Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume XIII

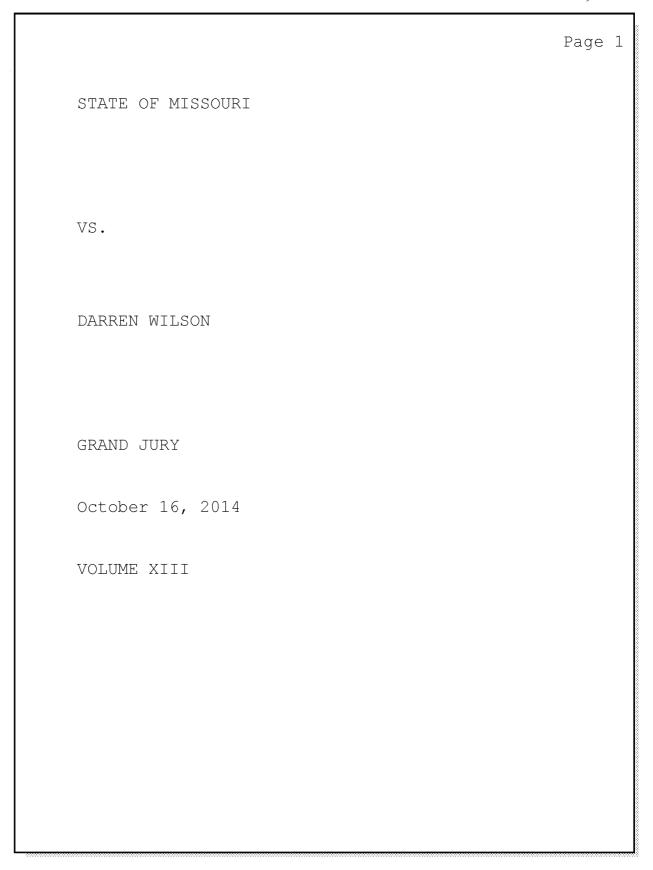
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Page 2
 1
           IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
 2
                       STATE OF MISSOURI
 3
     STATE OF MISSOURI
 7
     VS.
 8
     DARREN WILSON
10
11
12
          The following is a hearing before the Grand
     Jury of St. Louis 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 16th day of October, 2014,
17
     before
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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13
14
15
16
17
18
19
20
21
22
23
24
25
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	Page 5
1	GRAND JURY HEARING VOLUME XIII
2	MS. ALIZADEH: Good morning.
3	(All say good morning.)
4	WITNESS 34,
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
9	interrogatories, propounded as follows, to-wit:
10	EXAMINATION
11	MS. ALIZADEH: Now, this is Kathi
12	Alizadeh. It is October 16th, 2014, it is 9:14.
13	This is the first of the day. We had a little late
14	start today. I'm present, with Sheila Whirley from
15	the prosecutor's office, all 12 grand jurors are
16	present, as is the court reporter and we're getting
17	ready to hear from the first witness of the day who
18	has been sworn.
19	BY MS. ALIZADEH:
20	$oldsymbol{Q}$ You and I met with your attorney and
21	Sheila prior to you coming in here today; is that
22	right?
23	A That's right.
24	$oldsymbol{Q}$ And remember that I told you that the
25	court reporter is taking things down and there will
I	

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```
Page 6
     be a recording, but before we start the recording
 1
 2
     I'm going to have you introduce yourself. Do you
 3
     remember me telling you that?
               Yeah, uh-huh.
 4
          Α
 5
          Q
               And then I told you that after we start
 6
     the recording, we are going to refer to you by a
7
     number instead of your name, okay?
 8
          Α
               Right.
               And your number is going to be 34, okay?
10
          Α
               Okay.
11
               So could you please state your name for
          Q
12
     the grand jurors?
               Witness 34.
13
          Α
14
               And how old are you, sir?
          Q
15
          Α
16
               And whereabouts do you live?
          Q
17
          Α
               (Redacted)
18
               Okay. (Redacted)
          Q
19
          Α
               (Redacted)
20
          Q
               How long have you lived in the St. Louis
21
     area?
22
               I have been in St. Louis since
          Α
23
               Do you live in the Canfield Green
          Q
24
     Apartment Complex?
25
          Α
               No, I have a
```

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```
Page 7
 1
               Okay.
          Q
 2
          Α
 3
               And what do you do, what kind of work to
          Q
     do you do for a living?
 4
               Sort of like
 5
          Α
                                     work.
 6
               Okay. All right.
          Q
 7
                    Now having been identified, I will
 8
     have the court reporter start the recording and then
     we will have you, we will refer to you by your
10
     number, okay?
11
          Α
               All right.
12
               (By Ms. Alizadeh) Sir, prior to the
     recording being started, you identified yourself and
13
     for the recording purposes we're going to refer to
14
15
     you as Witness Number 34; is that right?
16
          Α
               That's all right.
17
               And, sir, just back up a little bit and
     restate what you already said, how old a man are
18
19
     you?
20
          Α
21
              And you live
                                                  3
          Q.
22
               Right.
          Α
23
               All right. Are you familiar with the
     Canfield Green Apartment Complex?
24
25
          Α
               Part of it, yes.
```

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	Page 8
1	Q You've been there before?
2	A Yes.
3	Q I'm going to show you Grand Jury Number
4	25, which is a map, an aerial view of some streets
5	and buildings. This being Canfield Drive, do you
6	recognize that as being streets and buildings that
7	will be Canfield Green Apartment Complex?
8	A Yes, uh-huh.
9	Q Okay. And, sir, do you remember
10	August 9th of this year, which was a Saturday?
11	A Yes, uh-huh.
12	Q And earlier that morning, did anything
13	special happen?
14	A Yes.
15	Q Prior to what you ended up seeing that you
16	are here for today, prior to the shooting, did
17	anything unusual or special happen in the morning?
18	A Before the shooting?
19	Q Right.
20	A Uh, well, nothing. I was on my way to
21	work and I had
22	to come back and get it.
23	Q Okay. So you
24	?
25	A Uh-huh, yeah.
1	

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	Page 9
1	${f Q}$ And so you said you were leaving for work?
2	A Right.
3	${f Q}$ Do you remember about what time of day it
4	was that you were leaving for work?
5	A I don't know exactly what time, but it was
6	in the morning.
7	Q And do you recall this being a Saturday?
8	A As far as I can remember, yes.
9	Q Was it light outside?
10	A Yes, it was light.
11	Q Okay. And how was it that you were
12	leaving for work?
13	A
14	
15	I turned around to
16	come back the Canfield
17	Apartments.
18	Q So you were all the way to
19	and then you had to return around and come back to
20	the Canfield Apartments?
21	A Uh-huh.
22	Q When you were coming back to the
23	apartments, when you got to the apartment complex,
24	were you coming from West Florissant or were you
25	coming the back way?

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Page 10
 1
          Α
               No, I was coming from West Florissant.
 2
          Q
               Okay. If this is West Florissant over
 3
     here, and I'm motioning to the left of the map.
 4
          Α
               Right.
          Q
               You can't see West Florissant on this map.
               Right, okay.
          Α
 7
               You came in from this direction?
          Q
 8
          Α
               Right, right.
               What kind
                                   do you have, at least
          0
10
     back then, what were you driving?
11
          Α
               Α
12
               Okay. And is this a
          Q
13
               Right, it is a
          Α
14
               Does it have anything on
          Q
15
16
          Α
               It has a
17
               And what about, is it a four-door or
          Q
18
     two-door,
19
          Α
               It is
20
          Q
               And about what year is it?
21
          Α
22
               And so when you were coming back to the
          Q
23
     Canfield Green Apartments, were you driving that
24
25
          Α
               Yeah.
```

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```
Page 11
 1
               And you were driving this direction on
 2
     Canfield Drive? (indicating)
 3
          Α
              Right.
 4
               Okay. Now, right here in front of you is
          Q
 5
     a laser pointer.
 6
               Uh-huh.
          Α
 7
               And there's a little gray button right
 8
             So if you press it, you can use that to show
     on the map.
10
                    So as you were, let me ask you this,
11
     were you with somebody in your
12
               Yes, one of the guys that work with me.
13
               Is this guy somebody that is a friend of
14
     yours?
15
          Α
              Well, I call him a friend. I help him out
16
     a lot.
17
               Do you know his name?
          Q
18
          Α
                     , he goes by. I never question him
     too much, he never likes me getting into his
19
20
     business too much.
21
              You call him
          Q
22
          Α
              Right.
23
               And he's
          Q
24
          Α
25
               And you've worked with him though?
          Q
```

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-		
		Page 12
	1	A Yeah, I've worked with him several times.
	2	${f Q}$ So was he going to work with you that day?
	3	A Yes, uh-huh, right.
	4	${f Q}$ Do you know is he African-American or is
	5	he Caucasian?
	6	A African-American.
	7	Q Okay. So is just a name you call
	8	him?
	9	A Right, uh-huh.
	10	Q So as you entered, were coming into the
	11	Canfield Green Apartment Complex, did you see
	12	anything unusual?
	13	A Yes, when we got turned into Canfield,
	14	coming up Canfield, all of the sudden, I call it a
	15	truck, but it is like a van, more like a van, you
	16	know what I'm saying? And it is parked kind across
	17	the street and there is a car in front of us, okay.
	18	And we saw the police and a young man struggling.
	19	Q Okay. So let me stop you. Use that
	20	pointer and show me was the police car on Canfield
	21	Drive on this main street?
	22	A Yeah, it was headed back towards West
	23	Florissant. It is on this street. If this is West
	24	Florissant, it is on this street here. I can't
	25	think of exactly whereabout in there, but somewhere.

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Electronically signed by

	Page 13
1	But anyway, his car was headed back towards West
2	Florissant.
3	Q Okay.
4	A The police car was. There was one car
5	right in front of me when I was there. My car
6	there, I'm just not saying definitely this is the
7	spot. My car there and another car right there and
8	the police car right there headed back that way.
9	(indicating)
10	${f Q}$ Okay. So he was, you were facing the
11	police car?
12	A Right.
13	Q And his police car was facing you?
14	A I'm sorry, say that again?
15	Q Was the police car then facing?
16	A Right, right, like coming back
17	toward West Florissant.
18	Q Okay. Now, was this a marked police car?
19	A It had police on it, Ferguson Police.
20	${f Q}$ You could tell by looking at it, it was a
21	police car?
22	A Yeah, uh-huh.
23	${f Q}$ And did it have like a light bar on it, do
24	you remember?
25	A Yeah, yeah, it was one of the regular

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Page 14 police cars of Ferguson, like the van thing like. 1 2 You know, it looked like a SUV or something like 3 that. I'm not for sure. 4 Were the lights on the car going, like the 5 red and blue lights, do you recall them being on? 6 No, I don't, I don't recall that. Α 7 Okay. So was that police car when you 8 first saw it, was it moving or was it standing still? 10 Α It was sitting still, but it was kind of 11 like across the street so nobody can really get by, 12 you know what I'm saying? 13 Okay. So did you have to stop your car? Yes, yes, we had to stop. 14 15 Q And the car in front of you, was it 16 stopped also? 17 Α Yes, it was stopped. 18 Do you remember anything about the car in 19 front of you? 20 It was white and he turned around and then 21 I remember, I had to be close to one of those exits 22 there, one of those because I turned around in one 23 of those exits and went back out. And then I came 24 around to the back part and came in off of Chambers, 25 I came in off of Chambers back there.

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Page 15
               So we'll get to that part. That happens
 1
          Q
 2
     in a little bit, right?
 3
          Α
               Right, uh-huh.
               So you don't turn around immediately?
          Q
          Α
               No, no, I don't turn around immediately.
               Okay. So there is a white car in front of
          Q
 7
     you?
 8
               Uh-huh.
          Α
               And could you see the people in the white
10
     car, people or person?
11
               I wasn't really paying attention to them,
12
     you know, I don't remember seeing them.
13
     looking at the police truck really.
14
               What did you see at the police truck?
          Q
15
          Α
               Well, the police and the young man, they
16
     were struggling. The young man was standing outside
17
     the window and the police inside the window.
18
     had ahold of the young man, and the young man had
19
     ahold of him, and they are struggling with one
20
     another.
21
               Okay. So could you see the police officer
22
     inside the truck?
23
               I could see him, but not clearly, you
24
     know, I could see him.
25
               And how many police officers were inside
          Q
```

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```
Page 16
 1
     the truck?
 2
          Α
               As far as I could tell, one.
 3
               Now you say there was a young man standing
          Q
     outside the truck?
 4
 5
          Α
               Yeah, uh-huh.
 6
               Was he the only other person you saw
          Q
 7
     outside or around the truck?
 8
               Yes, he was the only person that I really
          Α
 9
     saw, you know, by the police.
10
               Can you describe anything about the man
11
     that was standing outside the truck?
12
               Uh, as far as I could tell he was a young
13
     man, tall, you know, and like I say, at the time,
14
     you know, like I couldn't really see him clearly,
15
     you know what I'm saying? I could see he was a
16
     black young male standing there. I turned to Mr.
17
          , I said, man, you see this, we've got to get
18
     out of here.
19
                    We didn't leave immediately, you know
20
     what I'm saying? I didn't want to get blocked in.
21
     I had an appointment to be at, you know what I'm
22
     saying?
23
               Okay. Now, when you say that they were
24
     struggling.
25
          Α
               Uh-huh.
```

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	Page 17
1	Q And you said he had ahold of the officer's
2	shirt and the officer had ahold of his shirt?
3	A Right, uh-huh.
4	$oldsymbol{Q}$ Okay. Was the officer sitting in the
5	driver's seat of the police car?
6	A Yeah, uh-huh.
7	Q All right. And as best you could tell,
8	was the police officer' window down?
9	A Yeah, uh-huh.
10	Q So each one is reaching through the
11	window?
12	A Right, uh-huh.
13	Q Did you see anything else going on in this
14	struggle?
15	A The next thing I heard was a shot, pow,
16	and then the young man took off running.
17	Q When they were struggling, did you see
18	anybody, either one of them punching or hitting the
19	other one?
20	A It looked like, looked like they were
21	going at it because I could see the young man, you
22	know, I could see him hitting at the policeman and
23	the policeman, you know, as far as I could tell was
24	going like this. And it looked like he was going
25	for his gun, you know what I'm saying? So I was
I	

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Page 18 1 like. 2 Okay. So when you say it looked like he was going --3 I say looked like it, I'm not for sure, 4 I'm not for sure. 6 Sure. And that's what we want to make Q 7 sure you describe why you think that. 8 Α Right. What was he doing that made you think --10 Α Because like when he leaned over like 11 this, I see his right hand disappear, you know, and 12 when we heard the shot, that's when I said, hey, it 13 is time for me to go. You know, I turned around, 14 like I said, one of those driveways down there it is 15 to the left, because I was headed on West Florissant 16 is from behind. 17 I was going up this way, I turned 18 around in one of them driveways. I see people 19 standing out and stuff like that. And then I backed 20 out and I headed out. As I was leaving, I heard 21 three more shots as I was leaving. I didn't see 22 them, I heard three more shots as I was leaving. 23 (indicating) 24 Let's go back to the point where you are still on the street. 25

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	Page 19
1	A Right.
2	Q Did you ever get out of your car?
3	A Oh, no.
4	Q Okay. So you're still, yes.
5	It is really
6	helpful, there is a lot of he, he went for his gun,
7	if we could use the officer's name, as we know now
8	Michael Brown, it would really help.
9	A I'm sorry, I couldn't hear a word.
10	If you could, maybe you
11	can report it better.
12	MS. ALIZADEH: Okay. You know what, what
13	I'm kind of letting him do is to kind of let him
14	narrate what happened and then I'm going to go back
15	hopefully and clarify when he says this, who are you
16	are talking about.
17	Thanks.
18	MS. ALIZADEH: If I don't make it clear to
19	anybody, please raise your hand and ask.
20	Q (By Ms. Alizadeh) So, sir, what the
21	was referring to when you say he did this and he did
22	that and he did this and he did that.
23	A Uh-huh.
24	Q We don't know which he you are talking
25	about.

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		Page 20
1	A	Okay.
2	Q	So the police officer was a man, correct?
3	A	Right.
4	Q	And the guy outside the truck, he was also
5	a man?	
6	A	Right.
7	Q	Did you know, when you saw the man at the
8	truck.	
9	A	Uh-huh.
10	Q	Outside the truck?
11	A	Right.
12	Q	Had you ever seen him before that day?
13	A	No, I haven't.
14	Q	Was he white or African-American?
15	A	African-American.
16	Q	Could you tell whether the officer was
17	white or	African-American?
18	A	He's white.
19	Q	Okay. So do you now know that the guy
20	outside t	the truck, do you know what his name is?
21	A	Yes, uh-huh.
22	Q	What do you know now his name was?
23	A	Michael Brown.
24	Q	Let's use his name, even though you didn't
25	know him	back then.
1		

```
Page 21
 1
          Α
               All right.
 2
               And that way we will know, we will be
 3
     clear on who is doing what. Had you ever seen that
     police officer before?
 4
          Α
               No, I haven't.
               Do you know any Ferguson police officers?
          Q
 7
               No, I don't.
          Α
 8
               Do you know that officer's name now?
          0
          Α
               No, I still don't know his name.
10
     it on TV, like I say, it don't stick with me, you
11
     know.
12
               So for now let's call him the police
          Q
     officer?
13
14
               All right.
          Α
15
          Q
               And then we will talk about the other man
16
     being Michael Brown, okay?
17
               Uh-huh.
          Α
18
               So when you say, let's go back then just
     to clarify. Michael Brown had his hand on the shirt
19
20
     of the officer?
21
          Α
               Yes.
22
               And the officer had his hands on Michael
23
     Brown's shirt?
24
               As far as I could tell, looks like both of
     them had ahold of each other.
25
```

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	Page 22
1	Q Okay. And you describe somebody is
2	punching or doing punching motions, which one was
3	doing the punching or both?
4	A I saw Michael punching a couple times
5	through the window, I would say a few times.
6	${f Q}$ Okay. And did you ever see the officer
7	punching Michael?
8	A No. It seemed like, first when hitting
9	and stuff and the officer hand disappeared, I saw
10	the officer hand disappear and I heard a shot, that
11	was it.
12	${f Q}$ Okay. About how long from the time you
13	came around here to see the officer, when you came
14	around and first saw the truck, was Michael Brown
15	already at the driver's
16	A He was already there at the truck. They
17	was right in the middle of the street.
18	${f Q}$ Okay. When you first saw them, were they
19	already struggling?
20	A Yes, uh-huh.
21	Q So for the time you first saw them until
22	you heard the gunshot.
23	A Uh-huh.
24	Q How long did you see that struggle?
25	A To me it look like they struggle before
1	

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Page 23 the officer got his hand on his gun. They struggle probably about, I don't know what, as far as I could see two or three minutes, I say two or three Okay. And from what you could see.

- minutes.
- Uh-huh. Α

Q

1

2

3

- 7 And I'm asking you to give me an
- 8 assumption, and if you can't, then say I couldn't
- 9 really tell you.
- 10 Α Okay, all right.
- 11 Did it look like one person was winning
- 12 the struggle or one person had the advantage in the
- 13 struggle or was it even?
- 14 I really can't answer that because like it
- 15 was happening so fast. And like I told you, you
- 16 know, if I can't tell the story right away,
- 17 sometimes I forget things, you know, so I don't want
- 18 to put that, but as far as I could tell, you know,
- 19 like Michael hit him a few times. He had ahold of
- 20 Mike real close through the window and the officer,
- 21 both of them struggle to hit one another.
- 22 And I see Michael hit him a couple
- 23 times and then all of the sudden I see the officer
- 24 lean over, one of his hands disappear and then the
- 25 guy I was with , I heard a shot, pow, and Mike

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Page 24 1 Brown took off running. 2 Did you ever see the officer's gun when 3 you heard that pow? I didn't see it when I heard the pow, I 4 Α heard the gun once the officer got out of the truck. 5 6 Okay. So when you heard the pow, you Q 7 didn't see the gun outside the car? No, no, no, no, I didn't see it outside 8 Α the car. All I heard was a pow. I was in the midst 10 of getting out of there then. 11 Okay. And when you heard the pow, is that 12 when you're like, okay, I got to get out of here? 13 Oh, yeah, I said it was time to go. As A 14 soon as we got room enough to turn around, we left. 15 Q But you saw some things before you got 16 turned around? 17 Before I got turned around, yes. 18 So let's go back now. From the time of 19 the pow, the gunshot. Did you recognize that as a 20 gunshot, had you ever heard a gunshot before? 21 Oh, yes, yes, I recognize the gunshot. Α 22 Okay. You just heard the one at that Q 23 point? 24 At that point in time, yeah. Α And so what did Michael Brown do when you 25 Q.

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Page 25

- 1 heard pow?
- 2 A He took off running, and then the officer
- 3 got out of his truck and the officer had his gun
- 4 down to his side like that. Looked like the officer
- 5 was reaching up to his thing he had on his shirt
- 6 that he talked through, and then the kid ran a piece
- 7 off. And he stopped, he was behind a car, looked
- 8 like he had both of his hands on the car.
- 9 (indicating)
- 10 **Q** When you say he, are you talking --
- 11 A Michael Brown.
- 12 **Q** Okay.
- 13 A And then the officer was coming towards
- 14 him and then look like Michael Brown started coming
- 15 back towards the officer, right. And then that's
- 16 the last I saw of him, right. And then I was turned
- 17 around like this, I was backing out, turned around,
- 18 I seen it was clear, I took off. I heard three more
- 19 shots right before I started forward, like pow, pow,
- 20 pow, like that. And that was the last that I saw
- 21 until I heard the rest on the news.
- 22 Q Okay. So let's go back then from the time
- 23 that you saw Michael Brown start to run away, which
- 24 direction was he running?
- 25 **A** He was coming back this way. Michael

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		Page 26
1	Brown, say	y if the police car was sitting right
2	there, he	was coming back this way and then there
3	was anothe	er car sitting like here or something, I'm
4	not for su	are, but that's where he stopped at. And I
5	said to my	yself in my head, you know, I think that
6	kid probak	oly got hit, man. (indicating)
7	Q	Hit, what do you mean hit, by a car?
8	A	Got shot, got shot.
9	Q	Got shot. Okay. When you say, man, that
10	kid probak	oly got hit?
11	A	Right.
12	Q	You mean Michael Brown?
13	A	I mean Michael Brown.
14	Q	Okay. So let's go step by step here. So
15	when you s	saw Michael Brown turn, run away from the
16	police car	c .
17	A	Uh-huh.
18	Q	Did he stay in the street or did he run to
19	a building	g?
20	A	Right in the middle of the street.
21	Q	Running down the middle of the street?
22	A	Right.
23	Q	You said saw the officer get out of his
24	car?	
25	A	Yeah.
1		

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Page 27 1 Did the officer get out of his car right 2 away or was there a few moments before he got out or 3 do you recall? As far as I can recall, after Michael 4 Α 5 Brown took off running, the officer got out of his 6 It was pretty quick, you know what I'm saying? 7 I couldn't say he sit there a long time, it was 8 pretty quick he got out of his car. Okay. I'm just guessing, you tell me if 10 I'm wrong. So if Michael Brown started running. 11 Α Right. 12 By the time the officer got out of his 13 car, Michael Brown had a little bit of a head start? 14 He wasn't that far away from him as far as Α 15 I could remember. Michael Brown probably run about 16 two and a half car lengths or maybe three, something 17 like that. Okay. And so you said the officer had his 18 19 gun when he got out of the car? 20 Α Yes, uh-huh. 21 Where was his gun, in his hand? Q. 22 Α Yeah, he had it in his hand down by the

25 do you recall it being his right hand?

All right. And you used your right hand,

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side.

23

24

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Page 28 As far as I can tell. When he got out of 1 2 the door, he's in front of me and he had the gun 3 down to the side of his leg like this, and you know, watching which way they run and he started to chase 4 Michael Brown too. (indicating) 6 Q Okay. So when you say he started to chase 7 Michael Brown. Uh-huh. 8 Α Let's clarify also. Was Michael Brown 10 running, was he walking? 11 He was running. And then it looked like 12 he couldn't go no further, he stopped and put his hand on the back of the car. And I recall that car 13 14 was brown or gold or something like that, as far as 15 I can recall. 16 It looked like Michael Brown, when 17 he's coming toward Michael Brown, Michael Brown took 18 his hands off the car and was coming towards the 19 officer. 20 Q Okay. So when you saw Michael Brown 21 running away. 22 Α Uh-huh. 23 Could you tell if he had been shot? Could 24 you see anything? 25 Α I couldn't tell if he had been shot.

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Page 29 That's when I said, well, he must have got hit 1 2 because that's all the further he ran. I know if 3 somebody shot at me, I would run further than that. Q Sure. 5 You know what I'm saying? 6 So you only are guessing that he might Q 7 have been hit because he didn't keep running? 8 Right, he might have been hit from the Α 9 first shot in the car. 10 So from the time the officer got out of 11 his car, and you said he chased Michael Brown, so 12 describe how he was moving, was he running, was he 13 walking? The officer? 14 Α 15 Q Yes. 16 The officer, can I stand up? Α 17 Yeah. Q 18 The officer kind of got out of the car, he Α 19 is doing this over here, looks like he was talking 20 through his thing and Michael Brown was running 21 probably from here to that young lady there. 22 he's coming behind him and look like Michael Brown 23 just got tired all at once or couldn't run no 24 further, put his hand on the back of the car. 25 And then the police still coming at

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Electronically signed by

```
Page 30
    him, he took his hand off the car and was walking
1
 2
    towards the police, I guess, it was walking or
 3
    running, I'm not sure, but he was coming towards the
     officer and that's the last I saw.
 5
          Q
               Okay. When you saw the officer, you said
    you saw him chasing Michael Brown, but what you did
7
    was kind of like, I'm doing this? (indicating)
 8
          Α
               It was a trot.
               A trot?
          Q
10
          Α
              Yeah, a trot.
11
               So you describe that as a trot?
          Q
12
          Α
               Right, uh-huh.
13
               He had his gun down at his side.
          Q
               Right.
14
          Α
15
          Q
               Did you ever see him once he got out of
16
    the car, did you ever see the officer point his gun
17
     at Michael Brown or in Michael Brown's direction?
18
               Not after he got out of the car.
19
          Q
               You never saw that?
20
          Α
               I never saw that.
21
               Okay. Did you ever hear the officer say
          Q
22
     anything?
23
               I wasn't close enough to hear.
24
               What about Michael Brown, did you ever
          Q
25
    hear him say anything?
```

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	Page 31
1	A No, I couldn't hear him say anything.
2	${f Q}$ How about at the truck, could you hear
3	yelling cursing
4	A No, I couldn't hear nothing.
5	Q When you saw Michael Brown, you said he
6	ran a good piece or a piece, and then he stopped and
7	he put his hands on the back of the car?
8	A Uh-huh.
9	${f Q}$ Was this a car that was in the roadway?
10	A Yes, it was parked back towards West
11	Florissant the car was.
12	$oldsymbol{Q}$ Okay. Did it appear that it was parked
13	out in the street?
14	A It was stopped like somebody stayed there.
15	Q Like somebody else who had to stop?
16	A No, there was no one in that car, I
17	remember that.
18	Q Okay. You didn't see anyone?
19	A I didn't see anyone in that car.
20	Q Let's be clear on this. Could you see
21	inside the car and say no one was in it?
22	A It was clear. Usually you see a shadow.
23	I was further enough away from the car if someone
24	was sitting in there, I probably could have seen a
25	shadow. I didn't even see an shadow from someone
I	

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	Page 32
1	sitting in it. So I can't say 100 percent there was
2	someone in there or not.
3	Q So you didn't see anybody in that car?
4	A No, I didn't see anybody in that car.
5	Q You think it was a brown or gold car?
6	A Right, it was a brown or yellow car.
7	Q Was it regular car or was it a SUV or a
8	van?
9	A It look something like a Mercury, you
10	know, like one of the older Mercuries. I'm not for
11	sure it is even a Mercury or not, maybe a Ford. It
12	was something on this side of the street headed this
13	way. (indicating)
14	${f Q}$ Okay. And so, and the way you described
15	it that he put, Michael Brown put both of his hands
16	on the back of that car?
17	A Right, right, uh-huh.
18	Q Now, we know Michael Brown was a tall guy,
19	big guy?
20	A Right.
21	${f Q}$ When you say the back of the car, was it
22	like on the trunk area?
23	A Right, it was on the trunk.
24	Q So was he leaned over at all?
25	A Right, right, he had his hands on the
1	

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Page 33 1 trunk. (indicating) 2 All right. And so how long in seconds or 3 minutes, if it was minutes, did he stay there, Michael Brown, stay there with his hands on the 4 trunk of that car? 6 As far as I know maybe a minute and a 7 half, two minutes maybe. 8 When he was staying there with his hands on the trunk of the car, did the officer continue to 10 move toward him? 11 Α The officer continued towards him. 12 Was the officer firing his weapon as he 13 was moving towards him? 14 No, I didn't see him fire. Α 15 Q And then you said at some point you see 16 Michael Brown walk towards the officer or come 17 towards the officer? 18 Α Right. So can you describe how he was coming, 19 running, walking, trotting, staggering, stumbling? 20 21 He was walking towards the officer, but it 22 wasn't trotting. Can I get up? 23 Sure. Q 24 Say he was the officer, and he has got his hands like that, so the officer started coming 25

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Page 34 1 toward him, so he got off the trunk and he was 2 coming towards the officer like that. (indicating) 3 Okay. So when he was, had his hands on the trunk. Α Uh-huh. Was he totally behind the car? 7 Yeah, yeah, he's behind the car. But the 8 right on the edge. Say this is the car there and that's West Florissant over there, he was like on 10 this side, you know what I'm saying? That side was 11 toward the curb and he didn't have to walk too far 12 around the car. 13 So when he had his hands on the trunk, would he had been facing the officer at that point? 14 15 Α Yes. 16 So when he was running away, at some point 17 then he had to turn to get behind that car and put 18 his hands on the car? 19 Excuse me, as he's running away, looked 20 like he got tired, and he did like that. He just 21 got turned like that. (indicating) 22 After a minute or two, or whatever, you Q 23 said he had his hands on the back of the car? 24 Α Uh-huh. 25 On the trunk of the car, did he then stand Q

