Grand Jury - Ferguson Police Shooting

Testimony of

Grand Jury

11/21/2014



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     STATE OF MISSOURI
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     VS.
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     DARREN WILSON
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     GRAND JURY
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     November 21, 2014
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     VOLUME XXIV
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1	IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
2	STATE OF MISSOURI
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4	STATE OF MISSOURI
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7	vs.
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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 21st day of November, 2014,
17	before xxxxx x. xxxx, RPR, CRR, CCR MO #xxx.
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     APPEARANCES OF COUNSEL:
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GRAND JURY HEARING VOLUME XXIV

MS. ALIZADEH: Good morning. It is
Friday, November 21st, it is 9:24 a.m. This is
Kathi Alizadeh, Sheila Whirley is present, all 12
grand jurors are present, as is the court reporter.

And we've spent about an hour kind of talking about some procedural issues and matters and concerns that the grand jurors had.

We did not discuss any of the evidence or testimony so that discussion was had not on the record.

I do want to tell you that as, since you last met, which was on Thursday, last week, I've taken this week to go through every transcript that has been produced, which we are up-to-date. We have the transcript from last Thursday and what I've done is I made a chart and I made a chart that had the name of every witness who testified and whether or not that witness made statements prior to their testimony.

As you know, it was originally our plan that we would put on witness statements prior to the witness testifying. We play statements, we provide transcripts when we had them, but over the weeks because of scheduling issues and problems getting

witnesses in, we kind of got away from that. We'll put the witness on now and we'll listen to their statements later.

I wanted to make sure that I had put everything on and, of course, I discovered that I'm not perfect and we have not, so I want to make this representation to y'all.

And, again, names of witnesses will be redacted from the transcripts, so I'm just going to go ahead and say their names. But if you will recall, there was a witness testified, her name is

and she did testify and I did play a statement of hers that was taken on the date of the shooting by the St. Louis County Police Department and that statement was three minutes long.

She is the

Apparently there is another statement of hers that was given to the FBI on September 2nd and that statement is 11 minutes and 58 seconds. I did not play that, but I have it hear, all right.

So I'm going to go through each of these and then we will discuss whether or not you want us to play or give you just the transcripts of what have you.

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There was another witness or another young

	man who did not testily, but you'll recall
2	he originally made a statement
3	to St. Louis County Police on the day of the
4	shooting. It was a ten-minute recorded statement
5	that we played for you where he described having
6	witnessed the incident.
7	testified last week about a
8	phone call and we played a phone call for you from
9	that witness where he said, no, he really didn't see
10	it, he just said he saw it. So there is another
11	statement of that was given to the
12	joint investigators, so United States attorney,
13	Justice Department attorney and FBI people, that was
14	given on September 26th. It's 15 minutes and 58
15	seconds long, and I did not play that one for you.
16	I have listened to it and actually that's how I knew
17	was recanting the story. The essence
18	of that statement he says, I didn't really see it.
19	But that statement is also, I have it in
20	here. So we can play that for you if you want to
21	hear that one.
22	There was a woman testified named
23	, she's the one who, I believe, was taking
24	her trash out when she heard the shots. She made
25	two statements, one on August 9th on the date of the

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shooting and one on August 16th to the FBI. During their canvas, remember the week after they did a knock on door canvas?

I have given you those two transcripts already, and at the time you all said you didn't need to hear the statement, the statement played because you have the transcripts.

But again, I have those statements here and if you desire to hear them, we can play them.

Then there's , you will remember she's the woman from who was taking a drive into Canfield Apartment Complex and testified that she witnessed the shooting. I've already played for you a statement that she made to the joint investigators, the U.S. attorney,

Department of Justice attorney and FBI agents. That statement was on October 22nd. It was an hour and 38 minutes long and there was no transcript of the statement at that time, but the court reporter took down the statement as we played it, and so you've heard that statement.

There is another statement that was made previously by her on September 11th to the St. Louis County Police Department, that statement is 44 minutes and 52 seconds long. I don't have a

1	transcript of that statement, but I have that audio
2	if you want to hear that as well.
3	There was witness if you
4	recall, he was kind of like, he said he was kind of
5	like the godson to . He was on his
6	balcony trying to make a cell phone call because he
7	gets better reception out on his balcony.
8	He made a statement that I played for you
9	on September 30th. It was a statement made to joint
10	investigators. It was 33 minutes and 14 seconds
11	long. And you've already heard that one and have a
12	transcript of that.
13	He also made a statement on the day of the
14	FBI's canvas on August 16th and that statement is 22
15	minutes and 31 seconds. And I have that statement,
16	but I have not played it for you, nor do I have a
17	transcript.
18	I don't know if you recall
19	, she's the witness who says she likes
20	her gospel music and she was rocking to the gospel
21	music in her car when she pulled into the complex
22	that day and witnessed the shooting from behind,
23	from inside her vehicle.
24	She made a statement to joint
25	investigators that statement was made on

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1 | August 15th, 2014.

At the time I asked you if you wanted to hear y'all told me you didn't think you wanted to, but I have the transcripts already prepared at that time because I was thinking we would play it. So at this time I'll pass out the transcripts for her statement and y'all can have those and if you want to hear her statement, we can play that one as well.

Then there was , he's the gentleman who was making internet kind of video phone call to a female friend and he unwittingly recorded the sounds of gunshots, and I didn't play his statement. His statement was given to the FBI on August 18th, it is ten minutes and 41 seconds long. I don't have a transcript, but I do have that statement if you want to listen to it.

There is , he's the witness who had called into that POD cast show, that and had made statements that seem to indicate that he had seen the shooting. And he came in and testified to you about what he saw.

He made a statement to St. Louis County
Police and the FBI actually on the day that he
testified in the grand jury because he would not
make a statement to the police he actually was

1 subpoenaed to come into grand jury to testify. 2. So when he arrived at our office, FBI 3 agent and then sat down with him and 4 took his statement and that's recorded. I don't 5 have a transcript, but I do have the statement, that 6 statement is 53 minutes and three seconds, so if you 7 want to hear that one you can. 8 , she was the physician 9 assistant who treated Officer Wilson on the day of 10 the shooting. 11 She made a statement to joint 12 investigators on August 27th of 2014. Her statement 13 was recorded and is 16 minutes and 29 seconds long. 14 I don't have a transcript, but I have a statement if 15 you want to hear that. 16 made a statement to joint 17 investigators on the 9th before he testified in this 18 grand jury. So that would have been on 19 November 12th and his statement is two hours and 40 20 minutes long if you would like to hear that. 21 Actually, I do have a transcript, they delivered the 22 transcript to me as well. So I have a transcript 23 and that statement. 24 I didn't print out the transcript because 25 obviously it is quite voluminous. If you need it, I

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will certainly print out copies for everyone.

And then finally , she was the woman who was in the vehicle with her mom and dad and sister and her daughter, she made two statements. Neither of which have been played to you. One was on August 21st to the St. Louis County Police, that's 19 minutes and 15 seconds long. And the other one was to joint investigators and that was made, I think, the day before she came in and testified here, that would be November 12th. And that statement is 35 minutes and 45 seconds long.

And maybe at a morning break, I'm going to give this chart to the foreperson. I've highlighted the ones missing statements so you guys can talk amongst yourselves if there is any need to hear those statements or get transcripts for those statements, we can do that before you deliberate.

GRAND JUROR: Whatever happened to the witness somebody who didn't want to come?

MS. ALIZADEH: we never were able to get him subpoenaed. He's hung up on me

twice, he hung up on the Department of Justice attorney twice, they've not been able to get him in for an interview.

I've had an investigator to his home, to

his mother's home, and either people don't answer
the door or when they answer the door they say
isn't here.

Police are not authorized to go into a house and look for somebody unless they have a search warrant. And given that he's not, he hasn't committed a crime, we really can't get a search warrant to go into a house to find him.

So, you know, I did play his statement for you to take into consideration the fact that he is unwilling to come in and give live testimony to you.

When you consider how many witnesses have given different statements after they come in and testify, just keep that in mind, that you were able to question him and observe him and judge his credibility live, okay.

GRAND JUROR: I have one more question.

What would be the reason that a police department or the FBI or the civil rights will get a statement at the 9th hour before the witness comes in to testify?

MS. ALIZADEH: Well, that would be a question that you would have to ask them. You know, as you know, they're running their own investigation, independent investigation and as you probably, you might be able to tell even by looking,

I didn't give you the whole list. I left out a page.

A lot of these witnesses who were spoken to were spoken to by either county police officers on the day of the shooting or the day after the shooting and then sometimes on that following weekend when the FBI did their canvas they were spoken to.

Some of these interviews are as short as three minutes. As an example, I'll use

. She was interviewed by a county detective on the date of the shooting. I think her interview was something like three minutes. Not very detailed. Not very, you know, there isn't even anything in her statement at that time as to what car she was driving.

As you know, that kind of became an issue. She testified she had the and that kind of is an issue. I'm only speculating as to the reason that they were conducting their own interviews. I think that definitely witnesses needed more in depth interviews and they determined they were going to do those, but I can't really tell you, it would be speculating on my part if they had any other kind of motive or desire, but they are

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    running their own investigation. They will, they
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    are preparing a report with recommendations of their
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    own so they feel a need to actually talk to every
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    witness themselves.
5
               Okay. Also we did not have it at the
6
    time, but
                         actually emailed a copy of his
7
    CV after he testified, so I marked that as Exhibit
8
    103.
9
                         (Deposition Exhibit Number 103
10
                         marked for identification.)
11
                              And at this time we'll
               MS. ALIZADEH:
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    proceed with who I anticipate may be the last
13
    witness and that's
                                           who started
14
    last Thursday.
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               GRAND JUROR: I have one quick question.
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               referenced his report, do we not
17
    anticipate getting one from his autopsy?
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               MS. WHIRLEY: We don't have one currently.
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               MS. ALIZADEH: I don't even know if it's
20
    done.
21
               GRAND JUROR: Okay.
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               MS. ALIZADEH: You know, honestly, during
23
    the break we can try to contact him if it is done,
24
    he maybe can email it to us, and if it is not done.
25
               GRAND JUROR:
                             I asked about
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1 He mentioned finishing up his report and we 2. never saw anything. If that is of interest of 3 people to inquire into it or not? 4 GRAND JUROR: What do you mean he didn't 5 saw everything? 6 GRAND JUROR: He never submitted his 7 report from his autopsy. He referenced he looked at 8 some pictures when. GRAND JUROR: He should have written his 9 10 report by now. 11 GRAND JUROR: This is it, he didn't submit 12 his autopsy report. 13 We'll contact and see. MS. WHIRLEY: 14 It is worth us reaching out MS. ALIZADEH: 15 if he's got it and can email to us we'll get it. If 16 he doesn't, you know, the only thing would be y'all 17 would have to discuss if you want to hold up your 18 deliberations until you get it. This is, again, 19 your investigation and if there is something you 20 think you need, we're going to get it for you. 21 MS. WHIRLEY: Another question? 22 We need to decide even if we GRAND JUROR: 23 need to ask for it. 24 GRAND JUROR: I thought the only reason 25 that we would have it is because he was, he had a

1 difference of opinion as to one of the wounds as 2 opposed to the medical examiner for St. Louis 3 County, is that my understanding? Was that my 4 understanding? 5 MS. WHIRLEY: That's something you need to 6 figure out. 7 MS. ALIZADEH: We can't --8 GRAND JUROR: I'm sorry? 9 MS. ALIZADEH: We've got email. 10 MS. WHIRLEY: I can reach out to him. 11 MS. ALIZADEH: We can make quick inquiry. 12 If he's got it, we'll get. If he doesn't have it, 13 you guys are going to have to decide if you want to 14 hold up deliberations until you get it. It is easy. 15 GRAND JUROR: I'm not sure that everything 16 that we've done so far is thorough if we would make 17 a decision before we have his report that that would 18 not reflect good on us, you know what I mean? 19 MS. ALIZADEH: Let me tell you this. 20 any actual criminal trial, the report of the medical 21 examiner, the police reports, any reports that you 22 all have been given in your investigation, none of those or admissible in a trial because the report 23 itself is considered hearsay. 24 25 The testimony is the evidence in the case.

before the witness testifies and we may use that report to prepare us for their testimony, and then we may use that report if they testify differently than what the report says certainly, but in this case, we didn't have that report in advance.

If we had it and it was a trial, we

If we had it and it was a trial, we couldn't let the jury see it anyway, but that's something, again, you guys are going to have to talk about. During this break, we'll go and do, we'll contact somebody right now. If we get it great, if we don't get it, you are going to have to decide if you want to wait for the report, okay. And that will be the decision you all can make amongst yourselves during the break or lunch or what have you. Okay.

Anything else before we take a bathroom break or stretch your legs?

(Recess)

MS. WHIRLEY: This is Sheila Whirley.

There was a request regarding autopsy report. Fortunately I was able to reach him by telephone during our break. He said that he was waiting on some information and hadn't completed the report, but he could have it ready by Monday.

1	So he wanted me to get back to him and
2	he'll work on it over the weekend. He wanted me to
3	get back to him and let him know if that would be
4	okay, should he work on it or what.
5	MS. ALIZADEH: Why don't you guys talk
6	about it during your lunch break. We'll let him
7	know after lunch whether he needs to chop-chop, get
8	that done for you guys, okay.
9	So at this time, we're going to recall
10	Detective
11	DETECTIVE
12	having previously been sworn, retakes the stand for
13	further questioning.
14	EXAMINATION
15	ВУ
16	Q Good morning, Detective
17	A Good morning.
18	Q This will be your third time appearing on
19	this matter in the grand jury and I will just remind
20	you, you are still under oath to tell the truth and
21	also that you are under oath not to divulge or
22	disclose anything that happens in the grand jury or
23	to even discuss that you were appearing at the grand
24	jury or any matters or for the fact that they have
25	this matter under consideration.

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1 A Yes, ma'am.

Q So, I first want to clear something up, and this actually came about at the conclusion of your day on Thursday, and we were not done with your testimony, but there was a question asked by Sheila Whirley and I wanted to clarify something.

Last Thursday I had asked you questions about your investigation, about your questioning of Officer Wilson, your reasons for not placing him under arrest after you had interviewed him, the reason you did not place him under arrest sometime subsequent to that and I asked you if you felt that you had probable cause after you had interviewed him, if you felt that at that time that you had probable cause to arrest him, and your answer I believe was no.

At that time you did not feel that you did and I want to clarify for the grand jurors and Sheila brought up the fact, you are not saying, are you, Detective, that you do not feel that there's probable cause to indict Officer Wilson of any offense in this case?

A Correct, I'm not giving that opinion.

Q In fact, in preparation for your testimony, did we discuss whether or not any

- questions about your opinion would be answered by you?
 - A We did discuss that, yes.
 - **Q** And I told you that I would not want you to give your own opinion if you have one, nor would I want any of the grand jurors to ask you your opinion because that is actually their decision and not yours?
 - A That's correct, yes.
 - Q So just to clarify for everybody, your answer about not arresting Officer Wilson after he was interviewed, which was less than 24 hours after the actual shooting incident was not a comment on your part as to whether you feel that there's probable cause to indict, is that fair to say?
 - A That's fair to say.
 - **Q** And you all understand that at no time do I think would it be appropriate for you to ask his opinion as to whether there is probable cause to indict.
 - Also, you may recall that during testimony of certain witnesses they may have been asked questions about their opinion as to whether there was excessive force used and in those cases, those witnesses, if you recall, were all actual

this case.

