

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume V

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1 to the Ferguson Police Department, he had blood on
2 his hands reported. He wasn't photographed, nobody
3 knows how much blood he had on his hands, anything
4 left in vehicle?

5 **A** That's a good question. I don't know. I
6 don't know that Sergeant vehicle was looked
7 at.

8 : Okay.

9 MS. WHIRLEY: Anything else? Kathi?

10 MS. ALIZADEH: I've got nothing else.

11 Again, you were active in other aspects of this
12 investigation and should we need to recall you on a
13 future date, would you be available to testify?

14 **A** I would.

15 MS. ALIZADEH: All right. Nothing
16 further.

17 (This is the end of
18 testimony.)

19 (Recess)

20 MS. ALIZADEH: This is Kathi Alizadeh. It
21 is about 3:20 on the 16th of September. We are
22 about to call our final witness, Darren Wilson. And
23 as usual, Sheila and I will be asking him questions
24 and you are free to ask questions either
25 interrupting or wait until the end, however you feel

1 is better for the flow of things.

2 He is here and prepared to answer
3 questions. I would tell you that any conversations
4 that he has had with his attorney, because you heard
5 him talk and we have heard testimony that he has had
6 an attorney during parts of this, anything that he
7 and his attorney have talked about are what we call
8 privileged communications. And so you can't ask him
9 about what did you tell your attorney or what did
10 your attorney say about that, all right.

11 Any other questions that you think are
12 relevant are fair game, but the communications
13 between anyone and their attorney are privileged and
14 we can't inquire about that, all right? All right.
15 That being said, I am going to let him walk in and
16 get sworn.

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

23 EXAMINATION

24 BY MS. WHIRLEY:

25 Q So introduce yourself to the grand jurors,

1 tell us your name and spell your name for the court
2 reporter, please?

3 **A** My name is Darren Wilson. D-A-R-R-E-N,
4 last name W-I-L-S-O-N.

5 **Q** Have you appeared before this grand jury
6 before?

7 **A** No, I have not.

8 **Q** So you've never, nobody is familiar to you
9 here, correct?

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

11 **Q** All right. You are currently on leave or
12 what's your status right now?

13 **A** I am on paid administrative leave.

14 **Q** Now, we have never met before, have we?

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

16 **Q** And we did meet right before you came here
17 today, when you came here today and I talked to you
18 and your attorneys?

19 **A** Correct.

20 **Q** And you came here voluntarily?

21 **A** Correct.

22 **Q** And you were told that if you wanted to
23 consult with your attorneys you could?

24 **A** Correct.

25 **Q** Okay. And you want to be here and tell

1 the jurors what happened; is that correct?

2 **A** That's correct.

3 **Q** So August the 9th of 2014, you worked as a
4 police officer for the Ferguson Police Department?

5 **A** Correct.

6 **Q** That means you are a certified police
7 officer?

8 **A** Correct.

9 **Q** Had you completed all your training and
10 kept up with your continuing education as a
11 certified officer does?

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

13 **Q** You have the power of arrest?

14 **A** Correct.

15 **Q** In the State of Missouri?

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

17 **Q** What's your height?

18 **A** 6'4", just a shy under 6'4".

19 **Q** A little under 6'4"?

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

21 **Q** And how much do you currently weigh?

22 **A** 210-ish.

23 **Q** That's been your weight for a while?

24 **A** Yeah, it fluctuates between 205, 212, 213,
25 something like that.

1 **Q** Of course everybody knows why we're here,
2 so let's just get to it.

3 **A** Okay.

4 **Q** Let's talk about your day on August the
5 9th. What shift did you work?

6 **A** Day shift.

7 **Q** And what shift would that be, what hours?

8 **A** 6:30 a.m. to 6:30 p.m.

9 **Q** Twelve hour shift?

10 **A** Correct.

11 **Q** Had you worked the day before?

12 **A** Yes, I had.

13 **Q** Same shift?

14 **A** Yes.

15 **Q** You weren't working like midnights the
16 night before?

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

18 **Q** When you started your shift, did anything
19 happen that you consider very eventful? I mean,
20 earlier that day, prior to 10:00 let's say, 10:00
21 a.m.

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

23 **Q** Had you answered any calls prior to 10:00
24 a.m.?

25 **A** I don't recall, I don't believe so, but I

1 don't recall, nothing stands out in my memory.

2 Q It was a pretty quiet day initially?

3 A Yes, ma'am.

4 Q Now, at some point you had a sick call, a
5 sick baby, I think?

6 A Yes, ma'am.

7 Q And that would have been 11-ish or so?

8 A I think it was around 11:30-ish, somewhere
9 in that vicinity.

10 Q That was near the Canfield Green
11 Apartments?

12 A Yes, ma'am, it was actually past them in
13 the adjoining apartment complex.

14 Q And what do they call those apartments?

15 A I believe that apartment is called
16 Northwinds.

17 Q Northwinds. Okay. And it is like east of
18 the Canfield Green, behind those apartments?

19 A Correct.

20 Q When you went on that call, did you have
21 assistance?

22 A No, I did not.

23 Q All right.

24 A Not police assistance.

25 Q No police assistance?

1 **A** No.

2 **Q** You handled that call by yourself?

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

4 **Q** And did you have any confrontation with
5 anybody or was everything, was it a pretty as a
6 matter of fact call?

7 **A** It was a pretty laid-back call. It was
8 for a sick infant, I believe, only a couple months
9 old.

10 **Q** Okay.

11 **A** I believe she had a fever, I'm not
12 100 percent sure.

13 **Q** Let me ask this question, can everybody
14 hear him? Speak up. I usually stand in the back of
15 the room so we can have a conversation. As you can
16 tell, my voice really carries, so try to, you know,
17 speak up so everybody can hear you.

18 **A** Okay.

19 **Q** So the baby was an infant?

20 **A** Correct.

21 **Q** Was the baby not breathing, what was the
22 call, do you recall?

23 **A** I believe it was for a fever.

24 **Q** Fever you said, I'm sorry.

25 Ambulance arrived?

1 **A** Yes, ambulance arrived at the same time I
2 arrived.

3 **Q** Okay. Baby went to the hospital with its
4 mother?

5 **A** The mother and baby were transported.

6 **Q** After that, what did you do?

7 **A** I returned to my vehicle and then started
8 to leave the apartment complex.

9 **Q** Okay. Did you get any other calls between
10 the time of the sick baby call and your interaction
11 with Michael Brown and Dorian Johnson?

12 **A** While on the sick case call, a call came
13 out for a stealing in progress from the local market
14 on West Florissant, that the suspects traveling
15 towards QT. I didn't hear the entire call, I was on
16 my portable radio, which isn't exactly the best. I
17 did hear that a suspect was wearing a black shirt
18 and that a box of Cigarillos was stolen.

19 **Q** Okay. And was this your call or you just
20 heard the call?

21 **A** It was not my call, I heard the call.

22 **Q** Some other officers were dispatched to
23 that call?

24 **A** I believe two others were.

25 **Q** Was it a call that you were going to go to

1 also?

2 **A** No.

3 **Q** So you weren't really geared to handle
4 that call?

5 **A** No.

6 **Q** Tell us how you were dressed that day on
7 August the 9th?

8 **A** How I was dressed?

9 **Q** Yes.

10 **A** I was wearing my full department uniform,
11 light duty boots, dark navy blue pants, my issue
12 duty belt, with my uniform shirt and that was it.

13 **Q** All right. And so when you say, when you
14 are in uniform, you were not a detective?

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

16 **Q** You weren't dressed the way you are
17 dressed here today?

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

19 **Q** So your uniform is like a uniform police
20 officer and when you are walking around I can
21 clearly see oh, that's a police officer?

22 **A** Yes, ma'am, I believe it is french blue
23 uniform shirt, had patches for Ferguson on both
24 sides, badge, name tag.

25 **Q** Okay. And you were in what type of

1 vehicle?

2 **A** I was in a Chevy Tahoe police vehicle
3 fully marked with a light bar.

4 **Q** Fully marked, okay. Tell us, you were
5 mentioning your radio or what is this you spoke
6 about?

7 **A** Walkie is what we normally call it.

8 **Q** I'm sorry?

9 **A** Our walkie is what we normally call it.

10 **Q** Like a walkie-talkie or something?

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

12 **Q** And it did work that day?

13 **A** Yes.

14 **Q** Okay. And it was on which shoulder?

15 **A** I wear it on my left shoulder.

16 **Q** Are you left or right-handed?

17 **A** I'm right-handed.

18 **Q** Okay. Tell us what else is on your duty
19 belt?

20 **A** I have my, I'll go in order. Magazine
21 pouches sit right here, my weapon is on my right
22 hip, I have an asp that sits kind of behind me and
23 kind of to the right and then a set of handcuffs,
24 another set of handcuffs, my OC spray or mace is on
25 this side and then my radio and that's it.

1 **Q** Okay. So your mace is on your left side
2 and your gun is on your right side?

3 **A** Correct.

4 **Q** What type of weapon did you carry?

5 **A** I carry Sig Sauer, a P229 .40 caliber.

6 **Q** How many cartridges or bullets would it
7 hold?

8 **A** It has 12 in the magazine and one goes in
9 the chamber, so a total of 13.

10 **Q** You had a couple spare magazines on your
11 belt?

12 **A** Correct.

13 **Q** That had 12 each?

14 **A** Correct.

15 **Q** Did you carry a taser?

16 **A** No.

17 **Q** Why not?

18 **A** I normally don't carry a taser. We only
19 have a select amount. Usually there is one
20 available, but I usually elect not to carry one. It
21 is not the most comfortable thing. They are very
22 large, I don't have a lot of room in the front for
23 it to be positioned.

24 **Q** Had you been trained on how to use a
25 taser?

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

2 **Q** Have you ever used a taser before?

3 **A** I believe I have, but it wasn't one that I
4 carried. It was one that I used from someone else
5 on a scene. I can't remember the time or where I
6 used it.

7 **Q** You prefer not to have a taser?

