

Case: State of Missouri v. Darren Wilson

Grand Jury, Volume XXIII

Date: November 13, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

November 13, 2014

VOLUME XXIII

1 IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2 STATE OF MISSOURI

3

4 STATE OF MISSOURI

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6

7 vs.

8

9 DARREN WILSON

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12 The following is a hearing before the Grand
13 Jury of St. Louis County, at the offices of St.
14 Louis County Prosecuting Attorney's Office, 100
15 South Central Avenue, in the City of Clayton, State
16 of Missouri, on the 13th day of November, 2014,
17 before .

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1 APPEARANCES OF COUNSEL:

2

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1 GRAND JURY HEARING VOLUME XXIII

2 MS. ALIZADEH: Good morning. It is
3 Thursday, November 13th at 9:26 a.m. This is Kathi
4 Alizadeh of the prosecutor's office, Sheila Whirley
5 is present, all 12 grand jurors are present, as is
6 the court reporter. And I apologize, we're kind of
7 getting a late start. We have our first witness in
8 the morning here. We've had to meet with him a bit
9 and he's reviewing some materials right now and then
10 we had a discussion briefly before going on the
11 record this morning about scheduling and about what
12 might be in store for today. And then for the dates
13 in the future that you have already given us and so
14 with that being said, we'll just start the day and
15 Sheila will take the first witness of the day who is
16 Dr. .

17 MS. WHIRLEY: He's looking at some
18 photographs, so he needs just a few more minutes.

19 MS. ALIZADEH: All right. We'll go ahead
20 and pause the recording.

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1 we've met, I'm Sheila Whirley, Kathi Alizadeh is
2 here, the jurors and the court reporter, tell us a
3 little bit about yourself, Doctor. We know you're a
4 pathologist, correct?

5 **A** Yes.

6 **Q** Are you a forensic pathologist?

7 **A** Yes.

8 **Q** What exactly --

9 MS. ALIZADEH: Sheila, for the record, I
10 don't think he said his name. We haven't had him
11 introduced.

12 MS. WHIRLEY: We had talked a little bit
13 about that, I guess I skipped that step.

14 **Q** (By Ms. Whirley) Please introduce yourself
15 and say your name and spell your name?

16 **A** ,

17 **Q** And in the future what I'm going to try to
18 do and that's probably why I skipped asking, I'm
19 going to refer to you as doctor and not use your
20 name for many reasons.

21 **A** Okay, thank you.

22 **Q** Getting back to forensic pathology. What
23 does that mean?

24 **A** Pathology is one of the 24 specialties in
25 medicine, like OBGYN, dermatology, surgery,

1 pathology is a specialty that deals with finding out
2 what's wrong with the body as opposed to treatment.

3 So we're the doctors in the hospital
4 who run the laboratory to see what the blood count
5 is, what the PSA is, what the liver chemistries are
6 and tell the treating doctors if there is evidence
7 of liver disease or kidney disease or prostate
8 problems, and that's the pathologist's role in the
9 hospital communicating with doctors who are treating
10 patients.

11 Also, the pathologist's role is
12 looking at biopsies, you know, breast biopsies, skin
13 biopsies, to tell the treating doctor what kind of
14 condition, cancer, not cancer, something else. And
15 then the treating doctor does the treatment.

16 **Q** Okay.

17 **A** So there are a number of divisions in
18 pathology. The biggest division is hospital
19 pathology. Where the pathologist looks at the
20 biopsies, do autopsies, find out what's wrong with
21 the patient, look at the chemistry of the body.

22 And there are separate examinations,
23 board examinations so that in all 24 fields, so that
24 a patient looking for a doctor can tell whether the
25 dermatologist has passed his boards or not and all

1 the specialties have to do you have to show the
2 right training in the medical school, the right
3 training in the residency program and pass various
4 exams. And if so, then one is a diplomate or board
5 certified physician, and that's of importance for
6 others to know the extent of expertise that person
7 has before going to the doctor.

8 Pathology has three big divisions
9 that I'm involved with. One is anatomical
10 pathology, which has to do with the anatomy of the
11 body. That's where autopsies, looking at biopsies
12 under the microscope and tissues under the
13 microscope, is evaluated to see what the anatomical
14 structure of the body is and what's normal or not,
15 that's anatomical pathology.

16 Second division will be clinical
17 pathology, which has to do with the chemistry of the
18 body to see what's the blood count and the urine
19 testing, et cetera, which gives us information about
20 body function or organ functions.

21 And that's the prime role in
22 hospitals, anatomical and clinical pathology.
23 Forensic pathology goes a step further to look into
24 unnatural deaths, accident, suicide, homicide.

25 92 percent of people in the country

1 die of natural diseases cancers, stroke, heart
2 disease. And that's the expertise of the hospital
3 pathologist, clinical pathology, anatomical
4 pathology.

5 8 percent die of accident, suicide,
6 homicide and that's specialized training of forensic
7 pathologists. The general in this country there is
8 something like 900,000 physicians, maybe 20,000 are
9 pathologists, less than 400 are forensic
10 pathologists that deal with unnatural death and
11 that's where the forensic pathologist comes in.

12 **Q** Is that your current occupation?

13 **A** Yes.

14 **Q** Where are you licensed, Doctor?

15 **A** I'm licensed in New York State.

16 **Q** And have you served as a medical examiner
17 in New York State?

18 **A** Yes.

19 **Q** How many autopsies would you say that you
20 have performed as a forensic pathologist?

21 **A** More than 20,000.

22 **Q** Okay. And you are certified, of course,
23 in forensic pathology?

24 **A** I'm certified in anatomical pathology,
25 clinical pathology, forensic pathology, this is

1 about my background. I served as medical examiner
2 in New York City for 25 years, including the role of
3 chief medical examiner in New York City. And then I
4 transferred to the State of New York and I was chief
5 forensic pathologist for the New York State Police
6 for some 25 years.

7 Recently retired, and I'm in private
8 practice of forensic pathology.

9 Q How many years total would you have in
10 experience?

11 A More than 50 years.

12 Q Okay. Have you any experience, are you a
13 toxicologist also?

14 A No, I'm not a toxicologist who specializes
15 in finding drugs, but all forensic pathologists have
16 to be experts in interpreting what the toxicologist
17 finds. So the toxicologist's role is largely
18 chemistry and finding drugs, finding quantities, how
19 much of the drug is present, but it is really the
20 physician, medical doctor who interprets the results
21 and sees how it affects any illness the person has
22 or affects what treatment should be given.

23 Q And where did you receive your training,
24 your training in pathology?

25 A Started out with a bachelor of science

1 degree at the City College of New York. Medical
2 degree at New York University School of Medicine in
3 Manhattan, New York, and trained in pathology at
4 Bellevue Hospital and at the office of Chief Medical
5 Examiner in New York City.

6 **Q** I didn't ask you to bring your CV with you
7 today, would you happen to have a CV of your
8 training experience with you?

9 **A** I don't think so, but I could get it to
10 you this afternoon.

11 **Q** That would be great that we can count on
12 that to get that later.

13 **A** Yes.

14 **Q** So tell us, you already told us how many
15 autopsies you performed, tell us exactly what is an
16 autopsy?

17 **A** Autopsy is a systematic external and
18 internal examination of the human body to determine
19 any abnormalities that might be present and any
20 information that might be useful in determining
21 cause of death of how a person died.

22 An autopsy will include taking
23 specimens for toxicology, for DNA, for microscopic
24 examination to look at tissues. So that the autopsy
25 can provide a lot of information about cause of

1 death and the circumstances around death.

2 **Q** We're here today because of the shooting
3 of Michael Brown and we've asked you to come before
4 us because you actually did what sounds like was a
5 private autopsy on Michael Brown; is that correct?

6 **A** That's correct.

7 **Q** You were aware that he had a first autopsy
8 that was performed by St. Louis County?

9 **A** Yes.

10 **Q** Medical Examiner's Office in St. Louis
11 County.

12 Do you recall when you would have
13 done your autopsy, what date that would have been?

14 **A** Yes, it was Sunday, I came on Sunday
15 around August, hold on a second. About August 17th,
16 I guess, August 17th of this year.

17 **Q** August 17th?

18 **A** That would have been a Sunday.

19 **Q** Okay. And he actually died on August the
20 9th is our information?

21 **A** Yes.

22 **Q** So the County had performed an autopsy a
23 week prior to you performing your autopsy; is that
24 correct?

25 **A** Yes.

1 **Q** How did you get invited to do that
2 autopsy, or how did you examine become involved in
3 that?

4 **A** As I recall, I was called by an attorney
5 for the family, Mr. was the attorney for the
6 family, and he called me and asked if I could come
7 and do a second autopsy.

8 **Q** And now that you are in private practice,
9 how long have you been in private practice?

10 **A** Well, part of being a medical examiner, my
11 50 years starting in New York City was to do private
12 practice in addition to medical examiner work in
13 part because traditionally medical examiners always
14 work for counties and always got paid less than
15 other doctors, they make up on it, you can do some
16 private work. So I do private work also, but since
17 2012, I think, I've been doing more private work
18 when I retired from the State Police.

19 **Q** And does that consist of you doing second
20 autopsies generally?

21 **A** Well --

22 **Q** Or additional autopsies?

23 **A** It generally consist of reviewing records.

24 **Q** Okay.

25 **A** However, it also includes doing second

1 optionies, doing first autopsies, and testifying
2 about the findings sometimes.

3 **Q** Now, and you mention money, so that kind
4 of prompts me to ask this question. Were you paid
5 to do this autopsy concerning Michael Brown?

6 **A** No, I am doing this pro bono and about a
7 third of the work I do is pro bono.

8 **Q** How do you make that decision what's going
9 to be pro bono?

10 **A** A lot of that is how much, whether the
11 family can afford it or not. If an autopsy is
12 indicated, then I would work it out if they can't
13 afford to pay anything, do it for pro bono and that
14 involves a lot of work for families and for
15 institutions, some institutions.

16 You have to pay for the
17 expenses of the travel and the hotel here or the
18 family pay for that?

19 **A** Um, my expenses coming and going is paid
20 for by the attorneys. They pay for that, yes.

21 Thank you.

22 **Q** (By Ms. Whirley) Where did you perform
23 your autopsy at?

24 **A** It was the funeral home where the body was
25 removed from the Medical Examiner's Office, if I

1 recall, the Lane Funeral Home who had been hired by
2 the family to do the burial services.

3 Q Was the body embalmed when you made
4 contact with the body for the first time?

5 A Yes, when I saw the body on Sunday, the
6 17th, the body had already been embalmed.

7 Q Does that affect your finding in any way?

8 A It does have an affect. I prefer to do
9 autopsies without embalming. One, it interferes
10 with a lot of toxicology if that were needed because
11 the embalming process changes the chemical makeup of
12 the body.

13 But also it changes the way injuries
14 look, the embalming process is largely formaldehyde,
15 replacing blood in the body, does change the
16 appearance of the wounds on the body and so to that
17 extent.

18 Q Did you feel that you were able to look at
19 the body, and I'm sure I'll ask you in a minute, all
20 the documents and information that you have viewed
21 or inspected to come up with your findings, did you
22 feel that you were able to make an accurate finding
23 though based on even the body being embalmed
24 already?

25 A I thought I could make an approximate

1 finding.

2 Q Okay.

3 A I could tell bullet holes.

4 Q Okay.

5 A For example, but some bullet holes may be
6 difficult to tell entrance or exit after the body is
7 embalmed. And certain injuries are diminished in
8 appearance because the embalming process takes out
9 color from the body, it causes the color to be gray
10 in the body, more so than during life.

11 Q Tell us what information, documents or
12 things that you inspected to come up with your
13 finding, and you did not write a report. You just
14 recently viewed some things that were necessary; is
15 that right?

16 A Yesterday I viewed a lot of materials that
17 are important in arriving at conclusions. So what
18 I'm telling you today incorporates much of what I
19 saw yesterday.

20 Q Tell us everything you viewed to come to
21 your conclusions?

22 A Initially, initially, I do the decedent,
23 Mr. Brown, who had already been autopsied, that also
24 changes, the autopsy itself can change appearance of
25 injuries and wounds, especially things that are

1 removed from the body. Obviously, bullets are
2 removed. We can't see where the bullets wound up,
3 but we see the spaces where they were.

4 The organs are dissected, there are
5 changes in appearance of wounds just on the basis of
6 the first autopsy and the embalming adds onto it.

7 So I asked at the beginning, and
8 yesterday I was able to see the following of those.
9 Went to the Medical Examiner's Office, very
10 courteous and professional. They have photographs
11 and x-rays, they took a lot of x-rays.

12 **Q** What do the x-rays help you with?

13 **A** The x-rays show what the body looked like
14 before the autopsy was done. The x-ray was taken
15 before, about 30 x-rays or so. They show fractures
16 that were there because sometimes during an autopsy
17 the person doing the autopsy causes fractures,
18 necessary to open up the chest cage and things.

19 **Q** Okay.

20 **A** And so the x-rays are the best indicator
21 where the bullets are, can see right where the
22 bullets were, which bones were intact and which
23 bones were fractured before the incisions were made.

24 **Q** I see.

25 **A** The autopsy is done with two incisions.

1 One for the chest and abdomen, and one for the head.

2 And that, so that was helpful. There
3 were x-rays and photographs. The photographs,
4 though, at the Medical Examiner's Office were all
5 after the first autopsy was done. That is after the
6 autopsy sutures and all and went from the Medical
7 Examiner's Office to the police department and there
8 was able to view the autopsies (sic) the police took
9 and they took many photographs of the body before
10 the autopsy was done. They were extremely helpful.

11 Q We have some of those photographs.

12 A Yes, I went through some that might be
13 helpful.

14 Q Okay.

15 A And that answered a lot of questions I had
16 as to entrance, exit, closeness of the gun at the
17 time of discharge.

18 I also looked at clothing, the
19 clothing was very important. Clothing is always,
20 the two most important to the hospital pathologist,
21 90 percent, 95 percent of pathologists in the
22 country, hospital pathologists, the most important
23 part of an autopsy is internal organ, the heart, the
24 brain, the lungs, kidneys, they're important, that's
25 where natural diseases occur.

1 To the forensic pathologist the most
2 important is the skin, that's where we see all
3 patterns of injury, we see forensic evidence, trace
4 evidence, blood, hairs, fiber, semen, saliva, that
5 can be on the outside of the body.

6 And the skin, the clothing is part of
7 the skin to us because the clothing and the skin
8 contain patterns of injury, gunshot powders, cut
9 wounds, and also trace evidence.

10 At the police headquarter building
11 was able to look through and see all of the many
12 photographs that were taken by the police and in the
13 body in the virgin state for us. Having not been
14 washed or touched or anything and the clothing.

15 **Q** The clothing, the x-rays, the body, you
16 actually saw the body?

17 **A** Yes.

18 **Q** Did you review the reports from, well,
19 from Dr. 's report?

20 **A** I'm sorry, about a week or two ago I was
21 sent a leaked report, a leaked autopsy.

22 **Q** What did you call it?

23 **A** Leaked.

24 **Q** Leaked?

25 **A** That means it wasn't officially, it wasn't

1 officially released. I'm always concerned about
2 leaked information as to how accurate it is. And
3 yesterday when I went to the Medical Examiner's
4 Office, I was provided with an official copy with
5 the gross autopsies, the microscopic studies and
6 toxicology, which turned out to be pretty similar to
7 what had come out before, but the family still has a
8 copy too. If I may interject.

9 Q Sure.

10 MS. ALIZADEH: I'm sorry, if you may what?

11 A Interject about the family. The reason
12 that I was called by Mr. , you know, a week
13 later rather than right away, sometimes families are
14 concerned about a death, they want a second autopsy,
15 they don't trust the first one necessarily, they
16 call the next day. The reason that there was a week
17 delayed as explained to me is that the family had
18 been waiting for some information about the death,
19 cause of death, for example.

20 And also I find, in all our work as
21 medical examiners when we see next of kin and
22 whether it's everyday work or situation like this,
23 one of the questions the family often has is did he
24 suffer, did my loved one suffer in dying.

25 One of our job as medical examiners

1 is explain what happened and to try to make it as
2 less suffering as possible, make them feel a little
3 bit the art of being a medical examiner.

4 In this incident they hadn't heard
5 anything, they read the stuff in the newspaper. The
6 reason I came down was to do my examination because
7 they didn't know they were going to get information
8 as to cause of death. They know he was shot, they
9 didn't know how much he was shot and where he was
10 shot. To this day they still haven't received a
11 report. I got it yesterday, the family hasn't
12 gotten an official report so that's one of the
13 reasons why families get a second autopsy. I'm a
14 great believer in media transparency, that's another
15 topic.

16 So when I met with the family that
17 was the first question was, did he suffer. I
18 explained when that, one of bullet wounds in the top
19 of the head went through the brain, that immediately
20 caused him to lose consciousness. So that made them
21 feel a little better he wasn't laying around in
22 pain.

23 **Q** Okay.

24 **A** Then I gave my opinion about at least six,
25 there was a press conference that occurred the next

1 day, that there were from what I could see at least
2 six bullets struck the body.

3 Q We're going to get to that.

4 A So that's --

5 Q Okay.

6 A Even though I hadn't had all the new
7 information, I'll paraphrase it, that's the kind of
8 information I could give.

9 Q Since you have gotten some additional
10 information as recent as yesterday, that doesn't
11 change your opinion as to how many shots the body
12 received though?

13 A No, I think that in going over everything,
14 my opinion now is that there were seven bullets that
15 struck the body.

16 Q We'll go through that in just a minute.
17 So you did get a chance to review the medical
18 examiner's report and also the toxicology report; is
19 that correct?

20 A Yes.

21 Q And there was a microscopic skin --

22 A Microscopic slides.

23 Q Slides, go ahead.

24 A Of the skin. Microscopic slides of the
25 skin of the hand wound.

1 **Q** You determined it was a hand wound?

2 **A** Well, yes, but they told me that.

3 **Q** Someone told you it was a hand wound? You
4 didn't make that determination? In your opinion was
5 it a hand wound?

6 **A** Yes, yes. Slides, you know, are labeled,
7 so that, and the only slide because that was the
8 only slides they took.

9 **Q** Okay.

10 **A** They didn't do microscopic examine of the
11 heart, lung, all of that, which is usually done.
12 The only sections that they make slides out of was
13 the right-hand wound.

14 **Q** We have photos of that?

15 **A** And some tissue that was taken from the
16 car, the police car.

17 **Q** Did you look at all of that?

18 **A** Yes.

19 **Q** Okay. Were you given access to what you
20 needed in order to come up with your findings and
21 conclusions?

22 **A** Yes.

23 **Q** All right. I'm going to let you look at
24 some photographs. And I'm going to does you some
25 questions while you are looking at the photographs

1 and these are photographs that you thought might be
2 helpful in you explaining the injuries to Michael
3 Brown, correct?

4 **A** Yes.

5 **Q** Okay. Let me ask you before I go into the
6 photos, did anyone assist you with your, with the
7 autopsy?

8 **A** Yes.

9 **Q** Who assisted you?

10 **A** There was a young man named

11 **Q** Is he also a medical examiner or a doctor?

12 **A** No, no, he was a person that had been
13 hired before I got there, it was days before I got
14 there. Who was an assist to the autopsy. Everybody
15 in an autopsy needs an assistant, often the funeral
16 director to help move the body and things like that.
17 And in this instance they had
18 engaged, I'm not sure what this young man who was to
19 assist.

20 **Q** Because you didn't hire him, he wasn't
21 someone on your team that you brought in?

22 **A** No.

23 **Q** Had you met him before?

24 **A** Not that I recall. He brought a
25 photograph that about ten years ago when he was a

1 student, not medical student, at the University of
2 Kansas and I came to the University of Kansas to do
3 an autopsy in some controversial matter that he was
4 a student, had worked summers at the medical
5 examiner's office there and he was there. I signed
6 a picture for him and he brought the picture and to
7 remind me, he was, I think, a college student at
8 that time.

9 Q Okay.

10 A But I had never worked with him or
11 anything.

12 Q I see. So let's go back to the funeral
13 home that Sunday. Was it early in the morning when
14 you went to the funeral home that Sunday to do the
15 autopsy?

16 A I came in early morning by plane from New
17 York and I guess it was 11:00, 12:00, 1:00 when I
18 started the autopsy. I was picked up at the airport
19 in St. Louis and brought down to the funeral home
20 and shortly thereafter, began the re-autopsy.

21 Q Re-autopsy. How long do you think that
22 re-autopsy took?

23 A Oh, probably about four hours or so, plus
24 or minus an hour, take a few hours.

25 Q When you first saw the body, what

1 condition was it in? I know it was embalmed, I
2 mean, was it ready for autopsy or was, go ahead.

3 **A** The body had been, the body had been in
4 the funeral parlor long enough to be embalmed, so it
5 had been there for a few days. The body was on a
6 table, one of the embalming tables in the funeral
7 parlor similar to autopsy tables ready for
8 re-autopsy.

9 **Q** What does that look like when you say
10 ready for re-autopsy?

11 **A** I think it was, I don't recall
12 specifically, a sheet over the body, a white sheet.
13 When I removed the sheet, the body was on the metal,
14 the top of the autopsy table and nude.

15 **Q** Was it sutured or not?

16 **A** The body was sutured. There are two
17 incisions that are made in an autopsy, one is what
18 is called the Y shaped incision. It goes from left
19 shoulder down to the breast bone and the right
20 shoulder down and then down to the pubic area. When
21 it is opened up, it permits examination of the chest
22 organ, the heart and lungs, the abdominal organs,
23 which -- and then that's sutured up afterwards. And
24 then there is one incision, second incision is made
25 from back of the, ear to ear, the back of the head

1 that permits removal of the tissue of the skin to
2 bend them forward and take the brain out and examine
3 the brain.

4 And then when these sutures are, when
5 these incisions are sewed up, this is universal.

6 Q Okay.

7 A In other countries as well. When the
8 incisions are sewed up, one can present the body to
9 the family, clothing covers the chest incisions, and
10 a pillow will cover the back incision so that in the
11 normal course, one can tell by looking at the
12 remains and paying respects whether an autopsy has
13 been done or not.

14 Q When you saw the body for the first time,
15 it was sewed up, so you had to open it to do your
16 autopsy?

17 A Yes.

18 Q Did you do that yourself?

19 A Yes.

20 Q So what things did your assistant do?

21 A He helped moved the body and to turn the
22 body so that I could see the back. Usually this is
23 the kind of things that funeral directors do when
24 you go to a funeral home.

25 Q Okay.

1 **A** And there's no special requirement and
2 that he also then, he had seen the body before it
3 was embalmed, you know, when it came there and he
4 gave me, told me what it looked like before the
5 embalming. I think he had some pictures of that,
6 but I don't recall specifically.

7 **Q** Okay.

8 **A** He was interested in trying to work out
9 the different bullet tracks, which gave me some
10 opinions about.

11 **Q** But you made the determination of the
12 bullet tracks?

13 **A** Oh, yes.

14 MS. ALIZADEH: Can I interrupt you for a
15 minute. What you said that, who was interested in
16 determining the bullet tracks, is that Mr.

17 **A** Yes, he was a very enthusiastic young
18 person. He was making suggestions to me, well, this
19 bullet track that went in the head on the top and
20 things like that, but my opinions are my own.

21 MS. ALIZADEH: Sure. I just didn't hear
22 who you said.

23 **A** , he was the only one there besides
24 myself, and also he could photograph. He had a
25 camera and he took photographs of the autopsy while

1 it was being performed.

2 **Q** (By Ms. Whirley) Do you feel that your
3 autopsy is independent of St. Louis County's autopsy
4 or how would you categorize it?

5 **A** It is independent of it sure, but I review
6 what I could tell from the examination what St.
7 Louis County Medical Examiner's Office had done.
8 They had done a thorough examination and by
9 examining, you know, status of the organs, all the
10 organs have been dissected and placed in a plastic
11 bag at the time and the bullet tracks were still
12 apparent.

13 **Q** Okay.

14 **A** They weren't removed, the bullets were
15 removed, but not the bullet tracks.

16 **Q** So tell us what you did as you performed
17 your autopsy and then we can maybe go through some
18 photos if that's helpful or we can wait on the
19 photos, so kind of tell us what did you do first
20 when you arrived there?

21 **A** What I did first was examine the outside
22 of the body. And to examine the head, the front,
23 the back is important to make sure that there was,
24 there wasn't any kind of injury or perforation of
25 the back that could be overlooked if one doesn't

1 look at the back.

2 Then a second autopsy often is easier
3 than the first because the incisions have been made,
4 the ribs have been cut through, the skull bones have
5 been cut through to get to the brain. So in one
6 sense it is easier, of course, it doesn't tell you
7 as much as the first autopsy necessarily. Because
8 the first autopsy has changed things around a bit.

9 So in this situation, when I review
10 the internal organs, they're pretty normal in
11 appearance for the age and his build and all.

12 There were bullet perforations of the
13 right lung that then coincided, correlated with
14 gunshot wounds on the outside of the body. A large
15 part of the autopsy had to do with reconstructing
16 what the bullet wounds were, where they entered,
17 where they exited, and then to my interpretation two
18 bullet wounds could have been reentry wounds. I
19 couldn't be certain about those until I saw what the
20 official autopsy showed, which is one I received
21 recently, yes.

22 **Q** Okay.

23 **A** And the photographs. So that was a large
24 part of what I did is to determine the nature of the
25 gunshot wounds and the direct entrance, exit,

1 directions and the closeness.

2 **Q** That's what we certainly want to know
3 about.

4 So you open the body and you
5 inspected the body for injuries and wounds, gunshot
6 wounds and photographs were taken?

7 **A** First thing I did, the biggest time was
8 spent looking at the outside of the body.

9 **Q** Outside of the body?

10 **A** Before opening up the inside.

11 **Q** Before we talk about any of the gunshot
12 wounds, let's talk about other potential injuries.
13 You may or may not have seen them. Did you see any
14 bruising to the body, like bruises on the knees or
15 anywhere on the body, did you note any bruising?

16 **A** Yes.

17 **Q** Can you tell us where you noted the
18 bruising?

19 **A** Well, I thought the significant bruising
20 was around the right eye. He had a lot of bruising,
21 I'm still not clear about how it developed, above
22 the eye and on the side and below the right eye. In
23 addition to the gunshot wound that went through the
24 eye.

25 **Q** So you think the bruising had nothing to

1 do, not nothing to do, was not from the gunshot
2 wound that you are discussing?

3 **A** No, there was a gunshot wound, I'm sure
4 the people are familiar better than I am than what
5 I'm talking about right now. There was one gunshot
6 wound of entrance just right of the forehead or so
7 and that went down and caused a lot of damage, went
8 downhill through the eye and the orbit.

9 In addition to that, there was
10 scraping abrasions around the eye, bullet wounds
11 don't cause scraping abrasions, rubbing abrasions
12 against something.

13 **Q** That prompts me to ask you, did you get
14 any information as to the fact of what happened, did
15 you get any witnesses' versions of what occurred
16 during this shooting?

17 **A** I did read an occasion when up in New York
18 the controversy that was going on in Ferguson, some
19 people, the hands were up, some people said he was
20 charging the officer, so I was familiar with the
21 controversy.

22 **Q** Did you hear that he fell face forward
23 once he has shot in the head, did you hear that?

24 **A** I would assume that bullet wound in the
25 head causes immediate lost of consciousness and

1 ability to stand upright. So he would have fallen
2 after being shot in the head, yes.

3 Q So if he fell face forward, would that
4 account for the bruising that you are referring to
5 or you don't think, tell us what you think?

6 A I don't know. Probably, and to this day I
7 don't know. Maybe I should have gone over to the
8 scene to see the composition of the roadway that he
9 fell on.

10 But usually falling face down, for
11 example, causes bruising of the nose. The face is
12 kind of protected. We have, people normally, normal
13 person falls face forward instinctively put their
14 hands out to protect themselves.

15 When somebody loses consciousness or
16 somebody is drunk, you see this in people who are
17 drunk, they can fall face forward and not
18 instinctively protect themselves. And then the
19 bruising in the prominences of the face, the nose
20 gets most of the damage.

21 The eye sockets don't, they are
22 recessed a bit. So I think that by falling face
23 down, and then falling face down you get ruptured
24 blood vessels and bruises being black and blue
25 marks. Abrasions being scrape marks on the skin,

1 like your child falls down and skids along some
2 ground, they can get scrapes.

3 The scrapes are different than black
4 and blue marks. There were scrapes here. So it
5 happen to rub against something, it is rubbing of
6 the outer layer of the skin. I don't think that
7 would have occurred from an unprotected fall. And
8 the nose was not that damaged either.

9 Q Okay.

10 A Just because you lose consciousness
11 doesn't mean you fall immediately, it's just
12 crumbled to the ground is more common, you crumble
13 down and fall. Different ways of falling and that
14 it was more scraping, not clear why.

