

August 13, 2014
3:41 p.m.
Detective
St. Louis County Police Department
Bureau of Crimes Against Persons
DSN

Detective = Det.
Freeman Bosley, Jr. = Bosley, Jr.

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Unintelligible = UI

DET. : Today is, a, Wednesday, August 13th, 2014, the time is 3:41 p.m. This is Detective with the St. Louis county Police Department, Bureau of Crimes Against Persons, DSN

DET. : I'm here in the law offices of Bosley and Associates. It's that...

BOSLEY: Yes it is.

DET. : ...formal name? Okay, Bosley and Associates in a conference room with a several individuals. I'll go around the table now and just ask everyone to identify themselves please. A, next to me is a-a Special Agent with the FBI. And then sir, what is your name, please?

: as..

DET. : Okay, and sir, what is your date of birth?

: .

DET. : Okay, and you are a-a relation to Dorian how?

I just happen to know his people and I'm personally in charge of his security that I've been now and probably for quite a while.

DET. : Alright. And ma'am, a your name for the recorder please.

:

DET. : Okay. And a, you are...?

: Dorian Johnson's

DET. : Okay. And, what is your date of birth ma'am?

:

DET. : Okay, and sitting next to you is...?

cd-226b

D. JOHNSON: Dorian Johnson.

DET. : Okay. And a Dorian, do you have any middle initial?

D. JOHNSON: J.

DET. : Okay. And, what is your date of birth?

D. JOHNSON:

DET. : Okay. And, I'm gonna ask you just a few more questions here. What is you're a, Social Security Number?

D. JOHNSON:

DET. : Okay. And, your home address.

D. JOHNSON: was my last home address.

DET. : Okay. And you have a cell phone?

D. JOHNSON: No sir.

DET. : Did you have a cell phone a, recently or?

D. JOHNSON: I did but it was turned off about a month ago, sir.

DET. : Okay. And, sitting next to you is...?

BOSLEY, JR.: Freeman Bosley, Jr. Um, um, Bosley and Associates, 611 North 10th Street, St. Louis 63101, telephone number Also in the meeting will be a, co-counsel on the case Mr. and a, he'll a, we'll get a card with his telephone number on it.

DET. : Sure, okay. And then sir, what is your name?

: My name is

DET. : Okay. And, what is your date of birth?

: My date of birth is

DET. : Okay, and do you have phone number?

: Yes. Phone number

DET. : Okay. And a, as I said, this is in reference to St. Louis County Police Department Complaint number 14-43984 and an associated, a, Ferguson Complaint Number 14-12391, which is an incident that took place on August 9, 2014 in the Canfield Apartment Complex. Before we get started I just wanna a- a clarify a few things here. Um, you realize that um that you came down here on your own accord today. Is that correct Dorian?

D. JOHNSON: Correct.

DET. : Okay, and obviously you have an attorney present. Is that correct?

D. JOHNSON: Correct.

DET. : Okay. And, I know that prior to a, this meeting taking place today there was some, a-a discussion about some issues that you had I guess with a warrant in...

BOSLEY, JR.: Cole County.

D. JOHNSON: Cole County.

DET. : Cole County. Okay. And, you understand that-that we are not, we don't have any concern about anything a, relating to that.

D. JOHNSON: I was informed that you didn't.

DET. : You understand that?

D. JOHNSON: Yes, I do.

DET. : Okay, okay. So, you know that that's not gonna be an issue here today, right?

D. JOHNSON: Correct. Yes I do.

DET. We have no intention of arresting you for that or for anything else.

D. JOHNSON: Correct. Uh huh.

DET. You understand that too, correct?

D. JOHNSON: Yes.

DET. I think Mr. Bosley you, a, had a conversation with people.

BOSLEY, JR.: I have talked to Mr. McCulloch about it and then we also had a conversation with the FBI the other day about it, yesterday.

DET. : Okay, alright.

: I just wanna start off kinda just to kinda give you an overview of our purposes which are actually separate. I am a Special Agent with the FBI and I investigate civil rights violations. So, in this, in this line that involves when police go outside their authority I investigate that human trafficking, hate crimes, and then another, it's call face act. It has to do with people have their freedom to go inside a clinic and that nobody can block them. But, that's just kind of an overview. In-in working civil rights, a strong component is witness testimony. Everybody-everybody watches CSI and says oh you have the fingerprints, you have this or have that. That's not the case a, in many of these circumstances. So, we really rely on witnesses like yourself. We need, when I say 100% honesty I don't just mean I mean just about everything. Like you, nobody is here to put you on trial so if you've done things or you've seen things or even just been accused of doing things, you can tell me. And-and like he said, we are not here to arrest you. You are not the subject of investigation. I cannot make that...I just wanna make that really clear. "cause I know-I know you have...there's a lot of unrest and unease and I'm looking at too

'cause I really want you guys to understand this. You are a witness, okay. So, I need you to be honest and if you and if-if you said something mouthy to a police officer, does not give him the right to shoot you. Ya know, so if-if that-if-if you had an exchange, that doesn't make you a bad person. That doesn't make, mean this, ya know this incident have...it doesn't make it one way or the other. Okay, so I need you to say that. If that's happened before that, I need you to be 100% honest. Because I'm going to tell you, we're gonna ask you a lot of questions today we already know the answers to. And, by I say we already know, I mean we have evidence. I don't mean, ya know everyone has their own side of the story but when you have evidence it's a whole different picture so and I'm not gonna get into that. It would not be appropriate. I just want you to know that because I could see you've had...you've gone through a lot. So, just, if I can put you, if you have questions for us along the way. If you don't understand what we're asking, please this is not meant to be fast. This is not meant to bully you over. This is about you just telling us what you saw, okay?

D. JOHNSON:

Okay.

BOSLEY, JR.:

And I did want to say this and I didn't get to tell you this Dorian that, because you are talking to, a the FBI, you are talking to she had indicated she is a federal agent. A, it is extremely important that you tell her the truth. If you do not tell the truth or if they a, or of the opinion that you lied or found out that you told a lie. A, you could be prosecuted and charged with lying to a federal agent.

D. JOHNSON:

I understand.

BOSLEY, JR.:

And that has serious penalties.

D. JOHNSON:

I understand.

BOSLEY, JR.:

Ya know, I don't have any reason to believe that you would do that but I do have to let you know.

D. JOHNSON:

I understand.

And just one more...is there-is there a phone number that if ya know, we are gonna contact your attorney, is that we can reach you at if need be for whatever reason Mr. Bosley wanting me to get a hold of you right away that I mean if it's 's or whatever. Is there a number we can get a hold of you?

D. JOHNSON:

A, you can definitely get a hold of me at a...

:

..

BOSLEY, JR.:

Yes.

:

..

:

Uh huh.

:

...

... And, that's your house phone. And that's where, at Caddiefield...

D. JOHNSON: No, shit. I live by my...
: He has his own phone.
: Oh, I'm sorry. That's right. You look so young to me and you're 22. So, that's-that's the house I'm...can you give me that address?
: And, that's in the city?
: Okay. Okay, thank you.

DET. : Before we get started, there's one thing I wanna clarify with you, okay. Um, today, we're-we're gonna be talkin' about obviously a, the death of Michael Brown, okay? Um, at times, I'm going to clarify or repeat to you what you just told us, okay? And, I'm doing that to make sure that I understand what-what it is that you said. If at any point in time if I say something that is incorrect, however, inaccurate it may be, I ask that you please clarify with me any inconsistencies or any mistakes that I may-that I may have made in interpreting what you're sayin'? Okay?

D. JOHNSON: I gotcha.

DET. : Yeah, are we-are we fair on that?

D. JOHNSON: Yeah. I understand, okay.

DET. Do you have any questions before we begin?

D. JOHNSON: No, let's start. I'm comfortable.

DET. : You okay to begin?

D. JOHNSON: I'm good, let's go.

UNKNOWN MALE: I don't know if this is sufficient or not. I couldn't figure out how to do it on the St. Louis City Assessor's page or County Assessor's page.
: We can, we, I 'cause we have some nice looking maps. I have someone bring them over right now so...

BOSLEY, JR: Okay, good, okay good.
: We can do that.

DET. Okay, alright. A, so, Dorian, I guess if you would, would you start from the beginning of your day and on the 9th of August and move forward? That would've-would've been this past Saturday, okay?

D. JOHNSON: Okay.

DET. : You were living in Canfield-Canfield Green at the time?

D. JOHNSON: Yeah, yeah.

DET. : How long you live there for?

D. JOHNSON: About eight months now.

DET. : Okay. And your address there was the...

D. JOHNSON:

DET. : That same address, okay.

