. It could happen both ways. 5 If the cartridge is fired and extracted out of the 6 barrel and then it attempts to eject it out of the 7 firearm, but it gets caught and trapped before it's 8 able to clear that ejection port, you would have a fired cartridge case and it looks like a chimney or 10 a stovepipe if you will, but if for some reason, and 11 sometimes it is just random and there is no even 12 reproducing it. 13 If the action fires that cartridge and successfully ejects that fired cartridge case, 14 15 but it fails to properly feed the live cartridge 16 from the magazine, in other words, it is designed to 17 come up out of the magazine, go up the feed ramp and 18 into the chamber, but if it bounces up off of that, 19 the action can close and trap a live cartridge there 20 as well. 21 Now, in either scenario, if you have something trapped, as I mentioned with 22 23 , working the action is all you need to clear that 24 and assuming you have more ammunition, feed the next 25 cartridge and then continue to fire, but what you

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Page 116
 1
     would have left behind on the ground next to you is
 2
     different, you would have either the fired cartridge
 3
     case that was cleared or the live cartridge that was
     cleared. Does that answer your question?
 5
                               Could you demonstrate how
     you clear a round with that particular firearm?
 7
               Okay. If you grip that firearm, it has a
 8
     grip and trigger quard, so if your finger is in that
     trigger guard, it is held pretty much like this.
10
                    Above that, on the back of the gun is
11
     where the hammer would be, okay, visible, external
12
     hammer, all right. So when you pull the trigger,
13
     there is single action and double action, only a
14
     double action trigger pull, it is a long, heavy
15
     trigger pull that also cocks that hammer and then
16
     releases it to strike the firing pin, okay.
17
                    If you fire like that, this pistol is
18
     designed for that slide then to come rearward.
19
     it's coming rearward, the extractor or the hook
20
     pulling it rearward towards the ejector, which then
21
     hits and ejects it out the open ejection port of the
22
     firearm. Whereas that slide comes back, it is
23
     cocking the hammer as well, okay. Because this has
24
     a single action mode as well.
25
                    So that hammer will be locked back
```

Page 117 when that slide feeds the next cartridge and goes 1 2 forward. So now you have a loaded cartridge in the 3 chamber already cocked so your trigger pull is 4 designed to be much, much less because you don't 5 have to pull the full weight of it and cock it, you 6 are only pulling enough to release. Okay. 7 To answer your question specifically, 8 if it were jammed, you would simply maintain your grip on that firearm, most commonly with your other 10 hand, but if it is incapacitate there are other 11 means to do it, but grabbing that slide, taking the 12 pressure off of that jammed live or spent cartridge 13 case and getting it out of the gun and then letting it go, it should feed the next cartridge and being 14 15 cocked and ready to fire, okay. 16 Can you 17 talk about when a spent cartridge is ejected, what 18 direction does it eject from the gun up, down, side ways, forward, back, whatever, and then about how 19 20 far do you expect it to travel before it hits the 21 ground? 22 Α I'm asked that question, I'm sorry. 23 Is it pretty consistent 24 the cartridges hit about the same area? The first 25 question was direction after the ejection.

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- 1 A I might actually summarize the answer for 2 the entire question you've asked, because I'm asked
- 3 question a lot. It differs for every firearm, but
- 4 since we are talking about a particular make and
- 5 model here and a specific firearm, I will tell you
- 6 that it's unpredictable even within a single firearm
- 7 because you have different elements in play.
- For example, if the firearm were even
- 9 intended to send them in the exact same direction to
- 10 the exact same distance every time, a simple turning
- of the firearm at any angle is going to change where
- 12 those cartridge cases land and how far they go, but
- 13 they're not designed to do that. They're really
- 14 only designed to clear that weapon.
- So sometimes they'll go good
- 16 distances, sometimes they'll go short distances,
- 17 like they're just dribbling out of the gun,
- 18 sometimes they'll fly over the back of your head,
- 19 sometimes they'll go to your right, straight up,
- 20 forward, and things of that nature.
- 21 It is such an unreliable factor for
- 22 determining where someone is positioned, for
- 23 example, that we don't give any credence to ejection
- 24 patterning, if you will. There is just too many
- 25 variables that come into play, especially if you

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```
Page 119
     start dealing with a scene that intentionally or
 1
 2
     even unintentionally has been tampered with is to
 3
     strong of term. It could be kicked, it could be
 4
     stepped on, it could be carried by a car tire, it
     could bounce off of things and so forth.
 5
 6
     positioning of cartridge cases is something that we
 7
     don't even consider.
 8
                                          Cartridge cases
 9
     are very light, obviously, they bounce around.
10
     they're ejected, they don't just roll, they often
11
     come out spinning, flying all of over the place,
12
     correct?
13
               Absolutely.
          Α
14
                                On a weapon like that with
15
     a slide that comes back and what I would say is
16
     pretty aggressive if you've ever seen it, it comes
17
     back pretty quick, pretty hard.
18
               Oh, yeah.
          Α
19
                                Do you have any guess at
20
     what kind of pressure you apply to a slide like
21
     that, could you hold a slide like that back if
22
     somebody tried to hold the slide, is that possible,
23
     or would you expect a lot of damage to your hands,
24
     the gun?
25
          Α
               Surprisingly, it doesn't take as much as
```