8 **A** Correct.

9 **Q** So that day you had mace, you said, on
10 your left side?

11 **A** Correct.

12 **Q** All right. You are coming west, is it on
13 Canfield Drive?

14 **A** Yes, I started out on Glenark and then I
15 turn onto Bahama and then onto Glen Owen, and then I
16 turned on Windward, which actually turns into
17 Canfield Green and that's where I was going west on
18 that.

19 **Q** West on Canfield Drive?

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

21 **Q** Okay. We are going to get a map here
22 shortly so you can kind of map it out for us.

23 So as you are going west on Canfield
24 Drive, what happens?

25 **A** As I was going west on Canfield, I

1 observed two men in the middle of the street, they
2 are walking along the double yellow line single file
3 order.

4 **Q** Okay. And you say something to them, did
5 they say something to you first?

6 **A** No, you want me to just go with the whole
7 thing?

8 **Q** Sure, go ahead, let's start there.

9 **A** I see them walking down the middle of the
10 street. And first thing that struck me was they're
11 walking in the middle of the street. I had already
12 seen a couple cars trying to pass, but they couldn't
13 have traffic normal because they were in the middle,
14 so one had to stop to let the car go around and then
15 another car would come. And the next thing I
16 noticed was the size of the individuals because
17 either the first one was really small or the second
18 one was really big.

19 And just for the conversation, I
20 didn't know this then, but the first one's name was
21 Dorian Johnson, the second one was Michael Brown.
22 That was discovered, I think, the following day is
23 when I learned the names. I had never seen them
24 before.

25 And then the next thing I notice was

1 that Brown had bright yellow socks on that had green
2 marijuana leaves as a pattern on them. They were
3 the taller socks that go halfway up your shin.

4 As I approached them, I stopped a
5 couple feet in front of Johnson as they are walking
6 towards me, I am going towards them. And I allowed
7 him to keep walking towards my window, which was
8 down. As Johnson came around my driver's side
9 mirror I said, "why don't you guys walk on the
10 sidewalk." He kept walking, as he is walking he
11 said, "we are almost to our destination."

12 **Q** Do you think he used those words
13 destination, we are almost to our destination?

14 **A** Yes, ma'am. He said we are almost to our
15 destination and he pointed this direction over my
16 vehicle. So like in a northeasternly (sic)
17 direction. And as he did that, he kept walking and
18 Brown was starting to come around the mirror and as
19 he came around the mirror I said, "well, what's
20 wrong with the sidewalk." Brown then replied, um,
21 it has vulgar language.

22 **Q** You can say it, say it.

23 **A** Brown then replied, "fuck what you have to
24 say." And when he said that, it drew my attention
25 totally to Brown. It was a very unusual and not

1 expected response from a simple request.

2 When I start looking at Brown, first
3 thing I notice is in his right hand, his hand is
4 full of Cigarillos. And that's when it clicked for
5 me because I now saw the Cigarillos, I looked in my
6 mirror, I did a doublecheck that Johnson was wearing
7 a black shirt, these are the two from the stealing.

8 And they kept walking, as I said,
9 they never once stopped, never got on the sidewalk,
10 they stayed in the middle of the road.

11 So I got on my radio and Frank 21 is
12 my call sign that day, I said Frank 21 I'm on
13 Canfield with two, send me another car.

14 I then placed my car in reverse and
15 backed up and I backed up just past them and then
16 angled my vehicle, the back of my vehicle to kind of
17 cut them off kind to keep them somewhat contained.

18 As I did that, I go to open the door
19 and I say, hey, come here for a minute to Brown. As
20 I'm opening the door he turns, faces me, looks at me
21 and says, "what the fuck are you going to do about
22 it", and shuts my door, slammed it shut. I haven't
23 even got it open enough to get my leg out, it was
24 only a few inches.

25 I then looked at him and told him to

1 get back and he was just staring at me, almost like
2 to intimidate me or to overpower me. The intense
3 face he had was just not what I expected from any of
4 this.

5 I then opened my door again and used
6 my door to push him backwards, and while I'm doing
7 that I tell him to, "get the fuck back", and then I
8 use my door to push him.

9 Q You tell him to, "get the fuck back"?

10 A Yes.

11 Q Okay.

12 A He then grabs my door again and shuts my
13 door. At that time is when I saw him coming into my
14 vehicle. His head was higher than the top of my
15 car. And I see him ducking and as he is ducking,
16 his hands are up and he is coming in my vehicle.

17 I had shielded myself in this type of
18 manner and kind of looked away, so I don't remember
19 seeing him come at me, but I was hit right here in
20 the side of the face with a fist. I don't think it
21 was a full-on swing, I think it was a full-on swing,
22 but not a full shot. I think my arm deflected some
23 of it, but there was still a significant amount of
24 contact that was made to my face.

25 Q Now, he was hitting you with what hand?

1 **A** I believe it was his right, just judging
2 by how we were situated.

3 **Q** Right.

4 **A** But like I said, I had turned away, had my
5 eyes, I was shielding myself.

6 **Q** Where did you see the Cigarillos at?

7 **A** They were in his right hand.

8 **Q** Okay. Were there any broken Cigarillos or
9 anything in your car later?

10 **A** No, I don't remember seeing anything on
11 the ground or anything.

12 **Q** Okay.

13 **A** After he hit me then, it stopped for a
14 second. He kind of like, I remember getting hit and
15 he kind of like grabbed and pulled, and then it
16 stopped. When I looked up, if this is my car door,
17 I'm sitting here facing that way, he's here. He
18 turns like this and now the Cigarillos I see in his
19 left hand. He's going like this and he says, "hey
20 man, hold these."

21 **Q** So you start out with Cigarillos in his
22 right hand?

23 **A** Correct.

24 **Q** At this point they are in his left hand?

25 **A** Correct.

1 **Q** He didn't have like two hands of
2 Cigarillos?

3 **A** No, I only saw them in one hand.

4 **Q** You only saw them in one, okay, go ahead.

5 **A** And he reaches back and he says, "hey man,
6 hold these." I'm assuming to Johnson, but I
7 couldn't see Johnson from my line of sight.

8 **Q** But you could tell he was giving Johnson
9 Cigarillos?

10 **A** Yes, I saw them in his hand go around.

11 **Q** All right.

12 **A** And he said, "hey man, hold these." And
13 at that point I tried to hold his right arm because
14 it was like this at my car. This is my car window.
15 I tried to hold his right arm and use my left hand
16 to get out to have some type of control and not be
17 trapped in my car any more. And when I grabbed him,
18 the only way I can describe it is I felt like a
19 five-year-old holding onto Hulk Hogan.

20 **Q** Holding onto a what?

21 **A** Hulk Hogan, that's just how big he felt
22 and how small I felt just from grasping his arm.

23 And as I'm trying to open the door is
24 when, and I can't really get it open because he is
25 standing only maybe 6 inches from my door, but as I

1 was trying to pull the handle, I see his hand coming
2 back around like this and he hit me with this part
3 of his right here, just a full swing all the way
4 back around and hit me right here. (indicating)

5 After he did that, next thing I
6 remember is how do I get this guy away from me.
7 What do I do not to get beaten inside my car.

8 I remember having my hands up and I
9 thought to myself, you know, what do I do.

10 I considered using my mace, however,
11 I wasn't willing to sacrifice my left hand, which is
12 blocking my face to go for it. I couldn't reach
13 around on my right to get it and if I would have
14 gotten it out, the chances of it being effective
15 were slim to none. His hands were in front of his
16 face, it would have blocked the mace from hitting
17 him in the face and if any of that got on me, I know
18 what it does to me and I would have been out of the
19 game. I wear contacts, if that touches any part of
20 my eyes, then I can't see at all.

21 Like I said, I don't carry a taser, I
22 considered my asp, but to get that out since I kind
23 of sit on it, I usually have to lean forward and
24 pull myself forward to the steering wheel to get it
25 out. Again, I wasn't willing to let go of the one

1 defense I had against being hit. The whole time, I
2 can't tell you if he was swinging at me or grabbing
3 me or pushing me or what, but there was just stuff
4 going on and I was looking down figuring out what to
5 do.

6 Also, when I was grabbing my asp, I
7 knew if I did even get it out, I'm not going to be
8 able to expand it inside the car or am I going to be
9 able to make a swing that will be effective in any
10 manner.

11 Next I considered my flashlight. I
12 keep that on the passenger side of the car. I
13 wasn't going to, again, reach over like this to grab
14 it and then even if I did grab it, would it even be
15 effective. We are so close and confined.

16 So the only other option I thought I
17 had was my gun. I drew my gun, I turned. It is
18 kind of hard to describe it, I turn and I go like
19 this. He is standing here. I said, "get back or
20 I'm going to shoot you."

21 He immediately grabs my gun and says,
22 "you are too much of a pussy to shoot me." The way
23 he grabbed it, do you have a picture?

24 Q I do have some pictures of your gun.
25 Well, you can tell us if it is your gun, I believe

1 it is.

2 **A** My gun was basically pointed this way.
3 I'm in my car, he's here, it is pointed this way,
4 but he grabs it with his right hand, not his left,
5 he grabs with his right one and he twists it and
6 then he digs it down into my hip. (indicating)

7 MS. WHIRLEY: Kathi, can you do the
8 computer? I'm going to let you see these photos
9 from Grand Jury Exhibit Number 10, and there's some
10 numbers on the back of these photos just so we can
11 keep track of what you are looking at. And I'm
12 going to announce what they are and then I will let
13 you tell us a little bit about them, okay?

14 **A** All right.

15 **Q** Let me just get my glasses. These are
16 Grand Jury Exhibit Number 10, but the photo that I'm
17 showing you is 60, 66, 63, so they're not in order
18 and then 69, so if you could look at all of those
19 photos. And tell me if that represents what you
20 know to be your weapon and your ammunition?

21 **A** Yes, it does.

22 **Q** Let me see if we can get this, let me try
23 to get this started. We'll talk a little bit about
24 while we're working on that. So those are photos of
25 your weapons; is that correct?