D. JOHNSON: Right there.

DET. : Alright. And, so you were in that apartment complex on that a, the 9th?

D. JOHNSON: Correct.

DET. : Okay. Would you start from the beginning of your day there on the 9th and-and explain what took place?

D. JOHNSON: I like a, I woke up that morning around 7:00 and since I have to tell the truth a, I smoke. So, at 7:00 I went to get-get me a cigarillo. Upon stepping out of my apartment complex I saw Michael Brown. He was a, loading a car, it with his nieces or nephews that I later on found out. He was helping load a car with his nieces and nephews and he saw me. I was already walking in his direction 'cause he wasn't but across the street in the next complex so...when I got to him, a I told him what I was fittin' to do a, we walked to the store, got cigarillos. We're coming back to the house now 'cause we just fittin' to come back and ya know, that's what we do, go to the apartment play the games listen to music. Um, when we were walkin' back at the time we were on the sidewalk. The streets was clear as it, it was just clear. We were having a conversation, it was the nicest conversation. It was ya know about girls or what was going on in the neighborhood today. And, it just so happened we were walking in the street 'cause ya know it's clear. We didn't see no harm in it so we just got in the street. As we're walkin' in the street, we're not on either side of the road as much as we're in the middle so we're on the double yellow line that's in the middle...

Uh huh.

D. JOHNSON: ...of the street. So, I'm in front of Michael Brown. He's directly behind me. And we're walking toward I wanna say it's south going towards Northwinds which is at the back of the Canfield Apartments.

: Okay.

DET. Just to clarify 'cause I think we may have had a direction mistake.

D. JOHNSON: Okay.

DET. Where were you walking?

D. JOHNSON: We was walking down you see how, this is West. Florissant we're walking down towards Northwinds, which is back here.

DET. Okay. So, you were traveling it-it by-in-large east.

D. JOHNSON: Okay.

DET. : Okay. Is that correct, you were traveling this way?

D. JOHNSON: Yeah, it's correct.

DET. : Okay.

BOSLEY, JR.: Um, just for a moment, um, ya know you started off with, you, when you woke up and you saw Mike. I think you need to tell 'em, ya know they need to know everything. You need to tell 'em about when you went...when you all went to the store.

D. JOHNSON: We went to the store. Would that be relevant?

BOSLEY, JR.: You-you need to talk about the police officer now, aren't ya?

D. JOHNSON: Yes, sir.

BOSLEY, JR.: Okay, but I think before that you all went to the store.

D. JOHNSON: Yes, we went to the store. A, the store Ferguson Market on West Florissant. Let me see, is it on here. Okay, it's West Florissant and Ferguson.

DET. : Yes sir.

D. JOHNSON: The Ferguson Market.

DET. : Uh huh.

D. JOHNSON: Had cigarillos a, now there was an incident at Ferguson Market where the a cigarillos, not cigarettes, a cigarillos were by law stolen but not in a manner to where it was forceful or ya know a weapon was drawn. It was almost like he just grabbed 'em.

: Okay.

BOSLEY, JR.: Just tell 'em what happened.

D. JOHNSON: Alright, a we're at the store, he walked...he's standing in front of the clerk. And the clerk, asked him what does he need? He says, he wants some cigarillos, now at almost at the same time he's sayin' he wants some cigarillos, he didn't do like a snatch and grab motion...

Okay.

D. JOHNSON: ...so like he was just reaching into his own cabinet. He just leaned over and grabbed cigarillos. He handed me a box of Swisher small mini sixty-nine cents the whole box. Now it's not common for people to buy a whole box, awe it's probably \$50.00 at the most. Um, then after he gave me the box, he turned back around facing the store clerk. Now, the first grab the store clerk he did not, he didn't do anything. He just basically stood there.

Okay.

D. JOHNSON: He went back again to grab some more cigarillos. But, again it was like reaching into your own cabinet 'cause it wasn't a snatch and grab, so it was lean forward and grab and come back. Now, at this time I had no idea what was going on 'cause like I said, I see people buying a lot of packs of 'rillos at a point in time is not strange. Um, it wasn't until I saw him turn without saying anything to the store clerk to walk out the exit that I figured out what was going on and so I immediately set the box that I had that he had given to me back on the counter.

Uh huh.

D. JOHNSON: And, it was almost like the store clerk was in shock because we was almost, if we really wanted to, we could've just ran right out the door but we walked. We walked, a, we walked straight to the door. The store clerk did come around and just stood in front of the door and kinda held his hands up in a stop motion. My friend, Mike Brown, he didn't wrestle or punch the man or pull any weapon out on him. Man, he put his hand on him...one hand and just moved him out the way. Now, the man didn't fall on the ground so I can tell he didn't use that much force. The man kinda stumbled over and we continued to walk, walk. Not run or speed walk. It was a slow walk. He opened the door and I walked right behind him. Now, we get out the store, we're back on West Florissant now we're walkin' back to Canfield. We have, well I have nothing in my hand at that time. The trousers that I had on had no pockets. I had on a tank top so...

Uh huh.

D. JOHNSON: ...I had no way of puttin' anything in my pockets. I had no pockets. Mike Brown, Big Mike, if it's okay if I say Big Mike.

Yeah, no, go ahead. Yeah.

D. JOHNSON: Big Mike he did have pockets but he never at one point of time put anything in his pockets. He was still holding all the 'rillos in his hands. It was both his hands was filled. He couldn't even close his hands.

Okay.

D. JOHNSON: As we're walking down West Florissant, now I, leavin' the store I heard the man say that he would call the police and it kinda threatened me. It got me nervous.

Sure.

D. JOHNSON: So, we still not running. Fast-pace walking we still, same pace walking to the store, we walk in front of the store, just as normal and calm in plain day and we're walkin' down, we-we not even at a, fully passed McDonald's 'cause we're not-we're not on the same side of the store anymore...

:

Okay.

D. JOHNSON: ...we crossed right in front of the store.

Is-is any I'm sorry, is any of this on here? Can you see? Can you tell?

D. JOHNSON: I mean yeah, I mean yeah, I got Canfield, which I don't have Ferguson.

Oh, Canfield, so it was all over there?

D. JOHNSON: It's back here, so...

: So, when you walked, do you walk this way to Canfield?

D. JOHNSON: Canfield, yeah, but...

Okay.

D. JOHNSON: ...upon the time walking on West Florissant I saw police cars.

: Uh huh.

D. JOHNSON: It made me a little nervous 'cause I thought well, he just called the police.

Yeah.

DET. : And you, when you're referencing he you're talking about who?

D. JOHNSON: The store clerk.

DET. : Okay.

D. JOHNSON: So, the strangest thing happened though, 'cause no-none of the police cars that we saw driving down West Florissant even stopped at the store. One stopped at McDonald's, one kept goin' and I didn't really pay attention to where the other one goin' but I know for sure they didn't stop at the store. So, that's when I kinda figured that he probably try to scare us 'cause I don't think he made the call at all.

DET. : He's bluffin' ya.

D. JOHNSON: That's what I thought.

DET. : Okay.

D. JOHNSON: Um, we make it to Canfield now and, like I said, we're walking down Canfield. We made it down two or three blocks before we hit the leasing office and that's the beginning of the apartments.

DET. : So, you're still in the residential area?

D. JOHNSON: Yeah, we're still in that area and I said, like I said we're about two or three blocks down now, we're right-right at the beginning of the leasing office which should be right, yeah right about this section is where we initially stepped into the street and I was on the sidewalk the whole time until we got to that point. And then, we stepped into the street. When we got in the street, we was in the middle of the street on the double yellow lines...

: Okay.

D. JOHNSON: And now we're walkin' east towards both of our home 'cause I stay to the right; he stays to the left.

Okay.

D. JOHNSON: He was staying with a friend at the time. So, we're walkin' down the middle of the street and at that point in time there was no traffic, no cars coming. But a few minutes of walking down the street, a, traffic began to flow. But, it was like we were not interrupting anything, no horns were honked, nobody screamed or yelled out their window, "hey kids get out of the street."

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D. JOHNSON: Uh huh.

D. JOHNSON: "You're in our way" or anything like that. No one had to make any adjustments to drive. And there were three cars going east; four cars coming back I mean coming towards us so out of those cars no one said anything to us. And, we're walkin' in the middle of the street. The officer's vehicle was coming towards West Florissant as we're walkin' east so he's approaching us and if they had dash cameras, 'cause I heard they didn't...if they had that, it would show that I was walking and he was standing behind me walking so we like in a straight line almost.

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D. JOHNSON: Single file.