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```
Page 120
     one would think. And the reason I say that is I'm
 1
 2
     not going to put my hand in the way. It comes back
 3
     with a good deal of force. In fact, there are
     officers, you know, when we're issued these guns and
 4
 5
     first training on them that if they hold their thumb
     in the wrong place, you are going to hurt yourself.
 7
                    Now that said, I have spoken to
 8
     others who have been brave enough, if that's the
     right word, to use their thumb to try and hold that
10
     slide in place and they have been successful in
11
     firing that weapon and preventing it from cycling.
12
                    So I don't have any idea, I can't
13
     describe what amount of energies and forces it would
14
     take to do that, but I know that it can be done.
15
                               And that's a little
16
     surprise because when you see it, it looks like it
17
     comes back with an enormous amount of force.
18
                      In fact, what I can tell you is if
19
     I don't have a good way to describe this, but I'd
20
     rather have my thumb on it and against it and trying
21
     to hold it forward then behind it and away from it
22
     and not expecting it because it is going to hurt a
23
     lot more getting hit like that, than it is going to
24
     take to overcome the pressure that it's creating.
25
                    I guess even thinking while I'm
```

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- speaking, the energy that takes that bullet out of 1
- 2 the gun, is also equal but opposite rearward and
- 3 that's the recoil.
- 4 So if you think about it, if the gun
- 5 were to fire without any support from a human being
- 6 at all, they would go an equal distance apart, but
- 7 we're overcoming that in holding that gun.
- 8 So I'm thinking maybe it wouldn't
- 9 take so much to prevent that slide from cycling.
- 10 Suffice it to say, I know it's possible, I know it
- 11 can be done and there is a wide range of ways to do
- 12 that.
- 13 Do you have any idea what
- the opening, once cycle through one series, the 14
- 15 hammer is now cocked, do you have any idea what the
- 16 opening is between the back of that slide and the
- 17 start of that hammer, is there enough to get a
- 18 finger between, a thumb between there?
- 19 Absolutely, it is a visible amount of
- 20 distance. In fact, in the training of officers,
- 21 when I first started a number of years ago, my first
- 22 duty firearm was a revolver and it had an exposed
- 23 hammer as well. And part of the training was if we
- 24 were faced with a revolver or we're to lose our own
- 25 revolver to someone else, was to jam the meat of our

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```
Page 122
     hand into that space so then that gun can't be
 1
 2
     fired.
 3
                    So not only are you grabbing the gun,
     but you are preventing it from being fired back at
 4
 5
     you. So absolutely is there room to obstruct that
 6
     whether you intend or not, it could be clothing, it
 7
     could be whatever. Is there room? Absolutely.
 8
                                                    So
 9
     that raised another question.
10
          A
               Yes.
11
                                So in that case,
12
     something were obstructing it other than the
13
     stovepiping, you wouldn't have to do this or do this
14
     with the slide to make it fire again. You would
15
     just have to remove whatever was obstructing that
16
     and then fire that without that added step?
17
               Correct. If you had the hammer obstructed
     and it did not fire, this firearm is designed to
18
19
     function with another pull of the trigger.
20
                    So if that obstruction is removed, it
21
     would have then fired. There are firearms that will
22
     only give you one opportunity, one pull of the
23
     trigger. If it didn't fire, then you have to work
24
     that action. This is not that kind of gun. This is
25
     one that if it doesn't fire once, pull the trigger,
```

```
Page 123
     pull the trigger, pull the trigger, it might go off
 1
 2
     later.
 3
                                 Just to be clear.
          Α
               Yes.
 5
                                 If it were this type of
     situation, you have to do it this way or use your
 7
     arm whatever to clear it, but not always. I mean,
 8
     only for this situation would you have to do that if
     there was something else obstructing it?
10
               MS. ALIZADEH: You are going like this,
11
     you mean the stovepiping situation?
12
                              : Yes, the stovepiping
13
     situation you would have to --
14
               Work the action.
          Α
15
                               -- work the action.
16
          Α
               To clear the obstruction.
17
                                 But if anything else you
     just have to move that from out of the way in order
18
     to still fire without, without the slide?
19
20
          Α
               Without working the action?
21
                              : Yes.
22
          Α
               Yes, absolutely correct. For example, he
     mentioned could you stick a hand between the hammer
23
24
     and the frame and the firing pin.
25
                              : You wouldn't have to
```