- eyewitnesses to the incident. And so whether they

 have an opinion or not I think might be relevant,

 but given that Detective is not witness to

 the incident, I don't feel it is appropriate for you

 to ask him his opinion as to any of the issues in
 - He's here to testify about the investigation and the facts that he's discovered and I leave it to you to determine the issues of law in this case.
 - Also, Detective after your testimony you indicated to me that I had asked you a question about whether or not the investigation you conducted in this case was any different than any other investigation you've done regarding use of force investigations, and I believe you testified Thursday that no, you have not done anything differently or something to that effect. And you told me that you wanted to clarify that; is that fair?
 - A I did, yes.
 - **Q** Why don't you explain for the grand jurors about what, if anything, is different about your investigation in this case?
- **A** Sure. When I answered that question last

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week, I was referring to the fact that Darren Wilson was treated no differently in this investigation than other officers have been treated in any other investigation we have conducted or that I have conducted.

He received no special treatment and in terms of the investigation, the same legal and general procedural guidelines were followed in this investigation as they were in any other officer involved incident that I have conducted.

Having said that from the beginning, there were certain aspects of the investigation that were different. Typically we would do a walk-through at the scene with the individual involved in the incident, that wasn't possible in this particular instance based off of circumstances taking place at the scene. It wouldn't have been safe, I felt, for him to go back to the scene and do a walk-through at the scene. In a relatively short period of time, there was a significant amount of media attention that had been garnered regarding this incident and obviously, that can impact witnesses' statements if a witness sees media account of it, so that would have obviously impacted this investigation more so than previous

investigations. The FBI and Department of Justice, obviously, began conducting a parallel investigation within a relatively short period of time. And that obviously lent itself to a variety of coordination issues that needed to happen, a variety of other laboratory reports that we would have needed to get, other methods of doing things. In that sense, there were things that we did differently.

And also just in terms of the sheer volume of work and the amount of witnesses that we contacted that was different in this particular instance, based on the amount of people that needed to be contacted, the amount of evidence that was presented. And so in some instances, I was at the same time as much a project manager as I was an investigator.

But ultimately there were a lot of things that were, I should say, different about this investigation, but it is nothing that would have impacted the integrity of the investigation or the manner in which Darren Wilson was treated, so I just wanted to clarify that.

Q All right. And in the course of this investigation within hours of the shooting, you did have a number of people who actually came forward

- **Grand Jury Ferguson Police Shooting** Grand Jury 1 and indicated that they had witnessed the incident; 2. is that correct? 3 Α That's correct. 4 And you learned shortly after the shooting 5 that there was an individual who was with Mike Brown 6 during the shooting and did it take several days for 7 you to identify him and to contact him? 8 Α It did. 9 And then during this investigation were there also a number of witnesses that did not come 10 11 forward that you were able to later identify either 12 through canvassing or through other investigative 13 techniques such as getting phone records, Facebook 14 records, Twitter records and so forth, to try to 15 locate people who might have seen something? 16 Α Yes, that's correct.
 - 0 And so is that something that was atypical in your investigation of an officer involved shooting the vast number of witnesses that actually were not coming forward on their own?
 - Α It was, yes.

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- Q Um, all right.
- MS. ALIZADEH: I'm going to then kind of resume with talking about this perspective picture. At this time does anybody have any questions, of

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course, you can always ask later as well. Before I move on to doing these pictures again, anybody have questions about the investigation itself or things that were done or not done?

Okay, all right. So now, Detective

we had you testify Thursday about this map,

which is marked Grand Jury Exhibit Number 101. What

are these?

A Extra.

Q (By Ms. Alizadeh) Extra, okay, that's right. And you indicated that you, along with other investigators prepared this, which is your interpretation based upon the statements made of witnesses as to where various eyewitnesses were during, when I say shooting, obviously, there was a time period that goes along, the beginning of the time of the beginning of the incident until after the shooting had been done. And do you still feel that this map accurately reflects where witnesses said they were?

A I do.

Q And just for your instruction, this just, this map is for your purposes in your deliberations and if you disagree with anything that's on the map, these little sticky things come right off. So

1	supposedly they come right off.
2	A They do.
3	Q If you feel that this witness is not in
4	the right place, you can move any of these stickers
5	that you want and put them in the places where you
6	think they belong.
7	This is just something that is
8	representative of what this witness believes where
9	people were. If you all do with this what you will.
10	Also there was a legend that was
11	provided for all of you regarding the numbers
12	because the numbers that were assigned witnesses are
13	not the same numbers as the witnesses testimony in
14	this grand jury.
15	So Witness Number 10 in the grand
16	jury is not necessarily Number 10 on this chart.
17	Actually, he's Number 6. So those numbers for the
18	map are only for the map, okay. Is that fair to
19	everybody?
20	All right. Now
21	GRAND JUROR: I just want to clarify, the
22	red where it says Michael Brown, that is where he
23	died, that is where he fell?
24	A Yes, ma'am.
25	GRAND JUROR: You don't indicate anywhere

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1 | where he was to begin with, just where he fell?

A Just where he fell, yes.

Q (By Ms. Alizadeh) And the blue would be where the police officer's car was when you began your investigation, correct?

A Correct.

Q So these photographs, which we already started some testimony about, I did a little better job attaching them. And just so for the grand jury to understand what I've done here, I have three boards and each board represents a vantage point. So the actual vantage point, the picture of that vantage point is on the back of the board.

So as you see here on the back of this board, there is a cone in the middle of the street. That would be where the police vehicle was. And so when you then look at the pictures that are on front of the board, and you've heard Detective

testify about how the photographer stood in that location over that cone, actually stood, straddled the cone and would take pictures moving clockwise 360, so that we would have an idea of what can be seen from that vantage point to help you figure out where people were, what they might have seen, parts of it they might have seen.

1	And actually, when I prepared these
2	boards, I did it using what's called removable tape
3	because I wanted y'all to be able to take these
4	pictures off if you needed to or move them around if
5	you needed to. But unfortunately, removable tape
6	doesn't stay very well and the next day I came in
7	and these pictures were like all on the floor.
8	As you see they're coming off
9	somewhat and so I've provided a tape dispenser for
10	you. If you see that, see how this is coming off
11	here. This is because this tape doesn't stick well.
12	I'm taking these down so they stay.
13	You should be able to pull them off. If there is a
14	need to remove them and move them around in any way.
15	But I believe we finished up with
16	this board which I did not mark last week, but I'm
17	going to mark now.
18	(Grand Jury Exhibit Number 104
19	marked for identification.)
20	MS. ALIZADEH: Does anybody have, before
21	anybody I move onto the next board, we kind of
22	finished with the last picture. Anybody have any
23	other questions about this board?
24	And just so you all know too, you will see
25	that there are, I think, five easels in this room

1 right now. There is one in the corner that's 2 holding that flip chart, one that's in this corner. 3 The one I just put up there, there's another one in 4 the corner and one over here. 5 So when it is time for you to deliberate, 6 if you feel like you want to get all of these out 7 and put them up, it is just hard for me to move 8 around by doing it right now. 9 I'm just going to do them one at a time. 10 (Grand Jury Exhibit Number 105 11 marked for identification.) 12 MS. ALIZADEH: Next board I'm going to 13 mark Grand Jury Exhibit 105. 14 Again, I put the picture on the back of 15 the board that shows the vantage point of these 16 pictures. You see a cone in that picture, and 17 Detective looking at the photos on the front 18 of the board. Can you tell what vantage point that 19 is? 20 Α This would be the far eastern point that 21 we took, the 360 degree photos from. 22 (By Ms. Alizadeh) And why is it that this 0 23 cone was placed at that location on Canfield Drive 24 or Canfield Road? 25 Α As best we could tell based off of witness

1	accounts, that would have been the furthest point
2	east that Michael Brown would have went to. So that
3	intersection of roughly Coppercreek Court and
4	Canfield Drive.
5	Q If you want to point to where that is on
6	your other map?
7	f A So essentially the western corner, or what
8	would be the northwestern corner, I should say, of
9	Coppercreek Court and Canfield Drive is where this
10	cone was placed roughly right about there.
11	(indicating)
12	${f Q}$ And so we see in the photograph that is on
13	the back of this board, the cone there, did the
14	photographer straddle that cone and take 360
15	photographs in the same manner that she did from the
16	vantage point from where the police vehicle had
17	been?
18	A Same procedure was used, yes.
19	Q Okay.
20	GRAND JUROR: Is this from the
21	perspective, you said from the farthest point that
22	the Michael Brown got to, is this the point where he

A Yes, ma'am. We are basing that off of witness statements as best we could tell. That was

stopped in the roadway and turned?

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1	the point that they had made reference to and so we
2	used that as the furthest eastern point to go to.
3	GRAND JUROR: Okay.
4	Q (By Ms. Alizadeh) Now, I'm going to put
5	this up, Detective. If you want to come up here if
6	it is easier for you to see. We're going to start
7	with the top left-hand photo is the first photo in
8	the group and then we're going to move left to
9	right, and then down to the second row left to right
10	and then down to the third row left to right.
11	So the first photograph, can you
12	describe for the grand jurors where the photograph,
13	what the photographer is seeing in that image?
14	A This photograph right here would be,
15	again, if I move to this map at the intersection of
16	Coppercreek Court and Canfield Drive, the
17	photographer would have been taking a photo that
18	would have been essentially almost due east. So
19	taking a photograph due east.
20	Q And so in that photograph, can you see
21	Building Number
22	A There would be Building Number and a
23	portion of Building Number .
24	Q Can you put the laser pointer on Building
25	Number

1 This would be Building Number 2 here. And then if we move to our left that would be 3 Building Number 4 Now, from this perspective, the location 5 of the would, if they were, 6 according to their statements, can you see where 7 they would have been? 8 Α They discussed being near, essentially 9 this area right here, the corner of this building 10 somewhere in this area right here. (indicating) 11 0 And there's a dumpster that you can see in 12 that photograph; is that right? 13 Α Yes, ma'am. 14 Okay. And then also there was a witness 0 15 in Building Number 16 Α That's correct. 17 0 And who was that? 18 Α 19 Q We can see Building Number from this 20 first photograph? 21 Α Correct. 22 Q And then there were also possibly two 23 witnesses that were near this dumpster? 24 Α That's correct. 25 Q And that would be?

1	A and .
2	Q All right. Is that the dumpster that
3	appears in the top left-hand side of that first
4	photograph?
5	A Yes, ma'am.
6	Q Okay. Now, moving onto, well, let me ask
7	you this. Building which would have been where
8	and would have been, can
9	you see Building in this, in that first
10	photograph?
11	A Yes, it looks like you can see a portion
12	of Building over here.
13	Q Okay. So depending on the angle of that
14	photograph and where they would have been, it's
15	possible that someone from Building could see
16	where the photographer was standing?
17	A Yes.
18	Q And then the next photo, is this moving
19	clockwise or counter clockwise?
20	A This next photo would be counter
21	clockwise.
22	Q Yeah, did I put these up wrong?
23	A I think these two are transposed.
24	Q Good thing I used removable tape, huh.
25	 All right. Tell you what, let's take a pause as we

1	try to get this right.
2	(Recess)
3	Q (By Ms. Alizadeh) So we've discovered that
4	I have some photographs in the wrong order and we're
5	going to move on to the next board so that I can
6	during maybe a break we can rearrange those
7	photographs and put them up the way they should be
8	and we will revisit that after a break.
9	So the next board is going to be
10	marked Grand jury Exhibit 106.
11	(Grand Jury Exhibit Number 106
12	marked for identification.)
13	Q (By Ms. Alizadeh) Detective, looking at
14	the photograph on the back of that board, can you
15	tell me where the photographer is standing for these
16	photographs?
17	A This would be at the point where Michael
18	Brown's body was located when we arrived at the
19	scene.
20	Q All right. Before we start, can you look
21	at that real quickly and tell me did I get that
22	right or is that wrong too?
23	MS. ALIZADEH: This is what happens when
24	you do live theater.
25	A The top is clockwise. This one is

1 clockwise. This is clockwise, we're good. 2. 0 (By Ms. Alizadeh) Is this supposed to be 3 there? 4 Α That's correct. 5 Q All right, good. So looking at these 6 photographs starting at the top left. And what 7 direction is the photographer facing? 8 Α Primarily west. 9 And that would be on Canfield Drive? 0 10 Α That's correct. 11 And from that first photograph, is she Q 12 straddling the cone that appears in the photograph on the back of the exhibit? 13 14 Yes, ma'am. Α 15 Okay. And so from this location, can you 0 16 see the location where would have 17 been? 18 Α You can. 19 And where is that? 0 20 It would be at this point right here. Α 21 And in the photograph you can see kind of Q 22 the corner of a white house or structure? 23 Α That's correct. 24 Is that the house where he was? 0 25 Α That is the house where he was working.

1	GRAND JUROR: I have a question about
2	. You mentioned, I guess, when we
3	were here Thursday that you talked to the homeowner?
4	A I talked to the individual who resides at
5	that home and I also talked to the homeowner, yes.
6	GRAND JUROR: And they said, what was
7	their response to him being there?
8	A Neither one could remember exact dates,
9	but it was around that time they did both confirm
10	that there was work being done on the home around
11	that time and they both confirmed that there was an
12	individual there. They didn't know names, there was
13	an individual there that was doing some sort of
14	drywall and painting work at the house.
15	GRAND JUROR: I kind of find that a little
16	strange because when he sat down with us, he told us
17	that he specifically told whoever was at that house
18	what had happened?
19	A I asked her about that, and she said that
20	she remembered talking to him briefly, didn't
21	remember what they had talked about and that she
22	ultimately left for work.
23	Q (By Ms. Alizadeh) Let me ask you this,
24	given that you actually have been to that residence,
25	did you make any attempts for yourself to stand in

obstruction.

1	the location where you believe stood
2	and look down Canfield to see for yourself what
3	someone in that position might be able to see?
4	A I did.
5	Q And from where, from your observation,
6	would a person standing at the location where
7	said he was, could they see where the
8	police vehicle was?
9	A They could.
10	Q And could they see where the farthest
11	easterly point where Michael Brown, witnesses say he
12	may have stopped and turned around?
13	A Yes, he could.
14	Q Could you also see the place where Michael
15	Brown's body came to rest?
16	A Yes.
17	Q Are there any obstructions between where
18	from your observation from that vantage point to any
19	of those locations is there any obstructions that
20	would be in your way?
21	A The only obstruction would have been the
22	trunk of this tree right here. I don't know if
23	everyone can see that. There is a tree right there
24	and the trunk of that tree would have been the only

1	GRAND JUROR: How big is that trunk, how
2	wide?
3	A I don't know specifically, but clearly the
4	only reason I mention that is in the interest of
5	full disclosure, that's the only
6	GRAND JUROR: According to your judgment,
7	it is not a big, wide tree?
8	A No, it is a grown
9	GRAND JUROR: Full grown tree?
10	A It is clearly a grown tree, but in the
11	grand scheme of looking at a particular incident,
12	one tree that is at a distance, I didn't view it as
13	something that would have impeded my ability to see
14	the entire incident.
15	GRAND JUROR: Thank you, sir.
16	A Yes, ma'am.
17	GRAND JUROR: From his distance where he
18	was standing, could he actually see
19	the movements, you can see a person standing, but
20	could you actually physically see the movements of
21	Michael Brown?
22	A So just by chance when myself and another
23	detective were at this home right here, there was
24	quite a few people walking around in this general
25	area and up to and including someone walking what

1 would be roughly, again, at the intersection of 2. Coppercreek Court and Canfield Court. And you can 3 clearly see that individual and I could clearly see 4 that individual and I could see hands moving and I 5 could see where they were moving their hands if walking like this, I would be able to see the 6 7 movement of their hands, yes. (indicating) 8 GRAND JUROR: Could see their facial 9 expressions? 10 Α I don't remember. 11 GRAND JUROR: Okay. 12 Α I don't remember. 13 GRAND JUROR: All right. 14 MS. ALIZADEH: Any other questions? 15 GRAND JUROR: How soon after the incident 16 were these photos taken? 17 I don't, I could check for you and get you 18 an exact date. 19 GRAND JUROR: Okay. 20 But I don't remember. Α 21 The dates the photos were MS. ALIZADEH: 22 taking, is that what was asked? 23 GRAND JUROR: Right uh-huh. 24 I'm quessing that might be, MS. ALIZADEH: 25 you know what, it might be the date they were

2.

printed that's on the back, we'll find out.