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Page 35 back up and come towards the officer? 1 2 He never did go down. He was just 3 standing behind the car. The officer --I stand back up, that was my choice of 4 5 words, that was wrong. I meant, you know, you 6 talked about he was leaning over a little bit. 7 Α Yeah. 8 So did he come back up standing upright and then move towards the officer or did he stay in 10 that leaning position? 11 He wasn't bent over coming towards the 12 officer, as far as I could tell. That's about the last I saw of him. 13 14 Okay. When he was coming toward the 15 officer, and I know you're in the process at this 16 point of thinking, how can I get out of here, right? 17 Oh, yeah. Α 18 And there was a car in front of you and 19 you were worried about hitting that car, right? 20 Α Right, uh-huh, right. Before I turned 21 around, as the car was turning around, I was turning 22 around, you know what I'm saying? 23 And I seen a bunch of people out 24 there and I was backing out and was telling 25 me, come on back. And, you know, I came on back and

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```
Page 36
 1
     I turned around. By the time I got back to West
 2
     Florissant, there was a bunch of other officers car
 3
     coming.
          Q
               Okay. So was there a car behind your
 5
     truck?
 6
               Oh, yeah, there was a car behind me, but
7
     they wasn't right up on me, you know what I'm
 8
     saying?
               So when you saw Michael Brown coming
10
     towards the officer, how were Michael Brown's hands?
11
               As far as I can tell, you know, after he
12
     got out of the car, the last I saw him, that's the
13
     last I saw him. (indicating)
14
               And at that point, at some point towards
15
     the end of this, though, are you looking at cars so
16
     that you could try to back up?
17
               Yeah, because I made one turn. I make
     that one turn up in here, I backed out and then I
18
19
     head on out.
20
          Q
               Okay.
21
               I never looked back after that. But after
22
     I was backing out, I heard pow, pow, pow, I took
23
     off.
24
               So you heard another round of gunfire?
          Q
25
          Α
               Uh-huh.
```

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	Page 37
1	Q Were you still on Canfield Drive?
2	A I was still on Canfield Drive, right.
3	Q And so when you saw Michael Brown walking
4	toward the officer, can you give me a guess or
5	estimate as to how many steps he took or how far he
6	walked?
7	A As far as I can tell it looked like two or
8	three steps to me, you know, something like that.
9	${f Q}$ And then you took your eyes off of what
10	was going on?
11	A Yes, yes, ma'am.
12	Q So whatever happened after that you didn't
13	see it?
14	A Right, no. All I heard, when the police
15	officer coming, most of them, say if this was to
16	turn, I backed out and I turned and I was headed
17	that way. By the time I got up in there, all I
18	heard was pow, pow, pow.
19	Q So were you, when you heard pow, pow,
20	this round of gunfire?
21	A Right.
22	Q Were you already facing
23	A Yes. And the gentleman with me that I
24	call , he was looking back, you know. He said,
25	I think he just shot him again, you know what I'm

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Page 38 1 I was watching traffic and trying not too 2 run into the policemen coming. 3 Q Okay. So the last time you saw Michael Brown he was still walking? 4 5 Α Right, he was still walking. He wasn't on the ground? Q 7 Α No, he wasn't on the ground. 8 Okay. And you heard a series of shots, 0 9 pow, pow, pow? 10 Α Something told me like, to me it sounded 11 like three. 12 Q Okay. 13 It sounded like three to me. Α 14 Q Did you ever hear any more shots after 15 that? 16 No, after the three, I was almost at the 17 I was West Florissant again, I was trying to 18 turn right to come in the back. Police cars was 19 coming with their sirens and stuff on, you know. 20 Okay. Number 34, do you remember seeing 21 another young African-American guy at or near those 22 cars that you described? 23 I can't remember if there was somebody 24 else there or not, you know. Only somebody I seen, I can't really remember. 25

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```
Page 39
                     Do you remember that when you, and
1
 2
     you remember September 3rd, so it was over a month
 3
     ago, but you remember on September 3rd, or
     thereabouts, going and talking to a FBI agent and an
 4
 5
     attorney named
 6
               Right, right, right.
          Α
7
               Do you remember telling them back then,
 8
     and I told you I was going to have a transcript of
     your statement.
10
          Α
               Right.
11
               But to be fair, you haven't heard your
12
     statement?
13
          Α
               No.
            Since you gave it, right?
14
          Q
15
          Α
              No, I haven't.
16
               You know they recorded it right?
          Q
17
          Α
               Yes.
18
               But you haven't had an opportunity to
     listen to it?
19
20
          Α
               No, I haven't.
21
               You haven't got a copy of the transcript?
          Q
22
          Α
               No.
23
               But I told you I was going to maybe talk
24
     about this if there were things that you didn't
25
     remember?
```

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```
Page 40
          Α
               Right.
1
 2
               So when you say these things, you know,
 3
     you have to tell me if you remember saying this.
               Right, okay.
 4
          Α
 5
          Q
               So do you remember on page seven, and I
     will give you a copy that doesn't have my highlight
7
     on it. So here is a copy of your transcript so you
 8
     see your name right there.
          Α
               Right.
10
          Q
               And that's your attorney's name?
11
          Α
               Right.
12
               So I'm just going to take you to about
          Q
13
     page seven.
               Uh-huh.
14
          Α
15
          Q
               And I don't say this to embarrass you, can
16
     you read, okay?
17
          Α
               No.
18
               Okay. You want me to go ahead and read it
          Q
19
     for you?
20
          Α
               Yes, please do.
21
               Okay. So on page seven, do you remember
22
     the county police officer's name, Detective
23
     do you remember that at all,
24
               No, I don't remember his name. I remember
          Α
25
     him coming to me.
```

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```
Page 41
               Okay. So do you remember up at the top
 1
 2
     and saying, okay. How many people did you see
 3
     outside the car?
               And then you say, outside the car?
 5
               And he says, uh-huh.
               And you say, there was just him and there
 6
7
     was another black guy standing back behind the
 8
     police car.
               If I said it, you know, like it is true.
          Α
10
     But like I say, you know, I do have a problem with
11
     my memory sometimes like I say, let me go too long,
12
     I can't tell you what I ate for breakfast this
13
     morning.
14
              And that's me to.
            Yeah, uh-huh.
15
          Α
16
               Remember I said I'm only using this to see
          Q
17
     if you remember saying that.
18
               Okay, uh-huh.
          Α
               Now, and you're saying, hey, if I said it,
19
20
     I said it, I believe you, right?
21
               Right, right, I believe you, right.
          Α
22
               But what I'm saying is that me saying
          Q
23
     that, does that remind you of it?
24
               All right. Well, as far as I can tell,
          Α
25
     really, I can't recall the other black guy.
```

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Page 42 1 like I said, the gentleman with me, he told me, you 2 know, me and him, you know, we had talked about it. 3 Okay. Q 4 And he said, yeah, there was one black guy 5 that was standing back there by the car also, you 6 know what I'm saying? 7 Okay. Q 8 Α If I said it to them like at that time, 9 you know, that's what I said. 10 Okay. So when you spoke to the federal 11 agents and the county detective back on 12 September 3rd. At that time were you telling them 13 as best you could what you remember from that day? 14 As best I could, right. Α 15 Q So did you, were you truthful about 16 everything as best you could? 17 I was truthful about everything that I remember, that I could remember. 18 19 All right. And so after you and got 20 out of there, where did you go? 21 Uh, I came back around and I came into the Α 22 back of the Canfield Apartment, came back up to 23 Chambers, I came back up West Florissant to 24 Chambers, took a right on Chambers and I went down 25 right there by the fire station, I think it is Green

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```
Page 43
     or something like that you come in, I'm not for
 1
 2
     sure. I think the name of the street is Green.
 3
                     I came into the back of the Canfield
 4
     Apartment, back there where they have that gate,
 5
     they have a gate back there like a railroad
 6
     crossing, you know, I came through that.
 7
               So it is blocked, there is a gate?
          Q
 8
          Α
               It was open that day.
          Q
               Okay.
10
          Α
                So I came through there. I went on back
11
     around to the
12
                                                      Then
13
         left, coming up there to see, you know, how
     people come to see what's happening, you know.
14
                                                       Ι
15
     went back, went out the same way I came in and went
16
     on to work.
17
               So when you left, you left out west?
          0
18
               Coming back toward West Florissant.
          Α
19
          Q
               And then you somehow?
20
          Α
               Took a right on West Florissant and took a
21
     right on Chambers and then I came into the back of
22
     Canfield.
23
          Q
               Okay.
24
               There's only two way in there that I know
25
     of from right there and from the back side.
```

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		Page 44
1	Q	And in the
2	complex h	ere?
3	A	Right, right, uh-huh.
4	Q	Can you use the pointer and tell me do you
5	know what	building they live in?
6	A	No, but outside. could tell you
7	what stre	et.
8	Q	All right.
9	A	I can't tell you what the name of the
10	street, I	'm not that good really.
11	Q	Do you know is it a building that is on
12	this side	?
13	A	Well,
14	Q	This side?
15	A	Say like coming up here and there is a
16		
17	I C	ome around here, where is the office. Do
18	you have	the office on here?
19	Q	I don't know.
20	A	There is an somewhere, but I come
21	to a stop	and then, and either this is it, I'm not
22	for sure	which one you have to come down and go into
23	the back	like that. (indicating)
24	Q	When you came back into the Canfield Green
25	Apartment	Complex, did you ever seem Michael Brown

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```
Page 45
 1
     again?
 2
          Α
               No.
 3
               You didn't see his body in the street or
          Q
     anything when you came back?
 4
 5
          Α
               No, no.
          Q
               From where you were?
 7
          Α
               I wasn't on this street any more where him
     and the officer were.
 8
                            I never did come back to that
     street until afterwards, maybe the next day or
10
     something, you know. I seen where they had the
11
     flowers and stuff like that out there.
12
               But that day when you came back and went
          Q
13
     to your
14
               Right.
          Α
15
          Q
               From
                                   you could not see this?
16
          Α
               No, huh-uh. You couldn't even get back in
17
     there no more, I just use the back way, I always use
18
     the back way.
19
          Q
               Did you ever see that police officer
20
     again?
21
               No, I never saw him again.
          Α
22
               Now, when you said that when you got out
          Q
23
     of there, you saw officers coming into the complex?
24
               Right, uh-huh.
          Α
25
               But the whole time you watch what was
          Q
```

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```
Page 46
     going on between Michael Brown and the officer, was
 1
     he the only officer there?
 3
          Α
               Yeah.
               Okay. And then, so you say you went to
          Q
 7
               Yeah, right.
          Α
 8
               And did you then walk down to this area at
          0
     all?
 9
10
          Α
               No, not at all.
11
12
13
14
15
          Q
             Okay. So --
16
               So that was that evening I had went to
17
     work for about two or three hours and I came back.
18
               All right. Now, so you know that there
     were a bunch of police down here later after the
19
20
     shooting?
21
               Oh, yeah, I seen them coming in and
22
     passing me. As I was making it to Chambers, police
23
     started coming, you know.
24
               But you didn't tell the police, you didn't
25
     stick around that day to tell them what you saw?
```

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```
Page 47
               No, I didn't stick around to tell nobody
 1
          Α
 2
     nothing.
 3
               Why not?
          Q
               Number one, you know, like I figure, you
 4
          Α
 5
     know, like I already been in trouble with the
 6
     police, right.
 7
 8
 9
                                       , he, what you call
10
     that, when they let you go, what they call that.
11
               You did your sentence?
12
               He said I didn't do the crime, okay.
     they figure me no way in that case, you know what
13
14
     I'm saying?
15
          Q
               Okay.
16
               I kept telling them that. When I came to
17
     talk to officers like I'm talking to you now, try to
18
                 Then they just throw me right now, just
19
     because I wouldn't testify against people, you know
20
     what I'm saying?
21
               So --
          Q
22
               T did
          Α
23
     that I will never get back, you know what I'm
24
     saying?
25
               So do you have a general distrust of
          Q.
```

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```
Page 48
     police officers?
 1
 2
          Α
               Yes, I do.
 3
               So you don't like to be --
               I don't like them. I know we can't live
 4
          Α
 5
     without the police, okay, because this world would
 6
     be messed up, you know. You turn the TV on all the
 7
     time people killing people every day, but I don't
 8
     like it when they make a mistake like that and don't
     try, you know, to straighten them out.
10
                    If someone is telling you over and
11
     over, hey, I didn't do it. At least take the time,
12
     you know, try to see what's going on, you know what
13
     I'm saying?
14
                    Like I say, I don't want to see
15
     Michael Brown's family, I don't know how to say
16
     this, I don't want to see nobody hurt. I'm the type
17
     of person, I don't believe in convicting nobody.
18
     don't believe in accusing nobody of nothing, I don't
19
     really know, you know, what I'm saying.
20
     don't like hurting people.
21
               So that day you didn't go talk to the
22
     police, but at some point you were talking to
23
     federal authorities and a county detective on
24
     September 3rd, how did that come about?
25
          Α
               They came to my house, they came to my
```

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```
Page 49
 1
           house and because, I guess, they seen the
 2
           or they heard somebody saying that I told I
 3
     know something or something, I don't know, but
     anyway, but Wednesday they showed me a picture of my
 4
 5
 6
                    They got my , which is my
7
          , but I drive it. They went to my
 8
     and they talked to
 9
                         As far as I can tell, he told
10
     them
11
             He told them my name and stuff so they start
12
     looking me up. I used to live on , I moved
13
     off
                , I moved to a different street and now,
14
     you know.
15
          Q
               I don't want you to stay where you live,
16
     okay?
17
               Right, right.
          Α
18
               So you're saying that basically the police
     found you?
19
20
          Α
               Right, right.
21
               It was because of your
          Q.
22
               Right, right, and then I went to talk to
          Α
23
     them then because I didn't want to get involved and
24
     they gave me a subpoena to come down there to talk
25
     to them. The subpoena, I quess, like you sent me,
```

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```
Page 50
     you know what I'm saying? So I called my lawyer and
 1
 2
     asked him, you know, could they do that, you know.
 3
     I said, man, I'm here to mind my own business just
     trying to enjoy my life, you know what I'm saying?
 4
 5
     I want to live what I got left. He said, yes, you
 6
     got to go, he said instead of going, he called the
 7
     officer and I don't know if he called the officer or
 8
     the officer called them so he could meet with them.
     So we met with them and talked to them and then I
10
     didn't have to go to this thing here, right. So we
11
     met them the day before or two days before, I'm not
12
     for sure.
13
               Let's go back just to clarify. You
     actually were given a subpoena to testify in a
14
15
                                               but a
16
     different one?
17
               Right, right, right, not this one.
               And that's because the police somehow
18
     found you because of your
19
20
          Α
               Right, that's what I'm figuring.
21
               And that's what they told you, they showed
22
     you a picture of your and said this is your
23
24
          Α
               Yeah.
25
               And you said, yeah?
          Q
```

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	Page 51
1	A Yeah, I was driving.
2	Q And here is the subpoena?
3	A Right. They want something that I didn't
4	really care for, they said, you come down here of
5	your own free will. No, I didn't come on my own
6	free will, I came because you told me I had to, you
7	know what I'm saying?
8	Q So once you got the subpoena, you talked
9	to your attorney and your attorney arranged for you
10	to come in and be interviewed?
11	A He said he would be there with me because
12	like, like you say, I don't trust the police to sit
13	there and talk to them. There's some type of way,
14	you know, I don't use all my words right like most
15	people, but, you know, like they take what I say and
16	twist it towards me, you know, like ever since then,
17	I just haven't been comfortable.
18	Q Okay. So that's how you ended up making a
19	statement to federal agents is because your attorney
20	worked it out that you could come in and be
21	interviewed rather than testify, right?
22	A That's right.
23	Q And now you know that I had you served
24	with a subpoena to come here today, right?
25	A Okay, uh-huh.

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1	
	Page 52
1	Q And so when you say you're here of your
2	own free will, you are only here because I
3	subpoenaed you?
4	A Right, correct.
5	Q Are you telling the truth today?
6	A Yes, yes, you know, like I said, you know,
7	I've been called a lot of names, but lying isn't one
8	of them.
9	Q I told you are not in any trouble?
10	A Right, right.
11	Q We want you to tell us what you saw,
12	right?
13	A Right, right.
14	Q Have I treated you fairly?
15	A Oh, yes, you know, right, but do you
16	believe me when I say I just want to be left alone
17	and just live my life, you know, treat everybody
18	nice, go to church every now and then. I just want,
19	that's all I want, you know.
20	${f Q}$ I think a lot of people would have really
21	rather not have been involved in this?
22	A Yeah, you know.
23	Q But here we are, right?
24	A Yeah, you know.
25	MS. ALIZADEH: I don't have any further

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```
Page 53
     questions and I told you Sheila may have some
 1
 2
     questions.
 3
          Α
               Right, uh-huh, okay.
               MS. WHIRLEY: Okay. Number 34, using that
 4
 5
     map, when you heard the first shot at the car.
 6
     First of all, do you have a good idea looking at
 7
     this map where you were when you heard that first
 8
     shot?
               Map, I can't really be sure, but it was
10
     somewhere. I figure it was somewhere in between
11
     here and here. (indicating)
12
               (By Ms. Whirley) The car was here?
          Q
13
               I can't say definitely, you know what I'm
          Α
              But it was somewhere between there I was,
14
     saying?
15
     you know what I'm saying?
16
               Can you say in car lengths how far away
          Q
17
     vou were?
18
               Yeah, from the police, about from I say --
          Α
19
               About how many car lengths would you say?
20
          Α
               One car was in front of me, I say about
21
     two, three car lengths.
22
               Okay. From the police car?
          Q
23
              Right, uh-huh.
24
               You didn't see the beginning of the tussle
25
     is my understanding?
```

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	Page 54
1	A No, ma'am.
2	Q How is your eyesight?
3	A Well, it is not good.
4	Q What do you mean?
5	A I wear glasses, but I lost my glasses and
6	I can't afford any more right now so, but during the
7	time they had me they gave me some
8	free ones. I accidentally broke them once doing
9	work. And the government, I got some free ones,
10	they won't help me get no more until a certain
11	length of time.
12	Q When you say it is not good, what do you
13	need glasses for?
14	A I'm kind of like farsighted you know what
15	I'm saying? Like something close up I can see
16	pretty good, but something a distance off.
17	Q So when you're looking at longer distances
18	you don't see well?
19	A No, no, I don't.
20	Q All right. How about your hearing?
21	A Hearing is not good at all.
22	Q What do you mean?
23	A I mean, I've been having problems with my
24	ear for the longest, you know. Like the gentleman
25	there right here, I guess, was saying something, I

```
Page 55
     could hear him mumbling, but I couldn't hear him,
 1
 2
     you know what I'm saying? Sounds like he was
 3
     mumbling, I'm not say he was mumbling, you know what
     I'm trying to say?
               You can hear me pretty well I can tell?
               I can hear you very well.
 7
               And you mention your memory, tell us what
          Q
 8
     problems do you have with your memory?
               Well, you know,
          Α
                                                     , my
10
                         and God knows I pray I don't
11
     have it. I forgets a lot of things.
12
                                                I just
13
     told you, my , I'm with my
                                                 tells me
     I just told you, you know, like that. And some of
14
15
     the
                       for, I had to go back to them like
16
     a few times and asked them is this what you said you
17
              I think they may have told me.
     wanted.
18
               You say you have a family history of
19
20
          Α
               Yes, I do.
21
               You have problems with your memory now?
          Q.
22
          Α
               Yes, uh-huh. I have a doctor appointment
23
     for the
                   that was the earliest he could get me
24
     in there. I'm on different medications.
25
               Are the medications for your memory?
          Q
```

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Page 56 1 Α No, not yet, but I have seen a 2 before and now they're sending me to, I 3 quess, you call it a memory doctor, you know. 4 supposed to meet with them on the that I can 5 think of. 6 Were you having memory problems back in Q 7 August, when did your memory problems start, is the 8 question? Oh, it has been before then. It has been A 10 with me for a while, you know what I'm saying? Off 11 and on. 12 Okay. You take, you do or you don't take Q medicine for it? 13 14 Α No, not for the memory yet. 15 Q Okay. 16 I take medicine for those migraines I have 17 like every morning, I mean. 18 Okay. At some point it sounded like you 19 said it appeared that Michael Brown was injured when 20 he, you know, ran and then stopped at the car. 21 made you think he was injured? 22 Because like anybody, I know I was a young 23 man once before myself. I know if I got shot at by 24 anybody, police or anybody, I would have ran farther 25 than that, you know what I'm saying?

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- 1 Q Right. Was there anything physically that
- 2 he was doing that made you think he was shot?
- 3 A It looked like he was kind of out of
- 4 breath or something, you know, or just couldn't go
- 5 no further to me.
- 6 Q Okay. And that was the reason why you
- 7 thought he was injured?
- 8 A Right, uh-huh.
- 9 Q Okay. When you said that, let's go back
- 10 to the car when they were tussling at the car and
- 11 you saw the officer with one hand trying to, I
- 12 guess.
- 13 A I don't know what he was trying to do, but
- 14 I know both of them had ahold of one another's
- 15 shirt.
- 16 **Q** I want to go to the part where you said
- 17 that the officer, you could see him as if he was
- 18 going for his gun?
- 19 **A** I saw him like this, I seen him lean over
- 20 like this, right, and next thing I heard was a shot,
- 21 pow. (indicating)
- 22 Q Okay. Let me ask you a question. When
- 23 you saw him leaning as if he was getting a gun right
- 24 before you heard that shot, could you see Michael
- 25 Brown's hands?

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```
Page 58
               Yes, you know, he was outside the window,
 1
 2
     you know, looked like he was -- was staring at the
 3
     officer too.
               Were both his hands outside the windows?
          Q
 5
          Α
               No, looks like one of them trying to hit
 6
     the officer.
 7
               He was hitting the officer?
 8
               Looks like he was trying to hit him, okay,
          Α
             But to me the officer was like this and the
     right.
10
     officer went like this, there wasn't no time I heard
11
     pow. (indicating)
12
               Okay. So the officer went like, the
     officer -- Michael Brown's hands and the officer's
13
     hands are kind of at each other?
14
15
          Α
              Right, uh-huh.
16
               And then the officer goes like towards the
          Q
17
     qun?
18
               He leans inside.
          Α
19
               Let me finish that question. He appears
20
     he goes to get his gun?
21
          Α
               Uh-huh.
22
               You don't see Michael Brown inside the car
          Q
23
     going like to the gun too?
24
               No, I didn't see that, no.
          Α
25
               Okay.
          Q
```

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```
Page 59
          Α
               As far as I can remember I didn't see
 1
 2
     that.
 3
               All right. You mention, I thought you
 4
     said, I'm not sure that you did, you
           for something you didn't do?
 5
               Right.
 6
          Α
 7
               What was that, what was the crime?
          Q
 8
          Α
               They
10
                               , okay, but I was somebody
11
     walking around every day without a car and without
12
     good clothes to wear. How I had all of that, you
13
     now what I'm saying?
14
               And you said you had been in trouble with
          Q
15
     the police, do you have any convictions?
16
          Α
               Yes, I do.
17
               What do you have?
          Q
18
          Α
               I have a drug conviction also.
19
          Q
               A drug conviction that you were guilty of?
20
          Α
               Yeah, I was guilty of that one, yeah,
21
     uh-huh.
22
               Anything else?
          Q
23
               Well, I had, I had some other things that
24
     come through life, as I was coming to life, me and
25
     this guy got into it. They got me for firing a
```

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```
Page 60
1
    weapon at this quy, like this quy had threatened my
 2
     life, okay.
 3
          Q
               Okay.
 4
          Α
               That was back in the day, that was back in
 5
    the early, late , it was late , right.
 6
               Anything else, any burglary or stealing?
          Q
7
          Α
               No, no, that was about it.
 8
               Okay.
          0
          Α
               I'm sorry, I'm sorry, ma'am, yes, I did.
10
     They charged me with a burglary crime also.
11
               Was that an unjust charge?
          Q
12
          Α
               Uh, well --
13
               Did you get convicted of it?
14
               No, I don't think I did, but it is still
          Α
15
     on my record, it still was on my record. Now it is
16
    probably off it has been over
                                          years ago.
17
                     That day when you talked to the
               Okay.
18
     federal agents, I think it was back in September I
19
    think Kathi said. Let me see, I have September 3rd.
20
          Α
               Uh-huh.
21
               Did they ask you was anyone with you and
22
    you said no?
23
               I said no at first because I didn't want
24
    to put nobody else in that, you know what I'm
25
     saying? But my lawyer stopped it. He told me, he
```

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```
Page 61
 1
                , you know, tell them the truth.
 2
     somebody else with you? I told my lawyer no, I
 3
     don't want to put nobody else into, you know, the
     mess. I didn't even want to be there.
 4
 5
          Q
               That's why you didn't want to tell them
     about that person that was with you?
 6
7
               Right, uh-huh.
          Α
 8
                     When you said that there was a shot
 9
     and then Michael Brown ran and then you saw Michael
10
     Brown hesitate on the car as if he's maybe injured
11
     or something, and then he turns around and faces the
12
     officer?
13
               When he was on the car, he could see the
          Α
     officer coming. Like I say, if this is the car,
14
15
     that gentleman right there, the policeman coming at
16
     me with the glasses on, okay. Michael Brown, the
17
     whole car, he was on this side of the car and if the
18
     car, West Florissant down here and Canfield right
19
     like this, he is on this side of the car. And the
20
     officer was trying to come up towards Michael.
21
               The officer was trotting towards Michael?
          Q.
22
               Right, right, with his gun down to
          Α
23
     the side.
24
              Was Michael facing the officer?
          Q
25
          Α
               Yes, oh, yeah, he was there, you know what
```

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		Page 62
1	I'm sayin	ıg?
2	Q	Okay. At this point he had turned around
3	from runn	ling?
4	A	Right, right.
5	Q	So he's facing the officer and the officer
6	is trotti	ng towards him?
7	A	Right, uh-huh.
8	Q	And then Michael is then walking towards
9	the offic	er?
10	A	Right, uh-huh.
11	Q	What I want to know is what the officer
12	was doing	when Michael was walking toward him, you
13	said he w	as trotting?
14	A	Yeah, yeah, he was coming up toward him.
15	Q	Show us, please, I'll walk towards you.
16	A	Right, right. You come closer.
17	Q	Okay.
18	A	Michael Brown like that, and Michael Brown
19	came off	the car and then by that time everybody
20	Q	I'm walking towards you, I want you to be
21	the offic	er and show me what the officer is doing.
22	A	All right. You know, he's like this.
23	Q	Okay. He did not have his gun?
24	A	He had his gun holding it right here.
25	(indicati	ng)

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	Page 63
1	Q He's holding it down, that's what you saw?
2	A Right, that's what I saw.
3	Q And is that the last thing you saw?
4	A That's the last thing I saw.
5	Q You didn't see Michael Brown's hands up?
6	A No, I didn't. Like I say, when I seen
7	Michael Brown, he was one or two steps from the car.
8	Q Okay.
9	A As a matter of fact, when I seen him
10	coming off the car like this, that's the last I saw
11	of him. (indicating)
12	Q You didn't see Michael Brown charging the
13	officer?
14	A No, no, I didn't see him charging.
15	Q Okay.
16	A As far as I can remember, I don't remember
17	him charging. I remember he was coming off the car
18	and when I turned around, like I said, I heard three
19	shots and my friend was looking back. And he said,
20	I call him my friend, but anyway oh, man, he shot
21	him again, you know. Hey, I'm trying to watch these
22	policemen coming in and watch the people, you see
23	what I'm saying?
24	Q You didn't see if he was shooting at him
25	when he was running away from him?