D. JOHNSON: Single file line, walking straight on the double yellow lines. When the officer pulled up, there was no traffic flowin' and he pulled up and he-he stopped on the side of us. His initial words were not a "freeze" or "halt" like he had-was a answerin' to a call or anything like that.

Uh huh.

D. JOHNSON: His first words that came out of his mouth was, "Get the 'F' on the sidewalk."

DET. : Is he-is he still at this point in the westbound lane or eastbound or...?

D. JOHNSON: No, he's still in the westbound lane.

DET. Okay.

D. JOHNSON: And he's fully a, like straight-he's straight at this point in the westbound lane.

DET. Sure. Okay.

D. JOHNSON: And, we're, the way he's parked on the side of us is almost like his body is, ya know, in between us 'cause we're so close to each other.

Okay.

D. JOHNSON: When he says "Get the 'F' out the street" my friend Big Mike, he didn't open his mouth. He didn't say anything. At that time, I was the only person that spoke.

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D. JOHNSON: Uh huh.

D. JOHNSON: I told the officer we was less than a minute away from our destination which we were, 'cause I stayed down the street, and we would be out of the street shortly. I didn't feel like I said anything wrong. I didn't raise my voice in a threatening manner, a, it was as calm as I'm talkin' to you now and we continued to walk because I felt like the officer was finished with us because he didn't make a-a like he was stopping us for something. But, more than given a order to just get

out of the street and I'm gonna keep goin', basically. But, after sayin' that to the officer that we're a minute away from our destination we continued to walk, proceeded to walk and we thought the officer continued to drive forward but we heard his tire-we heard his tires screeching because when he reversed his vehicle he did it at a rapid speed to where he probably had to put on the brakes 'cause his car it...his truck 'cause it's not a car, his truck-Ferguson truck it slanted towards us and we heard the tires we looked immediately and had to step back like stand straight, step back or the rear end of his vehicle would have hit one of us if not both of us and now how he turned his car, brought it in reverse, now he's blocking east and west 'cause his car slanted...

:
D. JOHNSON: Okay.
DET. ...and Canfield is a very narrow street.
D. JOHNSON: So, he's across the double yellow line?
DET. Not...
D. JOHNSON: Well, how's he blocking it then?
DET. ...not directly, ya know, vert...like comin' across.
D. JOHNSON: Uh huh.
DET. But, more slanted. And, the Ferguson trucks, they're kinda long so people would have to drive on the sidewalk and grass to get around 'em basically.
D. JOHNSON: Okay. So, no one could drive around 'em?
DET. No one could drive around 'em. And, at that time there was no cars. There was no traffic comin' east, the direction we was walkin' but there was traffic comin' west. A, immediately when the officer pulled up on the side of us slanted, now we're line-were back lined up face-to-face with him. And, he says, "What did you say?" Almost like he heard somethin' while he was fittin' to drive off.
D. JOHNSON: Uh huh.
DET. Now, while he's sayin' "What did you say?" He's...I could tell that he's angry 'cause the way he said it, it was very aggressive and he's tryin' to thrush his door open while he's sayin' it but the way he reversed...now, if would've reversed straight back, he wouldn't have been that close to where the door would've ricocheted off of us he probably would've been able to open and step right out the vehicle. But, because he's so close to us and we didn't know he was about to get out the car or anything like that. We thought he was comin' back to say somethin' else but we were so close not even an inch away when he thrused the door open. Now, my friend Big Mike, ya know, he's-he's very large.
D. JOHNSON: Uh huh.
DET. I don't know exact height or weight but he's ten times bigger than me.
D. JOHNSON: Okay.

D. JOHNSON: Um, he takes more of the door than me but I feel the door hit me also...more around the handle and it recalled so fast I'm like, "boom", real quick. I could see if the officer mistook that as a shove back because how fast it happened. So, almost instant when the door closed back on the officer, a, his arm-his left arm 'cause I remember ver-verbatim. I was standing-I'm still in the window. I never moved.

:

Okay.

D. JOHNSON: His left arm came out the window and he placed it directly on my friend's throat. At this time, my friend, he's angered but not so much as I want to touch you anger so much as get away from you anger. So, he-he has the frown face so he's makin' his frown face 'cause he's angry. And, I understand his ang-ya know if someone puts your-without sayin' anything, else. And, I can tell he was grippin' him because I could see his muscles bulging at the...

(Someone knocking at the door)

DET. I'm sorry.

Yeah, sorry. One second we'll get our maps and we can start.. Thank you, appreciate it.

UM: (UI) no problem.

:

These are our maps but...

D. JOHNSON: Okay.

So, continue on.

D. JOHNSON: Okay.

And, we'll go through this map thing.

D. JOHNSON: Okay.

We'll go through it a little bit. We just want you to go ahead.

D. JOHNSON: So, like I said I can see that he's applying pressure with his grab because I can see his forearms tightening and ya know his muscles bulging a little and the officer.

When you say, he?

D. JOHNSON: I'm-I apologize. The officer's...

DET. Okay.

D. JOHNSON: ...a muscles are bulging.

Because he's applying pressure you see his muscles bulging.

D. JOHNSON: Yeah, I can see. Now, my friend Big Mike, like I said he never put anything in his pocket. His hands are filled with cigarillos. So, it's almost like he really can't get a-a good grasp on the vehicle to where he can pull his self all the way

back so now he's tryin' to a maneuver his body to where the officer's grip was slipped and now his arm is not on my friend Big Mike's neck anymore. It's more along grabbin' his shirt and his shoulder and-but he never let go. The officer never let go of my friend Big Mike. My friend Big Mike never reached in the car to grab the officer back. It was more like the officer, 'cause at that time the officer did not try to open his door again. He did not try to get back out the vehicle. It was like he was tryin' to pull my friend Big Mike inside the car through the window. My friend Big Mike is so big like he's literally a little over the-over the window. So, it's not like his head is comin' in more than his chest-in his, ya know chest. He's tryin' to pull him in. So, he's pullin' away. He's pullin' him in and he has his hands filled with cigarillos so now he's turnin' tryin' to get away from the officer. The officer still hasn't let him go and he still hasn't tried to open his door again. Now me, I'm standing in shock, 'cause I'm not a full inch away from anything. I'm-I'm still standing right here watchin' the tug-a-war. I'm still standing here. I see the officer's face, angry. I see my friend Big Mike face angry. I hear the words a, my friend Big Mike sayin', "Get the 'F' off me. Ya know, we're not doin', anything wrong. Leave us the 'F' alone." A...

:

Is he sayin' "F" or is he sayin', just sayin' what he was sayin'?

D. JOHNSON:

Okay, he was sayin' "Get the fuck off me. We're not doin' anything wrong. Leave us the fuck alone." And, the officer, he's not so much saying anything anymore more than tryin' to detain Big Mike but like I said. It's-it's like he's tryin' to pull 'em inside the window and my friends pullin' away. And, it was very strange and odd to me why the offic-why they were still goin' on and the officer never tried to get back out of the vehicle.

DET.

Can I ask you one question real quick and I don't mean to interrupt your train of thought. The car door...what's the car door. Tell me, describe the door of the car to me at this point.

D. JOHNSON:

The-the Ferguson car door?

DET.

:

Yeah, the driver's side door.

D. JOHNSON:

A, it's closed. It's shut. The whole time they're tuggin' and warin' it's closed. It's shut. It's not, tryin' to open back up and getting' shut again, it happened one time and the door shut. And, at this time, my friend Big Mike, he's, his anger was turned face-to-face with me now and it's like, the officer has a grip on the back of his shirt. Still tryin' to pull him not like he was just holdin' 'em. Like, he was still pulling. And, at that time my friend handed me both hands full of cigarillos...he handed them to me and shocked and unconsciously I-I-I grabbed 'em...

:

Sure.

D. JOHNSON:

...because ya know...

You're in shock.