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

2 **Q** And would those photos help you to sort of
3 explain or to explain to the grand jurors what took
4 place regarding the struggle with your weapon that
5 you were trying to describe to us?

6 **A** I think this would be the most helpful.

7 **Q** Okay. And we are going to put it on the
8 projector as soon as we can and have you, you know,
9 tell us what's going on.

10 I have a few other questions while we
11 are waiting on that. So during the time that he's,
12 you said Michael Brown is striking you in the face
13 through the car door?

14 **A** Right.

15 **Q** And it was your opinion that you needed to
16 pull out your weapon because why did you feel that
17 way, I don't want to put words in your mouth?

18 **A** I felt that another one of those punches
19 in my face could knock me out or worse. I mean it
20 was, he's obviously bigger than I was and stronger
21 and the, I've already taken two to the face and I
22 didn't think I would, the third one could be fatal
23 if he hit me right.

24 **Q** You thought he could hit you and it would
25 be a fatal injury?

1 **A** Or at least unconscious and then who knows
2 what would happen to me after that.

3 **Q** There you go, thank you, Kathi.

4 You had not ever met Michael Brown or
5 Dorian Johnson before this date?

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

7 **Q** Never had any interaction with them at
8 all?

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

10 **Q** Okay. So this is Number 60. Why don't
11 you come over here, Darren Wilson, and kind of tell
12 us.

13 **A** If you picture that --

14 **Q** You can do it from there?

15 **A** I can probably show with my hands.

16 **Q** You want to use this to kind of?

17 **A** No, I'll just do it with my hands. If
18 that's pointed at me, I'm holding that like this.
19 So it is pointed at, I would be Brown, he grabbed
20 with his hand over the top like this manner and then
21 twisted it down like this. And when it twisted, it
22 ended up being like this in my hip. That's all I
23 needed that for. (indicating)

24 **Q** That's all you needed?

25 **A** Yeah, just so I can show them how it

1 twisted and went down into my hip.

2 Q Okay. Since we have the projector up,
3 let's look at some of the photographs because you
4 did go to the doctor or to the hospital; is that
5 right?

6 A Yes, ma'am.

7 Q And you mentioned being struck in the face
8 before you pulled your weapon?

9 A Yes, ma'am.

10 Q So let's just look at those before we move
11 on since we are here. These are also from State's
12 Exhibit Number, Grand Jury Exhibit Number 10.

13 If you could look at these photos,
14 you do know those to be you, correct?

15 A Yes, ma'am.

16 Q All right. So you give me that one, I
17 guess I'm going to let Kathi maybe help me here.
18 This is photo number six. And that's you?

19 A Correct.

20 Q Is that you at the hospital on August the
21 9th?

22 A Yes, ma'am.

23 Q And why did you go to the hospital?

24 A For my face being swollen.

25 Q Was there any other injuries that you had

1 other than your face?

2 **A** They had discovered there that I had
3 scratches on the back of my neck.

4 **Q** Okay. Anything else, tell us about your
5 injuries?

6 **A** I had a swollen right cheek, my left they
7 said was swollen, I had scratches around my hairline
8 in the back and I think on the side of my neck, but
9 that's all that I remember.

10 **Q** Any injuries to your hand?

11 **A** No.

12 **Q** Okay, let's see. Show me which one of
13 those photos duplicates the injury to your face?

14 **A** That one you can see the right side of my
15 face swollen pretty good.

16 **Q** Okay. And this is Number 12?

17 **A** That one looks like it has bruising and
18 swelling on it.

19 **Q** Where is the swelling to your face on that
20 one?

21 **A** It was on my right side, that was the main
22 injury.

23 **Q** Point to it for us?

24 MS. ALIZADEH: Here, if you want to use
25 the laser pointer, hopefully it will work.

1 **A** Right in this area. (indicating)

2 **Q** (By Ms. Whirley) That's the swelling to
3 your face?

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

5 **Q** Okay. And this is Number 30 and you said
6 this depicts the swelling too?

7 **A** I think it shows the bruising on the side
8 of my face.

9 **Q** The bruising on the side of your face.
10 And kind of show us where you see the bruising?

11 **A** This area right here. (indicating)

12 MS. WHIRLEY: Yes.

13 : . Can we pass
14 those around?

15 MS. ALIZADEH: I'm going to, yeah, I'm
16 going to.

17 **A** That was kind of the same.

18 **Q** (By Ms. Whirley) Okay. This is number 24?

19 MS. ALIZADEH: Wait a minute, there is
20 two.

21 MS. WHIRLEY: 24 is what I'm trying to
22 look at.

23 MS. ALIZADEH: This is 27.

24 MS. WHIRLEY: This is 24. Now, what are
25 we looking at there?

1 **A** That's the left side of my face.

2 **Q** (By Ms. Whirley) So you had, describe what
3 we are looking at?

4 **A** I can't really tell from that.

5 **Q** Okay.

6 **A** I can't see from this angle.

7 **Q** Let me let you look at it again.

8 **A** I think there was swelling to my face in
9 that area too. I never saw my face after, this is
10 the first I've seen.

11 **Q** Does it look like swelling? You know your
12 face better than we do, does that look like
13 swelling?

14 **A** I can't tell with that angle with the
15 ruler.

16 **Q** You can't tell on that one? What about
17 this one?

18 **A** That one I can tell from down by my, down
19 in this area looks swollen to me.

20 **Q** Okay. And this is Number 27. Were there
21 any other photos that you think kind of show your
22 injuries?

23 **A** This one you can see the scratches in that
24 area.

25 **Q** Okay.

1 **A** Here is a close-up of it.

2 **Q** This is Number 33 and you say you can see
3 scratches on the back of your neck?

4 **A** Right in here. (indicating)

5 **Q** Okay.

6 **A** This is just showing the red marks on my
7 face on this one, on my neck on that one.

8 **Q** Okay. This is Number 54. And you can
9 kind of point to where the red marks are on your
10 neck?

11 **A** It is hard to see on that. It is in this
12 area right there. (indicating)

13 **Q** Okay.

14 **A** Most of those are the same.

15 **Q** Okay. Any more of those you want us to
16 see?

17 **A** It is hard to tell from the pictures and
18 that angle. I think the best one was looking
19 straight forward at me.

20 **Q** Okay. And they've already got those. All
21 right, thank you.

22 All right. So you suffered the
23 injury to your face and you showed us where the gun
24 was grabbed and at the time when there is a struggle
25 for the gun, take us from there.

1 **A** He grabs my gun, says, "you are too much
2 of a pussy to shoot me." The gun goes down into my
3 hip and at that point I thought I was getting shot.
4 I can feel his fingers try to get inside the trigger
5 guard with my finger and I distinctly remember
6 envisioning a bullet going into my leg. I thought
7 that was the next step.

8 **Q** I'm going to stand back so you can talk a
9 little louder.

10 **A** As I'm looking at it, I'm not paying
11 attention to him, all I can focus on is just this
12 gun in my leg.

13 I was able to kind of shift slightly
14 like this and then push it down, because he is
15 pushing down like to keep it pinned on my leg. So
16 when I slid, I let him use his momentum to push it
17 down and it was kind of pointed to where the seat
18 buckle would attach on the floorboard on the side of
19 my car.

20 Next thing I remember putting my left
21 hand on it like this, putting my elbow into the back
22 of my seat and just pushing with all I could
23 forward.

24 **Q** Were you saying anything?

25 **A** I don't know.

1 **Q** You don't know if he was saying either?

2 **A** I heard stuff, but I couldn't tell you
3 what it was.

4 **Q** Okay.

5 **A** Like I said, I was just so focused on
6 getting the gun out of me. When I did get it up to
7 this point, he is still holding onto it and I pulled
8 the trigger and nothing happens, it just clicked. I
9 pull it again, it just clicked again.

10 At this point I'm like why isn't this
11 working, this guy is going to kill me if he gets
12 ahold of this gun. I pulled it a third time, it
13 goes off. When it went off, it shot through my door
14 panel and my window was down and glass flew out of
15 my door panel. I think that kind of startled him
16 and me at the same time.

17 When I see the glass come up, it
18 comes, a chunk about that big comes across my right
19 hand and then I notice I have blood on the back of
20 my hand.

21 After seeing the blood on my hand, I
22 looked at him and he was, this is my car door, he
23 was here and he kind of stepped back and went like
24 this.

25 And then after he did that, he looked

1 up at me and had the most intense aggressive face.
2 The only way I can describe it, it looks like a
3 demon, that's how angry he looked. He comes back
4 towards me again with his hands up.

5 At that point I just went like this,
6 I tried to pull the trigger again, click, nothing
7 happened.

8 Q When you say he came back up to you with
9 his hands up, describe to us what he is doing?

10 A Last thing I saw was this coming at me.

11 Q Was it a fist?

12 A I just saw his hands up, I don't know if
13 they were closed yet, on the way to going closed, I
14 saw this and that face coming at me again, and I
15 just went like this and I shielded my face.

16 Q And you did what?

17 A Went like this and shielded my face.

18 Q Did he hit you at that time?

19 A Yes.

20 Q Okay. Go ahead.

21 A So I pulled the trigger, it just clicks
22 that time. Without even looking, I just grab the
23 top of my gun, the slide and I racked it, and I put
24 my, still not looking just holding my hand up, I
25 pulled the trigger again, it goes off. When I look

1 back after that --

2 **Q** So how many times does it go off in the
3 car?

4 **A** It went off twice in the car. Pull,
5 click, click, went off, click, went off. So twice
6 in the car.

7 **Q** Are you certain?

8 **A** Yes.

9 **Q** Okay.

10 **A** When I look up after that, I see him start
11 to run and I see a cloud of dust behind him. I then
12 get out of my car. As I'm getting out of the car I
13 tell dispatch, "shots fired, send me more cars."

14 We start running, kind of the same
15 direction that Johnson had pointed. Across the
16 street like a diagonal towards this, kind of like
17 where the parking lot came in for Copper Creek Court
18 and Canfield, right at that intersection. And there
19 is a light pole right there, I remember him running
20 towards the light pole.

