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The Grand Jury Decision

Two Sets of Questions

1. **Policing in the US at large.** *Do police officers disproportionately target blacks? Do police officers disproportionately kill blacks? How often do police officers abuse their power if at all? When is a police officer justified in killing a citizen?*
2. **Specific to the Ferguson shooting.** *Was officer Wilson justified in killing Michael Brown? Was it necessary to fire as many as 9 bullets? Did officer Wilson exercise excessive force? Had officer Wilson been adequately trained not to overreact in difficult and stressful situations? What was Michael Brown doing at the time of the incident or before? Was Michael Brown a threat for officer Wilson?*

Today We'll Look at the Specifics of the
Ferguson Incident (also in View of the Grand
Jury's Decision Not to Indict Officer Wilson)

Actually — You'll Be the Grand Jury
and Decide Given the Evidence

What is the Task of a Grand Jury?

The Grand Jury is supposed to decide whether there is **probable cause** that the accused, Darren Wilson, has **committed one among possible crimes** (e.g. murder, manslaughter)

The Grand Jury determination **isn't a trial** but precedes the actual trial. If the Grand Jury finds there was probable cause, the trial can begin.

Instructions to Grand Jurors

“...The standard of proof is probable cause...Your standard of proof is still **probable cause**. You’re not here to determine guilt or not guilty, it is probable cause, is it enough to go to trial.” (Vol,. 24, p. 134)

“...it is kind of in Missouri it is kind of, the State has to prove in a criminal trial, the State has to prove that the person did not act in lawful self-defense or did not use lawful force in making, it is kind of like we have to prove the negative.

So in this case because we are talking about probable cause, as we've discussed, you must find probable cause to believe that he committed the offense that you're considering and you must find probable cause to believe that he did not act in lawful self-defense. Not that he did, but that he did not and that you find probable cause to believe that he did not use lawful force in making the arrest.” (Vol. 24, p. 136)

All Clear About “Probable Cause”?

Different Standards of Proof

Beyond a Reasonable Doubt

$>90-95\%$

More Likely than Not

$>50\%$

Probable Cause

$>10-20\%$

Different Crimes

Murder

Killing of another human being with malice aforethought.

Voluntary Manslaughter

The killer's thinking was disturbed by excitement or excessive reaction, e.g., when one tries to defend oneself, overreacts and kills in self-defense.

Suppose the Grand Jury Was Considering Probable Cause for Voluntary Manslaughter

Probable Cause

$>10-20\%$

Voluntary Manslaughter

The killer's thinking was disturbed by excitement or excessive reaction, e.g., when one tries to defend oneself, overreacts and kills in self-defense.

Now Takes Notes and Listen to the
Testimonies Carefully — You Are
the Grand Jurors!

We Begin With Officer Wilson's Testimony

"Officer Darren Wilson's Grand Jury Testimony in Ferguson, Mo., Shooting"

From *NY Times*, Nov 25, 2014

<http://www.nytimes.com/interactive/2014/11/25/us/darren-wilson-testimony-ferguson-shooting.html>

The Altercation Around Wilson's Car

"...He then grabs my door again and shuts my door. At that time is when I saw him coming into my vehicle. His head was higher than the top of my car. ..." (p.16)

"...I tried to hold his right arm and use my left hand to get out to have some type of control and not be trapped in my car any more. And when I grabbed him, the only way I can describe it is I felt like a five-year-old holding onto Hulk Hogan..." (p. 18)

"...He grabs my gun, says, "You are too much of a pussy to shoot me." The gun goes down into my hip and at that point I thought I was getting shot. I can feel his fingers try to get inside the trigger guard with my finger and I distinctly remember envisioning a bullet going into my leg. I thought that was the next step... " (p. 29)

The First Gunshot(s) and Brown's Reaction

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

At this point I'm like why isn't this working, this guy is going to kill me if he gets ahold of this gun. I pulled it a third time, it goes off. When it went off, it shot through my door panel and my window was down and glass flew out of my door panel. I think that kind of startled him and me at the same time....” (p. 30)

“...The only way I can describe it, it looks like a demon, that's how angry he looked. He comes back towards me again with his hands up. ...” (p.31)

Brown Runs Away and Turns Back

“...I see him start to run and I see a cloud of dust behind him. I then get out of my car. As I’m getting out of the car I tell dispatch, “shots fired, send me more cars.” (p. 32)

“...So when he stopped, I stopped. And then he starts to turn around, I tell him to get on the ground, get on the ground.