Page 124 1 redo. 2 Α If you remove that hand, you're good to 3 go. MS. WHIRLEY: That stovepiping situation, 5 would you actually lose the cartridge trying to 6 clear it so that you could fire again? 7 Well, if it is a fired cartridge case that 8 is obstructing the action, you want to lose it, you want it out of the firearm, so yes. 10 (By Ms. Whirley) If it was feeding and 11 never fired? 12 Right, then you have got a live cartridge. 13 You want to clear it because it is in that 14 standing up position, you would lose that cartridge? 15 A You would lose a live cartridge because it 16 would automatically, it needs to load the next live 17 cartridge. So you want to lose that as well. 18 And in this case you did not find any live 19 cartridges other than the one that was in the 20 chamber. Is that the other witness? 21 MS. ALIZADEH: That's not how it came to 22 him. 23 MS. WHIRLEY: There were 12 cartridges that were used when the bullet was gone out of this 24 25 weapon?

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```
Page 125
               Correct, 12 fired cartridge cases were
 1
 2
     submitted and one live.
 3
                             That's what I'm asking.
               MS. WHIRLEY:
               But I have no live cartridges submitted to
 4
          Α
 5
     me with documentation that they came from outside of
 6
     the firearm or outside the magazine.
                                           In other
 7
     words, not from the ground and not from the police
 8
     car.
               MS. WHIRLEY: That's what I'm getting at.
10
          Α
               I don't have anything submitted like that.
11
               MS. WHIRLEY: So there is 12 that were
12
     fired, and one live?
13
          A
               Correct.
               MS. WHIRLEY: And so in a stovepiping
14
15
     situation when you lose a live cartridge, to clear
16
     it to get it to fire the next cartridge.
17
               Not, there is two different scenarios.
                                                        Ιf
18
     the fired cartridge case failed to eject and got
19
     trapped. The firearm might not necessarily have
     grabbed the next live cartridge to feed it. So in
20
21
     clearing it, you might not lose a live cartridge.
22
               MS. WHIRLEY: But you would have to clear
23
     it?
24
               Yes, you would have to clear that, but if
          Α
25
     you have, the other scenario is if you failed to
```

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```
Page 126
 1
     feed a live cartridge to clear that, you would
 2
     definitely lose a live round.
 3
                                          Does a live
     cartridge have the firing pin strike on it so that
 4
 5
     it doesn't fire?
               In that scenario it should not --
 7
                                I think not.
 8
               -- however, bad ammunition would be a
          Α
 9
     reason a gun might not fire. If it doesn't have a
10
     priming compound or any powder in it because the
11
     manufacturer, you know, the machine skipped that
12
     one, then you very well may have failure to fire.
13
     And it wouldn't be a stovepipe situation, but then
14
     you would still have to work the action to eject
15
     that unfired live cartridge that would have firing
16
     pin impressions, although it is still unfired.
17
                    But in a stovepipe situation where a
18
     live cartridge was suspected to have failed to feed
19
     and had to be cleared, I would expect no firing pin
20
     impression.
21
                    Obviously, a stovepipe situation with
22
     a fired cartridge case, yes, I would expect a firing
23
     pin impression.
24
                                I was trying to figure out
25
     if tried to be fired, it did not strike --
```