21 We pass two cars that were behind my
22 police car while we were running. I think the
23 second one was Pontiac Grand Am, a green one. I
24 don't know if it was a two door or four door, I just
25 remember seeing a Pontiac green Grand Am.

1 When I passed the second one, about
2 that same time he stopped running and he is at that
3 light pole. So when he stopped, I stopped. And
4 then he starts to turn around, I tell him to get on
5 the ground, get on the ground.

6 He turns, and when he looked at me,
7 he made like a grunting, like aggravated sound and
8 he starts, he turns and he's coming back towards me.
9 His first step is coming towards me, he kind of does
10 like a stutter step to start running. When he does
11 that, his left hand goes in a fist and goes to his
12 side, his right one goes under his shirt in his
13 waistband and he starts running at me.

14 **Q** You say under his shirt?

15 **A** Yes.

16 **Q** Was he wearing a shirt that was longer
17 than his waistband?

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

19 **Q** So he goes up under the shirt?

20 **A** Yes.

21 **Q** Okay. Go ahead.

22 **A** That was all done, like I said, the first
23 step, his first stride coming back towards me.

24 As he is coming towards me, I tell,
25 keep telling him to get on the ground, he doesn't.

1 I shoot a series of shots. I don't know how many I
2 shot, I just know I shot it.

3 I know I missed a couple, I don't
4 know how many, but I know I hit him at least once
5 because I saw his body kind of jerk or flinched.

6 I remember having tunnel vision on
7 his right hand, that's all, I'm just focusing on
8 that hand when I was shooting.

9 Well, after the last shot my tunnel
10 vision kind of opened up. I remember seeing the
11 smoke from the gun and I kind of looked at him and
12 he's still coming at me, he hadn't slowed down.

13 At this point I start backpedaling
14 and again, I tell him get on the ground, get on the
15 ground, he doesn't. I shoot another round of shots.
16 Again, I don't recall how many it was or if I hit
17 him every time. I know at least once because he
18 flinched again.

19 At this point it looked like he was
20 almost bulking up to run through the shots, like it
21 was making him mad that I'm shooting at him.

22 And the face that he had was looking
23 straight through me, like I wasn't even there, I
24 wasn't even anything in his way.

25 Well, he keeps coming at me after

1 that again, during the pause I tell him to get on
2 the ground, get on the ground, he still keeps coming
3 at me, gets about 8 to 10 feet away. At this point
4 I'm backing up pretty rapidly, I'm backpedaling
5 pretty good because I know if he reaches me, he'll
6 kill me.

7 And he had started to lean forward as
8 he got that close, like he was going to just tackle
9 me, just go right through me.

10 **Q** Can you demonstrate for us how he was
11 leaning forward?

12 **A** His hand was in a fist at his side, this
13 one is in his waistband under his shirt, and he was
14 like this. Just coming straight at me like he was
15 going to run right through me. And when he gets
16 about that 8 to 10 feet away, I look down, I
17 remember looking at my sites and firing, all I see
18 is his head and that's what I shot.

19 I don't know how many, I know at
20 least once because I saw the last one go into him.
21 And then when it went into him, the demeanor on his
22 face went blank, the aggression was gone, it was
23 gone, I mean, I knew he stopped, the threat was
24 stopped.

25 When he fell, he fell on his face.

1 And I remember his feet coming up, like he had so
2 much momentum carrying him forward that when he
3 fell, his feet kind of came up a little bit and then
4 they rested.

5 At that point I got back on the radio
6 and said, "send me a supervisor and every car you
7 got."

8 Q Okay. So when the shots were first fired
9 in your car, you said you believe you fired two
10 shots in the car?

11 A Yes, two actually went off in the car.

12 Q Two went off in the car. And at this
13 point, the second shot, is that when he ran?

14 A After the second shot, yes.

15 Q After the second shot. Are you still in
16 the car?

17 A When he starts to run?

18 Q Yes.

19 A Yes, ma'am.

20 Q Okay. Do you, at that time, do you say
21 shots fired?

22 A As I'm exiting the car to chase him, yes.

23 Q Did you know that radio dispatch did not
24 go out?

25 A No, I didn't find out until later while I

1 was actually driving back to the station that my
2 portable radio was on channel 3 and our main channel
3 was channel 1.

4 **Q** So nobody heard you say shots fired to
5 your knowledge?

6 **A** To my knowledge.

7 **Q** Okay.

8 **A** They did ask me why my radio for the car
9 was laying on the floorboard, asked me if I used
10 that. I don't remember using that radio. I, for
11 some reason, remember using this one. It could have
12 been sitting in my lap, there is also that chance
13 that I used that one. I don't know which one that I
14 used.

15 MS. ALIZADEH: I'm sorry, when you say
16 your radio, you mean the mike --

17 **A** The mike, yes, ma'am.

18 MS. ALIZADEH: -- for the radio? The
19 radio is attached to the dash, correct?

20 **A** Yes, it is in the center console. So the
21 mike was probably in my lap at some point.

22 MS. ALIZADEH: The mike, okay.

23 **Q** (By Ms. Whirley) All right. So you're in
24 the car, you fire two shots and he's running and you
25 get out of the car to chase after him and tell us

1 your rationale, what you are thinking now?

2 **A** When I'm chasing him?

3 **Q** Yes. You get out of the car and run after
4 him.

5 **A** My main goal was to keep eyes on him and
6 just to keep him contained until I had people coming
7 there. I knew I had already called for backup and I
8 knew they were already in the area for the stealing
9 that was originally reported. So I thought if I can
10 buy 30 seconds of time, that was my original goal
11 when I tried to get him to come to the car. If I
12 could buy 30 seconds of time, someone else will be
13 here, we can make the arrest, nothing happens, we
14 are all good. And it didn't happen that way.

15 So when he ran, you know, just stay
16 with him, someone is going to be here, you know,
17 we'll get him.

18 **Q** And when you, when the second shot was
19 fired inside the car, did you think he was hit at
20 all?

21 **A** No, I thought I missed.

22 **Q** Both shots. You didn't see any blood on
23 him?

24 **A** The first shot, judging by his reaction,
25 he went back, I thought it went through the door and

1 hit him in the leg, in the hip, is what I thought.

2 Q Okay.

3 A The second one I saw the cloud of dust and
4 him running, I knew I missed.

5 Q Okay. So you got out of the car, you are
6 running, you are telling him to stop; is that right?

7 A Correct.

8 Q And he's not listening?

9 A No, not until he gets to that light pole
10 and that's when he stopped.

11 Q To what now?

12 A He gets to that light pole at that
13 intersection.

14 Q Are you firing at him while he's running?

15 A No, ma'am.

16 Q Is Dorian Johnson anywhere around?

17 A I never saw him after the very beginning.
18 Once he walked past my car, I never saw him again.

19 Q Okay. All right. And at some point you
20 say Michael Brown does turn around?

21 A Yes, ma'am.

22 Q Any idea what happened to make him turn
23 around or he just all of the sudden turns around?

24 A No, just turns around. His whole reaction
25 to the whole thing was something I've never seen.

1 I've never seen that much aggression so quickly from
2 a simple request to just walk on the sidewalk.

3 Q Okay. Because you never did talk to him
4 about the Cigarillos or the stealing at the Ferguson
5 Market?

6 A No, I never had the chance to.

7 Q All right. You said when he's coming back
8 at you with his hand, right hand in his waistband
9 and kind of charging, that's when you fired the last
10 shots?

11 A Yes, ma'am.

12 Q And he went down?

13 A Yes, ma'am.

14 Q Did you think he was dead at that point?

15 A Yes, I did.

16 Q What did you do after that when he goes
17 down?

18 A After that is when I got back on the radio
19 and I said, "send me a supervisor and every car you
20 have."

21 Seconds later, I don't know how many
22 seconds later, is when Officer followed by
23 Officer arrived. And I believe they were the
24 ones that were assigned to the stealing call
25 originally. walked up to me and said,

1 Darren, what do you need.

2 MS. ALIZADEH: Said what?

3 **A** Darren, what do you need. I don't
4 remember what my reply was and he said, did you call
5 for an ambulance. I said I haven't, will you. I
6 remember him calling twice, like he was about from
7 me to you away on the radio calling.

8 And then I look across and was
9 starting to tape off the area, but I notice that all
10 of our cars are parked this way, Brown is laying
11 here, there is nothing on this side. I told
12 to move his car to this side to block that side of
13 the street off. He did that and then he resumed
14 taping.

15 After that I walked to my car and I
16 put my gun up, I start walking away from the scene.
17 As I'm walking away, I walk back to my car and I
18 don't know if the door was open or shut, I think it
19 was shut. I open the door, I reach in, I turn my
20 car off, shut the door. At that time my sergeant
21 pulled up and I walked over to him.

22 **Q** (By Ms. Whirley) This is Sergeant ?

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

24 **Q** Okay.

25 **A** I don't remember what started the

1 conversation, he said something first, but I said I
2 have to tell you what happened. And he goes, what
3 happened.

4 I said, I had to kill him.

5 He goes, you what?

6 I said, he grabbed my gun, I shot
7 him, I killed him.

8 He goes, go sit in the car.

9 I said, I cannot sit in the car.

10 I remember him saying, Darren, sit in
11 the car.

12 I said, Sarge, I can't be singled
13 out. It is already getting hostile, I can't be
14 singled out in the car. I will leave if you want me
15 to leave.

16 He said, take my car and leave. So I
17 got in his car and I drove to the police station.

18 **Q** In your mind him grabbing the gun is what
19 made the difference where you felt you had to use a
20 weapon to stop him?

21 **A** Yes. Once he was hitting me in the face,
22 that enough, was in my mind to authorize the use of
23 force.

24 **Q** Okay. So if he would not have grabbed
25 your gun while he was hitting you in the face,

1 everything was the same, but he would not have
2 grabbed the gun, you still would have used deadly
3 force?