Do you have your report on your laptop?

A I do.

Q (By Ms. Alizadeh) He brought that so he could answer questions if there were questions like this.

A So we were out there at roughly 8:30 a.m. and it would have been on Wednesday, October, yes October 1st.

GRAND JUROR: The 1st?

A The 1st of October, yes, ma'am.

GRAND JUROR: Could I make another comment? Conceivably the abundance of foliage during that course of time from August until October when the photos were taken, so there may not have been as much foliage? I know you are not a botanist, I understand that.

A That was a consideration that we took, we took that into consideration in doing those photos. We wanted to get it, obviously, before the leaves started to change. If you look in these photos here. The foliage is still green. I'm not saying that, obviously, there are leaves in these photos right here, but the foliage is clearly green at that point when photos were taken.

1 MS. ALIZADEH: Any other questions? Okay. 2. Q (By Ms. Alizadeh) And then, Detective, 3 also looking at this first image, if there were 4 vehicles that were coming around this bend and 5 proceeding eastbound on Canfield Drive, someone 6 looking out of their front windshield would be able 7 to see the police vehicle, correct? 8 Α Yes, ma'am. 9 As well as the place where Michael Brown's 0 10 body rested? 11 Α I believe so. 12 0 And could they see the corner from their vehicle? 13 14 Yes, ma'am. Α 15 Okay. And so then in the second 0 16 photograph, and this is turning clockwise, correct? 17 Moving clockwise, yes. Α 18 So what building is this in the map? 0 19 Α This building right here. (indicating) 20 Is that the same as this building Q right here? You see a white SUV in front of these 21 22 buildings, this is same building, right? 23 So we're moving clockwise so this would Α 24 be --25 Q Looking west?

1 Westbound, correct, you're asking about 2. this building right here. (indicating) 3 Q This building is the same as this 4 building? 5 Α That's correct. 6 0 What number would that be? 7 Α That would be Building 8 What witnesses were in Building Number 0 9 And in Building would have been Α 10 11 Q Okay. And so if they were on the front of 12 their building and looking toward the photographer, 13 who is standing in this grouping, this is where 14 Michael Brown's body was; is that correct? 15 Α That's correct. 16 They would be able to see Michael Brown's 0 17 body in the street? 18 Α Yes. 19 And this building right here on the second 0 20 photograph? 21 Α Correct, that would be Building 22 0 Who is in that building? 23 Α In Building would have been would have resided in 24 and 25 the building. It would have been moving from that

Α

Right.

1 building towards the, between her building and the 2. dumpster. 3 And then also somewhere in this area would 4 have been where parked her car and 5 walked over in an easterly direction, correct? 6 Α That's correct. 7 And is 's apartment this 0 8 one right here? (indicating) 9 It is actually, would be on this side, so Α 10 the western side of this stairwell right here, but 11 this balcony right here is connected and there is 12 obviously a balcony on this side that you cannot see 13 that would be consistent with this one on the 14 eastern end. 15 We talked about the fact that there is, 0 16 there's a balcony that's connected on the fronts of 17 these buildings, but there's a wall that will at 18 some point block somebody's vision depending upon 19 where they are on their balconies and what they are 20 looking at, is that fair to say? 21 That's fair to say. Α 22 So depending on where somebody is on these 0 23 balconies would depend on whether or not they could 24 see something in the street?

1 Okav. And so in the third image now, 2 again, moving clockwise, you see ¹s 3 apartment? 4 Α Yes. 5 Q Okay. And then were there any other 6 people in Building Number ? 7 Not in the building, no. 8 0 Okay. And then on the fourth photograph, 9 again, moving clockwise, we can see this memorial 10 here that's by a light pole. Is this close to the 11 area where witnesses said he had stopped and turned 12 around? 13 It is. Α 14 And from this photographer's vantage 0 15 point, again, you can see that dumpster in the 16 background? 17 Α That's correct. 18 's building? And you can see Q 19 Α Right. This Building Number , would this be this 20 Q 21 building back in the background? 22 Α That would be Building 23 0 Who was in Building ? 24 Α Uh, and 25 Q Okay. And then looking at the next

1 photograph, again, moving clockwise then, now we are 2. looking down Canfield Road and east down Canfield; 3 is that right? 4 That's correct. 5 Q And, again, you can see the place here, 6 correct? 7 That's correct. Α 8 0 And you can see 's building? 9 Correct. Α 10 And what buildings are back here? Q 11 Α That would be buildings, in terms of where 12 witnesses were located, Buildings and then closer 13 to that you can see a portion of Building and it 14 looks like possibly a portion of Building 15 0 And so what witnesses were in Building 16 Number or near Building 17 would have been Α Building 18 and 19 Q All right. In Building , we didn't have 20 anybody from Building that said they were near or 21 in Building ; is that correct? 22 Α That's correct. 23 0 And then the sixth photograph in the 24 group, again, turning clockwise. What building 25 number is this in the left-hand side in the

1 background here? 2. I believe that is a portion of Building 3 and then in the front here would be Building 4 And then is this a different building 5 right here? 6 Α Same, different address, same building. 7 0 Okay. 8 Α So it is and , which are both 9 part of Building 10 Were there any witnesses in Building Q 11 Α Yes. 12 0 Who is that? 13 Α or 14 He said he was in like the first floor, 0 15 which is basically slightly below street level, 16 correct? 17 Correct. As a frame of reference, I would Α say roughly about that high below street level. 18 19 0 So if he were on his patio right outside 20 his front door street level would be about three a 21 and a half, 4 feet? 22 Α Roughly. 23 And then clockwise, again, looking at 24 Photograph Number 7, I think? 25 Α We're looking at the same building,

1 primarily Building there. 2. 0 All right. And then Number , or the next 3 photograph? 4 Sure. Now this photo essentially is 5 facing south. And we can see, again, a portion of 6 Building and unrelated building off in the 7 distance where we didn't identify any witnesses and 8 then in the far right-hand side of the photograph we 9 can see building, a portion of Building 10 All right. Would this parking lot that we 11 see here, I'm not sure on this, thinking from my 12 vantage point, would that be where 13 said that she parked her vehicle? 14 Α Yes. 15 Okay. And she indicates that she was 16 standing in front of Building smoking a cigarette with some unidentified man? 17 18 Identified as building, not building, Α 19 Number on the map here. 20 Okay. And then is there another witness Q 21 in Building Number 22 Α Yes. 23 0 And who is that? 24 Α 25 Q Or

1 Α I'm sorry, 2. Q So , and he said he was inside the building and looked out his window and he 3 4 saw some or all of this incident, correct? 5 Α Yes. 6 0 And so then in the next photograph, 7 turning clockwise still, is that also Building 8 Number 9 That's also Building , yes. Α 10 And then the final photograph you come Q 11 full circle again, now west down Canfield Drive; is 12 that correct? 13 That's correct. 14 MS. ALIZADEH: Any questions about this 15 grouping or witnesses? 16 GRAND JUROR: I didn't get the very first 17 white van? 18 This one here? Α 19 GRAND JUROR: Uh-huh. 20 This is Building , which is right here. Α 21 GRAND JUROR: Okay. 22 GRAND JUROR: Where was 23 apartment here in Building . 24 His apartment would have been, it is hard Α 25 to see.

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GRAND JUROR: Okay.

A So the second, yeah.

MS. ALIZADEH: Any other questions about this group of photographs?

And, of course, you can always ask later.

At this time let's take a quick break while the detective and I redo the photographs and put them in the correct order and then we'll finish with that board and then we'll probably just go on to your questions about the investigation.

(Recess)

MS. ALIZADEH: This is Kathi Alizadeh and Sheila Whirley is present, we took a short break while the detective and I rearranged the photos in the top row. The rest of them, apparently, were right, but I had gotten the top row wrong. So let's start over with this board, which is 105. And again, based on the photograph that's on the back of the board, you can tell what perspective these photographs were from which is from where,

A Again, this is from the eastern most point that witnesses had identified Michael Brown's traveling on Canfield Drive. So, again, we are talking about the intersection of Coppercreek Court

1	and Canfield I	Orive and	the no	rthwest,	northern
2	portion of the	e interse	ection r	ight ther	e.
3	O (By	Ms Aliz	adeh) O	kay So	the firs

Q (By Ms. Alizadeh) Okay. So the first photograph, again, all of these photographs are the photographer standing or straddling the cone that was placed there, and these cones that you placed for the photographer's benefit, were these based on measurements that you did that day?

A They were based on measurements that were taken on August 9th and then measurements, again, that we did on the day that these photographs were taken, yes.

Q And so you are talking about the measurements that were taken by Detective on the day that he documented the crime scene?

A Yes.

Q Okay. And so you used those measurements and then measured for yourself to determine exactly where the police car was, and exactly where the body was, and of course, the exact location of where Michael Brown stopped and turned around is just based upon various witness accounts; is that right?

A That's correct.

Q And so for these photographs, this is the best of your information that this would have been

1 the farthest east that he went before turning 2. around? 3 Α The best information we had at that time, 4 yes. 5 Okay. Is there any change in that? Q 6 said at that time? 7 Α No, no. 8 Okay, all right. So in the first 0 photograph, again, we're looking down Canfield 9 10 Drive, correct? 11 Α That's correct. 12 Q And the, in the background somewhat, maybe midrange in that photograph, you see the memorial 13 14 where there is another cone and there's flowers and 15 candles and stuffed animals, is that the location 16 where Michael Brown's body was? 17 That cone has nothing to do with the cone Α 18 that we placed. That cone was there when we arrived 19 and that cone was left there, obviously, when we 20 left. We brought our own cone. I would discount 21 the meaning of that cone. 22 Okay. But that general location, so Q 23 someone who was standing where the photographer is, 24 you can get a feel of how far away Michael Brown's

body came to rest in this first photograph, correct?

1 Α Correct. 2. Q Okay. And then the second photograph is 3 moving clockwise? 4 Α Yes, ma'am. 5 And what building is that that we see? Q 6 Α Building right here. (indicating) 7 And I think we talked about it, but let's 0 8 recap, looking at the first photograph there, can 9 you see the corner of that white house where 10 says he was? 11 Α You can. 12 Q Okay. 13 It is right there. (indicating) Α 14 Now looking at the second photograph you 0 15 said you see what building number is that? 16 And the second photograph that's Building Α 17 18 And that would be where lives, Q 19 correct? 20 That's correct. Α 21 And I'm just going to really quickly go 22 through these again. Three, you are moving farther clockwise? 23 24 Α Yes. 25 Q And you see the dumpster where the

1 were close to, correct? 2. Α Correct. And that would have been where 3 Q 4 and possibly were, correct? 5 Correct. Α 6 0 And then in the fourth photograph, again, 7 turning a little more clockwise. In the background, 8 can you see what buildings? 9 That is Building right here. And then Α 10 if we move to the left, we moved onto Building and 11 this is a portion of Building right here. 12 0 All right. And then the fifth photograph 13 now you are looking east on Canfield Drive, correct? 14 Α That's correct. 15 And again, you see a number of buildings 0 16 in the background there? 17 Α Yes. 18 Those would be? 0 19 Α Building 20 I'm sorry. , which is on the north side of the street? 21 22 Α Yes. 23 And then what are the buildings on the south side of the street that are visible? 24 25 Α Building , Building , and that may be

1 a portion of Building right there. 2. Q Put your laser pointer on Building 3 again? 4 Α Building 5 Q And that was where the and 6 were, correct? 7 Α Right. 8 And then turning a little clockwise. In 0 9 the 6th photograph in the group. What building's 10 visible there? 11 Α This right here would be Building , and 12 this right here would be Building , a portion of 13 Building 14 And Building is where 0 15 lives? 16 Α Right, yes. 17 And then on Photograph Number ? 0 We've moved onto it. This is entirely 18 Α 19 Building right here. 20 And then building, I'm sorry, photograph Q 21 the 8th photograph? 22 Α This is Building here again, and now we see a portion of Building right here. 23 24 And that parking lot that is seen between 25 those two buildings, that is the parking lot where

1	says she parked her car; is that
2	right?
3	A Yes, ma'am.
4	Q And then in the 9th photograph, moving
5	clockwise?
6	A We are essentially seeing that is all
7	Building right there.
8	Q And that would have been where
9	was?
10	A Correct.
11	Q And then also in that image, let me see.
12	We talked about seeing the mailboxes in one of these
13	images. I hope it is in these. Pointing here, can
14	you put your laser pointer right here. There is a
15	black vehicle that appears to be parked there and
16	then there's something behind the black vehicle.
17	Would that be about where those mailboxes, those
18	metal rows of mailboxes were?
19	A It is. If you look at Photo 1 here, you
20	can see the top, you will have to take my word for
21	it, that's the top of the mailboxes right there.
22	Q And that would be where said
23	she was near the mailboxes where she ended up. She
24	traveled from one point to another, correct?
25	A Yes, ma'am.

1	Q Okay. And then finally in the 10th
2	photograph, again, we have come 360. You are
3	looking back down west on Canfield Drive, correct?
4	A That's correct.
5	MS. ALIZADEH: Anybody have any questions
6	about this group of photographs? Did I confuse
7	everybody by redoing them? Are you all okay with
8	this?
9	GRAND JUROR: I just have a quick question
10	about the photographs that were taken from the
11	vantage point of the officer's vehicle. Is this
12	taken from like where his, the door of his vehicle
13	was, you know what I'm saying, or was it like midway
14	of the vehicle?
15	A It was taken from the driver's side front
16	tire.
17	GRAND JUROR: Driver's side front tire.
18	Q (By Ms. Alizadeh) So where the cone was
19	from that perspective, was from where the left front
20	tire of Officer Wilson's vehicle was on the street?
21	A Yes.
22	GRAND JUROR: I just want to clarify for
23	everybody and myself, the only cones we should pay
24	attention to are the ones that are orange and white,

the solid color orange someone else put there.

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A The only cone that I would pay attention
to is the cone that identifies in that first
photograph where the detective would have been
taking the photographs from. So I guess on the back
here where we've identified is where we were
actually taking the photographs from.

So, yes, you are correct, these cones here, both of these cones here and this cone right here were obviously already there, we didn't place those there and those have no bearing in terms of the measurements that we took.

Q (By Ms. Alizadeh) So when you would move from one location to the next to take pictures, would you remove the cone that you had previously placed?

A Yes.

Q So any cones that appear on the front of these boards are not cones that you have placed?

A That is correct.

Q All right. And then if you look on the back of those photographs, the cone that appears in those, on the back of the boards, the photograph that appears on the back of each board shows the cone where you placed it. Do show where the photographer was going to stand?