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```
Page 64
 1
               I heard three shots, I think it was three.
 2
               And again, just for clarity. From what
 3
     you saw, there was no struggle for the gun, the
     officer just grabbed the gun and shot?
 4
 5
          Α
               I don't think there was a struggle for the
     gun that I could tell.
7
               Okay. All right, questions?
          Q
 8
                                                      You
     had mentioned before when you first say, you said
10
     that the officer had the gun in his right hand?
11
          Α
               Yes, ma'am.
12
                                When he's out of the
13
     vehicle?
14
               Right.
          Α
15
                                He had his gun in his
16
     right hand, his hand is down by his side, by his
17
     right side.
18
               Right, uh-huh.
19
                                And the gun is pointed, I
20
     quess, basically towards the ground?
21
          Α
               Right.
22
                                Is that correct?
23
               Right.
          Α
24
                                And then you made a motion
25
     that he spoke into his shoulder mike?
```

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```
Page 65
 1
               Right, right, uh-huh.
          Α
 2
                            : Okay.
 3
                                                 Did you
     see any cars lined up behind the police vehicle
 4
     coming the opposite direction other than the one he
 5
 6
     put his hand on?
 7
               To tell the truth, I really can't say I
 8
           I don't remember. On the car I was paying
     attention to was the one he had his hands on.
10
     thought the kid was hit, I thought Michael Brown was
11
     hit, you know.
                     I told Mr.
                                   I said that kid
12
     must have got hit, you know.
13
               MS. WHIRLEY: Anything else?
14
                                          Why do you
15
     think, a couple questions, my first question for
16
     you. When Michael Brown was walking towards the
17
     officer, how would you describe that. You showed us
18
     he was walking, how would you kind of describe, was
19
     he walking aggressively, did he seem to be charging
20
     in any sort of manner, was he just casually walking,
21
     how would you describe his movement toward the
22
     officer?
23
               Well, I can't say it was aggressive, but
24
     you know, what I could not understand, you know
25
     like, well, good God, after he got hit fall, he just
```

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```
Page 66
 1
     fall on the ground or lay on the ground, you know,
 2
     like that's what I am used to from police come up,
 3
     keep your hands clear or lay down on the ground or
 4
     something, you know what I'm saying?
 5
               MS. WHIRLEY: That makes me think of a
 6
     question. Did you see Michael Brown ever go for, as
7
     if he was going for a weapon?
 8
               No, I never saw that.
          Α
               MS. WHIRLEY: You never saw a weapon?
10
          Α
               No, I never saw.
11
               MS. WHIRLEY: Did you ever see him like
12
     reach in his pants as if he is going for a weapon?
13
               No, I didn't.
          Α
14
               MS. WHIRLEY: All right.
15
16
     It is about the timeframe, the amount of time that
17
     you said that this all took place. I do this too, I
18
     will say a minute or two. A minute or two is kind
19
     of long.
20
          Α
               Yes, uh-huh.
21
                                So do you think that
22
     Michael Brown was behind that car holding on for a
23
     full minute or two, or do you think you were just
24
     doing that to describe, you know, like a minute is,
25
     the police officer would have plenty of time to get
```

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```
Page 67
 1
     to him if it was a full minute or two?
 2
               Right, it may have been quicker, I can't
 3
     really say, but you know, I say a minute or two
     cause I tell you at home, I see you in a couple
 4
 5
     seconds. I know it isn't going to be a couple
 6
     seconds but I say a couple seconds, you know what
 7
     I'm saying?
 8
                                Right.
               I say a minute or two, that's the best of
10
     my knowledge.
11
                                Okay. And on your
12
     recorded statement, they have asked you what was
13
     going through your mind and what was happening as
14
     you were turning around. And you said it just blows
15
     your mind. What blows your mind. And you said, it
16
     blew my mind because like I couldn't believe, you
17
     know, like this ain't happening, why are people
18
     tussling with the police, just talk to them, you
19
     know.
20
               So do you believe that if he would have
21
     stopped and gotten on the ground, do you believe
22
     that things would have turned out differently or do
23
     you believe that it still would --
24
          Α
               I believe it would have turned out
25
     differently as most people, when the police stop
```

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Page 68 you, first thing you do, put both hands out and put 1 2 both of your hands on the steering wheel. 3 say that, because I've been through things with police officers and by police officer telling me, 4 5 you know, by me making a mistake not putting my 6 hands up, I made a mistake, have thrown my hand back 7 like this, and police have pulled guns on me, you 8 know what I'm saying? 9 He said well, hey, keep your hands on 10 the wheel at all times. But you know, like I said, 11 you've some police officers are not that bad, but I 12 have ran into some nasty police officers, you know 13 what I'm saying? But I still don't get nasty with 14 them, but that's my attitude. 15 You take these young people coming up 16 today, you know, they're not going to take it like I 17 took it, you know what I'm saying? 18 See where I come from, I mean, I 19 couldn't even walk on the sidewalk when the police 20 I had to get off the sidewalk, you know what 21 I'm saying? 22 Without being asked? 23 Right, right, without being asked. I just Α 24 had to get off, you know what I'm saying? I 25 couldn't understand that, but my father would tell

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```
Page 69
     me, you know, like this is what you got to do.
 1
 2
     Cause I come up in
                                      rough time, you
 3
     know.
                                 I understand, thank you.
 5
                                                     To
     get some clarification on something. You had let me
7
     see, from the time that first, the shot went off,
 8
     Michael is down the street, he is, hands on the back
     of the brown car and he's actually facing the
10
     officer still at that time, okay.
11
          Α
               Uh-huh
12
                               You see him come away from
     the back of the car?
13
14
               Uh-huh.
          Α
15
                               And his hands are down by
16
     his side, is that the correct stance?
17
               As far as I can tell, I couldn't swear on
18
     they were down by his side. It looked, you know, to
19
     me like when he took his hand, you first take your
20
     hand off the car, you know, you're standing.
21
     took a step and that's when everything just sped up.
22
                               Okay. And you see him at
23
     that time, he said it appeared to you that he took
24
     maybe about two or three steps forward?
25
          Α
               Right, uh-huh.
```

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```
Page 70
 1
                                That's what you said?
 2
          Α
               Uh-huh.
 3
                                Then you said that you
 4
     want to get the heck out of Dodge?
 5
          Α
               Right.
 6
                                You had to back your car
7
     up?
 8
          Α
               Right.
 9
                                Do you recall when you are
10
     backing your vehicle up, this is a two-lane road?
11
          Α
               Right, right.
12
                                The officer's vehicle is
13
     already obstructing the roadway.
14
               Right, right.
          Α
15
                                So when you're backing up,
16
     are you looking in your side view mirror, your rear
17
     view mirror, side or did you actually turn around?
18
               Gotcha. Let me say this before, when I
19
     backed up,
                     , I said look to the right, what's
20
     coming to the right. I mean, I was looking to the
21
     left, right, because I couldn't hit nothing coming
22
     out the back because the back was just the sidewalk
23
     back there. So I took off ahead this way, and
24
     police hadn't made it there yet, the police hadn't
25
     made it in there until I got back to West
```

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```
Page 71
 1
     Florissant, that's when the police start coming in.
 2
                                Okay. So you didn't
 3
     encounter the other police cars?
 4
          Α
               When they got there, no, no, I just see
 5
     them coming in past me.
 6
                                Coming in past you?
 7
               Yes, ma'am.
          Α
 8
                               And then from that point
 9
     in time, when you are backing up, at what point did
10
     you hear -- you heard the three shots?
11
               When I backed up, I got like that, by the
12
     time I got straight, pow, pow, pow, I just kept
13
     going.
14
                                So you are facing the
15
     other way on Canfield?
16
               On the last three shots. I'm facing West
     Florissant on the three shots, I got turned around.
17
18
                                So during that particular
19
     point in time you can't honestly say, if I can word
     this correctly, I don't want to put words in your
20
21
     mouth or anything like that.
22
               Right, uh-huh.
          Α
23
                                It was asked if you ever
24
     saw Michael Brown approach the officer aggressively,
25
     but you said you couldn't see that?
```

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```
Page 72
 1
          Α
               No.
 2
                               Would that be the reason
 3
     why you couldn't have seen that happen?
 4
               Oh, yeah, it could be because my back's
          Α
 5
     turn, you know what I'm saying? That's the reason
 6
     why I tried to get my friend whatever he saw after
 7
     that to talk to the officer, you know what I'm
 8
     saying? But you know for some reason, he just don't
     want to talk to them, you know.
10
                    I did get him to call one of the
11
     officers because the officer asked me to tell him to
12
     call him because he kept telling me to tell him to
     call him if I saw him. The last two times I saw him
13
14
     I told him, I say, man, why don't you call these
15
     people so they will leave me alone, you know what
16
     I'm saying? So he said, okay, I'll call them, give
17
     me the number. He said he called and talked to
18
     them, and even my lawyer told me that they had
19
     talked to him.
20
                               Okay. Do you know if
21
              , your passenger, do you know at the time
22
     that you're backing up, I mean, is he still looking
23
     back at the scene as to what's going on?
24
               Yes, yes, he had to see the rest of the
          Α
25
     scene because he was looking to the right for me
```

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```
Page 73
     and, you know, for me watching the street, watch the
 1
 2
     other cars as they start coming in, you know what
 3
     I'm saying? He was looking back yeah, uh-huh.
                    As far as I could tell, he was
 4
 5
     looking back like this like towards, the passenger
 6
     look like that. (indicating)
 7
                               All right. Thank you.
 8
          Α
               All right.
 9
                                          Again, when you
10
     were leaving the scene in your vehicle you said you
11
     passed multiple police cars as they were arriving on
12
     the scene?
13
               Right.
          Α
14
                               Do you recall if they had
15
     their lights and sirens on?
               Yeah, some of them did. The first one I
16
          Α
17
     think, I scene the second one, I'm not for sure, but
18
     he was behind the first one that had a light on and
19
     then his siren and stuff coming on down, it seemed
20
     like it was coming from the police station right
21
     there on Chambers and across West Florissant on the
22
     other side. I think that's Dellwood, I'm not for
23
     sure.
24
                               Thank you.
25
               MS. ALIZADEH: Just real quickly. Number
```

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```
Page 74
 1
     34, I think we understand and it is pretty clear
 2
     that you were not looking, you didn't see the very
 3
     end of this; is that correct.
               No, ma'am, I didn't.
 4
          Α
 5
               MS. ALIZADEH: Correct. Do you remember
 6
     when you were talking to the federal officers back
 7
     on September 3rd on page 15. Do you remember when
 8
     they were asking you, they asked you, did it look to
     you like Mike was coming back to talk with the
10
     officer or did it look like Mike was coming after
11
     the officer, what did it look like to you cause you
12
     said you were scared.
13
               Do you remember saying, you know, I,
14
     something to myself an awful lot, ma'am. Really
15
     honest to God truth, I can't say either way, but you
16
     know, if I was the officer, I would look nervous
17
           You coming back toward me and you just hit me,
18
     and you know what I'm saying? You know how like,
19
     you know, but, but I really can't say about that,
             I'm telling you the truth, do you know what
20
     ma'am.
21
     I'm saying?
22
               Do you remember kind of describing that to
23
     them?
24
               Oh, yes, ma'am, I remember saying that.
25
     It is just like now, if you slap me now, you walk
```

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```
Page 75
     back over here again, I'm going to be ducking.
                                                      I'm
 1
 2
     going to be getting out of your way, you know what
 3
     I'm saying? I mean, that's just instinct, do you
 4
     know what I'm saying?
 5
                    If someone hit me and I see you, you
 6
     know like coming out or whatever, you know, like
 7
     that's the way I feel. I'm speaking for me now, you
 8
     know what I'm saying?
 9
               Okay. So if someone had punched you and
10
     then ran away from you, but then turned around and
11
     came back in your direction, you would be a little
12
     on edge or fearful?
13
          A
               Oh, yes, ma'am. If I had a gun, I
     probably would have shot too, really, I'm just
14
15
     telling you like it is, you know what I'm saying?
16
     You know like, that's just like, I would call it
17
     like, uh, violating. I'm sure if I go to punch that
18
     young fellow, he ain't going to just sit there, you
19
     know what I'm saying? He's going to get up and
20
     knock my teeth out, you know what I'm saying? So
21
     something, you know.
22
               MS. ALIZADEH: All right, thank you.
23
                                                    That
24
     begs a question from me. So do you feel like it
25
     was, um, it could have possibly been self-protection
```

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```
Page 76
     that caused him or do you feel like it was anger
 1
 2
     that caused the police?
 3
          Α
               Caused the police to shoot him?
 4
                                Yeah.
                                        If somebody's
 5
     going to hit me, I'm not going to turn --
 6
               I never thought about it like that, I
 7
     never thought about it being prejudiced or nothing
 8
     like that. I feel in my heart if I was the officer
     and if I seen somebody coming towards me and they
10
     don't have a weapon or something, I'm going to try
11
     to shoot both your legs out first if I can hit them,
12
     you know what I'm saying? I want to make killing to
     be the last resort because I don't believe in
13
14
     killing, you know. I know if I hit you in both your
     legs or one of your legs, you got to go down, you
15
16
     know what I'm saying?
17
                                Let me ask you one more
18
     question about that.
19
               But I can't say for him because I don't
20
     know what's going through the police mind, you know
21
     what I'm saying?
22
                                 So do you think if it was
23
     a police officer, a person of authority and somebody
24
     that was attacking the police officer, that that
25
     would have changed the whole way that the officer
```

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```
Page 77
 1
     might have thought?
 2
               I'm sorry, ma'am, I didn't catch the whole
 3
     thing.
                                 Since the police officer
 4
 5
     was of authority and that authority was being
 6
     disregarded.
 7
          Α
              Right.
 8
                                 Do you think that would
 9
     change the way he was thinking?
10
               You saying if somebody else would have
11
     been at the police?
12
                                 No, no, no. I'm saying
13
     since he was a police officer, do you think that
14
     would have made him more afraid of the person coming
15
     toward him was because he was a police officer?
16
          Α
               I don't know. But, you know, like --
17
                                 Because the man had no
18
     regard, if he had no regard for his authority, would
19
     that mean --
20
          Α
               Right, right. You asking me do I believe
21
     the police shot him because he had the authority to
22
     shoot, is that what you're asking me?
23
                                 If I think he maybe, that
24
     because of Michael Brown's disregard for his
25
     authority.
```

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```
Page 78
               Oh, now I see now where you are coming
 1
 2
     from. Because Michael Brown disrespect him?
 3
                                Right.
                     Well, I don't know, you know like,
 4
          Α
               Okav.
 5
     they do make me angry when people disrespect me,
 6
     especially, you know, if you know you're right, you
 7
     know what I'm saying? And then sometimes, you know,
 8
     like, you can never tell what their frame of mind is
     in when they disrespect you, you know what I'm
10
     saying?
11
                    Like I say, if I go there and punch
12
     that man, that's disrespecting him. I don't know
13
     how his reaction is going to be. He might say,
14
     well, hey, don't do that no more. He might just
15
     jump up and lay me out, you know. So I don't know,
16
     you know. So yeah, you know. I can't say, you
17
     know, yes, ma'am.
18
                                Thank you.
19
               MS. ALIZADEH:
                             But just to be clear,
20
     Number 34, there were moments before that series of
21
     gunshots where you don't know what happened?
22
          Α
               Right, that's true, yes, ma'am.
23
               MS. ALIZADEH: Hands up, hands down.
24
          Α
               Right.
25
               MS. ALIZADEH: What his hands were doing?
```

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```
Page 79
1
         Α
               That's true.
 2
               MS. ALIZADEH: What was happening between
 3
    the two of them, you don't know?
 4
         Α
               That's true, ma'am, right, uh-huh.
 5
               MS. ALIZADEH: Okay. Any other questions?
               MS. WHIRLEY: All right.
7
               (End of the testimony of Witness Number
 8
    34.)
               MS. ALIZADEH: It is October 16th at
10
     10:51 a.m. This is Kathi Alizadeh with the
11
    prosecutor's office, Sheila Whirley with the
12
    prosecutor's office is present, as well as all 12
13
     grand jurors and , the court reporter, who is
14
     going to take down testimony from the witnesses.
15
               And what's being said here next I am going
16
    to play a recorded statement from a witness, his
17
    name is
                                                     , I
18
    believe. This is on Grand Jury Exhibit 24 which is
19
     a disc that I'm going to play and we have a
20
    transcript of that statement.
21
               When I begin to play the statement, I will
22
    ask
              to pause the audio recording. He does not
23
    need to take down the dictation or the transcription
24
    while this is being played since we have a
25
    transcript.
```

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```
Page 80
 1
               (Playing of the audio recording of the
 2
     interview of
                                    is being played at
 3
     this time.)
 4
               MS. ALIZADEH: All right. We just
 5
     completed playing a statement on a disc labeled
 6
     Grand Jury Exhibit Number 24, statement of
7
     or
 8
               Now we're going to play a statement that
     is contained on Grand Jury Exhibit Number 36.
10
     a statement of
                                    I don't have a
11
     transcript for this. And then so as soon as I get
12
     this set up, I'll have pause the audio
13
     recording, and yet I will ask that you transcribe it
     as best you can the conversation. There is no
14
15
     transcript of this and this is the audio recording
16
     of
17
                         : Today is October 3rd, 2014,
               MS.
18
     the time is 10:48 a.m. We are at the FBI building
19
     at 2222 Market Street. This is Special Agent
20
                   , DOJ trial attorney
21
     assistant U.S. Attorney
                                         . Attorney?
22
               MS.
23
                         : And we're going to interview.
               MS.
24
               MR.
25
                          : All right. , we're
```

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```
Page 81
     here, we wanted to meet with you, we had some
 1
 2
     follow-up questions from the last interview you
 3
     gave, okay. We had some specific questions we
 4
     wanted to ask you about.
 5
               Keep in mind the interview is being
 6
     recorded, okay, so you have to keep your voice up.
7
     I know you are kind of soft spoken.
 8
               MR.
                             Yeah.
 9
                             When I ask you a question
10
     that calls for a yes or no answer, you have to be
11
     sure to answer out loud, okay, instead of shaking
12
     your head or nodding, okay, because the recorder
13
     wouldn't pick that up, you understand.
14
                           : All right.
               MR.
15
                             Okay. Don't answer any
16
     questions that you don't understand, okay. If I ask
17
     you a question and you're not getting exactly what
18
     I'm trying to ask you, you can ask me to explain it,
     okay. I don't want you to answer any question you
19
20
     don't understand, got it?
21
               MR.
                       : Okay.
22
                          And then also a lot of times,
23
     and I know in the prior interview that happened
24
     there were times where you might state some things,
25
     I will go back and restate it to you just to make
```

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```
Page 82
     sure I understand. If I misstate anything at any
 1
 2
     time correct me, okay, this is your statement.
 3
               If I get any detail wrong or whatever, you
 4
     feel free to say no, that's not what I meant, or no
 5
     that's not exactly what I said. Okay, will you do
 6
     that?
 7
                         : Yeah.
               MR.
 8
                          We're not trying to trick you
 9
     or confuse you at any point. So we want to make
10
     sure that at any point you feel confused, you let us
11
     know. We just want to get out what happened, all
12
     right?
13
               MR.
                             All right.
14
                          : We're the prosecutors
15
     assigned to this case, okay. And I will just remind
16
     you this is a federal investigation, okay.
17
     you've got to be sure to tell the truth here today.
18
     This is basically a blank slate. I'm not all that
19
     concerned what was said before, you just tell us
20
     what you know today, all right? You need to be sure
21
     it is the truth, you understand?
22
               MR.
                          : Uh-huh.
23
                             Okay. That's basically our
24
     goal here. We're investigating the case, we are
25
     just trying to find the truth.
```

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Page 83
 1
               Now, you came down here with your lawyer
 2
     today voluntarily, right?
 3
               MR.
                              Yeah, she told me to come,
     so I'm here.
 5
                              You agreed to come down and
 6
     talk to us?
 7
               MR.
                           : Yeah.
 8
                              Okay. You have got to keep
 9
     your voice up, okay?
10
               MR.
                           : All right.
11
                              No one threatened you in any
12
     way or promised you anything to come down here
13
     today?
14
               MR.
                              No.
15
                              All right. You are not
16
     under the effects of any drugs or alcohol today?
17
               MR.
                              No.
18
                              And I ask everybody that,
19
     don't be offended by it, I generally ask that
20
     question. Anything else that would affect your
21
     ability to be truthful today?
22
               MR.
                              No.
23
                              Okay. All right. Well,
24
     let's get down to it then here. You, can you tell
25
     me what was your relationship with Michael Brown,
```

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```
Page 84
 1
     how did you know him?
 2
               MR.
                       : He was one of my best
 3
     friends. We went to high school together, he was
 4
     around me every day. And come to find out, I found
 5
     out he was a family member after the fact of him
 6
     getting killt. (sic)
 7
                             How was he a family member?
 8
               MR.
                             He was one of my cousin's
 9
     cousin. His little brother and his little sister's
10
     daddy got killed in about, I think about 2006. Come
11
     to find out that was my cousin.
12
                             Okay. So you are actually a
13
     blood relative of Mike Brown.
14
               MR.
                             Yeah.
15
                             But you didn't know that
16
     until after he was killed?
17
                             I didn't know until after.
     After my cousin popped over there and that's when I
18
19
     found out that.
20
                           : Okay. But you basically saw
21
     him every day?
22
               MR.
                             Yeah, he was with me every
23
     day. The day before he was being killed, he was
24
     living with me.
25
                             Okay. How long did he live
```

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```
Page 85
     at your house?
 1
 2
               MR.
                              Just about a week.
 3
     granny was in the hospital. He didn't have nowhere
 4
     else to go.
 5
                           : And even before he was
 6
     living at your house, you would see him every day?
 7
               MR.
                              Yeah, every day we will go
 8
     record music, play video games, everything.
 9
                              Okay.
10
               MR.
                              It was just like he knew all
11
     my family, I knew all his family.
12
                              Uh-huh.
                             And just we were --
13
               MR.
14
                              You were tight?
15
               MR.
                              We were real, real close.
16
                              When you see him every day,
17
     how much time did you spend together? I know every
18
     day is different.
19
               MR.
                           : All day.
20
                              All day long?
21
                              Just walk to the store, come
               MR.
22
     home, playing games and just being kids.
23
                              Okay, all right. And how
24
     about Dorian Johnson, what was your relationship
     with Dorian?
25
```

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```
Page 86
 1
                             That's, that's like a friend
 2
     of the family. I knew him and all his brothers and
 3
     sisters and all that so.
 4
                          : He's actually a blood cousin
 5
     also, is that right, Dorian?
 6
               MR.
                      : He's not blood, but we grew
 7
     up around each other, so to me it is blood.
 8
                             I thought before you
 9
     described it as a blood cousin, but he was basically
10
     kind of a friend of the family?
11
               MR.
                             Yeah.
12
                             Okay, all right. Can you
13
     just tell us basically what you saw on August 9th
14
     when Michael Brown was killed?
15
               MR.
                             The day of it happening, it
16
     was around 4:00 in the morning. I was on the phone
17
     with a lady friend of mine and something came over
18
     my body and I felt, I didn't feel right. I was like
19
     something was going to happen. And Mike, he's on
20
     the couch right next to me, so he just told me to go
21
     to sleep, nothing going to happen, that's all right.
22
               So in the morning, the reason why we woke
23
     up was because my mother called and was like, she
24
     needed me to help her put my nephews in the car for
25
     her and my sister. So I was asleep at that point, I
```

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Page 87
 1
     didn't feel like getting up. Michael Brown put my
 2
     nephews in the car for me and everything.
 3
               And he can use my phone cause I told him
 4
     to call his grandmother to make sure she's okay
 5
     before you do anything cause he wasn't talking to
 6
     her because they had a little dispute the day
 7
     before. So I told him to call her and make sure --
 8
                           : He had a dispute with his
 9
     grandmother?
10
               MR.
                             Yeah, you know, just her
11
     telling, you know how it is with family.
12
                             Do you know what the dispute
13
     was about?
14
               MR.
                           : No, sometimes just have, you
15
     know, families have little arguments from time to
16
     time. So I guess it was a little argument and she
17
     went to the hospital that day. So he was staying
18
     with me for that week.
19
                             Was he staying with you
20
     because she was in the hospital or because of this
21
     dispute?
22
               MR.
                             Because she was in the
23
     hospital.
24
                             Okay. Let's talk about then
25
     what happened though, what did you see on
```

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```
Page 88
 1
     August 9th.
 2
                              Yeah, I was leading up to
               MR.
 3
            So he had put my nephews and everything in
     the car. He used my phone, he came back and threw
 4
 5
     me my phone. He was like, me and Dorian is going to
 6
     walk to the store and we will be back. I'm like,
7
     all right, hopefully I will be up by the time you
 8
     all get back from the store.
 9
               I say it was about, I say about 15, 20
10
     minutes after they had left for, I guess they was on
11
     their way back from the store, that's when I heard
12
     the first qunshot.
13
                              Where were you when you
14
     heard the first qunshot?
15
               MR.
                              I was in my room.
16
                             Were you still in bed.
17
               MR.
                              Yeah, I was still laying
            It was loud and close to where I could hear
18
     it enough to where it would wake me up like to see
19
20
     what was going on.
21
                           : So that first shot actually
22
     woke you up?
23
               MR.
                              Yeah, the first shot
24
     actually woke me up. I wasn't in no deep, deep
25
     sleep, it was enough to hear what was going on.
```

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```
Page 89
 1
                                     Then what happened?
                              Okav.
 2
               MR.
                              I heard the first shot, and
 3
     then I went to the window and what I saw was the
 4
     officer had a gun drawn and Michael Brown's facing
     him on his knees.
                            And you actually personally
 7
     saw this?
 8
               MR.
                              Yes, I personally saw him on
     his knees with his hands in the air?
 9
10
                              Okay. And then what
11
     happened?
12
               MR.
                              And then I say maybe about a
13
     few seconds later, I looked and I was still looking
14
     out the window and I seen him shoot him in the head.
15
     By the time I tried to get out of the house, like by
16
     the time I hit the stairs, I heard four more shots
17
     go off.
18
               And then I live all the way on the third
19
     floor, so I say when I first came out of the house,
20
     I heard the four qunshots and then by the time I got
21
     to the end, when I got to the end of the steps, I
22
     heard seven more shots.
23
                              How many shots did you see?
24
               MR.
                              How many shots did I see?
25
                              Right.
```

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		Page 90	
1	MR. :	I saw one.	
2	:	Okay.	
3	MR. :	But I heard multiple.	
4	:	Okay. All right. So you	
5	just saw, you heard the	first shot?	
6	MR. :	I heard the first shot.	
7	:	You go to the window and	
8	right, yes or no?		
9	MR. :	Yes, yes, yes.	
10	:	And then you go to the	
11	window?		
12	MR.	Yes.	
13	:	And when you look out the	
14	window, what do you see?		
15	MR. :	Michael Brown on his knees	
16	with his hands up and I	couldn't even, from my angle	
17	I could not even see if it was him or not. The way		
18	I found out it was him because I knew everything he		
19	had on because he was just at my house 20 minutes		
20	prior to what happened.		
21	The reason wh	y I really new who it was	
22	cause he had on some so	cks, and I remember exactly	
23	what socks cause he love	ed wearing them.	
24	:	What socks were those?	
25	MR. :	They were some yellow and	

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				_
			Page 9	1
1	green like marijuana	le	af socks.	
2		:	Okay. They had marijuana	
3	leafs on them?			
4	MR.	:	Yeah.	
5			He loves to wear those?	
6	MR.	:	Yeah, like a month prior to	
7	7 that he had bought a whole bunch of them. I don't			
8	know why, that's what he wore. I can tell you			
9	everything he had on, he had on a gray T-shirt, he			
10	had on some khaki pants, or khaki shorts, some Nike			
11	white and black flip	fl	ops and then them specific	
12	socks I just mention	ed.		
13		:	Okay. So today what you're	
14	indicating is as you	10	ok out the window, you	
15	actually saw Michael Brown out there?			
16	MR.		Yes.	
17		:	Okay. And you could	
18	recognize him by what he was wearing?			
19	MR.	:	Yes.	
20		:	Do you see the police	
21	officer shoot him one time?			
22	MR.	:	Yes.	
23		:	And where did he shoot him?	
24	MR.		In his head.	
25		:	What did Michael Brown do at	

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```
Page 92
 1
     that time?
 2
                          : By that time when I seen the
 3
     gunshot go off, he fell. He got shot in the head,
     it looks like he was already gone.
 5
                              So he fell down?
               MR.
                              Yeah.
 7
                              When you looked out the
 8
     window was he already down or you actually saw that
     shot?
10
               MR.
                           : No, when I looked out my
11
     window, he was on his knees.
12
                              Okay.
                              I don't know if he had
13
               MR.
14
     already got shot before then because I heard the
15
     first gunshot, I don't know, I'm just stating what I
16
     saw.
17
                              All right. When you looked
     out the window, did you think that he had been shot
18
19
     from that first shot?
20
               MR.
                              Yeah.
21
                              Why did you think that?
22
                              Because I knew it, why would
               MR.
23
     he be on his knees like surrendering like.
24
                              Did you see any kind of
25
     injures that would lead you to believe he was shot?
```

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```
Page 93
 1
                           : No, cause like my window, it
 2
     was facing towards his back, it wasn't facing toward
 3
     his front to see if he had got shot. From his back
     I didn't see anything.
 5
                              Okay. You couldn't see any
     blood or anything?
 7
               MR.
                              Not from his back.
 8
                             Any wounds or anything like
 9
     that?
10
               MR.
                              No.
11
                              Then you say the police
12
     officer shot him in the head one time?
13
               MR.
                              Yeah.
14
                              And he fell to the ground?
15
               MR.
                              Yeah.
16
                           : How did he fall when he
17
     fell?
18
                          : He just fell. Like I
               MR.
19
     couldn't explain.
20
                              Did he fall on his back or
21
     his stomach.
22
                              He fell like this.
               MR.
23
     (indicating)
24
                           : And you are motioning face
     like down?
25
```

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```
Page 94
 1
                          : Yeah, he fell facedown.
               MR.
 2
                           Question, were both hands on
 3
     the side?
               MR.
                              I couldn't tell you, I just
     know he fell face first.
 6
                              Okay. And so when he was
 7
     laying in the street, he was face first?
 8
               MR.
                              Yeah.
                              He wasn't on his back or on
10
     his side?
11
               MR.
                           : No, he was face first.
12
                              Okay.
13
                              Even when they show what
               MR.
     happened on the news, he still is face first and you
14
15
     can see the blood rushing from his head.
16
                              What you are telling me
17
     today you only saw that one shot to the head?
18
               MR.
                              Yes.
19
                              You heard the first shot
20
     that woke you up?
21
               MR.
                           : Yes.
22
                              You were looking out the
23
     window and saw the shot to the head.
24
               MR.
                              Yes.
25
                              And then after that, after
```

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```
Page 95
 1
     Michael Brown falls to the ground what do you do?
 2
               MR.
                          : I run outside.
 3
                              Okay.
 4
               MR.
                              (Inaudible) To the end of
 5
     the steps.
 6
                             And what happens when you
 7
     get to the end of the steps?
 8
               I ran out there, I ran because there is
     like a grass hill right there. And I said they just
10
     killed my little brother for nothing.
                                             Those were my
11
     exact words.
12
                              Okay. And did you see any
13
     other shots after you got inside there?
14
               MR.
                             No.
15
                              So you saw a total of one
16
     shot that day?
17
               MR.
                        : I saw one shot, but I heard
18
     several.
19
                             Okay, all right. You're
20
     sure you didn't see four shots after that shot to
21
     the head?
22
               MR.
                       : I didn't see it, I ran
23
     outside.
24
                           : Okay.
25
               MR.
                              I didn't see it, I heard it.
```

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```
Page 96
 1
                              Okay.
 2
               MR.
                              I was close enough to it
 3
     where I could hear everything that was going on.
 4
                              Let's back up a little bit.
 5
     You mention that he was staying with you about a
     week before all this happened?
 7
               MR.
                           : Uh-huh.
 8
                              And, in fact, I think you
 9
     said before you and your mom were kind of taking
     care of him?
10
11
                           : No, it wasn't my mom, he was
12
     at my sister's house. I wasn't even living with my
13
     mom during that point in time.
14
                           : You and Michael were staying
15
     at your sister's place?
16
               MR.
                              Yeah.
17
                              You were with him every day
18
     at that time?
19
               MR.
                              Yes.
20
                              (Inaudible)
21
                              It was every day because he
               MR.
22
     lived right across the street.
23
                              Pretty much all day?
24
               MR.
                              Yeah, all day.
25
                              You mentioned his socks, the
```