15 Q What about bruising to his, did you see
16 any bruising on his wrists or his arms?

17 A I saw one of the wrists had a little bit
18 of a bruise that I'm not sure what it was caused by.
19 Looks like he had something around the wrist that
20 caused a linear abrasion of some kind. I didn't
21 think very significant.

22 Q Is that something you can tell whether
23 that bruise occurred contemporaneously with all of
24 these injuries or is this looking like an old
25 bruise. I know most doctors say it is difficult to

1 date a bruise. Did it look like something that
2 happened contemporaneously with all the injuries?

3 **A** It could have, but it could have been
4 there for a day before or something, not a week
5 before.

6 **Q** Okay.

7 **A** We can't tell a few minutes before death
8 or a day before death by just looking at it.
9 Sometimes under the microscope we can tell. But we
10 could also, some of these injuries can occur after
11 death, you know, when the person is put in a body
12 bag and tied up in the body bag just so it doesn't
13 move, that can leave patterns also on the dead body
14 so.

15 **Q** All right.

16 **A** I don't know how those little bruises
17 happen.

18 **Q** Did you see any bruising to his neck area?

19 **A** I did not.

20 **Q** Okay. I mention the knees, I don't know
21 if you gave me an answer, did you see any bruising
22 to his knees.

23 **A** I don't recall, I don't think there was
24 any significance.

25 **Q** Okay.

1 **A** I know that's mentioned in the autopsy
2 protocol.

3 **Q** Okay. So let's look at some of the photos
4 and you can tell us, first of all, you thought there
5 was 17 shots that he received?

6 **A** Seven different bullets that struck him.

7 **Q** Okay. Tell us about that?

8 **A** As oppose to bullet tracks. One of the
9 tracks was a graze of the biceps of the arm and that
10 came across the arm and didn't do any significant
11 damage to Mr. Brown and it is very difficult to be
12 able to tell direction from that. It was not close
13 to, medical examiner is one to two feet or less.

14 That is, we can tell distance,
15 usually up to a foot or sometimes two feet, a foot
16 and a half by the amount of powder that's
17 distributed with the bullet.

18 Beyond that, we can't tell two feet
19 from 20 feet or 40 feet, you know, shot from 40
20 would be the same marks and from 3 feet from a
21 medical examiner's point of view.

22 **Q** Okay.

23 **A** So depending on the ammunition and the
24 weapon discharged, 12 inches to 18 inches away
25 because then you see some powder, but as you get

1 further away the powder spreads out, so that's how
2 we judge closeness.

3 Q Were any of the gunshot wounds that you
4 observed, would you consider any of those close
5 range shots?

6 A Yes, the one in the hand is close.

7 Q And you determined that that is an injury
8 from a gunshot wound?

9 A Yes, yes.

10 Q How did you make that determination?

11 A Well, I could tell, you know, when I first
12 saw the body that's a typical graze injury of the
13 tissues of the palm of the hand because graze
14 injuries will look different depending.

15 Q The hand in any of those photos?

16 A Yes. If I may do it this way.

17 Q Tell me which one you like me to put up
18 first.

19 A This is the only one that was close.
20 These are the photographs that I looked at, these
21 are your photographs. I looked at these for the
22 first time yesterday afternoon and they are very
23 helpful in this regard.

24 Q Okay. So we'll put those up. These are
25 from Grand Jury Exhibit Number 7. And the first one

1 that I'm going to put on the Elmo, we call it, is,
2 this is Number 75.

3 There's a laser pointer.

4 **A** Can I just get up? If I can just go here
5 if that's okay.

6 MS. WHIRLEY: I'll just put that over here
7 in case you need it.

8 **A** This is a photograph taken by the police
9 after the body, after the hand has been washed.
10 Now, when I saw this photograph, the hand, it was
11 all gray and washed off and embalmed. And I could
12 tell it was a gunshot graze just like the wound on
13 the right biceps muscle, but not direction and not
14 distance.

15 In this photograph in looking at the
16 print, which is sharper, there is some powder here
17 around one edge of it. And it is an interesting
18 photograph, can I see the next one?

19 **Q** (By Ms. Whirley) Sure. Want me to put
20 that on there for you?

21 **A** Yes. There is an interesting pattern that
22 can happen here.

23 MS. ALIZADEH: Can you turn it the other
24 direction?

25 **A** Thank you. You see what happens in a

1 graze wound is that the tearing of the skin tells
2 you direction. So inverted Christmas tree.

3 The fact that these are going upwards
4 would indicate that the entrance is down here and
5 going in this direction. Because of, if you see
6 this Christmas tree this way and upside down
7 Christmas tree is going that way, that's how the
8 tissues tear when there's a graze wound in areas of
9 some loose tissue that's in the palm of the hand
10 kind of thing.

11 Q (By Ms. Whirley) So the entrance where it
12 entered is tighter than where it came out, it starts
13 to spread?

14 A Yeah, but it is these things that tells.

15 Q Okay.

16 A It goes in here and there is some on the
17 print, there is a little bit of blackish, tiny bit
18 of blackish coloration, and that's what the medical
19 examiner found on the microscopic. It was
20 interesting when I look at it, after the embalming
21 because body gets washed and all of that, I couldn't
22 see any powder.

23 When the medical examiner looked at
24 it in the fresh state, he didn't either because he
25 puts in the autopsy that there's no gunshot powder

1 and then I didn't see any gunshot powder, he sees it
2 under the microscope.

3 When I look at this now and there's a
4 little blackening there that I think is not due to
5 any artifact, that's really blackening due to some
6 powder.

7 So that the weapon, the muzzle was
8 near to this within a few inches, it wasn't contact,
9 but within a few inches in my opinion at the time of
10 discharge.

11 **Q** Can you tell by that injury where the
12 shooter and the person who was shot, what their
13 positions were?

14 **A** I can tell that the weapon, the muzzle of
15 the weapon, in all of the reconstruction that
16 medical examiners do, tell the muzzle of the weapon
17 and the place the bullet enters where it is. So the
18 gun had to be somewhere around, you know, that kind
19 of a line, but I can't tell, we can't tell from an
20 autopsy whether the hand is going forward or pulling
21 backward or standing still. We can't tell whether
22 the gun is going forward or backward. All we can
23 say at the instant of firing, I would say roughly
24 six, four, five, six inches away, the weapon was a
25 few inches away at the time of the discharge and

1 struck. I wasn't able, I can't tell, the fingers
2 could have been open or not open.

3 But at this point the bullet would
4 have gone at this point cut through the muscles
5 here, and that's one of the things that would be
6 important in reconstructing, which I couldn't get, I
7 tried to, is the examination of the car was there a
8 bullet in the car or a bullet imprinted in the
9 vehicle to see if we knew where the bullet struck,
10 then we get an even better lining up of what
11 happened.

12 Q Okay. There's two more photos, I don't
13 know if they are helpful.

14 A Yes, they are.

15 Q This is Number 40, I'm saying this for the
16 record, this is 49.

17 A I thought that maybe in this photo there's
18 a little better, a little blackening between the
19 ridges, you can see the ridges in the skin and some
20 little black soot deposit. That's what comes out of
21 the bullet because when the bullet comes out, it is
22 an explosion that pushes the bullet out and any
23 explosion you get powder. You get carbon, soot
24 carbon, and burned and unburned gunshot powder
25 fragments.

1 **Q** It is your opinion --

2 **A** This is essentially powder, so the heavy,
3 and the powder would stay up until about four,
4 five inches and then it goes away.

5 **Q** Say that one more time, I'm trying to
6 visualize.

7 **A** When powder comes out of the muzzle of the
8 gun, it goes for four or five inches and then it
9 will dissipate. And the heavier tattooing would
10 come from burnt, unburnt granules, not carbon. The
11 blackening is carbon or soot.

12 **Q** That's in your opinion that's what this
13 is?

14 **A** Yeah.

15 MS. WHIRLEY: Go ahead.

16 You said you can't tell if
17 the hand or gun is moving in or out or whatever?

18 **A** That's correct.

19 : Can you tell angle, somebody
20 sitting or standing by this?

21 **A** I can't tell sitting or standing, but I
22 can tell, see what I would say is that --

23 : You can tell which way it is
24 going?

25 **A** It is coming from this direction to this

1 direction. What I can't tell is whether anybody was
2 sitting or standing, no, that's all I can relate to
3 is the weapon, the gun and the target. And I can't
4 because the wrist is so mobile see, it could be held
5 upside down, sideways, all kind of different things.
6 How it was being held I can't tell, but the fact
7 that, so all we're doing is the muzzle to where the
8 bullets land, the last one there.

9 Q Yeah, this is Exhibit Number 42.

10 A Did it show, yeah, that one. This is how
11 the photograph was taken by the police before the
12 hand was washed and there is a lot of blood around
13 here, that this wound does cause a lot of bleeding,
14 a lot of little capillaries and blood vessels there.

15 And that became important in looking
16 at the clothing. Why does he have blood on his
17 clothing, you get shot and you get shot multiple
18 places and glass. If this happened very quickly, he
19 wouldn't really have time for blood to stop dripping
20 out of any of the wounds he had and he would have
21 collapsed immediately. And I think the blood on his
22 clothing and the drops of blood, dripping of blood
23 on his clothing, which is the lower part of the
24 shirt, the upper shirt is a lot of blood, his pants
25 or the shorts that he was wearing have a lot of

1 blood drops on it. And the socks he has on he had a
2 lot of blood, had blood drops on it. So that he was
3 bleeding, the only place he could have been bleeding
4 from is this area from here.

5 My opinion is whatever happened after
6 incurring that wound, he was able to have blood from
7 here drip onto his pants and clothing and his socks
8 in whatever he was doing, walking or whatever he was
9 doing or running.

10 Q Were you able, based on your examination,
11 to tell which wounds happened first and what
12 sequence of shots, what the sequence was?

13 A The only thing I can say this was the
14 first wound. I cannot tell the other sequence.

15 Q Why do you think this was the first wound?

16 A Because of the bleeding that occurred when
17 he left the car and that he had incurred the wound
18 in the car just from the history and that.

19 At some point he received the other
20 wounds, the wound in the head would have been, would
21 have caused him to lose consciousness.

22 Q And be fatal?

23 A However that's probably the last, to next
24 to last. If his head was down and would indicate
25 because in order for the wound to be inflicted in

1 the head, top of the head, the muzzle of the weapon
2 has to be, this is kind of the wound in the top of
3 the head.

4 Now that could be somebody is up here
5 in the ceiling and shoots down, they can give me
6 that. If I'm lying on the ground and the muzzle of
7 the gun I can get that, or if we accept the position
8 of the shooter, you can't tell unless you know the
9 position of the shooter.

10 If he's standing up, as appears from
11 what I've read, assuming that, then his head would
12 have to be down so that the shooter would have to be
13 able to fire at the top of his head.

14 And if he's down and he fired three
15 fast, quick shots, which could occur before he falls
16 to the ground, he would have one in the head, one in
17 the forehead that goes down through his jaw and one
18 in the chest that all occur with three quickly fired
19 shots.

20 So even though he crumbles, starts
21 falling immediately on the one in the head, and
22 probably could have been the last shot, if three
23 shots were gotten off, it could be done before he
24 falls to the ground and he would be in a position
25 with his head down for those three shots to occur.

1 **Q** Okay.

2 **A** But they would have been very quick.

3 **Q** Do you have any information about how long
4 this incident occurred from the time that he
5 encountered the police officer to lay dead in the
6 street?

7 **A** It was quick, but I don't know.

8 **Q** All right.

9 **A** I don't have any information.

10 **Q** If you want to come back and sit down you
11 can.

12 : Could you go back to the
13 second, I notice something in the second photo you
14 put up.

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

16 On the tip of his thumb
17 looks like an indentation. Can you incur anything
18 from that, be the barrel of the gun?

19 **A** No, the barrel of the gun at this point I
20 would expect more soot, well, I can't tell. The
21 indentation I think is more postmortem. You can't
22 say it happened before death because the body is
23 moved, the skin, as I said, we find most common when
24 tied up in the body bag or so, marks on the skin
25 occur just from pressure, postmortem pressure can

1 show up like that. And we can't tell what's before
2 or afterwards, but I can't tell.

3 MS. WHIRLEY: Anything else?

4 Q (By Ms. Whirley) Let's talk about the
5 shots one at a time and you prefer to stand there?

6 A Yeah. If you are going to do that, I put
7 it so that the top one.

8 MS. WHIRLEY: I may have messed up your
9 order.

10 A That's okay. The way we usually do it,
11 way we do it in New York, with multiple gunshot
12 wounds, we will describe the wounds and number them
13 from the top down.

14 Q Okay.

15 A That doesn't in any way signify the order
16 of shots, because usually we can't tell the order of
17 shots. So the number one that was, I think also was
18 in the autopsy report.

19 Q You kind of describe the head shot
20 already, correct?

21 A Yes.

22 Q And they've seen that shot, so is there
23 anything else you want to say about that?

24 A You can show it for a second.

25 Q Okay. That's Photo Number 99.

1 **A** And just that, even the head shot, even
2 they had to take the hair off to show it, it didn't
3 show any powder around it, which would be another
4 indication that it was a distance away for what it's
5 worth.

6 **Q** Okay. I don't know if you want to tell
7 me.

8 **A** This one would be a good second. This is
9 the second going down.

10 **Q** All right. This is Number 95. Let's see,
11 I'm not sure, is that a better way to look at it or
12 should I do sideways?

13 **A** You know, put it sideways please, the
14 other way.

15 **Q** The other?

16 **A** So he's on his back.

17 **Q** All right.

18 **A** Now if you put it up a little up there.
19 Thank you.

20 MS. ALIZADEH: When you get a chance.

21 MS. WHIRLEY: You have a question?

22 Whose photographs are these?

23 **A** These are all photographs I saw for the
24 first time yesterday that were taken by the St.
25 Louis Police Department who came to the Medical

1 Examiner's Office and the police took them all, not
2 the medical examiner, the ones I looked at initially
3 were medical examiner photographs I said, and that
4 was after the autopsy had been done. So the police
5 were there and they took all of these photos before
6 the autopsy was done.

7 MS. ALIZADEH: These are out of that
8 packet of photos, Grand Jury Exhibit Number 7.

9 A Now, in this one, can you turn that front
10 light out. This is a bullet wound of entrance, and
11 again, no powder around it. More than 18 inches
12 away. Can't tell how much more, and the bullet
13 track, thank you, came down through the orbit, the
14 eye and caused some fractures and exited down here
15 through the jawbone on the side.

16 So that was also, see, that would
17 have lined up, as I tried to figure out if he were
18 bent over to have the top of the head and then a
19 parallel line going down and exiting here.

20 And when I spoke about the abrasions,
21 see the nose is pretty good. If he fell down and he
22 got the injuries to the body, they should be more
23 prominent on the nose and on both sides of the
24 forehead, not just on one side of the forehead.

25 And I don't know, these look like

1 superficial scrape marks. They can happen
2 sometimes, I don't even know if after the body is on
3 the floor and people in the course of removing the
4 body to the body bags, pull the body because the
5 person pulling the legs is stronger than the person
6 holding the head, they can cause some scraping
7 damage, but this is more than usual so I'm not sure
8 why.

9 You prescribed linear and/or
10 scraping a relative motion between his face and
11 whatever object he scraped against. If he had his
12 head down and in a charging motion, meaning he had a
13 motion toward the officer, when he fell with his
14 final shots, could that have caused, I mean, that
15 type of abrasion.

16 **A** Yeah, but then it would be most prominent
17 on the nose.

18 What if his head was turned?

19 **A** Also, there would be the object, the sand
20 or dirt would be incorporated in it. This looks
21 like a very clean, this is before he was washed and
22 this looks all very clean. The blood is still dried
23 here so.

24 Q (By Ms. Whirley) I think the juror said
25 what if his head was turned like on that side, what

1 if it was turned toward the right side?

2 : Head down and turned?

3 **A** It's possible, I've not seen this
4 extensive from that, but I don't know what the
5 composition of the ground is either, so that's
6 possible.

7 : If he would have fallen
8 square on his face, you would expect to see
9 something on the nose?

10 If there wasn't damage to
11 the nose, that applies he didn't land on his nose
12 first, he had to land on one side or the other?

13 **A** If it was caused by his landing, yes.

14 : August 9th was a very, very,
15 very hot day here. So could it possibly be the
16 ground was hot and from the impact of the fall?

17 **A** It's possible, it's possible. But it
18 would require movement. Just lying there on the
19 ground wouldn't cause the scraping abrasions, it's
20 possible, it's possible.

21 MS. WHIRLEY: We have another question?

22 **A** It is kind of prominent for that.

23 I'm going to go back with
24 what you said if he would have fallen. Michael is a
25 very big guy.

1 **A** Yes.

2 : We do know that he fell,
3 with this impact, we know that he fell face forward.

4 **A** Right.

5 : My understanding of his
6 question is if he fell face forward, wouldn't there
7 be something on his nose, disregarding these,
8 wouldn't there be something on his nose that
9 indicated he fell face forward?

10 **A** Yes, but then he added on the question
11 what if it was just on his right side.

12 If he fell face forward,
13 straight on, there would be something on his nose?

14 **A** Yes, yes.

15 Some sort of an abrasion?

16 **A** Yes.

17 So if he had his head down
18 and his head turned, that would lead us to a
19 conclusion that the abrasions would be on the side
20 of his face instead of the nose?

21 **A** Right, yes.

22 Which is where these are?

23 **A** On the right side, yes.

24 MS. ALIZADEH: Just so you are clear, you
25 turned your head to the other side.

1 I don't know my right from
2 my left.

3 MS. ALIZADEH: Because the injury is to
4 the right side of his face.

5 Right.

6 **A** Yeah, if he fell on his right side and he
7 moved forward you get certain abrasions. He also
8 has cuts here, some of these are not just scrapes,
9 but they're lacerations.

10 MS. WHIRLEY: They don't come from the
11 gunshot wounds?

12 **A** No, they don't come from the gunshot
13 wound. the gunshot wound goes deeper and through the
14 eye. If they came from the gunshot wound, the
15 gunshot wound would be more to the outside.

16 MS. WHIRLEY: Even if it was grazing?

17 **A** This one is going into underlying soft
18 tissue, so that it is underneath this.

19 MS. WHIRLEY: I understand.

20 **A** It is underneath the skin there and in
21 order to graze you have to be on top of the skin.
22 And this one went deep enough to go through the
23 eyeball and come out down here.

24 MS. WHIRLEY: Okay. You don't know what
25 to make up of it then?

1 **A** I'm not sure why. I think the thing that
2 puzzles me is the combination of factors. That some
3 of it could be by scraping somehow, but not all of
4 it. And if this were say a blow to the face causing
5 laceration, it normally wouldn't cause a scraping
6 wound. So it is some complex reason.

7 : Doctor, the top could be a
8 small fragment, bone fragment that could do that?

9 **A** Bone fragments can protrude through the
10 skin, but in this instance it didn't, the bone
11 fragments were largely the lower portion of the
12 orbit and there was no bone fragments that were
13 protruding. And that's the value of what the police
14 did is that they took these photographs before any
15 changes were made by the autopsy or by the
16 embalming. And I think that's an interesting point,
17 the bone fragments. I don't think it was caused by
18 bone fragment, the fragmentation was lower down.

19 : Thank you.

20 MS. WHIRLEY: Anybody else?

21 I have one more. Earlier
22 you said that you would have to see the structure of
23 where he fell to determine if any of these could
24 be --

25 **A** Yes.

1 You mean if it were gravely,
2 or if there were rocks in the road?

3 **A** Right, yes.

4 : Okay.

5 **A** That could affect it. And what I should
6 say to you, when we do autopsies in our line of
7 work, we try to answer as many questions and issues
8 that we can. We often, there are findings that we
9 can't explain. So that even issues like the cause
10 here, I can't really explain it. And that, that
11 often happens in autopsies, you explain the major
12 ones that answer the question, but not everything.

13 And there are other experts that is a
14 gravel expert, they have gravel experts might have a
15 better idea or somebody doing experiments on
16 injuries to skin, which are very difficult to do now
17 because it needs appropriate approval by boards that
18 you can't do experiments on people that hurt people.
19 However, they can do it on pigs and animals
20 sometimes and there may be somebody around who is an
21 expert on that, but it would be more able to answer
22 the questions on that surface with the human skin.
23 It is very similar to pig skin, would develop these
24 injuries just from contact with the gravel falling
25 with a certain force.

1 MS. WHIRLEY: Okay.

2 A But again, that's a value, it doesn't
3 indicate the cause of death, but it is a value in
4 what happened to him.

5 Now, the exit is here and then if I
6 might see the one difference I think I have with the
7 official report is.

8 Q (By Ms. Whirley) Number 86?

9 A The other side, please, the other side
10 around.

11 Q I'm sorry, there we go.

12 A They don't train you how to do that in law
13 school, I guess.

14 Q I'm just not paying close enough
15 attention.

16 A What I would say here the bullet wound,
17 they do everything nowadays these machines, bullet
18 wound comes down through here and as I repositioned
19 the head and all and look at all the additional
20 photographs. I think the bent head that is right on
21 top of the clavicle here, the collar bone, this
22 bullet goes through here and this is a reentry
23 wound. It looks to me like a reentry wound.

24 I think the way the medical examiner
25 put it down as a separate entrance. So in that

1 regard I have one less bullet that struck Mr. Brown
2 than the medical examiner did, but it doesn't change
3 anything substantially except for forensic pathology
4 point of view. I think the bullet exits here, goes
5 into here, hits the clavicle, hits the lungs and
6 stops.

7 A bullet that's going straight, the
8 one that went through the head went through a lot of
9 thick skull bone and a normal, which is another
10 indication that it was kind of a spent bullet by the
11 time that it goes through here and into the lung,
12 which is right next to it, it has already lost most
13 of its power. So that I think is reentrance that I
14 think would be the difference in the way we organize
15 the tracks.

16 Here is the third bullet wound of the
17 chest that I thought might be a reentry when I did
18 the autopsy, but I think turns out with all the
19 additional information I agree with the medical
20 examiner that's an entry wound.

21 So you have the head, the face, the
22 facial one coming out here and this pretty much all
23 could be within a foot or two if fired rapidly.
24 Whether that was the last bullet wound or not in the
25 head.

1 **Q** Okay. So far from what you've described
2 in the photos we've seen, this would be, you talked
3 about three entry wounds, three bullets?

4 **A** Well, actually, yes. The head, the face,
5 I'm not counting this one, this is a reentry.

6 **Q** Right.

7 **A** When I look at it close, it also has
8 markings of a reentry. It is not quite as round as
9 an entry wound would be. And this one would be
10 three, three of the bullet wounds and these are the
11 wounds, these are the wounds where bullets were
12 recovered it turns out.

13 The bullet was recovered here from
14 the side of the face, right side through the brain
15 from the side of the face and was recovered from
16 within the autopsy of the head.

17 The second bullet comes through the
18 face into here and then is recovered in the area of
19 the lung, and the third bullet here comes in here
20 and largely goes through causing a fracture of the
21 eighth rib.

22 See up here is the third rib and this
23 by the eighth rib and is found, goes through the
24 eighth rib and the lung, the lower portion, this
25 upper lung or lower lung on the right and it is

1 found next to the eighth rib in the back.

2 And what we found in the second
3 autopsy is that it was the incision made in the
4 back, not through any injury as it was an incision
5 made to recover that bullet.

6 In order to recover the bullet in the
7 back, it was underneath the skin, they had made some
8 incisions at the time of the first autopsy and that
9 all comes into how we have to examine bodies when
10 there is a re-autopsy. We inferred that there was a
11 bullet taken out, but I didn't see the photos until
12 yesterday.

13 Q And it certainly didn't look like any
14 injury, he was shot in his back anywhere; is that
15 correct?

16 A No, no, he was shot here and it went to
17 the back.

18 Q So there was no injury to his back?

19 A That's right, no injuries to the back.

20 Q Okay. All right.

21 A The issue comes up with the arms, yes.

22 : When you were describing the
23 jaw.

24 A Yes.

25 I want to make sure I

1 understand. We're talking about three bullets, but
2 four bullet wounds because you consider one to be a
3 reentry.

4 **A** Yes, yes.

5 When you are describing that
6 reentry wound from the jaw, you had your head like
7 this. (indicating)

8 **A** Yes.

9 : So based on where it is in
10 the jaw and it reenters in the body, it is pretty
11 safe to say that the head, it was like this?
12 (indicating)

13 **A** Yes.

14 Not like this, but like
15 this. (indicating)

16 **A** Yes, yes.

17 : Okay.

18 **A** But that would still present it would be
19 with the skin of the jaw next to the clavicle, the
20 inside, you can feel your collar bone, but right
21 next to it so that that trajectory could occur.

22 : The reason I ask that
23 question is because I think having your head like
24 this versus just falling forward, it is going to
25 show what you're doing more, do you understand what

1 I'm saying?

2 **A** I see what you're saying. I'm not sure of
3 the interpretation you have is as good of
4 interpretation as I have, but it would be that the
5 chin would be, if the chin were not right next to
6 it, bullet coming out of the chin would have gone
7 into a different place.

8 : What I'm saying is though
9 that if he were simply falling forward, his head
10 would be more lax?

11 **A** Yeah, yes, I think that at the time he was
12 shot his right side of his chin of the jaw was
13 against the collar bone near the midline at the time
14 he was shot. I can't tell from that whether he's
15 going forward, going backwards, whether he's
16 standing still, I'm just saying that.

17 To explain that as a reentry
18 wound and his head is that way, if that's not a
19 reentry wound and it is separate bullet wound, his
20 head could have been either or --

21 **A** If it is not a reentry wound, then it is a
22 separate bullet wound and that bullet was recovered,
23 those are the three that were recovered.

24 That comes out of his right
25 jaw, is that straight line from the entry point to

1 the exit point out that jaw through his skull a
2 straight line or did it move as it traveled around
3 his eye?

4 **A** No, pretty much a straight line. The
5 facial bones and the orbit bones, they're thin bones
6 and essentially when the bullet goes through, stays
7 within 5 or 10 degrees, it doesn't go around further
8 than that in this kind of a setting. Especially a
9 larger caliber bullet. We sometimes see funny
10 things with a .22.

11 People shot in the eye,
12 right around the skull, no exit wound sometimes?

13 **A** No, this is a straight wound and it winds
14 up that way in probing it.

15 MS. WHIRLEY: All right. You got another
16 one?

17 **A** So those are the three or four.

18 Now, we have the more complicated
19 ones.

20 MS. WHIRLEY: Okay. This is Photo Number
21 78. Is that the way you want it, Doctor?

22 **A** Yes, thank you.

23 MS. WHIRLEY: All right.

24 **A** This shows the graze, the graze and that's
25 a bullet that struck, even though it didn't cause

1 any damage, a bullet that struck the body and as far
2 as we know it struck the body and disappeared. It
3 is not in the body and I didn't see anything in the
4 clothing that would indicate that it landed there.

5 The clothing, unfortunately, the
6 T-shirt he was wearing, short sleeves, so it just
7 goes up to around here. So in long sleeve shirts we
8 could see more of an entrance and exit in clothing
9 that would be helpful.

10 MS. WHIRLEY: Did you see any gun powder
11 on the clothing at all?

12 **A** Nothing on the clothing. No gun powder on
13 the clothing and from what I gather the police
14 didn't either.

15 And this is an entry wound from the
16 front, the upper arm is, you've been told about the
17 anatomical position, the imaginary anatomic position
18 that medical examiners' use. In autopsies, body,
19 palms forward at attention, all measurements are
20 done that way.

21 It is very rare that victims are that
22 cooperative, so you can tell exactly what happened
23 because the body is mobile and in this situation, if
24 this is front anterior, the bullet came in near the
25 top and came out the back, that's a front. In and

1 out gunshot wound of the upper arm. This is a graze
2 wound and I think the next one shows the
3 controversial one.

4 **Q** (By Ms. Whirley) Okay. We'll do this one
5 and then we'll take a break. Number 83, is this the
6 right way, Doctor?

7 **A** Yes, that's good, thank you.

8 **Q** Sure.

9 **A** What's interesting here this is.

10 **Q** Should I bring it down a little bit, I
11 don't know if that will help or not.

12 **A** What's interesting to me is that, you
13 know, the blood, nothing has been washed off. This
14 is the entrance behind and the exit, and this bullet
15 went through a bone in the forearm. The ulnar bone,
16 the two bones in the arm, the radius and ulnar. The
17 ulnar is kind of underneath the pinky and the radius
18 is on the other side.

19 This went through the radius, the
20 x-rays that show little fragments of metal and the
21 fracture of the radius bone. Partly, that's why
22 there's such a big exit wound, it is wobbling and it
23 had destroyed some bone.

24 But this is the entrance and this is
25 the exit and this is from behind. Now it went from

1 back to front.