4 **A** My gun was already being presented as a
5 deadly force option while he was hitting me in the
6 face.

7 **Q** Okay, all right. So then you go to the
8 station?

9 **A** Yes.

10 **Q** And what happens, you go alone?

11 **A** Yes.

12 **Q** And before you leave for the station,
13 there is a crowd developing, right?

14 **A** Correct.

15 **Q** And do you hear what the crowd is saying?
16 I know you are in a pretty stressful situation, but
17 do you understand or hearing anything that they're
18 saying?

19 **A** I hear yelling, I hear screaming, as I'm
20 walking back to my car, a white Ford truck pulled up
21 and I remember her saying is that so and so? It was
22 a female driver that got out. said, ma'am,
23 we don't know. I heard her say, I think it is so
24 and so, and then she screamed and that's all I
25 heard.

1 I could hear other noises and
2 screaming, but I couldn't hear.

3 Q Okay. We're going to go with you to the
4 station in just a minute, but I wanted to ask you
5 about your relationship with the residents in the
6 Canfield Green Apartments.

7 A Uh-huh.

8 Q Did you guys have a volatile, well, how
9 can I put this. Did you not really get along well
10 with the folks that lived in that apartment, not you
11 personally, I mean the police in general?

12 A It is an antipolice area for sure.

13 Q And when you say antipolice, tell me more?

14 A There's a lot of gangs that reside or
15 associate with that area. There's a lot of violence
16 in that area, there's a lot of gun activity, drug
17 activity, it is just not a very well-liked
18 community. That community doesn't like the police.

19 Q Were you pretty much on high alert being
20 in that community by yourself, especially when
21 Michael Brown said, "fuck what you say," I think he
22 said?

23 A Yes.

24 Q You were on pretty high alert at that
25 point knowing the vicinity and the area that you're

1 in?

2 **A** Yes, that's not an area where you can take
3 anything really lightly. Like I said, it is a
4 hostile environment. There are good people over
5 there, there really are, but I mean there is an
6 influx of gang activity in that area.

7 **Q** All right. So you're driving yourself
8 back to Ferguson, what are you thinking on the drive
9 back to Ferguson?

10 **A** I think I'm just kind of in shock of what
11 just happened, I really didn't believe it because
12 like I said, the whole thing started over will you
13 just walk on the sidewalk and it developed into that
14 in 45 seconds.

15 And that's the only other thing I
16 remember thinking about is I heard the car radio
17 going off and mine wasn't. That doesn't make sense.
18 So I hit the scan button on mine thinking the scan
19 button got messed up, I wasn't getting everything.

20 And I did that and it still, this one
21 is going off and mine's not. So then I looked at it
22 and I was on channel 3. I was like, I don't know
23 what was heard or what wasn't heard.

24 **Q** And that's when you realized that you
25 probably, nobody probably even heard your call for

1 help?

2 **A** Right. I know they heard the initial one
3 because before I put it in reverse I used the car
4 radio, the car mike, which is always on Ferguson
5 channel, it never changes, but I don't know when
6 this one was changed, if they even heard anything.

7 **Q** When you first went out on your call to
8 Canfield Green, you said, I'm going out Frank 21?

9 **A** Frank 21.

10 **Q** I'm going out with two, send me a car?

11 **A** I said, "Frank 21, I'm on Canfield with
12 two, send me another car."

13 **Q** It wasn't a stressful situation at that
14 point?

15 **A** No, it wasn't, but I just had that gut
16 feeling that someone else needed to be there and
17 knowing that this guy just stole from the market
18 because I saw the Cigarillos and had the black
19 shirt, I felt that in order to affect the arrest, it
20 would be better to have.

21 **Q** You asked for this other car before any
22 words were exchanged, correct?

23 **A** No, he had already told me, "fuck what you
24 have to say."

25 **Q** Before you asked for the car, when you

1 said I'm Frank 21, I'm at Canfield Green, send me a
2 car. He had already said, "fuck what you have to
3 say?"

4 **A** Yeah, he had already walked past by my car
5 and said that.

6 **Q** Okay.

7 **A** That's when I saw the Cigarillos when he
8 said that and he kept walking. Then I got on the
9 radio and said, "send me another car."

10 **Q** You didn't tell the dispatcher that you
11 were having a confrontation or that you had these
12 guys who might be the suspects in the stealing?

13 **A** No.

14 **Q** You didn't say that to the dispatcher when
15 you said send me a car?

16 **A** No, it was kind of said in a quicker way,
17 just kind of hey, I want to get the information out,
18 get a car started and once more develops, I can
19 advise them of more.

20 **Q** But you never had a chance to do that?

21 **A** No, I didn't.

22 **Q** Okay. All right. So you drive back to
23 Ferguson by yourself, you are at Ferguson, what do
24 you do?

25 **A** I immediately go to the bathroom. On the

1 way back I found that I had blood on the inside of
2 my left hand and I already know I had it on the back
3 of my right hand. And just from everything we have
4 always been taught about blood, you don't want it on
5 you, you don't touch it, you don't come in contact
6 with it.

7 And my original thought was that it
8 was the glass had cut my wrist and cut my hand,
9 which is why this hand was bleeding. And so
10 thinking that I was cut with someone else's blood on
11 me, I had to wash my hands.

12 So I go directly to the bathroom. I
13 actually washed them, went to the bathroom and then
14 I looked, like I still had it like in my cuticles
15 and stuff, so I washed my hands again. After I
16 washed my hands, I go to our roll call room.

17 **Q** Let me ask you this, was there a lot of
18 blood?

19 **A** From like my finger tips to about here was
20 blood.

21 **Q** Like dripping blood?

22 **A** No, just on the back of my hand, it wasn't
23 liked wraparound like I dipped my hand in blood, but
24 there was like blood on the back of my hand.

25 **Q** One of the grand jurors asked earlier, you

1 may know the answer to the question, was there blood
2 left like in Sergeant s car after you got out
3 of it?

4 **A** I don't know, I did call him and say, I
5 don't know who is going to drive your car later, but
6 I had blood on my hands. You might want to tell
7 them to wipe down the steering wheel or just be
8 cautious of it because I never went back and looked
9 at the car.

10 **Q** I see. Okay, so go ahead, after you wash
11 your hands?

12 **A** I then go down the hallway to the roll
13 call room. Once in there, Officer was in
14 there working on the computer.

15 **Q** Which officer,

16 **A**

17 **Q** Do you need that spelled? Spell that,
18 please?

19 **A** .

20 **Q** And that's a officer?

21 **A** Yes.

22 **Q** And that's a friend of yours?

23 **A** Yeah, .

24 **Q** Okay. So there at
25 the station?

1 **A** Yes.

2 **Q** Okay. Go ahead.

3 **A** I come in, looks at me said, you
4 know, what happened. And I said, I just had to
5 shoot somebody.

6 And was kind of in shock and
7 had had, the computer was working on in front of
8 the one next to had, what we call the
9 CADament screen, it just shows the status of all the
10 cars where they're at. Well, on that one it is
11 showing all the Ferguson cars out on Canfield.

12 goes, I was really hoping you
13 weren't involved in that, you know, because any time
14 every car is involved, you really don't know what is
15 going to happen, who is going to get hurt.

16 **Q** What was doing,
17 what was duty that day?

18 **A** was working for court, was doing
19 paperwork, entering warrants for them.

20 **Q** So wasn't working the radio or
21 dispatch or anything like that?

22 **A** No.

23 **Q** And didn't know what had happened?

24 **A** No.

25 **Q** just knew a lot of cars were going

1 there?

2 **A** just saw the cars, didn't even
3 know what the call was. I think they had it as a
4 disturbance, so didn't even know what it was.

5 **Q** Okay.

6 **A** I go in there, I asked to go get me a
7 pair of gloves. goes gets me a pair of gloves,
8 comes back, put the gloves on. I grab an
9 evidence envelope, take my gun out of the holster,
10 make it safe. I lock the slide back, take the
11 magazine out, take the one round that's left in it
12 out. I put it all in that bag, seal it with
13 evidence tape and then sign it.

14 **Q** And you handled your gun at that time with
15 gloves on?

16 **A** Correct.

17 **Q** And why did you do that?

18 **A** To preserve any evidence on there, I knew
19 his DNA was on that gun.

20 **Q** How did you know his DNA was on the gun?

21 **A** When I first took it out, without even
22 looking at it, I knew that he had fingerprints on it
23 and possibly even sweat from, it was warmer that day
24 so, and he could have sweat on it. When I took it
25 out, I also saw blood on it.

1 **Q** You saw blood?

2 **A** Yes.

3 **Q** And that could have been from when you
4 shot him?

5 **A** Yes.

6 **Q** Okay. Is it procedure for you to make
7 your gun safe in a shooting like this or should
8 someone else do that?

9 **A** I don't really know.

10 **Q** Because that never happened to you before?

11 **A** Correct.

12 **Q** And you never investigated this type of
13 crime?

14 **A** No, I have not.

15 **Q** Not crime, but situation before?

16 **A** Correct.

17 **Q** Okay. All right. So you made, but you
18 knew how to make the gun safe and put it in an
19 evidence envelope based on your training and
20 experience?

21 **A** Yes, I was just trying to preserve all the
22 evidence I could on the weapon. And I knew if I put
23 it in an evidence envelope and sealed it, that it
24 would have no other contact with anybody and it
25 could be as preserved as you could get.

1 **Q** Okay. All right. And then what?

2 **A** I sat down and called for my attorney, who
3 represents police for the union. He said he would
4 be on his way.

5 Officer came in, he gave me the
6 card for the application for the Fraternal Order of
7 Police. I said, I already called them.

8 He said, would you like to tell me
9 what happened so I can tell the media? I said, no,
10 I don't want to talk right now.

11 Lieutenant came in, he's
12 actually my lieutenant who was off that day. He
13 came in and said, has anybody told you what's
14 happening? I said, I don't really know anything
15 that's going on there. I left the scene pretty much
16 right after.