D. JOHNSON:

Yeah, I don't know what to do. Okay, I don't know. And, at this time once I fully grab, a, all of the things out of Big Mike's hands, cigarillos he's now turned back towards the officer. The officer never let his grip go. He still had a hold on Big Mike now. The whole time Big Mike's hands were filled, he never ever had to...he couldn't get a grip on anything let alone the officer. He

couldn't get a grip on anything. Most thing he could do was use his strength to pull away and once he handed me the cigarillos and now they're face-to-face with each other and I'm standing right here with cigarillos watching officer and my friend in a tug-a-war match 'cause it was not wrestlin' because he never got back out the car. He-he's sittin' down and we're standin' up. I never intervened. I never made a remark after he pulled back I was so much in shock I couldn't say anything. I could just stand and watch. At this time, I heard the officer say, "I'll shoot." Now, when he says "I'll shoot" in my head, I'm feelin', I was thinkin' taser, ya know...I'm consciously, I know what officers have on they're belt...taser ya know I've seen people be tased before so...As I look into the window again because at that time I was just staring at Big Mike seeing, ya know, was he goin' ya know, pull off of him or was he gonna let my friend go and try to get out the car again or anything, but I'm in shock just staring at my friend Big Mike. Now once he says "I'll shoot", I've been shot before. They never took the bullet out. I'm very shell shocked. So, once I hear that my attention immediately went back on the officer. I know what taser guns look like and I definitely know what real guns look like. It definitely was a barrel of a gun that I was staring down. 'cause it was almost, I'm littler than Big Mike so it's not in his face so much as it is in my face so I can see what he has in his hand, what the officer was holding in his hand. The officer pulled his weapon out and he said for the second time, "I'll shoot you." At that time, the gun went off for the first shot. My friend Big Mike was not inside the vehicle like he never got my friend down to the point where his whole top half of his body was inside the window.

Okay.

D. JOHNSON:

We were standing up and we were both standing up in a upward motion, just standing. The officer's still hold his left, with his arm, and now with his right hand he's pointing a weapon at us or Big Mike and the gun go off. When the gun go off, it frightened me. I didn't run as soon as the gun go off so much as stepped and inched over from the open window because now I'm standing at the side...the second door ya know, back door, so now...

Rear driver door.

D. JOHNSON:

Rear driver door, so that's where I'm standin' now. I'm in shock. Everyone's in shock. I can tell everyone's in shock because the tug-a-war stopped. When I looked at my friend, I see blood splatter under his right, I don't know where he was initially hit, but I definitely know he was hit with the first shot because I instantly see blood on his white shirt. When I see, yeah...

His right side?

D. JOHNSON:

...comin' down his right side.

On his torso, right?

D. JOHNSON:

Yeah, on his torso.

Just describing for the mic.

D. JOHNSON:

Yeah, coming down his torso. At that time when I saw the blood, it furthermore frightened me. Now, I'm fearin' for both me and Big Mike's life because I know now that he's using live ammunition and it is very deadly. I run. Big Mike sees, he sees the shock in my eyes because he never looked, when the first

shot was fired, he didn't really look at himself. He looked at me lookin' at him and he saw my eyes just..you're hit. I didn't never say it but my eyes definitely did. And, when he saw the fear in my eyes he knew that we were really, really in danger. So, and like I said it was almost like everyone was shocked...me, Big Mike, and the officer because the tug-a-war stopped. And, that was the time he let my friend go and that's why we were both able to run at the same time. It's not like I ran then he ran. After the first shot, we both ran at the same time. We were runnin' more than a minute and some seconds or no not, I don't wanna say a minute, let's clarify that, seconds.

:

How about, how far did you go?

D. JOHNSON:

I got to...by...at this time like I said there's vehicles pulled up in the westbound lane.

Going this way?

D. JOHNSON:

Going the way the officer was comin', yeah.

Okay.

D. JOHNSON:

Yeah, same, but the way...

Okay.

D. JOHNSON:

...he's parked they can't get around.

:

Okay.

D. JOHNSON:

And, there's a couple in the first car, the first vehicle I'm pretty sure saw everything.

Uh huh.

D. JOHNSON:

Because I heard a scream in a car as we runnin' by. And, that's what led me to see the first object to get behind 'cause I heard a...unconsciously I wasn't payin' attention. I was runnin' but I heard the scream and knew that alright someone's out here. I can hide. So I hid, but I was still out in plain sight because I was just crotched down slightly behind the car in between the first car and the second car 'cause there's three cars up now. So, between the first car and the second car I'm crotched.

Okay.

D. JOHNSON:

My friend Big Mike passed now. I can still sense the officer didn't get out the car. The officer was not out of his vehicle yet at that time we were runnin'. My friend Big Mike passes me and he sees me so he let's me know that I'm still in plain sight because if he can see me the officer definitely could see me if he came past.

DET.

Which way is Mike runnin'?

D. JOHNSON:

Mike is runnin' east the way that we were walkin'. 'cause that's where our home was. He was runnin' towards his home.

DET.

:

Okay.

D. JOHNSON: Now, when I, when Mike passes me he looked directly into my eyes and he saw where I was-where I was crotched down. He says verbatim, "Keep runnin' bro." At that time I was so shocked my fee...I could no longer move. I could no longer move at-at that time I just, I felt like I needed to stay crotched because my life was in so much danger. I felt at that time I'm hyperventilating I, ya know, I-I really can't get a hold on the situation that's goin' down. And, as Mike passes the second car, now I hear the officer getting' out of his car and at that time, I kinda stood up a little and to move around the vehicle but the vehicle I'm crotchin' behind is so small it's not like it's a truck. It's like a silver Sunfire or Toyota, some very small vehicle. When the officer passed me, his gun was drawn. I got, at the moment I didn't know why he didn't see me. I couldn't understand why he lost focus on the second person that was right there. I concluded that he was still in shock after a time period went on. But, I was fearin' for my life so much that the couple in the car I approached the vehicle and I'm beggin' them, I'm beggin' them to let me in their vehicle. Like, please could you just let me in your car? Just drive me to this parking lot or anything. I understand the couple for not letting me in the car. They don't know the situation. They don't know why this officer is shooting. They don't know what these two teens have or anything like that so, I'm, I don't fault them for just pulling on the sidewalk 'cause that's what they had to do to get around. They pulled on the sidewalk and they went on. Now, I watched my friend Big Mike, he's passed the second car like I said and that's when I heard the officer get out of his. As he's runnin' passed the third car, the officer behind him, pointed his weapon with his weapon drawn and he fired a second shot that did strike my friend Big Mike in his back 'cause that's when he stopped runnin'.

DET. Where's the officer at at this point?

D. JOHNSON: The officer is now at the end of the second car beginning of the third car when he fires the second shot and now my friend Big Mike he's passed the third car almost-almost onto the goin' towards the sidewalk almost onto the sidewalk. Can I see a map please?

Yes, here we have this one. That's a little bit closer. These are more further away and that's...

D. JOHNSON: Ouuuu, this one's vivid. This one is vivid. Okay.

However, what I was thinking...

DET. : You want to draw it?

D. JOHNSON: Please.

...if you could kinda draw...

D. JOHNSON: Please.

...whatever pen you wanna use.

DET. : I guess the first thing that you would, that I would like you to do okay is..

D. JOHNSON: So you want a, how the, a police officer's vehicle was parked?

DET : Where, you got it, exactly. Where it's parked. And then, you may not be able to do it a, on that map. We may need to use a different one.

???? You want a Sharpie or somethin'?

DET. A, I think a-a pen...

Yeah, a pen will be okay.

DET. ...is probably okay.

D. JOHNSON: Awe, this one's fine. It's perfect actually.

DET. You pick, pick whatever one is obviously appropriate for this situation.

D. JOHNSON: This one, is actually...this is-this is actually the same where we was at. This one is perfect. Now...

So you, so when the all-day encounter with the officer the distance, that is all on that map?

D. JOHNSON: This is, right here. This is-this is perfect. The direction I ran, perfect. Now, I'm just gonna draw a rectangle for his vehicle.

DET. : That's perfect.

Uh huh.

D. JOHNSON: It's more of his back that's blocking. So...

DET. : Can I stop you there? Put an arrow and for whatever the front of the vehicle is.

D. JOHNSON: Okay.

And you can just do it right on top of this.

DET. : Do it inside, yeah.

Yeah, inside.

D. JOHNSON: Okay.

I was thinkin' like on top of the car.

D. JOHNSON: Here's the back and this is his front.

DET. Okay.

D. JOHNSON: So, you can kinda get a guess on how he reversed.

: So, he reversed, so his tires were towards the curb?

D. JOHNSON: Yeah.

And his front, the front of the vehicle was towards...okay?

D. JOHNSON: Okay.

Okay, keep...go on.

D. JOHNSON: Alright. Now, the cars are somewhat back here...

DET. Just, same thing, just draw-draw a, a rectangle.

D. JOHNSON: Okay. This first car is about this close.

So, it was passed this driveway?

D. JOHNSON: Yes.

Okay.

D. JOHNSON: The first car is about there, the second car had to be right like almost two inches or a foot maybe behind and the third car was definitely right here. 'cause there...they cannot get passed and this is me where I hid. I'm gonna just put BM for Big Mike. And, this is the officer, I'll just put C or I'll just spell out cop, when the second shot was fired.

Okay.