Q

1	A Correct. Had I known there was going to
2	be cones out there already I probably would have
3	taken something different for us to bring, but I
4	didn't know that.
5	MS. ALIZADEH: Any other questions about
6	these photographs?
7	Q (By Ms. Alizadeh) Just briefly talk a
8	little bit more about in this particular case the
9	investigation and about the taking of witness
10	statements.
11	Virtually, not virtually, but almost
12	all of the witness statements in this case that were
13	taken were audio recorded, correct?
14	A Yes.
15	Q And was there any reason for that, was
16	there a decision why you were going to audio record
17	certain statements or all of the statements?
18	A By and large when we conduct homicide
19	investigations, we record anybody with any pertinent
20	information. And that's in this particular case or
21	any other homicide investigation we are conducting.
22	So it is essentially standard procedure for us to do
23	that and so we did that in this particular instance
24	too.

And many of these recorded statements that

1	we've heard that other officers have taken have been
2	at libraries. Detective was at a library when
3	he talked to , correct?
4	A Yes.
5	Q Different officers or detectives went to
6	people's home to interview them. There was a
7	witness interviewed at the NAACP headquarters and so
8	would each detective have available to him a digital
9	audio recorder to take with him if he were going to
10	interview witnesses?
11	A They are assigned by the departments their
12	own recorders and we essentially carry those with us
13	everywhere we go.
14	Q I believe it was Detective and
15	Detective who talked to , and
16	, the , I think
17	it was that took the first statement from
18	them that was audio recorded, correct?
19	A That's correct.
20	Q And then Detective took another
21	statement from them later, what was the reason for
22	his second statement?
23	A The second statement was taken because we
24	had received information that both and
25	had shortly after the incident took

2.

- place written notes or written a document outlining what they had witnessed. And, obviously, that would be something that we would want to view if they would give us permission. So we went out and contacted them and asked for permission to view those items.
- Q So the fact that they both made written statements, they did not disclose that to you when you first, when Detective first talked to them, would that be correct?
 - A That's correct.
- Q So there was a decision made once you found out about these written statements, somebody else needed to go out there, talk to them again and try to get these statements from them, correct?
 - A Yes.
- $oldsymbol{\mathsf{Q}}$ Okay.
 - GRAND JUROR: How did you find out about the statements.
 - A I believe it was their supervisor had made reference to it when we were contacting him. So they were originally told by their supervisor to write down their comments or write down their account of what they witnessed. So they did that and that was ultimately conveyed to us and so then

1	we went out and talked to and
2	and asked that it was true, and they
3	indicated it was and we obtained those.
4	Q (By Ms. Alizadeh) Now, there was yet again
5	another interview conducted of and
6	after Detective had talked to
7	them a second time?
8	A That's correct.
9	Q What was the reason for the third
10	interview?
11	A During the course of the investigation,
12	obviously, it is an evolving investigation and we've
13	we're learned things on a daily basis. If I can go
14	back in time to when we were contacting Dorian
15	Johnson.
16	Q And that would have been on the 13th?
17	A Yes, ma'am. So during the course of
18	Dorian Johnson's interview, he talked about speaking
19	with, he didn't mention them by name,
20	and . And during the interview with
21	Dorian Johnson he made reference to
22	and talking with Michael Brown about
23	marijuana and about waxing.
24	I had no idea what waxing was. We
25	later learned that waxing delivers essentially a

high concentration of THC to an individual in a very
short period of time. So THC is the active
ingredient in marijuana.

That didn't necessarily mean much to me until we learned from the autopsy report that
Michael Brown had THC in his system and we learned
that after speaking with Dr. from the St. Louis
County Medical Examiner's Office, that his level was
elevated to the point where it could have
potentially caused a loss in perception of space and
time and there was also the possibility that there
could have been hallucinations. He couldn't say
that for sure, but that is a potential effect of
high levels of THC in an individual.

So knowing that waxing delivers a high level of THC to an individual in a relatively short period of time and knowing that from Dorian Johnson, Michael Brown had had conversations with and about waxing, we thought it worth exploring the possibility that either gave, or provided, or sold wax to Michael Brown. And if that was the case, it could have potentially explained some of the behavior that we witnessed from Michael Brown on the audio, I'm sorry on the video at the

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1 Ferguson Market and help explain some of the things 2. taking place in this particular incident. 3 Q All right. Now, had either 4 or in their first two statements to 5 County Police said anything about having discussions 6 with Michael Brown about waxing? 7 Α No. 8 0 All right. Did you make a decision that 9 you were going to attempt to reinterview both of 10 those gentlemen? 11 We did. Α 12 0 Now, on this occasion though, you did not 13 go out to their homes or their places of employment 14 or a library, you actually brought them into the 15 county police department and put them in an 16 interview room where you often interview suspects, 17 correct? 18 Α We contacted at his home and 19 requested he accompany us back to our office and he 20 agreed to do so. We contacted at a 21 job site that he was working on and we did the same 22 thing for him. We asked him to accompany us back to 23 our office for an interview and they both 24 voluntarily agreed to do so.

So they were not under arrest?

1 They were not. 2. 0 And when they were brought to your 3 headquarters, did you bring them in during the same 4 evening? 5 Α Yes. 6 0 Okay. Did you interview them separately? 7 Α Yes. 8 And those interviews we seen were video 0 9 and audio recorded; is that right? 10 Α Yes. 11 0 Prior to interviewing them you advised 12 each one of them of their Miranda Rights? 13 Α We did, yes. 14 And that wouldn't be something that you 0 have done with other witnesses in this investigation 15 16 giving them Miranda Rights, is that fair to say? 17 Α That's fair to say. 18 And so why is it that you felt that you 19 needed to advise these two of their Miranda Rights? 20 Miranda applies if there is an incident Α 21 where there is custody and meaning individuals in 22 custody, and there is a potential that we're going 23 to ask quilt seeking questions. They were obviously 24 not in custody, however, we were going to be asking

them a series of questions and the purpose of the

interview was to bring them in and ask them about this waxing.

So we were going to be asking them a series of questions regarding waxing and the use of it and whether they had provided or sold or done anything to give Michael Brown and/or Dorian Johnson marijuana or wax.

And so based on that, I felt it was in our best interest to error on the side of caution, be safe, there is nothing wrong with doing this and just Mirandize them just in the sense of we are going to be asking them guilt seeking questions. That could potentially impact future situations if they were to provide us information that could implicate them in a crime.

Q All right. And so now when you brought each of those individuals in and began your questioning of them, you know, we've seen the videos, they both deny having anything to do with giving Michael Brown or Dorian Johnson any control substances, is that fair to say?

A Yes, ma'am.

Q And they denied it from the beginning and yet you continue to question them for a substantial period of time; is that right?

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- A We did, yes.
 - Now, this interview, how are these interviews different from the interviews that you have done with other witnesses because these two men were eyewitnesses or claim to have been eyewitnesses to a shooting?
 - A That's correct.
 - **Q** Not suspects in the investigation, not even subjects in the investigation, but witnesses?
 - A Correct.
 - **Q** Why treat them differently than you did other witnesses in this case?
 - A Well, if you've seen the video, you'll notice that we stayed away from discussing their accounts of the incident itself. And the incident I mean with Darren Wilson and with Michael Brown.
 - Our motivation in speaking with them was purely to discuss the waxing aspect of it to see if there was anything that we were missing in this particular instance.
 - So the reality is, when we speak to people, we're not always told the truth in terms of, right away in terms of what is going on. That's the reality of our job, sometimes people tell us the truth, but in other instances they do not.

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I mean, very few people are willing to come into an office and tell a deep dark secret or tell some sort of illegal activity that they've done after they have just met someone in a very brief period of time.

So as such there are various types of interviews that we can do. We can do it what I'm going to call just a pure fact gathering interview where we sit down with somebody and we just document what they've told us.

There are nonconfrontational interviews where we can generally discuss a topic with an individual in attempt to elicit information and there are what I would call a direct confrontation interview where we are directly confronting people and calling out those individuals on any inconsistencies or anything that we may believe that they may not be telling us the truth on.

I don't have a hard and fast rule by in large, I don't have a hard and fast rule how I conduct one interview. A lot of it is just based off of how a particular individual is reacting in an interview or how a particular interview is going, but ultimately we are looking for the truth and

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- sometimes it is hard to get that out of people initially. So we have to press them and we ask questions repeatedly and kind of like a salesman, we don't take no for an answer the first time.
 - We, obviously, have an obligation to get to the truth to some extent and part of that is pressing people to see if they're really telling us the truth.
 - Q But it is true, isn't it, Detective, that throughout your interview or interrogation of these two men, neither one of them ever admitted or said that they have been in any way involved in providing controlled narcotics to Michael Brown or Dorian Johnson; is that true?
 - A Yes, that's correct.
 - **Q** And your investigation has failed to find any information otherwise; is that true?
 - A That's true.
- Q And I think we discussed briefly and again
 I'm going to reiterate here, to your understanding,
 now you've completed your police report in this
 case; is that right?
- \mathbf{A} T have.
- 24 | Q How many pages is your police report?
- A I don't know exactly, 1,100, 1,200

1 roughly.

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- Q And so you've concluded your police report, but in reality does this investigation continue so long as there are witnesses who might come forward or want to be interviewed?
 - A I would always add a supplement to the report that has been submitted if more people came forward, yes.
 - And isn't it true, Detective, or let me ask you this, if at the conclusion of this grand jury investigation if there is information that comes to you regarding this investigation that is in any way relevant or pertinent to this investigation, would you bring that to my attention?
 - A Twill.
 - Q And you're aware that there is no statute of limitations for murder or for class A felonies, correct?
 - ${f A}$ I'm aware of that, yes.
 - Q And that a prosecution against Officer Wilson could be brought at any time. In other words, even 50 years from today?
 - A I'm aware of that, yes, ma'am.
- Q And if there would be, let me ask you this. You've reviewed a number of videos that

Q

1 people have recorded from various devices, cell 2. phones mainly, who claim to have recorded the 3 shooting; is that right? 4 That's correct. 5 Have you ever discussed a video that Q 6 actually shows any part of the confrontation from 7 the beginning where from the officer stopping to first confront or talk to those two boys all the way 8 9 to the shooting itself? 10 Α I have not. 11 Q Okay. Every video that you have seen in 12 relation to this investigation, video of the 13 aftermath of the shooting? 14 Α Every one, yes. 15 Have you heard rumors that there's videos 16 of the shooting out there? 17 Α I have heard those rumors, yes. 18 Have you done investigation to try to 19 discover whether those rumors are true or track down 20 people that have videos of the actual shooting itself? 21 22 Α Yes, we have. 23 Q And have those leads produced anything? 24 Α No, they have not.

And you're aware that even after this

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investigation by the grand jury is concluded, we've discussed this, the possibility that there is for some reason somebody out there has a video that they have not come forward with, if that video were to be discovered by law enforcement, we could represent this to a grand jury; is that correct?

A That's correct.

MS. ALIZADEH: All have heard the term double jeopardy. Double jeopardy does not apply unless there is a trail jury that considers the facts. And so if a case starts, if there is a trial that starts with a trial jury, that's when jeopardy attaches and someone can never be tried after that if there's a verdict or after that they can't be retried.

Your decision, though, does not create jeopardy. In other words, there's no reason that there couldn't be additional investigation in the future or another consideration by probably not you all probably would be another grand jury if there would be something down the road, but in this case, Detective, you're aware still that the federal authorities have not concluded their investigation; is that right?

A That's correct.

1	Q (By Ms. Alizadeh) They're still looking
2	for people?
3	A Yes.
4	Q Still trying to talk to people who have
5	been unwilling to talk?
6	A Yes.
7	Q And if down the road those witnesses were
8	to come forward with relevant information that may
9	change the investigation, you would bring that to my
10	attention wouldn't you?
11	A I would.
12	MS. ALIZADEH: Sheila, you have questions?
13	MS. WHIRLEY: Just a few.
14	Q (By Ms. Whirley) Regarding the accuracy of
15	these perspective photos, you don't walk it out with
16	the witness that you gave information to test the
17	accuracy of it? How do you come up with, you may
18	have already told us, I thought you did, I want to
19	understand how accurate the photos are.
20	A Sure. In terms of on August 9th, one of
21	our crime scene detective's jobs was to take various
22	measurements of items of evidence at the scene. And
23	he used what starts as a baseline at Coppercreek
24	Court and Canfield Court, and used this baseline

here and measured items during the entire, I should

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say, within the entire crime scene and those items were documented in a diagram that he completed with specific measurements, feet down to inches.

So when we went back out there to take those 360 degree panoramic shots, we based, obviously, Coppercreek Court and Canfield Drive is subjective in the sense that we are basing that off of where, again, witnesses were telling us is the furthest point east that Michael Brown would have went.

So that is a subjective point that we use that intersection, northwest corner of that intersection right there.

However, the point where Michael Brown's body was located and the point where the vehicle was located, was measured on that day based off the measurements that were taken on August 9th.

And when you take photographs showing where people live and what building that they would have, their vantage point was, that's based on statements that they gave you as to where they were located?

A Yes, ma'am.

Q Okay. So if you don't have that exactly right, then that's not going to be accurate?

1 Correct, I am basing it only off of 2. statements that they were able to provide to us, 3 yes. 4 Q Okay. And then you knew that swabs that 5 were taken, evidence was gathered for DNA in this 6 case? 7 Α Yes. 8 0 The officer's belt, the officer's qun, 9 some other items? 10 Yes, ma'am. Α 11 You were part of that or your team decided 0 12 what to seize as evidence? 13 Α For the most part, yes. 14 Okay. And there's been testimony that 0 15 Michael Brown was grabbed by the throat, was his 16 throat swabbed for DNA sample? 17 Was Michael Brown's throat? Α 18 Throat swabbed? 0 19 Α I don't believe so. 20 You may not have had that information when Q 21 you gathered that information. Had you ever heard 22 that before that he was grabbed, the officer grabbed 23 him by the throat? 24 I had heard that and as I sit here today, 25 I couldn't tell you what day I heard that.

1 But you do know, no one collected a swab 2 of his throat, his neck? 3 Α I don't believe his neck was swabbed, no. 4 Okay. And if it was, you would know about 5 that; is that right? 6 Α I would have a report, yes. 7 Okay. Now, you actually had an interview 8 with the officer, Darren Wilson, on, was it the 9 10th? 10 Α Yes, ma'am. 11 When you interviewed him? 0 12 Α Yes. 13 And you allowed him to tell you whatever Q 14 he wanted to tell you, right? 15 Α That's correct. 16 You weren't stopping him from giving you 17 information at any point; is that right? 18 I asked clarifying questions, but I did Α 19 not stop him, no. 20 You even asked him was there anything that 21 he wanted to tell you that you hadn't asked? 22 Α I do that at the end of all interviews, 23 yes, ma'am. 24 And it was recorded? 25 Α It was, yes.