17 He said St. Louis County is
18 investigating. I said okay, and then he left.

19 And then right after he left,
20 Ferguson Fire Department and EMS from Christian
21 Northeast Hospital showed up. They stayed about
22 this far away, they didn't actually come in the
23 room.

24 And they asked what happened?

25 I said, I was hit in the face

1 multiple times.

2 They asked where?

3 I pointed this side, that side.

4 They asked if I lost consciousness?

5 I said, no.

6 My vision was blurry?

7 I said, no.

8 Asked if I needed to go to the

9 hospital?

10 I said, no, not right now.

11 So is there anything else we can do

12 for you?

13 I said, no, not right now, and then

14 they left.

15 About 20 minutes later is when

16 my attorney, showed up and we talked for about 10 or

17 15 minutes.

18 My assistant chief showed up, he came

19 in and he made the determination that we should go

20 to the hospital, he could see the swelling on my

21 face.

22 So he drove, before we left,

23 Detective from St. Louis County arrived,

24 informed us he would be investigating the case and

25 kind of gave us the rundown of what to expect. And

1 then he agrees with going to the hospital.

2 So my assistant chief drove me and
3 to the hospital and Detective followed.

4 **Q** Okay. And those photos that we looked at
5 a minute ago were you at the hospital, correct?

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

7 **Q** And then what happened after that?

8 **A** At the hospital we did the interview. And
9 when I went to the hospital, I didn't wear my
10 uniform shirt, I took that off and my vest off, left
11 it at the station, left my duty belt at the station.

12 **Q** Did someone tell you to do that?

13 **A** Yeah, and I felt more comfortable too
14 because I obviously can't wear my gun, and I don't
15 want to be in uniform after all of this without it.

16 So I took the shirt off, just my
17 undershirt, my pants, my boots, go to the hospital.
18 While waiting to be treated in the waiting room, not
19 in the waiting room, in the actual hospital room,
20 Detective began his interview and then stopped
21 as needed for nurses, whoever came in. They took
22 x-rays, prescribed me a painkiller for the face
23 injuries.

24 St. Louis County's evidence
25 technician arrived, he photographed everything. I

1 don't know who it is, but he came from whoever the
2 department uses for drug tests, they gave me the
3 drug tests. And then after that, I think he left
4 and then the assistant chief drove me and back
5 to the station.

6 He had already made a phone call, the
7 assistant chief did to have Officer
8 get a change of clothes for me, so
9 they were going to take my clothes. They had blood
10 on my left hip area.

11 So when I get back I change, St.
12 Louis County took my pants, shirt, they already had
13 my weapon, and then that was it, I went home for the
14 day.

15 **Q** Okay. You have been on administrative
16 leave since then?

17 **A** Correct.

18 **Q** Okay. In your, well, first of all, you
19 have been a police officer for how long?

20 **A** Five years.

21 **Q** Five years. You started out with
22 Jennings?

23 **A** Correct.

24 **Q** Why did you leave Jennings?

25 **A** Whenever Jennings was disbanded, I wasn't

1 officered a position by St. Louis County.

2 **Q** Did you apply for a position?

3 **A** Yes, I did. I just wasn't one of the ones
4 selected.

5 **Q** All right. So you went to Ferguson?

6 **A** Correct.

7 **Q** Those are the only two departments you
8 have been?

9 **A** I actually worked for Pine Lawn for about
10 eight hours.

11 **Q** Eight hours?

12 **A** Yes.

13 **Q** Okay. Did you leave voluntarily?

14 **A** Yes, I did.

15 **Q** After eight hours?

16 **A** Yes.

17 **Q** Any other incidents where you have been
18 involved where you had to use excessive force?

19 **A** I've never used my weapon before.

20 **Q** Not excessive force, where you have had to
21 use force to affect an arrest?

22 **A** I've used my asp before, I have used my
23 flashlight before and I have used OC spray before.

24 **Q** Okay. And in those incidents though, no
25 one was injured?

1 **A** No.

2 **Q** Okay. All right.

3 MS. WHIRLEY: Anyone else have questions?
4 I have a few more, but if you have something.

5 Yes,

6 : . I just, hopeful
7 you don't take any offense, I just have a question.

8 You worked for Pine Lawn for eight hours, Jennings,
9 you worked for Ferguson?

10 **A** Correct.

11 Have you always worked in
12 predominantly African-American neighborhoods?

13 **A** Yes, I have.

14 You have.

15 **A** Yes.

16 : No problem until this
17 time?

18 **A** Correct.

19 : Okay.

20 : . I want to
21 go back to when Sergeant arrived there. You
22 told him that you had to kill him. Was that the
23 extent of your conversation or did you tell him sort
24 of like you are telling us play by play what
25 happened?

1 **A** No, it was very brief and he was more
2 focused with the scene than he was, I guess, with me
3 at the moment because like I said, the crowd, it was
4 not a good area. He had made, I had made those
5 comments to him and his reaction was go sit down.

6 . If you would go
7 back to the contact in the car, after you had put it
8 in reverse and reengaged to have a conversation, and
9 Michael Brown reached into the car with his right
10 hand and you said at a certain point that you looked
11 in the mirror to see Dorian Johnson because that's
12 how you recognized him with his black shirt?

13 **A** I did that before the car was placed in
14 reverse.

15 Oh, before, okay.

16 **A** Yes.

17 : Go over that again with
18 me, which mirror were you looking at?

19 **A** My driver's side mirror on the outside of
20 the car.

21 : Okay.

22 **A** Whenever they walked me and I saw the
23 Cigarillos. I'd already saw that Dorian Johnson had
24 on a black shirt, but just to double-check myself to
25 match up with what I heard Cigarillos had been

1 stolen and a suspect wearing a black shirt, I looked
2 to make sure the shirt was black.

3 : Okay.

4 **A** And then I called out for the assist car
5 and then placed it in reverse and backed up to him.

6 : Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Officer Wilson, I have a
9 few questions.

10 **Q** (By Ms. Alizadeh) Prior to today, at any
11 time after this incident have you seen any reports
12 of any kind, medical examiner's reports, police
13 reports, hospital reports, anything of that nature?

14 **A** The only report I've seen was the one
15 released on the news about the initial stealing.

16 **Q** Okay. So that is the Ferguson report that
17 was filed in relation to the theft of the
18 Cigarillos?

19 **A** Correct.

20 **Q** And when you, the vehicle that you were
21 in, I'm guessing that is not equipped with any
22 cameras or mikes?

23 **A** No, it is not.

24 **Q** To record what was going on, correct?

25 **A** Correct.

1 **Q** Any of the Ferguson officer's vehicles
2 equipped with that type of equipment?

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

4 **Q** You don't wear a body mike?

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

6 **Q** Now, your duty holster that you've
7 described or your duty belt has the holster attached
8 to it, correct?

9 **A** Correct.

10 **Q** Is it the type of holster that there's a
11 snap that goes over the gun that you have to unsnap
12 before the gun is removed from the holster?

13 **A** No, it doesn't have the strap on the top,
14 there is a button on the outside of it that you push
15 as you are pulling up and it releases it.

16 **Q** Okay. And is that something that, I mean,
17 as a police officer, you have to train at the firing
18 range, is that fair to say?

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

20 **Q** And is part of your training learning how
21 to quickly get your gun out of your holster?

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

23 **Q** When you called in and said you had two on
24 Canfield or two out, I think you said?

25 **A** I said, "Frank 21, I'm on Canfield with

1 two, send me another car."

2 Q With two. And why didn't you say anything
3 about asking again, what was that description of the
4 two involved in the larceny, did you ask for any
5 other details to insure in your own mind that maybe
6 these, you know, were these the guys?

7 A No, because my initial focus was just to
8 get the information out that I was there. Have the
9 other car respond and then get to that. My whole
10 goal was to just stall until someone got there.

11 Q Well, you've made previous statements
12 about that, this incident, and one being initially
13 to Sergeant

14 A Uh-huh.

15 Q Would you say that was kind of a brief,
16 not a lot of detail statement, would that be fair to
17 say?

18 A The one on scene?

19 Q On scene.

20 A Yeah, it was very brief.

21 Q And then you talked to ,

22 Detective ?

23 A Correct.

24 Q At the hospital. And that was a little
25 more detailed, would that be fair to say?

1 **A** Yes.

2 **Q** You didn't say anything to
3 about the Cigarillos, did you?

4 **A** Yes.

5 **Q** You believe you did?

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

7 **Q** Did you tell that when you
8 saw him with his left hand reaching back and he made
9 the statement here, hold these or whatever, that you
10 saw what was in his hand?

11 **A** I had saw the flash of them going back
12 behind him.

13 **Q** So you didn't see at that point what was
14 in his hand?

15 **A** I could see the red and white wrapper of a
16 Cigarillo in his hand.

17 **Q** Okay. Just so I can be sure I'm
18 understanding you, did you see that they were
19 Cigarillos or did you assume they were Cigarillos?

20 **A** I assumed they were Cigarillos at that
21 point. I saw that they were in his right hand
22 before the contact was made.

23 **Q** But you didn't notice as his hand, his
24 right hand comes in the vehicle, and initially
25 contacts your face, you don't notice that he has

1 these packages or package with red and white
2 wrappers, you don't see them as he is hitting you?

3 **A** No, because I had shielded myself and I
4 believe I even closed my eyes.

5 **Q** Did you ever grab ahold, you said that you
6 grabbed ahold of his right hand at some point?

7 **A** It was like his forearm, it was this area.
8 (indicating)

9 **Q** His right forearm?

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

11 **Q** And what were you doing when you grabbed
12 ahold of his right forearm?

13 **A** Trying to move him and somewhat control
14 him so I could get out of the car.

15 **Q** Were you ever pulling him to try to pull
16 him into the vehicle?

17 **A** No, I was trying to open my car door with
18 my left hand and then hold onto him as I did so.

19 **Q** So you've got your left hand, or what's
20 holding his right hand?

21 **A** My right hand.

22 **Q** You are like this? (indicating)

23 **A** Yes.