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```
Page 127
 1
               Right.
          Α
 2
                             -- it has been tried to be
 3
     fired.
               Exactly. In all likelihood it never
 4
          Α
 5
     chambered properly and had no attempt to be fired
 6
     before it jammed up the gun, which would then, is
 7
     what I considered the failure to feed.
 8
                               I don't even know if that
 9
     cartridge even cycled through, it could have been
10
     left in the magazine, came out that way, you
11
     wouldn't know?
12
          Α
               Absolutely, I wouldn't be able to tell.
13
               MS. ALIZADEH: Any other questions?
               Well, at this time then, this will
14
15
     conclude the testimony of this witness. It is 2:11
16
                needs to read something.
     p.m.
17
               (End of the testimony of
18
19
               MS. ALIZADEH: This is Kathi Alizadeh.
20
     October 6th, it's 2:19 p.m. Present is myself,
21
     Sheila Whirley and 12 grand jurors.
                                                 is the
22
     stenographer taking down what is being said and
23
     audio recording what's being said. And we have one
24
     more witness we're going to try to cram in today and
25
     that is Detective
                                                   of the
```

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```
Page 128
 1
     St. Louis County Police Department.
 2
 3
     of lawful age, having been first duly sworn to
 4
     testify the truth, the whole truth, and
 5
     nothing but the truth in the case aforesaid,
 6
     deposes and says in reply to oral
 7
     interrogatories, propounded as follows, to-wit:
 8
                         EXAMINATION
     BY MS. ALIZADEH:
10
               Could you state your name and spell it for
          Q
11
     the court reporter, please?
12
                                     , it is
          Α
               Detective
13
              How are you employed?
               I am a detective with the Crime Scene Unit
14
          Α
15
     for St. Louis County.
16
              How long have you been a police officer?
          Q
17
          Α
               Eighteen years.
18
               And how many of those years have you been
19
     working with the crime scene unit?
20
          Α
               Over three.
21
               And were you asked, were you asked to take
22
     some photographs of Ferguson Police Officer Darren
23
     Wilson in the course of the County Police
24
     Department's investigation that is documented in
25
     Complaint Number 14-43984?
```

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Page 129 1 Α Yes. 2 Okay. And do you recall the day that you 3 took those photographs, the date? No, I do not recall the date. I think it 4 Α 5 was a Tuesday after the shooting. 6 And I'm going to hand you what I've Q 7 marked as Grand Jury Exhibit Number 21. This is an 8 envelope that contains some photographs. That's not your handwriting on the front, is it? 10 A No. 11 Okay. But seeing that there is a date, 12 8/12/14, do you believe that might be consistent 13 with the date that you took the photographs? 14 Α Yes. 15 Q Okay. And I'm going to show you then 16 these photographs, these images that are contained 17 in Grand Jury Exhibit Number 21, and each photograph has a computer marking that indicates the number of 18 19 the image that was taken, correct? 20 Α Correct. 21 And so if you look at each of these 22 images, are they consecutive from number one being 23 the first image, all the way to Image Number 21? 24 Α Yes. 25 And then I'm going to just ask you real Q

