

## **NAME REMOVED**

PHI169 – Critical Reasoning

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### **Assignment 3**

1a.) The witness testimony from Volume 10 has some correlations with the physical evidence presented in Volumes 19 and 20. In my witness' testimony before the Ferguson Grand Jury, she recalls Michael Brown stopping to look at his hands in a grassy area. The DNA analyst in Volume 19 confirms the presence of blood on Brown's hands. One may argue that most people would pause to examine their hands to determine the cause of the bleeding. Physical evidence from swabs Q6 and Q8 show no traces of Officer Darren Wilson's DNA on the back of Michael Brown's left hand, which undermines the likelihood of Brown engaging Wilson in a physical brawl inside the police car. In addition, the physical evidence provided by the forensic scientist further corroborates my witness' testimony. Based on the forensic evidence, there was blood detected on Michael Brown's pants. Due to blood samples recovered from the upper-left thigh region, more than likely Michael Brown's hands were the source of the blood as he retained his hands by his side and suffered no gunshot wounds to the thigh area.

1b) The witness examined in Volume 9 concurs with the witness selected from Volume 10. On page 78, the witness who is described as a visitor to Canfield, testifies that during the physical altercation between Wilson and Brown, she recalls Brown's friend, Dorian Johnson, running away. Like the witness in Volume 9, the witness from Volume 10 affirms that Johnson disappeared. Furthermore, the Volume 9 witness attests to Michael Brown walking towards Wilson and, most importantly, in a docile manner. During the interview, Ms. Whirley inquired of Brown's demeanor as he moved toward Wilson. "I guess what I'm asking is, demeanor, you know, how a person, their outward, like if I'm, you know, I'm walking like this, you know?" The witness replies, "I guess he was walking in a demeanor as I give up" (Vol. 9, pgs. 97-98). The visitor's account is validated by the original testimony, where my witness depicts Brown as moving slowly towards the officer. The statement is not only indicative of what Brown's demeanor was prior to his demise, but also suggests that Brown had intentions of surrendering. The witness provided in the beginning of Volume 7 also testifies of Michael Brown not conducting himself in such a way that merited the use of deadly force. Therefore, the witness from Volume 7 believed Brown was not charging nor exhibiting malicious intent towards Officer Darren Wilson.

However, some witnesses disagree with my witness' testimony from Volume 10. One of these witnesses is cited as a driver who was interviewed by an FBI official in Volume 7. Unlike the witnesses who corroborate my original witness, the driver recalls Officer Wilson shooting at Michael Brown as he ran away from the vehicle. The FBI detective

asks, [Was] the officer running and shooting at the same time? “Yes,” the witness replies. This account differs from my original witness, as my witness stressed that Wilson did not fire his weapon until after Brown turned to face him. Strikingly, the driver remembers Brown putting his hands up at which point Wilson shoots multiple times, killing Brown.

On the other hand, my original witness indicated Brown had his hands down at all times and was not shot by Wilson as he was running away. In contrast, Officer Wilson’s testimony to the grand jury suggests Michael Brown showed no inclinations of surrendering and thus never had his hands up. Although this claim is corroborated by my witness’ testimony, it is starkly different due to the fact that she never portrayed Brown as belligerent.

A second witness who offers a different account of the Michael Brown shooting can be found in Volume 11. This witness is described as a visitor to Canfield. The visitor is positioned closer to Wilson as opposed to other witnesses, specifically in a van behind the police car. The visitor testifies that after Brown fled from the police vehicle, he put his hands up temporarily and then proceeded to “shuffle” in preparation to charge at the officer. The witness was perplexed as he or she believes any rational person would comply with the officer’s demands. Clearly, this witness proposes a different version of events since, unlike my witness who claims she never saw Brown put his hands up nor charge at the officer, she says that Brown may have posed an imminent threat to the officer’s life. “I didn’t hear [Brown] say anything,” the witness says, “He was trying to run. He was running and he had his hands down in like a running stance...I couldn’t be sure if he was trying to charge the officer or run past him” (Volume 11 pg. 180). While this witness is unsure of Brown’s true intentions, she says that her first impression of Brown was one that most likely warranted the use of deadly force.