He turns, and when he looked at me, he made like a grunting, like aggravated sound and he starts, he turns and he’s coming back towards me. His first step is coming towards me, he kind of does like a stutter step to start running. When he does that, his left hand goes in a fist and goes to his side, his right one goes under his shirt in his waistband and he starts running at me.” (p. 33)

The Final Shots

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

And the face that he had was looking straight through me, like I wasn’t even there, I wasn’t even anything in his way.” (p. 32)

“...And when he gets about that 8 to 10 feet away, I look down, I remember looking at my sites and firing, all I see is his head and that’s what I shot.

I don’t know how many, I know at least once because I saw the last one go into him. And then when it went into him, the demeanor on his face went blank, the aggression was gone, it was gone, I mean I knew he stopped, the threat was stopped.” (p. 33)

Next, Dorian Johnson's Testimony

From *Grand Jury*, Volume 14, Dorian Johnson's Testimony

Stealing with Big Mike

“...When Big Mike tried to go out and thrush the door open and came out of the store clerk's hand. The store clerk then tried to grab Big Mike and Big Mike kind of reverses the grab and grab, like it was a very fast motion, but the store clerk never came off of neither one of his feet. He never fell on the floor or got punched or anything like that, it was a very fast motion, just a shove..” (p. 36)

“...based on what I saw of him that morning before we walked to the store, he didn't look like he smoked anything that morning or anything like that at that time...” (p. 39)

First Encounter With Officer Wilson While Walking in the Street

“...When he got right directly on the side of us, the police officer Darren Wilson, when he got on the side of us he rolled his window down and he said, get on the sidewalk, but it wasn't in a polite manner, it was very rudely. You can say whatever he said. He said get the on the sidewalk. That's the get the Get the fuck on the sidewalk..” (p. 45)

“...I was the one that was talking when the police officer said get the on the sidewalk.I told the police officer we was just a minute away from our destination, I live in Canfield and we'll be off the street closely.” (p. 46)

Officer Wilson In Reverse

“...We stayed in the street...We continued to walk and have our conversation, but almost a split second we heard the tires screech, and the officer, he pulled back in the truck very fast to the point at an angle if we didn't hear his tires screech, the back of his cruiser would have struck one of us, not both of us, it would have struck both of us or one of us because of the way he angled in reverse. He never drove and turned around, he reversed real fast. Why he reversed so fast on us and the angle that he did in the manner, now we are almost not inches away from his front door..” (p. 47)

“I knew by law that we really wasn't committing a crime at the time because there was no traffic flow and no one was, you know, we wasn't holding up traffic or anything like that because cars were still able to pass us...I felt like that we were not committing a crime, we were having our conversation, we was just walking” (p. 64-65)

First Physical Contact between Officer Wilson and Big Mike

“...And at that time he never attempted to open the door again like to try to get back out, but his arm came out the window and that's the first initial contact that they had. The officer grabbed, he grabbed ahold of Big Mike's shirt around the neck area...” (p. 49)

“His arm almost in an instant came out the window, his left arm, I remember it was his left arm, came out the window and touched Big Mike around his neck area and his throat. I watched his hands, you know, they really tightened up, so yeah, he had a good grip on it, that what's I saw first” (p. 50)

The Altercation Begins

“...that’s the beginning of my shock level. That's where I’m like, this doesn't happen every day, something is out of order here. They are talking to each other, they are yelling and cussing. And neither one of them can calm down, they both have angry faces on while they are talking....” (p. 51)

“He never fully let Big Mike go, now he has a good grasp on his shirt. So now Big Mike's able to turn different angles while he is trying to pull away.” (p. 47)