D. JOHNSON: Now, Big Mike, I stay in this parking lot on this side. Big Mike stays on the left side so he's runnin' like he's goin' left like he's goin' to his house but once the second shot touched his body, 'cause I-I that's why I know he was hit because he stopped runnin'.

BOSLEY, JR: (UI)

D. JOHNSON: Okay, like I said, once the officer fired the second shot at my friend Big Mike I knew he was struck because he instantly stopped in his tracks. He stopped running. His hands were in the air before he turned around then he turned around now he's...the officer has, ya know he slowed down but he's still pursuing. He's not, ya know, at a fast pace anymore so much now that they're face-to-face with each other. And, Big Mike's hands are in the air already. You wanna stop me?

:

No, I'm-I'm so Big Mike is about here when the first or the second...

D. JOHNSON: The second shot.

...for the second shot that was fired.

D. JOHNSON: And that's what stopped him in his tracks.

Okay. He turns around...

D. JOHNSON: With his hands...before he turns around his hands was in the air first.

:

Now, like this? Like this?

D. JOHNSON: In the air. Yes.

DET. Demonstrate.

Like that?

D. JOHNSON: In the air, yes.

DET. Now, you have your hands for the purpose of the recording...

D. JOHNSON: Now...

DET. : ...hold on. You had you hands, what?

D. JOHNSON: Above my head but let me rephrase because he was hit so he could not fully extend one of his arms.

DET : Which one?

D. JOHNSON: At that time, I'm in shock so, I'm not really lookin' for detail at which arm was lower than...

It's okay to say I'm not sure.

D. JOHNSON: I'm not sure.

DET. Alright.

D. JOHNSON: But, I knew for sure I saw both of his hands up.

DET. Okay.

BOSLEY, JR.: Above your head?

D. JOHNSON: Above his head, yes. His hands were above, both his hands were above his head. Now, which arm was above I, ya know...

DET. : Alright.

And, you're sayin', but you know one was higher than the other.

D. JOHNSON: Correct.

You don't know which one but one was higher than the other. Go ahead.

D. JOHNSON: Correct. At the time of the second shot, like I said, my friend put his hands in the air, Big Mike. He turns around to face the officer and now the officer is face-to-face with Big Mike with his gun still drawn. His gun never went back down after the first shot. Or, it never went back to his holster after the first shot. My friend Big Mike started to say, "I'm unarmed" or "I don't have a gun" 'cause where I am located I'm still stand...now I'm standing watchin'. I'm standing now because I see that the cop, his attention was not on me anymore. Almost like he didn't even see me when he walked directly passed me with his gun out. Now, Big Mike came the same direction and he was able to see me...

Okay.

D. JOHNSON: ...enough to tell me to keep runnin'. When the officer came passed I was standing a bit more than when Big Mike saw me so I feared for my life 'cause I thought the officer would see me.

Okay.

D. JOHNSON: But, when I, when I saw that he didn't see me that's when I asked to a, can I please get in your car, please let me in your car.

So then you asked after the second shot was fired, or just when the officer passed?

D. JOHNSON: Just when the officer passed.

So, you asked, so the officer passed and you got up a little bit 'cause you realized he hasn't seen you and you say "Please let me get in your car."

D. JOHNSON: "Please."

Did the respond to you? Were their windows open?

D. JOHNSON: Their windows were down.

Okay. And they didn't say anything?

D. JOHNSON: They looked at me like they wanted to help.

Yeah.

D. JOHNSON: But...

They were probably in shock too.

D. JOHNSON: In shock too and they were like, is he a criminal? Is he doin' somethin' wrong? Because this officer is shooting at them for sure. Like I know they hear the shots and I know they see the officer's gun drawn and everything. That's why I think they didn't let me in that car 'cause they was unsure.

Okay.

D. JOHNSON: Watchin' my surroundings because when they pulled off, I instantly turned back towards Big Mike and the cop 'cause I heard the second shot and I was watchin' the second shot hit him and I'm watchin' as he turns around the officer's face-to-face with him now and he goes to tell the officer that he's unarmed or he does not have a gun. I couldn't hear him verbatim from where I was standing but I know he tried to talk to the officer and he tried to get out a second sentence but before he could fully get out the sentence, the officer then fired several more shots. More than four, I heard more than four shots fired. My friend went all the way down in the fatal position. I'm still standing. He went all the way down in the fatal position. I watched him take every, several more shots I watched his facial expression. I could no longer see the officer's face. I could see the back of him. I could see Big Mike's front. So, I see that he's taken shots. I see the pain in his face. He cannot say nothin', he's not screamin' 'cause I feel like he's still in shock because each time, each time he's shot, he's tryin' to get another word out until the fatal shot which, I don't know what made him stop moving, but he stopped moving and he was on the ground. My

feelings at the time...sick, nauseated. I seen someone who I was just seconds talking to, dead. And, not that I walked upon a scene, I seen his animation stop. It made me gag a little in my mouth. I unconsciously this whole time, like I said, I have the cigarillos now. I had no pockets. I'm so much in shock I didn't drop not one pack of cigarillos like when the shots were goin' off my hands were clinchin' tighter.

Uh huh.

D. JOHNSON: Like I was being shot. But, I can just see and feel my friend because I've been shot before so I feel the shots and each time is...and as I see the animation leave my friend's body he's no longer breathin' and movin' I don't know what made me run, unconsciously I-I was fearin' for my life. I don't know how to address the officer anymore. The first car I tried to get in they didn't let me.

Yeah.

D. JOHNSON: So, I kinda knew the other two cars was probably on the same, I ran. Now, when the officer, when Big Mike stopped, the officer, moved a couple steps further, this-this...

DET. : Further which way? What are you saying?

D. JOHNSON: Further towards Big Mike.

: Okay.

D. JOHNSON: This, the first car now was pulled, it had already had pulled around, like I said, they had to drive over the grass and sidewalk to get passed. When I ran, I ran through the back all the way around, all the way around. 'Cause my apartment building is all the way...

Okay.

D. JOHNSON: ...in the back, so I had to take the very long...

Is this one of ..maybe that one's a little bit...

D. JOHNSON: Okay.

BOSELEY, JR.: Is that a continuation?

D. JOHNSON: Yeah-yeah-yeah 'cause this-this is the building that I live in.

Okay.

D. JOHNSON: So...

You wanna circle that building just to show that's where you were living?

D. JOHNSON: Yes, yeah. That's where I was living.

: So, if you want...

D. JOHNSON: Circle the...

...figure out where you were if you want (UI).

D. JOHNSON:

...I can see plainly. I can see...

If you wanna figure out and just show, just draw your path that you ran, if you wanna draw all those cars again, it might be helpful.

D. JOHNSON:

Verbatim. I can close my eyes and see everything. I'm running, I'm running this but the long way, I come through this building because I-I don't wanna be seen by the officer who I think is still standing or I think is looking for me. I feel fearin' for my life. I took the longest route, straight to my door 'cause I stay on the back side.

Okay.

D. JOHNSON:

I wasn't in my house five minutes. I'm hyperventilating and throwing up. A, I live with my girl, my girlfriend, and my daughter. They both stay with me. She doesn't understand me why I'm hyperventilating and throwing up. She's tryin' to ask me to calm down. What's goin' on? I cannot come to worries to tell her what I just saw. My face is in the toilet. I'm throwing up. She's tryin' to calm me down. She don't know what's goin' on. It hasn't been five minutes but I knew I had to go check and see and register what just happened so when five minutes didn't pass, I walked back out of my house and this the direction I took comin' back out 'cause I didn't come back out the same way. I came back out my house and I came straight down on this corner. I stood 'cause I didn't wanna get to close. Now, by this time, while I'm standin' on the corner, I start to see people from this building outside, this building they're standing. I see the police vehicle still in the same spot and I see my friend Big Mike layin' dead, layin' dead in the street in his same spot, but I no longer see the officer.

Okay.

D. JOHNSON:

That's when I feared the most. 'Cause now I'm under the consumption he's pursuing me. I took off again.

Okay.

D. JOHNSON:

And didn't come back out.

:

Can you mark where you saw that time you came back around, can you mark where you saw Mike?

D. JOHNSON:

His body?

:

Just, you can just make an "X". You don't have to...

D. JOHNSON:

So, ya know I come back out this apartment.

Uh huh.

D. JOHNSON:

Big Mike is now...

Right-kinda right there where the BM is?

D. JOHNSON:

Kinda but not in the same spot because as he's taken a shot, he's movin'.

: Forward?

D. JOHNSON: Forward.

Okay.

D. JOHNSON: And he falls down, so almost a half a foot or not even that. Just a half an inch maybe and he is in a fetal position still on his front. And...

DET. And by on his front, you're meaning what?

