

NAME REMOVED

PHI169 – Critical Reasoning

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Assignment 2

In Volume 10, one of the witnesses cited in the grand jury testimony is a woman living in the Canfield Green Apartment Complex located near the crime scene where Brown was shot and killed by Police Officer Darren Wilson. In the beginning of the grand jury proceedings, the assistant prosecutor, Ms. Alizadeh, starts by inquiring of the weather conditions of August 9, 2014. The witness recalls that it was a sunny day and she attests to the fact that there were few people outside on the day of the shooting. The witness and her husband were on their way home as Michael Brown and his friend Dorian Johnson were walking in the middle of the street. The witness was emotional at times, which is understandable considering she is a mother and is concerned that her son may have a tragic encounter with law enforcement as a result of this incident.

PART A: How did Michael Brown and the Wilson interact at first? Did Michael Brown reach for Wilson's gun?

The witness testifying does not provide any details on Brown and Wilson's initial interaction in the police car. Due to the significant distance between the witness and the two individuals, she was unable to provide insight into whether Brown reached for the officer's gun. However, she did state that after Officer Wilson exited his vehicle, Brown hid behind Wilson's car and afterwards started running away from the officer. At this point, the witness claims that she believes she saw Brown stopping in a grassy area to look at his hands, although it is unclear why. Throughout the testimony, the witness recalls Brown walking towards Officer Wilson despite firing his gun 3-4 times. A question she asks several times is, "Why won't he stop?" This is a good question, however, it is a difficult one to fully answer due to the distance between the witness and scene where the shooting took place.

PART B: Did Wilson fire shots as Michael Brown was running away from Wilson's car?

According to this witness, she claims that Officer Wilson did not fatally shoot Brown until he turned around to face the officer.

"Q: Okay. So you can go ahead and sit. So did the officer fire his weapon at any time other than in the car, did he fire his weapon before the victim turned around?"

A: No.” (Pg. 27, lines 7-11)

Q: “So I can be clear about this, the officer did not shoot at him while he was running away from him?

A: No, ma’am.”

PART C: Did Michael Brown charge at officer Wilson? If so, in what circumstances and when?

Q: “So when you saw Mike, well, the victim, when you saw him move toward the officer, can you describe his pace, do you understand what I mean by that?

A: Uh-huh.

Q: Okay.

A: I mean, he wasn’t running, he just, to me it was a slow motion...”

PART D: Did Michael Brown put his hands up? If so, in what circumstance?

Q: Did his hands, when he turned around, did his hands stay in that position?

A: Pretty much.

Q: And as he walked toward the officer?

A: They stayed.

Q: Did they ever go up?

A: No.”

While it is important to note that the witness says that Brown did not put his hands up, it is also crucial to state that she does not believe Michael Brown was approaching the officer in a threatening manner.

PART E: Was Michael Brown on the ground while Wilson was firing at him?

Q: "...And did the officer continue to fire after he fell on the ground?

A: No, he just kind of stopped and kind of froze and just looked."

The witness testimony I analyzed has some correlations with the testimony given by Officer Darren Wilson. Wilson testifies that after he finished investigating a 911 call, he drove onto Canfield, the same street mentioned in the witness testimony. In addition, Wilson recalls Brown and Johnson walking in the middle of the street, on the yellow lines, a fact that is also stated in the witness testimony. Wilson drives parallel to the two men and asks them why they aren't walking on the sidewalk to which one of them replies, "We're almost to our destination." The physical altercation that occurs between Brown and Wilson is mentioned in Wilson's testimony to the grand jury; however, it is omitted in the witness' testimony. The most pivotal event is the moment where Brown stops running and turns towards the officer following the original two shots that were fired from inside the vehicle. According to Wilson, Brown exhibited a highly violent and hostile composure prior to charging at him. "What's [Michael Brown's] posture at that point?" the detective asks. Very aggressive...I looked at his face. It was just like intense. It was. I've never seen anybody look like that, for lack of a better words, crazy." Unlike Wilson, the witness claims that Brown was simply walking towards the officer without any inclination that he was behaving aggressively.

On the other hand, Dorian Johnson's testimony to the grand jury differs with that of the witness'. The witness claims that she saw Brown hiding behind a vehicle, not Dorian Johnson. Alternatively, Johnson states that he was the one hiding while Michael Brown was running away telling his friend to "keep running." On the contrary, the witness explicitly says that Johnson ran away from the conflict and was nowhere to be found. In addition, Johnson recalls that as Brown is fleeing, Officer Wilson shoots at his back. Conversely, this witness says that Wilson did not shoot again until after Brown turned and started moving towards the officer. A minor discrepancy between the witness testimony and Johnson's testimony is whether or not the tires were screeching as the police car was reversing. While this detail seems insignificant, it provides some insight into the officer's emotions at the time of the confrontation. As Johnson is pleading with motorists to give him a ride for fear of his life, he turns around towards Brown and notices that his hands are up with Brown allegedly saying that he is unarmed. It is at this point that Wilson shoots at least 4 times, killing Brown. However, the witness testimony suggests that Brown did not have his hands raised and has him moving in a slow motion towards the officer at the time of the fatal shooting.

There are witnesses that allege that Brown raised his hands in a gesture of surrender, while others argue that Brown was acting vehemently towards the officer and charged at him in order to inflict serious bodily harm. Clearly, the moment where Brown stops running is tantamount to determining whether or not Wilson's use of deadly force was

justified. The part of the witness testimony that I found to be the most compelling was when she describes Brown's demeanor as he turned to face the officer. Unlike Wilson's testimony where he portrays Brown nefariously, the witness in this volume reiterates that Brown never moved in a threatening manner. This observation is interesting since it begs the question: on what basis was the shooting justified if your target is not acting in such a way that would warrant the use of deadly force? Although the witness I examined provided a substantive firsthand account of the shooting, her testimony may be undermined due to the long distance between herself and Michael Brown. Ultimately, the actual events that took place in Ferguson, Missouri remain as a source of great contention and controversy, particularly for minority groups that are disproportionately targeted by police.