2 Now, it could be standing at
3 attention, going back and front, could be arms up,
4 could be arms way up, would have the same thing. It
5 could be if the arm is in front, since the arm is
6 mobile, if I put my arm like this, it could come in
7 the back of the arm and come out the front. And in
8 that situation it would have to reenter into the
9 body, which we don't see, which we don't see.

10 Q Why do you see that as controversial?

11 A Well, as to whether he was shot, people
12 say from the back, no injuries to the back, but I
13 interpret that as being from behind.

14 Q Right.

15 A I know there's some controversy as to
16 whether or not he was shot while his back was to the
17 officer.

18 Q That's a question that we have.

19 A Yeah.

20 Q Does this support that?

21 A This would support from being shot from
22 behind. It didn't hit his back, but from behind.
23 There are other ways if this arm could be moved in
24 other directions, you can twist your arm around and
25 that has to be taken into account, but there isn't

1 any kind of mark, bullet wound on the chest that
2 would support that. And so much of it becomes,
3 which eyewitnesses are better and that's, that
4 doesn't come with medical school.

5 **Q** I guess within the bowels of reasonable
6 medical certainty or in your opinion, you're saying
7 that this injury to this forearm could have occurred
8 with his hand up?

9 **A** Yes.

10 **Q** Or with him running and someone shooting
11 him from behind, or not running, someone shooting
12 him from behind?

13 **A** I'm saying at the time of the shooting the
14 gun was pointed at the back of his arm, that's all.
15 Where his arm was depends on what other information
16 you have.

17 **Q** I see.

18 **A** This is from behind from a forensic point
19 of view.

20 MS. ALIZADEH: Any questions?

21 : Pretty much the same
22 situation in the hand, you can get an idea where the
23 gun was positioned, the trajectory of the bullet,
24 but you can't really determine the positioning of
25 the limb?

1 **A** You're right, at the moment of fire.

2 : Okay.

3 **A** A limb can go through, within a second, go
4 like this. All I can say is at the instant of
5 firing it is almost an instant it could go through,
6 the bullet, the muzzle was pointing at the back.

7 MS. ALIZADEH: Doctor, you testified, and
8 I'm wondering if this was just an error, that you
9 just said that the radius was fractured?

10 **A** I'm sorry, I meant the ulnar, the ulnar.

11 MS. ALIZADEH: I wanted to clarify.

12 **A** The radius, I was just pointing out
13 attached to the side of the thumb, thank you, and
14 the ulnar is on the pinky.

15 MS. ALIZADEH: And that concurs with
16 Dr. 's opinion that the ulnar was fractured,
17 correct?

18 **A** That the --

19 MS. ALIZADEH: The ulnar.

20 **A** Yes, thank you.

21 Could the difference is a
22 police officer not being exactly behind Mr. Brown,
23 but on the side, he could have struck here?

24 **A** You mean beside you?

25 : The policeman.

1 **A** If he was positioned this way to the gun.

2 : Exactly. If the police are
3 here and I shoot, that don't mean that he shoot from
4 the back.

5 **A** That could be from the side, but then you
6 see once that bullet comes out, it would strike
7 something if it is there. If it is this way.

8 : He's running and he's doing
9 this with his hand, you move the arm when you run
10 and the police was right there, it could strike here
11 and get out from there? (indicating)

12 **A** That's possible. That would show the same
13 thing in the autopsy as with the hands up or the
14 hands around --

15 Or could be like this?
16 (indicating)

17 **A** Yes.

18 : That is possible too?

19 **A** Yes.

20 You're not going to find any
21 other thing on the body because the bullet is going
22 to go --

23 **A** Yes, yes.

24 Thank you.

25 MS. WHIRLEY: Any other questions? I know

1 you probably need a break, maybe the doctor does
2 too. We'll do that now. I'm not sure of the time.
3 11:04, so let's just take a break.

4 (Recess)

5 MS. WHIRLEY: So we're back on the record.

6 Q (By Ms. Whirley) So, Doctor, tell us how
7 many wounds have we gone through so far? You
8 thought six to seven.

9 A I think we're gone through eight wounds
10 and seven bullets tracks.

11 Q Okay, all right. And tracking, when you
12 say bullet tracks, when you say tracking, what did
13 that mean, first of all?

14 A Examining injuries to the body caused by
15 bullets.

16 Q Okay.

17 A Even though some of these injuries are
18 less important than others.

19 Q Are you able to tell like where the
20 shooter was in relation to the person that shot by
21 looking at wounds?

22 A In my opinion of the seven bullets that
23 struck Mr. Brown, five came from in front of him,
24 the one in the biceps can't tell, the one that, of
25 the seven bullets that struck, one was in the hand,

1 which I think based on the, my review of the
2 histology and all, came while his hand was in the
3 car.

4 One came through the upper arm biceps
5 graze wound, can't tell which direction. And one
6 came from behind the right forearm, which could have
7 come from behind, the others were from in front of
8 him, the weapon was pointed at his front at the time
9 of discharge.

10 **Q** Okay. Any questions on any of that?

11 We'll look at another. This came out
12 of Grand Jury Exhibit Number 7, photograph is Number
13 6. And let's see, which way, Doctor, the other way?

14 **A** Yes, the head by three o'clock, thank you.
15 The reason I'm showing this, I did examine his
16 clothing yesterday at the police building and was
17 impressed, which I haven't realized it that there
18 were drops of blood that had come from drippings
19 from above. And there was some on the socks, which
20 you can see closer if you look at the socks, drops
21 of the socks.

22 There had to be a time, from the time
23 that Mr. Brown was injured and bleeding until he
24 collapsed where the blood was coming from above.
25 And the only place I could figure out it came from

1 was the hand.

2 So that after he takes his hand from
3 the car, he is dripping blood that goes, there's
4 also some on the shirt, but that has a lot of blood
5 that developed after he was on the ground because
6 the body kept oozing blood while he's laying face
7 down after he's dead. And so there's a lot of blood
8 that occurred after he died, but these drops of
9 blood all came while he was alive and to me had some
10 significance about this occurring while he was going
11 away from the car.

12 I can't tell from this how far away
13 from the car he was, but he did not leave that car
14 without realizing that he had suffered an injury to
15 the hand. Whatever psychological effect that has on
16 people, he knew he was bleeding, he knew he had a
17 gunshot wound to the hand.

18 And the skin on the car matches
19 coming from here. So that I think that, whoever
20 examined the car, they did a very fine job to find a
21 piece of tissue on the car because it had already
22 dried and all, when he takes the hand out of the car
23 after it's injured, it goes against, it leans
24 against the car, wherever that was taken from, I
25 don't know which part of the outside it was and then

1 he continued in a way that depends on eyewitnesses
2 and all.

3 Q In your review of all the information to
4 come up with conclusions, did you determine whether
5 or not Michael Brown was right or left handed?

6 A No, I didn't determine that from the
7 autopsy.

8 Q Did you determine it from any other
9 source?

10 A I think I was told he was right handed,
11 I'm not sure. 85 percent of people are
12 right-handed, but I don't know, I didn't determine.

13 Q Okay. And if, as you described the wound
14 to the hand as occurring in close range, not
15 contact, but close range while his hand was inside
16 of the car. And it would have bled quite a bit,
17 would we, should we expect to see a lot of bleeding
18 in the car?

19 A I would expect that there would be blood
20 in the car, plus blood on the weapon, you know, that
21 drops of blood came out and blood along the trail,
22 blood drops coming down don't only land on the
23 socks, they would land on the ground and it would
24 depend on how carefully the scene was examined to
25 look for a blood trail, especially in hot weather.

1 One of the things about hot weather
2 it does things to blood and all on the ground that
3 makes it harder to identify. And that kind of a
4 trail can be helpful in determining how far he went.

5 **Q** Okay.

6 **A** But you know that from the position of the
7 body, I don't know the distance, I've heard all kind
8 of distances.

9 **Q** But it would be your opinion that the
10 majority of the bleeding that would have occurred
11 before he fell to the ground came from the hand?

12 **A** Yes, there was no other place that he
13 would be bleeding from. Once he goes down on the
14 ground, he's bleeding from the head and from the
15 chest and that would accumulate with time. So
16 that's why we see a lot of it on clothing on the
17 upper shirt. But that happened after he collapses.

18 **Q** So when he's shot, let's kind of go
19 through it. He's shot, there's a gunshot wound to
20 the hand, there's a gunshot wound to the forearm?

21 **A** That comes later, yes.

22 **Q** That comes later. Because, I believe, you
23 said it is your opinion that the gunshot wound to
24 the head would have been last; is that correct, to
25 the top of the head?

1 **A** The three of them happen in rapid
2 succession and certainly he would lose consciousness
3 on the top of the head.

4 **Q** All three of those are in the head region;
5 is that correct?

6 **A** One in the head, one above the eye and one
7 around the level of the nipple on the right chest.

8 **Q** Okay. So those are the three?

9 **A** Yeah, because they lineup pretty good if
10 there was somebody shooting rapidly.

11 **Q** Okay. My question to you is twofold, one
12 is, once he received the shots, all the shots that
13 you examine except for the head shot, and maybe it
14 cannot be separated, I don't know. Would he still
15 have been mobile?

16 **A** Yes.

17 **Q** On his feet and able to run or charge at
18 an object?

19 **A** I think that certainly the arm shots, the
20 arm shots would not prevent him from being mobile
21 and running front or back or whatever. And the one
22 in the lower chest wouldn't necessarily slow him
23 down, but the one in the eye, you know, that goes
24 through his right eyeball would, could make him lose
25 consciousness because it does have lines of force

1 going through the brain tissue and all, but not
2 necessarily.

3 Q Okay.

4 A So he could have been, now whether he
5 could be running or, you know, or walking or
6 whatever, would vary from person to person. In
7 fact, some people if they're shot once in the arm
8 might faint, I guess he wasn't the fainting kind.

9 So how people react to gunshot wounds
10 is a different thing, but from the anatomy point of
11 view, he would have been able to be conscious and
12 theoretically, but for the bullet wound in the head,
13 could have been treated and survived if he went
14 right to a hospital or something.

15 Q And the wounds that are around the right,
16 you said there was one to the chest area, correct?

17 A Yes.

18 Q And you don't think he would have been
19 bleeding much from those wounds?

20 A Well --

21 Q Before he collapsed?

22 A He would be bleeding internally, but not
23 outside because bleeding usually, internal organs
24 are injured internally and then they will spill
25 outside. When he collapses, the blood will start

1 coming out after he collapses.

2 I'm sorry.

3 : No, that was the question
4 that I had because I was wondering, I said why, I
5 mean, this is a big guy, I'm quite sure the volume
6 of blood in his --

7 **A** Is more than normal.

8 : I know when I went to the
9 doctor to get a flu shot, she stuck me and I didn't
10 bleed. She said you have good elasticity in your
11 skin and I thought maybe that's why he's not
12 bleeding.

13 **A** That's true. We see this a lot with knife
14 wounds, even in the heart. The knife goes in and
15 goes out and most people, the skin and fat tissue
16 will immediately close up, you know, there isn't a
17 hole left. It is a slow process for bleeding to
18 occur through the body.

19 Superficial cuts on the hand bleed
20 very much, and this is sort of a superficial cut
21 because there's no skin there to come together from
22 elasticity, so that's why cut wounds bleed more than
23 bullet wounds because the bullet goes in and the
24 skin elasticity and the outer most tissue underneath
25 it close it up.

1 So when he is shot in the front, the
2 blood doesn't start to come out right away. It
3 could in a few minutes, but he collapses to the
4 ground. And you can see in the head, there wasn't
5 blood matting the hair, although there was bleeding
6 that came out.

7 I can see in the scene photograph
8 there was some blood coming out gradually from the
9 top of the head, but it went downward and didn't mat
10 the hair up. It wasn't a massive amount, it was a
11 small amount.

12 So that I think that in the normal
13 course you get very little blood coming out if a
14 person collapses right away before death occurred in
15 this case, because of that final shot.

16 **Q** (By Ms. Whirley) You said you had some
17 training or education in toxicology and that's part
18 of your total package as a medical examiner?

19 **A** Forensic pathologist.

20 **Q** As a pathologist from looking at it. Did
21 you look at the toxicology report in this case?

22 **A** Yes, I did.

23 **Q** Was there anything about the result of
24 that toxicology that in your opinion would affect
25 how he would have reacted, his behavior once he was

1 shot, if you are?

2 **A** A very topical question. Yeah, marijuana
3 is not a drug, it is a group of about 18 different
4 chemicals. So that it isn't like taking a
5 barbiturate or cyanide, which is just one chemical,
6 marijuana has all kind of different chemicals where
7 it is grown, the fertilizer, the water supply. The
8 one that is most active is the Delta-9,
9 tetrahydrocannabinol, THC. He had some of that in
10 his blood. And that could affect, could have
11 affected him, however, it is a relative small amount
12 and how it affects somebody varies.

13 Some people can have hallucinations
14 with a lot of marijuana, other people just go to
15 sleep. During the '30s, 1930s, there was terror of
16 marijuana that it made everybody go crazy, it
17 doesn't make people go crazy. That's why the laws
18 have been so strict on it, but now it is coming into
19 more legal status in some places.

20 Marijuana is kind of unpredictable,
21 some people can take marijuana and do funny things
22 and other people are just perfectly normal with it.

23 The problem, marijuana from the
24 toxicology point of view, marijuana gets into the
25 soft tissues and fatty tissues in the body. So even

1 though I smoked a joint two days ago, I might still
2 have little bits coming out today into the
3 bloodstream, or even studies have done for three or
4 four weeks as it's released from the fat.

5 So the amount of marijuana he has
6 could cause abnormal behavior, but usually doesn't.
7 The best indicator of that would be what his
8 behavior was in the time period before and I try to
9 look at that and you see the incident with the
10 cigars, where he took the cigars or the little
11 cigars. Would that in any way be affected by
12 marijuana I think is a guess. Was he walking the
13 street because of marijuana? That isn't usually
14 what happens with marijuana, but it could be and it
15 is too variable.

16 If all of us smoked the same amount
17 of marijuana, we would all act differently. Most of
18 us would just feel very nice about it, somebody
19 might not feel very bad about it and some people may
20 go to sleep and somebody might do something that he
21 wouldn't normally do, but that's, but it was
22 present, but he did take it within a day or two.

23 Dr. , he indicated that
24 the amount of Delta 9-THC --

25 **A** I'm sorry.

1 He indicated in his
2 testimony that the amount of Delta 9-THC that he had
3 in his blood compared to the way it is broken down,
4 not just in the urine, but in the blood was not
5 consistent with just a little bit of an amount. He
6 indicated that given, if you look at the whole
7 picture and not just the 12 nanograms and when it
8 was done, that it would indicate that it was a
9 larger amount than just a little bit amount of
10 marijuana, would you agree with that?

11 **A** Well, it is definitely evidence of smoking
12 marijuana. The problem is whether it is 12 or five
13 or 20, it affects people differently and a lot of it
14 has to do with how, what do you call it, how used to
15 it, how often a person has taken it before. If you
16 take it more often, it has less of an unpredictable
17 affect.

18 It could have been a factor in his
19 behavior, but the best measure of his behavior is
20 what he was doing all day. Was he acting different
21 than he usually did, for example, and that would be
22 for friends and relatives or witnesses who saw him
23 during the day. Was shoplifting cigars a great
24 departure from his usual behavior.

25 So great of a departure that one

1 could say he was influenced by the marijuana or did
2 he do that sometimes when he didn't have marijuana.

3 It is interesting that no other drugs
4 were found and no other medications were found. I
5 couldn't find if he had been taking any other
6 medications that he had stopped taking.

7 MS. WHIRLEY: Why is that interesting to
8 you?

9 **A** Because if he was supposedly taking some
10 medications for weight or for emotional disturbance
11 or for sleep or so, and under a medical directive we
12 should see it in his bloodstream. With the
13 toxicology and the toxicology can tell us if
14 somebody is taking drugs you are not supposed to
15 take, like marijuana, or some they didn't take drugs
16 that they should have taken.

17 Suppose somebody is on antipsychotic
18 medication and there is none in his toxicology, that
19 would indicate he wasn't taking his medication, that
20 could be a reason for his behavior.

21 So toxicology, everything it has and
22 everything it doesn't have has significance, and in
23 this instance, I think marijuana is significant that
24 he smoked marijuana, but 99 out of 100 people taking
25 marijuana aren't going to get in a fight with a

1 police officer over it in my experience.

2 MS. ALIZADEH: Can I just clarify
3 something here, Doctor, your credentials are as a
4 forensic pathologist, although you have a working
5 understanding of toxicology, you are not a
6 toxicologist, correct?

7 **A** No.

8 MS. ALIZADEH: You're not a toxicologist?

9 **A** No, that's correct.

10 MS. ALIZADEH: You are not a
11 pharmacologist?

12 **A** That's correct.

13 MS. ALIZADEH: I would imagine you've
14 never been qualified as an expert in either of those
15 fields in any court of law in the United States,
16 correct?

17 **A** No, that's not true because we often have,
18 we're an expert in interpreting toxicology and there
19 was for about five years I directed a toxicology
20 laboratory in New York City.

21 MS. ALIZADEH: My question is though, you
22 are not a toxicologist or a pharmacologist, correct?

23 **A** That's correct.

24 MS. ALIZADEH: And although you might look
25 at the reports or the results that a toxicologist

1 has come up with you, yourself, cannot perform those
2 tests, correct?

3 **A** That's correct.

4 MS. ALIZADEH: And so you rely on a
5 toxicologist to come up with his findings and then
6 you may or may not find that has any significance in
7 your findings, correct?

8 **A** That's correct.

9 MS. ALIZADEH: But the affects, the
10 findings of a board certified toxicologist, you are
11 relying on the findings of Dr. in this case,
12 correct?

13 **A** On the findings, yes.

14 MS. ALIZADEH: So your statement that 99
15 people out of 100 wouldn't attack a police officer,
16 what's that based on?

17 **A** Based on 20 years I worked with drug
18 addicts, on the board of directors of a number of
19 drug and alcohol programs in New York City. While
20 25 years I was in New York City as medical examiner,
21 deputy medical examiner and then chief medical
22 examiner, we did lots of autopsies on drug users,
23 because we got a lot of autopsy findings in that
24 regard. I was on the board of directors and worked
25 closely interviewing and treating drug addicts,

1 mostly heroin addicts and alcoholics, in different
2 communities.

3 And all of them there was an issue
4 about marijuana because even back 20 years ago, is
5 marijuana the gateway drug to further and more
6 severe drug abuse, which was the general feeling as
7 far as the federal laws went.

8 And one of the things in talking to
9 drug addicts and working with drug addicts, I found
10 that marijuana did not play a significant role in
11 their behavior except for one fact, and one fact is
12 the significant fact was because it is illegal, the
13 person in contact with the seller was also in
14 contact with people who sold other drugs. They were
15 more vulnerable to heroin, barbiturates and other
16 things not because of their behavior, because they
17 were in contact with people who sell illegal drugs
18 and made them more vulnerable to it.

19 So in my opinion working with addicts
20 clinically, as well as autopsy findings, I think
21 that marijuana is not any worse than alcohol.

22 MS. ALIZADEH: To clarify, Doctor, you're
23 testifying as to an expert opinion today, are you
24 testifying today that you have been qualified in a
25 court of law as an expert in toxicology?

1 **A** Not as an expert in toxicology, the common
2 way I'm qualified is an expert interpreting what the
3 alcohol level means. Half the cases we do involve
4 alcohol, either the unnatural deaths and homicides
5 and often we're asked to interpret the, not to do
6 it, I'm not a toxicologist, absolutely, I'm not an
7 expert in toxicology, but I think all forensic
8 pathologists have to be experts in interpreting
9 drugs in the body. Is it enough to cause death.

10 An example, we do an autopsy and the
11 result can come back high level of barbiturates or
12 no barbiturates and yet from the history of the
13 autopsy we determined he died by a barbiturate
14 overdose. The toxicologist would say how can you
15 diagnose a barbiturate overdose. Because we do the
16 autopsy, we see that over the five days he was in
17 the hospital, the barbiturate overdose that brought
18 him there got metabolize. By the time he dies, he
19 has no barbiturates in his body, even though the
20 cause of death is a barbiturate overdose.

21 There is a difference between what
22 the toxicologist is an expert in finding the
23 marijuana, absolutely, I don't do those tests at
24 all.

25 MS. ALIZADEH: Do you disagree they are

1 experts in how drugs affects the behavior or how
2 drugs affect the human body?

3 **A** Yes, that's how the drugs affects the body
4 is a medical knowledge, not a toxicologist. And the
5 reason I'm a forensic pathologist, certainly in New
6 York get qualified to talk about that is because the
7 judge decides hey, you're an expert in finding that
8 it is a .02 or .5 or .3 alcohol, but we're going to
9 have the doctor interpret what that means.

10 And I think a pharmacologist is a
11 little different, a pharmacologist gets more into
12 the affects of the body, but toxicologists are
13 trained in chemistry. And the smart ones get to
14 know about the affects on the body, but not from
15 training, that's just from common sense, as I'm
16 talking from common sense.

17 MS. ALIZADEH: Does anybody have any
18 questions?

19 : Doctor, I seen that each
20 person in medicine not two plus two is four, every
21 person is different.

22 **A** Yes.

23 Maybe 12 nanograms of
24 marijuana is not enough for her, but it is enough
25 for me and I got a big reaction. We don't know what

1 happened when Mike Brown, we don't know if he took
2 those 45 nanograms an hour before and that's the
3 reason he tried to fight with the police, we don't
4 know.

5 **A** Yeah, I agree very much it affects people
6 differently.

7 You can't say that not
8 happen because it is impossible the amount of
9 marijuana he has in his body. I'm sorry,
10

11 **A** No, no, no, you bring up an important
12 point. That the same amount of a drug affects
13 people differently. And I'm just saying in my
14 experience, I've written books about drug abuse,
15 drug abuse in general beyond from my experience with
16 heroin addicts and alcoholics in treatment programs
17 and I'm just, I just think that if somebody on
18 ecstasy or was having hallucinations on LSD might
19 fight with a police officer. Somebody on heroin
20 would go to sleep before fighting with a police
21 officer, somebody on marijuana, I haven't, it
22 affects people differently. I think the chances of
23 somebody taking marijuana and fighting with a police
24 officer and just explaining it on that basis, that
25 might be relative for other reasons why he fights

1 with a police officer, but that's not been my
2 experience.

3 I'm not an expert in finding
4 marijuana, but I think I'm an expert in dealing with
5 people who have spent a lifetime in smoking
6 marijuana in these different programs.

7 MS. ALIZADEH: Do you have any information
8 about Michael Brown's history of drug use?

9 **A** Not specifically, but I think the answer
10 that was being brought up is that, you are better at
11 me in this, what were people saying, how was he
12 acting before this episode would be a better
13 indication of affects of marijuana because marijuana
14 doesn't let you spend the day doing what you always
15 do and then suddenly pop off and do something very
16 different.

17 If you are on marijuana and you are
18 going to act out, you do it right away while it is
19 at its peak. Then they can do things, but that
20 would be my experience.

21 MS. ALIZADEH: So that's just based on
22 your experience?

23 **A** Yes, and my reading of the literature on
24 that.

25 : Going back to when you first

1 started the testimony today, you said the Brown
2 family attorney reached out to you, what did they
3 specially ask you to do or in what role did they ask
4 you to take?

5 **A** Yeah, the person who reached out was the
6 attorney and he said the Brown family, I
7 specifically remember this because it is not
8 surprising in some way. That the mother and the
9 father, it's now been a week, they don't know why
10 their son died and they had other questions. And
11 they're concerned that they might not, they have
12 been told it might be weeks or months before they
13 are given any information while it is being
14 completed.

15 So they wanted an autopsy largely to
16 find out what, why the son died except besides
17 reading speculations in newspapers. And also I find
18 out when I sat down with the family, I came, I sat
19 down with them first, what all families do they want
20 to know, did my son suffer, you know. Did he die
21 right away, and that was the issue.

22 The issue wasn't did he get shot by
23 the police because that was pretty obvious, but the
24 issue was what happened, how many times was he shot,
25 did he have pain and suffering because that was the

1 issue. And principally because they thought they
2 weren't going to be able to get this any other way,
3 to this day they haven't gotten it any other way.

4 MS. ALIZADEH: Let me interrupt here. So,
5 Doctor, you're unaware, I imagine, that my office
6 did provide a copy of the Medical Examiner's Report
7 in late October to the family's attorney?

8 A I didn't know that, I thought that the
9 family's attorney October, that's not far, I was
10 told that they had a copy from the St. Louis
11 Post-Dispatch or something.

12 MS. ALIZADEH: Well, so you are basing
13 this on stuff that other people have told you,
14 correct? So if I were to tell you our office
15 provided an official copy of the Medical Examiner's
16 report in late October to the attorney for Michael
17 Brown's family, whether the attorney gave it to
18 Michael Brown's family or not, I have no information
19 about that, but you're unaware then that we actually
20 provided that report to the attorney in late
21 October, correct?

22 A Until about a week or two ago.

23 MS. ALIZADEH: Late October, it is now the
24 13th.

25 A Yeah, I didn't realize, I wasn't told

1 that.

2 MS. ALIZADEH: And in your experience as a
3 medical examiner in the State of New York, I imagine
4 there were a good number of cases that you were
5 involved in that involved criminal investigations,
6 correct?

7 A Yes.

8 MS. ALIZADEH: You understand the need at
9 times for an autopsy findings to be kept, not made
10 public initially while an investigation is still
11 ongoing, would you agree that there is a, might be a
12 need or a reason that investigators might not want
13 to disclose that type of information?

14 A Yes. It might be valid or not. As a
15 medical examiner, see we are put in the middle,
16 medical examiners should be an independent
17 scientist.

18 Dealing with patients, our concern is
19 when we do autopsies, we are doing for the family
20 and for the society in general, we always have to
21 relate to the family. I spent a few years in
22 internal medicine before going into pathology and
23 that's what's important.

24 So I have found in New York that many
25 times when there have been encounters with

1 correction officers in jail, we had riots in jails
2 and encounters with police, that the sooner you're
3 able to tell the family what happened, remember we
4 do an autopsy and 95 percent of the information is
5 obtained within the day of the autopsy. We then
6 wait for the toxicology, histology, which is usually
7 not necessary legally.

8 Somebody shoots somebody or gets in a
9 car accident and is drunk, we'll call that a
10 homicide, for example, a homicide. They wait on the
11 autopsy report that we don't, that we don't wait for
12 everything to come through. Even though that every
13 shooting, every homicide there is a toxicology on,
14 but if somebody was shot yesterday, they'll come out
15 tomorrow and tell you what the cause of death is
16 even though everything is not completed.

17 So just from my experience as a chief
18 medical examiner is that the sooner that this
19 information is given out, it calms everybody down
20 because one of the things I saw happening with the
21 family here and many other families, whenever
22 somebody dies in an encounter with the police, they
23 immediately often don't trust the police. And then
24 if the medical examiner doesn't release the finding
25 right away they feel, as happened here, that the

1 medical examiner is covering up for the police, and
2 that has to be dealt with. As a physician, I have
3 to deal with that with the family.

4 Now, sometimes it's a value to not
5 release information because you are going to get
6 information, you don't want people to know what
7 happened and you don't want people to make up
8 stories.

9 MS. ALIZADEH: For example, I saw the
10 police officer stand over Michael Brown's body and
11 shoot him in the back, in the head as he laid face
12 down in the pavement, that couldn't possibly have
13 happened based upon your findings, correct?

14 **A** That's correct.

15 MS. ALIZADEH: So wouldn't it be important
16 that maybe those findings would be withheld from the
17 general public so that witnesses who may come
18 forward and report having witnessed this incident,
19 the police may be able to determine the veracity or
20 credibility of that witness if they report something
21 that we know the findings do not support.

22 **A** Yeah, that can happen. However, see in
23 the old days the way we did things was the mantra is
24 you got to find, interview all the witnesses, knock
25 on doors, telephones, whatever in the first 48

1 hours. And you got to get all the stories locked
2 down in the 48 hours and that was the police mantra,
3 or shoe leather.

4 Now oftentimes we're going to wait a
5 little bit until all the DNA and the other tests
6 come through before we interview people during the
7 time they can also make up stories.

8 In answer to your question, I think
9 that if the procedure is to interview people right
10 away, and then the autopsy findings can be released
11 within two or three days after that, it covers both
12 bases. I just think in my experience with families,
13 that the transparency in situations where families
14 don't trust what's going on.

15 When we have seen riot situations in
16 New York City, in Harlem, or specific ones, I'm
17 thinking about the fact that we said yes, the death
18 of the innocent person was caused by a police bullet
19 and not by one of the snipers. Immediately calms
20 things down. They are going to continue, they know
21 we're not going to cover it. I don't know, that's
22 my feeling as a physician.

23 : I'm trying to stay on topic.
24 I have a question for you and I know we have a time
25 crunch as well. In regards to, we have been here

1 quite awhile already, my question is going back to
2 the question I just asked you. You kind of
3 explained why the family reached out to you.