The First Gunshot

“...And when I look up and see the officer, the officer has his gun pointed, his left arm grabbed, he has his gun pointed aimed at Big Mike. In my mind it was probably aimed at both of us, but I assumed he wasn't directly just trying to go for Big Mike. He had his gun pointed towards us. I'm still standing in the doorway and at the time he said I'll shoot. He was going to say it again, I'll shoot and almost, he didn't get to finish his sentence, the gun went off...” (p. 104)

we definitely was outside the vehicle. The bullet came outside the car and struck him. He was never inside the car and got struck, he was outside the car when the first shot went off. The officer was inside the car, so the gun was inside the car, but when he shot the gun, bullet traveled outside his car and struck Big Mike in the chest, or I seen blood coming from.” (p. 106)

Running Away From the Officer and One More Shot

“...When Big Mike ran past me, he saw me, he looked directly at me he said, keep running, Bro. And at that time is when I kind of hear the for opening, I figure the officer is getting out of his car now, but before then, like I said, the officer was still in his car, I was able to run, squat behind the first car. Big Mike ran, he was right behind me. He looked directly in my eyes and said, keep running, Bro....” (p. 117)

“I'm standing straight, the officer's back is towards me, Big Mike's back is towards me and the officer because he is running away. I'm watching the officer, he's walking and Big Mike gets past the third car, the final car before the second shot was fired. It was the second shot fired, pow, the officer shot. I don't know if it hit, I wasn't that close to see” (p. 119)

The Second Shot

“...As he's running away, he's running with his arms down. Once the second shot fired off, I see his body do like a jerking movement, not to where it looked like he got hit in his back, but I knew, it maybe could have grazed him, but he definitely made a jerking movement. He didn't take a step after that, his next steps was turn around after the second shot....” (p. 155)

Big Mike Turns Back

“...The first time I definitely knew, I definitely saw him get shot the first time, he ha been struck one time already. The second time he shot, I didn't know if it hit him or not, but he kind of jerked and that's when he stopped running. He just kind of stopped and turned around at the officer. And now he's face-to-face with the officer, but not so close...” (p. 120)

“At that time Big Mike's hands was up, but not so much up in the air because he had been struck already in this region somewhere on this. It was like this hands is up and this hand is kind of like down sort of.” (p. 121)

More Shots...and Deadly Ones

“...As I'm looking at him, he said I'm, he didn't say I'm unarmed per se, he said I don't have a gun, but he's still mad, he still has his angry face. I don't have a gun. And he goes, he never started running because, you know, he's hit, but sort of, I don't have a gun. And before he can say the second sentence or before he can even get it out, that's when the several more shots came. ...” (p. 123)

“At that time Big Mike's hands was up, but not so much up in the air because he had been struck already in this region somewhere on this. It was like this hands is up and this hand is kind of like down sort of.” (p. 121)

Mike Turns Back and Gets Fatally Shot

“...He was going towards this building. I presume that's the way he was running. He wasn't really all the way on the driveway when the second shot went off, and he turned around, and he was in the street. He was taking a step towards the officer to show him that he didn't have anything, his hand was up, so he is showing the officer, I don't have a weapon on me. And as he's walking toward officer saying that in an angry manner, he was saying it an angry manner, he was hurt, still frustrated probably, so he's telling him, I don't have a gun. I don't have before he can say, you know, anything else, this man is riddled with more shots until he tumbled other....” (p. 159)

DNA Evidence Analysis

DNA Match on Wilson's Gun

“...The DNA typing results’ obtained from 019 (P.O. 7Wilson’s R85) are consistent with being a mixture of three or more individuals. This profile can be separated into a major mixture of two individuals with a trace contributor. Due to the limited genetic information available from the trace contributor, no conclusions regarding the possible trace contributor can be made.

Michael Brown and PD. Wilson are included as contributors to this major - mixture profile. The observed major mixture profile is 2.1 octillion times more likely if it originated from Michael Brown and P.D. Wilson than if it originated from PD. Wilson and an unknown individual in the in the general unrelated population....”