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```
Page 97
 1
     marijuana leaf socks.
 2
               MR.
                              Yeah.
 3
                              He liked to wear those, did
     you know him to be involved in marijuana at all?
 4
 5
               MR.
                              Yeah.
                              How so?
 7
               MR.
                              He just started smoking I
 8
     quess about four months ago.
 9
                              Okay. Four months before
10
     this happened?
11
                              Yeah. He wasn't no head, he
12
     wouldn't do it like just on a regular day basis, I
13
     would say occasionally.
14
                              Occasionally, how often,
15
     once a week, twice a week?
16
                              Just holidays, birthdays,
               MR.
                           :
17
     stuff like that. It was not like he smoked regular
18
     everyday thing.
19
                              All right. Would you ever
20
     smoke with him?
21
               MR.
                              Yeah, I have.
22
                              Okay. Would you smoke with
23
     him basically the same kind of occasion?
24
               MR.
                              Yeah.
25
                              Did you smoke the same as
```

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```
Page 98
     Mike, would you smoke more often than him or less
 1
 2
     often?
 3
                          : Less often.
               MR.
                              Less often than Mike?
 5
               MR.
                              Like I'm saying, holidays
 6
     and special occasions.
 7
                              Do you have any idea where
 8
     he would get it from?
 9
               MR.
                              No.
10
                              Okay. Did you know any
11
     white contractors or workers that were working there
12
     that were digging out the trenches to put drain tile
13
     or drain pipes in there, did you know those guys at
14
     all?
15
               MR.
                           : No, I didn't, but it's funny
16
     you mentioned that because my sister was just
17
     telling me that he was taking my nephews out to the
18
     car, she was talking to some construction workers
19
     and they was talking about that and police and all
20
     this type of the stuff. It's funny that you
21
     mentioned that.
22
                              That's just something that
23
     you've heard?
24
               MR.
                              Yeah, that's something I was
25
     asleep most of the day until actually heard the
```

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```
Page 99
 1
     gunshot.
 2
                             Okay. Did you know those
 3
     guys, the construction workers to be involved with
     weed at all or anything like that?
                           : No.
               MR.
 6
                              Have you ever heard of wax,
7
     do you know what wax is?
 8
               MR.
                              No, I don't know what that
 9
     is.
10
                              Had you ever heard Mike talk
11
     about wax or anything like that, Mike Brown?
12
               MR.
                       : No, I'm thoroughly confused.
13
     I don't know what that is.
14
                           : Okay, that's fine. You're
15
     not aware of what wax is?
16
               MR.
17
                              And so you and Mike, you
18
     would smoke together sometimes?
19
               MR.
                              Yeah.
20
                              That morning before he left
21
     there, did you guys smoke that morning or overnight?
22
               MR.
                              No.
23
                           : You're sure about that?
24
               MR.
                              Yeah.
25
                              Okay.
```

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```
Page 100
 1
                           What about Mike, do you know if
 2
     he did even if you didn't?
 3
               MR.
                              Yeah, he could have cause he
 4
     left my house a couple of hours before we actually
 5
     went to sleep. I can't vouch for what he did, you
 6
     know what I'm saying?
 7
                          Nobody asked you to.
 8
               MR.
                           : So I can't tell what he did
     when he wasn't around me.
 9
10
                           : Okay.
11
               MR.
                              I'm just telling you my
12
     experience.
13
                           We're not expecting you to tell
14
     us.
15
               MR.
                              I just telling you just my
16
     experience.
17
                              I'm just talking about when
     he was around you, did he smell like weed that day
18
     at all or did you have any reason to think he smoked
19
20
     weed that day?
21
               MR.
                              I don't know, he could have,
22
     I don't know.
23
                              Okay. I'm just asking if
24
     you know.
25
               MR.
                              He could have, I don't know.
```

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```
Page 101
 1
                              Okay. What makes you think
 2
     that he could have? Just that it's possible?
 3
               MR.
                          : Anybody can smoke at any
     time.
 4
 5
                              What I'm asking you though,
 6
     is there anything that led you to think that maybe
 7
     he smoked that morning?
 8
               MR.
                              I don't know, he was with me
 9
     this morning, so I didn't smoke I was still in bed.
10
                              Okay.
11
               MR.
                              I can't tell you what he did
12
     when he wasn't around.
13
                              I can tell you that the
14
     evidence was that he had smoked weed or basically
     THC somehow that day, all right, that's the
15
16
     ingredient in weed or marijuana. The two of you had
17
     smoked before, I'm just curious about, when you were
18
     up overnight, did he smoke at that time maybe?
19
                           : Neither one of us smoked
               MR.
20
     that day. Neither one of us had no money.
21
                              Okay.
22
               MR.
                              Well, I didn't have no money
     at that time.
23
24
                              Do you know if he had any
25
     weed, any marijuana that day?
```

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```
Page 102
 1
               MR.
                             I don't know.
 2
                             Did you see any?
 3
                             No, I didn't see none
               MR.
     though. (inaudible) He didn't make it his
 4
 5
     obligation to tell me if he had some or not. I
 6
     honestly don't know.
 7
                             When he got up to get dress
 8
     that day or when he was getting ready to leave, did
     you see him with any weed or put any weed in his
10
     pocket?
11
               MR.
                           : No, he just said he was
12
     going to walk to the store and he'd be back, him and
     Dorian.
13
14
                             Let's talk about that.
15
     understanding is he was going to the store to get
16
     some Cigarillos. Did he tell you that he was going
17
     there to get those?
18
               MR.
                             No, but I wasn't sure if he
19
     had it already or that he was going to go get it or
20
     I didn't know. All right. I will just be here when
21
     you get up. I'll open the door for you.
22
                             Do you know why he was going
23
     to get Cigarillos? Was that for marijuana?
24
               MR.
                             Who knows. He had none of
25
     that at the point in time he woke me up to let me
```

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```
Page 103
     know that he was going to the store. I didn't see
 1
 2
     none of that.
 3
                              Okay. But he did tell you
 4
     that is why he was going to the store?
 5
               MR.
                              Yeah, that's what he tell
 6
     me.
 7
                              Did you know him to use
 8
     Cigarillos to smoke week.
 9
               MR.
                              Yeah.
10
                              To make a blunt?
11
               MR.
                              Yes.
12
                              Is that the way the two of
13
     you would normally smoke?
14
               MR.
                              Yes.
15
                              With Cigarillos? Is that a
16
     yes?
17
               MR.
                              Yes.
18
                              You have to speak up for the
19
     tape, I'm sorry. Okay. And so when you and Mike
20
     Brown would actually, when you would smoke weed, you
21
     would use Cigarillos to smoke it?
22
               MR.
                              Yeah.
23
                              How do you do that? I mean,
24
     what do you do with the Cigarillos? I just have to
25
     lay the groundwork.
```

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```
Page 104
                              You just take the tobacco
 1
 2
     out and then role the marijuana into it.
 3
                              Okay. You take the tobacco
     out of the Cigarillo and put the marijuana into it?
 4
 5
               MR.
                              Yeah.
 6
                              Okay. And basically you
7
     pull all of that tobacco out and fill it with
 8
     marijuana?
 9
               MR.
                              Yeah.
10
                              The whole Cigarillo?
11
               MR.
                              Yeah.
12
                              Okay, all right. Now,
     Dorian was there that morning too at your apartment;
13
14
     is that right?
15
               MR.
                              He wasn't in, actually in,
16
     he was sitting outside waiting. He didn't actually
17
     come in my house.
18
                              Okay.
19
               MR.
                              He was just waiting.
                                                     Mike
20
     came and gave me my phone back and we are off to the
21
     store, we be back.
22
                              All right. When Mike was
23
     talking about going to the store to get Cigarillos,
24
     I mean, was he talking about that he was going to go
25
     smoke, you knew why he was going to get the
```

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```
Page 105
 1
     Cigarillos?
 2
               MR.
                              Yeah, I knew why.
 3
                              Okay. Did he talk about,
     hey, when I get back, let's smoke, I'm going to go
 4
 5
     smoke with Dorian, or did he say anything like that?
 6
               MR.
                              He was like, I'll be back,
 7
     me and Dorian are going to be back. I don't know if
 8
     they was going to come smoke with me or not.
 9
               Mike said when he left they were going to
10
     come right back, be about 30 minutes. I make sure I
11
     be up so I be up so I can come open the door for
12
     'em.
13
                              Okay.
                                     They were going to
     come back to your place after the store?
14
15
               MR.
                              Yes.
16
                              Both of them were going to
17
     come back together?
18
               MR.
                              Yeah.
19
                              Did Mike say anything else
20
     to you that morning?
21
               MR.
                              No, he didn't say nothing.
22
                              Let me ask you, that morning
23
     now, you said you were up overnight that you
24
     couldn't sleep and Mike spent the night that night?
25
               MR.
                              Oh, yeah.
```

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```
Page 106
 1
                              And he was up with you at
 2
     that time?
 3
               MR.
                              Oh, yeah.
 4
                           : Did he say he couldn't sleep
 5
     or do you know why he was up?
 6
                              I didn't know why he was up,
               MR.
 7
     I knew why I was up cause I had an intuition, like a
 8
     feeling that something was going to happen. I
     didn't think it was going to honestly happen to him,
10
     I knew God send me a sign and I knew something was
11
     going to happen the following day.
12
                              The two of you were up
13
     overnight?
14
                              Yeah, I knew it was going to
               MR.
15
     be something, see, I don't sleep at night.
16
                              That's what I was going to
17
           Do you normally stay up throughout the night
18
     or sleep during the day or what?
19
                           : No, I'm usually the person
               MR.
20
     who just stay up late at night. I don't get too much
21
     sleep.
22
                              Would Mike stay up with you
23
     too late at night?
24
               MR.
                              No, he be the one to go to
25
     sleep first.
```

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Electronically signed by

		Page 107		
1	: Okay	•		
2	MR. : So i	t was kind of strange		
3	that he was up all night.			
4	: So a	t some point, though,		
5	you fell asleep?			
6	MR. : Yeah	.•		
7	: What	ever time you think that		
8	was if you know.			
9	MR. : Arou	nd 4:30, 5:00.		
10	: In t	he morning?		
11	MR. Yeah			
12	: And	where was Mike at that		
13	time?			
14	MS. : He w	as on the couch, I don't		
15	know if he was asleep by then or not. I just know I			
16	couldn't take no more and I	couldn't take no more and I just passed out.		
17	: You	were sleeping in your		
18	bed?			
19	MR. Yeah			
20	: He w	as on the couch?		
21	MR. : Yeah			
22	: Okay	. And so you fall		
23	asleep and what's the next t	hing you remember from		
24	that morning?			
25	MR. He c	ame and woke me up and		

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```
Page 108
     he was like, he said let me see your phone.
 1
 2
     like all right, man, and take the phone out, unlock
 3
     it for him, and I went right back to sleep.
 4
                             Do you know who he was
 5
     calling on his phone?
 6
                           :
                             I think his grandmother.
 7
     Yeah, his grandmother. I had told him before he had
 8
     went to sleep, I'm like, man, when we wake up in the
 9
     morning.
10
                           : Uh-huh.
11
               MR.
                             Call and check on her to
12
     make sure she's all right. Before you do anything
13
     call and check on her to make sure she's all right.
14
                           : Okay.
15
               MR.
                              I always told him he had a
16
     grandmother and all of that. He didn't need to take
17
     her for granted. And that's one thing I always push
18
     from our people is to stay with your family.
19
                             Okay.
20
               MR.
                             To be --
21
                             And let me just, you know,
22
     you just try to answer the question, okay. That way
23
     we won't spend a lot of time here today, okay.
24
     don't want to have to have you here all day. So
25
     just try to answer the question I'm asking, you
```

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```
Page 109
     understand, is that okay?
 1
 2
                           : Uh-huh.
 3
                              So he borrows your phone,
     you think to call his grandmother?
 5
                           : He came and tossed me my
 6
     phone. Me and Dorian is going to walk to the store
 7
     we'll be back. And I said about 30, 45 minutes.
 8
                           I got up, locked the door,
     I'm like, all right.
     went back to my room and went to sleep.
10
                              Is that when he said they
11
     were going to get Cigarillos?
12
                              Yes.
13
                              Let me ask you this, when
     you smoked weed with Mike, where would you get it
14
15
     from?
16
                              Uh --
17
                              I mean, I don't think he
18
     wants to answer that
                              I don't want to answer that
19
20
     question.
21
                              I'll tell you right now you
22
     are not going to be in any trouble, okay.
23
     (inaudible) To be smoking weed or whoever you get
24
     it from or whatever. I'm just curious about, you
25
     know, who supplies it to you?
```

```
Page 110
 1
                              I'm not going to answer that
 2
     question.
 3
                              Well, that's kind of up to
 4
     me to determine, okay, legally whether it matters or
 5
     not, okay. I'm just asking you, you know, you
     basically refusing to tell me?
 7
                              This ain't got nothing to do
 8
     with this interview.
 9
                              Basically you're not going
10
     to tell me; is that right?
11
                              Yeah.
12
                              Okay, that's fine.
13
                           Can I ask you a question?
     describe what it is, what his demeanor was when he
14
15
     got high, what was he like?
16
                              He was a funny person, like
17
     he would sit there and talk about each other, get on
     the phone with females, play video games, he wasn't
18
19
     no aggressive person at all. At all, like towards
20
     nobody.
21
                          He wasn't angry towards
22
     anybody?
23
                              No, he was a big fun person,
     that's all he was. Whenever we was together, there
24
25
     was no drama, there was no nothing. We would just
```

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```
Page 111
     sit in the room and play the games and just get on
 1
 2
     her nerves all day. She would be in there going off
 3
     on him. (inaudible)
 4
                              When you guys would smoke
 5
     weed together, did you ever get or did he ever get
 6
     like scared or paranoid at all from smoking weed?
 7
                              No.
 8
                              Okav.
 9
                              If we did do it, it was an
10
     enclosed area around his family, it wasn't like,
11
     when we did smoke, it was no public thing.
12
                              Okay.
13
                              We go outside smoke, come
     back in, play video games, play with his little
14
15
     brother, little sister. There was never nothing out
16
     of line or anything like that.
17
                              Um, now, after you mention
     on August 9th you saw the police officer shoot him
18
19
     once in the head and he falls to the ground.
20
     then you ran outside, down the steps and outside,
21
     right; is that right?
22
                              Yeah.
23
                              All right, you have to say
24
     so.
25
                              Yes, yes.
```

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	Page 112
1	: You ran down the steps to
2	get downstairs?
3	: Yes.
4	What floor were you on?
5	: I live on the third floor.
6	: So you ran down the steps to
7	get down there?
8	: Yeah.
9	: You mention before that by
10	the time you got down there, there is kind of a
11	crowd gathering; is that right?
12	: Yeah.
13	: Tell me about that?
14	: There was people out there
15	before I had even got outside. It was a regular
16	day. There was people walking their kids. It is
17	hot outside, it is just a normal day like.
18	: I'm talking about after the
19	shooting when you got out there?
20	: There was crowds gathering,
21	there was just a whole bunch of chaos after that, a
22	whole bunch of chaos.
23	: What was going on, what were
24	people saying?
25	They were crying, yelling

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```
Page 113
     and screaming. They killed him for nothing, they
 1
 2
     killed this baby for nothing, just everybody was
 3
     outside.
 4
                           : Okay. And you mention
 5
     before also that you talked to Dorian a little bit
 6
     about all of this after it happened?
 7
                              Yeah.
 8
                              He said something to you
 9
     about hiding behind a Monte Carlo?
10
                              Yeah.
11
                              What else did he tell you
12
     about what happened, did he tell you about what
13
     happened down there?
14
                              We didn't really get a
15
     chance to talk to too much, there was too much going
16
     on, too much commotion.
17
                              What about since that time,
18
     there has now been, it has been over a month now.
19
                          Eight weeks.
20
                             Almost two months. Did you
21
     talk to Dorian about it? Other than hiding behind
22
    the Monte Carlo?
                              I haven't had a chance to
23
24
     catch up with him.
25
                              He hasn't told you anything
```

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```
Page 114
 1
     other than he hid behind a Monte Carlo?
 2
                           : He said he shoot at Mike.
 3
     (inaudible) He said he went and hid behind the
     Monte Carlo.
                             Did he tell you what he saw?
 6
                             He said he shot him multiple
 7
     times, couldn't really do nothing, too much talking.
 8
     There was too much going on, just like he said, like
     too much going on. I had no chance for me to talk
10
     to him and for him to talk to me.
11
                             Did he give you any other
12
     details other than he was shot multiple times and
     that Dorian hid behind the white Monte Carlo?
13
14
                             He told me, he told me that
15
     it was like he was telling everybody. Like he
16
     didn't have no choice but to try and run and hide
17
     behind the Monte Carlo while the shooting was
18
     occurring. We haven't had a chance to talk.
19
                           : So was he able to see the
20
     shooting then while he was hiding behind the Monte
21
     Carlo.
22
                             That's what he said, I
23
     haven't talked to him.
24
                             Okay. Have you seen any of
25
     the media coverage of this?
```

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```
Page 115
 1
                              Um, not for real, I try not
 2
     to watch TV too touch.
 3
                              Okay. You mentioned before
     you saw Dorian giving statements on CNN and MSNBC?
 4
 5
                              Yeah.
                              Do you recall that?
 7
                              I don't recall what he
 8
     actually said, people was just telling me and I saw
     a YouTube clip of it of him on TV.
10
                           Do you know what people were
11
     talking?
12
                               Like my mother and like
13
     people was just talking, he was on TV.
14
                                        , I've got to be
                              Now,
15
     honest with you, okay.
                              I mean, based on what you
16
     are telling me today, it is substantially different
17
     than what you told the FBI before, okay. You talked
18
     about seeing one shot to the head before and then
19
     you talked about seeing the police officer stand
20
     over Mike Brown and shoot four more times into his
21
     body, do you recall that?
22
                              Yeah.
23
                              Did you see that or did you
24
     not?
25
                              I heard.
```

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```
Page 116
 1
                              Okay. So you didn't
 2
     actually see the police officer fire four more shots
 3
     into Michael Brown?
 4
                              I didn't actually see it
 5
     because I was going down the steps.
 6
                              Okay.
 7
                              But his --
 8
                           That's why we need to clarify
 9
     what you actually saw versus these things that you
10
     assume or what you think you heard because it is
11
     important.
12
                              It is not assuming if I'm
13
     going down the steps and I hear boom, boom, boom,
14
     but ain't nobody else out there got hit. Ain't no
15
     one else out there injured. That is just common
16
     sense.
17
                              Back when you talked to the
18
     FBI previously, that was on August 13th, okay, just
19
     a few days after this happened, about four days
20
     after this happened. You told them that after the
21
     officer shot Brown in the head, he shot him eight
22
     more times.
23
                              Yeah.
24
                              And you said that you saw
25
     him fire four more shots into Mike Brown's body as
```

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	Page 117
1	Mike Brown's laying there lying on the ground?
2	Yeah.
3	: Do you remember that?
4	Yeah.
5	: Today you are telling me you
6	didn't see those shots; is that right?
7	More importantly I heard.
8	: That's what I'm just trying
9	to determine. Did you see those shots or did you
10	hear them?
11	: I didn't see them, but I
12	heard them on my way running downstairs.
13	: You said there was a 10
14	second pause and more shots?
15	Yes.
16	: Okay. We're talking about
17	now and then a total of ten shots is what you were
18	talking about?
19	: Yes.
20	: So as you sit here today,
21	how many shots did you actually see.
22	I saw one, but heard nine.
23	: Okay. So you are saying
24	today that you just saw one shot?
25	: When he got shot in the head

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```
Page 118
 1
     he fell when he was already basically deceased.
 2
                           : On August 13th when you said
 3
     that the police officer stood over him and shot him
     four more times, you didn't actually see that; is
 4
 5
     that right?
 6
                                Yes.
 7
                             Okay. You told me today
 8
     that you actually didn't see any injuries to Michael
 9
     Brown before the shot to the head; is that right?
10
                             Yeah.
11
                             You didn't see any bleeding
12
     or wounds or anything like that.
13
                             I couldn't see because his
14
     back was turned towards that way.
15
                             Okay. See, that's a problem
16
     I have today is that back on August 13th you told
17
     the FBI that Mr. Brown had blood flowing from his
     shoulder or rib cage on his left side. Did you
18
19
     actually not see that?
20
                             I didn't see exactly where
21
     he got shot at. I said, I knew he had got shot I
22
     heard the first shot cause he stopped and he was
23
     sitting in the middle of the street. Like I told
24
     you, with his hands in the air.
25
                             Right. But what I'm telling
```

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```
Page 119
     you is that you've told me today you didn't see any
 1
 2
     injuries to Michael Brown when he was down on his
 3
     knees in the street. Before you had told the FBI
 4
     that he had blood flowing from his shoulder and rib
 5
     cage on his left side, somewhere on his left side,
 6
     do you recall that?
 7
                           : Yes.
 8
                             Did you all actually see
 9
     that or not?
10
                             No, I didn't actually see.
11
                             Okay. So when you told the
12
     FBI that on August 13th, you actually did not see
13
     that?
14
                              That was something that I
15
     heard. That's why you told me to tell you what I
16
     actually saw, so I'm telling you what I actually
17
     saw. Someone in the community --
18
                             Who was that?
19
                          Who told you?
20
                              I don't know.
                                             There was a
21
     whole bunch of crowds, people was telling me all
22
     type of stuff.
23
                          That's why we want to talk to
24
          You understand that there is a lot of people
25
     talking --
```

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	Page 120	
1	A I'm just telling you what I saw.	
2	: Okay. What else were people	
3	saying?	
4	That's what people were	
5	saying, they saying he got shot somewhere in his	
6	body at the top, but from my vision I seen his back	
7	was toward me and the officer's shooting.	
8	: Okay. As you sit here today	
9	then, you actually did not see blood flowing from	
10	his shoulder or rib cage before he was shot in the	
11	head?	
12	: No.	
13	: Okay. And you say that	
14	Michael Brown had his hand in the air at the time he	
15	was shot?	
16	: Yes.	
17	: Did he say anything?	
18	: Please, don't shoot.	
19	: Okay. And did you actually	
20	hear that?	
21	Yes.	
22	: You said he was pleading for	
23	his life?	
24	Yes.	
25	: And the police officer shot	

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```
Page 121
 1
     him in the head?
 2
                              Yes.
 3
                              I think you described before
 4
     that the police officer was basically standing right
     in front of him when he shot him; is that right?
 6
                              Yes, his gun was close to
 7
     him.
 8
                              His gun almost touching his
 9
     head?
10
                              Not almost touching, I said
11
     like that far away, but it was point blank range.
12
     (inaudible)
13
                              You've described it as very
14
     close or point blank range?
                              Point blank range.
15
16
                              Basically the police
17
     officer, from what you described before, he just got
18
     out of his car and walked over to Mike Brown and
19
     shot him in the head?
20
                              I didn't see any of it.
21
                              You didn't see the police
22
     officer get out of the car?
23
                              I didn't see it.
24
                              Okay. You've described on
25
     August 13th that the officer got out of the car and
```

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	Page 122
1	shot Mr. Brown?
2	(Inaudible)
3	: That's why we are here today.
4	: We're trying to determine
5	exactly what you saw, okay.
6	Uh-huh.
7	: But basically you said
8	before that the officer shot Brown in the head as
9	soon as he exited the police truck. You saying
10	today you didn't see the police officer exit the
11	truck?
12	I didn't see him get out of
13	no truck. His police cruiser was a couple of feet
14	going up towards West Florissant.
15	: Uh-huh.
16	But I didn't see him get out
17	of no truck.
18	: Okay. So when you looked
19	out there on August 9th, the police officer is
20	already out of the truck?
21	Yes.
22	: And was standing in front of
23	Mike Brown?
24	: Yes.
25	: And then he shoots him once

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```
Page 123
     in the head?
 1
 2
                              Yeah.
 3
                              While Mike Brown was
     pleading, please don't shoot me.
                              Yeah.
 6
                              Again, the officer is very
7
     close, basically point blank range at the time of
 8
     the shot?
                              Yes.
10
                              I think you said before too
11
     they were basically right next to the police car at
12
     that time the; is that right?
13
                              It was not right next, but
     it was enough to where I could see the police
14
15
     cruiser.
16
                              I think before you said it
17
     was probably five or six feet away?
                              Yeah, It wasn't too far, it
18
     was down toward like West Florissant.
19
20
                              He was actually moving; is
21
     that right?
22
                              Yeah, he was moving, he was
23
     facing towards West Florissant.
24
                              At the time that the police
25
     officer shot Mike Brown in the head and he fell,
```

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	Page 124
1	they were about five or six feet away from the
2	police car?
3	: Yeah.
4	: Okay. And you say today
5	that Mr. Brown, when he was shot in the head, he
6	dropped to the ground flat on his face?
7	Yeah.
8	: Basically facedown?
9	: Basically, yeah.
10	: Do you recall on
11	August 13th, it is another concern I have okay, and
12	I'm just being honest with you, okay?
13	All right.
14	Is it at that time you said
15	you he fell on his side. You said he fell on his
16	side and the police officer shot him four more times
17	in the side.
18	That's what I heard.
19	Okay. Who did you hear that
20	from?
21	: Somebody in my complex.
22	: Okay. Those people were
23	just telling you that?
24	: Yes, there was a whole bunch
25	of people outside, so it is a whole bunch of
I	

```
Page 125
     stories. But I will tell you from what I seen, from
 1
 2
     what I seen, what I seen he dropped and I heard more
 3
     shots as I was going downstairs.
 4
                              So basically you didn't see
 5
     Michael Brown when he turned or dropped to the
 6
     ground, you didn't see him turn on his side?
 7
                              No.
 8
                              You didn't see that?
 9
                                  When I got down to the
                              No.
10
     end of the steps, he was facedown.
11
                              Okay. All right. So you
12
     never saw him turned on his side?
13
                              No, when I got down he was
     facedown and blood was rushing from his head out in
14
15
     the street.
16
                             And just to be clear here,
17
     then you didn't see the police officer stand over
18
     him and fire four more shots into his body?
19
                              Obviously, I didn't see him,
20
     I heard eight more shots after the two gunshots from
21
     inside the house.
22
                             Let me ask you this
23
     and again, I just want to be upfront here. Are you
24
     sure that you saw the police officer fire any shots
25
     as oppose to just hearing shots?
```

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	Page 126	
1	Yes, I saw him.	
2	: You saw one shot?	
3	: The one to the head that	
4	killed him.	
5	: You actually witnessed that?	
6	: Yes.	
7	: That's not just something	
8	that someone told you?	
9	No, I actually seen it.	
10	: Because my issue is and	
11	coming into today, before you were even telling me	
12	some things different from before, and I understand.	
13	Some of the things you heard you saw before you	
14	actually just heard from other people; is that	
15	right?	
16	: Yeah.	
17	: Is that correct.	
18	Yeah.	
19	: So you didn't actually see	
20	those things?	
21	: No.	
22	: Okay. I just want to make	
23	sure you are in here today and you are telling me	
24	you saw that one shot, I want to make sure that's	
25	just not what someone told you versus what you	

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	Page 127
1	actually saw, because now is your opportunity, okay?
2	Okay.
3	: You can see our concern, right,
4	because beforehand you told us what you saw that you
5	saw and now you came in here and say you actually
6	heard it, you said that initially. We need to be
7	sure, you know, if we are going to put a case
8	together and put you on the witness stand, we need
9	to be sure that you are telling us what you actually
10	saw versus what you heard from people on the street.
11	: You understand?
12	Yeah.
13	: So, I mean, now is your
14	opportunity, okay?
15	I'm telling you I just told
16	you everything.
17	: You said you heard two shots
18	inside the house and you came out
19	: And heard eight more, yes.
20	: Okay. But as said,
21	what we are trying to do is evaluate witnesses here
22	and evaluate this case, okay. And I can tell you at
23	this point if we were going to charge this case and
24	go to trial there is just no way I could put you on
25	the witness stand and there's a couple reasons for
i e	

```
Page 128
 1
     that, okay.
 2
               The first is, basically just about
 3
     everything that you said on August 13th, and much of
     what you said today isn't consistent with the
 4
 5
     physical evidence that we have in this case, okay.
 6
               And now what you are telling us today is
 7
     actually substantially less detailed than what you
 8
     said on August 13th and I understand that and we
     talked about it, all right. But then also what you
10
     told us today is quite a bit different from what you
11
     said on August 3rd. So those are the issues we
12
     have, okay.
               What you are telling me today or on
13
14
     August 13th is not consistent with the physical
15
     evidence we have, okay. Evidence that is not going
16
     to change, that's just not just someone else
17
     talking, okay.
                     That's what the evidence is.
18
                                    is talking about the
                          And
19
     evidence, he is talking about the scientific
20
     evidence and things like that, not what other people
21
     are saying.
22
                             Right. I'm talking about
23
     DNA evidence, I'm talking about just simple things
24
     like the way the scene was laid out, right.
25
     you're telling me, it is just not consistent with
```

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Page 129
     what happened that day. All right. And that's our
 1
 2
     concern, you understand?
 3
                              Yes.
 4
                              I mean, can you explain that
 5
     to me?
 6
                              I want to know if you say
 7
     from a different perspective, why would you ask the
 8
     witness everybody's perspective wouldn't be the same
     because there is different angles.
10
                              Exactly, that's why I'm
11
     saying.
12
                              (Inaudible)
13
                              I'm not saying other people
     are saying other things you must be lying here,
14
15
     that's not what I'm saying. What I'm telling you is
16
     not from someone else's perspective, okay, or what
17
     another witness said. I'm talking about actual
18
     physical, forensic evidence at the scene, okay.
19
                              So what am I saying that
20
     don't match up?
21
                              That's what you need to tell
22
     me.
23
                              There's no telling you.
24
                              That's what I'm wondering
25
     is, can you explain to me why that's the case?
```