4 **A** Yes.

5 : So it seems to me when they
6 reached out to you, you started an investigation of
7 your own, would you say that's truthful?

8 **A** Yes, within my expertise.

9 Sure. In addition to your
10 role as a forensic pathologist to examine the body,
11 you began investigating on your own; is that
12 correct?

13 **A** Well, that was primarily what I did was
14 examine the body and they asked certain questions
15 about his death.

16 So how did you do that
17 investigation, outside of examining the physical
18 body, how did you investigate?

19 **A** That's my investigation is examining the
20 body and finding out from the family what kind of
21 medical problems the person may have had and any
22 history that would be pertinent to interpret the
23 autopsy findings, but it was essentially doing the
24 autopsy.

25 : You said you found a leaked

1 copy of an autopsy?

2 **A** Say that again, I'm sorry?

3 You said you viewed a leak
4 autopsy, how did that come to you?

5 **A** I think the lawyers send me something from
6 the St. Louis Post-Dispatch.

7 : Is that a credible resource?

8 **A** No.

9 : Okay.

10 **A** I didn't get the autopsy until yesterday
11 but I was leaked, there was an autopsy leaked. I
12 think I may have even gotten it from the internet.
13 An autopsy was leaked, it looked pretty good. I
14 couldn't rely on it until I saw it yesterday when it
15 was given to me by the medical examiner's office.

16 You viewed this leaked
17 autopsy report prior to your autopsy of the body?

18 **A** No, no, there was no autopsy. I spoke to
19 , the chief medical examiner, who I have
20 known for quite a while, and been told I was doing
21 it. We invited anybody from the office to come down
22 to see. I think it is always better if the person
23 that does the first autopsy is also present at the
24 second autopsy to make sure everybody is on the same
25 page. We invited them down, they couldn't come

1 down.

2 I was hoping to speak with her about
3 the results of the first autopsy when she got
4 authorization from the prosecutor's office, we
5 didn't have that conversation.

6 : I'm sorry, I don't think my
7 question was answered, I can rephrase it. Did you
8 view the leaked autopsy prior to conducting your
9 autopsy?

10 **A** I thought I answered it. There was no
11 leaked autopsy until a couple weeks ago. There was
12 no autopsy, I didn't review any autopsy findings
13 prior to my autopsy and the autopsy leaking I'm
14 talking about was from two or three weeks ago.

15 Sure. So you said you got
16 things off the internet?

17 **A** I got the leaked autopsy on the internet.

18 : Okay. So you never searched
19 the internet for any other information?

20 **A** No.

21 You provided us a lot of
22 information today then, I don't believe someone
23 could just evaluate based on looking at a body. You
24 made assumptions that his hand was in the car, I
25 don't know how you would have known there was a car

1 unless you are just looking at the body --

2 **A** I read the newspaper.

3 : Let me finish. You said
4 there were drops of blood on his hands and socks
5 that had to have come from his hand. You said that
6 you knew he knew he was bleeding, Michael Brown,
7 when he left the car. You said you've heard all
8 kind of distances that the shooting occurred, you
9 said that he, Michael Brown, could have been treated
10 and survived if he received immediate medical
11 attention.

12 I mean, these are all things that seem to
13 me to be assumptions or things that you've gathered
14 from either talking to other individuals or looking
15 on the internet and doesn't to me seem factual or
16 based on your role as a forensic pathologist.

17 **A** An autopsy can never be evaluated in a
18 vacuum, we always have to have other information
19 that we get from various sources. Somebody falling
20 out of a window will have the same injuries, whether
21 he was pushed, whether he jumped and committed
22 suicide or whether he fell accidentally. No autopsy
23 can interpret all by itself because all kind of
24 different reasons why injuries can occur.

25 What I receive, the information I

1 received initially was what the lawyers had told me
2 and what I read in the New York Times about, you
3 know, rioting in Ferguson. I don't get stuff off
4 the internet. I got the autopsy report, which is
5 just three weeks ago or something, but I think it is
6 unreliable, I agree with you, until you get an
7 official one.

8 I read about the disputes that were
9 going on. I read about how there was a leak about
10 the FBI reporting that there was Brown's blood DNA
11 in the car. I could say that that injury to the
12 hand was consistent with that, that's all, not that
13 it happened that way, but other people are doing
14 other investigations in their expertise.

15 Any autopsy report, hospital, medical
16 examiner, forensic has to include lots of other
17 information, some of which are gotten from police,
18 some from lawyers, some from family. None of which
19 can automatically be adopted as true just to see how
20 it correlates with the autopsy report.

21 : I just asked, you know,
22 we're all here to find the truth.

23 **A** Yes.

24 We are just trying to figure
25 out what is fact and what is written on the internet

1 or in a newspaper, we are here for the truth.

2 **A** I'm not, I'm not, what you call it,
3 relying on the internet. The reason I mention the
4 internet is because when the autopsy report was,
5 we've been waiting, the family has been waiting for
6 the autopsy report and finally there was an
7 announcement that the autopsy report had been
8 released. And talked with the lawyer and said it
9 wasn't released in the normal course, it was what he
10 called leaked through the St. Louis Post-Dispatch.

11 He sent it to me and I read it, you
12 know, it looked good but it's still, as you said,
13 I'm not going to rely on it as being the true thing
14 unless I knew it was the true thing. And there were
15 other things you mention that the clothing, for
16 example, I saw the clothing. I examined the
17 clothing, and the drops of blood on the clothing and
18 sometimes we can find droplets of blood to be very
19 useful in our examination and it showed that it was
20 coming from above the pants and down to the floor
21 and that the only thing I could find that would go
22 along with it would be the cut in the hand.

23 Yeah, as far as some things are, yes,
24 I rely, I'm assuming certain things are correct,
25 which may or may not be correct. Distances may not

1 be correct, how he was behaving may not be correct,
2 and your ability to gather information of what his
3 actions were and how he was behaving in the hours
4 before this episode is the best indicator of the
5 affects of marijuana than what I'm raising, you
6 know, in different forms. But I just think that
7 medical examiners always have to take other things
8 into consideration.

9 And the best example of that, the
10 biggest obligation we have is to issue a death
11 certificate. And the medical examiner, coroner's
12 job that he's responsible for, he or she has to
13 certify the name of the person through various
14 means, make sure it is the right person on the death
15 certificate.

16 Cause of death and manner of death.

17 Cause of death we find from the
18 findings at autopsy, gunshot wounds, heart attack,
19 cancer. The manner of death, natural, accident or
20 suicide, we are always relying on other people's
21 information.

22 Falling out of the window, was he
23 washing the window at that time depends on some
24 other information that may or may not be reliable.
25 So the manner of death, the accident, suicide,

1 homicide, always faces the problem that you raise.

2 MS. ALIZADEH: Doctor, you are not a blood
3 spatter expert?

4 **A** That's correct.

5 MS. ALIZADEH: And you know you testified
6 that in your opinion the blood on the pants and the
7 socks came from the hand because it came from above
8 and dropped downward?

9 **A** Yes.

10 MS. ALIZADEH: Wouldn't you agree with me
11 that the injury to the face, gunshot wound that
12 traveled through the face, lacerated the eyebrow
13 area, it ruptured his eyeball?

14 **A** Yes.

15 MS. ALIZADEH: If he were in this
16 position, blood could have spattered from that
17 facial injury onto his shorts and socks; is that
18 right?

19 **A** It's possible in the seconds before he
20 fell to the ground that could have happened, some of
21 that could have happened, yes.

22 MS. ALIZADEH: You can't tell when those
23 spatters happened, correct?

24 **A** Other than there were lots of spatters,
25 that they have been in between his getting an injury

1 and to his falling to the ground and he couldn't
2 have gotten that much blood on his pants and socks
3 just from a bullet wound that enters the scalp, went
4 through the eyeball, some blood can come out and
5 collapses to the ground. If he was standing after
6 that shot, then with his head bent over it could
7 have happened.

8 MS. ALIZADEH: And you indicated also that
9 if that hand wound, which you said was bleeding
10 excessively, I'm sorry?

11 A Bleeding, bleeding.

12 MS. ALIZADEH: Bleeding a lot you said?

13 A Bleeding a lot.

14 MS. ALIZADEH: Bleeding a lot. But at any
15 rate, the injury to his forearm, okay, the right
16 forearm?

17 A Yes.

18 MS. ALIZADEH: We don't know when that
19 occurred, if that occurred up at the car, if that
20 occurred sometime later in the incident, correct?

21 A Correct.

22 MS. ALIZADEH: If that occurred up at the
23 car, that injury could have been the source of the
24 blood spatter on his clothing, correct?

25 A If his blood is in the car, comes from the

1 car and his blood is on both on his pants and is
2 like, yeah, it could have covered, following the
3 injury to the hand in the car, yes.

4 MS. ALIZADEH: So, I mean, you really
5 can't conclude anything from the fact that other
6 than the blood that was on his shorts and socks came
7 from the body of Michael Brown and that they came
8 after he had been injured by a gunshot wound.
9 Injured with a gun, is that fair to say?

10 A I think I agree with everything you say.
11 I think also that the only way I could correlate it
12 if it came from the hand, but that would be my
13 opinion. It could come from any part of his body
14 that was bleeding long enough for that blood to come
15 out, yes, I agree with you.

16 MS. ALIZADEH: And if there are witnesses
17 that say when I saw him get shot they saw blood
18 spray come off his head?

19 A Yeah.

20 MS. ALIZADEH: That could have caused the
21 spatter that was on his socks and his pants?

22 A Yeah, I think the witnesses saw blood
23 spatter when the head was struck would be consistent
24 with what happens when somebody's shot in the head
25 with a bullet, but very little spatter occurs there

1 because blood could have come out, but it wouldn't
2 cause all of the blood, it could cause some of the
3 blood.

4 MS. ALIZADEH: Okay. Go ahead.

5 : You did say that the hand
6 wound, I guess because of the way it is superficial
7 or the way the bullet would have hit it, it would
8 have bled more?

9 **A** Yes.

10 Compared to the --

11 **A** To the bullet hole, yes. I think the
12 issue that somebody brought up was even bullet holes
13 quickly, the elasticity quickly closes up for a
14 little bit, so you get some blood. You see it in a
15 rapid camera that some blood comes out, not as much
16 that comes out of the cut surface of the hand.
17 Bullet wounds in the hand is, this one is like a cut
18 wound, it didn't go in and seal up, it is a long
19 graze so that a lot of blood vessels were exposed in
20 the hand and caused bleeding.

21 : I have a question, I'm kind
22 of curious about the original autopsy, so you did
23 get a chance to see it?

24 **A** I saw the photographs from the original
25 autopsy. Most of these are the ones you looked at,

1 the police took.

2 : Did you ever see the report?

3 **A** Then I saw recently the report, the
4 autopsy report, yes.

5 So how did the one that you
6 said that was leaked, how did it compare to the
7 original one that you saw.

8 **A** It was the same, it was the same. The
9 leaked autopsy report was the same as the final one,
10 but as was brought up, it is not as reliable.
11 Sometimes things get leaked and changes are made,
12 but in this instance the leaked autopsy was the same
13 as the official autopsy.

14 I have two questions. We
15 have heard testimony from two different agencies
16 that have performed autopsies. We had St. Louis
17 County and the Department of Justice or the
18 Department of Defense. They both come in and go
19 over their autopsies in great detail and their
20 findings. Is there any reason that we should
21 question the validity of those, of those findings?

22 **A** Well, I think, I'm not sure. I know what
23 I seen in the autopsy report from St. Louis County.
24 I haven't seen anything about the federal autopsy
25 report.

1 As far as I could see with the St.
2 Louis County autopsy, the findings are the same. It
3 is the interpretation we get into that can differ
4 depending on experience and other things.

5 For example, whether or not the
6 bullet wound in the clavicle or up by the shoulder
7 by the collar bone is a reentry or not. As a
8 forensic, we can disagree forensically, doesn't make
9 any difference in the scheme of things, except it
10 ads a bullet that struck the body.

11 So from my experience, I would
12 interpret it as a reentry wound rather than an entry
13 wound, but it really doesn't make any difference in
14 the overall interpretation of what happened.

15 I don't know if, I think as far as
16 the toxicology goes, I think the issue that was
17 brought up by the attorney was that there are
18 toxicologists who are very good at finding
19 toxicology, and an interpretation of how long the
20 drugs last in the body. They are very good how long
21 the drugs lasted in the body, for example. And that
22 would have, uh, what do you call it, many more
23 importance than a medical examiner's interpretation,
24 but I think that the point you are in a position to
25 do much more than we can is finding out his behavior

1 during the day.

2 If marijuana has caused his behavior
3 to be different than usual, that can best be
4 determined by other observations by people that
5 you've taken testimony from during the day and
6 marijuana if I smoke it now, if I start acting
7 bizarre it would be very quickly.

8 You know, if I'm normal behavior for
9 the next four hours, I'm not suddenly going to do
10 something to act differently when the level of
11 marijuana has gone down considerably, that's all.

12 : My second question is, we
13 can agree you're a pretty high profile person, and
14 you've been in the news and on the news and
15 interviewed a lot, do you recall a conversation that
16 you had with when you mentioned
17 to her that the presence of marijuana in Michael
18 Brown could have led him to act crazy was the actual
19 word that you used?

20 **A** I did say that, yes, it can, but it is
21 unlikely. And the sentence we are talking about it
22 would be right away and it is unusual, but it can in
23 the whole spectrum. Most people wouldn't have too
24 much affect on, some would have a very soothing
25 affect, you know. Medical marijuana and things like

1 that can make people feel better who are dying of
2 cancer and things like that, and some people can act
3 very unusual and crazy, but that's very unusual.
4 But I think you got it right.

5 : Thank you.

6 MS. WHIRLEY: Anybody else?

7 You know we have a copy of
8 the Department of Defense and we have a copy of St.
9 Louis County. I'm still baffled by what you see, I
10 don't have anything that shows me in writing so we
11 can compare what, what your findings are. So what
12 are the differences?

13 A Well, number one --

14 I mean, we are already after
15 12.

16 A That's okay. I know number one, that I'm
17 giving you an opinion in great part depends on what
18 I saw yesterday. I couldn't give an opinion, as I
19 said a long time ago, until I saw the autopsy
20 photographs, what the body looked like before the
21 autopsy was done, you know, which these photographs
22 that you see are all from that time, which are very
23 significant.

24 I couldn't see the x-rays, the
25 clothing, were all important to me in arriving at

1 particular opinions.

2 As far as the autopsy, and then I
3 will now write a report, but I couldn't write it
4 yesterday, I will write a report on the basis of my
5 finding.

6 As far as I could see from the St.
7 Louis report, I don't know the other report, we
8 agree with everything except that reentry wound.

9 : You agree with everything
10 except the reentry?

11 **A** In the autopsy report is there, I don't
12 know what the testimony has been, but is there
13 something particular that you think --

14 No, and that is my question.
15 My question is, you have made statements to the
16 press about how your findings are different than
17 ours and now --

18 **A** I have not made such statement.

19 : So the press is wrong?

20 **A** Of course. I am told one thing, I'm told
21 that the USA Today had an article about me. I have
22 no idea what it said, but I find often, especially
23 in forensic, that what they say they often
24 misconstrue things.

25 I know.

1 **A** So if you are referring to articles I
2 haven't seen, I can't answer that. I'm telling you
3 that the only thing I said to the press was
4 initially, way at the very first day, I did the
5 autopsy and the next day the family had a press
6 conference. And I said as a basis of my findings, I
7 find no evidence of powder on any of the gunshot
8 wounds and that they were all distant, beyond one or
9 two feet away at the time of discharge.

10 Now, yesterday, I looked at slides, I
11 looked at things and sure enough, I looked at
12 pictures that one photo shows it nicely to me of the
13 hand that there is powder and I indicated at the
14 time you recall very careful to say that, these are
15 preliminary, these are not my final opinions. And
16 if I get more information, and essentially I didn't
17 get that much information until yesterday, when I
18 went through the thing, but I would think that yes,
19 I was mistaken. There is powder, gunshot powder on
20 the hand.

21 But, and I think that the only thing
22 that's different was whether we both agree that
23 there was a gunshot wound in the back, one was in
24 the back, the others were in the front, there is no
25 difference.

1 : The reason I ask that is
2 because you did mention you got some of your
3 information from the New York Times. I just wanted
4 to point out for the record the information that we
5 do get from the media can be skewed. There is very
6 little that's correct about it. So I just wanted to
7 make sure that you know.

8 **A** You're absolutely right, but the
9 information I get you see is different kind of
10 information is a lot of turmoil in Ferguson, there
11 are people making all kind of charges. That there's
12 a problem with the interpretation, that's the
13 information that I get.

14 I don't get, I did say that if, in my
15 opinion, if the leaked report that there's blood
16 from Brown in the car, then that would be good
17 evidence that his hand was in the car. Then that
18 would be good evidence at the time he was bleeding,
19 that kind of thing, if. But all the ifs canceled
20 out when I see what the work was. I agree with you,
21 what's in the newspapers are not reliable.

22 : Malarkey.

23 **A** They are not reliable for forensic work
24 and the news media, if you haven't figured out, like
25 to create problems. It isn't to say A, B and C,

1 everybody says A, B and C, that's not news. But to
2 say he says A and he says Z, that sells newspapers.

3 : One other question and then
4 I promise no more. Do you do every autopsy you are
5 asked to perform for a family?

6 **A** No, no.

7 So what's the determining
8 factor.

9 **A** The most important factor is will the
10 autopsy make a difference. Is it important, is it
11 important, because often families want autopsies out
12 of curiosity and that may be okay, but I wouldn't go
13 out of the way to do such an option. I do about, I
14 do many less, I'm asked to do lots of autopsies and
15 I will do the autopsy where I think that an autopsy
16 or re-autopsy would be significant for the family or
17 for the society.

18 When we do autopsies on homicides, we
19 have two things, one is the family and two is
20 society. Society has a right to know what happened
21 to somebody who's murdered and how to prevent it or
22 catch the bad guy to do it. So that we have both of
23 those and sometimes that comes into conflict as the
24 prosecutor said that sometimes telling the family,
25 which is important, comes in contact with the

1 investigation from the public as far as giving
2 information out to the bad guy to make up stories or
3 something.

4 MS. WHIRLEY: Just for the record, and
5 this is it, it is not really a question. You had
6 mentioned that there was one shot from the back and
7 I didn't want it to be misconstrued that you were
8 saying he was shot in the back, you are talking
9 about you talk the forearm.

10 A Back of the right forearm, yes.

11 MS. WHIRLEY: Okay, all right.

12 A Can I just mention that, as I say, this
13 isn't my first rodeo in Missouri, I've been here
14 before, I've investigated, I just recently, a year
15 or two ago, talked to the St. Louis Major Crime
16 Unit, which works with Illinois, nearby Illinois. I
17 spent a lot of time in Columbia, Missouri
18 investigating unexplained deaths in the Harris S.
19 Truman Veterans Hospital, I've been involved with a
20 number of investigations in veteran hospitals where
21 medical personnel may have intentionally killed
22 patients.

23 And I've lectured to the Missouri
24 Highway Patrol and things like that. We always,
25 medical examiners are coming to some jurisdictions,

1 always work under the guise of being carpetbaggers,
2 and to a certain extent we are carpetbaggers coming
3 from away, but I've been accepted in other
4 situations as reasonable in Missouri.

5 So I hope what I may have may have
6 sounded unreasonable isn't as nutty as it might
7 sound. It is just after 50 years in this business,
8 one isn't afraid to give opinions.

9 I'd like to know if you
10 know, what is the reason that a lawyer from Michael
11 Brown's family don't give you official copy of the
12 autopsy, why what is the reason?

13 **A** This is the first I've heard. I don't
14 speak frequently to the lawyers, this is the first I
15 heard that they were given the official autopsy
16 before it came out in the St. Louis Post-Dispatch.

17 MS. ALIZADEH: I didn't say it was before
18 it was leaked, I just said it was in late October.

19 **A** I think I heard the I got the leak copy
20 somewhere around late October also. I didn't know
21 that, I'll ask them. If I've been under the
22 assumption that the family, it wasn't released.
23 Normal people can't interpret autopsy reports once
24 the autopsy is released, you need a physician to
25 interpret what it all means, all the different

1 organs and bodies and medical terms.

2 So I expect that once it was
3 released, I would be asked to explain it to the
4 family and I wasn't asked to explain it to the
5 family until later on.

6 Giving you the copy is not
7 released to the press, it is a lawyer, who has the
8 official copy. What is the reason they don't give
9 you the copy, I don't understand that?

10 **A** I don't know, I'll have to ask him.

11 : It don't seem correct to me,
12 but that is my opinion.

13 MS. ALIZADEH: Let me clarify, Doctor,
14 where did you get, I know you said you saw the copy
15 on the internet?

16 **A** No, I said probably. I got a duplicate
17 copy was sent to me.

18 MS. ALIZADEH: Do you know who sent it.

19 **A** I think it was an attorney or it was a
20 newspaper reporter wanting me to comment on it or
21 something. It was emailed, something was emailed to
22 me. I think it was from the reporter, from the
23 attorney, but that was from St. Louis Post-Dispatch
24 release, which I agree with the gentleman, it is
25 interesting, I'm not going to take it as gospel.

1 : Did Mr. Brown's parents ever
2 say in your questioning of them that he had like a
3 childhood behavior problem or anything like that?

4 **A** He did not. I spoke to the mom and dad.
5 One of the questions I wanted to know, the purpose
6 of the autopsy is any surgical or medical
7 conditions, and as far as I was told, was perfectly
8 healthy. I know sometimes families, especially when
9 they're grieving, just say that and without
10 necessarily thinking about it or anything. So as
11 far as I know, as I stand here today, sit here
12 today, as far as the autopsy and toxicology would
13 show, I see no evidence of prior medical conditions
14 or that he was under any treatment for medical
15 conditions.

16 : Thank you.

17 MS. WHIRLEY: Anything else? I think
18 that's it, Doctor. We appreciate you coming.

19 (End of the testimony of Dr.

20 .)

21 MS. ALIZADEH: Good afternoon. It is
22 November 13th, 1:05 p.m. We took actually a really
23 nice short lunch break. So we have our next witness
24 here is ready. Previously, I said we would maybe
25 play her taped statement first because she was

1 eating lunch, but she's done. We'll go ahead and
2 put her on and then play her statement, it is about
3 20 minutes.

4 I also did tell you, I can't remember if
5 it was Tuesday or Monday, but one of the grand
6 jurors, do we know if , the physician's
7 assistant, had said she had taken a sample that was
8 then going to be tested.

9 So I informed you that we had those
10 results and that they were negative for drugs and
11 alcohol. I asked if you wanted me to call somebody
12 to testify about that, you indicated you didn't need
13 a witness to say that it was negative.

14 I'm going to just pass out copies of those
15 reports so you can review that, Grand Jury Exhibit
16 Number 96.

17 (Grand Jury Exhibit Number 96
18 marked for identification.)

19 ,
20 of lawful age, having been first duly sworn to
21 testify the truth, the whole truth, and
22 nothing but the truth in the case aforesaid,
23 deposes and says in reply to oral
24 interrogatories, propounded as follows, to-wit:

25 EXAMINATION

1 BY MS. ALIZADEH:

2 Q At this time I'm going to ask the court
3 reporter to pause the recording, and then he will
4 continue to take down what's being said.

5 Could you state your name, please?

6 A

7 Q And, can I call you

8 A Yeah, sure.

9 Q The reason, one of the things that as the
10 foreperson said when he swore you in and the second
11 part of the oath you seemed a little confused about.
12 What he said was in taking that oath, you have to
13 promise not to talk about what we talk about in here
14 today.

15 A Okay. I kind of figured that's what it
16 was.

17 Q After you leave here or even the fact that
18 you were here and testified, shouldn't be mentioned
19 to anybody, okay?

20 A Not even my employer?

21 Q You can tell your employer that you were
22 subpoenaed to the grand jury, but the fact that you
23 gave testimony about what you saw and everything, it
24 is best that you just not say anything, okay?

25 A All right.

1 **Q** And because of that and the nature of your
2 eyewitness testimony, the court reporter is taking
3 down what's being said. I had you identify yourself
4 and do you spell ,

5 **A** Yes, I do.

6 **Q** common spelling?

7 **A** Yes.

8 **Q** And then what's going to happen here is in
9 a moment we're going to begin the audio recording
10 again for you to tell what happened.

11 **A** Okay.

12 **Q** But because we're going to keep your
13 identity unknown to the general public in the event
14 that this gets released at a later date.

15 **A** Okay.

16 **Q** We are going to refer to you after we
17 begin the recording, we're going to refer to you as
18 Witness Number 64, okay?

19 **A** Okay.

20 **Q** I will try to avoid using your name or
21 anything like that.

22 Also, before we start the recording,
23 we don't want you to necessarily disclose anything
24 that might be, somebody might be able to figure out
25 who you are or where you live or anything, so I'm

1 never going to ask you your address. You can just
2 say the general location of where you live, I live
3 in the City, I live in North County, I live in South
4 County, I live in Illinois or something, okay?

5 **A** All right.

6 **Q** And then also, just for the sake of them
7 understanding, before we begin the recording, on the
8 day that this happened, you were in a car with some
9 people; is that right?

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

11 **Q** And who were you with?

12 **A** My mother, my dad and my sister and my
13 .

14 **Q** Okay. And your dad is ?

15 **A** Yes.

16 **Q** And your mom is ?

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

18 **Q** And your sister is

19 **A** Yes.

20 **Q** And your , ?

21 **A** .

22 **Q** Okay. And so when we begin the audio part
23 of this again, if you could just refer to my mom, my
24 dad, my sister, rather than using their names, it
25 will help us not to have to like go back later and

1 try to take that out, okay?

2 **A** No names.

3 **Q** All right.

4 MS. ALIZADEH: So . Court Reporter, if
5 you will start that again.

6 **Q** (By Ms. Alizadeh) Okay. Ma'am, you
7 previously identified yourself, to the grand jurors,
8 and how old are you?

9 **A** I'm

10 **Q** And whereabouts do you live?

11 **A** In .

12 **Q** Did you grow up in ?

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

14 **Q** Okay. You're here, you're aware that you
15 are here because you were in the Canfield Green
16 Apartment Complex on August 9th and witnessed
17 something; is that right?

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

19 **Q** And do you live in the Canfield Green
20 Apartments?

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

22 **Q** Did you ever live in the Canfield Green
23 Apartments?

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

25 **Q** What were you doing there that day?

1 **A** I was on my way to go visit

2 .

3 **Q** So were you in a vehicle when you
4 witnessed something?

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

6 **Q** And who was driving the vehicle?

7 **A** My mother.

8 **Q** And was there anyone else in the car with
9 you?

10 **A** My dad, my sister and

11 **Q** And , we have already said,
12 , correct?

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

14 **Q** And is your sister an adult?

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

16 **Q** And so do you recall about what time you
17 drove into the Canfield Apartment Complex on that
18 day?

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

20 **Q** You said you were going there in part to
21 visit, you were going there to visit ?

22 **A** Yes.

23 **Q** Does she live in the complex?

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

25 **Q** Have you been to her apartment in the

1 past?

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

3 **Q** And, ma'am, I'm going to show you a map,
4 which is marked Grand Jury Exhibit Number 25. And
5 can you see it from where you are sitting there if I
6 put it here?

7 **A** As a matter of fact I can. It is marked
8 with a number, .

9 **Q** Okay. So you see a number of a building
10 that says

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

12 **Q** So just in general, do you recognize this
13 to be the streets and the buildings that make up the
14 Canfield Green Apartment Complex?

15 **A** Yes, I do.

16 **Q** So when you drove into the complex that
17 day, did you come in from the east side or did you
18 come in from the west side? Do you remember what
19 major street you were on?

20 **A** West Florissant.

21 **Q** So if West Florissant is over here.
22 (indicating)

23 **A** Okay.

24 **Q** You can't see it in this map?

25 **A** Uh-huh.

1 **Q** So from West Florissant you turned onto
2 Canfield Drive?

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

4 **Q** And did you begin to drive into the
5 complex?

6 **A** Yes.

7 **Q** Okay. And here is a laser pointer.

8 **A** Okay.

9 **Q** So if you press that right there you can
10 see, it will put a red dot on the map.

11 So just with that red dot, show me
12 the apartment where you were going to?

13 **A** Right there. (indicating)

14 **Q** And so when you were in the vehicle, what
15 kind of vehicle is it?

16 **A** A , .

17 **Q** You can't remember the make?

18 **A** No, I can't.

19 **Q** So your mom was driving and your dad was
20 where in the car?

21 **A** He's in the passenger seat.

22 **Q** In the front?

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

24 **Q** Where were you in the car?

25 **A** I was right behind my mom.

1 different device?

2 **A** On my phone.

3 **Q** Do you recall what everybody else in the
4 car was doing, your mom was driving, right?