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```
Page 130
 1
     quickly to look through these too. Do these appear
 2
     to be images that you took of Officer Darren Wilson?
 3
          Α
               Yes.
 4
               Do you know where you went to take those
          Q
 5
     pictures?
 6
               It's, it is the office in Overland.
          Α
 7
               That the Fraternal Order of Police?
          Q
 8
               Yes.
          Α
               And these pictures appear to be taken
10
     inside, inside, correct?
11
          Α
               Yes.
12
               Did you use any special lighting when you
13
     took this picture?
14
               Just the flash on my camera.
          Α
15
          Q
               All right. And did you do anything
16
     special with the flash in order to insure that the,
17
     the image that you were taking was what you would
18
     see with the naked eye?
19
               Yes, I moved it up to the side so items
20
     submitted wouldn't bleed out or anything.
21
               These images that you took, Images 1
22
     through 21, these are the photographs that you took
23
     of Officer Darren Wilson?
24
               Yes.
          Α
25
               Okay. And your purpose of taking these
          Q
```

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```
Page 131
     photographs, is that to document how his face and
 1
 2
     neck and head area looked on the day you were taking
 3
     the photographs?
               Yes.
          Α
 5
          Q
               Okay. So we'll go through those later.
 6
     And then also were you asked another time your
7
     Photograph Number 21, is this your placard that you
 8
     prepared?
          Α
               Yes.
10
          Q
               Does it have the date on it?
11
          Α
              Yes 8/12 of '14.
12
               And your DSN
          Q
13
               Yes, ma'am.
          Α
14
               So that tells you you took these
          Q
15
     photographs on the 12th of August?
16
          Α
               Yes.
17
               And then the same thing were you asked to
     take some photographs on September 3rd of 2014 in
18
19
     relation to the investigation into the shooting of
20
     Michael Brown?
21
               I was asked to take the photographs and
22
     retrieve a projectile.
23
                          (Grand Jury Exhibit Number 35
24
                          marked for identification.)
25
          Q
               (By Ms. Alizadeh) Okay. And so I'm going
```

```
Page 132
     to show you Grand Jury Exhibit 35, which is an
 1
 2
     envelope. Is that your handwriting on the envelope?
 3
          Α
               Yes, that is.
 4
               Okay. And did you examine the photographs
 5
     that are contained in this envelope?
 6
               Yes, I stamp the back of them.
          Α
 7
               Is there a total of 20 photographs?
          Q
 8
          Α
               Yes.
               Okay. And these were the photographs that
10
     you took of documenting your investigation on the
11
     September, what date did I say?
12
               9/3.
          Α
               September 3rd. So you were asked to go
13
     where to retrieve an apparent projectile?
14
15
          Α
                    Canfield.
16
               And that's in the Ferguson, City of
          Q
17
     Ferguson, correct?
18
               Yes.
          Α
19
               In the Canfield Green Apartment Complex?
20
          Α
               Yes.
21
               And so we have an aerial map here, which
22
     is Grand Jury Exhibit Number 25, and you said it is
23
     29?
24
          Α
25
                      Now, this building here Number
          Q
```

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```
Page 133
 1
     has 2905 and 2909, looks like they're the southern
 2
     most units?
 3
          Α
               Correct.
               This being south down here. Do you recall
 4
          Q
 5
     was the projectile that you retrieved at this
     location or was it at that location?
 7
                     which that is inverted.
          Α
 8
               So that's what I was getting at.
     numbers are in the wrong place?
10
          Α
               Yes.
11
          Q
               So actually where it says is actually
12
     unit
13
              Right.
          Α
14
               You photographed the exterior of the
15
     building?
16
          Α
               Yes.
17
               And the place that you retrieved the
          Q
18
     bullet?
19
          Α
              Yes.
20
          Q
              The bullet?
21
          Α
               Yes.
22
               And so when you arrived there, it was
          Q
23
     daylight hours?
24
          Α
               Yes.
25
               Were you able to see on the exterior
          Q
```

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```
Page 134
     staircase of that building a demarcation or a defect
 1
 2
     in the wooden staircase that appeared to you that it
 3
     might be the trail of a bullet?
          Α
               Yes.
 5
               Did you photograph that?
               Yes, I did.
          Α
 7
               And then did you find a defect in the wall
 8
     of the exterior wall of that building?
          Α
               Yes.
10
               And I don't have time, you know, I don't
11
     have time to turn on that goofy thing, I'm going to
12
     show you your Image Number 4. Is that the outside
     of the building that we're talking about?
13
14
          Α
               Yes.
15
          Q
               Okay. And so each, the building and each
16
     building actually has this outer kind of wall that
17
     is kind of the staircase is behind that wall, would
     that be fair to say?
18
19
          Α
               Yes.
20
               I don't even know to call that other than
21
     it is a wall that's outside of the staircase.
22
     was it in this wall that you saw a defect?
23
               Yeah, the interior side of it, yes.
24
               So on the --
          Q
25
          Α
               On the staircase side.
```