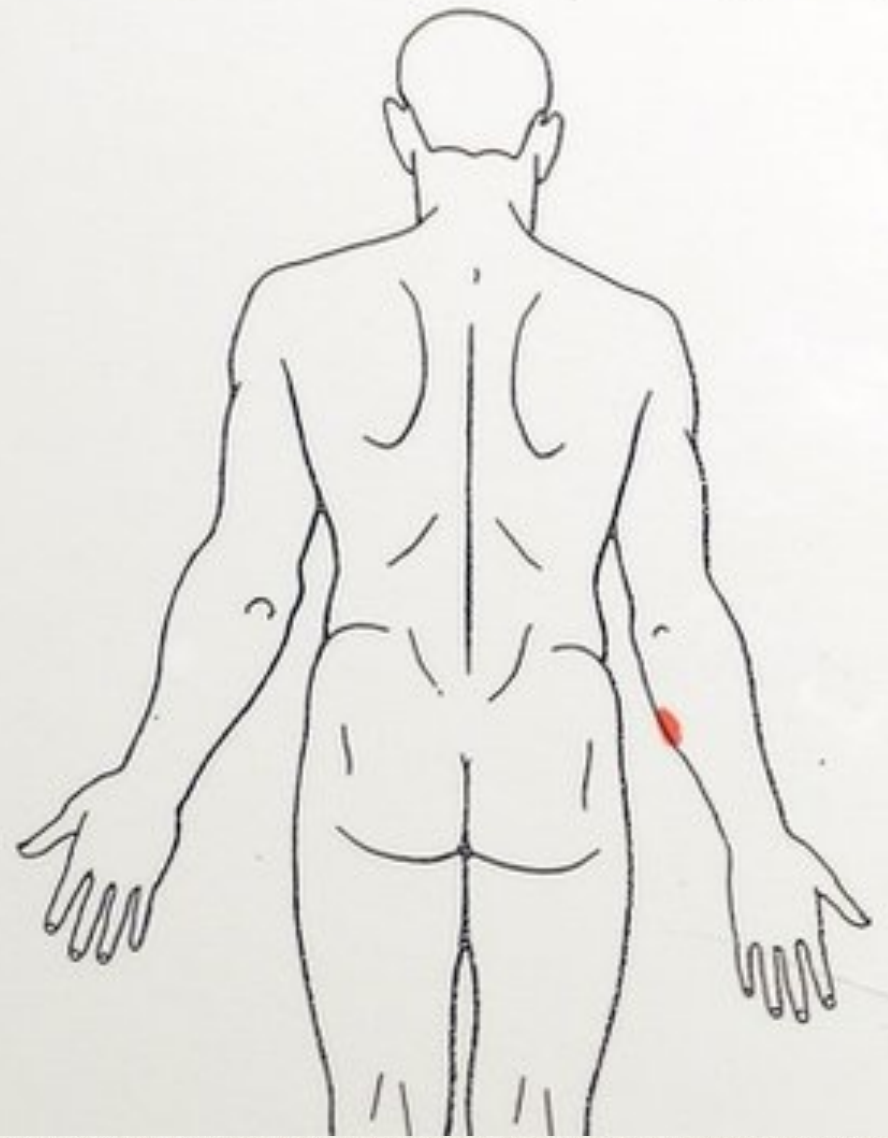
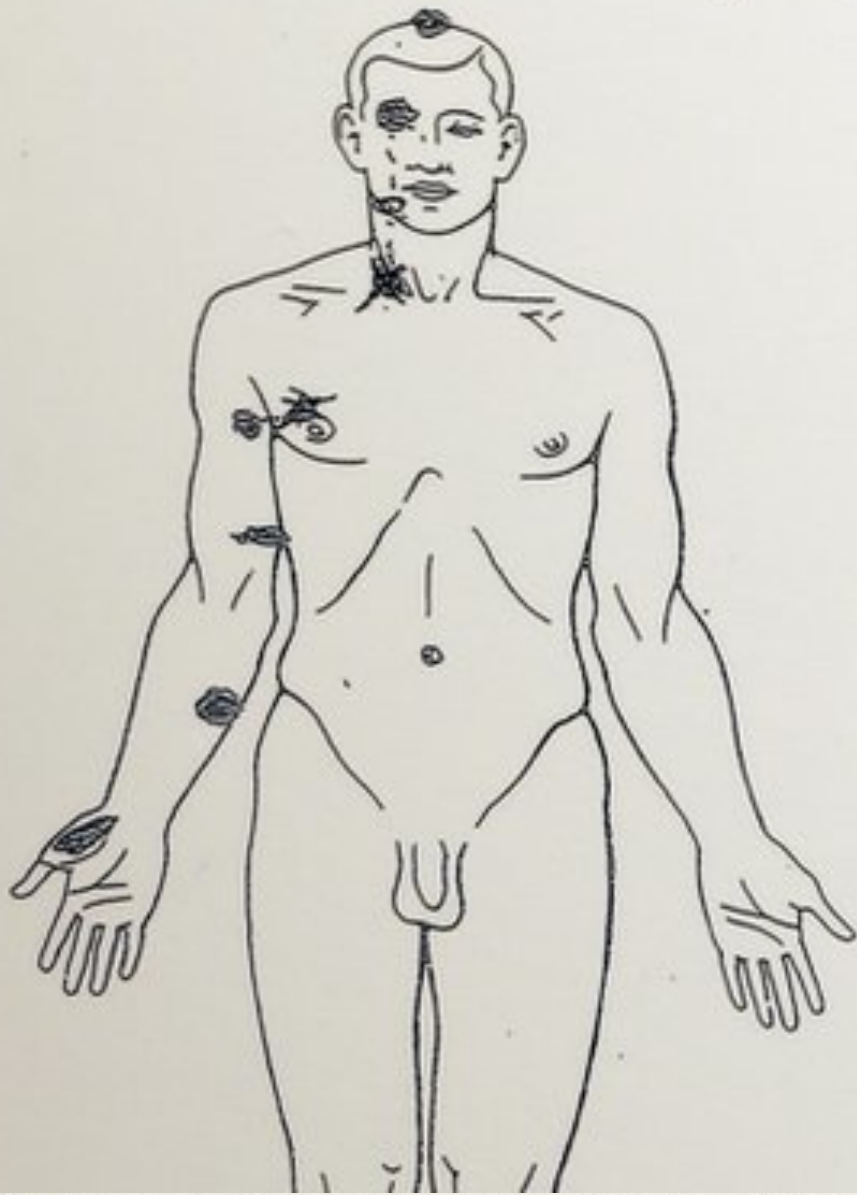
(DNA Analysis Report, p. 3)