1c.) From an objective standpoint, the witness from Volume 10 did not demonstrate any signs of racism or contempt towards the Ferguson Police Department or law enforcement in general. She did, however, state that she was a mother and showed signs of emotion at times. The witness’ motherhood role makes it difficult to conclude if this affected the impartiality of her testimony.

Alternatively, one of the witnesses from Volume 7 described as a black female exhibited some biases as she delivered her testimony to the Ferguson Grand Jury. Although she claims Michael Brown was being pulled into the police car by Darren Wilson, she also claims that Brown had his hands up and Wilson fired his weapon irrespective of the gesture. Considering police officers receive rigorous training for how to use their weapons judiciously, this part of her testimony describes an event that would seldom happen. The fact that she contacted the news media immediately after the shooting to increase the publicity of the tragic event implies she had negative perceptions of law enforcement and potentially exploited the death of Michael Brown for the purpose of portraying the Ferguson Police Department as a racially prejudiced institution.

1d.) In spite of the significant distance between my witness and the immediate area where the shooting occurred, her testimony may still be considered to be reliable. Witness testimony from the Canfield Green Apartments was not exclusive to the witness originally selected for analysis. There are other witnesses from the apartments who witnessed the shooting of Michael Brown and derived the same conclusion that the witness from Volume 10 did, like the resident from Volume 9. It is important to note that the Volume 9 witness, similar to the Volume 10 witness, couldn't hear what occurred between Wilson and Brown; however, their accounts corroborate each other, with minimal to no discrepancies.

1e.) Generally, the consensus among the witnesses that support the original witness is Wilson did not shoot until after Brown stopped running. This is plausible since police officers wouldn't normally shoot as long as the suspect doesn't pose a danger to the life of the officer or the lives of other individuals.

With respect to the plausibility of the witness testimony, the primary source of concern is her recollection of Brown walking continuously towards Wilson as he fires his weapon. Despite the fact that other witnesses portray Brown as walking, it may seem implausible because it is contrary to human instinct to move in the direction of a person who is poised to inflict serious bodily harm if, for any reason, they deem their life to be in a precarious situation. Moreover, the witness remembers asking herself, "Why won't he stop," in referring to Brown. Wilson shooting at an unarmed individual constantly as Brown moves slowly in his direction must have been a highly disturbing and morbid scene for the witnesses. The shooting is probably best explained by the officer's perception that his life was potentially at risk. Nevertheless, one may argue that just because one *perceives* their life to be in danger, does not necessarily mean that their life is actually at risk. In the United States, however, the perception of a suspect posing an imminent threat to the officer's life is sufficient to use lethal force. In retrospect, some may argue that the Officer was so intimidated by Brown's stature that his fear may have impaired his judgment to the extent that he considered even the mildest form of movement as aggressive.

1f.) Overall, the witness testimony has **moderate** credibility. Despite the fact that the witness was unable to provide insight into Brown and Wilson's physical interaction in the police car, she did allude to the most crucial events leading to the death of Michael Brown. Considering the witness' statements alone, however, still allow some degree of skepticism. As stated earlier, this witness is a mother and was emotionally inclined to sympathize with the Brown Family. However, Volume 11 cites a woman who is a mother living on the second floor of the Canfield Green Apartment Complex. Because the witness testimony in Volume 11 denotes less emotion in regards to the shooting, it is reasonable to assume that the witness' testimony was not skewed to favor Brown or Officer Wilson. The distance between the witness and Brown cannot be understated since

it arguably the greatest factor that detracts from the credibility of the witness' story. However, other witnesses who testified in a very similar way substantiate my witness' testimony and thus enhancing her credibility.