D. JOHNSON: His stomach and chest. His a if I could...his buttocks was a little up in the air...

Uh huh.

D. JOHNSON: ...that's fetal position...

Yeah.

D. JOHNSON: ...is where...

But just not...

D. JOHNSON: Right.

...when people think fetal position, you think on the side.

D. JOHNSON: They do, yeah.

But, you were sayin' similar but he was forward.

D. JOHNSON: Flat and blood. I could see the blood comin' from the top half of his body. No blood was spilling out anywhere else. The trail of blood line was comin' from his head top out, I mean not from his head but I'm just referring to the top half of his body 'cause I couldn't see where he was hit. I wasn't that close. But, I see blood comin' from him, that angle. Fearin' for my life like hyperventilatin' 'cause I had to register what happened. I ran back to my house and now I'm tryin' to figure out what to do. Who can I call? Who can I tell? What can I do? First, I'm tryin' to calm myself down but there's so many things goin' in my head that went wrong at that time that I know I, I was the only one who knew what really happened. Because when the other people came out, they probably were standing on the third floor balcony maybe someone. I did hear people. But, While we was down, the only people I could really see were the people inside the cars.

Okay.

D. JOHNSON: And, like I said, the first one, they had their windows down but I didn't even check for the other two before I left. So...

So, they could've seen it?

D. JOHNSON: They may have seen it also. But, I definitely know this first car, I definitely know.

: Uh huh.

D. JOHNSON: If they see me or anything, they know.

Was it-was it like a silver car?

D. JOHNSON: A silver...

You don't remember what kind it was?

D. JOHNSON: That's what I said, it was small, so I...

Small.

D. JOHNSON: ...It was silver like a Sunfire or a Toyota. It was just a small little compact car.

Okay.

D. JOHNSON: Two door. I remember specifically.

Okay. Now, did you see...you said you he shot and then he went down. What happen...did you see what the officer did right after that?

D. JOHNSON: Like I said, after I seen him, after I seen my friend was dead...

Uh huh.

D. JOHNSON: ...I know longer looked for a officer. I just started running. But he wouldn't...before I-I took my run the last place I saw the officer was standing by my friend Big Mike.

:

Now, do you remember if...and understand some of our questions are so, 'cause we've talked to other people is to vet to see if those people actually heard it, ya know, or saw it. You know to vet them out because we know you did. It's, we're kind of we're-we're takin' your testimony and comparing it to others to say okay this is how much this person saw. So, I don't want you to think I'm questioning you. I'm-I'm comin' to the source. So, when you ran away, did you say anything? Did you yell anything? Were you like, I mean obviously, this is...

D. JOHNSON: The only thing that I could get out was, and this is verbatim...

Okay.

D. JOHNSON: "...he killed my friend" and it was exactly like that 'cause I said like I had nausea gaggin' because I-I just witnessed ya know someone's death. So, it's making me sick to my stomach but ya know, I was tryin' to, 'cause I'm tryin' to register it all in my head now like my friend is dead. And, that was the only words and I didn't say it loud or yell it. I just "You killed my friend" as I was runnin'. And, the officer never, I guess he didn't see me or didn't even look for me.

Okay. Alright.

DET. : Can a, I'm gonna ask you a couple a, couple just follow-up questions, okay? A, how long have you known Mike for?

D. JOHNSON: I've been stayin' in Canfield Apartments for eight months. I probably met him the fifth month I was stayin' there and three or two months tops. Three months tops, two month.

DET. Do you see him on a daily basis, weekly basis, monthly basis? What-what was your relationship with him?

D. JOHNSON: A, I met Big Mike through a friend that I personally know the friend and Big Mike and my friend personally know each other so he was like a third wheel in the party, but they, like I said I have my own apartment. I play games. I listen to music. Friends come and chill. They brought him over.

Okay.

D. JOHNSON: He's a very quiet guy. He never said anything.

DET. : Okay. A, can you describe what Mike was wearing that day as-as you remember it?

D. JOHNSON: Not by color of the shirt. I know he had basketball shorts of some sort. They were shorts with, he had pockets in them. He had his flip flops, a white t-shirt and he had his red hat on.

DET. Pants or shorts?

D. JOHNSON: The material I couldn't really tell becau...but I know they had pockets on them. A, I couldn't really tell the material of the short, but I know they were shorts.

DET. : And, what color shirt?

D. JOHNSON: It was a white shirt.

DET. Okay, and a, shoes?

D. JOHNSON: He had flip flops on, Nike flip flops.

DET. Socks?

D. JOHNSON: White socks.

DET. : What were you wearing?

D. JOHNSON: I had on some grey pajama shorts. I had on a tank top and some tennis shoes. Probably the same sneakers I have on right now.

DET. What color tank top?

D. JOHNSON: White tank top.

DET. Okay. And, your shorts again were what color?

D. JOHNSON: A, grey and they had a graphic on the left pants leg...Monopoly man with dollar signs on it.

DET. Okay, and your shoes are, you said what you have on right now?

D. JOHNSON: Yeah, my Dunks.

DET. : And, what, would you describe those please.

D. JOHNSON: Awe, these are Dunks. They are grey with the red Nike check and yellow on the inside.

DET. Okay. It looks like they got a, maybe a white a kinda a white border around the base of the shoe. Is that fair to say?

D. JOHNSON: Correct, yes sir.

DET. Okay, and is that what-what the first time you saw Mike, is that what he was wearing?

D. JOHNSON: The first time I saw him that mornin'?

DET. : That day, yeah.

D. JOHNSON: Yeah, that day. Yes.

DET. And, he never changed clothes?

D. JOHNSON: No sir.

DET. Okay. And, is that what you were wearing that day?

D. JOHNSON: Yes sir.

DET. And, did you ever change clothes at any point?

D. JOHNSON: No sir. Well, after that day, well it was still that same day. Yeah, I had to a, I had to take a shower, I had to refresh myself so I did change my clothes.

DET. : Okay.

D. JOHNSON: I mean, but that was only one time.

DET. : Okay. Did you, and I know we made mention of the three vehicles, right? And you described one of those vehicles as a...

D. JOHNSON: Silver Toyota-like; Sunfire-like vehicle.

DET. : Okay, and then the second vehicle was what?

D. JOHNSON: It was another car. It wasn't...I couldn't really give you a descriptive color on that car 'cause like I said I'm in shock.

DET. Okay, and then the third car?

D. JOHNSON: It was definitely a third car and it was a car it wasn't a truck also.

DET. Same thing. Okay, alright. Um, and, you may have said this. Where did the door hit you at? When you said the door comes open, right? Where does the door hit you?

D. JOHNSON: The door, like I said my friend, me and my friend Big Mike is standin' side by side so when the door opened, he's really bigger than me so not like fat but larger in structure so...

Yeah.

D. JOHNSON: ...when the door opened, the door like I said that, it was more of the handle of the door that hit me. The majority of the door hit my friend.

DET. : And, you're demonstrating, correct me if I'm wrong.

D. JOHNSON: Yeah.

DET. : You're demonstrating hitting your left a...

D. JOHNSON: Left side of the...

DET. Left arm.

D. JOHNSON: Left arm more, yes.

DET. Okay, but then the brunt of the door you said hits Mike and where's it hit Mike at?

D. JOHNSON: In his body.

DET. In you torso area...

D. JOHNSON: Torso area.

DET. : Is what-is what you're describing right now, is that correct?

D. JOHNSON: Correct.

DET. : Okay, um, how far do you think that door got open?

D. JOHNSON: Like I said, the way he reversed onto us, he couldn't even get the door open a full-full inch. He couldn't get it opened. He was so close.

DET. : Okay. Did you at any point a, touch the car, the police car?

D. JOHNSON: No, sir.

DET. : Okay. Other than when it, when it touched me. When it hit you, at no other point did you touch the car, right?

D. JOHNSON: No sir.

DET. : Okay. Um, and then, I guess I was a little unclear at too. When they were-when they were tussling, right?

D. JOHNSON: I didn't say tussle. It was more like tug-a-war.

DET. Okay.

D. JOHNSON: 'cause tussling is similar to wrestling.

DET. : Yes-yes, you're correct.

D. JOHNSON: Okay.

DET. : You said tug-a-war not tussle. A, when they are-when they are doin' that, right? Where are you standing in relation to the car and in relation to Mike?

D. JOHNSON: While they're tugging and pulling a, I'm standing, I'm still standing in the same spot like where the door hit me at.

DET. Uh huh.

D. JOHNSON: I'm still lined up with where the door hit me so, with like, you see the handle and the where like the...
Frame.