5 **A** Driving, I think the rest of us might have
6 been on different devices just playing games, I
7 don't know. I was playing Candy Crush.

8 **Q** Okay. So were you playing just on your
9 phone or were you and your sister playing together?

10 **A** Just on my phone.

11 **Q** And so as you came into the complex, was
12 it, you recall this being a Saturday?

13 **A** I couldn't tell you. I don't remember
14 exactly which day it was.

15 **Q** Okay. Do you remember it being light
16 outside?

17 **A** Yes, it was daytime.

18 **Q** And sunny, not raining or anything?

19 **A** Yeah, sunny.

20 **Q** When you came into the complex, where was
21 your mom's vehicle when you first heard something?

22 **A** Right here, about right here.

23 **Q** So you have the laser pointer on Canfield
24 Drive, correct?

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

1 **Q** Which direction was your car going?

2 **A** It was pointed this way. We turn right up
3 on this lot.

4 **Q** So your vehicle was traveling, if I run my
5 finger along here?

6 **A** You know what, it might have been this
7 driveway. We went around behind some buildings.

8 **Q** Let's focus on where you were when you
9 first heard shots.

10 **A** Okay.

11 **Q** At some point did your mom then try to
12 turn around?

13 **A** Yes, she turned up onto a lot and we went
14 behind some buildings.

15 **Q** Do you know is it, did you go up around
16 here, did you go around here, do you know when your
17 mom finally turned around did she make a left or a
18 right, did she totally turn her vehicle around in
19 the roadway?

20 **A** She didn't turn around in the roadway, we
21 turned up on the lot and went behind some apartment
22 buildings and came out on the other side.

23 **Q** So just to try to figure this out when
24 you, after the incident, did you ever drive past the
25 police vehicle or the body?

1 **A** After the incident, we didn't like drive
2 directly past it, it was like down the street some.

3 **Q** Okay.

4 **A** Yes.

5 **Q** This Coppercreek Road actually goes around
6 some buildings?

7 **A** It might have been there. Yeah, there's
8 the park right there, the park, yeah. We were
9 sitting right next to the park. There was a lady
10 standing next to us. She was walking down the
11 street, I'm sorry, it was that driveway we came up.

12 **Q** Okay. This driveway?

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

14 **Q** So now that you've kind of familiarized
15 yourself a little more with the map, where do you
16 think your mom's car was when you first heard
17 something?

18 **A** I guess right here, right before we got to
19 the driveway. (indicating)

20 **Q** Okay. And so what is it that you heard?

21 **A** I heard pow, pow, we're trying to
22 determine whether it was firecrackers or gunshots.

23 **Q** Okay. Do you remember if the car windows
24 were up or down?

25 **A** Um, I'm guessing that they were down. I

1 can't really remember. There's only two windows
2 that are let down in the van and they are two front
3 windows. I don't remember if they were up or down.

4 Q Okay. So you didn't hear anything that
5 drew your attention before you heard pow, pow?

6 A No, ma'am, I didn't hear any arguing, I
7 wasn't --

8 Q Screaming?

9 A No.

10 Q Yelling?

11 A No, don't remember any of that.

12 Q Okay. So when you heard pow, pow, did you
13 look up from your game?

14 A Yes.

15 Q And what did you see?

16 A I saw a bunch of people standing around
17 everywhere. I saw Mike Brown take off running. I
18 didn't really know him.

19 Q You said you saw Mike Brown take off
20 running. Did you know Mike Brown before that day?

21 A No, ma'am.

22 Q So you just now know that that was Mike
23 Brown, correct?

24 A Yes.

25 Q Had never seen him or met him?

1 **A** Never seen him or met him. I only know
2 his name because of the news.

3 **Q** Okay. So when you look up, what's the
4 first thing you see as you look straight ahead.
5 Could you see through the car windshield?

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

7 **Q** Even though you're sitting directly behind
8 your mom, you could still see through the car
9 windshield?

10 **A** Yes, I could.

11 **Q** What did you see when you looked straight
12 ahead?

13 **A** When I looked straight ahead, I saw him
14 running and I saw the officer chasing him, that was
15 the first thing I saw.

16 **Q** Was he running toward your car or away
17 from your car?

18 **A** Away from my car.

19 **Q** When I say he, I mean Michael Brown?

20 **A** Away from my car.

21 **Q** Can you use the laser point and show us
22 where he was when you looked up and saw him running?

23 **A** I guess he took off right here. When I
24 saw him take off running, he was about right there.
25 (indicating)

1 **Q** Okay. He was running away from you, so he
2 was running east?

3 **A** Yes.

4 **Q** Did he stay in the street or did he go
5 into the grass or sidewalk?

6 **A** He was in the street.

7 **Q** So when you first saw him, was he standing
8 still or was he running?

9 **A** He was running when I first saw him.

10 **Q** So his back was to you when you first saw
11 him?

12 **A** Yes.

13 **Q** And then how about the officer, could you
14 recognize him immediately as being a police officer?

15 **A** Yes, he was in uniform.

16 **Q** Okay. And do you recall was he standing
17 still or was he running or doing something else when
18 you first saw him?

19 **A** When I first seen him, he was not, he was
20 standing still and then he took off running after
21 Mike after he starts running.

22 **Q** Did you notice a police vehicle in the
23 road?

24 **A** We were sitting not too far from one, I
25 can't tell you whether it was facing us or facing

1 away from us though.

2 Q Okay.

3 A I don't remember.

4 Q So you didn't see whether he was in the
5 vehicle or getting out?

6 A I didn't see none of that.

7 Q So when you first saw the officer, he was
8 actually outside of the vehicle?

9 A Everybody was outside the vehicle.

10 Q You already heard two shots at that point?

11 A Yes, ma'am.

12 Q And so then you saw Michael Brown, the man
13 we know now as Michael Brown?

14 A Uh-huh.

15 Q Run away from you?

16 A Uh-huh.

17 Q He was running when you first saw him?

18 A Yes, ma'am.

19 Q And then when you saw him, could you tell
20 at that point if he had any injuries on his body,
21 did you notice any blood or anything?

22 A No, ma'am. I didn't notice anything.

23 Q When you first saw the officer and you
24 said he was standing, did you notice a gun?

25 A Yes, he had drew his gun then.

1 **Q** Do you recall what hand his gun was in?

2 **A** No, I think he had both hands on it.

3 **Q** Can you show us how he had the gun?

4 **A** I remember him holding it like this right
5 before he took off running.

6 **Q** Okay. So for the record you have both
7 hand together?

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

9 **Q** And your elbows are straight and your arms
10 are extended out in front of you?

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

12 **Q** About shoulder height or chest height?

13 **A** Yes.

14 **Q** So did you, when he had his hands out in
15 front of them like this, before he started running,
16 did you see or hear him fire any shots?
17 (indicating)

18 **A** I can't recall. I think he started
19 running first.

20 **Q** Okay. So when he started running, did he
21 keep his hands in this position or did his hands
22 drop and him run, or did he run like this?
23 (indicating)

24 **A** I can't really remember all of that.

25 **Q** Okay. So did the officer run after

1 Michael Brown, so away from you?

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

3 **Q** What did you see happen then?

4 **A** Mike got about to the corner and then he
5 turned around like he was giving up and he started
6 coming back towards the officer. I really don't
7 know what was going on at that point. I seen him
8 get shot a couple of times and he hit the ground.

9 **Q** So now you said Mike ran to about the
10 corner.

11 **A** Yes.

12 **Q** Can you use the laser pointer and show us
13 where the corner is that you saw him run to?

14 **A** I'm guessing it was right here, around
15 right there. We was sitting right here, he didn't
16 get too far before he turned back around.
17 (indicating)

18 **Q** Okay.

19 **A** He might have got back to about right
20 there. (indicating)

21 **Q** So when you say he ran to the corner and
22 then he turned around, is this the first time then
23 that you can see the front of him?

24 **A** I couldn't really see him. I was a
25 distance away.

1 **Q** Okay.

2 **A** But yes.

3 **Q** So from what you could see, did you notice
4 if he had any blood on him or anything like that?

5 **A** I didn't notice any blood on him.

6 **Q** Did you see anything in his hand, either
7 when he was running away or after he turned around?

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

9 **Q** And you said that he turned around as if
10 he was, I think you said as if he was giving up?

11 **A** His hands were up at first and when he
12 turned around and then he started moving forward
13 towards the officer.

14 **Q** All right. Can you stand up so they can
15 see you clearly. Demonstrate for us, turn your back
16 so that, show us how he turned around and what his
17 hands did?

18 **A** Um, I guess it was like he stopped and he
19 turned around like this, and then he started moving
20 towards the officer and kind of looked like he
21 picked up a little bit of speed, and then he started
22 going down.

23 He was holding his chest when he went
24 down, his hands was up here on his chest.
25 (indicating)

1 **Q** Okay. So I am going to describe this, you
2 can sit down. So, for the record, when you turned
3 around, you said he put his hands up like this?
4 (indicating)

5 **A** Uh-huh.

6 **Q** I'm going to describe that you have your
7 hands about shoulder height; is that right?

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

9 **Q** Out to the sides of your body, bent at the
10 elbows?

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

12 **Q** Fingers pointing towards the ceiling?

13 **A** I guess.

14 **Q** And palms forward?

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

16 **Q** Okay. And so then you said, then he
17 started to move toward the officer.

18 **A** Yes.

19 **Q** And you said you thought he began to pick
20 up speed?

21 **A** Yes.

22 **Q** So if you can try to think or guesstimate
23 or imagine how many, are you good at judging
24 distances, like 10 feet, 20 feet, such as that?

25 **A** Kind of. Estimated that he might been

1 around 8 feet away from the officer.

2 Q When he turned around?

3 A No, when he fell.

4 Q Okay. Was he more or less than 8 feet
5 away from the officer when he turned around?

6 A He was a little bit more than 8 feet from
7 the officer when he turned around.

8 Q So when he stopped and turned around, did
9 the officer continue to run toward him or did he
10 stop or did he move in a direction?

11 A There was a point where the officer
12 stopped running after him. I think he had stopped
13 by the time he turned around and was just standing
14 in one spot.

15 Q Now, when the officer took off running
16 after Michael Brown, until Michael Brown stopped and
17 turned around, did you hear or see the officer fire
18 his gun as he was running toward Michael Brown or
19 after Michael Brown?

20 A I heard a whole lot of shots.

21 Q Okay. You heard a whole lot of shots?

22 A Yes.

23 Q And you think they were from the officer?

24 A I'm pretty sure.

25 Q Okay. Now, you know, you talked to FBI

1 agents yesterday and U.S. attorney named and a
2 woman named , right?

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

4 **Q** And you had actually made a statement to
5 the County Police back in August when they first
6 came and talked to you; is that right?

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

8 **Q** And do you recall when you first talked to
9 the police you said that Michael Brown had gotten
10 shot in the leg and in the hip as he was running
11 away?

12 **A** I thought he was.

13 **Q** And so now yesterday you learned from the
14 people that were talking to you that there's no
15 injury to Michael Brown's hip or leg, at least a
16 gunshot injury, correct?

17 **A** Yes.

18 **Q** So does that make you rethink about what
19 you saw, them telling you that?

20 **A** Yes, ma'am. It made me think I really
21 don't know what was going on. He made body
22 movements which made me believe that he was shot in
23 the leg or in the hip.

24 **Q** Okay.

25 **A** The way his body gestured, I don't know.

1 **Q** So you say back in August that you thought
2 he got shot in the hip and the leg was based upon
3 how his body moved or jerked, or something like
4 that?

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

6 **Q** You didn't see --

7 **A** I didn't actually see it.

8 **Q** You didn't see a bullet go in him?

9 **A** Didn't see it.

10 **Q** Didn't see blood in those areas?

11 **A** No.

12 **Q** Now, did you ever see Michael Brown, his
13 flip flops come off as he was running?

14 **A** He had on flip flops?

15 **Q** Pardon me?

16 **A** He had on flip flops?

17 **Q** Did you ever see him come out of his flip
18 flop as he was running?

19 **A** I didn't see what kind of shoes he had on.

20 **Q** If someone were running and their flip
21 flops come off while they're running, could you see
22 him like stumbling when you thought maybe you saw
23 him getting hit in the hip and the leg?

24 **A** It might have been.

25 **Q** Okay. But you now know he wasn't shot in

1 the hip or the leg?

2 **A** Yeah.

3 **Q** Okay. And so when he stops and you say he
4 turns around and he has his hands up like this and
5 then he starts to move toward the officer, did you
6 hear anybody say anything?

7 **A** I couldn't hear anything.

8 **Q** Okay. And how much does he move toward
9 the officer in feet?

10 **A** He was about 8 feet away from the officer.

11 **Q** Okay. But for Michael Brown to stop and
12 then move forward, how far forward did he move
13 toward the officer or in steps if it is easier, he
14 took so many steps?

15 **A** I can't really tell you exactly how many
16 steps he took.

17 **Q** Okay. But you said it looked to you like
18 he was picking up speed?

19 **A** Yes, when he turned around, he took a
20 couple steps and he might have been stumbling or I'm
21 not sure exactly what he was doing.

22 **Q** Okay.

23 **A** Not too long afterwards, he fell to the
24 ground.

25 **Q** And so did you, after he turned around,

1 did you hear or see gunshots after he turned around?

2 **A** There were a lot of gunshots.

3 **Q** Okay.

4 **A** I think so.

5 **Q** All right. And so as Michael Brown was
6 moving toward the officer, did the officer stand
7 still or did he move back and forward?

8 **A** I don't believe I seen him move.

9 **Q** Okay. And so if they were 8 feet apart,
10 which is, I don't know, can you give me an idea?

11 **A** Like maybe from this table to that table,
12 maybe a little bit further.

13 **Q** And that's how far they were apart when
14 Michael Brown turned around?

15 **A** No, he was a little bit further when he
16 turned around, he came back to about that distance.

17 **Q** Okay. So then you said as he was running,
18 you said his hands changed?

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

20 **Q** Okay. And I know you said that he grabbed
21 his chest or something?

22 **A** Yeah, he had his hand folded in like this.
23 (indicating)

24 **Q** Do you know which hand it was?

25 **A** I couldn't tell you, I'm sorry.

1 **Q** Okay. And you have your hand at about
2 your chest area?

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

4 **Q** Okay. It wasn't down here across his
5 abdomen? (indicating)

6 **A** Maybe.

7 **Q** Okay.

8 **A** It might have been.

9 **Q** Okay. I know that it's difficult to go
10 back and try to recall.

11 **A** It all happened so fast.

12 **Q** Okay. Can you give me an idea from the
13 time you first heard the two gunshots until he, you
14 saw him fall on the ground, can you give me an idea
15 how much time elapsed?

16 **A** I want to say 10 minutes, 15 minutes.

17 **Q** 15 minutes, from the time that you heard
18 the two gunshots until he fell on the ground?

19 **A** It might not have been that long.

20 **Q** Okay. 10 minutes or 15 minutes is a
21 pretty long time?

22 **A** Yeah. Maybe eight minutes, something like
23 that.

24 **Q** Okay. And so after you saw him fall on
25 the ground, did you hear or see any more gunshots

1 being fired?

2 **A** I don't recall.

3 **Q** Okay.

4 **A** I remember seeing a lot of people sitting
5 around screaming.

6 **Q** So you saw other people in the area?

7 **A** Yes.

8 **Q** Did you see other cars around?

9 **A** There was a lot of other cars, a lot of
10 other people, everybody was standing outside
11 everywhere.

12 **Q** You said there was a girl next to your
13 car?

14 **A** Yes, she was walking down the street,
15 right there by the park, right here around the park
16 area.

17 **Q** Did you see where she walked to?

18 **A** As a matter of fact, she stopped right
19 next to the van. I didn't see where she went after
20 that.

21 **Q** Was she an adult or a child?

22 **A** She might have been high school age.

23 **Q** Was she African-American or white?

24 **A** African-American.

25 **Q** Can you describe her hair?

1 **A** I can't remember.

2 **Q** But she was on foot?

3 **A** Yes, she was on foot.

4 **Q** Was she alone?

5 **A** Yes.

6 **Q** Did you ever see another young black male
7 that was around that area where the police car was
8 and where you first saw them?

9 **A** No, I don't remember. I saw a lot of
10 people around, but I don't remember seeing anybody
11 around, police car. I don't remember seeing anybody
12 there other than Michael Brown.

13 **Q** Now, with the four of you in the car and
14 you saw some or part of this?

15 **A** Uh-huh.

16 **Q** Did you all talk about it?

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

18 **Q** Is it fair to say that you all were kind
19 of like freaked out like right then when it
20 happened?

21 **A** Yeah.

22 **Q** Was it upsetting?

23 **A** A little bit.

24 **Q** Afterwards, did you all, your mom and your
25 dad and sister, kind of talk about what you saw?

1 **A** Yes, we did.

2 **Q** And in doing that, did you realize that
3 you all kind of saw different things?

4 **A** Yes, we did.

5 **Q** Okay. But your dad and your mom and your
6 sister, they were there to see it?

7 **A** Uh-huh, yes, ma'am.

8 **Q** After speaking to them, you realized that?

9 **A** We had different points of view.

10 **Q** And different recollections of what you
11 saw?

12 **A** Yes.

13 **Q** Do you know the officer that shot Michael
14 Brown?

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

16 **Q** Do you have any police officers in your
17 family?

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

19 **Q** Are you friends with any Ferguson police
20 officers?

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

22 **Q** Okay. How about Michael Brown's family
23 before that or after that, did you know Michael
24 Brown's family?

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

1 **Q** Since then have you become friends with
2 anybody in Michael Brown's family?

3 **A** No, ma'am, not that I know of.

4 **Q** Okay. And I actually subpoenaed you for
5 you to come in today; is that right?

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

7 **Q** You didn't want to come in?

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

9 **Q** And you told me you didn't want to be
10 involved in this; is that right?

11 **A** I really don't remember a lot, you know.
12 I wasn't very sure of a lot.

13 **Q** Okay. Sheila, do you have any questions?
14 MS. WHIRLEY: Yes.

15 You talked to, I guess, the police back in
16 August, August the 21st, does that sound about
17 right?

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

19 MS. WHIRLEY: And your recollection was
20 better then than it is today?

21 **A** Yeah, it was a little bit better.

22 MS. WHIRLEY: And they actually taped your
23 statement; is that correct?

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

25 MS. WHIRLEY: Recorded it. Did you record

1 this incident at all on your phone or anything?

2 **A** No, as a matter of fact I didn't. It
3 happened so fast, I didn't even think to do that.

4 MS. WHIRLEY: Do you know anybody who has
5 a recording of it?

6 **A** No.

7 MS. WHIRLEY: You said you first heard two
8 shots and then you notice Michael Brown taking off
9 running and the officer chasing after him?

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

11 MS. WHIRLEY: Was the officer shooting at
12 him while he was chasing him?

13 **A** There were a couple of shots fired.

14 MS. WHIRLEY: While Michael Brown's back
15 was to him?

16 **A** While they were running, yeah.

17 MS. WHIRLEY: And then you said when you
18 turned around he had his arms up, was it as if he
19 was surrendering?

20 **A** Yeah, like shoulder high.

21 MS. WHIRLEY: Like giving up?

22 **A** Yeah.

23 MS. WHIRLEY: That was your impression.
24 When you said he had his hand on his chest, started
25 going down, was the officer shooting at him when he

1 had his hand on his chest?

2 **A** I want to say, yes.

3 MS. WHIRLEY: Whatever you said in your
4 statement was fresher then?

5 **A** Yes.

6 MS. WHIRLEY: Um, I don't know if this was
7 asked, did you ever see Michael Brown with a weapon?

8 **A** No, ma'am, I didn't.

9 MS. WHIRLEY: Did he ever look like he was
10 trying to get a weapon when you saw him?

11 **A** I only saw him running, I didn't see
12 anything in his hands.

13 MS. WHIRLEY: That's all I have.

14 MS. ALIZADEH: Any questions?

15 : So it was just the five of
16 you?

17 **A** Yes.

18 : Were there any other people,
19 were there animals in the car, were there anybody
20 else?

21 **A** You know what, we might of had a couple of
22 dogs in the car.

23 : Where were they sitting?

24 **A** On the floor.

25 What did everybody do when

1 they started hearing the shots, did they move around
2 in their seats, did they change position?

3 **A** No, not really. We heard the shots, we
4 sat there for a second to determine whether they
5 were shots or not.

6 : Okay.

7 **A** And then we turned up onto the parking lot
8 to get away from the drama.

9 : Okay. And was your father
10 sleeping when this started?

11 **A** I don't know. I don't know. I wasn't
12 looking at his face, I was sitting behind him. He
13 might have been.

14 : Okay. Was
15 scared?

16 **A** Well, yeah.

17 : That's all I have.

18 MS. WHIRLEY: I forgot one thing. You
19 mentioned that when he turned around and was coming
20 back towards the officer, did you know whether he
21 was stumbling or running?

22 **A** That's what I couldn't determine whether
23 he was running or stumbling, I couldn't tell. I
24 don't know whether he was charging or falling
25 because he hit the ground not too long afterwards.

1 MS. WHIRLEY: Okay. That's all.

2 Did you ever see a young man
3 with Michael Brown?

4 A No, ma'am, I couldn't tell whether he was
5 with somebody or not. When I saw them, they were
6 actually in the middle of running. I didn't see him
7 talking to anybody or anything.

8 When you are sitting in the
9 seats or whatever in the seats
10 there.

11 A Yes, ma'am.

12 : In the . On that
13 particular type of vehicle, the side arm rest.

14 A Yes, ma'am.

15 : Are they moved, can you move
16 them up and down?

17 A Yes.

18 : So then you have a clear,
19 where you can swing your legs over or lean over?

20 A Yes, ma'am.

21 : Okay. Thank you.

22 MS. ALIZADEH: Anyone else?

23 (End of the testimony of .)

24 MS. ALIZADEH: We just took a break in
25 between or after that last witness. It is

1 2:01 p.m., and at this time we still have a couple
2 of witnesses to try to get through this afternoon,
3 but at this time I'm going to pass out a transcript
4 and we are going to play the tape recorded statement
5 from the last witness. It is about 20 minutes long.
6 I will tell you that in our, in my questioning of
7 her, I believe you all understood me to say she was
8 interviewed yesterday by federal agents, and I did
9 get a copy of that interview last night. It won't
10 play, I've contacted County Police, they have a copy
11 and their copy won't play.

12 I don't know if I will have a copy of that
13 interview from yesterday or not.

14 So at this time we're just going to hear
15 the interview from August 21st, 2014. And this is
16 contained on Grand Jury Exhibit Number 24. I'm
17 going to pass out a transcript, so you do not need
18 to transcribe. If you will pause the recording and
19 then we'll get started.

20 (Playing of the interview of Witness 64.)

21 MS. ALIZADEH: It is 2:23. We just
22 concluded listening to a taped statement of a
23 witness. And the next witness I'm going to call is
24 , who is an investigator at my office.
25 And he had a conversation with someone in relation

1 to this case, so he's going to testify about that.

2 So we'll pause right now, I have to tell we're

3 ready for him.

4

5

6

7

8 of lawful age, having been first duly sworn to

9 testify the truth, the whole truth, and

10 nothing but the truth in the case aforesaid,

11 deposes and says in reply to oral

12 interrogatories, propounded as follows, to-wit:

13 EXAMINATION

14 BY MS. ALIZADEH:

15 Q Would you state your name and spell it for
16 the court reporter?

17 A ,

18 Q And now, sir, the grand jurors are
19 acquainted with you because you've been assisting me
20 and them with their comings and goings on the day
21 that they are in grand jury; is that right?

22 A That's correct.

23 Q They probably know you as

24 A Some of them may now, have known my name.

25 They certainly knew who I was.

1 **Q** And so what do you do?

2 **A** I'm a criminal investigator. I'm
3 assigned, I work for the prosecutor's office. I'm
4 assigned to a team of attorneys to assist them in
5 their investigations and to fill in from time to
6 time with other attorneys as is needed.

7 **Q** Am I am one of your attorneys that you
8 assist in my cases?

9 **A** You are.

10 **Q** Okay. And you've been doing that for
11 quite a while?

12 **A** Thirteen years.

13 **Q** All right. And so ever since, well,
14 shortly after I got this investigation, I from time
15 to time have asked you to help me with things or do
16 things in regard to this grand jury investigation;
17 is that right?

18 **A** I've been given assignments, yes.

19 **Q** And one of the things that you have been
20 helping me with all this time is to arrange for
21 witnesses, their transportation, meeting them
22 downstairs, getting them upstairs, you had to run
23 out and get lunch or food for witnesses in the past,
24 so that's one of the things I've asked you to help
25 me do; is that right?

1 **Q** And I told you that she had informed me
2 , that she needed to have the
3 transported?

4 **A** That was the other issue, yes, not only
5 her, but you know, her primary mode of mobility we
6 could get that and had that brought with her as
7 well.

8 **Q** Do you recall that sometime before we
9 actually brought in to testify, do
10 you recall me coming to you and telling you that
11 had informed me that he actually didn't see
12 what he had told the police he had seen?

13 **A** You relayed that information to me, yes.

14 **Q** Okay. And you and I and Sheila Whirley
15 had discussions and have had discussions in the past
16 about whether or not if witnesses say they didn't
17 see anything when they previously had made a
18 statement that they saw something, whether or not we
19 were going to bring that witness anyway and testify?

20 **A** Correct.

21 **Q** And have them say they didn't see
22 anything?

23 **A** That is correct.

24 **Q** Okay. And we talked about doing that in
25 this case, but we talked about the fact that because

1 there were, there were unusual transportation needs
2 with s mother, that I asked you to just call
3 and try to do a telephone interview with
4 him?

5 **A** Correct.

6 **Q** And so did I give you the phone number to
7 contact

8 **A** Right, you gave me the mom's name,
9 s name and the phone number.

10 **Q** Okay.

11 **A** And when would be the best time to get
12 ahold of them, when would be home from
13 school, and in order to facilitate speaking with him
14 on the phone.

15 **Q** Okay. Did you contact by
16 telephone?

17 **A** Yes, I did.

18 **Q** And what day was that?

19 **A** It was on October the 13th.

20 **Q** Okay. And just for you grand jurors, if
21 you look back on your notes, prior to this date I
22 had already played for you a recorded statement that
23 the police had taken from

24 And so when you spoke on the phone,
25 did you identify yourself as an investigator for the

1 prosecutor's office?

2 **A** Yes, I did.

3 **Q** And did you talk to about whether
4 he actually saw what he says he saw?

5 **A** Correct, I asked him to explain to me what
6 exactly occurred that morning.

7 **Q** Okay. And then after this, did you tape
8 that telephone conversation?

9 **A** I did.

10 **Q** Okay. And after you had finished that
11 telephone conversation, did you realize that it
12 actually had not recorded?

13 **A** The first phone call with him, yes.

14 **Q** Okay. Did you call him back and ask him
15 to go over that with you again?

16 **A** Right. I explained that there was a
17 mistake on my part, that I wanted to record the call
18 and it didn't happen. If he would be patient with
19 me, I apologize for having him have to explain to me
20 once again what he had told me ten minutes earlier.
21 And he acknowledged he was okay with that, so we
22 again talked about it a second time.

23 **Q** The second phone call was actually
24 recorded by you then?

25 **A** Correct.

1 **Q** And you then burned that call onto a disc
2 for me?

3 **A** Yes, the next day.

4 (Grand Jury Exhibit Number 97
5 marked for identification.)

6 **Q** (By Ms. Alizadeh) I'm going to show you
7 Grand Jury Exhibit Number 97?

8 **A** Yes.

9 **Q** This disc, is that your handwriting on
10 there?

11 **A** Yes, it is.

12 **Q** Is that the second phone call that you
13 did?

14 **A** Yes.

15 **Q** And now you wrote on here 10/14/14, is
16 that the day that you talked to him?

17 **A** It was the day I burned the disc.

18 **Q** Okay. So you actually spoke to him on the
19 13th?

20 **A** Correct.

21 **Q** Okay. So in this second phone call with
22 him, did he reiterate what he had said in the first
23 phone call?

24 **A** Yes, he did.

25 **Q** Did anything change in his statement from

1 the first phone call to the second phone call?

2 **A** No, it was all the same.

3 **Q** Okay. So at this time I'm just going to
4 play Grand Jury Exhibit 97. It is about a 15 minute
5 long conversation. And so if you would pause the
6 recording, I do not have a transcript. So if you
7 can take it down, please.

8 (Playing of the phone interview of Mr.
9 and following is a transcription of that
10 interview.)

11 : Hi, Ms. , this is
12 from the prosecutor's office.

13 Yeah

14 I'm sorry, if I could talk to
15 again?

16 : Hold on

17 : Thank you.

18 : Hello.

19 : Hi , it is
20 again. I'm sorry to bother you, but I was asked to
21 record the conversation and I didn't do that the
22 last time.