1 And I believe when you asked him that his 2 response was, I think we're good, does that sound 3 right? 4 Α That sounds right, yes. 5 So he never told you that he chased down, O. 6 chased after Michael Brown because, and continued to 7 pursue him and eventually killed him because he was 8 in fear that Michael Brown would attack other 9 officers who were coming to the scene, did he ever 10 tell you that? 11 Α He did not say that, no. 12 Q Okay. 13 MS. WHIRLEY: That's all I have at this 14 time. 15 GRAND JUROR: I know that you and, I quess 16 it was Detective and Detective 17 Detective , I think he was responsible for 18 collecting the duty belt; is that right. 19 Α Detective collected the duty belt. 20 GRAND JUROR: Detective collected 21 the duty belt? 22 Α Yes. 23 GRAND JUROR: In your interview with 24 Darren Wilson, did he tell you he wanted to use his 25 pepper spray at one time, but he didn't. He thought

1 about using it and then he thought again because he 2 didn't want it to come back in on him? 3 Α I don't remember the exact phrase that he 4 used, but he made mention that he thought about 5 using his OC spray or his --6 GRAND JUROR: Mace. 7 Mace, as you said. But he also made 8 mention that he realized he was in a confined space, 9 meaning his vehicle and in a confined space, that 10 obviously can affect other people, not just the 11 intended target I think is what he was implying. 12 GRAND JUROR: So we later found out from 13 that mace or pepper spray is 14 assigned to each patrolman and we got our report 15 from, I quess , and no pepper spray was turned 16 Did you know about that? 17 Α No, I did not. 18 MS. ALIZADEH: Let me clarify this, okay. 19 So, Detective, the duty belt, what's a duty belt? 20 Α A duty belt is essentially a belt that 21 goes, obviously, on top of the pants and shirt that 22 you always wear above a normal belt that contains 23 the equipment that a police officer is going to wear 24 during the course of his duty.

So it has a place for his weapon, his

1 extra magazines, his baton if he carries one, his 2. handcuffs, his radio holders, his mace, his taser, 3 anything that would be deemed necessary for an 4 officer to use in the course of his duties. 5 MS. ALIZADEH: And you are aware, aren't 6 you, that on the night or the afternoon following 7 the shooting, Detective , who is the one who 8 went to the Ferguson Police Department and seized 9 the gun, did not seize Officer Wilson's duty belt, 10 correct? 11 Α I'm aware of that, yes. 12 MS. ALIZADEH: And did not inspect the 13 duty belt or photograph the duty belt, correct? 14 Α That's correct. 15 MS. ALIZADEH: And was it sometime later 16 in the investigation that you contacted me and 17 indicated that Darren Wilson's attorney asked us if 18 we wanted the duty belt? 19 Α That's correct. 20 MS. ALIZADEH: And what date was that that 21 Darren Wilson's attorney contacted you, asking if 22 you wanted the duty belt? 23 I'll look it up here to be sure. Friday, September 12th. 24 25 MS. ALIZADEH: So more than a month after

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1 | the shooting, correct?

A Correct.

MS. ALIZADEH: And did the attorney tell you where the duty belt had been all this time.

A He did. He indicated that the duty belt was placed in the trunk of Darren Wilson's personal vehicle when he left the Ferguson police station and that is where that duty belt remained until it was brought to our attention. And then from there he removed the belt from his vehicle and put it in a box and that box was then released to us.

MS. ALIZADEH: So typically, Detective, is a duty belt actually the personal property of the officer, is that something that they go out and get for themselves and it is their duty belt or did they trade duty belts with other officers.

A I can't speak personally but for St. Louis County, St. Louis County provides those duty belts to each individual officer, but obviously property of St. Louis County. But in the sense of trading with other officers, no, there is no trading with other officers. Once that belt is assigned to a particular person, it is that particular person's belt.

Q (By Ms. Alizadeh) So at the end of their

1 duty they would, they could take that belt home with 2. them that had their qun, their handcuffs, magazines? 3 Α Yes, ma'am. 4 Whatever is on the bet, that's goes home 5 with them? 6 Α It does, yes. 7 They don't leave it at the station for the next shift? 8 9 They do not. Α 10 Okay. So now when you called me up and Q 11 actually talked to me about having been contacted by 12 Darren Wilson's attorney about the duty belt, we had 13 a discussion about that; is that right? 14 Α We did. 15 And we talked about whether or not we 16 should seize that duty belt? 17 We did. Α 18 And between you and I we decided it was a 19 good idea to get it? 20 That's correct. Α 21 And when the duty belt was seized, 22 however, the officer's gun, of course, is not in it 23 because that was seized by Detective 24 correct? 25 Α That's correct.

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Q	The	other	ritems	that	are	cont	air	ned i	in a
duty belt,	, do	you 1	recall	if th	ose '	were	in	the	duty
belt?									

A I would have to look at the photos to know for sure.

MS. ALIZADEH: Okay. I believe, have we seen photos of the duty belt, have you guys seen those?

GRAND JUROR: We have a list of what was on it and what was fingerprinted.

MS. ALIZADEH: Let me double check because I know I didn't call the witness who seized the duty belt. We have the duty belt as one of the items for you all to look at, but as far as whether there was anything in the duty belt, those photographs would show it. When we break for lunch before you begin deliberating, let me go back and check and give you those photos, okay.

But at any rate, if there was things on the duty belt after the shooting, it is obviously conceivable that Darren Wilson, since he had possession of that duty belt from the day of the shooting until it was seized September 12th, could have removed things, could have changed things around and what have you, correct?

1	A That's possible.
2	MS. ALIZADEH: We also discussed whether
3	or not we would try to process the duty belt either
4	for DNA or fingerprints, correct?
5	A We did.
6	MS. ALIZADEH: And we discussed the fact
7	that if you process for DNA, then you really kind of
8	destroy the prints that might be on the item and
9	vice versa, if you actually process for prints, then
10	you might obliterate any DNA that might be on the
11	item.
12	So did we discuss and talk about having it
13	processed for prints?
14	A We did.
15	MS. ALIZADEH: And you're aware that the
16	duty belt was negative for Michael Brown's prints?
17	A It was.
18	MS. ALIZADEH: I've got the duty belt, so
19	whatever is on it, if there was anything on it when
20	it was seized that would still be on it, would that
21	be fair to say?
22	A It would still be in the same condition,
23	yes.
24	MS. ALIZADEH: And that would be police
25	procedure when something is seized, you package it

and document it in the condition that it was when you seized it and would have been photographed in that condition as well?

A Yes, ma'am.

MS. ALIZADEH: I do have photographs. If I haven't given them to you, I'll go get them.

GRAND JUROR: Considering this is a crime that we are sitting here discussing, um, wouldn't everything on Police Officer Wilson be considered evidence? My question is, why wouldn't his duty belt be detained the day of the shooting when pictures were taken of him before he went to the emergency room and of his uniform, why wouldn't everything be considered evidence that day because that is very important?

A Obviously, I wasn't at the Ferguson police station when the items that were originally seized on August 9th were seized. I agree with you in that it's important. I wasn't made aware of the fact that it wasn't seized until obviously a later date and I can't answer that question because I wasn't there.

GRAND JUROR: So how could you do an investigation if you haven't collected evidence?

A Well, clearly we collected evidence. We

1 just did not seize that duty belt on that particular 2. day meaning on August 9th. We did seize, obviously, 3 his weapon and his clothing and those things, but we 4 did not seize his duty belt. 5 MS. ALIZADEH: Let me just ask, Detective, 6 how long have you been a detective for St. Louis 7 County? 8 Α Almost eight years. 9 MS. ALIZADEH: And in your experience, 10 have you ever had cases where during the course of 11 the investigation, other things are made known and 12 then you wish you would have done something that you 13 now no longer have the opportunity to do? 14 Absolutely. Α (By Ms. Alizadeh) Now, Detective, I mean, 15 0 16 Officer Wilson, was interviewed by at 17 the hospital, correct? 18 Α Correct. 19 0 And we know his duty belt wasn't seized 20 that day? 21 Α That's correct. 22 And it was the next day that you 0 23 interviewed him at your headquarters, correct? 24 Α Correct. 25 Q And I imagine was he in street clothes

the first question?

1 when you interviewed him? 2. Α He was. 3 0 And so whether he had his duty belt in the 4 trunk of his car that day, regardless, you didn't seize the duty belt that day? 5 I did not. 6 Α 7 During your interview of him, did he talk 8 about mentally doing a mental, I quess, inventory of 9 the items on his duty belt during the time he says 10 Michael Brown was assaulting him? 11 Α He did make reference to that, yes. 12 0 And yet you didn't make any decision at 13 that time to seize the duty belt? 14 I think at that point I didn't know that Α it had not been seized. 15 16 In your interview with GRAND JUROR: 17 Officer Darren Wilson on the 10th, what did he 18 indicate to you as the reason why Michael Brown is 19 leaving the car, why Officer Wilson exited his 20 vehicle to begin pursuit what was his justification? 21 I know what he told you us, I'd be interested in 22 what he told you? 23 I think two separate questions there, am I 24 The first question is, would you repeat correct?

1	GRAND JUROR: What did Darren Wilson
2	explain was his reason for exiting his police
3	vehicle and pursuing Michael Brown on foot?
4	A To arrest him.
5	GRAND JUROR: That's what he told you on
6	that?
7	A Yes, sir.
8	GRAND JUROR: I know we've heard evidence
9	that Michael Brown after he turned around and
10	advanced back towards Officer Wilson, and we have
11	our diagram of the crime scene with the measurements
12	on it and I just want to make sure I'm interpreting
13	all of this right. So as far as physical evidence,
14	we have the blood on the ground that was about 21 or
15	22 feet from where Michael Brown ended up. So we
16	know for a fact that's a minimum distance he might
17	have advanced and from eyewitness testimony that
18	placed him at the corner of Coppercreek, that
19	dimension looks like it is closer to 48 to 50 feet;
20	is that correct? So that would be like an outer
21	A I'm going to look at this diagram also
22	just so I'm sure we are on the same page here.
23	So you're saying, obviously, this
24	would be zero right here, right.
25	GRAND JUROR: The distance was 48 feet

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1 | 2 inches according to this diagram.

A Correct, yes, sir. So we would say, and you made reference to the blood on the ground. So from this point here, the red stains in the roadway are identified what was later determined to be Michael Brown's blood as Items 19 and 20 on the key for the diagram. So Items 19 and 20, so the zero is here, identified as being 31 feet and 26 feet 7 inches, and this direction here, and then you're correct in saying if we continue to move west on Canfield Drive, Michael Brown's left foot and right foot for that matter are, 48 feet 2 inches, yes, sir.

GRAND JUROR: If I did the calculation that was 21 and a half feet?

A Yes, sir.

GRAND JUROR: Physical evidence, eyewitness reports would have doubled that.

A 21, 22 feet between the blood and where Michael Brown's body was when we arrived, yes.

GRAND JUROR: Okay. And a second question. We heard the audiotape that had the last ten shots on it, can you tell us exactly what that timeframe was from the first shot to the tenth shot there? We tried to approximate it, it was six or

1 seven seconds, but do you know exactly? 2. Α I know that that audio was sent to someone 3 at the FBI in Quantico who does testing relating to 4 audio and things of that nature. I don't have that 5 report in front of me and I wouldn't be comfortable 6 in saying what those, what that analyst identified. 7 MS. ALIZADEH: I do have the report. 8 can give it to you. He did not time, there is 9 nothing about the duration of the shots. The report 10 just indicates that there were ten, what appeared to 11 be ten apparent gunshots and a male voice speaking. 12 It was just an analyst of the audio and it doesn't 13 really say, it says nothing about duration of the 14 shots. 15 So I'd be happy to get that report for 16 you. 17 GRAND JUROR: There wasn't a craft line that showed time of duration? 18 19 MS. ALIZADEH: No, that wasn't done. 20 Α Yes, sir. 21 GRAND JUROR: In your professional 22 opinion, I'm not a blood splatter analyst, but say 23 Michael Brown is standing around the area where we 24 know his body fell and he's shot in the head, could

where the blood landed potentially have been, I

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    don't know some trajectory or we to expect or
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    understand that, I don't know what my question is.
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               If he was traveling from the baseline you
4
    marked as zero the corner of Coppercreek and
5
    Canfield that would somehow trail, is there a way to
    know?
6
7
               I'm not a blood spatter analyst either,
8
    but I think 22 feet would be an extremely
9
    unrealistic expectation that blood is going to
10
    travel that far.
11
               GRAND JUROR:
                            Okay.
12
               GRAND JUROR: Did you have occasion to
13
    talk to
14
         Α
               I did.
15
               GRAND JUROR: We heard of some testimony
16
    about, but we haven't heard directly, can you give
17
    us a quick synopsis of what he said happened?
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               I quess, let me clarify first. When you
         Α
19
    are talking about
                                  you are making
20
    reference --
21
               GRAND JUROR:
                             To the person in the video
22
    that we have seen, because what I'm trying to
23
    determine is, you know, what was his demeanor in the
24
    store in person versus what we are seeing on a
25
    screen.
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1 The and the individual in the Α 2. video, obviously, we may have discussed this last 3 week does not speak English. So when we talk to 4 him, we talk to him with an interpreter. 5 Uh-huh. GRAND JUROR: 6 Α And through the interpreter he indicated 7 that you're saying demeanor, meaning Michael Brown's 8 demeanor? 9 GRAND JUROR: Yes. 10 He said Michael Brown walked in and was using curse words. He couldn't recall what those 11 12 curse words were. There was some degree of a 13 language barrier there and he collaborated 14 essentially what you saw in the video. 15 I showed him the video during the 16 course of the interview that I conducted with him, I 17 showed him the video and he corroborated that is 18 obviously what took place from his perspective, but 19 in terms of actual language, he knew that there were 20 curse words he said, but the language barrier 21 prevented him from explaining any further what he 22 was saying. 23 GRAND JUROR: Okay. 24 In your interview with GRAND JUROR:

Darren Wilson, his interaction with Michael Brown,

1	that he thought Michael Brown had a weapon of any
2	kind?
3	A No.
4	GRAND JUROR: He didn't indicate or no, he
5	didn't have a weapon? He didn't mention it at all
6	or he said yes, I know he didn't.
7	A I would want to check the transcript for
8	an exact account, however, at the point that I,
9	remember, at the point that I interviewed Darren
10	Wilson, there had already been one cursory interview
11	completed with him or a safety statement completed
12	with him. And in that safety statement and in that
13	cursory interview, obviously, he made no mention of
14	a weapon. So to some degree it was implied that
15	there was no weapon involved in this on Michael
16	Brown's part.
17	MS. ALIZADEH: Detective , do you
18	recall, and his statement will speak for itself and
19	you have a transcript of his statement, but do you
20	recall in his statement to you him saying that he
21	saw Michael Brown's hand go into his waistband?
22	A He did say that, yes.
23	MS. ALIZADEH: But he never said that he
24	saw a weapon?
25	A Correct. Just in terms of seeing a

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1 | weapon, no, he never indicated that he saw one.

MS. ALIZADEH: Did he ever tell you that he thought Michael Brown was going for a weapon?

A In the sense of when Darren Wilson is making reference to Michael Brown putting his right hand, he described it as he put his right hand in his waistband and then started coming towards Darren Wilson. That would have been an instance where it could have been implied that, yes, there was a weapon there.

MS. ALIZADEH: He never said that, the interview will speak for itself, I want y'all to review it if you need to.

But he never said to you, I thought he was going for a weapon so I had so shoot him, or do you recall?

A I'm going to check my report.

MS. ALIZADEH: Okay. I'm going from my memory as well, I don't have copy of the transcript in front of me.

A So in the transcript here he makes reference to during his first stride, he took his right hand, put it under his shirt and put it in his waistband. And then as he continues, he again makes reference to still charging, and again, I'm reading

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the transcript here, still charging, hand still in his waistband, hasn't slowed down. And then he again makes reference to the same thing, still running at me, hadn't slowed down, hands still in his waistband.