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```
Page 130
 1
                              Again, I'm telling you what
 2
            Not what you say, you know, I'm telling you
 3
     what I saw from my perspective. That's why I have
     been brought down to tell you my perspective of
 4
 5
     what's going on.
 6
                          Well, and so you substantially
7
     changed, right, before you had a whole other
 8
     narrative and now you are coming here and explain to
 9
     us well, a lot of that is what people were telling
10
     you?
11
                              Didn't you all just say let
12
     you know that we were outside to tell you what I
13
     seen and not heard.
                                                 Before
14
                          Right, exactly right.
15
     we came in here we said to you make sure you just
16
     that us what you saw and not what people said to
17
     you.
18
                             And let me make it very
19
     clear about that, there is certain things that you
20
     said you saw back on August 13th, we're actually
21
     thinking --
22
                              That people told me, yes.
23
                                   , you know, (inaudible)
24
     you know, we go before the FBI, this is a federal
25
     investigation, so you can't tell a story.
```

```
Page 131
               And honestly, you have never done this
 1
 2
     before, correct, you have never been before a court
 3
     or anything like that?
 4
                             No.
 5
                             Would you lie if you didn't
     see Michael Brown shot if you didn't, would you lie
 6
 7
     about that?
 8
                             No.
 9
                             That's all well and good,
10
     okay, that's fine. But the point is that on
11
     August 13th you told the police, you told the FBI
12
     things like you saw the police officer after that
13
     first shot to the head. The shot that you saw, the
     first shot you saw to the head that Michael Brown
14
15
     fell to the ground on his side and the police
16
     officer stood over him and fired four more shots
17
     into his body. You said that you saw that, okay.
18
               Now today, to your credit, you've told us
     no, that's not what I saw, that's just something
19
20
     that I heard, but you understand that you told the
21
     FBI that back on August 13th that you saw it.
22
                             What I'm telling you about
23
     what I heard, I'm telling you about how I was going
24
     down the steps and I'm hearing shots still ringing
25
     off and terrifying to get even to the bottom of the
```

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```
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 1
     steps because I still hear shots ringing off.
 2
                          That's understandable.
 3
     all we are trying to figure out what you, yourself,
     actually saw versus what you thought might have
 4
 5
     happened based on what you were hearing.
 6
                             What I'm going to say --
 7
                             You understand --
 8
                             Just listen to me.
                                                  There is
 9
     not no thought if I know for a fact --
10
                        : Can I explain generalities of
11
     forensics. Not discussing, we're not here to
12
     discuss or argue about it. But everything we
13
     measure against every testimony here is what we know
14
     to be forensics because that is irrefutable.
15
               It is not he was at this perspective or
16
     that perspective, but here is how he changes.
17
     know whether or not Michael Brown was shot at point
18
     blank range in the head based on that, yes or no, we
19
     know that.
20
               We are here today to tell you what you are
21
     saying you saw isn't forensically possible based on
22
     the evidence.
23
                             And that's just an example.
24
     Virtually everything that you told the FBI on
25
     August 13th doesn't match up with the evidence,
```

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```
Page 133
 1
 2
                             So you're telling me he
 3
     didn't get shot in the head at point blank range?
 4
                             What we are telling you is
 5
     that the physical evidence doesn't match up with
 6
     what you are telling us. That's just an example,
 7
     okay.
 8
               The entire layout of the scene is entirely
 9
     different than what you described, okay. And when
10
     you come in here today and substantially change you
11
     say you saw and what you claim you saw on
12
     August 13th, that leads me to believe that maybe you
13
     didn't see this. And if that's the case, you need
14
     to tell me, okay.
15
                          We're not even saying this,
16
     first of all. When you are running down the stairs,
17
     you say a lot of people were out there, you said you
18
     were scared, that's --
19
                              I tell you can I leave?
                                                        Ι
20
     don't feel too comfortable right now.
21
                             Okay. Now, if you want to
22
     go, that's fine.
23
                          You can go outside.
24
                              I ain't feeling comfortable.
25
                             Why aren't you feeling
```

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Electronically signed by

```
Page 134
 1
     comfortable?
 2
                             You are telling me I didn't
 3
     see what I saw. This is not the first time that it
 4
     happened, they did it to me last time I was here and
 5
     try to tell me.
 6
                             The reason the FBI
7
     challenged you when you gave the statement before
 8
     was because they knew at that time that what you
     were saying didn't add up with the physical
10
     evidence, okay.
11
                       : You would agree that is right?
12
                             If you all knew the physical
13
     evidence, why would there be a need for a witness if
14
     you have the evidence already.
15
                             You have to have people that
16
     actually saw it, that's what we are trying to say,
17
     okay. We're the prosecutors on this case,
18
            And we have to evaluate the case and
19
     determine whether or not there are going to be
20
     charges and whether or not we would take it to
21
     trial.
22
               And so we would have to meet with the
23
     witnesses and talk to them, particularly the ones
24
     who were concerned that what their saying doesn't
25
     match up with the physical evidence. We have to
```

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```
Page 135
 1
     evaluate that.
 2
                              If I didn't see what I saw,
 3
     why for the first two or three weeks I was being
     harassed.
 5
                              Who were you being harassed
 6
     by?
 7
                              Police go to my mother's
 8
     house if I didn't see what I saw?
                              To try to interview you, you
10
     mean?
11
                              No, they came to my mother's
12
     house, tried to swarm my mother's house. People at
13
     my back door, at my side window and at the front
     door and I didn't even live there at the time.
14
15
                              When was this?
16
                              It happened in the same week
17
     of him getting killed, the same week. And then to
     know for a fact that someone came down and burnt his
18
19
     memorial.
20
                              That happened more recently,
21
     right.
22
                              Yes, I smelt it burning.
23
     Didn't nobody try to put the fire out, no nothing.
24
     It took an African-American Ferguson police officer
25
     to come with a fire extinguisher to put it out after
```

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```
Page 136
     it was burning for 30 some minutes.
 1
 2
               There were other people, other Ferguson
 3
     police sitting on their cars looking at it. And
     then to tell me I'm lying.
 5
                             There is a lot that went on
 6
     in the aftermath of the shooting. A lot of people
 7
     were scared because they heard gunshots. A lot of
 8
     people were talking, so the problem is that
     sometimes people, you know, thought they saw
10
     something, really it was because other people were
11
     talking so much.
12
               So our job is to figure out what each
     individual actually saw and noticed. Not what was
13
14
     going on in the community, so that's why we wanted
15
     to meet with you.
16
                             I'm telling you all right,
17
     I'm sorry, I'm telling you what I saw, I seen the
18
     man execute my best friend.
19
                       : You don't have to speak any
20
     more, it was voluntary. So we certainly don't want
21
     you to talk to us any more. So we do thank you for
22
     coming in, thank you.
23
                             Thank you.
24
               MS.
                          : End recording at 11:26 a.m.
25
               MS. ALIZADEH: And actually, it is
```

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```
Page 137
 1
     12:26 p.m., and I imagine your lunch is here.
                                                      So
 2
     we'll go ahead and take a lunch break and,
     can you finalize whatever the disc that we need to
 3
     do and then let us know when you are done with your
 5
     lunch break and we'll start up with more evidence
 6
     and witnesses.
 7
               (End of the audio recorded interview of
 8
                   . )
               MS. ALIZADEH: This is Kathi Alizadeh with
10
     the prosecutor's office. It is October 16th, 2014.
11
     It is one 1:11 p.m. Sheila Whirley is also present
12
     from the prosecutor's office, as well as all 12
13
     grand jurors are present and the court reporter, who
14
     is taking down the testimony of witnesses and
15
     recording proceedings in the grand jury.
16
               We have our first witness for the
17
     afternoon and he is ready to 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 138
 1
     BY MS. ALIZADEH:
 2
                      why don't you state your name and
          Q
 3
     then you're going to want to spell it so we get it
     right.
 4
          Α
               How you guys doing? My name is
 7
                      Now,
                                 , I'm going to stand all
          Q
               Okay.
 8
     the way back here. And, um, the microphone that is
     in front of you it doesn't amplify your voice, it is
10
     only recording, so you're going to have to keep your
11
     voice up. You tend to have a softer voice, so if
12
     the grand jurors can't hear you, they're going to
13
     raise their hand and say what, we can't hear.
14
     best to just try to speak loudly enough, you know.
15
     I naturally do anyway, my kids say I'm yelling at
16
     them, but I don't want you to not be heard, okay?
17
          Α
               Okay.
18
               So, can I call you
          Q
19
          Α
               Yes.
20
          Q
                    , how old are you?
21
               I'm
                      years old.
          Α
22
               And I want to just clarify something, you
          Q
23
     introduced yourself to the grand jury as
24
25
          Α
               Yes.
```

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```
Page 139
1
              Is that the name you were born with?
         Q
 2
         Α
              Yes.
 3
              Okay. Now, a recording of a statement
 4
    that was made by you on August 13th, where you said
 5
    your name was
                                                    , or
    something like that. Is that the same person?
7
              Um, no, it was just a heritage thing.
                                                     Ι
 8
    just had where my roots was from, so I was just
    learning about it.
10
         Q
              Okay. You're going to have to talk
11
    louder.
12
              No, it was just a heritage thing that I
13
    had just learned about, me and my uncle were
14
    discussing it, so me and my lawyer.
15
         Q
              But the person that was in that statement
16
    who said his name was
                                   , that's you?
17
              Yes, that's
         Α
18
              Okay. And so today do you prefer that we
19
    call you
                           or do you want to be
20
        ?
21
              I want to be
                                        , that's my
         Α
22
    name.
23
         Q All right. So, , where do you live?
24
            I live in Northwinds Apartments in
         Α
25
    Ferguson, Missouri.
```

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	Page 140
1	Q How long have you lived in Ferguson?
2	A Since I was about . I guess since
3	eighth grade or middle school.
4	Q Okay. Do you currently, do you go to
5	school?
6	A No.
7	Q Did you go to high school?
8	A Yes.
9	Q Where did you go to high school?
10	Α .
11	Q And when you were in high school, did you
12	have a friend named Michael Brown?
13	A Yes, he was one of my best friends.
14	Q And how long have you known Michael Brown?
15	A Um, it goes back to me knowing his family
16	when I was young, but we had just reunited like
17	around, I say around my freshman year of high
18	school. And his uncle really recognized me from the
19	old neighborhood and that's how I found out that I
20	knew him and his family for a long time.
21	Q So did you and Michael Brown start
22	becoming good friends like early high school?
23	A Yes, we was around each other every day up
24	until the day he died.
25	Q Okay. Now, did he also go to

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	Page 141
1	?
2	A Yes, he went to for
3	about a year.
4	Q Was that like his last year or his
5	freshman year?
6	A It was his freshman year.
7	Q So did he also live in Northwinds?
8	A Yes, he did. He lived with his
9	grandmother directly across the street from me.
10	${f Q}$ How long have you been living, now I know
11	he was staying with you for a while right before he
12	passed, right?
13	A Yeah, I say about two or three weeks.
14	$oldsymbol{Q}$ Okay. But before he was staying with you,
15	he was living with his grandmother in Northwinds?
16	A He was bouncing back from houses to
17	houses. He had another grandma that lived in Pine
18	Lawn that he was also staying with at the time. And
19	that's where he going to school. He actually
20	graduated from Normandy because he lived in Pine
21	Lawn with his daddy's mother.
22	Q So would he hang out in Canfield with you?
23	A Yes.
24	${f Q}$ Do you know, did he have a car at the
25	time?

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	Page 142
1	A No, he did not have a car. We actually
2	had a friend that used to chauffeur us around. We
3	used to give him gas money when we needed rides to
4	go places.
5	Q So when he was staying elsewhere, you guys
6	would still see each other every day?
7	A Uh, yeah, he would come over after school.
8	We would just go to his granny's house and play
9	video games and just hang out and just chill.
10	Q Okay. And are you, were you and Mike the
11	same age?
12	A No, I was a year older than him.
13	Q A year older than him?
14	A Yes.
15	Q Do you know Dorian Johnson?
16	A Yes.
17	Q And how do you know Dorian?
18	A A friend of the family again. I known
19	from my old neighborhood since I've been young.
2.0	Q And now Dorian is a few years older than
21	you?
22	A Yes, yes.
23	Q How long have you known Dorian?
24	A A couple, few years. It has been since I
25	have been young.

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1		
		Page 143
1	Q	Since you were
2	A	Yes, I guess about middle school years.
3	Q	Okay. And you made some statements in the
4	past, and	I told you we're just going to clarify
5	some thing	gs.
6	A	Yeah.
7	Q	You said before that Dorian was your
8	cousin?	
9	A	He was basically family, like blood could
10	not make u	us any more related. I grew up around him
11	and all h	is brothers, so I look at him as family.
12	Q	There is no blood relation?
13	A	Not really blood, blood.
14	Q	All right. But you feel like he's family?
15	A	Yeah, I feel like he's family.
16	Q	What about Michael Brown, are you related
17	to Michael	l Brown?
18	A	We are not blood related. Only way we
19	would have	e blood relation is through his youngest
20	siblings,	his younger brother and his younger
21	sister.	
22	Q	Okay. And how so, how are you related
23	through s	iblings?
24	A	I had found out after he had got murdered
25	that we wa	as all at his granny's house in Northwinds.

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```
Page 144
 1
     And one of my relatives that I know for a fact is my
 2
     relative showed up and he was like, you didn't know
 3
     these were your little cousins, honestly I didn't
     know until he told me. And that's how I found out
     after the fact we kind of are relation.
 6
               Do you know how it is that your relation,
          Q
 7
     your father's sister is married to?
 8
               No, no, it is my father's nephew kids.
               Okay. So your father's nephew is Michael
10
     Brown's father?
11
               No, it was his, not his father, his two
12
     youngest siblings father.
13
               Okay.
          Q
14
               They had different fathers.
          Α
15
          Q
               Gotcha. So Michael Brown has siblings
16
     that have a different father?
17
          Α
               Yes.
               So you're related?
18
          Q
19
          Α
               To his younger siblings, yeah.
20
          Q
               Okay, gotcha. You didn't learn that until
21
     after you said that he had passed, right?
22
               Yes, it was after.
          Α
23
               So when you knew Michael Brown, you just
24
     consider him a friend?
25
          Α
               Yeah, one of my best friends. We was
```

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- 1 together almost every day.
- 2 Q Okay. And so what about Dorian Johnson,
- 3 do you know how long prior to Michael's death that
- 4 Dorian Johnson had moved into the Canfield
- 5 Apartment?
- A I knew he was living over there for a
- 7 while, it is just I never did see him or get in
- 8 contact with him until about two months before this
- 9 end up happening. So I would have to say around
- 10 either May or June.
- 11 Q Okay. How close a friend were you prior
- 12 to Michael's death, how close were you and Dorian?
- 13 A We were close, but I knew him more because
- 14 of his little brother. His little brother is the
- 15 same age as me. So that's really how I knew Dorian
- 16 Johnson mostly was through his younger siblings.
- 17 **Q** So he was a family friend?
- 18 **A** Yes.
- 19 **Q** But you were closer to his younger
- 20 brother?
- 21 **A** Yes.
- 22 Q Okay. So Dorian Johnson didn't hang out
- 23 with you and Mike every day?
- 24 A Uh, the two months prior to it happening
- 25 when we found out he moved over there, he was also

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Page 146 1 with us every day. 2 He would be with you every day too? 3 Yes, we go over to his house and play Α 4 video games, same thing that me and Big Mike I 5 called him. Q Okay. 7 That's what I call him. Α 8 Is it okay if I call him Big Mike? 0 Α Yeah, it is all right. I don't have no 10 problem with it. 11 So let's talk about then the early morning 12 hours of August 9th. We've heard your statements 13 that you and Mike, he was staying at your house; is 14 that right? 15 Α Yes. 16 And let me ask you this; where were you 17 staying at the time? 18 I was staying with my sister at the time 19 where she lived in Canfield. 20 So your house was in Northwinds? Q 21 My mother's house was in Northwinds. 22 sister also had her own apartment in Canfield. 23 And you were staying with her? Q 24 Yeah, I was staying with her. He was 25 going through a couple things with his family and

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- 1 since we was just best friends, he was just with me
- 2 every day staying over there. If he needed
- 3 something, I helped him out. I basically look at
- 4 him just like a little brother.
- 5 Q And so prior to August 9th when he got
- 6 killed, how long had he been staying with you at
- 7 your sister's house?
- 8 A It was about two weeks.
- 9 Okay. So right in front of you is a laser
- 10 pointer, right here. So if you press on that gray
- 11 button right there, see how you can point at things
- 12 at the map, okay?
- 13 **A** All right.
- 14 **Q** So I'm going to give that to you. I'm
- 15 going to direct your attention to this map, which is
- 16 Grand Jury Exhibit Number 25. Do you recognize the
- 17 streets and the buildings and stuff as being the
- 18 Canfield Green Apartment Complex?
- 19 **A** Yes.
- 20 Q Okay. Using the laser pointer, can you
- 21 point to the building where your sister's place is?
- 22 A I would say it would have to be around, I
- 23 don't know, it looks different from the sky view, it
- 24 looks kind of different. I would say it would have
- 25 to be over, okay, it had to be over here.

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```
Page 148
 1
     (indicating)
 2
               So let's just, for clarity sake, West
 3
     Florissant is over here. (indicating)
               It was over here exactly then.
 4
          Α
 5
          Q
               All right. And so you're pointing at
     Building Number
 7
               Yes.
          Α
 8
               And so what floor did she live on?
               She lives on the third floor so I could
10
     see looking out of the window that I was in, I could
11
     see the whole Canfield Drive.
12
               So can you tell me what, where in this
          Q
13
     building, I guess, obviously, there's units that
14
     face this way, right?
15
          Α
               (Nods head.)
16
               Or east, and there's units that face west?
17
               It was a unit that's facing directly
     towards the street, directly towards Canfield.
18
19
               All right. I know you don't necessarily
20
     want to give her address, but this one unit that's
21
     on the northern part of the building, that's
22
     and then the southern part of the building is
23
     was she on northern part or southern part?
24
               She had to be on the southern part, the
          Α
25
     closest to Canfield Drive, the closest.
```

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		Page 149
٠	1	Q Okay. And we've heard some testimony
	2	already about these apartments. These apartments
	3	have a front door that you go into?
	4	A Yes.
	5	Q And there's also a sliding door?
	6	A Yes.
	7	Q And there's bedrooms that have windows?
	8	A Yes.
	9	Q So from the sliding glass door in your
	10	sister's apartment, can you see down onto Canfield?
	11	A Um, no, not through the sliding glass
	12	doors, but through the bedroom window you can.
	13	Q Okay. Is it a bedroom window that faces
	14	west or is there a window on this side on this other
	15	side?
	16	A This is a window on this side that faces
	17	right towards Canfield.
	18	Q Here?
	19	A Yes.
	20	Q Or here?
	21	A The sliding door is on that side.
	22	Q Right.
	23	A But the window is right there, which would
	24	be my nephew's bedroom which I was staying in.
	25	Q So the window that you are going to talk
1		

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Page 150 about here in a minute is on the southern side of 1 2 the building? 3 Α Yes. 4 And from here you can look out onto Q Canfield? 5 6 Α Yes. 7 Okay. So on the early morning hours on 8 August 9th, that evening, like the night before and into the early morning hours, was Mike with you? 10 Α Yes, he was. 11 What were you guys doing? Q 12 Um, we really was not doing too much. 13 was just, I don't know if he was going through a 14 phase, but we just, mostly we did a whole lot of 15 talking that night. We did a whole lot of talking 16 about God, just about the problems that we've been 17 going through. We just did a whole lot of talking. 18 Because the cable was off at that time, we didn't 19 really have nothing to do. We just did a whole lot 20 of talking. 21 Was anybody else with you? Q. 22 Α Yes. My sister and my sister's fiancee 23 and my two nephews, that's who I live with at the 24 house. 25 Are your nephews, are they teenagers? Q

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	Page 151
1	A No, they're little, little kids.
2	Q Does your sister's fiancee live in that
3	apartment too?
4	A Yes.
5	Q And your sister lives there?
6	A Yes.
7	$oldsymbol{Q}$ So you said that you were talking about
8	things you were going through, problems?
9	A Yeah, just like little problems. I was
10	having problems with my mother, he was having
11	problems just trying to find hisself. Just little
12	arguments he would get into with his family, you
13	know, just basically family problems.
14	Q Okay. And I know you've talked about in
15	your interviews and stuff, they asked you were you
16	guys smoking any weed that night?
17	A Not that night I didn't smoke with him,
18	no.
19	Q Did you see Mike smoking any weed that
20	night?
21	A No, I did not.
22	Q Did Mike ever leave the apartment and then
23	come back?
24	A He did. He left for about 30 minutes and
25	came back.

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1 Q About what time of night was that? 2 A It was around 11 something when he left, 3 and came back it was around 11. 4 Q Okay. Did you guys stay up most of the
3 and came back it was around 11.
4 Q Okay. Did you guys stay up most of the
5 night?
6 A Yes, we did stay up most of the night just
7 sitting up talking. I was on the phone with a lady
8 friend, he had my sister's phone, I don't know what
9 he was doing at the time, but he had my sister's
10 phone. I don't know if he was on Facebook, I don't
11 know what he was doing at that time.
12 Q Okay. So Mike didn't have his own phone?
13 A He had his own phone, but a couple days
14 prior to that his battery had went out on his phone,
15 and I guess it had fried his phone out or something.
16 He didn't have no phone at the time.
17 Q Okay. So what time did you go to sleep
18 that night?
19 A I didn't go to sleep until 5:00 that
20 morning.
21 Q But you did eventually go to sleep?
22 A Yes.
\mathbf{Q} Where did you go to sleep, did you go to
24 bed or did you just kind of pass out in a chair?
25 A No, I had passed out in the love seat in

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```
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     the living room, and I say around about 7:00 or
 1
 2
     8:00 I got up and went and laid with my nephews.
 3
               Where was Big Mike when you passed out on
     the sofa?
 4
 5
          Α
               He was on the bigger sofa, longer one.
                                                        Не
 6
     was laying there sleeping when I had woke up from
7
     when I went in there to get in bed with my nephews.
 8
                     Just again to clarify, I cannot
               Okav.
 9
     remember if it was my term or your term, you said
10
     passed out. Were you drinking any alcohol that
11
     night?
12
               No, I don't know. I was just, I'm more of
     a staying up at night person. I'm a night owl.
13
     sometimes I just can't help it, I just pass out
14
15
     sometimes because I stay up most of the nights.
16
               When you say pass out, you just kind of
          Q
     like fall asleep?
17
18
               I just dozed off.
19
               Dozed off, wherever you were sitting?
20
          Α
               Yeah, basically.
21
               So when you got up at 7:00, let me back
22
     up, passed out or fell asleep, was Mike Brown in
23
     your apartment?
24
               Yes, he was already sleeping by the time I
          Α
25
     had passed out.
```

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Page 154 1 When you woke up like at 7:00 in the 2 morning, or whatever, and went to your nephew's 3 room, was he still in the same place? Yes, he was still asleep. Α 5 0 Okay. And just again, so I can clarify, 6 did Mike Brown like go to sleep, was he wearing 7 pajamas or was he wearing street clothes? 8 No, he had on the same clothes that he got Α 9 killed in, he had on the same clothes. 10 So you went to your nephews' room and went 11 to bed? 12 Α Yes. 13 What's the next thing you remember 14 happening? 15 Α Uh, he came in there, my sister had asked 16 him because I was being lazy at that time, my sister 17 had asked him could he put my nephews in the car 18 because my mother came to come get my nephews and my 19 sister, and my sister is pregnant now. 20 couldn't carry them down the stairs, so he went and 21 put them in the car and he came back upstairs and he 22 asked me could he use my cell phone. 23 Okay. Let me stop. Remember when we Q 24 talked about assuming things, you only need to say 25 what you know or saw, okay.

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Page 155
 1
                    I asked you what's the next thing you
 2
     remember, okay. So you woke up?
 3
               Yeah, he woke me up to use my cell phone.
          Α
               Okay. So Michael Brown came into the
 4
          Q
     room?
 6
               Yes.
          Α
 7
               And the stuff about him helping your
     sister, you didn't see that?
 8
               I was asleep at the time.
10
          Q
               Okay.
11
               I just woke up and there was nobody there
12
     but just him.
13
               All right. You woke up, he's in your
          0
     bedroom and he asked to use your cell phone?
14
15
          Α
               Yes.
16
               Do you know what time it is at this point?
17
               I guess it was around, 10:00, 11:00,
          Α
     between 10:00 and 11:00.
18
19
               All right. And was Mike Brown wearing the
20
     same clothes you seen him in the night before?
21
               Yes.
          Α
22
               Was there anyone with him when he came
23
     into your room?
               Not when he came into my room.
24
          Α
25
               Did you know, did you get up from the
          Q
```

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Page 156 1 bedroom and go out into the apartment? 2 No, he stepped out of the room and used my 3 phone, and tossed me back the phone and told me, me 4 and Dorian's going to walk to the store, I'll be 5 right back. That's the last thing he told me. 6 So at this point had you seen Dorian that Q 7 morning? 8 No, he didn't come in. Α Don't quess. 10 Α He wasn't in my house because I was up by 11 that time moving around. 12 You didn't see him? Q 13 No, he wasn't in the house at the time, Α 14 no. 15 Q All right. Did Michael Brown leave? 16 Α Yes, he left. 17 All right. What did you do after Michael 0 18 Brown left? 19 Um, I still was laying down, but I wasn't 20 asleep, I was on the phone with a lady friend of 21 mine and we were just talking. 22 Did something happen that drew your Q 23 attention to the outside? 24 Yes. I heard, um, I say around, I say at Α least 30 minutes later I heard a gunshot. 25

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	Page 157
1	that's what draw my attention to look out the
2	window.
3	${f Q}$ Now, when you heard this, did you
4	immediately realize it was a gunshot?
5	A Yes, yes, no, I'm familiar with gunshots.
6	The difference between fireworks and gunshots. I
7	mean, it was loud, it echoed through all the
8	apartments, it was very, very loud.
9	${f Q}$ Was it one gunshot or more than one
10	gunshot?
11	A I heard more than one gunshot, that's what
12	drew my attention.
13	Q Did you get up from the bed?
14	A Yes.
15	Q What did you do?
16	A I went and looked out the window.
17	Q So the window, is it in your nephew's
18	bedroom?
19	A Yes.
20	Q Is there a window covering on the window?
21	A Yes.
22	Q Blinds, drapes?
23	A Yeah, there's some blinds.
24	Q Were the blinds open or closed?
25	A They were closed, but I was looking

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```
Page 158
 1
     through the blinds.
 2
          Q
               Do you remember was the window open or
 3
     closed?
               Uh, I can't recall.
          Α
 5
          Q
               Would you, now, this would have been
     around noon on an August day. Did your sister, did
7
     she have air conditioning in the apartment?
 8
          Α
               Yes.
               Okay. Did she run the air conditioning,
          0
10
     did she use it?
11
          Α
               At the time it was broke.
12
               Bolt?
          Q
13
               Broke.
          Α
14
            Oh, it was broke?
          Q
15
          Α
               Yes.
16
               Do you remember when you made your first
17
     statement to the police? Do you remember saying the
     window was closed, or do you not remember?
18
19
               I don't remember saying the window was
20
     closed.
              I just know I heard the gunshot was really
21
     loud, that's what got my attention.
22
               I get that, I understand. My question is,
          Q
23
     do you know today, do you have a recollection of
24
     whether the window was open or closed?
25
          Α
               No.
```

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	Page 159
1	Q You don't know, okay. But you did hear
2	the gunshot?
3	A Yes.
4	Q And then when you looked out the window,
5	what did you see?
6	A I seen my friend Big Mike on his knees
7	with his hands in the air.
8	Q Okay. So can you pick up that laser
9	pointer and with the laser pointer show me where Big
10	Mike was on his knees, where you saw it?
11	A I was right here, he was around this area
12	right here. (indicating)
13	Q Was he in the street, on the sidewalk, in
14	the grass?
15	A He was on the street, smack dab in the
16	middle of the street down the yellow line.
17	Q Okay. Now, you moved the pointer quite a
18	bit while you were doing that. If you can, I know
19	it doesn't have to be exact, but the best you can
20	recall?
21	A He was right there in the middle of the
22	street. (indicating)
23	Q So you've got the pointer right around the
24	E or L of Canfield?
25	A Yes.

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Page 160 Okay, all right. And so from your vantage 1 2 point, you could see his whole body? 3 No, I could just see like the back part of it from where I was standing, I couldn't see, I 4 5 could only see an officer. 6 Q Okay. 7 Α But I could see his back with his hands in the air. 8 So if Mike Brown's back was to you. Q 10 Α Yes. 11 Q Where was the officer? 12 In front of Mike Brown. Α 13 So use the pointer for me and point, I'm going to show you how I want you to do this. So if 14 15 Mike Brown is here, was he facing that way, was he 16 facing that way, so point where he is and then make 17 a line in the direction that Mike Brown was facing. 18 He was facing this way. 19 So he was facing like Caddiefield Road 20 right here? 21 Yes, but from my vantage point, like from 22 my window, it was like his back was turned towards 23 me. 24 What about the officer, what direction was Q 25 he facing?

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	Page 161
1	A He was directly in front of Mike Brown. I
2	say about four to five feet.
3	Q So he was in front of Mike Brown?
4	A Yes.
5	${f Q}$ But which way was the officer facing?
6	A He was facing towards him.
7	Q He was in front of Mike, but facing
8	towards him?
9	A Yes.
10	Q Okay. What about a vehicle, did you see
11	any cars?
12	A The vehicle was parked a little bit
13	further up, and I didn't notice the vehicle until
14	after I got outside and got to the bottom of the
15	steps and came outside. The vehicle was up a little
16	bit, going towards West Florissant like it had came
17	from the other way.
18	Q Okay. So let's stop there. So you said
19	that you didn't notice the vehicle until you came
20	down afterward?
21	A Until I actually got down after, after he
22	was already assassinated.
23	Q Do you remember when you made a statement,
24	you drew a picture and you said they were right next
25	to the vehicle?