23 Yes.

24 : I do have a recorder on now
25 and it is recording our conversation. I was

1 wondering if we could go through it again?
2 : Okay.
3 : What you had already told me?
4 : All right.
5 : I apologize for that.
6 : It's okay.
7 : This will be a little quicker
8 since we have already gone over this once again.
9 , you explained to me you are years old?
10 Yes, sir.
11 Okay. And we're talking
12 about the incident at Ferguson involving the death
13 of Mr. Brown?
14 Yes.
15 Explain to me, you were at
16 home on this particular day and you had been, you
17 were inside the apartment, you and your brother left
18 the apartment; is that correct?
19 : Yes, sir.
20 : Okay. And you live over on
21 correct?
22 : Yes, sir.
23 : So then you and your brother
24 left the apartment and what time of the day or
25 morning was this.

1 : No, no, no, not , my
2 street is .
3 I'm sorry, I got that wrong
4 then.
5 : Yeah.
6 : Spell that for me.
7 : .
8 : .
9 : Yes, sir.
10 : Okay. So you and your older
11 brother left the apartment and you went outside, and
12 where did you go when you left the apartment?
13 : Well, we went from my house,
14 went over the stone wall.
15 : There's a stone wall there at
16 the circle?
17 : Yes, sir.
18 Okay. And what were you
19 doing when you and your brother were hanging out
20 there at the stone circle?
21 : (Inaudible.)
22 : And you were using your phone
23 and Wi-Fi and going through Facebook; is that
24 correct.
25 Yes, sir.

1 Okay. And so you're outside
2 with your brother and you are doing what you're
3 doing, what happens after or while you are outside?

4 : We hear gunshots.

5 : Okay. And you recognize them
6 right away as gunshots; is that correct.

7 Yes, sir.

8 What was your thought at the
9 time when you heard that?

10 Somebody's shooting a gun in
11 the air like they always, like they do once in
12 awhile.

13 : Okay. That's something that
14 you have heard before in the past; is that correct.

15 Yes, sir.

16 Okay. And so when you heard
17 this, what do you and your brother do?

18 : We sit and think should we be
19 quiet for a second.

20 Uh-huh.

21 In case they go shooting
22 again. We sit back down and go back to Facebook.

23 : So you go back to Facebook
24 and you go ahead and you do that and then what
25 happens after you go back to Facebook?

1 A little later we hear three
2 or four more gunshots.

3 Okay.

4 Then that's when we got up,
5 start walking up the street. We join them and walk
6 up the street with them.

7 Okay. When you say you
8 walked up the street, are you talking about the
9 street that you live on ?

10 No, the street that Michael
11 got shot on.

12 Okay.

13 It is a long street. The
14 street is from West Florissant all the way down to
15

16 : Okay.

17 : The end of .

18 : Okay. So where you and your
19 brother were sitting at when you heard these
20 gunshots, you couldn't, could you see what was going
21 on?

22 : No, sir. It's a building in
23 Canfield that blocks it. You really couldn't see
24 anything until you actually got around that corner,
25 around the corner of that building.

1 : Uh-huh.

2 : You couldn't see.

3 : Okay. And after the second
4 set of gunshots, you and your brother, there were
5 other people that started walking over towards that
6 way?

7 : Yes, sir.

8 : Okay. And that's when you
9 and your brother got up and walked with them?

10 Yes, sir.

11 Okay. And I believe you
12 already told me, what's your brother's first name?

13

14 Okay. How old is ?

15

16 So he's years older
17 than you?

18 : Yes, sir.

19 : So then you and get
20 up and you are walking with these other people. And
21 then tell me what you see or what happens after you
22 get up and you start walking with these people?

23 : We see other people walking
24 and then when we get to where he got shot at, you
25 could see a body laying there, but you can't really

1 tell who it is.

2 Right.

3 We are walking up on it where
4 he got shot when I got close, I (inaudible). He
5 stays up the street, his grandmother's house is
6 across the street from my house. So he stays
7 from my little cousin's house.

8 You were familiar with
9 Mr. Brown?

10 **A** Yes, sir. I knew his cousin.

11 : Okay. What is his cousin's
12 name.

13 :

14 :

15 : Yes, sir.

16 : Okay. So you knew them from
17 the neighborhood?

18 Yes, sir.

19 And you see, at the time you
20 didn't know who it was, you see this person laying
21 down in the street. And then what else do you see
22 in the street?

23 : I see flip flops.

24 : I'm sorry, I couldn't hear
25 you?

1 : You could see his shoes.

2 : Oh, that's better, okay. You
3 said you saw a police vehicle somewhere?

4 : Yeah, it was like in the
5 grass.

6 : It was in the grass?

7 : Yeah, then they moved it and
8 put it in the street.

9 Okay. When you got up there,
10 was there something that kept you from walking
11 around or getting close?

12 Yeah. They had a traffic
13 tape going around two trees and the vehicle and the
14 car.

15 When you got there, was there
16 yellow tape already up?

17 Yes, sir.

18 It was. Okay. You are
19 getting a little hard to hear again with the phone.

20 : My fault.

21 : That's all right, you're
22 fine. So you get there and you see what you saw and
23 there's some yellow tape that keeps you kind of away
24 from things. And then what happens after you get up
25 there?

1 : It is like people are just
2 standing around looking.

3 : Uh-huh.

4 : I could see two police
5 officers in the street talking to each other.

6 : Okay.

7 : And then after that, more
8 police officers came.

9 Okay.

10 And then after more police
11 officers came. The crowd of people got bigger and
12 bigger and kept getting bigger.

13 Okay.

14 And more police cars started
15 coming, they got so far that they had run the
16 canines out too.

17 : Okay. And at some point in
18 time they did something different with the tape; is
19 that correct.

20 Yes, sir. They took the tape
21 down and they put it and they made us walk back
22 farther and put the tape back further from the body.

23 They had you all back up a
24 little further away, but you could still see what
25 was going on?

1 : Yes, sir.

2 : Okay. And you had mentioned
3 before at some point in time his mom came by?

4 : Yes, sir.

5 : And --

6 : His mom and his dad came by.

7 : What did you hear the
8 conversation to be?

9 : His dad was mad.

10 : Uh-huh.

11 : His dad was angry, screaming,
12 why y'all do this, why y'all do this, and then his
13 stepfather came.

14 Right.

15 His stepfather was mad too,
16 like you didn't have to do this to my son and all of
17 this.

18 I understand.

19 He got there, he was mad,
20 people were like, no, don't try to fight them. He
21 was like (inaudible.) They finally got him, they
22 took him in the house. They made him leave for a
23 little while. They didn't want him to get mad, walk
24 off or go back a little bit. (inaudible)

25 When mom first got there,

1 she was asking people, what was she asking people?

2 : What happened to my son?

3 : Right, okay. And then there
4 were people talking about, you heard people talking
5 about what they, what had happened?

6 Yes, sir.

7 Okay. And at some point in
8 time, you had told me earlier that there was an
9 older person that came by and can you explain to me
10 again what that older person was saying or asked you
11 or was asking?

12 : The older person, he said, do
13 you know anything? Come talk to me about it, don't
14 talk to the police or anybody.

15 Okay.

16 (Inaudible.)

17 Right. And then at some
18 point in time the police later came to you and asked
19 you about what had happened, correct?

20 Yes, sir.

21 Okay. And had you told them
22 that you were inside your apartment and saw what
23 happened from your window?

24 : No, no.

25 : You didn't tell the police

1 that?

2 No, I saw the people came to
3 the house after that happened people came, I didn't
4 know anything. The day before I really thought,
5 okay, I'm going to do it today.

6 : Okay.

7 : That's (inaudible). And tell
8 me what you know.

9 Was that the conversation
10 that you had with the people inside the car?

11 Yes, sir.

12 Okay. And I had asked you
13 this before, but I'm going to ask it again.

14 , has anyone, you know, pressured you or
15 threatened you or made you any promises of any kind
16 about talking about what happened?

17 **A** No, sir.

18 Okay. you
19 understand that if you wanted to, we could, you
20 know, you could come here and you could talk to the
21 grand jury and explain to them what you saw that
22 day, do you understand that?

23 Yes, sir.

24 If you wanted to do that, you
25 certainly, we would certainly make sure that you can

1 have that chance?

2 Yes, sir.

3 What you would tell them,
4 would that be any different than what you've told me
5 on the phone today?

6 No, sir.

7 Okay. Because, you know, we
8 would certainly afford you that opportunity just
9 like we have with other people.

10 : Yes, sir.

11 : And, again, you had talked
12 before, you know, somebody had mentioned to you
13 about a subpoena and to come and talk to these
14 people; is that correct?

15 : Yes, sir.

16 : Okay.

17 : And then she called back,
18 they said they wasn't going to do that any more.
19 She said it was a possibility that they might end up
20 doing it, but they never did.

21 That's correct. There was a
22 possibility, we weren't sure how things were going
23 to proceed and it was certainly, certainly a
24 possibility, but we didn't know for sure how things
25 were going to go.

1 : Yes, sir.

2 : Okay. All right. I think
3 that pretty much covers it. I apologize for having
4 to go over this again.

5 That's all right.

6 That was a mistake that I
7 made and so that's why I called back and once again,
8 I thanked you before, I just thank you again for
9 your time. I appreciate, you know, dealing with
10 this and explaining to me exactly what you saw or
11 what you didn't see.

12 : Yes, sir.

13 : All right. Again, thank your
14 mom and tell her I appreciate all of her help as
15 well.

16 All right.

17 All right. Listen, thank you
18 very much, , have a good evening.

19 : You too.

20 : All right. Bye-bye.

21 : Bye.

22 (End of the phone recording.)

23 MS. ALIZADEH: We just concluded the
24 playing of the conversation between and
25 . Does anybody have any questions of

1 , now is your chance.

2 All right.

3 (End of the testimony of)

4 MS. ALIZADEH: This is Kathi Alizadeh, it
5 is November 13th, 2014, it is 3:04 p.m. We just
6 took a brief break. We are resuming this afternoon
7 with a new witness, not a new witness, a returning
8 witness, but since it has been several days or weeks
9 since he testified, I'll go ahead and have you sworn
10 in.

11 ,
12 of lawful age, having been first duly sworn to
13 testify the truth, the whole truth, and
14 nothing but the truth in the case aforesaid,
15 deposes and says in reply to oral
16 interrogatories, propounded as follows, to-wit:

17 EXAMINATION

18 BY MS. ALIZADEH:

19 **Q** Could you state your name, please?

20 **A** .

21 **Q** And where are you employed?

22 **A** I'm a detective with St. Louis County
23 Police Department.

24 **Q** And you've previously testified before
25 this grand jury in relation to the investigation

1 into the shooting of Michael Brown, correct?

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

3 **Q** Okay. And you testified previously just
4 on the issue of having been present during the
5 interview of one of the eyewitnesses to this
6 incident, a ?

7 **A** That's correct.

8 **Q** So for this afternoon, what I'd like to do
9 is explain to the grand jurors how this
10 investigation began, the scope of the investigation,
11 and how it progressed over time. And we have some
12 demonstrative pieces of evidence that we're going to
13 show them and then, of course, Sheila will ask
14 questions, the grand jurors will ask whatever
15 questions that they need to ask you to explain how
16 the investigation proceeded, okay?

17 **A** Okay.

18 **Q** So back on August 9th of 2014, you were a
19 detective in the Crimes Against Persons Bureau?

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

21 **Q** And that was a Saturday, correct?

22 **A** It was.

23 **Q** Earlier that day, do you recall where you
24 were, were you working?

25 **A** I was.

1 **Q** Where were you earlier?

2 **A** I was directed to respond to St. Anthony's
3 Hospital for a robbery with a potential barricaded
4 individual in a hospice portion of the hospital.

5 **Q** And so about what time did you, were you
6 on call that day or were you on duty already when
7 that happened?

8 **A** I was called about the time I was
9 scheduled to come on duty, which was 8:00. It may
10 have been shortly before 8:00, sometime around 8:00.

11 **Q** Sometime around 8:00 a.m. you proceeded to
12 South County to the hospice care facility at St.
13 Anthony's Hospital?

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

15 **Q** And did you remain on that scene until
16 sometime after noon on that day?

17 **A** I did.

18 **Q** And at some point in the day, you know
19 what, let's back up, let me back up.

20 So can you explain for the grand
21 jurors how your, how the Crimes Against Persons
22 Bureau works.

23 In other words, how many supervisors,
24 how many detectives are in a squad and so forth?

25 **A** Sure. The unit consist of one lieutenant

1 who is the commander, and then there are four
2 sergeants who supervise various specialties within
3 the Crimes Against Persons Unit.

4 There is the child abuse unit,
5 there's the family crime or domestic violence unit
6 and then there is the homicide, robbery, sexual
7 assault, you know.

8 One supervisor is responsible for
9 supervising detectives in each of those units with
10 the exception of the homicide, robbery, sexual
11 assault unit.

12 There are two supervisors and two
13 squads of detectives. There are seven detectives on
14 one squad and eight detectives on the other squad.
15 One squad works during the day, one squad works
16 during the afternoon for the homicide, robbery,
17 sexual assault aspect.

18 **Q** So typically a squad would be on-call or
19 working for 12 hour shifts; is that correct?

20 **A** Eight hour shifts. One squad usually
21 works from 8:00 a.m. to 4:30 p.m. and then the
22 second squads usually works from 4:30 p.m. to
23 1:00 a.m.

24 **Q** Okay. If there is an incident that
25 occurred that is not during the hours that either

1 squad is working, are detectives always on call?

2 **A** We are always subject to callback, yes.

3 **Q** So you indicated you were, you believed
4 you were already scheduled to work that day when you
5 went in at 8:00 a.m.?

6 **A** I was, yes, ma'am.

7 **Q** And then there was a call about an
8 incident occurring up in Ferguson; is that right?

9 **A** That's correct.

10 **Q** So when you were up, when you were down in
11 South County at the St. Anthony's Hospital, was your
12 supervisor present on scene?

13 **A** He was.

14 **Q** Were all of the detectives from your squad
15 on scene at St. Anthony's Hospital?

16 **A** All of them, no. Most of them, yes.

17 **Q** All right. What about other units from
18 the St. Louis County Police Department. Were there
19 other units down in South County at St. Anthony's at
20 the time?

21 **A** There were.

22 **Q** The TAC unit was there?

23 **A** They were there.

24 **Q** Were there any other squads there from
25 Crimes Against Persons?

1 **A** Several detectives from the other squad,
2 which would have been the squad that had been
3 working on the afternoon shift the previous evening
4 had been called in early, roughly around the same
5 time, 8:00 a.m. to assist with the investigation at
6 St. Anthony's.

7 **Q** And were there a number of uniformed
8 patrolmen that were also at the scene on that
9 morning?

10 **A** I couldn't say how many, but there was
11 quite a few, yes.

12 **Q** Okay. So this was an incident or
13 something that was bigger than the ordinary that was
14 occurring down in St. Anthony's that day?

15 **A** This was a significant event, yes.

16 **Q** Significant?

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

18 **Q** Okay. And so at some point were you
19 notified that your supervisor or someone else had
20 been notified that Ferguson was calling St. Louis
21 County to assist in an investigation of an officer
22 involved shooting?

23 **A** I was.

24 **Q** Were you still down at St. Anthony's when
25 you heard about that call?

1 **A** I was.

2 **Q** And at this point, had the incident at St.
3 Anthony's resolved or was it wrapping up or was it
4 still ongoing?

5 **A** It was still ongoing.

6 **Q** And so what happened when you learned that
7 there was a call for assistance up in Ferguson?

8 **A** Essentially a skeleton crew of detectives
9 from the bureau of Crimes Against Persons remained
10 at St. Anthony's and the remainders of the
11 detectives got in their cars and drove up to
12 Ferguson.

13 **Q** So drove directly to Ferguson?

14 **A** Directly.

15 **Q** So you didn't stop and get any riot gear
16 or anything that might be necessary for, you know,
17 dealing with an unruly crowd?

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

19 **Q** Were you advised that you were needed for
20 crowd control or were you advised that you were
21 needed to assist in the investigation or to take
22 over the investigation?

23 **A** We were made aware that the Ferguson
24 Police Department was requesting St. Louis County
25 conduct an investigation into the incident. And so

1 our sole purpose for going up there was for the
2 investigation aspect of it.

3 **Q** Okay. Were you aware that Ferguson, prior
4 to them requesting the County take over the
5 investigation, were you aware that Ferguson had
6 called St. Louis County as well as some neighboring
7 municipalities for the purpose of crowd control?

8 **A** Initially, no.

9 **Q** Okay. You now know that; is that right?

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

11 **Q** Okay. About what time did you arrive up
12 in Ferguson?

13 **A** About 1:30.

14 **Q** And did your supervisor arrive up there as
15 well?

16 **A** About the same time, yes.

17 **Q** And how many detectives from your squad
18 were up there?

19 **A** About ten.

20 **Q** And now, so that's more than your squad,
21 correct?

22 **A** It is.

23 **Q** So there were about ten County detectives
24 on scene?

25 **A** Yes.

1 **Q** Did you observe a number of Ferguson
2 police officers on scene?

3 **A** I did.

4 **Q** Did observe a number of St. Louis County
5 uniformed patrolmen on the scene?

6 **A** I did.

7 **Q** So when you went up there that day, you
8 and all the other detectives, as well as your
9 supervisor, were you wearing police uniforms or were
10 you dressed in street clothes?

11 **A** Street clothes, shirt and tie.

12 **Q** And did you, were you wearing a bullet
13 proof vest?

14 **A** Initially, no.

15 **Q** So describe for the grand jurors the scene
16 when you arrived on Canfield on the 9th?

17 **A** Sure. I drove up by myself, however,
18 other detectives were arriving at the same time in
19 their vehicles. I came in off of West Florissant
20 and drove east on Canfield. I was unable to drive
21 even into the apartment complex itself. There was
22 quite a few cars, police cars and police officers
23 and then a crowd of individuals who blocked my way.
24 So I parked, I think it is 3000 block
25 of Canfield, and walked up to the scene, as did most

1 of the other detectives who were arriving at that
2 time.

3 **Q** So when you turned onto Canfield Drive off
4 of West Florissant, initially you're in a single
5 family home, residential area; is that correct?

6 **A** That's correct.

7 **Q** So the place where you said you had to get
8 out and walk, can you see it on the map, which is
9 Grand Jury Exhibit Number 25?

10 **A** It would have either been 3027 Canfield or
11 possibly even beyond 3720 Canfield to the west, so
12 further off the map.

13 **Q** So from when you got out of your car you
14 walked on foot, where did you go on to?

15 **A** I walked up and contacted the other
16 detectives from my unit who are arriving on the
17 scene and then we made brief contact with Chief
18 from Ferguson Police Department who was
19 already on the scene.

20 **Q** About what time was this when you arrived?

21 **A** About 1:30.

22 **Q** And at this time, was your supervisor on
23 the scene?

24 **A** I may have arrived a few minutes before
25 him, all within a relatively close period of time.

1 **Q** Okay. Now, at that time was the body of
2 Michael Brown still lying in the street?

3 **A** Yes.

4 **Q** Was he covered with a sheet at that time?

5 **A** Yes.

6 **Q** Did you see any emergency vehicles that
7 were nonpolice officers vehicles at that time
8 firetrucks, ambulances or anything of that nature?

9 **A** In the scene itself, no. I couldn't say
10 outside of the scene, there may have been.

11 **Q** Okay. Was the scene already taped off
12 when you got up there?

13 **A** It was.

14 **Q** And you said there were a number of people
15 on foot, or pedestrians that were in the area?

16 **A** Correct.

17 **Q** Can you describe how many and what the
18 mood or the, what was going on when you got up
19 there?

20 **A** Sure. The area was essentially taped off
21 using yellow crime scene tape.

22 **Q** You can use this laser pointer.

23 **A** For example, if you look here at Building
24 18, and you look at Building 17, the tape would have
25 been draped from 17 to 18. And then I believe from

1 17 up to the north and then again from Building 5
2 across this general direction where Canfield Drive
3 and the circle area of Canfield Drive meet, and then
4 down roughly, again, down around to Building 18.

5 Now, if a building was able to be
6 used, sometimes vehicles were used, sometimes trees
7 were used, or signs, whatever was available to
8 secure the area.

9 Q To affix the tape onto you mean?

10 A Correct.

11 Q Was Darren Wilson's vehicle still on the
12 scene?

13 A It was.

14 Q Was his vehicle in the crime scene?

15 A It was.

16 Q And to your knowledge, was his vehicle in
17 the same place where it was when he stopped the
18 vehicle and eventually got out of the car?

19 A Yes.

20 Q All right. And so was there any
21 discussion amongst your squad and your supervisor
22 about how, well, how was it decided that you would
23 be assigned to be the primary case officer on this?

24 A I volunteered. My caseload was at the
25 time what I considered lower than the other

1 detectives who were working, so I volunteered to
2 take it.

3 **Q** You said I'll handle this?

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

5 **Q** So from that point on, are you directing
6 the investigation?

7 **A** For the most part, yes.

8 **Q** And as the primary officer, do you get
9 information from other detectives about what they
10 are doing?

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

12 **Q** And do you assign other detectives or
13 other police officers tasks or responsibilities or
14 duties in the investigation?

15 **A** Yes.

16 **Q** And do you relay information that you are
17 learning to your supervisor?

18 **A** I do.

19 **Q** And so how long were you up at the scene
20 that day?

21 **A** I would say I left roughly 7:00 p.m.

22 **Q** And you're aware that the shooting
23 actually took place shortly, and I mean within
24 minutes after the noon hour that day, correct?

25 **A** Correct.

1 **Q** And so, and you're aware that the body of
2 Michael Brown actually laid on the roadway for
3 several hours, as much as four or four and a half
4 hours before it was eventually removed and
5 transported to the Medical Examiner's Office,
6 correct?

7 **A** Correct.

8 **Q** In your experience as a crime scene, well,
9 as a detective, is that longer than usual?

10 **A** No.

11 **Q** Was there anything going on at the scene
12 that inhibited or complicated the crime scene
13 investigation that was going on?

14 **A** Absolutely, yes.

15 **Q** And what was that?

16 **A** The crowd who essentially was standing
17 around the crime scene tape on all points was upset,
18 they were yelling obscenities on a regular basis at
19 police, they were threatening to kill the police.

20 At one point gunshots were fired from
21 an area relatively close to the crime scene and I
22 couldn't say exactly, but I would say it came from
23 roughly this area right in here around Building 16
24 and 17.

25 There were people who were attempting

1 to breach the crime scene, meaning go under the
2 crime scene tape for whatever reason. That happened
3 on several occasions. It was a very chaotic scene.
4 It was a scene that I had never experienced anything
5 like that.

6 **Q** Now, you mention that when you got there,
7 you didn't have a bulletproof vest on. Was there a
8 decision at sometime for you and your fellow police
9 officers to put on a bulletproof vest?

10 **A** After those gunshots were fired, we all
11 returned to our cars where we keep our vest and we
12 put our vest on.

13 **Q** Other than the vest, did you have any
14 other protective gear, like did you have those riot
15 helmets with the face shields?

16 **A** I did not.

17 **Q** Any batons that you were carrying?

18 **A** No.

19 **Q** Did you see other officers on the scene
20 that were dressed in riot gear?

21 **A** Riot gear, no.

22 **Q** Did you see, and you've heard people talk
23 about that there were dogs on the scene?

24 **A** Initially, no. As the incident
25 progressed, yes, dogs were requested.

1 **Q** And I assume these are police dogs?

2 **A** They were.

3 **Q** And so officers have canines that they
4 train with and that they partner with; is that
5 right?

6 **A** That's correct.

7 **Q** Why were dogs requested to respond to the
8 scene?

9 **A** In an attempt to secure the scene.

10 **Q** Okay. At about what time was it that the
11 decision was made to request canine units respond?

12 **A** I couldn't say exactly, but at the time
13 the gunshots went off we realized that we were
14 dealing with a very volatile situation and request
15 from several different units within the police
16 department were made for assistance in securing the
17 scene and in protecting the officers who were out
18 there.

19 **Q** Now, we've already heard testimony from
20 officers who were involved in processing the crime
21 scene and in your, how many years have you been a
22 detective?

23 **A** Roughly eight.

24 **Q** And how many homicides have you been a
25 part, not the primary, but been a part of

1 investigating?

2 **A** It would be a complete guess, 60, 70,
3 maybe.

4 **Q** So you're familiar with the job and the
5 duties that a crime scene, or we call them the ID
6 unit, you're familiar with what they do when they
7 arrive at a crime scene, correct?

8 **A** I am.

9 **Q** And would it be fair to say that they, as
10 the crime scene investigator, they consider that,
11 that that's their scene to control, correct?

12 **A** Correct.

13 **Q** Did you make the decision on who was to be
14 the crime scene detective in charge of that scene
15 that day?

16 **A** I did not.

17 **Q** So how is it that that, we know that
18 Officer was the primary crime scene
19 investigator. How was it that it was decided that
20 Detective would be the crime scene
21 investigator?

22 **A** The crime scene detectives have areas that
23 they are assigned and if an incident happens within
24 their given area, typically they are responsible for
25 that, however, the decision ultimately rests with

1 the crime scene supervisor to delegate out who is
2 responsible for, for example, the Crime Scene Unit.

3 Q Okay. So you all just called for Crime
4 Scene to respond and then they determine, the Crime
5 Scene supervisor determines who is going to respond
6 that day, correct?

7 A Yes, ma'am.

8 Q Okay. When you first arrived around
9 1:30-ish, was St. Louis County ID Unit on the scene?

10 A I believe they had just arrived.

11 Q And when you arrived initially, did you
12 notice that there were cones that had been placed at
13 various locations in the street and within the crime
14 scene itself?

15 A I did.

16 Q Okay. Did you ever, prior to the Crime
17 Scene Unit getting there and beginning their
18 investigation, did you ever walk the crime scene?

19 A Before they began their investigation?

20 Q Correct.

21 A Yes, briefly.

22 Q Okay. Did you walk in the street between
23 the vehicles, the officer's vehicle and the body?

24 A I did.

25 Q Did you see other detectives walking and

1 other police officers walking in the street and in
2 that area?

3 **A** I did.

4 **Q** Okay. Now, is that something that is,
5 well, given that the crime scene unit had not yet
6 arrived to begin processing the scene or had not
7 begun to process the scene, would that be something
8 that in hindsight or is that something that
9 shouldn't happen, people walking through the crime
10 scene before it is processed?

11 **A** Ideally, no. In this particular instance,
12 the scene was, obviously, an outdoor scene. There
13 was a need to take an overall assessment of what the
14 situation was at that point, and so without
15 disturbing any evidence or without walking near
16 evidence, yes. There was some walking that had
17 taken place just to get an overall assessment.

18 **Q** Okay. And so at this point then Detective
19 arrived and began processing the crime scene.
20 Was his job interrupted at any point?

21 **A** It was.

22 **Q** While he was on-scene?

23 **A** It was.

24 **Q** And what happened that interrupted his
25 job?

1 **A** Essentially the same instances that I had
2 previously mentioned. The threats coming from the
3 crowd, people trying to, as I said, breach the crime
4 scene, meaning come under the tape and come into the
5 crime scene and then, of course, the gunshots.

6 **Q** All right. Was this scene complicated
7 because it was outdoors, just in general, does that
8 complicate a crime scene?

9 **A** No, not necessarily.

10 **Q** Okay. So you believe that the primary
11 factors that complicated your job on-scene that day
12 was the crowd?

13 **A** Yes, I do.

14 **Q** Um, did you make any attempts, well, all
15 right, so detectives, describe for the grand jurors
16 then, once the crime scene was in the process of
17 beginning their processing of the scene, what did
18 you do to further the investigation?

19 **A** As I said, I originally spoke with Chief
20 who indicated that the best person from the
21 Ferguson Police Department to talk to would be
22 Sergeant . I then went over and spoke with
23 Sergeant , as long as with several other
24 detectives that I worked with, and we again, had a
25 brief conversation with Sergeant who indicated

1 to us, I'm sorry, who provided to us the information
2 that he knew at the time.

3 And then from there based on the
4 information that Sergeant had provided, we
5 initiated the investigation.

6 Q So did Sergeant tell you that the
7 police officer involved in the shooting was Darren
8 Wilson?

9 A He did.

10 Q And now, did you know when you volunteered
11 to take this assignment that the officer's name was
12 Darren Wilson?

13 A I did not.

14 Q Okay. Are you in to
15 Darren Wilson?

16 A Absolutely not, no.

17 Q After you learned that Darren Wilson was
18 the officer involved, did you make attempts to see
19 if there was
20 ?

21 A I'm very familiar with in the
22 St. Louis area, , no.

23 Q Okay. Have you ever met Darren Wilson?

24 A I've never met him.

25 Q Okay. And so did Sergeant tell you

1 what Darren Wilson had told him happen?

2 **A** He did.

3 **Q** Did you then assign detectives to go to a
4 different location?

5 **A** I did.

6 **Q** Where did you assign detectives to go?