So he makes reference to it three times there and then one final time when he says, when he went down, his hand was still under his right hand, was still under his body, looks like it was still in his waistband.

So in that sense does he ever specifically say the word weapon? No. In that conversation that I'm having with him, me, as a police officer knowing that if an individual has his hand in his waistband, that is of concern to me personally.

And so it was implied, in my opinion, that he was making reference, that Darren Wilson was making reference to believing that there could have been a weapon in Michael Brown's waistband, however, as you said, he never specifically mentioned the word weapon.

GRAND JUROR: On that same note, we know that Michael Brown's hand was, had the severe injury with blood, so you would be able to look at the

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- 1 shirt and shorts to be able to see if there was 2. blood in that specific area, correct? I don't know 3 if you can to verify, did you verify that? His 4 comment that he saw him at his waistband or shorts 5 or shirt, did you look to see on Michael Brown's actual shirt or shorts if there is blood in that 6 7 area? 8
 - A There is both his shirt and his shorts are very bloody so.
 - MS. ALIZADEH: It may be difficult to tell whether it was from that or from the body laying in the street and so forth.
 - GRAND JUROR: When you interviewed Darren Wilson, did he at any time tell you how many times he thought he shot his weapon?
 - A He didn't recall. And realistically in my experience that is a normal acceptable answer to hear from a police officer who has been involved in a critical incident. Very often police officers either don't know, or get the number of shots incorrect. And I don't see that as being something that frequently occurs.
- GRAND JUROR: Did he mention it to

 Detective in the preliminary.
- A In terms of how many shots? You would

1	have to ask Detective that.
2	GRAND JUROR: For some reason I got he
3	said he shot four times, four shots.
4	A I'm making reference to in terms of total
5	shots.
6	GRAND JUROR: Uh-huh.
7	A Are you making reference to something?
8	GRAND JUROR: Total shots, yeah.
9	A No. I mean, clearly, I think he probably
10	could deduce that when he went back to the station
11	that his weapon carries 12 rounds in the magazine
12	plus one in the chamber. And, you know, he can,
13	obviously, I don't know that he did, count how many
14	rounds he had left. But he didn't make reference
15	to, he didn't know when I asked him.
16	MS. ALIZADEH: If you are looking for
17	where that might come from, keep in mind that I had
18	Sergeant testify about what he first told him,
19	so you can review Sergeant 's testimony. We had
20	testify about his cursory interview at
21	the hospital, so you can review that. Neither one
22	of those were recorded interviews keep in mind. And
23	then there was the recorded interview with Detective
24	, which you have that transcript.
25	And then finally, Special Agent

interview was not recorded as well. So you wouldn't maybe, you could look back at the transcript of her testimony and then also keep in mind that Darren Wilson testified before this grand jury and you could review his testimony to see if there's mention of how many shots.

A Yes, ma'am.

GRAND JUROR: What is the policy and procedure of when a police officer goes to the hospital to be examined as far as who is present in the room with the patient and the doctor?

A Well, I don't know that I can answer that question. Obviously, Ferguson Police Department may have their own policy in terms of how they handle a situation like that. I would say with St. Louis County, obviously, you would have the patient and I would assume that you would probably have a supervisor there who is there to provide support to an injured officer. I'm just talking in general terms here, provide support to an injured officer. And you may have another police officer there again to provide support or something needs to take place, but I can't specifically answer for Ferguson Police Department.

1	GRAND JUROR: And they would be present in
2	the examine room?
3	A During any kind of examine taking place?
4	GRAND JUROR: (Nods head.)
5	A My guess would be that would be up to each
6	individual officer whether they were comfortable
7	with a co-worker or a supervisor being present.
8	Obviously, if they weren't
9	comfortable, I'm sure a supervisor or co-worker
10	would leave, but if they are comfortable, I'm sure
11	they could stay too.
12	GRAND JUROR: And when the doctor is
13	examining the patient, would there be a reason for
14	the supervisor to be answering questions?
15	A I guess it would probably depend on what
16	type of questions they would be answering.
17	GRAND JUROR: But they're not the patient?
18	A There is obviously an aspect to some sort
19	of workman's comp or payment issues or any number of
20	things like that could arise that a supervisor may
21	take upon his, may take responsibility for. But
22	specifically in any specific situation, I don't
23	know. I think it would be entirely different.
24	Obviously, just as if any of us got
25	hurt in a work place environment, I'm sure a

1 supervisor and/or co-worker would be there to assist 2. in whatever way they could through the process. 3 GRAND JUROR: I have one question, I have 4 a couple of questions, one in particular is about 5 his visit to the emergency room. It says in his 6 triage report that the patient presented with St. 7 Louis County Police to the emergency room for 8 evaluation from home. 9 And when we had somebody testify here, I 10 just want, do you know if he went home first? 11 Α He did not go home. 12 GRAND JUROR: Okay. 13 He went to the Ferguson Police Department Α 14 at the direction of Sergeant and he waited 15 there until Detective arrived. And. 16 obviously, Detective drove, not with, but 17 followed Darren Wilson and I believe Colonel 18 from the Ferguson police station to the 19 emergency room. 20 GRAND JUROR: Do you know where Darren Wilson lives, or what street, or what I'm trying to 21 22 determine is how far away he lives from the hospital? 23 24 He lives quite a ways away. Α 25 GRAND JUROR: I just want to make sure I

2.

understand what you were trying to say earlier, I know everybody has asked some questions about some of the things he told us here versus some of the things he told you about.

A Sure.

GRAND JUROR: I want to make sure I'm understanding what you are saying because with my work I'll talk a certain way with my co-workers then I would with this guy right here. So I'm assuming that it is acceptable for things to be inferred, I'm a little nervous, it is acceptable to go unspoken that you know could have happened, that he would have to explain to us.

A Can you give me a specific example of what you are making reference to?

GRAND JUROR: Several things. I can't remember what Sheila asked, but she asked a question and then he asked a question about did he say he was unarmed. He said, well, several times that his hand was still in his waistband and I can see where some people would say that he was holding an injury or something, but as a police officer, and as a fellow police officer, you don't know that's what he was doing, you think he could be, so you're taking as a police officer that doesn't have to be explained to

1 you.

2.

A Correct, I think just like it is in any industry or any line of work, I think there are obviously things that don't necessarily need to be explained or as you said, implied in any industry.

And you make reference to the hand in the waistband. A hand in the waistband to me in a situation is an alarm in any given situation because I don't know as a police officer, I'm talking in general terms here now, I don't know is that person's hand cold or is it that they're going to pull out a knife or a gun or baton or whatever.

GRAND JUROR: So it is possible that the difference is in things that he told you and the way he explained things how he told us could simply be you are a police officer and you know the situation, you know the type.

A I think that's possible, yes.

Specifically in the situation with the hand in the waist, I believe I knew what he was making reference to when he's talking about he makes mention to it four times, you know.

GRAND JUROR: It is a concern?

A It was obviously a concern to him and to me as a police officer, it would be a concern to me

1 also. 2. MS. ALIZADEH: Let me ask. I'm sure your 3 lunch is here. If you want to follow-up with him 4 after lunch, we can do that or you think there's 5 another five minutes worth of questions we can try 6 to finish with him. He's sticking around. 7 If for some reason during lunch you want 8 to ask him something else, you know, we'll bring him 9 But I know your lunch is probably here. Ιs back. 10 there anything pressing right now that you want to 11 ask him before break? 12 GRAND JUROR: When you spoke with or 13 interviewed Officer Darren Wilson, at that time was 14 he represented by an attorney? 15 Α He was, yes. 16 GRAND JUROR: At any time did his attorney 17 say that there's certain things that you cannot ask 18 him? 19 Α He did not, no. 20 GRAND JUROR: He did not. 21 Α As a matter of fact, I think during No. 22 the course of the interview his attorney maybe said 23 two words. 24 GRAND JUROR: So he was present there with

Darren Wilson?

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1 Yes, ma'am, yes. He was present in the 2. conference room when we interviewed him. So it was 3 myself, Detective , Darren Wilson, and Darren 4 Wilson's attorney in the conference room. 5 MS. ALIZADEH: Correct me if I'm wrong, I 6 believe we've heard that his attorney was also 7 present with him at the hospital? 8 Α He was, yes. 9 MS. ALIZADEH: Had actually ridden from 10 the Ferguson Police Department with Colonel 11 in the car with Darren Wilson, correct? 12 Α I don't remember specifically if he was in 13 the car, but he definitely was at the Ferguson 14 Police Department and he definitely was at Christian 15 Northwest Hospital with Darren Wilson, yes. 16 GRAND JUROR: A public citizen or police 17 officer walking down to the park, they're sitting in 18 a car and they are strangled and beaten to death, 19 that's a homicide and there is no weapon involved; 20 is that correct? Are physical hands ever a weapon 21 or you beat me to death? 22 Is it a homicide? Yes. A homicide is 23 simply a manner of death, but more specifically a 24 homicide is a death at the hands of another person

so yes, it would be a homicide.

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1 GRAND JUROR: And hands would be a weapon? 2. Α Could be absolutely, yes. 3 GRAND JUROR: So I'm getting to the point 4 this officer felt he was in danger of being beaten 5 to death sitting in his car, you could almost say 6 there was a weapon involved at that point, that's 7 where I'm confused a little bit. I understand no 8 weapon in the form of a pistol or handgun, if you 9 are in danger, that your life was in danger that you 10 are being beaten to death, is there a weapon there 11 or not? 12 Α Well, there's a weapon in the sense there 13 is something in a hand? 14 GRAND JUROR: Right. 15 Α Can you use your hands a weapons, No. 16 yes. 17 GRAND JUROR: Right. There is no 18 requirement to see a physical weapon, gun, knife, 19 for a police officer or citizen to defend themself, 20 or in the case of a police officer to use deadly 21 force. You don't need to see a handqun to defend 22 yourself with deadly force if you are police 23 officer, you assume your life is in danger by means 24 other than a physical weapon? 25 Α If a police officer --

1	MS. ALIZADEH: Let me stop you here.
2	We're going to give you prior to your deliberations
3	what the law states when a law enforcement officer
4	can use force, when a person defending themselves
5	can use force, and when they can use deadly force.
6	And so, you know, this would be maybe his
7	understanding of the law, but we have taken great
8	pains to make sure we are going to get you the law
9	so that I don't want anybody to misinterpret it. So
10	I'm just going to stop you there and we'll give it
11	to you before your deliberations okay?
12	GRAND JUROR: Okay.
13	GRAND JUROR: Kind of a follow-up on what
14	he's saying.
15	Due to Michael Brown's size and demeanor,
16	could Darren Wilson have considered him as a person
17	as being a weapon?
18	MS. ALIZADEH: You know, these are all
19	things there are, is the definition of deadly weapon
20	including in there?
21	MS. WHIRLEY: We can put it in there,
22	deadly force is in there.
23	MS. ALIZADEH: Here is the thing. You all
24	know from being a grand jury for several months,
25	that there's, you know, for example, with armed

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criminal action, you know, you have to have committed a crime by, with, through the use of a dangerous instrument, a deadly weapon and there are definitely definitions as to what is a deadly weapon and a dangerous instrument.

I believe once you see the law that we've written, it talks about what a person, their reasonable belief is. And so those things that you are asking is, could a person reasonably believe that their life was threatened, that's the crux of what you all have to talk about. And again, it is necessarily appropriate for him to answer those questions, whether or not Darren Wilson could have reasonably felt that he was, his life was in danger is something you all have to decide. And be guided by what the evidence is and then what the law is that Sheila and I have put together based on the statutes and criminal instructions and jury trials, okay.

I don't want you to, I don't think it is appropriate for him to interpret the law. That's going to be your job and if you have questions about the law, because under the grand jury rules, we are your legal advisers. So if there are questions about the law as you are deliberating, you ask us

1 those questions because we are your legal advisers. 2. GRAND JUROR: Without relation to the law, 3 have you in your dealings as a police officer, ever 4 seen anyone knocked out by one punched? 5 Have I personally seen it? No. Α Have I 6 responded to calls where someone has been knocked 7 out with one punch by a neighbor, a person at a bar? 8 Yes. 9 GRAND JUROR: Everything that they are 10 talking about, I just want to get back to the basics 11 of what happened or see what happened. Necessarily 12 walking in the middle of the street is not that big 13 of a deal, but when it got to the point, I've heard 14 it described as a tussle, a struggle and everything 15 like that, so when a citizen and a police officer 16 are in a tussle, that's a crime by the person 17 tussling with the police officer? 18 MS. ALIZADEH: I'm going to stop you 19 there. 20 Why? GRAND JUROR: 21 We have a rule on that too. MS. WHIRLEY: 22 MS. ALIZADEH: Because there are issues 23 about who was the initial aggressor, whether or not 24 the officer was making a lawful arrest, those are

all things that the law will tell you.

You can

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1 consider whether you believe the officer's actions 2. were lawful, and those are things that once you read the law.

GRAND JUROR: So you are going to give us those quidelines for us?

MS. WHIRLEY: Right.

MS. ALIZADEH: We're not going to give you the facts and say if he did this and then this, if you believe this, then this. But we're going to give you what the law says when a law officer can use force to affect an arrest and when that force can be deadly. And then also when a person can use force to defend themselves and when that force can be deadly.

There is all kind of things about whether or not the person is an initial aggressor, you know. And under the law, a law enforcement officer can be an initial aggressor, unless his arrest is unlawful. So there is all kind of things that go into that that I don't think he can answer those questions.

GRAND JUROR: As long as we are going to get those guidelines.

MS. WHIRLEY: You will get definitions also and you apply the facts as you know them to the law.

GRAND JUROR: Just in case you don't come back, I need this for me. When starting your investigation after you already interviewed Officer Wilson, okay. You heard A of the story, there's A and B, but B is deceased.

A Correct.

GRAND JUROR: My question is, you heard his testimony, starting your investigation, you have A in your mind and then you go interview all of the other witnesses. When B doesn't have a voice, you don't make that your main concern during your investigation, I'm asking you as a police officer or a detective.

A Okay. What's the question?

GRAND JUROR: So the question is, Officer Wilson's testimony told you his scenario what happened. Of course Mike Brown cannot speak.

A Right.

GRAND JUROR: You only have what part A said, you don't have part B. So going off what he said and you are starting your investigation, that's your focus point, so do you like try to put everybody's investigation towards part A or you trying to put this scenario together?

A Absolutely not. Do I try to put

1 everyone's toward part A as you made reference? 2. the initial phases of an investigation, it's simply 3 to, I'm summarizing it here. 4 GRAND JUROR: Okay. 5 Α It is simply to find as many witnesses as 6 we can and gather the facts. There is no skewing to 7 one side or to the other. It's essentially locate 8 witnesses, obtain their statements from them, and it 9 is to gather the evidence at the scene. 10 And then in this particular instance, 11 right, I present it to you, ladies and gentlemen of 12 the grand jury, and you can make the decisions from 13 But there is no skewing one side either way, 14 okay. 15 GRAND JUROR: Thank you. 16 GRAND JUROR: One last question. In your 17 eight years as a detective, have you ever had to 18 arrest a police officer? 19 Α I have, yes, several times. 20 GRAND JUROR: Can you give one example? 21 Α I've, well, this year I arrested a St. 22 Louis County police officer for an assault. 23 Several years ago I arrested a city 24 police officer for an assault. I've conducted other

investigations into police officers where they have

2.

been arrested for a sex crime. Those are the three that are popping up right now. I'm confident there are a few others one.