D. JOHNSON: ...frame of the door, yes but the end frame.

DET. The frame between the driver's side and the passenger's side. I'm sorry the driver's side front door and the driver's side rear passenger door?

D. JOHNSON: Yes-yes, but the back of the front driver's and the front of the rear so that's how, yeah...
Okay.

D. JOHNSON: I'm still basically in the window, ya know.

DET. : Okay. Got-gotcha. And, did you-did you remain there until the point that you left or were you moving around or?

D. JOHNSON: No. As Big Mike and the officer tug-a-warded, I didn't take a step back so much as scoot back maybe not even a full inch because as he's turnin' around I have to give him space or he gonna knock me down so I had to move while he's...but I didn't go too far when I got there I'm still standin' right there once he get back around, I'm still in the same position.

DET. Are you saying anything at that point?

D. JOHNSON: No point in time did I say anything to the officer after what I said about the minute away from the house.

DET. : Was a-was Mike sayin' anything?

D. JOHNSON: Yes, like I said, Mike and the officer a, they did have words. I could hear a Big Mike's words. He was using profanity. His tone was aggressive but he never once made a threat at the officer. He never once tried to pull the officer out of the vehicle like the officer's tryin' to pull him inside the vehicle. He never once reached for the officer's weapon. I saw vividly that the officer had his weapon drawn on us.

DET. And, when he had that weapon drawn, where was it in relation to the vehicle?

D. JOHNSON: The weapon that he had drawn was pointed towards Big Mike, but like I said where I'm standin' and 'cause how the officer's holdin' Big Mike I can see it more. Or, I feel like it's pointed at both of us because I see a barrel.

DET. : Was it in the car or out of the car?

D. JOHNSON: The gun was definitely inside the car. Yes.

DET. : And, you said Mike never touch the gun.

D. JOHNSON: Mike never touched the gun.

DET. Okay. Okay. And, how long did the event in the car, I'm just talking about the event in the car.

D. JOHNSON: In the car, uh huh.

DET. : How long did that last for?

D. JOHNSON: Before the first shot? Or, including the first shot?

DET. Let's-let's include the first shot.

D. JOHNSON: I wanna say a good two minutes, one minute. It quickly escalated. It rapidly escalated like as the seconds go by it got aggressive and aggressive. Ya know, it had to be like a minute or two and two minutes being the longest.

: Uh huh.

DET. : Okay. And, now that's including the shot, right?

D. JOHNSON: And, that's including the shot.

DET. : Let's say not including the shot.

D. JOHNSON: Not including the shot it's what a, minute maybe 45 seconds or 40 seconds. Somethin' like that.

BOSLEY, JR.: But, it could've been less.

D. JOHNSON: It could've been less. But, from my understanding, where I was standin' it was 45 seconds without it or 50 seconds without it a minute or two with the gun-gunfire.

DET. How many shots did you hear in the car?

D. JOHNSON: One shot was fired.

DET. : And, where did that strike Mike at?

D. JOHNSON: It was not a deadly strike.

That's okay.

D. JOHNSON: I didn't see where it struck him but I know it struck him in the upper region in his torso.

: So, it wasn't so much that you saw the shot per se but you saw there was blood?

D. JOHNSON: No. I saw...

No, I'm sayin' like saw that where he was...

D. JOHNSON: No, I didn't see the, yeah, I didn't see the wound. I saw the blood from the wound.

DET. Okay, and where did you see that blood at again?

D. JOHNSON: I saw the blood come down Big Mike's right torso, right side of his torso 'cause that's the side I'm standing on.

DET. : Okay, alright. Did you see blood anywhere else?

D. JOHNSON: At that time, no.

DET. Okay. Yeah, I'm just clarifying. It's at that point right there. Okay.

D. JOHNSON: Yes sir.

So, you heard the gun shot.

D. JOHNSON: Correct.

: You saw the result. Did you see how the gun was positioned, ya know like maybe where the bullet had gone?

D. JOHNSON: Correct.

: Let me, okay, so...

D. JOHNSON: I didn't see, like I said, he's holdin' my friend with his left hand.

Sorry.

D. JOHNSON: It's okay. He's holdin' my friend with his left hand. His weapon is drawn with his right.

Okay.

D. JOHNSON: So, he's pointing his gun directly at us so I could tell if it probably struck on the right side of his torso because how the blood spattered.

BOSLEY, JR.: Wait a minute. Don't try to speculate about what happened. Ya know, if you can tell it, or tell it not, you just don't-you just don't know.

D. JOHNSON: Right.

Let me ask, let me clarify. I don't-I don't-I don't want you to guess. I want a, because maybe it's the way I'm askin' the question, so that's no good.

BOSLEY, JR.: Right.

So, did you, I guess, 'cause you're right, I don't want you to speculate. And I don't expect and I want you to understand that I don't expect you to have the answers so don't feel like I think you're lying 'cause you don't...given the situation, given everything that is going on no one expects you to see it perfectly so...and-and that's not what I'm asking. So, please, when I clarify I just wanna know what exactly you saw if you did see it. If you're not sure, that's okay. So, what, let me-let me clarify. So, I'm gonna draw a window or, can you draw the window as you're lookin' at it. Like, if this is the window of the car. What I want you to do is kinda draw the window, where you saw the barrel of the gun.

D. JOHNSON:

This is the window.

Uh huh. And, you don't have to draw anybody.

D. JOHNSON:

Okay.

:

'cause that's a little bit, unless you're a phenomenal artist.

D. JOHNSON:

Right, a...

:

You could just, that's fine, you don't even have to do. So, where would you say, do you know where the about, so the barrel's right here.

D. JOHNSON:

Uh huh.

Do you know where the officer's shoulder was? Do you, like where the head or any positioning of his body.

D. JOHNSON:

Okay, let me see.

And you can just, you can even just make a line. You don't even have to draw his head.

D. JOHNSON:

Okay, so...

Just tryin' to gather a relationships.

D. JOHNSON:

This is his head. It's on the seat.

Okay.

D. JOHNSON:

This is his right arm up with the gun.

:

Uh huh.

D. JOHNSON:

And his left arm on my friend Big Mike.

:

So, is it lower? Is his left arm lower like if I, I guess it's really not...

D. JOHNSON:

Right.

:

Basically, what's she sayin' where was he grabbin' Big Mike at the time?

D. JOHNSON:

At this time, he has him by his shirt.

And is it, is his arm straight out; is his arm up?

D. JOHNSON: (UI)

Because if Big Mike's tall I don't know how...

D. JOHNSON: Yeah, so, oh, you talkin' about the gun arm?

No-no. His left arm.

D. JOHNSON: Like I said, my friend was moving away...

: He's tall. Okay.

D. JOHNSON: ... so after coming from here...

DET. From here just for the purposes of the recording. From here you're grabbing your mom's neck, right?

D. JOHNSON: Yes, his neck. The officer then 'cause he never let his grip go...

Un huh.

D. JOHNSON: Went for his shirt.

DET. Now your grabbin' 's shirt collar on shirt.

D. JOHNSON: Uh huh. Shoulder arm. It's like he's losin' his grip but he's tryin' to keep his grip when the shot goes off, his arm is lower, probably at his forearm...

Okay.

D. JOHNSON: ...but, still on his shirt.

Okay.

D. JOHNSON: He has his shirt now.

DET. So, he's grabbing the sleeve of the shirt? Is that what you're saying?

D. JOHNSON: Yes, correct.

DET. But, the shirt is pulled down to...

Pulled down over.

D. JOHNSON: Yes, correct.

DET. : ...the forearm area.

D. JOHNSON: Correct, yes, correct.

: Below the elbow.

D. JOHNSON: Correct, yes.

And, so as if Mike's tryin' to get away and the gun's pointed, is it pointed more down towards the ground, more up towards the sky or more like horizontal? And, it's okay if you don't know.

D. JOHNSON: That's what I say. At that time, and I believe anybody would say the same thing. I'm not looking so much is trying to get out of the direction of the barrel.

Okay.

D. JOHNSON: So, I wasn't lookin' at the angle. It was pointed, just movin' out of the direction.

: Okay.

DET. When-when Mike stopped, a, I'm gonna kinda fast forward here, okay. After the shots go off and he's out of the car, yeah, I guess the officer's out of the car and Mike has ran now...

D. JOHNSON: Uh huh.

DET. ...when he stopped, um, you said he stopped because the officer...

D. JOHNSON: The second shot.

DET. : ...that fired that second shot, correct?

D. JOHNSON: Correct, yes.

DET. Do you know where that second shot would've struck him at?

D. JOHNSON: It definitely struck him in his back. I don't know verbatim where at. All I know is the second shot in his back that hit him definitely it did hit him, it caused him to stop.