DNA Match on Interior Left Door Handle

“...The DNA typing results obtained from 013 (interior left front door handle of vehicle 108) are consistent with being a mixture of two or more individuals. This profile can be separated into a major male contributor profile and one or more minor contributors. Michael Brown is the source of the major male contributor profile. Due to the limited genetic information available from the minor component the presence or absence of PD. Wilson cannot be determined.....” (DNA Analysis Report, p. 3)

Autopsy and Gunshots

Preliminary autopsy report



Forensic Pathologist Shawn Parcells Demonstrates how Michael Brown Might Have Been Standing — *tough that's highly disputed!*



Witness 14

The Fatal Shots

“...The officer came out came around got into his stance. And he said “stop”. Because the boy looked up at him and he took two steps, about two or three steps. Pow, pow he fired off about three rounds and he hit him the boy kinda wiggled. And when he came back up he had the weirdest look on his face and he started coming forward. Not in a, like he was tryin to attack him, it’s like he’s coming to him like to plea with him stop. The officer did say, “stop, stop, stop.” Well after that third time, he let loose. And the boy was coming forward slowly. Real slowly. But you could see he was hurt, ?cause he was like this. And rocking back and forth. He wasn’t in a upright position he was kinda hunched over. And as he was coming forward and he fired off the volley he was falling. He didn’t fall to his knees, he fell straight down. And as he was going, he kept firing. He kept firing. Until he hit the ground. Okay.” (Witness 14, p. 3)

You Have Heard Some of the Evidence — *Is There Probable Cause for Charging Officer Wilson with Voluntary Manslaughter?*

NB: The question is not whether Wilson is guilty. The question is whether a preliminary case can be made against Wilson so that a trial can begin.

The trial will later on assess more carefully and thoroughly —by examine and scrutinizing — all the evidence whether Wilson is guilty or not of manslaughter.