GRAND JUROR: Assault, domestic assaults or they --

A One was an on duty assault that took place at a MetroLink station and the incident was captured on video. The other one was an assault that took place, the officer was in uniform and he was at his station, he was getting off duty or had just gotten off duty and he assaulted several individuals and so obviously, both of those individuals I arrested.

MS. ALIZADEH: Any other questions?

And really, he won't be going far. If after lunch you think of something else you need to ask him to call him back, we're not going to start deliberations right now. So we'll conclude for lunch at this time.

(Lunch recess taken)

MS. WHIRLEY: This is Sheila Whirley, it is November 21st, I'm not sure of the time, it is after 1:14 or so. I did reach regarding his report and he advised me that his report would be more complete and detailed, and that he could have it to us by noon on Monday. I asked him what

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would be different, you know, or significant, and he said that he would be able, he can derive from the photos that he viewed once he was here the bullet trajectory and the position that the body was in when it was shot.

When he was here, he basically answered our questions, but a report, when he would sit down and write a report it would be more comprehensive and detailed.

He said he didn't realize, he hadn't started working on it, he didn't realize he could submit one after his testimony, but he could work on it and have it ready by Monday noon, before noon.

With that in mind, I know you didn't give us your answer as to what you had decided about the report, what do you think, do you want the report?

MS. ALIZADEH: Tell them the other option.

MS. WHIRLEY: I thought we would go to the other option if they don't want the report.

MS. ALIZADEH: They should know all of their options.

GRAND JUROR: If I'm hearing you right, in his report is he saying that based on the trajectory of the bullets he is going to show a diagram of positioning of the body that resulted in those

1 injuries?

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MS. WHIRLEY: I didn't go into detail questioning of him, and that's where the other option comes in and we will talk about that in a minute, but what he said basically is his report will talk about the trajectory of the bullets and what position the body was in when it was shot based on his findings.

Now, the other option is, as Kathi was suggesting, I could find out if you want to ask him a question, like you had a pretty detailed question right then, I could try and reach him again and see if he is available, maybe we could do a conference call and you can ask him some questions about what his report would say that he didn't talk about here or how it may differ or how it is more complete.

Was there another option? I think those were the two options. Am I missing one?

MS. ALIZADEH: The options are continue without the report or without a conference call.

MS. WHIRLEY: That's the third option.

MS. ALIZADEH: Or let's just wait for the report on Monday at noon, or let's get him on a conference call and see if he can explain to us what might be in his report that he didn't testify to

1 when he was here, or we need to have him back live 2. and in person for you all to question him in person. 3 I'm not suggesting any of these. 4 MS. WHIRLEY: Yeah, it is up to you. 5 MS. ALIZADEH: These are all your 6 decisions. Sheila is the one who talked to him 7 that's why I told her, tell him what you said. 8 MS. WHIRLEY: That's what he basically 9 said. 10 He said that he could tell, GRAND JUROR: 11 hit report is going to be tell us what position the 12 body was in when he was shot. 13 He's going to be giving an MS. WHIRLEY: 14 opinion is my understanding is, he wasn't there. 15 That's different than what he said when he Α 16 was here, so if that's the case, then I think we 17 need to wait until we have the report. 18 GRAND JUROR: What he said, is a 19 prima dona. How much time he need to do a report, a 20 final report. Every time he says something, he 21 change his mind, I'm sorry, but to me he's a prima 22 dona. 23 MS. ALIZADEH: This discussion you should 24 all have by yourself and off the record. Here is 25 the thing, and this is one thing that, I wasn't part

1 of the call, Sheila was. I'm asking her some of these questions because I asked her, now, I'm 2. 3 cross-examining Sheila. 4 MS. WHIRLEY: Not going to happen. 5 MS. ALIZADEH: Is he going to say 6 something different than what he testified to? 7 MS. WHIRLEY: And my understanding is, no, 8 not necessarily different, unless that's a 9 conclusion you may come up with. It is basically a 10 more detailed and complete report regarding the 11 trajectory of the bullets and the position that the 12 body was in when it was shot. 13 If you all recall something different that 14 he said when he testified, I'm not suggesting that 15 you are, but that's, you know, for you to decide. 16 He basically said that his report would be about his 17 findings, I'm repeating it, this is verbatim, the 18 trajectory of the bullets and the position of the 19 body when he was shot. I didn't question him any 20 further than that. 21 MS. ALIZADEH: So we have the evidence all 22 set up in the room for you. First of all, do you 23 need me to call back to answer any 24 further questions at this time? No, okay. 25 Now, you all asked about the duty belt,

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1
    which we do have in evidence and you will be able to
2.
    see it, but I have the photographs of it when the
3
    duty belt was seized, and it looks like this was
4
    seized by Detective
                              , who you have already
5
    heard from.
6
              So I will let you look at those and I'll
7
    mark the envelope that contains those photos.
    are six images, Grand Jury Exhibit 107.
8
9
                         (Grand jury Exhibit Number 107
10
                         marked for identification.)
11
              MS. ALIZADEH:
                              Obviously we had some
12
    matters during the lunch hour that kind of kept me
13
    busy with things. I did try to look for that
14
    Quantico report about the quishots that you hear.
    And I know I have it, I haven't had really time to
15
16
    search through my stuff for it. So while you are
17
    looking at evidence, I will try to lay my hands on
18
    that as well.
19
              You want to hear the interview of
20
             before you go look at the evidence? Yes.
21
              So, can you tell me, can I look at my
22
    little chart.
23
               (Playing of the interview of
             by the FBI.
24
                           The following is a
25
    transcription of that interview. The Witness will
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1
    be
                       .)
2.
               THE FBI: Today is August 25th, 2014.
3
    Time is approximately 7:12 p.m. This is Special
4
    Agent
                          of the FBI along with Special
5
                           with the FBI. We are here to
    Agent
    talk with
6
                                 This is regarding the
7
    Michael Brown, the death of Michael Brown.
8
    civil rights investigation with St. Louis Division
9
    of the FBI. We are at the offices of his attorney,
10
11
12
                            , if you could just state your
13
    name and spell it for me?
14
               THE WITNESS:
15
16
               THE FBI: If you could give me your date
17
    of birth and your address?
18
               THE WITNESS:
                                                    Address
19
20
21
               THE FBI: And you understand that this
22
    interview is being recorded?
23
               THE WITNESS:
                             Yes.
24
               THE FBI: Are you fine with that being
25
    recorded?
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1
               THE WITNESS: Yes.
2.
               THE FBI: Okay. So we are here to talk to
    you today about the civil rights investigation we
3
4
    have regarding the death of Michael Brown.
5
    could just start we have here at the
6
                  Can you take a look at this map and
7
    point out to me where you think your apartment is?
8
               THE WITNESS: Uh --
9
                                         would be over
               THE FBI:
10
    here.
11
               THE WITNESS:
                             Okay,
12
               THE FBI:
                         You think it was
13
               THE WITNESS:
                             Yeah.
14
               THE FBI: If you wouldn't mind just
15
    circling there and if you could kind of point out
16
    which side of the building you're on.
17
               THE WITNESS: Would be here.
18
               THE FBI: Okay. Can you put like a little
19
    star there? Okay.
20
               How about initialing that too? So we can
21
    look at this later and know that it was you that
22
    marked it and exactly where it is that you are at.
23
               Is that where you were at on August the
24
    9th, 2014?
25
               THE WITNESS:
                             Yes.
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1 Were you in your apartment or THE FBI: 2 inside your apartment? 3 THE WITNESS: Inside. 4 THE FBI: About what time is it that you 5 think that this has happened? 6 THE WITNESS: About 12:35, it is right 7 before, about 12:35 at the earliest and the latest I 8 give 12:45. 9 THE FBI: If you could tell me what you 10 were doing that day, walk me through what happened 11 right before and right through when you heard the 12 shots? 13 I was in my room, I probably THE WITNESS: 14 (inaudible) Before 12:35 but I know I was in the 15 house. I never did anything that morning. I was at 16 home all day. And I was talking at approximately 17 12:35, the time that I gave, I heard the shots while I was talking to my friend on Glad. 18 19 THE FBI: What is Glad? 20 THE WITNESS: Glad is a social app that you can download on your phone and you can have a 21 22 multimedia experience through texting and video. 23 THE FBI: Okay. Is that on a Google 24 phone, iPhone, what kind of phone? 25 THE WITNESS: Android phone, Google phones

1 and iPhones, I think have the access to that. Okay. Your phone is what kind 2. THE FBI: 3 of phone? 4 THE WITNESS: Android. 5 THE FBI: Android, okay. So it is an app 6 that you downloaded that you can use to video text 7 people, regular text messaging that you type out a 8 message, that kind of thing? 9 THE WITNESS: Right. It is a social app 10 where you can talk and meet people, and you can also 11 talk to friends, meet friends and send texts and 12 video. 13 THE FBI: Who was it that you were talking 14 to go on Glide that day? 15 THE WITNESS: I was talking to 16 17 THE FBI: Can you spell that for me? 18 THE WITNESS: 19 THE FBI: Do you know 's last name. 20 THE WITNESS: It is a name. So it is 21 22 THE FBI: 23 THE WITNESS: 24 THE FBI: 25 THE WITNESS:

1 THE FBI: 2. THE WITNESS: Yeah. 3 THE FBI: So you were talking with 4 that day? 5 THE WITNESS: Yeah. 6 THE FBI: So you think about 12:35, 12:45 7 in that time period? 8 THE WITNESS: Yeah. 9 THE FBI: And can you tell me, what was it 10 prior to the recording that you played for us prior to us starting this recorded interview, can you tell 11 12 us what was happening before you made that 13 recording? 14 THE WITNESS: In the house with me? 15 THE FBI: Yes. 16 I never left the room, I was THE WITNESS: 17 in the room most of the time. I was laying down on 18 my bed. Calls came in, I was just in my room. Just 19 really have the day, you know, just not doing 20 anything at that moment. 21 THE FBI: Okay. 22 THE WITNESS: But just in the room most of 23 the time laying down on the bed. 24 THE FBI: And prior to sending the video 25 messaging you already showed us, did you see or hear

1 anything prior to that relative to this case? 2. THE WITNESS: Just the shots that I 3 mentioned, and three shots before. 4 THE FBI: You think you heard three shots 5 before you sent the video? 6 THE WITNESS: About three shots. 7 THE FBI: Do you know how long that was before you sent the video, before you made, I'm 8 9 sorry, made the video? 10 Maybe about, I don't know, THE WITNESS: 11 maybe about five, six seconds maybe. 12 THE FBI: Okay. You heard the shots and 13 you think you heard three shots? 14 THE WITNESS: Yes, it was loud. 15 THE FBI: Okay. 16 THE WITNESS: And I think, I said it to my 17 roommate, one of us mentioned that it was very loud, and then I would need to send him a video. I didn't 18 19 when somebody talking to you (inaudible.) Then I 20 send the video, the video I heard more. 21 THE FBI: So about five seconds after you 22 heard the shots you started recording the video; is 23 that correct? 24 About then, yeah. THE WITNESS: 25 THE FBI: And then the video that you

```
1
    showed us prior again to us starting this recording
2.
    has you creating a video message that has both audio
    and video, correct?
3
4
               THE WITNESS:
                             Yes.
5
               THE FBI: There is shots heard in that
6
    message as well?
7
               THE WITNESS: Yes.
8
               THE FBI: And then do you hear anything
9
    more after that, you stopped the video, did you hear
10
    any more shots afterwards?
11
               THE WITNESS:
                             No.
12
               THE FBI: Was there any time during that
13
    time where you went outside of your apartment that
14
    you would have seen anything?
15
               THE WITNESS: No, I was inside the
16
    apartment the whole time.
17
               THE FBI: Okay. Can you give us your
18
    roommate's name as well.
19
               THE WITNESS: Uh,
20
               THE FBI: Can you spell that for me?
21
               THE WITNESS:
22
               THE FBI:
23
               THE WITNESS: Yeah.
                                     I'm sorry,
24
    her name is
                                           I'm sorry about
25
    that.
```

```
1
              THE FBI:
                                         The
                                                   , get
2
    rid of that, that's not right.
3
              THE WITNESS: Yeah.
4
              THE FBI:
                                        and he's your
5
    roommate there?
6
         Α
              She, it is a girl.
7
              THE FBI: And she is your roommate at the
8
    apartment. Do you have any other roommates?
9
              THE WITNESS: Along with , a couple
    people staying there, but you know, just at that
10
11
    time it was three of us.
12
              THE FBI: Okay.
                                      was there,
13
    yourself, was
                         there as well?
14
              THE WITNESS: wasn't there, after
    she moved in, he came after.
15
16
              THE FBI:
                        He came after.
17
              THE WITNESS: Yes.
18
              THE FBI: Can you spell his name for me?
19
              THE WITNESS:
20
              THE FBI: How much later did he come to
21
    the apartment.
22
              THE WITNESS: Um, after 1:00, maybe about
23
    1:30.
24
              THE FBI: All right. So definitely at the
25
    apartment during the time of the shooting?
```

```
1
              THE WITNESS: He wasn't there. And then I
2
    remember him asking me is it okay to come in the
3
    doors and he eventually came.
4
              THE FBI: Okay. I think the other piece
5
    of information that you wanted to tell us about was
6
    a video recorder that was removed, video camera that
7
    was removed. Can you tell me a little bit about
8
    that?
9
              THE WITNESS: That came into my mind when
10
    I spoke, another eyewitness who was giving me
11
    details of the entire thing.
12
              THE FBI: Who was that that you are
13
    talking to?
14
              THE WITNESS: The eyewitness, was
15
    telling me that.
16
              THE FBI: Okay. And how do you spell
17
          's name?
              THE WITNESS: It is kind of a
18
                                                  name,
19
    I don't know how to. I think it is
20
    something it is
21
              THE FBI: Okay.
22
              THE WITNESS:
23
              THE FBI: Do you know 's last name.
24
              THE WITNESS:
25
              THE FBI:
```

1 THE WITNESS: Yeah. 2. THE FBI: Okay. So you were talking with about this incident, the shooting of Michael 3 4 Brown? 5 THE WITNESS: Yes. 6 THE FBI: And it sparked something in your 7 head about cameras or? THE WITNESS: Well, I was just trying to 8 9 get information or details about what happened. 10 THE FBI: Okay. 11 THE WITNESS: Since I live in the 12 community I was just curious what happened. 13 (inaudible.) 14 THE FBI: So she's the one that told you that this camera had been removed? 15 16 THE WITNESS: Yeah. 17 THE FBI: You didn't see the camera removed? 18 19 THE WITNESS: No. 20 THE FBI: Okay. Do you know which camera 21 it was, did she tell you? 22 THE WITNESS: No. 23 THE FBI: Well, then that's something we 24 can follow-up with her since you don't have any 25 independent knowledge of that camera, it is