7 **A** I assigned Detective , also of the
8 Bureau of Crimes Against Persons, to go to the
9 Ferguson Police Department where officer Darren
10 Wilson had driven to after the incident.

11 **Q** So you learned that Darren Wilson had gone
12 back to the Ferguson station?

13 **A** I did.

14 **Q** And so what about, was there any decision
15 to send a different crime scene investigator to go
16 and seize Darren Wilson's weapon and to collect any
17 other evidence he might need to collect at the
18 station?

19 **A** There was, yes, ma'am.

20 **Q** Who did that?

21 **A** Detective .

22 **Q** Okay. So now did you remain at the scene
23 and during this entire afternoon until you left
24 around 7:00?

25 **A** I did.

1 **Q** And so was it from the scene that you were
2 making decisions and directing various aspects of
3 the investigation?

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

5 **Q** And all along the way were other
6 detectives contacting you or giving you information
7 about what they were finding, what they were
8 learning and so forth?

9 **A** They were.

10 **Q** Okay. And so when you were on the scene,
11 Detective, did you learn that there were individuals
12 who were residents or who had been down on Canfield
13 that day who had scene some or part of the incident
14 involving, between the officer and Michael Brown?

15 **A** Yes.

16 **Q** And were there, was there a decision to
17 direct a couple of the crime scene officers to
18 actually take, I don't know, I'm calling them
19 perspective videos, do you know what I mean when I
20 say perspective videos?

21 **A** I do.

22 **Q** Describe for the grand jurors what a
23 perspective video is?

24 **A** The video simply consist of a, it is a
25 video documenting where a person would have been

1 standing when a particular incident happened.

2 So, for example, if an incident
3 happened in this room, my perspective would be from
4 this chair right here, we would simply take video
5 from the chair that I'm sitting in.

6 Q And so during your investigation and, you
7 know, we know that this is a complex with several
8 buildings, several units in each building. We know
9 that the incident occurs, there's several yards in
10 between the beginning of the incident and the
11 furthest east portion of where the incident
12 occurred.

13 And so did you learn that there were
14 people in various buildings who had claimed to have
15 scene part of this?

16 A I did.

17 Q Okay. And so during that afternoon, did
18 you learn that there was oh, gosh, a woman named
19 who claimed to have scene something
20 from, I guess, Building is that correct?

21 A That's correct.

22 Q And so did you ask, I can't remember which
23 one is which, was it or was it that took
24 the view from

25 A Detective took the view from

1 .

2 Q Okay. So Detective went to
3 's apartment and took video from the
4 apartment and looking down toward Canfield to see
5 what someone standing there might be able to see, is
6 that fair to say?

7 A Yes, ma'am.

8 Q So from her apartment Building and
9 there's video that's shot down in that direction; is
10 that right?

11 A That's correct.

12 Q And then Detective is also another
13 crime scene detective that was at the scene that
14 day, correct?

15 A Yes, ma'am.

16 Q What's his first name?

17 A .

18 Q Did he also take perspective video based
19 upon what some witnesses had told you?

20 A He did.

21 Q And how many perspective videos did he
22 take?

23 A He took two.

24 Q And from whose perspectives are these
25 videos?

Page 200

1 **A** and .

2 (Grand Jury Exhibit Number 99
3 marked for identification.)

4 Q (By Ms. Alizadeh) So I'm going to hand you
5 Grand Jury Exhibit Number 99. Is that the
6 perspective video that Detective took from
7 's apartment?

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

9 Q And you now know at the time
10 was living with , correct?

11 **A** Correct.

12 (Grand Jury Exhibit Number 100
13 marked for identification.)

14 Q (By Ms. Alizadeh) And then Grand Jury
15 Exhibit 100, is that the video that Detective
16 took from [REDACTED] and [REDACTED]'s
17 perspective?

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

19 Q These are fairly short. I'm going to play
20 these right now for you.

21 MS. ALIZADEH: I'm going to turn the
22 lights down so you can see it better.

23 This would be from 's
24 apartment?

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

1 MS. ALIZADEH: And she is in Building
2 Number on the map?

3 A Building correct.

4 (Playing of the video.)

5 Q (By Ms. Alizadeh) Okay. That just shows
6 the placard.

7 (Playing of video.)

8 Q Okay. I'm going to a certain point in
9 this. So now, Detective , we've heard some
10 testimony and I know you were not present for that,
11 in your investigation you were also aware that there
12 were some witnesses who testified that they were, I
13 mean, witnesses who stated that they were actually
14 by a dumpster. And this would be the dumpster and
15 this could be the dumpster

16 A .

17 Q stated she was next to; is
18 that right?

19 A Correct.

20 Q And there's no other dumpster along this
21 area, correct?

22 A Correct.

23 Q And now this firetruck is right here. If
24 this firetruck was not here, is there anything, I
25 mean, I would assume that anybody looking from this

1 perspective would be able to see a little bit more
2 into the roadway than what we're seeing because the
3 end of this fire truck is in the way, correct?

4 **A** Correct.

5 **Q** So there's not another dumpster back there
6 or anything like that?

7 **A** There is not.

8 **Q** Okay.

9 (Playing of the video.)

10 **Q** So now, Detective, we have heard testimony
11 from witnesses about how their front entrances to
12 the units would be right there and then there's like
13 a wooden balcony with sliding glass doors and each
14 two units share that balcony, correct?

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

16 **Q** So is this perspective that we're seeing
17 from 's apartment but on the, I guess,
18 as you're looking toward Canfield, is this
19 perspective, is this Canfield out here?

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

21 **Q** So this, from this perspective, the person
22 is on which side of the balcony?

23 **A** Would be the western, I'm sorry, eastern
24 end.

25 **Q** Okay. And so from this angle, you see

1 this, this partition here kind of blocks your view
2 looking farther down Canfield, correct?

3 **A** Correct. That partition would be the
4 front of the stairway, you could say that you would
5 see, for example.

6 **Q** Like right here? (indicating)

7 **A** Correct.

8 **Q** Okay. And we saw in the beginning of the
9 video a letter E and F, those are the unit letters,
10 correct?

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

12 **Q** And the person taking the video just from
13 there, from in front of the front door turns around
14 and films what you can see from the front door,
15 correct?

16 **A** Correct.

17 **Q** All right. I think this is just the
18 placard again, but let us see.

19 So this clip documents the building,
20 the address of s apartment?

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

22 **Q** So she lives at

23 **A** Correct.

24 MS. ALIZADEH: Anybody want to see any of
25 those clips again? They'll be available to you to

1 look at.

2 So I'm going to play some clips that are
3 Grand Jury Exhibit Number 100.

4 (Playing of the video.)

5 MS. ALIZADEH: So now whose perspective is
6 this?

7 **A** This would be .

8 MS. ALIZADEH: And the police car in the
9 background there, that's Officer Wilson's car?

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

11 MS. ALIZADEH: Is there a better way to
12 play this? Am I not --

13 **A** Maybe with a different player, that's the
14 only thing I can think of.

15 MS. ALIZADEH: So let me stop there. Can
16 you see on the left side of the screen, there is a
17 police car with flashing lights right here, is that
18 right.

19 **A** That's correct, yes.

20 **Q** (By Ms. Alizadeh) And the body of Michael
21 Brown is still on the scene at this time, correct or
22 is it?

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

24 **Q** Is where the body was to the east of that
25 vehicle?

1 **A** It is to the west where --

2 Q From this perspective detective is what
3 I'm trying to get at, if the body was there, could
4 you see it in the street from this perspective?

5 **A** Yes, you could.

6 Q So it would have been someplace down in
7 this area?

8 **A** That's correct.

9 Q And then the place where some witnesses
10 have reported seeing him run to and then turn
11 around, being at a corner near a light pole, from
12 this perspective, can you see that area?

13 **A** No, you cannot.

14 Q Okay. And again, this is where
15 would have been standing?

16 **A** Correct. I believe this is actually a
17 moving shot moving to the east.

18 Q So the officer holding the video camera is
19 walking is that right?

20 **A** Correct (playing the video.)

21 Q An this clip now is this again the officer
22 walking from the perspective or ?

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

24 Q I'm going to let it play again once it
25 goes through one time it plays smoothly after that.

1 (Playing the recording.)

2 Is he on the ground or is he
3 on her balcony?

4 **A** The individual taking the video?

5 : Yes.

6 **A** He's standing on the ground.

7 Oh, okay.

8 **Q** (By Ms. Alizadeh) So now this next clip we
9 see is a building with the number ?

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

11 **Q** Whose perspective is this going to be?

12 **A** .

13 **Q** And I took the pointer, but can you see
14 what number the building is over there?

15 **A** Building .

16 **Q** So this would be?

17 **A** Building .

18 **Q** I can't see that far away, but this
19 pointer goes all the way there.

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

21 **Q** So says he was in one of
22 the front units on Building ?

23 **A** Correct.

24 **Q** Okay. My recollection is was he inside of
25 his apartment?

1 **A** He was, yes.

2 (Playing the video.)

3 **Q** Is this clip inside 's
4 apartment?

5 **A** It is.

6 **Q** So Detective from this vantage
7 point you see the fire hydrant, which is right here
8 on the corner of this little island; is that right?

9 **A** That's correct.

10 **Q** And then there is a partition, is that
11 that wall that is in front of the staircases off of
12 all of these units?

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

14 **Q** If Michael Brown and the police officer
15 ran in this direction, there's going to be a time
16 where if you are standing here, this blocks your
17 view, correct?

18 **A** There would be.

19 **Q** And then as the camera looks toward the
20 east, well, that's looking toward the west we see
21 Officer Wilson's car there, correct?

22 **A** That's correct.

23 **Q** And as it looks toward the east, you can
24 see part of the roadway further down east on
25 Canfield, right?

1 **A** Correct.

2 **Q** Can you see from that vantage point, can
3 you see where the body came to rest?

4 **A** I don't believe so, no.

5 MS. ALIZADEH: Does anybody want to see
6 any portion of those again?

7 : I just have a question. If
8 the video of , the video from her
9 view was on the ground, I can't remember, did you
10 take any from her apartment?

11 **A** was originally in a car,
12 she had pulled up to.

13 MS. ALIZADEH: Here you go.

14 : She was never in an
15 apartment?

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

17 : You were just doing her from
18 her view. She was there to .

19 **A** Yes. She originally pulled up in the
20 parking spot and pulled right here, exit her vehicle
21 and we had one so that's why you see originally
22 stationary shot but then the detective begins to
23 move and he's moving in the general direction he was
24 moving in.

25 : Okay.

1 **Q** (By Ms. Alizadeh) Now during your
2 investigation, in the early days, now this all
3 happened on the same day of the shooting; is that
4 right?

5 **A** That's correct.

6 **Q** And at this point in your investigation,
7 the FBI, the federal authorities were not involved
8 in the investigation; is that right?

9 **A** That's correct.

10 **Q** But within a day or two you learned that
11 the FBI was going to either assist or co-investigate
12 with the County?

13 **A** Correct.

14 **Q** Was there some confusion between St. Louis
15 County and the federal authorities what role they
16 were taking or whether they were assisting you were
17 you going to share information, and so forth?

18 **A** It took a little bit to coordinate the
19 logistics of how the investigation would be run
20 parallel to one another, yes.

21 **Q** And so the Saturday after the shooting, so
22 one week from the time of the shooting there was
23 talk or decision about the detectives going to the
24 Canfield Apartment Complex and doing a canvas?

25 **A** We discussed that, yes.

1 **Q** What's a canvas?

2 **A** Essentially going to a given area and
3 knocking on doors or meeting people walking through
4 the area and asking them if they had witnessed
5 anything that had taken place at a given time.

6 So, for example, in this particular
7 investigation, it would have been for August 9th,
8 the previous Saturday.

9 **Q** Okay. Now, had the County done some
10 canvassing on the day of the shooting?

11 **A** Yes, it had, yes.

12 **Q** You had not canvassed the entire complex?

13 **A** We canvassed a majority of the buildings
14 that would of had a direct line of sight to where
15 the incident took place. Either being where the
16 police vehicle stopped, or where we could say what
17 would be the furthest point to the east right around
18 here. Any building with a direct line of sight we
19 would have made attempts to canvas.

20 **Q** Of course you're knocking on doors?

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

22 **Q** If nobody is home, you note that in your
23 report?

24 **A** Correct.

25 **Q** And if somebody is home and says I was at

1 work during the shooting, I didn't see anything, you
2 note that, correct?

3 **A** We note that as well, yes.

4 **Q** If somebody says, yeah, I heard gunshots
5 but I didn't see anything, you would note that?

6 **A** Correct.

7 **Q** And if there was somebody who says I saw
8 what happened and I saw parts of it, then you would
9 interview that person, correct?

10 **A** That's correct.

11 **Q** And when you say you, you had other
12 detectives doing that on this day; is that correct?

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

14 **Q** And in the days to follow, did you learn
15 that there were other witnesses that maybe weren't
16 home during the canvas, were you leaving cards at
17 houses where there was nobody home?

18 **A** We were not, no.

19 **Q** But as the days progressed you learned
20 that there were people that were there, claimed to
21 have been there but you didn't talk to that day for
22 one reason or another, correct?

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

24 **Q** And, in fact, did you learn early on in
25 the investigation that there was a person, a young

1 man who had been with Michael Brown walking down the
2 street with him and had been right beside the police
3 vehicle when the initial encounter took place?

4 **A** We did learn that, yes.

5 **Q** Now, did Darren Wilson know the name of
6 that person?

7 **A** He did not.

8 **Q** Had he ever seen him before?

9 **A** He had not.

10 **Q** And during your interview with Darren
11 Wilson, did you, well, strike that. Did you later
12 during the early days of your investigation, are
13 there officers that were monitoring the news, and
14 websites, Facebook pages and so forth just trying to
15 see if there were other witnesses to this?

16 **A** Yes.

17 **Q** And did you learn the identity of the
18 young man that was with Michael Brown?

19 **A** We did.

20 **Q** And when did you learn who it was?

21 **A** Late evening hours of August 9th, we saw
22 a, when I say we, a detective that I worked with,
23 saw a video of Dorian Johnson being interviewed by
24 one of the local media outlets.

25 **Q** And Dorian Johnson in the interview

1 claimed he was with Michael Brown and he had seen
2 what happened?

3 **A** Correct.

4 **Q** Did you then make attempts to try to
5 contact Dorian Johnson?

6 **A** Yes.

7 **Q** This was when the last Dorian Johnson?

8 **A** I'd have to check my notes for sure, but I
9 would say it was roughly, I don't know, I'd have to
10 check my notes.

11 **Q** Let me just, we'll check in a minute. So
12 you learned where he lived, correct?

13 **A** We did.

14 **Q** And did you go to his residence?

15 **A** We did.

16 **Q** And was he there?

17 **A** He was not.

18 **Q** Were there other people there?

19 **A** We left a card there. There was no one at
20 his particular residence, no. So we did leave a
21 card for him.

22 **Q** Did you learn he had a girlfriend?

23 **A** We did.

24 **Q** Did you contact her?

25 **A** We attempted to, yes.

1 **Q** And did she tell you, was he with her?

2 **A** We learned through someone that knew her
3 that they were together, yes.

4 **Q** Were you able to locate him through his
5 girlfriend?

6 **A** We were not.

7 **Q** Did you go to her place of employment to
8 try to talk to her?

9 **A** We did.

10 **Q** So there were various attempts over the
11 day to try to contact Dorian Johnson; is that right?

12 **A** We made multiple attempts, yes.

13 **Q** Did you talk to any family members of his?

14 **A** We attempted to.

15 **Q** Okay. You made it known out and about in
16 that community that you were looking to talk to him?

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

18 **Q** And so can you check, if I give you a
19 copy, did you interview Dorian Johnson the first
20 time you met him?

21 **A** I did.

22 **Q** And where did that interview take place?

23 **A** The interview was Wednesday, August 13th
24 and the interview took place at the law offices or
25 Bosley and Associates in St. Louis City.

1 **Q** So at some point prior to that date you
2 learned that Dorian Johnson was represented by
3 Freeman Bosley, Junior and that there were, they
4 would make him available for the police to talk to;
5 is that right?

6 **A** That's correct.

7 **Q** So on the 13th you went and interviewed
8 Dorian Johnson?

9 **A** That's correct.

10 **Q** And you recorded that interview?

11 **A** I did.

12 **Q** Now, prior to that, had you interviewed
13 Darren Wilson?

14 **A** I had.

15 **Q** When did that interview take place?

16 **A** I interviewed him Sunday, August 10th at
17 roughly 10:00 a.m. at my office at the County Police
18 headquarters.

19 **Q** You taped that interview, correct?

20 **A** I did.

21 **Q** At that time were you aware or did you
22 believe that Dorian Johnson was the man who was with
23 Michael Brown on the day of the shooting?

24 **A** I had a suspicion based on his statement
25 to the media, but I couldn't say for sure.

1 **Q** Okay. Did you obtain a photograph of
2 Dorian Johnson and put it in a photo lineup to show
3 Officer Wilson?

4 **A** I did, yes.

5 **Q** I'm going to show you Grand Jury Exhibit
6 Number 19. I know this is not the original, but is
7 this the copy of the photograph lineup that you
8 prepared?

9 **A** It is.

10 **Q** And showed to Officer Wilson?

11 **A** Yes, ma'am, it is.

12 **Q** And did you make it clear to him that you
13 were wanting to see if he could recognize someone in
14 that photo lineup as being involved somehow in this
15 investigation?

16 **A** I made that clear to Officer Darren
17 Wilson.

18 **Q** Was he able to identify somebody in this
19 photo lineup or did he identify someone?

20 **A** He identified the incorrect person.

21 **Q** Do you recall which photo he identified?

22 **A** I believe 2.

23 **Q** Okay. And number two is not the picture
24 of Dorian Johnson, correct?

25 **A** It is not.

1 **Q** What position is Dorian Johnson?

2 **A** Position four.

3 **Q** So Officer Wilson misidentified the person
4 as the person in Photograph Number 2?

5 **A** He did.

6 **Q** And so you conducted an interview with
7 Darren Wilson at TCI headquarters here in Clayton?

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

9 **Q** Did you read him his Miranda rights before
10 you interviewed him?

11 **A** I did not.

12 **Q** Was he in custody when you interviewed
13 him?

14 **A** He was not.

15 **Q** Did he have an attorney present with him?

16 **A** He did.

17 **Q** Was the attorney present during the
18 interview?

19 **A** He was.

20 **Q** Did, was there anyone else present in the
21 interview?

22 **A** Detective was also present.

23 **Q** Was this done in an interview room or in a
24 conference room?

25 **A** It was in a conference room.

1 **Q** Now, we've seen some video of interviews
2 of and ?

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

4 **Q** And those were in interview rooms?

5 **A** That's correct.

6 **Q** Now Darren Johnson (sic) was potentially a
7 suspect in a homicide investigation, correct?

8 **A** He could have been, yes.

9 **Q** He had shot and killed somebody, correct?

10 **A** Yes.

11 **Q** Wouldn't you normally interview a suspect
12 in a homicide investigation?

13 **A** Just for clarification, you say Darren
14 Wilson, I'm sorry, you said Darren Johnson, we are
15 talking about Darren Wilson; is that right?

16 **Q** How many times have I done that, I've
17 called you and I've called Darren
18 Wilson, , I'm sorry. So, yes, I'm sorry.
19 We're talking about Officer Wilson?

20 **A** Yes.

21 **Q** And he potentially was a suspect, were you
22 treating him as a suspect at this point?

23 **A** He had an attorney present. He was viewed
24 as the subject of the investigation at this point.

25 **Q** Okay. And so you hadn't arrested him at

1 this point; is that right?

2 **A** That's correct.

3 **Q** So your investigation was about what, at
4 this point you knew that Darren Wilson had shot and
5 killed Michael Brown; is that correct?

6 **A** That's correct.

7 **Q** Did you feel that you had probable cause
8 at that time to arrest Darren Wilson?

9 **A** No.

10 **Q** And so what further information did you
11 need to make that determination?

12 **A** Well, obviously, the purpose of the
13 interview would be to gather Darren Wilson's
14 statement of what took place that day.

15 **Q** Okay. But Darren Wilson had already been
16 interviewed by

17 **A** That interview is considered a,
18 essentially a public safety statement where we are
19 obtaining brief information to gather the most basic
20 facts of the incident to insure we're not looking
21 for suspects, victims, to make sure that we don't
22 have any errant rounds into any buildings, things of
23 that nature.

24 That initial interview with
25 Detectives was not a full-on recorded

1 interview, was more of a safety statement or safety
2 interview, I should say.

3 Q All right. So we heard the term cursory
4 interview used, would you consider '
5 interview on that to be more cursory interview?

6 A That's an appropriate terminology, yes.

7 Q So now what was the purpose of your
8 interview then?

9 A My interview would have been to gather a
10 detailed statement from Officer Darren Wilson and
11 then obviously to have that statement recorded.

12 Q And have you ever been involved in
13 investigations of officer involved shootings?

14 A I have, yes.

15 Q Have you ever been involved in
16 investigations of excessive force used that maybe
17 didn't involve shooting?

18 A I have.

19 Q And did you treat this investigation any
20 differently than you would have or have in the past
21 treated any other officer involved shooting
22 investigation?

23 A No.

24 Q So after you, so when you spoke with
25 Darren Wilson, he had an attorney present, is that

1 unusual when an officer is involved in a shooting?

2 **A** There are instances where officers request
3 to have an attorney and there are instances where
4 they do not request to have an attorney, and that is
5 purely up to the officer.

6 **Q** All right. So you've seen it both ways?

7 **A** I've seen it both ways, yes.

8 **Q** Of course, if Darren Wilson wanted to
9 refuse to be interviewed, he could do that, correct?

10 **A** He could.

11 **Q** And you couldn't compel him to give a
12 statement, could you?

13 **A** I cannot.

14 **Q** So after the interview with Darren Wilson,
15 did you place him under arrest?

16 **A** I did not.

17 **Q** Why not?

18 **A** I did not believe there was probable cause
19 to arrest him.

20 **Q** And this was on the midmorning of the day
21 after the shooting; is that right?

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

23 **Q** Was the investigation in its early stages?

24 **A** It was.

25 **Q** In fact, does the investigation still

1 continue as we talk?

2 **A** It does.

3 **Q** And you're aware that there are other
4 witnesses out there that we are trying to locate in
5 relation to what they may or may not have seen that
6 day, correct?

7 **A** I'm aware of that, yes.

8 **Q** You are still working on this case; is
9 that right?

10 **A** That's correct.

11 **Q** Um, and so after speaking with detective,
12 or I'm sorry, with Officer Wilson, you allowed him
13 to leave with his attorney?

14 **A** That's correct.

15 **Q** And as the days and weeks continued on
16 with this investigation, have you always been the
17 primary on this investigation?

18 **A** I have.

19 **Q** And can you give, now, let's go back. Now
20 we are talking about the FBI getting involved. Some
21 days after in the first week of the shooting?

22 **A** Okay.

23 MS. ALIZADEH: You have a question okay?

24 : If Officer Wilson wasn't an
25 officer, even though he done the shooting, would

1 that civilian had been arrested considering there
2 was a deceased on the ground?

3 **A** Well, the circumstances between a civilian
4 and a police officer are somewhat different. So I
5 don't know that without the specifics, all the
6 specific facts of an incident like that I could give
7 you a fair answer.

8 I will tell you that I have conducted
9 investigations in the past on civilian shootings,
10 other civilians and it has been deemed justified.
11 Is that what you are kind of asking?

12 : Well, yes and no, but a
13 shooting, just a shooting, you caught the person who
14 shot, so that person is arrested. The shooter
15 didn't flee and there's a deceased on the ground,
16 would that person have been arrested right then and
17 there.

18 **A** I think without being in a particular
19 situation like that, I don't think I could answer
20 that question. There is too many variables that go
21 into something like that.

22 MS. ALIZADEH: So let me see if I can
23 clarify.

24 Officer's allowed to use force and even
25 deadly force to affect an arrest in Missouri, you

1 are aware of that, correct?

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

3 **Q** (By Ms. Alizadeh) It all depends on the
4 circumstances, correct?

5 **A** That's correct.

6 **Q** And then you're also aware that
7 individuals, whether they be police officers or even
8 private citizens are allowed to use force to defend
9 themselves?

10 **A** I am aware of that.

11 **Q** Even deadly force under certain
12 circumstances?

13 **A** That's correct.

14 **Q** I'm going to give you a what if scenario.
15 If a woman is at home by herself and asleep in her
16 bed and somebody unknown to her breaks into her
17 house and attacks her and she obtains a weapon and
18 shoots him dead. She calls the police and the
19 police arrive. And if you had this basic
20 information that this person had broken into the
21 house. This woman didn't know him, she's in her
22 night clothes, it is 2:00 in the morning and he's
23 dead on the ground, would you have arrested that
24 person for a homicide at that point?

25 **A** Probably not, no.

1 **Q** And so you're determination on whether or
2 not to arrest somebody you feel that you need more
3 facts, or in this case at least as of the 10th of
4 August, did you feel you needed more facts before
5 you made a determination on whether he should be
6 arrested?

7 **A** I feel that it is critically important in
8 any case, including this case, to gather as many
9 facts as I can before any kind of determination be
10 made in terms of arrest, yes.

11 **Q** Now, and for purposes of educating the
12 grand jurors, you might know some of this from your
13 prior experiences with other cases on the grand
14 jury, when a police officer arrests a suspect and
15 places him in custody, he has the option of
16 releasing him pending a warrant application,
17 correct?

18 **A** That's correct.

19 **Q** And he also has the option of holding him
20 in custody and making a warrant application within
21 24 hours of him being placed in custody, correct?

22 **A** That's also correct, yes.

23 **Q** Okay. And so you chose not to do either
24 of those, you just let Darren Wilson walk out of the
25 police department?

1 **A** I did.

2 **Q** Did you discuss that decision with your
3 supervisor?

4 **A** I did not.

5 **Q** That was your decision to allow him to
6 leave?

7 **A** That was my decision, yes.

8 **Q** Did you feel that he was a threat to the
9 community?

10 **A** No.

11 **Q** Did you believe that he was a flight risk
12 at that time?

13 **A** No.

14 **Q** Did his attorneys give you assurances that
15 they would produce him if need be at a later date,
16 whether it be for further questioning or in the
17 event that charges were issued, he would surrender
18 him to you?

19 **A** They did, yes.

20 **Q** And so flight risk, danger to the
21 community, are those some of the considerations that
22 you have when you determine whether you should
23 arrest somebody and hold them in custody and make a
24 warrant application?

25 **A** They are.

1 **Q** So in this particular case on the 10th you
2 needed more information?

3 **A** Yes.

4 **Q** You didn't think he was a flight risk?

5 **A** Correct.

6 **Q** You didn't think he was a danger to the
7 community, correct?

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

9 **Q** Now, on that date, and certainly on the
10 days to follow, you became very aware, didn't you,
11 Detective that the public was very intent,
12 not the public, but there were people in the public
13 eye and people that were making their voices known
14 that they wanted to have Officer Wilson arrested and
15 charged with an offense; is that right?

16 **A** I was aware of that, yes.

17 **Q** So that didn't happen?

18 **A** Correct.

19 **Q** And why not. Why has Officer Wilson never
20 been arrested or charged with an offense?

21 **A** Again, I don't feel that there was
22 probable cause for an arrest.

23 **Q** At some point prior, now, the grand jury
24 first heard evidence on this matter on August 20th.
25 This happened on August 9th. So are you aware, and

1 you and I talked from like maybe day one about the
2 investigation; is that correct?

3 **A** That's correct.

4 **Q** I was the attorney on-call when this
5 happened?

6 **A** Yes.

7 **Q** And so at some point was there a decision
8 made between my office and County Police that there
9 would be a grand jury investigation into this
10 matter?

11 **A** There was.

12 **Q** Okay. And so at that point is there a
13 decision made that the evidence presented to the
14 grand jury, it will be their decision on whether or
15 not charges should be brought against Officer
16 Wilson?

17 **A** At that time, yes.

18 **Q** And if this grand jury determines that
19 Officer Wilson should be charged with an offense and
20 if they sign an indictment in this case, will you
21 arrest Darren Wilson for the offense?

22 **A** I will.

23 **Q** And would you cooperate with my office in
24 the prosecution of Darren Wilson if charges are
25 brought?

1 **A** I will.

2 **Q** Now, I didn't want to cut you off. You
3 want to ask him any more?

4 No.

5 MS. ALIZADEH: If anybody has questions
6 about procedure or that nature, you know, you want
7 to ask questions about either of Detective or
8 Sheila or I, chime in.

9 So Detective , the first week of the
10 investigation we knew that the FBI was getting
11 involved, correct?

12 **A** That's correct.

13 **Q** And initially you said that there was some
14 confusion about what role they were taking if they
15 were there to assist the county or if they were
16 going to conduct their own investigation, whether or
17 not information was going to be shared, whether or
18 not investigations were going to be coordinated.
19 And there was talk the following Saturday that there
20 was going be a canvas of the entire apartment
21 complex, correct?