24 **Q** And you are like this trying to open your
25 door? (indicating)

1 **A** Yes.

2 **Q** And this is before you've gone for your
3 gun?

4 **A** Yes.

5 **Q** The first shot you've described pretty, I
6 guess, in detail. I think I understand the first
7 shot. The second shot you said you kind of weren't
8 looking, I guess?

9 **A** Uh-huh.

10 **Q** Where was your gun pointed?

11 **A** His general direction.

12 **Q** Was your gun above the level of the door
13 frame?

14 **A** I would say, yes. It had come up, it was
15 not on my leg any more and my leg sits only that far
16 away from the top of the window. So I remember
17 doing it like this, having my gun up.

18 **Q** And you said you saw a little puff of dust
19 or dirt that you assume was where a projectile might
20 have landed in the dirt; is that correct?

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

22 **Q** So your gun wasn't pointed like up in the
23 air, would that be fair to say?

24 **A** Not that I'm aware of, correct.

25 **Q** Was your gun, if you had rolled up your

1 window, let's just say, was your gun totally inside
2 the vehicle, partially out of the vehicle, or was
3 your hand extended so that the gun was totally
4 outside of your vehicle?

5 **A** I don't know for sure, but it was my right
6 hand with it and I was like this. So I don't know
7 where it could have gone.

8 **Q** And I was using my left hand, I guess, to
9 demonstrate, you are right handed?

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

11 **Q** And so you were across your body?

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

13 **Q** And you said you had turned your face
14 somewhat?

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

16 **Q** And at that point Michael Brown is not
17 right up on the vehicle, is that fair to say?

18 **A** No, this is when he is coming back at the
19 vehicle. He is only about a foot away and then
20 after the first shot hit him, he went down and kind
21 of held his hip for a second and then he came back
22 up and started to come back in the vehicle. And
23 that's when I just went like this and I pulled the
24 trigger.

25 **Q** Did you give him any kind of warning

1 before that second shot?

2 **A** I don't recall.

3 **Q** (By Ms. Whirley) You said you knew the
4 area and you felt threatened in that area because
5 there is violence and guns and everything, and that
6 Michael Brown was being confrontational before the
7 first blow, correct?

8 **A** Yes.

9 **Q** Is there any reason why you didn't wait in
10 the car until your backup came?

11 **A** I thought I would be able to just stall
12 until someone got there. I thought if I can get out
13 of the car, I could maintain the distance that I
14 need to maintain, they were close. I figure all I
15 needed was 20 or 30 seconds and someone is going to
16 be there.

17 **Q** Right. So why wouldn't you stay in the
18 car?

19 **A** Because I had already been, my comfort
20 zone is not to be sitting in the car talking to
21 someone else. I wanted to be out of the car, that
22 way if I need to run I can run.

23 **Q** You can run?

24 **A** If I was out and he started like chasing
25 me or went to hit me, I could move.

1 **Q** You are in a car, you are more mobile in a
2 car than you are on foot, right?

3 **A** Right. But I also didn't want him to run
4 away, so I need to kind of stay where I can keep him
5 there, keep myself safe and wait for someone to get
6 there.

7 MS. WHIRLEY: Okay.

8 **Q** (By Ms. Alizadeh) Now, Officer Wilson, I'm
9 not trying get in your head, I mean, I guess we all
10 are trying to get in your head at some point to know
11 what you were thinking at the time, but, I mean,
12 your initial confrontation or your initial contact
13 with them, I mean, you didn't see any of them with
14 weapons, correct?

15 **A** No.

16 **Q** And they weren't subjects that you knew to
17 be armed and dangerous?

18 **A** No.

19 **Q** And you stop and encounter pedestrians
20 probably almost on a daily basis when you are on
21 patrol, would that be fair to say?

22 **A** Yes.

23 **Q** And so did you at that point have any
24 reason to anticipate that this, that Michael Brown,
25 the Michael Brown subject was going to provoke or

1 be, or assault you?

2 **A** No, not at that moment, no.

3 **Q** You described the first shot, was his
4 right hand on the gun when the shot went off?

5 **A** I believe so.

6 **Q** And then the second shot, was his body in
7 contact with you on the second shot?

8 **A** Probably not on the second one. I know
9 when I first pulled the trigger it was, but it
10 didn't shoot and then that's when I racked the gun
11 and then shot again.

12 **Q** And you used both hands, you had to use
13 both hands to rack the gun?

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

15 **Q** Was he still trying to hit you when you
16 went to rack the gun?

17 **A** I didn't look up.

18 **Q** Okay. So you said you did that without
19 looking and then you just went like that?

20 **A** Yes.

21 **Q** Turned your face away and shot out the
22 window?

23 **A** Yes.

24 **Q** In his general direction?

25 **A** Yes.

1 **Q** And so you can't really say whether his
2 hands were inside the car or outside the car at the
3 time you actually fired the second time, the second
4 shot?

5 **A** No, I can't tell you.

6 **Q** The blood on your pants, do you know how
7 the blood got on your pants?

8 **A** No, I do not.

9 **Q** Do you recall, I mean, when you were done
10 and you notice that you have, you said you had blood
11 on your left palm?

12 **A** Uh-huh.

13 **Q** And on the back of your right hand?

14 **A** Uh-huh.

15 **Q** Did you wipe your palm on your pant leg
16 because it is on your left pant leg, correct?

17 **A** Correct.

18 **Q** Did you wipe your hand on your pant leg to
19 get the blood off your palm?

20 **A** Not that I remember. I didn't see the
21 blood on my palm until I was driving back to the
22 station.

23 **Q** Okay. So you don't recall if you wiped
24 the blood on your pants?

25 **A** No, I don't know.

1 **Q** And when you, at any time after you got
2 back at the station, you went to the bathroom, was
3 there a mirror in the bathroom?

4 **A** Yes.

5 **Q** Could you see any blood on your face?

6 **A** No, I don't remember seeing any on my
7 face.

8 **Q** I would imagine that at some point in your
9 training you have learned something about blood
10 spatter and blood spray and so forth; is that right?

11 **A** It is kind of common knowledge, but no
12 official training on how it works.

13 **Q** I know you are not an expert, but you know
14 that can happen when you are in close range when
15 someone is shot, correct?

16 **A** Yes.

17 **Q** That spray or spatter can get on you?

18 **A** Yes.

19 **Q** Did you ever see anything like that?
20 Obviously, we have seized your clothing and what's
21 on there is what's on there, but did you have any of
22 that on your face or on your forearms or anything
23 like that?

24 **A** I don't recall seeing it on my face. I
25 remember looking, I don't remember washing my face.

1 I would say no, it was not on my face. When I
2 washed my hands, I did wash up like halfway up my
3 forearm just to make sure nothing was on me. I seen
4 it on my hands and I just started washing.

5 **Q** You didn't wash your face then prior to
6 going to the hospital?

7 **A** No.

8 **Q** Did anyone that you recall ever swab your
9 face?

10 **A** The outside of my face?

11 **Q** Yes.

12 **A** Not that I -- no.

13 **Q** Did anyone swab the back of your hands?

14 **A** No.

15 MS. ALIZADEH: I don't have anything else.

16 : When
17 Michael Brown, I guess, I guess at the point where I
18 want to say it was the second shot, I know this is
19 kind of after the fact. You said he stepped back a
20 little bit and then he came back in on you?

21 **A** That was after the first shot.

22 After the first shot?

23 **A** Yes.

24 Did you ever think about,
25 I know you said your vehicle was running, did you

1 ever just think about getting in that bad boy and
2 drive?

3 **A** No, I didn't. My thought is, I was still
4 dealing with a threat at my car. You know, we're
5 trained not to run away from a threat, to deal with
6 a threat and that is what I was doing. That never
7 entered my mind to flee.

8 : Did you ever or
9 do you recall grabbing Michael Brown by the throat?

10 **A** Never touched his throat.

11 : Shoulder?

12 **A** No. Only part of him I touched was his
13 right forearm.

14 : . When
15 Michael Brown was running from you, after the shots
16 were fired within the car and they both just
17 disappeared and you had Michael in focus, did you
18 ever at any time fire with his back facing you?

19 **A** No, I did not.

20 : When you asked him to
21 halt, and he turned around and he, you know, stopped
22 running, at any point did you ever think that okay,
23 maybe he don't have a gun, I need to stop shooting?

24 **A** When he was running towards me?

25 : Throughout the whole

1 process. You're in the car and someone, you're
2 struggling, tugging back and forth, did you ever
3 think that he had a gun right then and there, he
4 could have used it at any time?

5 **A** I wasn't thinking about that at that time.
6 I was thinking about defending myself whenever he
7 was hitting me in the car.

8 MS. ALIZADEH:

9 : . So kind of going
10 go on that as well. So the comment that you made to
11 your supervisor Sergeant when he got there at
12 the scene was that he went for my gun, I had to
13 shoot him. I think that kind of goes along with
14 that. Because I think when I hear someone say he
15 went for my gun, if I literally take that comment, I
16 would assume that someone literally went to your
17 holster and tried to pull it out. Either
18 unholstering it or literally taking it from you.

19 And in this instance that was not the
20 case. You had already unholstered and you were
21 aiming at him. He essentially in his, your point of
22 view and the point of view of who we can no longer
23 obtain that, he deflected or pushed it towards you,
24 but he did not at any point try to pull it from your
25 holster is, I guess, my question?

1 **A** He didn't pull it from my holster, but
2 whenever it was visible to him, he then took
3 complete control of it.

4 MS. ALIZADEH: I can't hear you, sorry.

5 **A** Whenever, he didn't pull it from my
6 holster, but whenever it was displayed to him, he
7 did take complete control. Because he had twisted
8 it around so my hand was no longer this way, it was
9 bent this way and it was dug into my hip. He had
10 complete control of that weapon at that time.

11 Was your hand, I'm sorry,
12 was your hand still on it and finger on the
13 trigger?

14 **A** Yes, ma'am, or yes, sir.

15 : I wouldn't say he had
16 complete control, I would say he had some control.