1 something that she has the knowledge of which camera 2. and who removed it from where it was? 3 THE WITNESS: Right. 4 THE FBI: Was there anything else in the 5 shooting of Michael Brown that would be helpful for 6 us? 7 No, I can't think of THE WITNESS: 8 anything. 9 THE FBI: I asked you before about whether 10 you would be willing to share the video that you 11 showed to us today, is that something you are 12 willing to share with us? 13 THE WITNESS: 14 THE FBI: We will go ahead and have you sign a form that allows, you know, gives us 15 16 authorization to take that off your phone and take a 17 copy of that directly off your phone. 18 Okay. Anything else? 19 I don't want to get into what she told 20 you, what you talked with her. Do you have any 21 information, a way to contact her? 22 THE WITNESS: No. 23 THE FBI: You don't. I mean, well, she has a 24 THE WITNESS: 25 sister that I talk to, so her sister.

```
1
              THE FBI: What's her sister's name? Is
2
    there a cell phone number we can reach her at?
3
              THE WITNESS:
4
              THE FBI:
                        What's 's last name.
5
              MS. WHIRLEY: I don't know her last name.
6
              THE FBI: Okay. Do you have a number for
7
                      s sister is the one who supposedly
8
    saw what happened?
9
              THE WITNESS:
                                  's sister is the one
10
    who lives in the apartment complex.
11
              THE FBI: Do you know where she lives at
12
    in the apartment complex?
13
                             doesn't live in
              THE WITNESS:
14
    apartment complex, does. Okay.
15
              THE FBI: Again,
                                     was the one
16
    telling you about this camera?
17
              THE WITNESS: Yeah.
18
              THE FBI: Did you talk to, your other
19
    roommate
                    wasn't there, but your roommate
20
          , did you talk to that roommate, did that
21
    roommate, did she see anything, was she outside?
22
              THE WITNESS: No, she was inside.
23
              THE FBI: She was inside.
24
              THE WITNESS: She was inside.
25
              THE FBI: So she may have heard something,
```

1 she was not outside to be able to see anything. 2. THE WITNESS: Right. 3 THE FBI: Okay. Again, any other 4 questions? 5 Do you have s address? 6 THE WITNESS: No. 7 Okay. All right. The time is THE FBI: now 7:26, we'll go ahead and stop the recording. 8 9 (End of the recorded interview.) 10 Is that the only thing that MS. WHIRLEY: 11 we're listening to? 12 MS. ALIZADEH: This is Kathi Alizadeh, we 13 just played off of Grand Jury Exhibit Number 49, 14 which is a disc, we just played a statement from 15 , which was recorded by the FBI 16 previously, previous to his testimony before this 17 grand jury. 18 Are there any other recorded statements 19 that I indicated to you that we have available? 20 Just for the record's sake, as well as for y'all to 21 know, on that list I should indicate what exhibit 22 the statements are on. So if at any time, even 23 during your deliberations you want to hear it, I can 24 play it for you. 25 Sheila and I talked about the fact that if

2.

you want to listen to a witness' statement on a disc where there are multiple statements, probably if you can ask us to go ahead and cue it up. We can leave the room if you want to be alone and talk while its playing, there is a lot of people's statements on there that didn't get played because they say they didn't know anything or what have you.

And then, but I will tell you statements that I did not have previously that I since have gotten. This is the statement of which was done, it is a two and a half hour statement that was done the night before he testified, and I've marked that as Grand Jury Exhibit Number 109.

This is a disc that has a statement of
that was done by the FBI on

September 2nd of 2014. I didn't have that

previously, that's Grand Jury Exhibit 108. And a

recorded statement of that was done

the day before she testified for you guys and that's

Grand Jury Exhibit 110.

So all of the statements that I've indicated that you have not heard you either have the transcripts for or I have them on disc for you to listen to whenever you need to, all right.

With that being said. Any other

```
1
    statements you want to listen to? You just let me
2
    know.
3
              At this point let's go ahead and take our
4
    break for y'all to take a bathroom break if you want
5
    and then reassemble here and then we will go look at
6
    the evidence in the room, is that all right? And
7
    then you guys can let us know what your decision is
8
    about
                    's report.
9
                           (Recess)
10
                              It is November 21st,
              MS. ALIZADEH:
11
    2:47 p.m.
12
              MS. WHIRLEY: And my understanding is
13
    you're ready to get instruction on the law so that
14
    you can begin your deliberation. You've also made a
15
    decision you asked us to check on the report,
16
    autopsy report by
                                   I checked on it, I
17
    reported back and he said it was not ready, but he
18
    could have it ready by noon, which is on the east
19
    coast is my understanding, by noon on Monday.
20
    understanding is you have agreed that you will wait
21
    for that report before turning in your decision; is
22
    that correct? Yes. However, you want to begin your
23
    deliberations now, correct?
24
               (Jurors indicate yes.)
25
              MS. WHIRLEY: We have prepared the law for
```

2.

you, we have prepared the relevant statutes, and
Kathi is going to grab the indictments, they are
ready. We just need to bring them in here and I'll
pass this around.

We have kind of reduced down the statute so that it is applicable to this case and easier to understand and read. Of course, if you have any questions along the way you can ask us by knocking on the door or ringing the bell. I guess ringing the bell would be better. And definitions that you think are applicable to the statutes.

So we're going to the statutes, and will give the foreperson the indictments and I will pick up the extras.

MS. ALIZADEH: So the indictments that we have prepared there is an indictment for murder in the first degree, a Class A felony and armed criminal action and unclassified felony, there is two copies.

There is indictment for murder in the second degree and armed criminal, two copies.

An indictment for voluntary manslaughter, a Class B felony, and armed criminal action, two copies.

An indictment for involuntary manslaughter

in the first degree and armed criminal action, two copies.

And involuntary manslaughter in the second degree and armed criminal action, two copies.

MS. WHIRLEY: The relevant statute it pretty much lays out the elements of the crimes that you have indictments for. It also has definitions that might be applicable to the crimes that are laid out in the statutes that you are looking at, it is not a statute, it is an indictment.

The standard of proof is probable cause, we did confirm that. So you guys, that is what you have been working with probable cause all along since you have been grand jurors and that doesn't change. Even though this has been a very long, arduous task going through this evidence. Your standard of proof is still probable cause. You're not here to determine guilt or not guilty, it is probable cause, is it enough to go to trial.

Now, what makes this a little bit different is that if you will look on page, the first page, it talks about assault of a law enforcement officer in the first degree. And that's part of the indictment because the officer is saying he was arresting him for assaulting him. So that's

2.

what you would be considering in your deliberation and we have provided you with definitions of assault in the first degree, on the second page is assault in the second degree and the third degree. And then also a law enforcement officer's use of force in making an arrest. An officer can use force in making an arrest, got that laid out for you.

MS. ALIZADEH: Real quick, can I interrupt about something?

MS. WHIRLEY: Sure.

MS. ALIZADEH: Previously in the very beginning of this process I printed out a statute for you that was, the statute in Missouri for the use of force to affect an arrest.

So if you all want to get those out. What we have discovered, and we have been going along with this, doing our research, is that the statute in the State of Missouri does not comply with the case law.

This doesn't sound probably unfamiliar to you that the law is codified in a written form in books and they're called statutes, but courts' interpret those statutes. And so the statute for the use of force to affect an arrest in the State of Missouri does not comply with Missouri Supreme, I'm

20

21

22

23

24

25

Grand Jury - Ferguson Police Shooting Grand Jury 1 sorry, United States Supreme Court cases. 2. And so what Sheila has come up with is a 3 statement of the law as to when an officer can use 4 force to affect an arrest, that does track our 5 Missouri Statute, but also takes into consideration 6 what the Supreme Court says, okay. 7 So the statute I gave you, if you want to 8 fold that in half just so that you know don't 9 necessarily rely on that because there is a portion 10 of that that doesn't comply with the law. And then 11 the thing that Sheila is giving you, that statement 12 about use of force to affect an arrest, I don't know 13 is that what you called it, is that the title. 14 MS. WHIRLEY: Law enforcement officers use 15 of force in making an arrest, yes. 16 MS. ALIZADEH: That does correctly state 17 what the law is on when an officer can use force and 18 when he can use deadly force in affecting an arrest,

okay.

I don't want you to get confused and don't rely on that copy or that print-out of the statute that I've given you a long time ago.

> MS. WHIRLEY: Did you have a question? GRAND JUROR: So we're to disregard this.

MS. ALIZADEH: It is not entirely

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1 incorrect or inaccurate, but there is something in 2. it that's not correct, ignore it totally. 3 GRAND JUROR: It is because of the 4 federal? 5 MS. WHIRLEY: Of a Supreme Court case and 6 we must follow Supreme Court of the United States. 7 It is Tennessee v. Garner, not that that matters 8 much to you. 9 GRAND JUROR: The Supreme Court, federal 10 Supreme Court overrides Missouri statutes. 11 MS. ALIZADEH: As far as you need to know, 12 just don't worry about that. 13 GRAND JUROR: All right. 14 MS. ALIZADEH: Just disregard that 15 statute. 16 MS. WHIRLEY: We don't want to get into a 17 law class. 18 That's that one and is that all you want 19 to say on that? 20 MS. ALIZADEH: Yeah, I wanted to point 21 that out. 22 MS. WHIRLEY: Use of force and defense of 23 a person, and we've added use of force and it is 24 actually, I'm sorry, we consider it a self-defense 25 instruction. So the first one is self-defense as it

relates to the information that you may have heard regarding Michael Brown.

The second one is self-defense as it relates to the law enforcement officer. As you deliberate and looked at the indictment, if you have questions about definitions, again, we have provided definitions, so just refer to that sheet that you have. And then also, probable cause is the standard, but Kathi, something she added that, you know, I need to tell you unless you want to do it, I can do it.

MS. ALIZADEH: No, you do it.

MS. WHIRLEY: Is that in order to vote true bill, you also must consider whether you believe Darren Wilson, you find probable cause, that's the standard to believe that Darren Wilson committed the offense and the offenses are what is in the indictment and you must find probable cause to believe that Darren Wilson did not act in lawful self-defense, and you've got the last sheet talks about self-defense and talks about officer's use of force, because then you must also have probable cause to believe that Darren Wilson did not use lawful force in making an arrest. So you are considering self-defense and use of force in making

1 | an arrest.

2.

You have all the information you need in those documents that we gave you to help in your deliberation. But again, if you have additional questions, we're here, we're not going anywhere, did you have something?

GRAND JUROR: No.

MS. WHIRLEY: And that's enough to get you started and hopefully this will clarify things for you as you go through the indictments. And I think we have already talked about, you'll decide how you want to go through the indictments if you want to look at them one at a time, but you must make a decision whether it is true bill or no true bill for each indictment.

MS. ALIZADEH: And as was brought up at the very beginning of this and what we have researched and discussed, the possibility of well, what if there's, you know, five people want to indict on murder first and five people that want to indict on murder second, and two people that don't want to indict. If you have nine people that vote indict on anything, then there will be an indictment. What that indictment is we will deal with if that happens, but there was some question,

well, is it kind of like a hung jury if we all can't agree on the charge. No.

If there are nine people to vote for an indictment, regardless of what charge you are indicting on, then know that there will be an indictment and we will give you further instruction on what that indictment, what offense it will be.

And the one thing that Sheila has explained as far as what you must find and as she said, it is kind of in Missouri it is kind of, the State has to prove in a criminal trial, the State has to prove that the person did not act in lawful self-defense or did not use lawful force in making, it is kind of like we have to prove the negative.

So in this case because we are talking about probable cause, as we've discussed, you must find probable cause to believe that he committed the offense that you're considering and you must find probable cause to believe that he did not act in lawful self-defense. Not that he did, but that he did not and that you find probable cause to believe that he did not use lawful force in making the arrest.

So if you guys need clarification on that when you get down to discussing it, I can print that

out or something, you understand the difference, the distinction, okay?

GRAND JUROR: Tell us those three again, one is committed the offense?

MS. ALIZADEH: Probable cause to believe that he committed the offense, which means that he met all the elements of that offense. You remember that from your grand jury days. And you must find probable cause to believe that Darren Wilson did not act in lawful self-defense and you must find probable cause to believe that Darren Wilson did not use lawful force in making an arrest. And only if you find those things, which is kind of like finding a negative, you cannot return an indictment on anything or true bill unless you find both of those things. Because both are complete defenses to any offense and they both have been raised in his, in the evidence. So any other questions about the law?

Okay. And then just one last thing is that Sheila and I talked about making, we can't make a closing argument to you and we're not going to, but I wanted to say something and I asked Sheila if she would, if we could prepare a statement together to say and so I just wanted to first thank you. We both wanted to thank you and how difficult this has

2.

been and the sacrifice that we know you all have family and jobs and we understand the burden it has been for you to be here for now 24 days, 25 days that you've actually been here.

We also want you to understand that your decision, whatever it is, should be based on the evidence that you heard in here and the law that we've explained to you, not based upon what the media says, not based upon public opinion, not based upon your fears, you have to base it on the evidence and the law.

And whatever that decision is, it will be the correct decision and we will stand by that 100 percent, whatever your decision is.

And then finally I wanted to say, and
Sheila agrees, but we wanted to point out that if at
times it seemed like in our questions we were
somehow expressing our opinions either about what we
think the evidence is, or about the credibility of a
witness. We want you to understand as attorneys it
is our job to challenge witnesses' statements and
that sometimes, you know, you don't get to the truth
unless you challenge a witness statement.

We have not had any particular rhyme or reason what witnesses we have taken, we have kind of

2.

traded off just because we are sharing the workload, but if at any time you felt that we were trying to express our opinion to you, we certainly were not.

Sheila said, as attorneys either of us can argue either point effectively and well because that's what we do, but in challenging witnesses, and I know that many of you have asked challenging questions of the witnesses as well, it is up to you to determine the facts and it is up to you to determine the credibility of the witnesses that testify and don't read into anything about what you think our opinions are because really our opinions don't matter, it is up to you and what you guys think.

So with that being said, thank you, thank you very much.

MS. WHIRLEY: Thank you very much. And I just want to add, you know attorneys, they cannot stop talking. I have to have the last word. That I totally agree with that and we were trying to give you a balanced presentation of the evidence. So you might see us go back and forth because we are trying to keep it balanced for you, and get to the truth and hopefully that was accomplished.

And I think you are going to make the

```
1
    right decision, I think you are very bright, I have
2
    said that since I first met you many, many months,
3
    ago it seems now. Do you work, if you need
4
    anything, we will be out here. Thank you.
5
                              Now, do you want to go on
              MS. ALIZADEH:
6
    record and say what time it is and that we are then
7
    leaving the room.
8
               I know I got the last word in, didn't I.
9
               (Grand jury starts deliberations at 3:04
10
    p.m.)
11
               MS. ALIZADEH:
                              It is approximately 5:55
12
    p.m. and we are going to recess for the evening and
    reconvene Monday morning at 9:00 a.m. We are
13
14
    waiting on the autopsy report of
                                                 and we
15
    are hoping it will be here before noon Monday. So
16
    with that, we are in recess for today.
17
               (End of Grand Jury Hearing Volume XXIV.)
18
19
20
21
22
23
24
25
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2.

State of Missouri

SS.

7 | County of St. Louis

I, Randy R. Dunn, a Licensed Certified Court
Reporter by the Supreme Court in and for the State
of Missouri, duly commissioned, qualified and
authorized to administer oaths and to certify to
depositions, do hereby certify that pursuant to
Notice in the civil cause now pending and
undetermined in the County of St. Louis, State of
Missouri.

The said witness, being of sound mind and being by the grand jury first carefully examined and duly cautioned and sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing page correctly sets forth the testimony of the aforementioned witness, together with the questions

1	propounded by counsel and grand jurors thereto, and
2	is in all respects a full, true, correct and
3	complete transcript of the questions propounded to
4	and the answers given by said witness.
5	I further certify that the foregoing pages
6	contain a true and accurate reproduction of the
7	proceedings.
8	I further certify that I am not of counsel or
9	attorney for either of the parties to said suit, not
10	related to nor interested in any of the parties or
11	their attorneys.
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14	Randy R. Dunn RPR, CRR, CCR No. 193
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