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```
Page 135
               On the stairwell side of that wall.
                                                      So
 1
 2
     I'm showing you Image Number 6. Is that a
 3
     photograph that shows that defect?
               The defect in the wall, yes.
 5
          Q
               Okay. And so when you are looking, and
     actually you are on the staircase, so you're looking
7
     at the inside of that wall, and that would be
     siding; is that correct?
 8
          Α
               Yes.
10
          Q
               And then you see this little mark right
11
     here, did you dig into the defect area?
12
               Yes, I did.
          Α
               Did you have to remove any siding or did
13
          Q
14
     you --
15
          Α
               Yes, I did.
16
               And what did you recover inside that
          Q
17
     siding?
18
               A projectile.
          Α
19
          Q
               And did you package that projectile?
20
          Α
               Yes, I did.
21
               And did you submit that projectile for
22
     examination at the St. Louis County Crime
23
     Laboratory?
24
          Α
               Yes.
25
               Okay. And the Image Number 7 and Image
          Q
```

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```
Page 136
 1
     Number 8, do those images show a defect in the
 2
     wooden railing of that staircase?
 3
          Α
               Yes.
               And does that railing correspond to
 4
          Q
 5
     possibly the path of that bull lit might have taken
 6
     before hitting the wall?
 7
          Α
               Yes.
 8
               Where you found it?
          0
          Α
               Yes.
10
          Q
               And just really quickly showing you on
11
     these images on the wooden railing, which would be
12
     coming across right here going into the wall.
13
                    Now, when a projectile, if it trailed
     against that wooden part of the railing, could it
14
15
     change the path or the direction of the projectile
16
     as it traveled?
17
          Α
               Yes.
18
               MS. ALIZADEH: Okay. I am certainly not
19
     going to keep our juror longer than he has to be
20
     here. If anybody has a quick question or two if
21
     they can ask it, otherwise, we can bring him back if
22
     there is more questions that need to be answered.
23
     Anybody have any questions for him?
24
                    If you think of other questions
25
     afterwards after today, I'll get him back here.
                                                        I
```

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```
Page 137
     don't want to cut anybody off if there is any
 1
     inquiry that needs to be made.
 3
                 (End of the testimony of
                                                           )
 4
 5
 7
 8
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```

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```
Page 138
 1
 2
 3
     State of Missouri
 5
                         SS.
     County of St. Louis
 7
                            a Licensed Certified Court
          I,
 8
     Reporter by the Supreme Court in and for the State
     of Missouri, duly commissioned, qualified and
10
     authorized to administer oaths and to certify to
11
     depositions, do hereby certify that pursuant to
12
     Notice in the civil cause now pending and
13
     undetermined in the County of St. Louis, State of
     Missouri.
14
15
          The said witness, being of sound mind and being
16
     by the grand jury first carefully examined and duly
17
     cautioned and sworn to testify to the truth, the
18
     whole truth, and nothing but the truth in the case
19
     aforesaid, thereupon testified as is shown in the
20
     foregoing transcript, said testimony being by me
21
     reported in shorthand and caused to be transcribed
22
     into typewriting, and that the foregoing page
23
     correctly sets forth the testimony of the
     aforementioned witness, together with the questions
24
25
     propounded by counsel and grand jurors thereto, and
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	Page 139
1	is in all respects a full, true, correct and
2	complete transcript of the questions propounded to
3	and the answers given by said witness.
4	I further certify that the foregoing pages
5	contain a true and accurate reproduction of the
6	proceedings.
7	I further certify that I am not of counsel or
8	attorney for either of the parties to said suit, not
9	related to nor interested in any of the parties or
10	their attorneys.
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Gore Perry Reporting and Video 314-241-6750 www.goreperry.com

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Page 140
 1
     COURT MEMO
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 3
     State of Missouri v. Darren Wilson
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 8
     CERTIFICATE OF OFFICER AND
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume X
12
     10/6/2014
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14
     Name and address of person or firm having custody of
15
     the original transcript:
16
17
     St. Louis County Prosecuting Attorney's Office
18
     100 S. Central Ave.
19
     Clayton, MO 63105
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Page 141
 1
     ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:
 2
 3
     St. Louis County Prosecuting Attorney's Office
     100 S. Central Ave.
     Clayton, MO 63105
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     Total:
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	Page 142
1	Upon delivery of transcripts, the above
2	charges had not been paid. It is anticipated
3	that all charges will be paid in the normal course
4	of business.
5	GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6	515 Olive Street, Suite 700
7	St. Louis, Missouri 63101
8	IN WITNESS WHEREOF, I have hereunto set
9	STATEMENT OF DEPOSITION CHARGES
10	my hand and seal on this day of
11	Commission expires
12	
13	Notary Public
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