22 **A** That's correct.

23 **Q** And as of Friday, the plan was that the
24 FBI and County Police together were going to canvas
25 the apartment complex?

1 **A** That's correct.

2 **Q** Okay. And at some point on Friday evening
3 was there, were you advised that there was a
4 decision made that the County would not be involved
5 in that canvas of the apartments?

6 **A** I was.

7 **Q** Okay. So St. Louis County did not play a
8 role in the canvas that took place on the 16th of
9 August involving numerous FBI agents?

10 **A** That's correct.

11 **Q** When the FBI would identify people who
12 claim to have witness some part of this, would they
13 share that information with you?

14 **A** They would.

15 **Q** And when they would interview people, now,
16 on the day of the canvas, they interviewed a lot of
17 people actually in their apartments; is that right?

18 **A** That's correct.

19 **Q** Most of these interviews were recorded?

20 **A** Yes, some of them.

21 **Q** Some of them?

22 **A** Yes.

23 **Q** People that said they didn't see anything
24 or just heard shots or I was working that day, to
25 your knowledge, did they record those type of

1 statement or do you know?

2 **A** They did not.

3 **Q** So people that said they saw something of
4 substance or pertinent to the investigation, most of
5 those interviews were recorded, but they were
6 recorded on the scene by the agents, correct?

7 **A** That's correct.

8 **Q** Okay. And, in fact, when the county was
9 investigating, a lot of their interviews were done
10 at various locations, county libraries?

11 **A** Yes.

12 **Q** The NCAA headquarters?

13 **A** NCAA?

14 **Q** Did I say that wrong? What did I say?
15 You know what I meant, I'm sorry. Attorneys, some
16 of these witnesses had attorneys and interviews were
17 done at attorney's office, correct?

18 **A** That's correct.

19 **Q** So basically you would go wherever you
20 needed to go to talk to witnesses?

21 **A** Correct.

22 **Q** And same thing with the FBI, you are aware
23 that they were interviewing witnesses during their
24 investigation?

25 **A** That's correct.

1 **Q** And when they would interview witnesses at
2 FBI headquarters, would they advise you in advance
3 that they were going to be interviewing a witness?

4 **A** They would.

5 **Q** And so would you participate in that
6 interview?

7 **A** We would.

8 **Q** And would you be asking witnesses
9 questions during that interview as well?

10 **A** Yes.

11 **Q** Were there times when they conducted
12 interviews where you did not participate in the
13 interview?

14 **A** There were.

15 **Q** And on those occasions, would they get you
16 the copies of the recordings of those interviews?

17 **A** Yes, they would.

18 **Q** Okay. And so I'm going to characterize
19 some of these witnesses as FBI witnesses. You and I
20 talk about the fact that we say, oh, so and so was
21 an FBI witness. That would be somebody that the FBI
22 had identified as a witness and that they had
23 conducted the interview, correct?

24 **A** Correct.

25 **Q** So when I talk about all witnesses that

1 were interviewed, and not just the witnesses who
2 said I wasn't home, or I was home but I didn't hear
3 or see anything. But out of all the witnesses that
4 were actually talked to that heard or saw something,
5 between County Police and the FBI, can you give me
6 an estimate how many people were interviewed?

7 **A** Roughly 80.

8 **Q** And then regarding other witnesses that
9 may have been interviewed, from paramedics --

10 **A** I'm sorry, would you repeat your last
11 question? Maybe I misunderstood here.

12 **Q** Between the FBI and the County Police, can
13 you give me an idea or an estimate about as to how
14 many witnesses were interviewed, and I'm talking
15 about eyewitness type people that said they saw or
16 heard something that day?

17 **A** I'd like to clarify that. That number is
18 closer to 50.

19 **Q** Okay. So when you say 80, were you
20 including a different type of witness or other
21 people?

22 **A** I was. The 80 number is essentially those
23 roughly 50, and then in addition to those roughly
24 50, there would have been other people who have been
25 in some form or another involved in some aspect of

1 the incident itself, or someone who we during the
2 course of the investigation felt it would have been
3 important for us to talk to.

4 **Q** So the 50 relates to civilians who maybe
5 said they were eyewitness to some part of this?

6 **A** Correct.

7 **Q** So the additional witnesses are people
8 like paramedics, the hospital personnel that treated
9 Darren Wilson, correct?

10 **A** Correct.

11 **Q** You spoke to the owners of the Ferguson
12 Market?

13 **A** Correct.

14 **Q** At some point in your investigation did
15 you learn that prior to the shooting, Michael Brown
16 was involved in an incident that occurred up at the
17 Ferguson Market?

18 **A** Yes.

19 **Q** And at some point did you obtain the video
20 of that incident?

21 **A** We did.

22 **Q** And at some point did you interview the
23 owner and other people who were present during that
24 incident,?

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

1 **Q** And during your interview of them, did
2 their statements, let me ask you this. In the video
3 we see that there's a bunch of people there?

4 **A** That's correct.

5 **Q** There's the shopkeeper who is in the video
6 and we see his interaction with Michael Brown, but
7 there's other people you can see in the video?

8 **A** That's correct.

9 **Q** Were you able to identify everybody who
10 appears in the video?

11 **A** We were not.

12 **Q** So were you able to identify some people
13 who appear in the video?

14 **A** Yes.

15 **Q** And when you spoke to, when you spoke to
16 the owner of the shop, the man who appears, the
17 shorter man in the video, he doesn't speak fluent
18 English; is that correct?

19 **A** He does not.

20 **Q** So you interviewed him with the assistance
21 of an interpreter?

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

23 **Q** And then you spoke to another witness who
24 was present in the Ferguson Market for that incident
25 is that right?

1 **A** That's correct.

2 **Q** The statements of those people do they,
3 were their statements consistent with what you see
4 in the video?

5 **A** Their statements were consistent, yes.

6 **Q** Okay. Now, during the interviews, and
7 we've seen in the video that there is no audio to
8 the video, correct?

9 **A** That's correct.

10 **Q** And during the interviews of those people,
11 and backing up a little bit, since your interview of
12 these people, has there market been looted and
13 burglarized and damaged during the riots that took
14 place afterwards?

15 **A** It has, yes.

16 **Q** And do you know, do the people who own
17 that market feel that is because the citizens in
18 that surrounding area talk, because they talk to the
19 police?

20 **A** I believe so, yes.

21 **Q** And have they expressed a reluctance, a
22 huge reluctance to actually be assisting in the
23 investigation?

24 **A** Very much so, yes, very reluctant.

25 **Q** And so when you spoke to the man in the

1 video through an interpreter, did you get any
2 additional information about what was said or what
3 was heard during that incident?

4 **A** The male clerk, again, did not speak very
5 good English and he couldn't necessarily recall what
6 was being said, but he identified that curse words
7 were being said by the individual he identified as
8 Michael Brown.

9 **Q** Okay. So he doesn't, he didn't know what
10 the curse words were?

11 **A** He did not.

12 **Q** But he was able to, but he knows that
13 there were curse words?

14 **A** He does, yes.

15 **Q** Was there another person present at the
16 Ferguson Market who also heard words being
17 exchanged?

18 **A** Yes.

19 **Q** All right. And what did that person say,
20 if anything, does that person speak fluent English?

21 **A** Yes.

22 **Q** What, if anything, do you recall that
23 person saying about what was heard between Michael
24 Brown, Dorian Johnson, you know, any conversation
25 between them or anything that was heard during the

1 incident?

2 **A** This person missed the initial portion of
3 the encounter, however, at the end of the encounter,
4 the person indicated that they observed Michael
5 Brown pushing the store clerk and begin to walk
6 away. The clerk then, I'm sorry, the clerk was
7 pushed and Michael Brown took essentially one more
8 step back towards the clerk after having been pushed
9 and the individual said that they heard Michael
10 Brown make a comment to the effect of, what the fuck
11 are you going to do about it.

12 **Q** Okay. And that person that heard that
13 speaks English fluently?

14 **A** Yes.

15 **Q** Okay. And now during the course of the
16 investigation, getting back to this, you've
17 interviewed, you said hospital personnel, ambulance
18 people, you've interviewed people up at the Ferguson
19 Market, did you check for video surveillance in the
20 apartment complex?

21 **A** We checked several different ways. And we
22 were able to determine that there was no video in
23 the complex.

24 **Q** Um, at some point during the investigation
25 did you hear a rumor or were there people that were

1 talking about the fact that there were video cameras
2 on the buildings in the Canfield Green Apartment
3 Complex and that police officers were observed to
4 have been taking those cameras down on the day of
5 the incident?

6 **A** I did hear that, yes.

7 **Q** And after having heard that, did you
8 investigate that whether or not there were cameras
9 that had been up there?

10 **A** Well, during the initial investigation at
11 the scene on the 9th, obviously, one of the things
12 we do in this, and in every investigation, is look
13 for cameras. So that was the top of our list of
14 things to do to see if there was any video cameras.

15 A lot of apartment complexes in the
16 St. Louis area do have video cameras that they
17 maintain themselves or there is other companies that
18 come in and provide video security systems for the
19 complex.

20 So we thoroughly checked ourselves to
21 see if there was any cameras on light poles or
22 buildings or stairways, or whatever. We did not
23 find anything.

24 In addition to that, we contacted the
25 on-site property manager for the Canfield Green

1 Apartment Complex and clarified with her our beliefs
2 that there were no visible cameras, she said there
3 were not. She said that they didn't have any other
4 than one particular camera and that was an interior,
5 inside the building in a basement camera that faced
6 the laundry room that watched essentially the
7 laundry area to make sure people weren't taking
8 change out of the washing machines.

9 In addition to that, we also
10 contacted the, what I would call the corporate
11 offices for the complex and we spoke with the owner
12 of the complex who also confirmed there were no
13 cameras in the complex.

14 Q All right. You've never discovered that
15 there were ever any cameras on the 9th, at least
16 that were up in the complex that might have recorded
17 any of this incident on Canfield?

18 A That's correct.

19 Q Now, you learned during your investigation
20 that there were several people that had used their
21 phones or their personal electronic devices to
22 record portions of what happened on that day,
23 correct?

24 A That's correct.

25 Q Have you ever learned that there was a

1 recording that actually captured any part of the
2 incident from the time the officer sees the two men
3 walking down the street until after the shooting is
4 over?

5 **A** No.

6 **Q** So the videos that you discovered and seen
7 all deal with the aftermath, after Michael Brown is
8 already been shot and is dead in the street?

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

10 **Q** Um, and you're aware that there are a
11 number of, still a number of witnesses or people who
12 have given statements either to law enforcement
13 officers or to other people that they have seen
14 something to do with this, and yet they have not
15 appeared before the grand jury?

16 **A** That's correct.

17 **Q** And that might be because we can't
18 identify them. For example, there was a witness
19 who said he was with somebody named
20 Were we able to identify that person?

21 **A** We were not, no.

22 **Q** And then talks about having
23 a female in his car, but he doesn't know her name.
24 Were we able to identify that opinions?

25 **A** We were not.

1 **Q** There is a person who talks about somebody
2 named who maybe saw something, did we ever
3 identify who was?

4 **A** Not positively, no.

5 **Q** Then there were a number of people who
6 called, whether they called into the tip line,
7 whether they made 911 calls, whether they made calls
8 into radio, media, like the Tommy Sotomayor show,
9 were there attempts to find out who those people
10 were?

11 **A** Multiple attempts, yes.

12 **Q** And there were times when you were
13 successful in finding out who those people were, for
14 example, who is the person that called into Tommy
15 Sotomayor?

16 **A** .

17 **Q** . But there are still
18 other people that you were never able to identify
19 who those persons were, correct?

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

21 **Q** And then are there still a few witnesses
22 who you have been able to identify who have said
23 that they saw something, who refuse to make a
24 statement to law enforcement officials?

25 **A** Yes, that's correct.

1 **Q** And are there still a number of witnesses
2 who actually have made statements to law enforcement
3 officials and who refuse to come in to testify to
4 the grand jury, either because we can't find them
5 now, they're hiding, they're out of state, or they
6 might, we just can't get them in even if we serve
7 subpoenas, they refuse to come in?

8 **A** That's true, yes.

9 **Q** And so you and I and Sheila Whirley have
10 been working very closely with the presentation of
11 evidence during the investigation that began, the
12 grand jury investigation that began on August 20th;
13 is that right?

14 **A** That's correct.

15 **Q** And at times have I asked you to do
16 various things that the grand jury has asked for?

17 **A** Yes.

18 **Q** Such as locate who Darren Wilson's field
19 training officer was in Jennings?

20 **A** Yes.

21 **Q** And during your investigation did I ask
22 you to go down to Canfield and take a number of
23 photographs that again, I'll call perspective
24 photographs that were, might show what somebody,
25 what various witnesses might have seen on the day of

1 the shooting?

2 **A** Yes.

3 **Q** I'm going to show you a series of
4 photographs that are in Grand Jury Exhibit Number
5 98.

6 And you and I have gone over these
7 photographs before and looked through them; is that
8 right?

9 **A** That's correct.

10 **Q** And were you actually one of the, were you
11 with the detective who actually took these
12 photograph?

13 **A** I was, yes.

14 **Q** So describe for the grand jurors what you
15 were doing here and what the goal was?

16 **A** So essentially we made the decision to
17 identify three particular points, specific points on
18 Canfield, and stand in one particular spot of those
19 three points. Take a series of consecutive
20 overlapping photos in a 360-degree manner.

21 So you could essentially put those
22 photos together and you would get a 360-degree view
23 of your surroundings.

24 We decided to do that with three
25 points. Those points would have been essentially at

1 the police car where the police car was originally
2 located, at essentially the intersection of
3 Coppercreek Court and Canfield Drive, this point
4 right here. And then based on measurements that we
5 took, again, this is all based on measurements,
6 where Michael Brown's foot would have been the day
7 of the incident, we used those three points of
8 reference.

9 Q Michael Brown's foot when he was laying in
10 the street?

11 A Yes.

12 Q Those were measurements that you got from
13 the crime scene diagram that was done by Detective
14 on the day of the shooting?

15 A That's correct.

16 Q So really we're going to go through some
17 of these and we'll get through as many as we can. I
18 think at this point it will probably be we will see
19 Detective back on Friday just to finish up
20 with him. I know Sheila has got some more with him,
21 you all may have some questions and, of course, we
22 have evidence for you to look at and view as well.

23 So in this first image, which on the
24 back I've marked as 1A. So all of the images that
25 have a one, these are images from what vantage

1 point?

2 **A** Uh, this would have been from Officer
3 Wilson's police vehicle.

4 **A** Okay.

5 **Q** And so the detective photographed the cone
6 in the street and this is where he was going to
7 stand on top, not physically stand on top of the
8 cone, but stand over the cone and turn while he made
9 his photographs, correct?

10 **A** That's correct.

11 **Q** And so this image 1B, is that you can see
12 the cone in this photograph and is this just to get
13 a perspective of which view this is?

14 **A** It is.

15 **Q** So this is not a perspective shot?

16 **A** That's a preparatory shot to identify
17 where we're at.

18 **Q** Okay. And so on 1C, this would be the
19 first photograph that is a perspective shot from
20 where Officer Wilson's vehicle was, correct?

21 **A** Correct.

22 **Q** And what direction is this looking?

23 **A** This is looking primarily south.

24 **Q** Okay. And so if we know that the
25 officer's vehicle was right about here and you can

1 see the front of the building says 2964, that's this
2 location right here, correct?

3 **A** That's correct.

4 **Q** All right. And did you during your
5 investigation identify if there was any witness that
6 would have been in this photograph that would have
7 said they witness something?

8 **A** No.

9 **Q** And then in photograph 1D, is this, now
10 the detective who is taking the photographs, if he
11 started out by looking south on Canfield, is he
12 turning clockwise?

13 **A** He is.

14 **Q** So now from this perspective, is he
15 looking down which direction on Canfield?

16 **A** He's looking west on Canfield.

17 **Q** Okay. And so that would be looking in
18 this direction, correct?

19 **A** Correct.

20 **Q** And from this photograph which is where
21 the police vehicle would have been, can you see a
22 location where an eyewitness said that saw
23 something?

24 **A** Yes.

25 **Q** And I want you to get up and help me with

1 this. I'm going to hand you a Sharpie. What
2 witness are you talking about?

3 **A** Would have been .

4 **Q** Okay. Now, looking west from here, the
5 police officer's vehicle, we heard a number of
6 people who said they were in vehicles that were
7 actually west of the officer's location, correct?

8 **A** That's correct.

9 **Q** So , and , and
10 , and whoever was in
11 his car, ?

12 **A** Yes.

13 **Q** So those people would be somewhere on this
14 roadway, correct?

15 **A** That's correct.

16 **Q** Can you use the Sharpie and put for
17 to show where he says he was when he
18 saw that?

19 **A** (Witness marking on the exhibit.)

20 **Q** So now you see a in
21 the distance here, is tha where
22 says he was?

23 **A** It is.

24 **Q** You actually spoke to the of that
25 is that right?

1 **A** I did, yes.

2 **Q** Did confirm that had somebody
3 working, wasn't sure what day it was, but
4 had somebody who worked that day?

5 **A** did confirm that had somebody work
6 on .

7 **Q** Okay. If you're at Officer Wilson's car
8 where this photograph is, can you see the location
9 where said he was standing?

10 **A** Yes.

11 **Q** And presumably if you had taken a
12 photograph from that location, would you be able to
13 see where the police car was?

14 **A** Yes.

15 **Q** Okay. And then Exhibit 1E, in this
16 grouping is again turning clockwise so. What
17 building are we seeing in this photograph?

18 **A** We are looking at this third photograph
19 right here. This is 2973, which is part of Building
20 2 and 2969, which is also part of Building 2. We
21 can see a little bit of Building 3 on the far
22 right-hand side.

23 **Q** Okay.

24 On that
25 photo, you're saying the car would have been about

1 right at the end of the picture?

2 **A** Right. So the detective when he was
3 taking the photograph would have been standing where
4 the car was when he took that photograph.

5 : Okay. What about where the
6 body laid at?

7 MS. ALIZADEH: That's in another group of
8 photographs. There's the car photographs, there's a
9 point where he may have turned around by that pole
10 and then there's where the body laid.

11 What's the estimated
12 distance from the car to where was?

13 **A** From the car, I'm not sure I'd have to
14 look it up.

15 A couple hundred yards,
16 100 yards, someone with good eyesight would be able
17 to see clearly in your opinion?

18 **A** Yes. I would say maybe not even
19 100 yards.

20 This is 1D, that photo is
21 1D?

22 MS. ALIZADEH: Yes, 1D.

23 : That , if you were
24 standing where the detective took the picture from
25 with the naked eye would that look closer than

1 it does through the camera? Would you be able to
2 see more of it or would it be larger?

3 **A** Um, I think that is probably pretty
4 consistent with what you would see.

5 **Q** (By Ms. Alizadeh) You were out there on
6 that day, correct?

7 **A** I was.

8 **Q** When they were taking photographs?

9 **A** I was, yes.

10 **Q** And did you discuss with, was there
11 discussion between myself, my office, and you guys
12 that we wanted to have, we didn't want zoom
13 pictures?

14 **A** That's right.

15 **Q** We wanted to have a lens that would be as
16 close to the human, what an eye would see?

17 **A** Correct.

18 **Q** So none of these pictures are zoomed in to
19 what they are focused on?

20 **A** Right, that's by design.

21 : That begs a question for me.

22 When was in here, whatever that is, the is
23 right here. He said he moved over here. So he was
24 a little bit closer than the , correct, or not
25 correct?

1 MS. ALIZADEH: Well, regarding your
2 recollection of his testimony, y'all can compare
3 notes on that or look back on the transcript. I'd
4 rather not comment on where I think was or, you
5 know, and we have a map here too that is also done
6 for your assistance that also puts points where the
7 detectives involved in the investigation believe
8 people were, but that's only to assist you. These
9 are just to assist you.

10 So if your recollection is different or if
11 you do not agree with what the pictures show or what
12 the testimony is, that's your prerogative to agree
13 or disagree or have different recollections, okay.

14 So detective looking at this photograph 1E
15 and you said now in this photograph we can see
16 Building Number 2 and part of Building Number 3, can
17 you, do you know who lived in Building Number 2 that
18 said they were witness to this, do you need to look
19 at the map?

20 A In Building Number 2 would have been
21 and and .

22 Q (By Ms. Alizadeh) They testified, I don't
23 know you guys are going to have to be looking back
24 on your notes. They testified that they lived on
25 various floors in these buildings, correct? So from

1 the police car, someone who is on the balcony here
2 very well could have seen what happened at the
3 police car, is that fair to say?

4 **A** That's fair to say.

5 Who lived here, who did you
6 say?

7 **A** , and

8 . Can I look at the map just to clarify that?

9 **Q** (By Ms. Alizadeh) Just so we can make the
10 record clear, I'm going to just, I don't have
11 another easel yet today, we're going to get one for
12 you, but this is a map that has --

13 (Grand Jury Exhibit Number 101
14 marked for identification.)

15 MS. ALIZADEH: Grand Jury Exhibit Number
16 101 is the same map that has little stickers that
17 show where various people say that they were,
18 correct?

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

20 **Q** (By Ms. Alizadeh) And you prepared that
21 for me; is that right?

22 **A** I did.

23 **Q** And I'm going to show you Grand Jury
24 Exhibit Number 102.

25 (Grand Jury Exhibit Number 102

1 marked for identification.)

2 Q (By Ms. Alizadeh) Is this a legend that
3 you prepared that corresponds with the number you
4 gave those people?

5 A It is.

6 Q Just so that you all know, you know, I've
7 been numbering witnesses as we go. The numbers that
8 he assigns here have nothing to do with the order
9 that they testified, so don't go by a witness
10 number, you know, 43 is where, okay.

11 The legend, I might as well pass it
12 all out to you, but this helps you to recall who was
13 in that Building Number 2, correct?

14 A It does.

15 Q All right. And on your little markings
16 you have Number 25, who is Number 25?

17 A It is, as I said, it is , and
18 Number 10 is and Number 9 is

19

20 Q And now looking at the corner here of
21 Coppercreek Road, there's a , who is that?

22 A .

23 Q There is also a that's over here by
24 the mailboxes?

25 A That's correct.

1 **Q** And why do you have a and .

2 **A** Individuals who we identify during the
3 course of the incident to any significance we
4 identify as best we could their starting point with
5 an A. So, for example, you are ,
6 and then to their end point as best we could again
7 who is identified by B, so , so she
8 is both and .

9 **Q** In these videos, can you see the corner
10 where would have been at

11 **A** Yes.

12 **Q** Okay. So from her location at the corner,
13 she would have been able to see the police car?

14 **A** , yes.

15 **Q** Yes, okay. And then -- all right. This
16 is F, 1F. Again, this is a perspective looking,
17 turning to the right slightly from the previous
18 photo, correct?

19 **A** That's correct.

20 **Q** And what building do you see in that
21 photo?

22 **A** There's again a segment of Building 2 and
23 it shows Building 3 and Building 4.

24 **Q** All right. And so Building 3, who was in
25 Building 3?

1 **A**

2 **Q** And so he is Number 27 on the map that
3 you've marked?

4 **A** He is.

5 **Q** Can you point with the the Sharpie, put
6 for where he was?

7 **A** Sure. (Witness marking on the exhibit.)

8 **Q** All right.

9 I've got a question. Those
10 trees we see on the left side of the road, are they
11 cut up six, seven foot off the ground if you are
12 standing under there you can see through them?

13 **A** You can walk under these trees without any
14 problem.

15 : It is hard to tell from this
16 photo.

17 **A** Yes.

18 **Q** (By Ms. Alizadeh) So Image 1G, and we are
19 going to conclude as soon as we get done with the
20 first round of photos of the police car if that's
21 okay. So, again, from the police vehicle now the
22 photographer has turned a little more clockwise,
23 what building did you see in that shot?

24 **A** Far left-hand side you can see a portion
25 of Building 4 and then it moves onto the side and

1 front portion of Building 5.

2 Q And so from these two photographs from,
3 what was this one, F and G, can you see where
4 would have been?

5 A Yes.

6 Q Okay. And so in those two photographs,
7 presumably she would be able to see the police car,
8 correct, based on what she had said where she was?

9 A Yes, ma'am, yes.

10 Q And then in 1G we see 's
11 building, correct?

12 A Correct.

13 Q And she said she was inside, but then I
14 can't remember if she says she came outside, but
15 from her building, if she were looking out a window,
16 she could see the police car, correct?

17 A Yes, ma'am.

18 Q And on 101, Grand Jury Exhibit 101, you
19 have 1A and 1B, that's because was walking
20 when this happened, correct?

21 A Yes, ma'am.

22 Q So in Grand Jury Exhibit H -- that is from
23 the police vehicle looking west or east on Canfield,
24 correct?

25 A That's correct.

1 **Q** And so from that location, what buildings
2 do we see?

3 **A** We again see Building 5 on the left-hand
4 side. And further down in the background you can
5 see a portion of Building 9. And then if we move
6 over to the right-hand side of the street, you can
7 see Building 17, a portion of Building 17 and a
8 portion of building 16 and a small portion of 15.

9 **Q** Okay. So based upon the images that we've
10 seen so far, would somebody in Building 6, for
11 example, be able to see the police car?

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

13 **Q** Building 6?

14 **A** No.

15 **Q** Okay. How about a person who was in
16 Building 4?

17 **A** Yes.

18 **Q** And that was who?

19 **A** That was?

20 **Q** Sixteen?

21 **A** .

22 **Q** And so if was looking outside
23 her window, she could have seen what happened at the
24 police car?

25 **A** You will see here we were talking about

1 Building 4. A majority of Building 4 and whatever
2 photograph this is, 1G is visible, so yes.

3 Q Okay. And Image 1I. And again, from the
4 police vehicle, what buildings and what can we see?

5 A We're again looking at starting from left
6 to right. We're looking at a portion of Building
7 15, a portion of Building 16, Building 17, and then
8 in the far right-hand side is Building 18.

9 Q So in Image 1J, again, this is turning a
10 little more clockwise. What building do we see in
11 1J?

12 A We're primarily looking at Building 18.

13 Q Okay. An in Building 18 we talk about
14 that being where was?

15 A That's correct.

16 Q And then Number 30, this would be where
17 says she was standing smoking a
18 cigarette with somebody in a green shirt or black
19 shirt?

20 A Yes.

21 Q Photograph 1K. We can see this is also a
22 portion of Building 2964, which is 18, correct?

23 A That's correct.

24 Q And we can see the mailboxes in this
25 photograph where said she was

1 crouching by?

2 **A** Yes.

3 **Q** And even more so in 1L. See the mailboxes
4 in that photograph?

5 **Q** And this is the last one and then we'll
6 break. This is 1M, which again takes you full
7 circle or almost full circle. And here you can see
8 where said he was working.

9 Is that right here?

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

11 **Q** So that's something around full circle,
12 okay.

13 MS. ALIZADEH: We'll conclude for today.
14 What I would propose doing is that before next
15 Friday, I'll mount all of these on a similar board
16 and you understand the progression of the
17 photographs. I don't know that it is necessary that
18 we say what is seen. I think combined with using
19 the board there, the legend and these photographs,
20 but I will also ask Detective to return on
21 Friday to finish. I maybe just have a wrap-up to do
22 with him. Sheila will have some questions and then
23 you --

24 MS. WHIRLEY: I just have one concluding
25 question and that's it. Because I wasn't real clear

1 on something you said, I just wanted to make sure
2 I'm clear. Would it be correct to say that you're
3 not here today making a decision about probable
4 cause or telling the grand jury there's no probable
5 cause to charge Darren Wilson?

6 **A** No, I am not, absolutely not.

7 MS. WHIRLEY: That would be a
8 misstatement?

9 **A** I am not here making that statement.

10 MS. WHIRLEY: Okay. That's all I have for
11 today.

12 (End of the Grand Jury Hearing Volume
13 XXIII.)

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2 State of Missouri

3 SS.

4 County of St. Louis

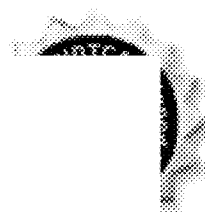
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7 of Missouri, duly commissioned, qualified and
8 authorized to administer oaths and to certify to
9 depositions, do hereby certify that pursuant to
10 Notice in the civil cause now pending and
11 undetermined in the County of St. Louis, State of
12 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
20 into typewriting, and that the foregoing page
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

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
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6 attorney for either of the parties to said suit, not
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1 COURT MEMO
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5 State of Missouri vs. Darren Wilson
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7
8 CERTIFICATE OF OFFICER AND
9 STATEMENT OF DEPOSITION CHARGES
10
11 DEPOSITION OF Grand Jury, Volume XXIII
12
13 11/13/2014
14 Name and address of person or firm having custody of
15 the original transcript:
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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.

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8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

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