17 **A** He was controlling where it went, how it
18 went there and his finger was in the process of
19 going on the trigger with mine.

20 Okay.

21 **A** I could feel his fingertips on my trigger
22 finger trying to get in the trigger guard.

23 Okay. When I just hear
24 the word complete control, I think it is entirely in
25 his possession and none of yours, that's the way I

1 feel is complete control.

2 **A** Okay.

3 MS. ALIZADEH: Anyone else have any other
4 questions?

5 : . What's
6 the chain of command at the Ferguson Police
7 Department from chief down?

8 **A** Chief down would be chief, the assistant
9 chief and then we have for the patrol side, I
10 believe, our captain's next, the assistant chief
11 just started a week before this happened. I don't
12 know what was really ironed out between them two.
13 After the captain, it is a lieutenant, sergeant,
14 patrolman.

15 : I keep hearing this name,
16 Lieutenant ?

17 **A**

18 MS. ALIZADEH:

19 :

20 **A** He is the assistant chief, lieutenant
21 colonel.

22 Okay, thank you.

23 **A** You're welcome.

24 : One more question,
25 When you got back to the police

1 department, after you washed off and everything, did
2 you ever think at what time that I need to write a
3 report while it is fresh on my mind?

4 **A** No. The protocol is whenever you are
5 involved in a significant use of force, that you
6 contact your FOP representative and then he will
7 advise you of what to do step by step because they
8 are the clear head in that situation. They have not
9 been through a traumatic experience.

10 MS. ALIZADEH: And I guess to be fair
11 about this, any time any law enforcement officer has
12 asked to speak to you, you have willingly and
13 voluntarily come in and been interviewed and
14 answered all their questions, is that fair to say?

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

16 MS. ALIZADEH: And you've never been back
17 working at Ferguson Police Department since this
18 happened, correct?

19 **A** No, I have not.

20 MS. ALIZADEH: Did you, I mean, for your
21 own sake, did you like write down in a diary what
22 happened, I mean, not a diary or I guess a grown man
23 would call it a journal, but you know, have you ever
24 like, did you afterwards, you know, write this out
25 for your own, you know, therapeutic needs?

1 **A** My statement has been written for my
2 attorney.

3 MS. ALIZADEH: Okay. And that's between
4 you and your attorney then?

5 **A** Correct.

6 MS. ALIZADEH: Okay.

7 **A** The department has not asked me for
8 anything.

9 MS. ALIZADEH: So no one has asked you to
10 write out a statement.

11 **A** No, they haven't.

12 MS. ALIZADEH: You didn't just on your own
13 decide I want to write this down while it is all
14 fresh in my mind, you didn't do that yourself?

15 **A** No.

16 MS. ALIZADEH: This happens in the matter
17 of how many minutes or seconds by the time that you
18 saw them walking down the street until Michael Brown
19 is dead in the street?

20 **A** I would say less than one minute.

21 MS. ALIZADEH: Less than one minute?

22 **A** Uh-huh.

23 MS. ALIZADEH: Now, you know, I know
24 you've probably thought about this every day since
25 it's happened, would that be fair to say?

1 **A** Yes.

2 MS. ALIZADEH: Replayed this in your mind
3 over and over again?

4 **A** Yes.

5 MS. ALIZADEH: And do you think that after
6 having really thought about this over time and
7 basically you've had to tell this scenario a few
8 times, do you think that if there are additional
9 details that you may not give initially, do you
10 think that's because you're just now remembering
11 them because you are putting so much thought into
12 what happened or do you think that is things that
13 maybe you kind of imagined happened, but didn't
14 really happen, you understand my question?

15 **A** Yeah, just from what I have been told
16 about the incident originally, is that you are
17 supposed to have 72 hours before you are actually
18 officially interviewed, recorded statement and all
19 of that. You tend to remember more through a couple
20 sleep cycles then what you do as soon as it happens.
21 It is a traumatic event, a lot of details kind of
22 come as one detail. I mean, from what I understand,
23 there hasn't been really anything significant that's
24 changed.

25 MS. ALIZADEH: So you think that when you

1 were testifying today you said you kind of thought,
2 had a thought process. As this chaotic scene is
3 unfolding, do you recall actually in your mind
4 processing this in the way you've described or is it
5 all just reactionary?

6 **A** No, I remember actually, I picture a use
7 of force triangle in my head when this first
8 happened and I was going through the progression of
9 what I could do as far as the use of force continuum
10 is concerned.

11 MS. ALIZADEH: That is something you
12 learned in the police academy then?

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

14 MS. ALIZADEH: And you recall actually
15 thinking that as this assault is occurring?

16 **A** Yes.

17 MS. WHIRLEY: At what point did the use of
18 triangle --

19 MS. ALIZADEH: Use of force triangle.

20 MS. WHIRLEY: Use of force triangle come
21 into your head, what was going on when you start
22 seeing the triangle?

23 **A** Whenever I first start considering the
24 spray, the taser.

25 MS. WHIRLEY: What was going on though?

1 lot of scenarios and witnesses involved and their
2 timelines and activity. Anyway, we have heard a
3 little bit about what you did that morning when you
4 were on duty. The day before, typical shift, were
5 you off that day?

6 **A** On Friday?

7 : On August 8th?

8 **A** I don't remember anything significant. I
9 did work that day, but I don't remember anything
10 significant.

11 : You said you did not work
12 that day?

13 **A** I did work that day.

14 : Like 6:30 a.m. to
15 6:30 p.m. shift?

16 **A** Yes.

17 : Get a good night's sleep?

18 **A** From what I remember, yes.

19 : Okay. 6 to 8 hours?

20 **A** Yes.

21 : Felt rested, ready to go
22 the next day. Just had to ask, curious. And then
23 following the actual incident, you are back in your
24 supervisor's car driving back to Ferguson Police
25 Department. How far is that roughly from the crime

1 scene, the police department?

2 **A** Mile and a half, 2 miles.

3 : So very short trip?

4 **A** Yeah.

5 And that was my thought
6 too, but being in communication, I think, you know,
7 in that situation, my first thought is to contact a
8 loved one and say, I can't believe what just
9 happened and that was my thought. If there was any
10 sort of communication from that point moving forward
11 on a personal cell phone or anything else?

12 **A** No.

13 : So none whatsoever until
14 you saw the officer at the Ferguson Police
15 Department?

16 **A** Yes.

17 : Thank you.

18 : . Last
19 question.

20 MS. ALIZADEH: It just left your head.

21 : I have it. I'm trying to
22 word it. Dorian, did you ever tell the police chief
23 or any of the other officers that there was another
24 person with him, did you ever try to look for
25 Dorian?

1 **A** No, I haven't talked to the chief or
2 anybody at the department in length about what
3 happened. I told my sergeant what happened at that
4 time, that was the end of our conversations with
5 anybody from the department.

6 . This kind
7 of dovetails with her questions about Dorian. I
8 understand that you did an interview August 28th
9 with FBI agent; is that correct?

10 **A** Yes.

11 Okay. At which time, I
12 hope I'm getting this correct, I believe that there
13 was, did they present to you a photo lineup of
14 suspects or whatever?

15 **A** The Department of Justice did not.

16 : The Department of Justice
17 did not, what about the FBI?

18 **A** No.

19 : No one did at that time.

20 MS. ALIZADEH: I think you might be
21 thinking of the officer, Detective

22
23 Was that whose evidence?

24 MS. ALIZADEH: I believe so.

25 Okay. That would have

1 been on the date of, did they give you a photo
2 lineup, Detective

3 **A** I think it was the 10th, I think is when I
4 did the follow-up interview with ,
5 both detectives.

6 : , okay.
7 And that would be right?

8 **A** Yes.

9 : Okay. And they gave you a
10 photo lineup of, I think, eight characters or
11 whatever?

12 **A** Yes.

13 Okay. And you were
14 required or they asked you to pick out Dorian
15 Johnson at that time?

16 **A** Yes.

17 Were you able to pick him
18 out at that time?

19 **A** I selected who I believe was Dorian
20 Johnson, they never confirmed if it was or not.

21 They never did, okay. You
22 don't know the results of that?

23 **A** No, I do not.

24 Okay, thank you.

25 MS. ALIZADEH: Just to be clear, you're

1 not in any way, are you?

2 **A** No, I'm not.

3 MS. ALIZADEH: Prior to this incident, had
4 you ever had any contact with any of the county
5 detectives that you've met throughout this
6 investigation?

7 **A** No, I have not.

8 **Q** Any of the agents, FBI agents or federal
9 agents involved in their investigation?

10 **A** No, I have not.

11 You felt like
12 your life was in jeopardy when you were sitting in
13 the vehicle?

14 **A** Yes.

15 You felt like when you
16 exited the vehicle and the interaction with Michael
17 Brown, he was advancing towards you, you felt like
18 your life was in jeopardy?

19 **A** Yes.

20 : And use of deadly force
21 was justified at that point in your opinion?

22 **A** Yes.

23 MS. ALIZADEH: Sheila?

24 MS. WHIRLEY: I was just going, if we are
25 sort of done with your questioning, is there

1 something that we have not asked you that you want
2 us to know or you think it is important for the
3 jurors to consider regarding this incident?

4 **A** One thing you guys haven't asked that has
5 been asked of me in other interviews is, was he a
6 threat, was Michael Brown a threat when he was
7 running away. People asked why would you chase him
8 if he was running away now.

9 I had already called for assistance.
10 If someone arrives and sees him running, another
11 officer and goes around the back half of the
12 apartment complexes and tries to stop him, what
13 would stop him from doing what he just did to me to
14 him or worse, knowing he has already done it to one
15 cop. And that was, he still posed a threat, not
16 only to me, to anybody else that confronted him.

17 MS. WHIRLEY: Any questions?

18 : . Along those
19 lines, you feel like as a police officer it is your
20 obligation to follow that suspect?

21 **A** Yes, sir.

22 MS. ALIZADEH: All right. If that's it
23 then.

24 (End of the testimony of and
25 the testimony for September 26, 2014.)