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```
Page 162
 1
               I didn't say they were right next to the
 2
     vehicle, now I remember saying that, but I didn't
 3
     say they were right next to the vehicle. I said
     they was parked a couple feet away from him, but it
 4
 5
     wasn't right next to him, like it was going towards
 6
     West Florissant.
 7
               Do you remember the picture that got
 8
             I'm going to show you, I haven't marked it
     drawn?
     yet and I will, but I'm going to show you a picture.
10
     Do you remember this, is that your signature?
11
          Α
               Yes.
12
               Do you remember doing that?
          Q
13
               Yes.
          Α
14
               So you remember that this square here was
15
     supposed to be the officer's car?
16
          Α
               Yes.
17
               And then this MB, that circle is where
18
     Mike Brown was, you told the officer that's Mike
     Brown, right?
19
20
          Α
               Yes.
21
               And you told the officer that was labeling
22
     this, that the distance between Mike Brown and the
23
     officer's car was approximately 5 feet?
24
          Α
               Yes.
25
               Okay.
          Q
```

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```
Page 163
               But that wasn't close. The car was
 1
 2
     pointing towards West Florissant, I didn't say it
 3
     was right next to him.
               Okay. Do you know how long 5 feet is?
          Α
               It is not really that long.
 6
               Like I'm 5'1". So if I'm this far away
          Q
7
     from you, that's like 5 feet. Was the car that
 8
     close to Mike Brown?
          Α
               Yes.
10
          Q
               Okay. So you realize that if Mike
11
     Brown --
12
               But if he was right here, I couldn't
13
     really tell because the building is in the way.
14
     can only see what I saw was the officer and Mike
15
     Brown until I got all the way to the bottom of the
16
     steps and came and come across the parking lot.
17
               In your statement that you said that he
18
     was next to the vehicle and you helped them draw the
19
     picture and you said the vehicle was behind Mike
     Brown about 5 feet, you didn't see the vehicle
20
21
     behind Mike Brown?
22
          Α
               No.
23
               Okay. So that wasn't correct?
24
               No, until I got down there that I actually
25
     saw the car.
```

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- 1		
		Page 164
	1	Q What about the officer, did you see the
	2	officer get out of the vehicle?
	3	A No, by the time I got all ready, by the
	4	time I looked out the window, he was already out of
	5	his vehicle with a gun drawn.
	6	Q Okay. So now the officer was close to
	7	Mike Brown when you say he's in front of him facing
	8	Mike Brown?
	9	A Yes, it was point blank range.
	10	Q Since I don't know what you mean by point
	11	blank range, were they this close?
	12	A It was about, yes.
	13	Q So maybe 4 feet away?
	14	A Yeah, 4 to 5 feet away.
	15	Q Was it close enough that the officer had
	16	reached out he might be able to touch Mike Brown's
	17	head or face?
	18	A Yes.
	19	${f Q}$ All right. And you say that the officer
	20	had his gun drawn?
	21	A Yes.
	22	Q And where was the gun pointing?
	23	A Towards the top of his skull.
	24	Q Mike Brown's?
	25	A Yes.

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```
Page 165
 1
               And at this point you say Mike Brown is
          Q
 2
     kneeling?
 3
               Yes, he is on his knees. For him to kneel
          Α
     down, he was still tall, he was at least about 6'3"
 4
 5
     or 6'4".
 6
          Q
              He was tall?
 7
               He was real tall.
          Α
 8
               So do me a favor,
                                   , so we can get an
     idea of what you mean. Can you come across here and
10
     maybe like right here so that everybody can see you.
11
     Position yourself the way you saw Mike Brown when
12
     you first looked out your window.
13
               I looked out my window, I saw Mike Brown,
          A
     he was on his knees like this.
14
15
          Q
               Okay. So, for the record, you're kneeing
16
     down and that your hands are at about the height of
17
     your face, correct?
18
               (Nods head.)
          Α
               And your palms, your fingers are pointing
19
20
     to the ceiling?
21
               He was surrendering.
          Α
22
               And your palms are facing forward; is that
          Q
23
     right?
24
          Α
               Yes.
25
               MS. ALIZADEH: You can go ahead and sit
```

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```
Page 166
 1
     back down.
 2
               (By Ms. Alizadeh) And now, at that time
 3
     could you tell if Mike Brown had been shot?
 4
               See, again, that was speculation that I
 5
     heard. I couldn't actually you tell if he had got
 6
     shot, but from what I heard he did get shot.
7
     didn't know that personally.
 8
               Well, you know, it is important to talk
 9
     about --
10
          Α
               That why I say I didn't see him shot
11
     personally, but that's what I was told.
12
               All right. I'm not asking you what people
          Q
13
     told you or what you think happened. I want to know
14
     what you saw. So you said Mike Brown's kneeling
15
     with his hands up and the officer is in front of
16
     him?
17
               Yes.
          Α
18
               About 3 or 4 feet away?
19
          Α
               Yes.
20
          Q
               With his gun pointed at Mike Brown at the
21
     top of his skull?
22
          Α
               Yes.
23
              What color was the gun?
24
               I was a little too far back to tell,
          Α
25
     honestly, tell what color the gun was.
```

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	Page 167
1	Q Okay. You saw Mike Brown leave your
2	apartment that day, when you looked out and saw him,
3	can you recognize that that was Mike Brown?
4	A Yes, the reason why I recognize it was
5	Mike Brown is because, first off, I didn't know
6	nobody that big was that young. Like he had been
7	that big since we have been freshman. So that's
8	another reason why I knew it was him.
9	The second reason why I knew it was
10	him, I recognize him by his socks and his khaki
11	pants that he had on when he left my apartment.
12	Q But with him kneeling down, you mean, you
13	weren't getting a full body view of him?
14	A But his legs were long and him on his
15	knees and his back was towards me, I could see the
16	lower half of his body.
17	Q Okay. When he left your apartment that
18	day, how about, was he wearing a hat?
19	A Yes, yes, he was.
20	Q Okay. What kind of hat?
21	A St. Louis Cardinals hat.
22	Q What color was it?
23	A Red, it was snapback, it wasn't a fitted
24	cap.
25	Q All right, was it a baseball style cap?
19 20 21 22 23 24	<pre>A Yes, yes, he was. Q Okay. What kind of hat? A St. Louis Cardinals hat. Q What color was it? A Red, it was snapback, it wasn't a fitted cap.</pre>

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		Page 168
	1	A Yes, it was a snapback. It is the hat
	2	with the snaps on the back like you can adjust it.
	3	${f Q}$ Sure. Could you see that hat on him when
	4	he was kneeling down?
	5	A No.
	6	Q You didn't see the hat?
	7	A He didn't have a hat on.
	8	Q Did you see the hat at all when you looked
	9	out?
	10	A No, I didn't see the hat until I actually
	11	got there close enough to see everything.
	12	Q So when you saw him kneeling down, he was
	13	wearing what you remember he was wearing what he had
	14	on, but no hat?
	15	A Yes, he had on a gray T-shirt, he had on
	16	some khaki shorts, he had on some marijuana socks,
	17	they were yellow with green marijuana leafs on it,
	18	and he had on some white and black Nike flip flops.
	19	Q Now, this is one of those things I want to
	20	make sure that this is what you remember seeing as
	21	opposed to, like that day, as opposed to after you
	22	got down to the scene.
	23	You remember that's what he had on?
	24	A Yes, I know exactly that's what he had on
	25	when he left my apartment that day.
IJ		

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	Page 169
1	Q Do you remember what your sister's fiancee
2	was wearing that night?
3	A No, I can't recall that. I cannot.
4	Q How about what your sister was wearing
5	that night?
6	A She was in the bed, I don't think she was
7	doing too much, she was pregnant so, she wasn't
8	really doing too much moving around at the time.
9	Q So, you know, , one of the things I'm
10	wanting to kind of figure out is if your memory of
11	what he was wearing is based upon the fact that you
12	saw him down at the scene when you went down there
13	as opposed to what you really remember that he had
14	on the night before?
15	A I know exactly what he had on cause he
16	didn't change clothes because he couldn't get into
17	his grandmother's house to get more clothes, cause
18	that's where his clothes and belongings were at.
19	Only thing he had brought to my house was some
20	stereo speakers and his laptop.
21	Q So he wore those same clothes for like the
22	two weeks he was staying at your house?
23	A No, not for two weeks, just like a couple
24	days.
25	Q So then did you see the officer actually
1	

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	Page 170
1	fire his weapon point blank at Michael Brown?
2	A Yes.
3	Q And did you see the bullet hit him?
4	A Yes, I seen his body drop. And when I
5	seen that, I ran outside. On my way downstairs, I
6	heard several more shots. I didn't actually see
7	them, but I heard.
8	Q So did you actually see Mike Brown fall?
9	A Yes.
10	Q Was he still on his knees when the shot
11	was fired?
12	A As soon as the bullet hit him, he dropped.
13	${f Q}$ Okay. And you just made a motion forward?
14	A Yes.
15	Q Did he fall forward?
16	A Yes.
17	Q Was he then on his front?
18	A Yes.
19	Q On his stomach?
20	A Yes, on his stomach.
21	Q Facedown?
22	A When I got downstairs, he was on his
23	stomach.
24	Q Okay. And so you said you heard after
25	that first shot, or the second shot, you saw the

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Page 171 second shot and after that you saw him fall onto the 1 2 front, his front? 3 Α Yes. 4 And then you said you started running downstairs? 5 6 Α Yes. 7 When did you first hear another Okay. 8 series of shots, were you already out of the apartment? 10 Α I was out of the apartment. As soon as I 11 hit the front door and got onto the balcony I heard, 12 at least, I say about three to four shots. It was 13 like a pause of me running down the steps, and then 14 when I got to the end of the steps I heard several 15 more shots. 16 Okay. At that point then did you see what Q 17 was going on? 18 I didn't see what was going on, but I 19 could hear it. I can't honestly say I did see hit. 20 After you ran down the steps, did you come 21 out to the front of the building? 22 Α Yes, I ran, it was a grass hill cause they 23 were getting ready to come across, I guess they was 24 getting ready to come across the grass hill. 25 Who is they? Q

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Page 172 1 I guess Dorian and Michael Brown. Α 2 Remember, don't guess. Q 3 Α When I ran out of the house, I ran over to 4 the grass hill, people were out there crying and 5 yelling. I was just like, they just kill my home boy for nothing, those were my exact words. 7 Did you see Dorian Johnson when you were 8 out there? No, I didn't see him until I say about 10 five minutes later because I was more worried on 11 going to go tell his family what happened, but by 12 the time I tried to get down to his family's house, 13 his uncle's girlfriend was already coming up the 14 street. 15 And I don't know if she heard about 16 what had happened or if somebody had told her, but 17 she was coming and running up the street. 18 And I guess when she found out it was 19 him, she broke down in tears. And then Dorian 20 walked up to me and he started crying. And he was 21 like sick to his stomach, so he honestly threw up in 22 the parking lot. 23 Okay. So let's back up a little bit. 24 your other statement before your first one, you said 25 that you saw Dorian crouching behind a car, a white

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Page 173
     Monte Carlo, and then you later said, no, you didn't
 1
 2
     really see that?
 3
          Α
               That's what the community and what people
 4
     was telling me.
 5
          Q
               Okay.
               This is actually what I saw.
 7
               So when Dorian ran up to you after you
 8
     were already out on the street, Michael Brown is
 9
     already dead in the street?
10
          Α
               Yes.
11
               That's the first time you saw Dorian that
          Q
12
     whole day?
13
          A
               Yes.
               He told you what happened then?
14
15
          Α
               He really couldn't tell me.
                                             It was a
16
     neighbor that honestly told me what happened.
17
               Who told you what happened?
          Q
               It was a neighbor, I don't honestly know
18
          Α
19
     his name. It was just a person I used to see.
20
     he had got killt (sic) people thought it was me.
21
     People were thinking it was me. He just left out of
22
     here, he just left out of here. And that's what I
23
     was hearing as I was coming down the steps.
24
               Okay. So when you went down to the
          Q
25
     street.
```

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Page 174 1 Α Yes. 2 Q How close did you get to Michael Brown's 3 body? I couldn't get that close. There's police 4 Α 5 right there by the time I got all the way down there 6 enough to go to the scene when his family arrived, 7 it was already, the tape was up and all that. 8 had called my mother first, and then I had called my sister, and then I called my cousin and met up with 10 my cousin. 11 So by the time you got down like onto the Q 12 ground level, the tape was already up? 13 No, not when I got down to the ground 14 I didn't go close enough to his body. I 15 stopped in the middle of the grass hill and I just 16 broke down. 17 Okay. So did you see the officers putting 0 18 the tape up? 19 No, I honestly didn't. I was down trying 20 to go tell his family what happened. I was talking 21 to his auntie actually. 22 Okay. Use the laser pointer for me and Q 23 show me where you walked down to when you came down 24 to see what was going on in the street? 25 Α There is a grass hill right here. I came

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```
Page 175
     across. (indicating)
 1
 2
               Okay, now --
          Q
 3
               Grass hill was right here. Specifically,
          Α
 4
     I know this grass hill. I came across and I
 5
     stopped. (indicating)
 6
              You're saying you came across?
          Q
 7
          Α
               I came across right here. (indicating)
 8
               From up here? (indicating)
          0
          Α
               Yes, I came across right here and I
10
     stopped and looked, and I just broke down.
11
          Q
               Okay.
12
               On the grass hill, and then I tried to go
     back to Northwinds and try to go the Northwinds and
13
14
     try to go talk to his family.
15
          Q
               Okay. So when you came down to the scene.
16
          Α
               Yes.
17
               Was Michael Brown's body covered?
          Q
18
          Α
               No.
19
               Did you see the officer?
          Q
               I couldn't recall, but I did, there was a
20
          Α
21
     couple officers there. I don't know if he called
22
     backup at first when it first got started or
23
     something.
24
               Again, don't guess.
          Q
25
          Α
               I'm just saying, there was officers on the
```

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Page 176 scene almost immediately. 1 2 So by the time you got down there, there 3 was more than one officer there? Yes. 4 Α 5 All right. Do you think you got a good 6 enough look at the officer that shot Michael Brown 7 that you would know which one is which? 8 I couldn't even tell. The only thing I can remember is he had on a black hat, and I think 10 had on glasses, that's the only thing I can honestly 11 remember. 12 Okay, so backup, I don't know if I Q 13 understood you. He had on what? 14 A black hat, like a black regular hat and 15 some glasses. 16 A black hat and glasses? Q 17 I guess his police uniform. Okay. And so the officer, is that the 18 19 officer that shot Michael Brown? 20 Α Yes. 21 Was he wearing a black hat and glasses 22 when he shot him? 23 Yes. Α 24 Okay. Was he white or black? Q 25 Α He was Caucasian.

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```
Page 177
 1
               With the hat on, could you tell what his
 2
     hair looked like?
 3
               No, I could not.
          Α
               And so at some point then you said you
 4
     went to Northwinds to tell Michael Brown's family?
 5
 6
               Yes, really I went up to go talk to his
          Α
 7
              By the time I came down, his auntie was
     granny.
 8
     already coming up the street, and I couldn't see, I
     auess --
10
          Q
               So you went to tell his grandmother what
11
     happened?
12
          Α
                     By the time I got to Northwinds, she
13
     was already walking out of her parking lot.
14
               The grandmother or the aunt?
          Q
15
          A
               The grandmother. I had walked past the
16
     aunt, I gave her a hug, she bust out crying. And
17
     then I'm like, where's grandma? I don't know, I
18
     think she's down there.
19
                    So I'm walking towards my house,
20
     again, she lives directly across the street from me.
     And by the time I got to her parking lot, she was
21
22
     already walking.
23
               So when you first talked to the police on
24
     the 13th.
25
          Α
               Yes.
```

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	Page 178
1	${f Q}$ That was because they came to your house,
2	right?
3	A Yes.
4	Q So you never said anything to the police
5	or called them and say, hey, I saw it, I need to
6	talk?
7	A I did not. I was more intimidated because
8	after what I had saw and then I was at a family
9	member's house that lives in Jennings.
10	And my mother called me and she was
11	like, the police are looking for you. I'm like, for
12	what? She was like, I don't know. Even my
13	neighbors told me. They told me there was people at
14	the back door, police officers at the back door at
15	my side windows and at the front door. I don't know
16	how many it was, but people was calling me and
17	warning me. Like they said, they came to my house
18	like I'm the one that had something to do with
19	killing him.
20	Q Okay.
21	A That's how I can say how deep they tried
22	to swarm my house.
23	Q They didn't have a SWAT team?
24	A No, it wasn't nothing like that.
25	Q With AK-47s.

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Page 179 1 That wasn't necessary if only thing you 2 want to do is talk to me. 3 All right. And I understand you were not wanting to come talk to the police, I get that. 4 5 at some point you did go and talk to the police and 6 you told them about what you saw? 7 Α Yes. 8 And you admit today that at lot of what 9 you told them on that day you didn't really see it? 10 Yes, it was more of me just finding out 11 stuff here and there. 12 , did you feel any pressure from 13 other people in the complex or Michael Brown's 14 family or did you feel like it was an obligation 15 that you had to say that you saw those things when 16 you really didn't? 17 I didn't think it was, I don't think 18 nobody would lie about something. 19 So in my mind, I honestly believe 20 that's what happened. 21 Okay. You now know that you didn't see Q 22 those things? 23 I did not. 24 At some point did you hear about the 25 autopsy that was performed by someone that the

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Page 180 1 family had hired? 2 Α No, I didn't. I didn't hear about 3 nothing. You didn't hear about that? Α No. 6 You originally told the officers, or told Q 7 the police that you saw the officer stand over Mike 8 Brown after he fell in the street and stand over him and shoot him four more times. 10 Α Yes, that is what I was told, yes. 11 And that would mean he had gunshot wounds Q 12 in his back, right? 13 Α I quess. 14 He's laying on his front, right, facedown. 15 So any gunshots wounds would have to be entry wounds 16 somewhere on his backside, right? 17 Α Yes. 18 But you didn't see that? 19 Α No. 20 Q But you did hear eight more shots fairly 21 quick in succession, right? 22 Yes, I don't know if it was eight, but I Α 23 could say it was more than five. 24 This is after he was already laying on the Q 25 pavement?

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Page 181 Yes, after I seen him drop, yes. 1 2 If the officer were to have hit him with 3 those bullets, again, those bullets would of had to have come, enter his body from behind, don't you 4 5 agree? 6 Α Yes. 7 Um, and first of all, not first of Okay. 8 all, I wanted to tell you, and Sheila and I talked 9 to you before you came in. We're really sorry for 10 your loss of your friend, and I know that he was 11 your best friend and the two of you were very close. 12 You understand when Sheila and I were talking to 13 you, one of the things we said is we want to have 14 everybody who said they saw part of this come 15 forward so we can figure out what happened. 16 Α Yes. 17 Q Okay? 18 Α Yes, ma'am. 19 You're not in trouble, we just want to 20 hear what you say you saw and they're going to have 21 to figure out what happened, okay. 22 Is what you said today truthful? 23 Α Yes. 24 Is there anything important that you're 25 leaving out?

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Page 182 1 Α No. 2 Is there anything else that you think this 3 grand jury needs to know that maybe I didn't ask you about? 5 Α It's just about, not just, I've been 6 dealing with, trust me, I've lived out in Ferguson 7 for, I can honestly say about almost six years. 8 Harassment, yes, I dealt through that growing up over there in that area. 10 I was even like pulled off of my 11 school bus one time telling me I broke in someone's 12 And when I asked them why would I break in 13 someone's house when I was at school, it is always 14 harassment. They pull up on you and just ask you 15 questions. Where you going and just all type of, 16 just harassment like. 17 I should be able to live, I should be 18 able to feel safe where I live. I've got nephews 19 growing up around this area. I feel like it's not 20 the right environment for kids to even have to grow 21 up like. Even Michael Brown being shot, that was a 22 regular day, people walking dogs, kids out there 23 playing, that's not the type of scene for anything 24 to go down like that. 25 And then to leave him sitting outside

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- 1 for hours so the whole community can see it, kids
- 2 and all, I feel like that's the most form of
- 3 disrespect. Not just to Michael Brown, but to his
- 4 family. That's not something they should just have
- 5 to sit there and look at.
- And then another thing, for his
- 7 memorial to be burnt down and for me to honestly see
- 8 that with my own eyes, his memorial going up in
- 9 flames. Like there was gasoline poured on it. Like
- 10 they tried to say on the news, I don't know if they
- 11 said on the news, but they said that candles started
- 12 the memorial to burn it down.
- Now, I'm out there, I live out there
- 14 every day. The candles are always in the middle of
- 15 the street. There was not a candle over there by
- 16 the light pole for it to blow up and make that type
- of explosion and it's on videotape. One of my
- 18 family members actually got a video tape of it, he
- 19 put it on viral, he put it on Facebook viral.
- For me to go out and see two
- 21 Caucasian Ferguson officers sitting by my sister's
- 22 parking lot sitting on the car looking at it go up
- 23 in flames.
- 24 And it took the only African-American
- 25 that was out there to come put it out with a fire

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- 1 extinguisher, that's disrespectful. And I honestly
- 2 feel like that.
- And he already got killed, people
- 4 throwing dirt on his name and all of this, for his
- 5 memorial to be burnt down. I don't think that
- 6 that's right at all.
- 7 For a person that was kind hearted
- 8 who did nothing to nobody. Just because he was big
- 9 didn't mean a thing, that man had a heart of gold.
- 10 If he had it, he would given you his leg or vice
- 11 versa because that was like my brother.
- 12 \mathbf{Q} You know, , I think what you are
- 13 talking about, what has happened since Michael
- 14 Brown's death.
- 15 A Since the death that I have been going
- 16 through out there at Ferguson.
- 17 **Q** But it has opened a lot of people's eyes
- 18 about what really has been going on. And I
- 19 understand that both before and after Michael Brown
- 20 died.
- 21 What this grand jury is going to have
- 22 to decide is what's going to happen involving the
- 23 death of Michael Brown. We can't fix the problems
- 24 that happened before that and we can't necessarily,
- 25 you know, we're not responsible in this proceeding

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     to change the future.
1
 2
                    I understand what you're saying and a
 3
     lot of people are saying the same thing.
    need to know, and they might need to know, is there
 4
 5
     anything you might have left out and forgotten about
 6
     and now you remember?
7
               No, no, that's what I remember seeing.
 8
          0
               Okay.
 9
               MS. ALIZADEH: I don't have anything else.
10
     Sheila, do you have any questions?
11
               MS. WHIRLEY: I don't. Grand jurors?
12
                                                       Ι
13
    had a question. Was Michael Brown ever with you
14
    when you were harassed by the police or do you know
15
    of any situations where he told you a story that he
16
    had been harassed?
17
               Not him personally, but me, yes. Not with
    him, but we were harassed by -- because Northwinds
18
19
    has and Canfield have security quards. We both were
20
    harassed by the security quards that legally got the
21
    right to hold guns and all that type of thing.
22
    Police-wise me and him together, no. If I was ever
23
    harassed, it was either by myself type of situation.
24
               MS. ALIZADEH:
                                   , I forgot to ask you,
25
    do you wear glasses?
```

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	Page 186
1	A No, I do not.
2	MS. ALIZADEH: Is your vision good without
3	glasses?
4	A Yes, my vision is very good.
5	Do you
6	know if Michael Brown
7	A Excuse me, I didn't hear you.
8	Michael Brown, has any
9	kind of job during the summer, after he finished the
10	school he work?
11	MS. ALIZADEH: Did he have a job?
12	A No, he did not at the time, no.
13	Do you know where did he
14	get the money for the Cigarillos and the marijuana?
15	A Personally, no. I can't vouch for that, I
16	don't honestly know.
17	No, thank you.
18	Do you
19	know if Michael had smoked that morning on August
20	the 9th.
21	A I honestly don't know, I honestly don't
22	know. I don't know the night before if he had
23	smoked when he had left my house and did what he
24	did, I don't know honestly know, but me and him
25	together, we did not smoke that morning, at least

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     not with me he didn't. I can't honestly say if he
 1
 2
     did or didn't, but with me personally he didn't
 3
     smoke.
                                                 You had
 4
 5
     mentioned before that you guys were talking?
 6
          Α
               Yes.
 7
                                Talking, or early that
 8
     morning talking and talking over things of life,
     life lessons or whatever?
               Yes.
10
          Α
11
                                You and Michael. And I
12
     believe you had mentioned that he was, you're
13
     talking about family problems or whatever that some
14
     difficulties that you each were experiencing?
15
          Α
               Yes.
16
                                In your own lives.
17
     you tell me why it was that Michael was living with
18
     his grandmother at this point?
19
               I honestly don't know. From my
20
     understanding, him and his mother was always in tit
21
     for tat. But I don't know honestly why he was
22
     living with his grandmother, I honestly don't.
23
                    It was like he was bouncing around
24
     from house to house. Cause at first he was with his
25
     grandmother in Pine Lawn when he graduated from high
```

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Page 188
1
     school, that's where he was living, but during the
 2
     summer he was out there at Northwinds at his other
 3
     grandmother's house, which is his mother's house
     with me basically almost every day. I honestly
 4
 5
     don't know why.
 6
               MS. ALIZADEH: where did his mom
7
     live?
 8
               I know currently right now --
          Α
 9
               MS. ALIZADEH: Not now, last summer, where
10
    was his mom living?
11
               She had just got a house I say, I have to
12
     say it was about May she was living on
13
     in Dellwood. It really was nothing but like about
14
     five minutes away from his grandmother's house.
15
               MS. ALIZADEH: But Michael wasn't living
16
    with her?
17
               No, we would go over there sometimes and
     go hang out with his little brother and his little
18
19
     sister, which is basically my little cousins now.
20
               MS. ALIZADEH: Did Mike ever talk to you
21
     about why he didn't live with his mom? Was it
22
    because he, they had problems, or was it because he
23
     liked living with his friends?
24
               I honestly don't know what they were going
          Α
25
     through between the mother and son relationship,
```

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Page 189 1 that wasn't really none of my business to, you know, 2 ask him or anything. 3 MS. ALIZADEH: He was like your best friend, you didn't talk about that? 4 5 Α But that wasn't none of my business, that 6 was his family. I couldn't really come in between 7 like put some thoughts in his head or none of that. 8 So we ain't never talk about that. What about why he wasn't living with his 10 grandma? You said you knew. 11 That last little week, I don't know, they 12 was just bickering and arguing a whole lot. And he 13 got mad, I guess, they had an argument, he stormed 14 out of the house and then he was at my house. 15 Q Do you know what they argued about? 16 I don't, because I was already at home, he Α 17 just came and told me. She don't believe in me and 18 I don't know what she said she was going to believe, 19 I don't know if was the music thing we were doing. I honestly don't know, but he was just like she don't 20 21 believe in me or something. 22 MS. WHIRLEY: Is this the same grandmother 23 that was in the hospital that you are talking about? 24 Α Yes, yes. 25 MS. WHIRLEY: So she was in the hospital

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- 1 at the time?
- 2 A Yes. I don't know if him storming out had
- 3 something to do with her going to the hospital or if
- 4 it was just a whole bunch of stuff just adding up.
- 5 But, yeah, she was in the hospital at the time,
- 6 that's why he couldn't go to her house and get any
- 7 more clothes because there wasn't nobody there.
- 8 There was no family member there or nothing because
- 9 she was at the hospital.
- MS. WHIRLEY: So she went to the hospital
- 11 after he stormed out?
- 12 **A** Yes.
- MS. ALIZADEH: But she was there, she was
- 14 home on the day of the shooting?
- 15 A Yes, she had just came home that day.
- MS. ALIZADEH: I'm sorry.
- 17 You know,
- 18 I think part of the responsibility of the grand jury
- 19 is to find the truth in all of this.
- 20 **A** Yes.
- 21 We are here also to get to
- 22 know Mike. We didn't know him.
- 23 **A** I can guarantee you if he was here today
- 24 you would all love him. He was a fun, outgoing
- 25 person. He was never uptight, I'm the one usually

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Page 191 with the attitude. He would have to tell me, he 1 2 used to have to tell me to calm down and stop being 3 so serious about things. 4 We didn't do nothing. We did smoke 5 marijuana, but if we did, it was in an enclosed 6 place, it wasn't like we was out in the public with 7 it, we would just smoke and play video games and 8 just chill like we normally would do. One thing I did want to 10 ask if I could, was there, to your knowledge, 11 or do you know any of the family history, was there 12 any history that Michael Brown may have any type of 13 like what they call ADD, Attention Deficit Disorder, 14 hyperactivity, or anything of that nature? 15 Α ADD is when you like can't stop moving and 16 got to move around all the time. 17 Well, yeah, lose focus. 18 No, he was more of a home body. I used to 19 have to like go get him and make him put on clothes 20 and walk to the store like. And really and truly 21 his granny was overprotective of him. 22 At that time I was one of them like 23 why is she overprotective, now I know. Now after 24 the fact, I know why she was being so overprotective of him. 25

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- 1		
		Page 192
	1	MS. WHIRLEY: Why was it?
	2	A Because of situations like this. Because
	3	if you notice, the people that don't deserve it, it
	4	usually happens to them. He didn't deserve it.
	5	There's been testimony
	6	that in speaking with Michael and he was giving a
	7	response back to somebody, that Michael would have
	8	the action of raising his head and fluttering his
	9	eyes while giving a response and doing that
	10	repetitively, you know, whenever he gave a response,
	11	he would raise up his head and, you know, flutter
	12	his eyes. Was that a common practice that you
	13	noticed of him?
	14	A I honestly, I never really paid attention
	15	to that type of thing. I honestly didn't. I can't
	16	honestly say I have. But whatever he say he usually
	17	meant it and whenever he said something, it usually
	18	was deep and had meaning behind.
	19	All right. Thank you,
	20	
	21	MS. ALIZADEH: I just want to ask you
	22	something because we talked about, you know, knowing
	23	something about Michael Brown because, obviously,
	24	none of us knew him and you knew him very well.
	25	A Yes.

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 1
               MS. ALIZADEH: Have you seen or have you
 2
     heard that there was video that was aired that
 3
     showed Michael Brown stealing some Cigarillos.
               Me, honestly, I wasn't there. I ain't
 4
 5
     never see the tape so I can't honestly speak on
 6
     that, I really can't.
7
               MS. ALIZADEH: Okay. Would you think that
 8
     that was out of character for him?
               Honestly, I don't think that was the case.
          A
10
               MS. ALIZADEH: So you don't think that he
11
     did that?
12
          Α
               No, I can't really speak on it, I didn't
13
     see the tape or anything. It was just a lot of
14
     speculation I heard.
15
               MS. ALIZADEH: Okay. I'm saying if you
16
     assume that that was him in the video.
17
               Me, personally, I couldn't see him doing
          Α
18
     nothing like that, no.
19
               MS. ALIZADEH: So that would be something
20
     you wouldn't expect Michael Brown to do?
21
               No, huh-uh, that ain't the type of person
          Α
22
     he was, at least around me.
23
               MS. ALIZADEH: You've seen him high
24
     before?
25
          A Yes.
```

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Page 194
               MS. ALIZADEH: Did he do things out of
 1
 2
     character when he would be under the influence of
 3
     drugs?
               No, usually he would just fall asleep.
          Α
 5
               MS. ALIZADEH:
                              Okay.
 6
               He usually just fall asleep and I fall
          Α
7
     asleep right along with him. And she would come in
 8
     there waking us up and kick me out of the house like
 9
     she always do.
10
               MS. ALIZADEH: Did you ever know him to
11
     have like a quick temper?
12
               No, I'm the one with the quick temper.
          Α
                                                         Ιt
13
     was usually always him telling me to calm down.
14
               MS. ALIZADEH: So like never heard about
15
     him getting in any fights or anything like that?
16
          Α
               No.
17
               MS. ALIZADEH: Okay. All right.
18
                                                   So you
19
     say you don't know why he couldn't live with his
20
     family, it was none of your business. I don't mean
21
     to disrespect your friend, the problem I have with
22
     that is you say he's your best friend and he is
23
     living with your sister who is pregnant and has two
24
     small children in the home.
25
          Α
               Yes.
```

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 1
                                 And you never thought to
 2
     ask him why he couldn't live with his family member,
 3
     did you think it could be some type of volatile
     situation your family could be put into?
 4
 5
          Α
               No, cause I didn't think about it like
 6
            We was together all day anyway, so my sister
 7
     was the one that told me it wasn't no problem with
 8
     him coming over.
 9
                                 Okay. And you did say
10
     that you did --
11
               As long as I've known him, he was never
12
     living with his mother from the get-go. He was
13
     always living with his grandmother, that's how we
14
     met from his grandmother's house because we went to
15
     school together.
16
                                 You don't know why his
17
     grandmother was in the hospital, could it possibly
18
     have been from their argument?
19
               I don't know.
                              I don't know if it was
20
     slowly just building up, building up, I don't know
21
     if she was depressed, whatever sent her to the
22
     hospital. At that point in time she was in the
23
     hospital for a few days.
24
                                 This is his grandmother,
25
     he told you he stormed out and left, he couldn't
```

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Page 196 1 live with her. 2 Α Yes, they was arguing. 3 Again, I don't mean to talk bad about your friend, you feel like that is 4 5 okay behavior to do with his grandmother, find it 6 hard to believe he had similar behavior with a 7 stranger? 8 No, it is not like that cause I was going Α 9 through problems with my mother at the time also, 10 that's why I was living down at my sister's house. 11 I really don't know what their 12 problem was, but I know I was already going through 13 my own little situation to be in his life at that 14 I just knew he was my friend and I was going 15 to look out for him. I guess just the way I know he 16 would look out for me. 17 Regardless? 18 Α Yes. 19 I have on page 16 of your 20 recorded statement, you said with his hands on his 21 knees like this. 22 And then later you said he was on his 23 knee, he was on his knee, he was on his knees, and 24 then today you say he was on his knees with his 25 hands up. Those are three very different.

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Page 197 No, I know what I said, and I said he was 1 2 on his knees with his hands up. When I looked out 3 the window every single time that part has never 4 changed. 5 So you are saying that 6 what we heard is wrong, what we heard you say? 7 I said every time he had his hands up in 8 the air on his knees. I can vouch for that, I know 9 specifically what I said. Okay. And today you said 10 11 that you heard Michael tell Dorian Johnson to run 12 for his life and you saw Dorian Johnson leave. 13 today you are saying you didn't see Dorian until you 14 went downstairs. Did you not actually hear him say 15 run for your life? 16 I didn't, that's what Dorian told me. Α 17 Okay. 18 He said that's the last thing he heard him 19 say, "Bro, run for your life." 20 Okay. So, again today, 21 let me just check, because I don't remember you 22 telling us in today's statement that Michael was 23 pleading for his life. Because in your past 24 statement you said you heard Michael pleading for 25 his life. Please don't shoot, please don't shoot,

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- 1 but you couldn't hear the police.
- 2 A It is just like what I told her earlier,
- 3 she told me not stuff that I heard and I admitted
- 4 the first interview was most speculation and stuff
- 5 that I heard either from Dorian, neighbors, it was
- 6 just a whole lot of talk.
- ? And that's why I'm asking
- 8 you because we don't know, there is three different
- 9 things that you said and I'm going to ask you this
- 10 as well, it is a hard question for me to ask, but
- 11 the first one you have admitted is not really what
- 12 happened.
- 13 **A** Yes.
- 14 And the second one, which
- is a little less intricate, yeah, it happened, but
- 16 not so much. How are we, in the first statement you
- 17 even told somebody to look into your soul and to
- 18 look into your eyes, that you would never ever lie,
- 19 how do we know that today's statement is the truth?
- 20 **A** It is not a lie if the person was actually
- 21 there, told me exactly what happened. So I didn't
- 22 feel like it was a lie. I didn't feel like it was a
- 23 lie at all. And the way that Dorian came to me, the
- look he gave me in his eyes, he wouldn't lie to me
- 25 about something like that knowing that that was my

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```
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     best friend.
 1
 2
                                 So you don't feel what
 3
     you said on the first interview was a lie because
     somebody you trusted told you the truth?
               I don't think it was a lie, no.
          Α
                                 You don't believe you
 7
     lied?
 8
          Α
               No, I don't.
                                 Thank you.
10
               MS. ALIZADEH:
                              Just to clarify then.
11
    After that question, you didn't hear Michael
12
     pleading for his life?
13
               No, that's what I was told.
          Α
14
               MS. ALIZADEH: Okay. So from where you
15
     were you could hear the gunshots?
16
          Α
               Yes, that's the only thing I could hear.
17
               MS. ALIZADEH: You couldn't hear, you
     didn't hear the officer say anything?
18
19
          Α
               No.
20
               MS. ALIZADEH: You didn't hear Michael say
21
     anything?
22
          Α
               No.
23
               MS. ALIZADEH: You didn't hear Dorian if
24
     Dorian was out there, you didn't hear anything from
     him?
25
```

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               No, he told me what happened after the
 1
 2
     fact of it all going down.
                                 And this is
 3
                                                again.
 4
     I'm sorry,
                         , but are you telling us that the
 5
     only thing that's true about all of your statements
     before this is that you saw that police officer
7
     shoot him at point blank range?
 8
          Α
               Yes.
 9
                                 That's the only thing
10
     that's true?
11
          Α
               What I saw, yes.
12
                                 What you saw, yes.
13
                                          So you've
     explained point blank shot that you saw took place
14
15
     about 5 feet or so from the car, the police officer,
16
     correct?
17
          Α
               Yes.
18
                                And you also explained
19
     that immediately after it happened you were down
20
     there, were you able to see exactly where that
21
     police car was located?
22
               It was a few feet away from them, pointing
23
     towards West Florissant. Like it was coming from
24
     Northwinds.
25
                                Could you show us with the
```

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```
Page 201
     laser where you saw that car as soon as you walked
 1
 2
     out?
 3
          Α
               Michael Brown was right here, the car had
 4
     to be where the C was at. If he was right here, it
     had to be in front of the C or where the C was at.
 6
                                So if we had photograph
 7
     evidence and again, the FBI, if we have evidence
 8
     showing the car is not in that location, how would
     you explain that?
10
               Um, really and truly, where the car was
11
     located really doesn't have anything to do with what
12
     honestly happened because he was unarmed, he didn't
13
     put up a fight, and he was assassinated for what
14
     reason. So, honestly, what does the car have to do
15
     with it?
16
                                          The only reason
17
     I ask that is if the car was not moved and it was in
18
     that location that we've seen the photographs, then
19
     you would have been able to see any altercation if
20
     there was a fight by the car?
21
               I wasn't really, let me ask you a
22
     question. If you just seen your best friend get
23
     murdered, you really would be thinking about where a
24
     car was located? That's an honest question.
25
                                 I understand you.
                                                    This
```

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```
Page 202
               , I know I empathize with you, really I
 1
 2
     do, but I think what we're trying to determine is
 3
     what happened. So if the car wasn't where you think
     it was, where I believe you believe it was, and you
 5
     couldn't see the car and all you saw was a split
 6
     second of what happened, you don't know if there was
 7
     an altercation between Michael Brown and the police
 8
     before you looked out the window, you don't know
     that there was or was not?
10
          Α
               I never said that at all.
11
                                 That was my question to
12
     you, you don't know?
13
               I never said that.
          Α
14
                                 Okay.
15
               MS. ALIZADEH: Any other questions?
16
               (End of the testimony of
                                                       .)
17
18
     of lawful age, having been first duly sworn to
19
     testify the truth, the whole truth, and
20
     nothing but the truth in the case aforesaid,
21
     deposes and says in reply to oral
22
     interrogatories, propounded as follows, to-wit:
23
                         EXAMINATION
24
               MS. WHIRLEY: It is April 16th, I'm Sheila
25
     Whirley.
```

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```
Page 203
 1
               MS. ALIZADEH: April?
 2
               MS. WHIRLEY: I'm sorry, October 16th,
 3
     2014.
            Let's make sure we are in the right year.
     I'm Sheila Whirley, Kathi Alizadeh is present, 12
 4
 5
     grand jurors are present, and we are here with
 6
7
     BY MS. WHIRLEY:
 8
               Can you spell your name for the court
 9
     reporter, do that for us, please?
10
          Α
               Spelled,
11
               All right,
                                  You know why we're
          Q
12
     here, I just like to go right to it. You know why
13
     we're here, right?
14
          Α
               Yes.
15
          Q
               Because of the Michael Brown shooting that
16
     would have occurred August the 9th of 2014; is that
17
     right?
18
               Correct.
          Α
19
          Q
              Where were you working August 9th?
20
          Α
               At the Canfield Apartments.
21
               In what capacity, what were you doing?
          Q
22
          Α
               We were trenching downspouts.
23
          Q
               Okay.
24
               Piping out downspouts.
          Α
25
               What company did you work for?
          Q
```

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```
Page 204
 1
          Α
 2
               What was your job, I mean, your title,
 3
     your job title?
 4
          Α
               I actually was in sales, so lawn
 5
     maintenance, I was helping out in the field that
 6
     day.
 7
          Q
               Okay.
 8
               So more of an account manager than, you
          Α
     know, a laborer, but I was helping out in the field
10
     that day.
11
          Q
               So you were acting as a laborer that day?
12
          Α
               Correct.
13
               Were you a supervisor?
          Q
14
          Α
               Yes.
15
          Q
              Who did you supervise?
16
          Α
               The laborers.
17
               Okay. Were you working with an individual
          Q
     or a group of people on Saturday?
18
19
          Α
               On that day, one person.
20
          Q
               What person was that?
21
          Α
22
                          You were actually his
          Q
23
     supervisor?
24
               In essence. He had more experience, but I
25
     was lead man on the job.
```

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-		
		Page 205
	1	Q I understand. Are you college educated?
	2	A Yes, I have a bachelor of arts, graduated
	3	from Webster University, majored in marketing, minor
	4	in advertisement. And, like I said, that's the
	5	sales is what I was there for.
	6	Q All right.
	7	A Happen to be working in the field that
	8	day.
	9	Q How long had you been working for this
	10	particular company?
	11	A Um, since November, so nine months
	12	roughly.
	13	Q Had you known , right, had
	14	you known him the whole time?
	15	A I knew him for two months at most.
	16	${f Q}$ At most. Was this your first time working
	17	with him in the field as a laborer?
	18	A I believe that was the first time we were
	19	out in the field together. I don't recall being, it
	20	might have been the second time out there.
	21	Q Okay.
	22	A We might have been out there through the
	23	week. It was really the first time I worked with
	24	him.
	25	Q Tell us how your day started that Saturday

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```
Page 206
     morning, what time did you start at Canfield Green
 1
 2
     working?
 3
          Α
               I'd say we got there about 8:00, 8:15.
               In the morning, of course?
 5
          Α
               Right. And we moved, we parked at the
     office, top left up there.
7
               Okay. Before you move on, we're looking
 8
     at Grand Jury Exhibit Number 25, and it is a map of
     the Canfield Green Apartment Complex; is that
10
     correct?
11
          Α
               Yes.
12
               And you recognize it as that?
          Q
13
          Α
               Yes.
14
               Where is the laser, you know how to use
15
     that laser pen, right?
16
          Α
               Sure.
17
                     Now talk us through what you were
          Q
               Okay.
     saying, where were you working?
18
19
               We were working right on this Building
          Α
20
     here.
            (indicating)
21
               In the very beginning when you first got
22
     there that morning?
23
          Α
               No.
24
            I want to start --
          Q
25
          Α
               In the morning at 8:00 when we pulled in
```

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Page 207 and parked right about here, you know, we did some 1 2 work around this building here, up to about 10:00. 3 Moved around Building and Building We kind of 4 were working on these downspouts in this area. 5 There was a big root where this tree was and about 6 11, 11-ish, that's when we first encounterer Mike. 7 (indicating) 8 Okay. Were you with the 9 whole time while you were working, or were you 10 working --11 No, we were working together. We had our 12 truck parked here initially, you know, about 10:00, 13 11:00. We were working on this corner of the 14 building. 15 Q You said you were at that location, which 16 you identified on the map as Building 17 Α Right. 18 Near Building when you first saw Michael 19 Brown? 20 Yeah. It was, we had moved over to the 21 middle of the building, and when we first saw him, 22 he came down, and was actually cutting some 23 roots, and that was the first time we saw him. 24 Where was he coming from? Q 25 Α He came down the stairwell.

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```
Page 208
               From that apartment building?
 1
          Q
 2
          Α
               Correct.
 3
               MS. ALIZADEH: I'm sorry, can you show me?
 4
     I was looking down, what stairwell?
          Α
               This one right here. (indicating)
               MS. ALIZADEH: Okay.
7
               (By Ms. Whirley) So he comes down the
          0
 8
     stairwell, do you remember how he's dressed?
               Yes, he was wearing a gray shirt, jean
10
     shorts, Cardinals cap, he had yellow socks with pot
11
     leafs on them and sandals.
12
               With pot leafs on them?
          Q
13
          Α
              Yes.
14
            You recall him wearing jeans?
          Q
15
          Α
            Jean shorts.
16
              Jean shorts, okay. When he comes down, is
          Q
17
     he alone?
18
          Α
              He was alone.
19
          Q
               All right. And what made you even notice
20
     him?
21
               Uh, he mentioned something, said something
22
                 cutting through a root and how he was a
     about
23
     little frustrated with having to cut through it.
24
     You know, he said one of you two mad about
25
     something? I'm getting a bad vibe.
```

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1		
		Page 209
	1	\mathbf{Q} He was talking to ?
	2	A Yeah.
	3	Q But you were in earshot?
	4	A I was standing right behind him getting
	5	ready to hand him whatever tool he needed to get the
	6	job done.
	7	Q I see. And when he said, he said what now
	8	again?
	9	A He said, one of you two mad about
	10	something I'm getting a bad vibe.
	11	$oldsymbol{Q}$ And did say anything back or did
	12	you?
	13	A said something to him in the effect
	14	of, it was what he told me and what he told him were
	15	two different things. It was something to the
	16	effect that my boss shorted me 60 cents on my
	17	paycheck, you know, just making light of the
	18	situation.
	19	Q Did he say that in your presence to Mike
	20	Brown?
	21	A Uh, I didn't hear what said, but
	22	that's what told me he said. That's kind of
	23	hearsay, I don't know exactly what he said to him,
	24	it was something to diffuse the situation. Just
	25	kind of a light comment.

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Page 210 Okay. To diffuse the situation, was there 1 2 a situation? 3 He came up and said, one of the two of you Α mad about something, I'm getting a bad vibe. Q Did you hear them discuss anything else? 6 At that point, no. I know that they had a 7 long conversation in this area right here where the 8 truck was initially parked. I was working on digging the trench. 10 But at that point, they weren't talking, 11 they didn't have a long conversation really when he 12 first came down the stairs? 13 After said something, I didn't Α really catch what said, but I heard Mike say, 14 15 you know, if you turn to Jesus, he'll save you, 16 whatever, something to that effect. 17 So Mike is talking about Jesus? 18 Α Right. 19 And did they continue to talk, or what 20 happened next? 21 Uh, yeah, the conversation kind of, you 22 know, started here and then went back to the 23 truck for a tool or something, and Mike followed him 24 over there. And they talk and I continued to work 25 on the hole, I don't know what all they talked

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Page 211 1 about. 2 You couldn't hear them? 3 Not from the other side of the truck. Α Ι did go over after a few minutes and kind of go, hey, 4 5 we're trying to work here. You know, they were 6 talking about pictures of Jesus on the wall and 7 different things. 8 Okay. Did Mike, and we know who we are 9 talking about Mike Brown, the young man that was 10 killed. Did he appear to you to be in an agitated 11 mood or aggressive, or anything like that? 12 He flinched his fist a couple times and 13 looked up at the sky when they were over here 14 talking, I came around to see what's going on, he 15 flinched his fist a couple times and like looking 16 I kind of found it odd. 17 You know, take a step back whenever 18 we were over here in this conversation, they were 19 talking about the socks, and Mike said, you know, you've got to try everything in this life, you know, 20 21 everything to figure out where you want to go in 22 this world. And that kind of led me to believe he 23 is probably high. 24 Okay. Q 25 Α And he kind of seemed that he came down

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```
Page 212
     when he was talking to over here, like he came
 1
 2
     down from the high.
 3
          Q
               Describe what that looked like, him coming
 4
     down from a high?
 5
          Α
               It was them talking about pictures of
     Jesus on the wall and
                           said something to the
 7
     effect of how you might have a picture of Jesus on
 8
     your wall, well, the devil has got a picture of me
     on his wall. Whenever I come down, he's going to be
10
     the person in charge.
                                   he's a character. I
11
     don't know if you guys have seen him.
12
                    At the end of the conversation when
13
     it was all said and done, Mike said, you know, nice
     talking to you, and he shook
14
                                          hand. I could
15
     kind of tell that he was grounded, you know.
16
               Okay. Describe to me why you think he was
          Q
17
     coming down from a high, what was he doing that made
     you think that he was high?
18
19
               I can't say for sure.
          Α
20
          Q
               Because of the socks?
21
               It is more of an assumption.
          Α
22
               Let me ask a question or two. Did you
          Q
     smell marijuana?
23
24
          Α
               No.
25
               All right. Did you see him smoking any
          Q
```

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	Page 213	
1	marijuana?	
2	A No.	
3	Q Did you see him handling marijuana?	
4	A No.	
5	${f Q}$ Okay. So tell me about your assumption	
6	again.	
7	A The socks.	
8	Q Oh, the socks, okay. He said nothing was	
9	wrong with smoking?	
10	A I was up there for four weeks and it was a	
11	day-to-day thing I smelled marijuana a lot around	
12	all of the apartment buildings. Don't get me wrong,	
13	you know, I don't want to stereotype anybody, but a	
14	guy with marijuana leafs on his socks is probably	
15	smoking marijuana.	
16	Q I was curious about whether you thought he	
17	appeared high though that morning when you saw him,	
18	and that's why I was asking a few detailed questions	
19	about it. There was nothing that made him appear	
20	high except for the socks?	
21	A Right. And the fact that he came down	
22	asking if one of us were mad, you know, kind of	
23	paranoid, you know.	
24	Q To you that seem kind of paranoid?	
25	A Right.	

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	Page 214
1	Q All right. You said, show us again where
2	he followed .
3	A So our truck was parked kind of
4	catty-corner to this building here, you know,
5	directly out. And they were on the driver door
6	here, they were over here talking. I was over here
7	digging this trench. I walked around and kind of
8	came up and heard the end of the conversation.
9	Q What was that, is that when they're
10	talking about Jesus on the wall you mean?
11	A Right.
12	Q And then what happened?
13	A He said he was, see, at this point he went
14	back up into the apartment.
15	Q Went back upstairs?
16	A Yeah, he went back upstairs. And, you
17	know, we went back to work after that.
18	Q Do you recall when you saw him the next
19	time?
20	A We were moving around this L shape here
21	and moving up into this corner and into that. And
22	he came walking from this direction. Next time I
23	saw him, he came walking from this direction with
24	that fellow with the dreadlocks. What's his name?
25	Q We know him as Dorian Johnson.

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	Page 215
1	A Dorian, right. They came up and was
2	back over here talking to them.
3	Q And how long ago, tell me the timeframe
4	from when you, when he went back upstairs and then
5	you saw him later with Dorian?
6	A I would say 10, 15 minutes, you know,
7	somewhere roughly in there.
8	Q Had he changed clothes, Michael Brown, or
9	was he in the same clothes?
10	A Same.
11	${f Q}$ Okay. All right. So he comes back with
12	Dorian, do they come and talk to you?
13	A No, they had a conversation over here with
14	. I was over in this area by then moving my
15	way around.
16	Q So you weren't within earshot to hear what
17	they were saying?
18	A Correct. And you know after a while I
19	came back over to the truck, kind of see what's
20	going on, hey, let's get back to work here and they
21	dispersed.
22	Q You say they dispersed, describe
23	A Well, I walked over and, you know, hey,
24	let's get back to work. was like, all right.
25	The two guys, Mike said that they were going to
l	

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1			
			Page 216
	1	continue	the conversation when they got back. And
	2	that's wh	en they went to the convenience store.
	3	Q	Which way did they travel?
	4	A	Uh, they just went up the street here.
	5	Q	This would be West Florissant here?
	6	(indicati	ng)
	7	A	Right.
	8	Q	Okay. And then what was the next time you
	9	saw them?	
	10	A	I never saw Darian?
	11	Q	Dorian?
	12	A	Dorian, I never saw him again.
	13	Q	Okay. When is the next time you saw Mike
	14	Brown?	
	15	A	He was in this vicinity right here.
	16	(indicati	ng)
	17	Q	And what was he doing?
	18	A	He was moving down the street.
	19	Q	Okay. Did you ever see him in a tussle
	20	with a po	lice car?
	21	A	Never did.
	22	Q	Police officer?
	23	A	No, I think that happened back here. And,
	24	like, I s	aid, at this point, so they went just to
	25	timeframe	here. So they went to do whatever, and I
1	i		

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Page 217 had to go get the bobcat, which was parked up here 1 2 and in my process of going over here and coming back 3 and started digging some trenches with the bobcat, I was in about this location here and heard a gunshot. 5 (indicating) 6 Q Okay. 7 I heard a loud bang. I didn't know what 8 It sounded like a bunch of PVC pipe hitting 9 the ground, if you know what I'm talking about. 10 I stepped out in about this location. 11 We had our truck parked right about here. At this 12 point, like I said, we were moving around. 13 stepped out, I was about right here. I saw Mike 14 Brown come out behind the building, he was moving at 15 a pretty good clip. (indicating) 16 He was doing what? Q 17 He was moving at a pretty good, you know, Α kind of getting away. 18 19 Like trotting or walking fast? 20 Α Right. 21 Okay. And what else did you see? Q 22 I saw what appeared to be him getting shot 23 in the back. 24 Shot in the back. Why do you say it 25 appeared that way?

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```
Page 218
               Well, he was running, I heard a gunshot.
 1
 2
     He was about here at this point. I heard a gunshot
 3
     and he kind of stumbled, and then he turned around.
 4
          Q
               Can you do us a favor and stand up,
 5
     please?
               Sure.
          Α
 7
               And show us, you know, what happened that
 8
     made you think he might have been shot from the back
     or somewhere in the back, and then turn around for
10
     us the way he did?
11
          Α
               It was more of --
12
               Why don't you face the door?
          Q
13
               It was more of a, you know, kind of like,
          Α
     I don't know how fast he was moving exactly, he was
14
15
     going like this. I saw him, you know, kind of take,
16
     you know, take a little step down and he caught
17
     himself and turned around and had his hands up.
18
     (indicating)
19
               He had his hands all the way up like that?
20
          Α
               Right.
21
               Sure of that?
          Q.
22
               Positive.
          Α
23
               Did he say anything?
          Q
24
               He yelled okay, okay, multiple
          Α
25
     times.
```

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	Page 219
1	${f Q}$ Okay. And at that point, what is the
2	officer doing?
3	A His gun's drawn, standing there pointing
4	at him. I never heard him say anything.
5	Q But you were within earshot to hear
6	Michael Brown?
7	A I heard him screaming.
8	${f Q}$ And you never heard the officer say, did
9	it appear that the officer was saying anything, you
10	just couldn't hear it, it didn't appear he was
11	saying anything?
12	A Right.
13	$oldsymbol{Q}$ And what was he doing, I know you said he
14	had his gun drawn, did he just stand there with the
15	gun drawn?
16	A Yes.
17	Q And never did anything else?
18	A Well
19	Q Why don't you tell us what happened?
20	A So they were about right here at that
21	point kind of, you know, on the street, and Mike
22	Brown started walking back at him okay, okay, okay,
23	hands up and he just started shooting at him.
24	Q Okay. If I'm the officer, how was Michael
25	Brown walking toward him with his hands up?

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```
Page 220
 1
               Like this. (indicating)
 2
          Q
               Okay, all right. Was he saying, stop, get
 3
     down, nothing?
               No.
 4
          Α
 5
          Q
               Okay. And any idea how many shots were
     fired at Michael Brown as he was walking towards
7
     him?
 8
               Six to seven, and I would say after the
          Α
     third shot he kind of went like this and it was more
10
     of a, he moved a little quicker, and then kind of, I
11
     saw him falling and disappeared behind a building.
12
     I was right here behind the truck at that point, and
13
     then the shots must have been, you know, right here
14
     going towards this building, and I'm standing right
15
     here.
16
                    And I'm seeing, I'm like, what the
17
     heck, I'm standing behind this truck and, you know,
     they kind of come together there and he, I don't
18
19
     know what else to say.
20
          Q
               Okay.
21
               He fell, he fell on his face behind that
22
     building, but I didn't see.
23
               You saw him going down, you couldn't see
          Q
24
     him hit the ground is what you mean?
25
          Α
               (Nods head.)
```

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	Page 221
1	Q Later at some point you came from behind
2	that building and could see him on the ground?
3	A After it all happened, we walked up to
4	this knoll right about here and that's when they
5	were taping it off and everything.
6	
	Q Could you see the officer when he hit the
7	ground, from your vantage point?
8	A Where this car is at, I mean, they were
9	about 10 feet apart. And the officer kind of backed
10	up. He might have been standing right here at this
11	corner, the officer and I didn't see the final part
12	of that so.
13	$oldsymbol{Q}$ Could you tell, and maybe you just told
14	us. I'm going to ask to make sure, could you tell
15	how far apart Mike Brown and the officer was when
16	you saw him shoot him six or seven times?
17	A I'd say less than 15 feet.
18	Q You see where we are, I'm going to walk
19	out.
20	A That's about it.
21	Q Not any further back?
22	A No.
23	Q From where you are to me?
24	A Right.
25	Q Is about how close they were?

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		Page 222
1	A	Yeah.
2	Q	All right.
3	A	And the officer was backing up as he was
4	firing.	
5	Q	As he was firing. Okay. Now, you wrote a
6	written s	tatement, you made a written statement; is
7	that righ	t?
8	A	Yes.
9	Q	And when did you write your statement?
10	A	Uh, approximately 2:00, August 9th.
11	Q	That day. So right after it happened you
12	wrote a s	tatement?
13	A	Yes.
14	Q	Why did you do that?
15	A	The guy I was working with, he was talking
16	to his ol	d boss. Well, you should probably write
17	that down	what happened, and then I probably should
18	too.	
19	Q	Did you guys sit down and write your
20	statement	s together at the same time?
21	A	Uh, probably about as far apart as him and
22	I, but no	words were spoken. It was our own
23	judgment	or our own take on the matter.
24	Q	So you didn't like talk about, hey, what
25	are you g	oing to write, I'm going to write this,

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```
Page 223
     what are you going to write, that kind of thing?
 1
 2
          Α
               Right.
 3
               You each wrote independently of one
          Q
     another?
 5
          Α
               Yes.
          Q
               Did you look at his statement when you
7
     finished writing?
 8
              I did read it.
              Did he read yours?
10
          Α
            I read it to him.
11
               You read your statement to him and did
12
     that make him change his statement?
13
               No.
          Α
               And you reading his statement, did you
14
15
     change yours?
16
          Α
               No.
17
               Why don't you have a seat for us. I'd
     like you to read that statement. You have it,
18
19
     right?
20
          Α
               Yes.
21
               MS. WHIRLEY: We have copies for you. I
22
     just want him to read it now.
23
               On Saturday, August 9th, at approximately
24
     12:15, I witnessed one white male police officer gun
25
     down and kill one black male.
```

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Page 224 1 Initially, I heard a single shot 2 fired and peered around the corner to see a black 3 male walking away, at which time I heard another shot and saw the white cop behind the black man. 4 Ι 5 was about 50 to 60 yards away watching the black man stumble away from the officer and turn with his 6 7 hands raised yelling, okay, okay. 8 Officer proceeded to unload his clip 9 into the black man, at least six to seven more 10 shots. 11 Thirty minutes before the incident, 12 fellow co-worker spoke with the black 13 man who spoke of Jesus and life and honest people. 14 Mike was his name. He was wearing a Cardinals ball 15 cap, gray shirt, jean shorts, with yellow pot leaf 16 socks and sandals. 17 At the time of the incident after 18 hearing the first and second shots, I stood there 19 like a deer in the headlights, stunned to see and 20 believe what was happening. 21 Mike said he was going to the 22 convenience store to get a few things and would be 23 right back. We were working on his building and 24 engaged in conversation. He seemed like a nice guy. 25 That is accurate as to how you remembered Q

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Page 225 1 it that day? 2 Α Yes. 3 Now, you didn't mention anything in Okay. your written statement about him appearing high or 4 5 intoxicated or anything? 6 Right. Α 7 You didn't think about it then or what made you think about it later? 8 Just the pot leafs on the socks. 10 Q Okay. 11 It was more, you know, I got to thinking 12 about it, you know, why was he questioning if we 13 were upset and why was he, not that I have a lot of 14 experience with it, I've seen it. That was the evidence for me. 15 16 He didn't try to sell you any pot or have 17 a smoke with you or Steve or anything? 18 Α No. 19 Okay. Did he appear at the time that you 20 saw him to be a threat to the officer when he was 21 being shot, when he was coming toward the officer? 22 Α No. 23 Okay. Did he appear to be coming toward 24 the officer in an aggressive way? 25 Α I mean, that's subjective.

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		Page 226
1	Q	I'm talking your opinion?
2	A	See, I kind of have a mixed opinion on it.
3	Q	Okay.
4	A	I take the hands going down and kind of
5	moving qu	icker towards the cop as either I'm falling
6	to my dea	th or okay, you've already shot me a couple
7	times, I'	m coming at you.
8	Q	So it could be either of those. So when
9	he had hi	s hands up, what was your impression then
10	when he w	as saying okay, okay?
11	A	Initially I was like okay, he's giving up,
12	you know,	that was my impression.
13	Q	Okay. And did you ever see a weapon in
14	his hand?	
15	A	No.
16	Q	Were you close enough to see if he had a
17	weapon?	
18	A	Yes.
19	Q	How is your eyesight?
20	A	I wear contacts, so it is 20/20.
21	Q	You had them on that day?
22	A	Yes.
23	Q	And your hearing is good?
24	A	As far as I know.
25	Q	You hear me pretty well, right?

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Page 227 1 Α Yes. 2 The other person, and his name is Dorian 3 that we talked about, did you see him at any point when the shooting was going on? 4 5 Α No, like I said earlier, I never saw him after he was, they were going to the convenience 7 store. 8 Okay. You never, I think you already 9 answered this too, so bear with me. You never, once 10 you came back after the shooting was over and you 11 came out, what did you see as far as the scene was 12 concerned, describe that for us after the shooting 13 was over. All I saw was there was, at this point, 14 Α 15 there was three cops. The other two cops showed up, 16 it must have been as it was happening or right 17 They came up and they are all staring, 18 looking at the ground. Mike Brown's laying about 19 right here, and one of the cops grabs a roll of tape 20 and starts taping it off. 21 Did you notice a police car or just a lot 22 of police cars around at that point? 23 There was an SUV, I believe, right about Α in this vicinity and that was --24 25 Near the body? Q

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Page 228 Yeah, a little past it. He bled out on 1 2 the street. 3 Were you there much longer after this Q shooting occurred or did you get out of there soon 4 5 after? 6 We got out pretty quick. and I, you 7 know, he said we probably should go, you know, being two white guys, that's just my feeling. 8 He said we should probably get out of here. I think things 10 about to go -- sorry. 11 I'm sorry. Q 12 Things are about to escalate, all kind of 13 people out here. 14 Was it escalating? Q 15 Α Yeah, people coming out of the freaking 16 apartments like nobody's business. 17 Were they saying anything? Q Um, there was a fellow that came up here 18 19 in a red car, he pulled up about right here, he jumps out and he yells, he was no fucking threat. 20 21 If you saw the video, goes, yeah, he had his 22 hands up. He had his fucking hands in the air, or 23 whatever he said. 24 Right. And that was you and in that video? 25

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```
Page 229
 1
          Α
               Yes.
 2
                      was wearing the pink shirt?
          Q
 3
               Yeah.
          Α
 4
               Okay. You're not still working for that
          Q
 5
     same place; is that correct?
 6
          Α
               Correct.
 7
               And does it have something to do with the
          Q
     shooting?
 8
          Α
               Yes.
10
          Q
               Tell us a little bit about that.
11
               Uh, essentially my anxiety was so high I
12
     couldn't return to work, took off that Monday, the
     11th, filed
13
                                        I didn't want to
14
     miss pay for that day and my boss let me go.
15
          Q
               Did he tell you why he let you go, did he
16
     actually tell you he let you go because you filed
17
18
               It was, he said it was my performance.
19
          Q
               Okay. And you had worked for him for nine
20
     months?
21
               Right.
          Α
22
               Had he ever complained about your
          Q
23
     performance before this day?
24
               No, and I wasn't a laborer, I was out
          Α
25
     there making sure the job got done.
```

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Page 230 MS. ALIZADEH: I couldn't hear what you 1 2 said, that last part. 3 I said that I wasn't a laborer, my job 4 wasn't to labor, I was out there just to make sure 5 that the job got done. 6 (By Ms. Whirley) Now, how did you come to, Q 7 since you left that, you did write a statement that 8 same day, but you left. How did you get to talk to the police or the FBI about what you saw, how did 10 that happen? 11 Uh, they showed up at my house. 12 St. Louis County detective show up, and after that 13 another St. Louis County detective, along with an 14 FBI agent. And then a third time they picked me up, 15 took me down to Clayton down here and put me in an 16 interrogation room and asked me a bunch of questions 17 that I answered the best I could. 18 Do you know how they found out about you? 19 How they knew to come to your house? 20 I don't know for sure, but if I had to 21 quess, I'm thinking they probably got the name of 22 the company I work for from the apartment complex 23 and so on and so forth. 24 They are the police, they can find out, 25 When you say the first shot is what drew your

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Page 231 attention that something was going on and then I 1 2 believe you said you heard a second shot; is that 3 right? Yes. Α 5 And where were you when you heard the second shot? 7 At that point I was behind the truck which 8 is parked about where that white car is. I'm standing about where the driver door is in that 10 white car. 11 And as you're hearing, I'm sure the first Q 12 shot got your attention as you just said? 13 A Right. 14 When you hear the second shot, are you 15 looking in any particular direction to try to figure 16 out what is going on? 17 I was back here, I kind of came out here 18 and was over here working on something. 19 um, you know, I'm looking over at 20 thinking is that a bunch of pipes going on the 21 ground, which didn't make sense to me we had a lot 22 of pipe on the ground. So I didn't know what it 23 was. 24 All right. Could you see anything Q 25 happening when you heard the second shot?

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	Page 232
1	A Yes.
2	Q Tell us what you saw.
3	A I saw Michael Brown, just Michael Brown
4	walking to the right as we are looking. He was
5	walking down the street here.
6	Q Like going east?
7	A Right.
8	Q Away from the officer?
9	A I couldn't see the officer, but yes, it
10	was away from the officer.
11	Q Was he walking or running?
12	A It was a fast pace.
13	Q Fast pace?
14	A Like we talked about earlier.
15	Q You heard a shot as he is moving away from
16	the officer and that's why you thought he was shot
17	in the back?
18	A And that's when he stumbled.
19	Q Okay.
20	MS. WHIRLEY: Kathi, do you have anything?
21	Q (By Ms. Alizadeh) I stepped out and I
22	missed part of this so I don't want to get too
23	repetitious, but did you hear when Michael Brown, at
24	any time Michael Brown was talking to
25	did you hear them talking about marijuana or weed?

```
Page 233
               Just the comment of the socks.
 1
 2
          Q
               Okay. Did you hear
                                                  say
 3
     anything about wax?
          Α
               No.
 5
               MS. ALIZADEH: Did you already ask about
 6
     that, Sheila?
 7
               MS. WHIRLEY: Not about wax.
 8
               MS. ALIZADEH: I didn't want to repeat
 9
     things if that was already covered.
10
               I was asked that by the detectives when
11
     they brought me up here, but I never heard anything
12
     like that that day.
13
               (By Ms. Alizadeh) So just so I can be
14
     clear, you first saw Mike earlier in the morning and
15
     he was by himself and he spoke to a little bit
16
     and you were kind of not involved in the
17
     conversation?
18
               Right.
          Α
19
               All right. And what you heard of that
20
     conversation was basically him talking about what,
21
     Jesus and being angry or something, you're shaking
22
     your head, but that doesn't, nobody --
23
              Oh, yeah, that is correct.
24
            You have to say out loud.
          Q
25
          Α
              Yes, that's what I got from it.
```

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	Page 234
1	Q All right. At that point did you see them
2	touch each other, shake hands, exchange pieces of
3	paper with anything, did you see them in any contact
4	with each other?
5	A No, just the end of the conversation when
6	Mike shook hand and said, you know, we'll
7	continue this.
8	Q So I'm trying to get at, there is this
9	first encounter where he's talking to and then
10	he goes, he leaves and then there is a second
11	encounter where he and Dorian are talking to ,
12	okay, right?
13	A Right.
14	Q So did Dorian shake hand after the
15	first encounter or after the second encounter?
16	A Dorian never shook his hand.
17	Q I'm sorry, Michael Brown?
18	A That was the first encounter, Mike shook
19	his hand.
20	$oldsymbol{Q}$ Okay. And then you also talked about that
21	at some point Mike and went over by his truck,
22	on the side of Steve's truck?
23	A The initial conversation.
24	Q That was the initial conversation?
25	A Yes.

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Page 235 Okay. Could you see what was happening 1 Q 2 when they were by truck? 3 I saw them talking. Α 4 Q Okay. 5 Α I mean, until I went over there and heard 6 them talking about pictures of Jesus, I really 7 didn't, you know, I just kind of saw them over there 8 talking. Okay. So you really weren't paying that 10 much attention at that point? 11 Α Right. 12 So when I said though, when I said could you see them, what I'm trying to get at is, were 13 14 they at a place where your view of them was 15 obstructed by anything? 16 Yeah, they were on the other side of the Α 17 truck. 18 So there is a time when the two of Okay. 19 them walked to the other side of the truck and you 20 can't see what's going on? 21 Yeah, the whole initial, the first 22 conversation, they were on the other side of the 23 I mean, I came in on the last bit of it, but 24 I really couldn't see them except their heads 25 through the windows.

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1		
		Page 236
1	Q	Okay. So, and then Mike Brown leaves, you
2	said when	he initially came out, did you say he came
3	out of th	is building, Number
4	A	Yes.
5	Q	And then when he left, did he go back in
6	that build	ding or leave?
7	A	Yes, yeah, yeah.
8	Q	Yes? And then you said then the next time
9	you saw h	im he was somewhere around here?
10	(indicati:	ng)
11	A	Right.
12	Q	You didn't see how he came out of that
13	building	
14	A	Correct.
15	Q	at some point? So the next time you
16	see him h	e's around here? (indicating)
17	A	Right.
18	Q	Is that when he's with Dorian?
19	A	Yes.
20	Q	Do they walk back to your direction?
21	A	Yeah, they walk to about right here where
22	the truck	was parked. (indicating)
23	Q	And they start talking to again?
24	A	Yeah.
25	Q	Do you see either of them go back into

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Page 237 this building? 1 2 Α No. 3 So my question is, they could have, but you didn't see it or they did not go back into the 4 5 building? 6 I can't say, I mean, I was over here doing 7 some work, I don't know. I mean, I don't know if 8 they went back up here and they came back down here. I saw them. 10 Q Okay. 11 I just saw them. I don't know how they 12 got there. 13 Okay. And so at that point then, after they left and they said they would be back, was it 14 15 Mike that said that or was it the other man, Dorian? 16 Α It was Mike. 17 And then the next thing you notice, you hear a gunshot, correct? 18 19 Α (Nods head.) 20 Q And that's several minutes later, I quess? 21 Yeah, I'd say 10, 15 minutes, somewhere 22 around there. 23 All right. And when your attention is 24 directed in that location or in that area, do you 25 see Mike Brown before you hear the second gunshot,

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	Page 238
1	or do you hear the second gunshot and then see Mike
2	Brown?
3	A No, the first.
4	Q So you turn and you see Mike Brown and
5	he's, I want to be clear on how he's moving because
6	at one point you said a good clip, and then you said
7	walking and then you said walking fast?
8	A He was running from the cop. I mean, it
9	wasn't a run, but it wasn't a walk.
10	Q Okay. All right.
11	A He was moving away going down the street.
12	Q Okay. And then
13	A He's a big guy, I mean, you know a run for
14	him might be a jog to me.
15	Q I'm not trying to be argumentative, I'm
16	just trying
17	A No, I just want to explain the difference.
18	Q So then you hear the second gunshot?
19	A Yes.
2.0	$oldsymbol{Q}$ And you said at that point you think that
21	that second gunshot hit him?
22	A Yes.
23	Q And that was because of what?
24	A Why I think that?
25	Q Yeah.

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- 1 A Because he stumbled.
- 3 this point, have you seen the officer at all?
- A Not yet. I mean, it was shortly after he
- 5 turned around that I saw the cop.
- 6 Q Okay. So when he turned around, is Mike
- 7 Brown's back to you?
- 8 A Uh, they're kind of maybe at a 45 degree
- 9 angle from me.
- 10 Q Okay. When he was coming in your
- 11 direction, whatever pace that is, I didn't want to
- 12 say running, okay, coming toward your direction,
- 13 could you see his face?
- 14 **A** No.
- 15 **Q** Is that because of your position?
- 16 A Well, I mean, I saw the side of his head.
- 17 I'm standing right here where that white car is and
- 18 he's right here and that's a pretty good distance.
- 19 **Q** Okay.
- 20 A I mean, I couldn't see his facial
- 21 expressions or whatever.
- 22 Q All right. And you said you heard Michael
- 23 Brown screaming?
- 24 **A** Yes.
- 25 **Q** Was that before he turned around or after

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```
Page 240
 1
     he turned around?
          Α
              Before I turned around.
 3
              No, Michael Brown.
          Q
              Oh, that was after he turned around.
          Α
 5
          Q
               Okay. Could you make out what he was
     screaming?
 7
               He was yelling, okay, he said it about
     six, seven times.
 8
               All right.
          Q
10
          Α
            I wrote it down.
11
          Q
               Okay.
12
               MS. WHIRLEY: If I can just ask something
13
     while you are looking, Kathi. Was his hands up and
14
     he's saying, okay, okay, before he was shot
15
     again?
16
          Α
              Yes.
17
               MS. WHIRLEY: So when he was being shot,
18
     his hands were up?
19
          Α
               Yes.
20
               MS. ALIZADEH: And so when he turned
21
     around, he moved in toward where the officer comes
22
     from in that direction, right?
23
          Α
               Yes.
24
               MS. ALIZADEH: About how many steps or
    feet did he move?
25
```

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Page 241
 1
          Α
               In total? I would say about 20.
 2
               MS. ALIZADEH: 20 feet or 20 steps?
 3
               20 feet.
          Α
 4
               MS. ALIZADEH: Okay. And so at some point
 5
     you see the officer appear beyond the building,
 6
     correct?
 7
          Α
               Yes.
 8
               MS. ALIZADEH: And then Michael Brown
 9
     turns and moves towards the officer. Does the
10
     officer move then? Is he still coming toward
11
     Michael Brown?
12
               I mean, after he turned around and had his
13
     hands up, he kind of just stopped and stood there.
14
     And then that's when the shooting occurred. I mean,
15
     he was going, turned around and then started
16
     shooting, and then Michael Brown, Michael Brown was
17
     kind of moving at him like I'm giving up, hands up.
18
               MS. ALIZADEH: So, now, you said I'm
19
     giving up, hands up. You didn't hear him say that?
20
               He said, okay, okay, okay, that to me
21
     means --
22
               MS. ALIZADEH: I just want to be clear.
23
     When you said that, that was what you are
24
     interpreting, right?
25
          Α
               Yes.
```

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Page 242
 1
               MS. ALIZADEH: So what I'm trying to
 2
     figure out is you didn't see Michael Brown fall,
 3
     correct?
 4
          Α
               He was falling and then he went behind the
 5
     building.
 6
               MS. ALIZADEH: So the building blocked, he
 7
     goes beyond the building from your vantage point?
 8
               Yeah, about this area right here.
          Α
 9
     (indicating)
10
               MS. ALIZADEH: Right.
11
               I saw him to about where that white car is
12
     and then he was going down.
13
               MS. ALIZADEH: So where is the officer
14
     when that happens?
15
          Α
               He was about, right about this
16
     intersection right here. (indicating)
17
               MS. ALIZADEH: So you can still see the
18
     officer when Michael Brown disappeared from your
19
     view?
20
               That is correct. He was kind of going
21
     straight when the officer was kind of moving back
22
     and sideways, and he kind of moved at an angle. At
23
     one point, the shots were this way and more went
24
     almost at me.
               MS. ALIZADEH: Okay. And once Michael
25
```

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```
Page 243
     Brown disappeared from your view, did you ever hear
 1
 2
     any more gunshots?
 3
          Α
               No.
               MS. ALIZADEH: I don't have anything else.
 5
               MS. WHIRLEY: When you mention anger, or
 6
     Kathi said something about angry, just to make sure
7
     I'm clear, it was
                                     that was angry about
 8
     some work he was doing and Mike Brown said he could
     feel anger, is that what you told us?
10
          Α
               Yes.
11
               MS. WHIRLEY: Questions?
12
               MS. ALIZADEH: I thought you said he's
13
     getting a bad vibe?
14
               MS. WHIRLEY:
                             That's the words.
                                                 Those
15
     were my words, I said angry, but you said vibe.
                                                      I
16
     meant the same thing. Those are not your words?
17
               I'm getting a bad vibe, were you two angry
18
     about something, that's what he said.
19
               MS. ALIZADEH: I'm sorry, I just want to
20
     say, this is very important.
21
               I hear you.
          Α
22
               MS. ALIZADEH: All we're trying to do is
23
     best figure out what happened, okay. I know it
24
     feels like we are picking at you and we're not.
25
     Some of this stuff is very important and if you
```

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Page 244
     don't remember exactly, it is best to say I'm not
 1
 2
     sure, I don't remember exactly. That's why when we
 3
     ask you exact specific things, okay.
 4
          Α
               I'm just trying to be honest.
 5
               MS. ALIZADEH:
                             Okay.
 6
                                                 At the
7
     point when Michael Brown turns around with his hands
 8
     up and the police officer, I quess, starts shooting
     at him, did you ever see him or appear that he was
10
     reaching in his shirt or reaching in his pants like
11
     he had a weapon?
12
          Α
               No.
13
                                Thank you.
               MS. ALIZADEH: Did you ever see Michael
14
15
     Brown clutching his torso or with his hand where he
16
     might have been touching his torso?
17
               After about the third shot, he did have
     his hands kind of over his belly, you know, like,
18
19
     oh, I've got shot in the belly.
20
               MS. ALIZADEH: Okay. So after the third
21
     shot, the total third shot, or after the third shot
22
     when you saw him?
23
               Yeah, it would have been like the fifth
24
     shot then.
25
               MS. ALIZADEH: Okay. So from this
```

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Page 245
     position his hands came down to clutch his torso at
 1
 2
     some point?
 3
          Α
              (Nods head.)
               MS. ALIZADEH: That was about the fifth
 4
 5
     shot?
 6
          Α
               Yes.
 7
               MS. ALIZADEH: Did you, could you see any
 8
     blood or anything on him?
 9
               Uh, no, I didn't see any blood. I did see
10
     the back of his shirt, you know, like somebody
11
     pinched your shirt or whatever, looked like a bullet
12
     went through him.
13
                             Okay. And when you said,
               MS. ALIZADEH:
     you said, uh, I'm shot, something like that just
14
15
     now, was that you interpreting his actions or did
16
     you hear him say that?
17
               No, that's my interpreting.
18
               MS. ALIZADEH: I just want to make sure.
19
          Α
               That's the gray area. I don't know, it
20
     all happened so fast.
21
               MS. ALIZADEH: I understand. That's why
22
     I'm asking is this something you heard or was that
23
     just something that was just your impression?
24
               That was my impression.
          Α
25
               MS. WHIRLEY: Questions, anyone?
```

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Page 246
 1
                                                 After
 2
     Michael turned around and he's advancing towards the
 3
     officer and you hear the shots, was it a continuous
     burst of shots, was there a shot and a pause and
     more shots?
              It was continuous.
          Α
 7
                               You think it was three or
 8
     four, or how many?
               It was at least six, maybe seven, like I
10
     said, he unloaded his clip it seemed like. It was a
11
     barrage. It seemed unnecessary.
12
                                                 Again,
13
     after Michael Brown turned around, his hands are up,
14
     either he started walking first or the gunshots
15
     started first, that series of shots?
               He was advancing prior to the shots.
16
          Α
17
               MS. WHIRLEY: And just to be clear, how
     long had you worked in that Canfield area?
18
19
          Α
               Four weeks.
20
               MS. WHIRLEY: Four weeks. Had you met
21
    Mike Brown before that day? You may have told us
22
     already.
23
          Α
               No.
24
               MS. WHIRLEY: Had you met Dorian?
25
          Α
               No.
```

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Page 247
               MS. WHIRLEY: Did you know any of the
 1
 2
     Ferguson police officers?
 3
          Α
               No.
               MS. WHIRLEY: And the officer that did the
 4
 5
     shooting then, you wouldn't have known him?
 6
          Α
               Correct.
 7
               MS. WHIRLEY: You don't know any of these
 8
     people involved?
               I have no connection to anybody up there.
10
               MS. WHIRLEY: All right.
11
                                                Having
12
     worked there for four weeks, like you said, and it
13
     sounded a bit like PVC hitting the ground or
14
     something like that. Have you ever had occasion to
15
     hear another sound essentially echo off any of those
16
     buildings, any loud sound or anything like that, you
17
     know, when you're working you drop a tool or
18
     something like that?
19
          Α
               Uh, no.
20
                               Nothing remarkable in that
21
     respect?
22
               I mean, it was right after the 4th of
          Α
23
     July, heard some fireworks, but they didn't bounce
24
     off the building. I didn't hear it echoing or
25
     anything. I don't quite understand what you're
```

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```
Page 248
 1
     asking.
 2
                                I'm trying to get a sense
 3
     the way that's it laid out, it is tough for us to
     kind of visualize how it is laid out.
                                             If sound
     echos or travels through there very easily or it is
 6
     absorbed by the buildings?
 7
               Well, it wasn't like a normal gunshot.
 8
     sounded different and, you know, that's kind of why
     I thought PVC to begin with, but that wasn't the
10
     case.
11
               MS. WHIRLEY: Anybody else?
12
                                                    You
13
     said sound different.
                            You were there, you have
14
     experience in all of those kind of things that you
15
     say this is something different to you.
16
          Α
               I never said I was in the Army.
17
                                 That is not what I asked.
     You answered with him that the sound of it was
18
19
     different to you?
20
          Α
               Right.
21
                                 Different with compared
22
     to what?
23
               It sounded far away. It sounded far away.
24
                                 You don't have experience
25
     in those kind of arms?
```

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	Page 249
1	A I'm a hunter.
2	What is different?
3	A I've shot guns before, I'm not a stranger
4	to them.
5	That's what I want to
6	know.
7	A I know what a gunshot sounds like.
8	All right, thank you.
9	One more
10	question. Just before you heard the first shot,
11	were you operating a bobcat, making loud noise where
12	you may not have heard if there were shots before
13	that?
14	A That's a good point. I had just gotten
15	out of the bobcat and
16	Turned it off.
17	A Turned it off and jumped out, and then I
18	heard that. It could have been more before, I don't
19	know.
20	MS. ALIZADEH: Do you wear ear plugs when
21	you are working around that?
22	A No.
23	(Deposition Exhibit Number 45
24	marked for identification.)
25	MS. ALIZADEH: I just want to tie this in.

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```
Page 250
 1
     Since you read from your statement, I'm going to
 2
     show you Grand Jury Exhibit Number 45. Is that a
 3
     copy of it?
          Α
               Yes.
               MS. WHIRLEY: We will pass that out.
 6
                                Have you really been in
 7
     trouble with the law before yourself?
 8
          Α
               No.
 9
               MS. WHIRLEY: Nothing else.
                                            Thank you
10
     very much.
11
               (End of the testimony of
12
               MS. ALIZADEH: This is Kathi Alizadeh on
13
     October 16th, it is 3:44 p.m. and Sheila Whirley is
14
     here as well. All 12 grand jurors and the court
15
     reporter, , and we're going to play now a
16
     videotaped statement of
                                          , a witness
17
     that you heard previously testify. His statement is
     recorded on a disc that is marked Grand Jury Exhibit
18
19
     Number 40.
20
               And, um, before we start recording, I was
21
     explaining to the grand jurors that there is about
22
     an hour and ten minutes of actual time where
23
             is being interviewed by the police. And so
24
     there is quite a bit of time where nothing is
25
     happening. He will be sitting in a room by himself.
```

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Page 251 1 We are going to fast forward, as it were, on the 2 counter it will be 16 hours 17 minutes and 45 3 seconds, or whereabouts, as close as Sheila can get. That will be about where the interview 4 5 begins, and then the interview, there's a break in 6 the interview at 1726, 17 hours, 26 minutes and 38 7 seconds. Where asked for some water and 8 the interview, there is a break in the interview but the interview never resumes after that. 10 So we're going to stop it at the point 11 where he asked for water and the detectives leave 12 the room to get water, all right? 13 So, at this time, also just for the sake of the recording, one of the grand jurors has 14 15 indicated he is expecting a phone call that he has 16 to take. So if I get the high sign during the 17 recording that he's getting a call, we will go ahead 18 and pause the video so that he can quickly take that 19 call because we have to make sure you all are 20 hearing the same thing, okay. So at this time, 21 you can --22 MS. WHIRLEY: One last thing I wanted to 23 say, even though we're going to focus on the time when the interview is being conducted, you guys will 24 25 have access to the whole video. So if you want to

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Page 252
 1
     watch him just sitting there doing nothing, you can
 2
     certainly do that at a later time.
 3
               MS. ALIZADEH: So at this time, , if
     you will pause the audio while we play the statement
 4
 5
     on Grand Jury Exhibit 40.
 6
               (Playing audio recording of
 7
 8
               MS. ALIZADEH: It is October 16th it is
 9
     about a quarter after 5:00. Kathi Alizadeh, Sheila
10
     Whirley had to leave. And we are finished for the
11
     day. I just wanted to make a point in stating that
12
     we finished, or we watched a videotape interview and
13
     after a few technical glitches, we had started the
14
     interview, watched a few minutes of it in the
15
     beginning when
                                   was put in the
16
     interview room, and there was conversation between
17
     him and a detective that come in.
18
               And then we fast forward to approximately
19
     16 hours 17 minutes and 45 seconds when the
     interview began. We listened to it until just about
20
21
     17 hours 26 minutes and 38 seconds when
22
             asked for a drink of water, and then that's
23
     pretty much the conclusion of it.
24
               There was about five or six statements
25
     after that when they brought him some water. You
```

```
Page 253
     all agreed you didn't need to fast forward to watch
 1
 2
     that part.
 3
               Does anybody have any questions or issues
     about this? And as always, this tape will be made
     available for you if you wanted to go through it
 5
 6
     again or watch the whole thing in its entirety, but
7
     if that's fine for today, we'll conclude now and see
 8
     you next time.
                (End of Grand Jury Hearing Volume XIII.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```

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Page 254
 1
 2
     State of Missouri
 3
                         SS.
     County of St. Louis
 4
 5
          I,
                          , a Licensed Certified Court
     Reporter by the Supreme Court in and for the State
 7
     of Missouri, duly commissioned, qualified and
 8
     authorized to administer oaths and to certify to
     depositions, do hereby certify that pursuant to
10
     Notice in the civil cause now pending and
11
     undetermined in the County of St. Louis, State of
12
     Missouri.
13
          The said witness, being of sound mind and being
14
     by the grand jury first carefully examined and duly
15
     cautioned and sworn to testify to the truth, the
16
     whole truth, and nothing but the truth in the case
17
     aforesaid, thereupon testified as is shown in the
18
     foregoing transcript, said testimony being by me
19
     reported in shorthand and caused to be transcribed
     into typewriting, and that the foregoing page
20
21
     correctly sets forth the testimony of the
22
     aforementioned witness, together with the questions
23
     propounded by counsel and grand jurors thereto, and
24
     is in all respects a full, true, correct and
25
     complete transcript of the questions propounded to
```

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	Page 255
1	and the answers given by said witness.
2	I further certify that the foregoing pages
3	contain a true and accurate reproduction of the
4	proceedings.
5	I further certify that I am not of counsel or
6	attorney for either of the parties to said suit, not
7	related to nor interested in any of the parties or
8	their attorneys.
9	
10	
11	
12	
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Page 256
 1
     COURT MEMO
 2
 3
     State of Missouri vs. Darren Wilson
 6
 7
 8
     CERTIFICATE OF OFFICER AND
     STATEMENT OF DEPOSITION CHARGES
10
11
     DEPOSITION OF Grand Jury, Volume XIII
12
     10/16/2014
13
14
     Name and address of person or firm having custody of
15
     the original transcript:
16
17
     St. Louis County Prosecuting Attorney's Office
18
     100 S. Central Ave.
19
     Clayton, MO 63105
20
21
22
23
24
25
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Page 257
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	Page 258
1	Upon delivery of transcripts, the above
2	charges had not been paid. It is anticipated
3	that all charges will be paid in the normal course
4	of business.
5	GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6	515 Olive Street, Suite 700
7	St. Louis, Missouri 63101
8	IN WITNESS WHEREOF, I have hereunto set
9	STATEMENT OF DEPOSITION CHARGES
10	my hand and seal on this day of
11	Commission expires
12	
13	Notary Public
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	