DET. How do you know that it hit him in his back?

D. JOHNSON: If it would've missed him, or if he wouldn't have felt it, I believe he would've kept runnin'. He would've kept runnin'. He was-he was not that far away from his home. If the bullet wouldn't have hit him or you know, he seemed like he wasn't further more in danger, I believe he would have continued to run.

Okay, so and this is just, and by no means I 'cause I, I-I it's gonna sound weird. You don't know for a fact. You're, 'cause you're playin' a lot of assumption. You're playin' on what you know, what you would do, what Mike would do. But, you, you know there was a shot...

D. JOHNSON: Uh huh.

And, you know that Big Mike stopped.

D. JOHNSON: Uh huh.

And, you are assuming he was shot because he would have kept running.

D. JOHNSON: No.

: Or, did you see a hole? Did you see the bullet hit him. And-and this is why I'm specific, it is okay if you didn't see it hit him.

D. JOHNSON: Okay.

It is understandable that you believe that. So, and know that you are not in trouble at all.

D. JOHNSON: I understand.

: And, I understand why you believe it. 'Cause that's what we do with our memories.

D. JOHNSON: Yeah.

We say, we see something happen and we make sense of it and sometimes, and like, you're sayin' very well. He would've- he would've kept going. So that's why we're, and I'm sorry to make this so long winded. That's why I'm clarifying.

D. JOHNSON: Okay, So, for-for the purposes no. I did not see a hole in his shirt rip while I'm in shock. I don't think anyone's got the...

Alright. Hole or any blood at that part...

D. JOHNSON: No, not from where I was standing.

: Okay.

D. JOHNSON: But, I did see the officer fire a second shot.

: That's what you know?

D. JOHNSON: And, I did see my friend stop in his track...

: Okay.

D. JOHNSON: ... and turn around.

Okay, that's fair.

DET. : And his back was away from the officer?

D. JOHNSON: When the officer fired the second shot, the officer was facin' my friend Big Mike's back.

Okay.

DET. : Okay.

D. JOHNSON: That's what I saw.

DET. : Okay. Alright.

Okay, that's fair.

DET. : Okay. Alright. Now, granted, I am not asking you for down to the inches or the millimeters or anything like that, but roughly how far away were Mike and the officer when that second shot was fired?

D. JOHNSON: Like I said, like you said. I couldn't give you the exact feet and kilometers...all I know is when the second shot was fired, Mike was definitely passed the third car and the officer did not pass, fully pass the second car and just beginning to get to the third car so I, I couldn't give you exact feet or anything like that. That's how I remember the measurements.

DET. : And, the only reason I'm-I'm asking to clarify, obviously those cars were not there. A, at the point that-that the investigation itself was taking place of the incident.

D. JOHNSON: Correct.

DET. : So, there's no, there's really no a frame of reference. So, I guess what I'm askin' is can you relate it to a-a football field? Can you relate it to a basketball court? Can you relate it to running down first base?

D. JOHNSON: I could not sir.

DET. Or, pitcher's mound or anything like that?

BOSLEY, JR.: How about this? How about was he passed from where you are to that door?

D. JOHNSON: Could I...I couldn't give you exact feet. I don't wana sound-sound...
No, that's okay. But you could-you could...

D. JOHNSON: There wasn't a full...
: ...we wouldn't hold you to an estimation.

D. JOHNSON: Okay.
We know it's from your perspective. So we understand that.

D. JOHNSON: 'cause I'm-I'm not all...
We're not tryin' to...

BOSLEY, JR.: That's alright. Just do the best you can.
: Let me just clarify this with the whole..'cause Mr. Bosley said it. When we talk about you cannot lie to the FBI, you cannot intentionally lie. Now, granted if you believe you saw something or you believe this is the amount, you-you don't think it's a lie, it's not a lie. Okay, so I wanna-I wanna make that clear so don't be afraid, I'm not gonna come arrest you because...

D. JOHNSON: Yeah, 'cause I can't-I can't fully like I took a tape measure and measured it out.
Absolutely.

D. JOHNSON: Exactly.

: And, we understand that.
 DET. : It's an estimate.
 D. JOHNSON: Yeah, so, I'll say a good five yards apart from each other not five yards but football reference five yards apart from each other-football field.
 DET. : Okay.
 BOSLEY, JR.: No that's 15 feet.
 D. JOHNSON: That's 15 feet. They wasn't that far apart, no.
 DET. : (UI)
 D. JOHNSON: Yeah, alright, see, that's what I'm sayin'.
 Keep in mind this room is not 15 feet.
 DET. : Yeah, use the room as a reference then, if they're closer than this room.
 D. JOHNSON: Is it okay if I stand?
 : Yeah, absolutely.
 D. JOHNSON: If I was the officer standing...
 DET. : I tell you what, make-make Mr. Bosley the officer and make the you Mike.
 BOSLEY, JR.: I hate to be the officer.
 DET. : And you, that way you can move in reference, in relation to where he's at.
 D. JOHNSON: Okay, a, you're the officer?
 BOSLEY, JR.: For now.
 D. JOHNSON: For now, okay, so you about at the...
 BOSLEY, JR.: You want me to get back to the wall?
 D. JOHNSON: Please, I was ...I'm tryin' to use the table as a car 'cause this is how I really remember. You the officer, this is the third vehicle. He is in between at the end of the second vehicle, at the beginning of the third vehicle and Mike is fully passed the third vehicle, but not, but one foot away.
 It's not that far passed it.
 DET. : So, we're essentially saying a vehicle length.
 BOSLEY, JR.: A car length.
 A car length.
 DET. A car length.

D. JOHNSON: Alright, correct, yeah.

DET. : Is that fair?

D. JOHNSON: It's fair to say, yes.

DET. : Okay, alright. Okay, so that second shot goes off and they're about a car length away and Mike is facing away from the officer.

D. JOHNSON: His back is faced toward the officer.

DET. : Okay. And you said a, hands are up and you've already demonstrated, what, Mike's hands were up, right?

D. JOHNSON: Correct.

DET. : And, he turns around?

D. JOHNSON: Correct.

DET. : And then, well, I'll let you continue from there okay. He turns around, hands up and what happens?

D. JOHNSON: Him and the officer are now face-to-face as me and you are.

DET. : The same distance?

D. JOHNSON: A, correct.

DET. : That we discussed?

D. JOHNSON: Same distance.

DET. : A car length roughly.

D. JOHNSON: Yes, but the officer is proceeding. He's still moving but not-not in a fast pace anymore.

DET. : And, which way is he moving?

D. JOHNSON: He's moving towards Big Mike. Big Mike started to say he was unarmed and didn't have a gun and he started to get another sentence out but before he can get the full length of his sentence out, the officer fired several more shots.

DET. : And, do you know how many?

D. JOHNSON: Several, meaning more than three or four. I-I definitely heard more than four shots.

DET. : Okay.

 But, at least four possibly more.

D. JOHNSON: Possibly more.

Okay. Now let me ask you this. Now, I know you both you and Mike were running, understandably so. You were in fear. And, I'm not sure you are clear either and you're not positive about what kind of shorts Mike was wearing.

D. JOHNSON:

Correct.

At any point, does Mike go down to adjust his shorts, pull 'em up?

D. JOHNSON:

No. He never, never...he's-he's injured.

Okay.

D. JOHNSON:

So, he can. He barely could you know really, he wasn't really makin' any movements at all like he reached for his belt or he was saggin' tryin' to pull his pants up. He never really did any gesture like that. He never did. I correct that, he never reached for his hip or pants line never at no point in time.

Now, and I-and I and I'm sorry to do this...so never that you saw. Because at some point I'm tryin' to, and I think let's-let's go back to you being in between the cars and you're like, hey, this police officer doesn't see me. He's not gonna hurt me. Let me go get that. Let me see who will save me. And, by the way that's completely reasonable.

D. JOHNSON:

Okay.

:

So, you are, you're right here.

D. JOHNSON:

Correct.

Officer goes by.

D. JOHNSON:

No, this is me.

Oh, I am sorry, I'm misoriented. Here we go. You're right here.

D. JOHNSON:

Uh huh.

:

Officer passes you.

D. JOHNSON:

Correct.

You go say, please let me in your car and you and-and I...and I'm not gonna ask you to even estimate. I'm gonna-I'm gonna do it relative to that....

D. JOHNSON:

Uh huh.

...second shot you hear.

D. JOHNSON:

Uh huh.

You hear a second shot.

D. JOHNSON:

It was before the second shot when I asked...

Right.

D. JOHNSON: ...I asked 'em could I get in that car when the officer passed me.

Uh huh.

D. JOHNSON: As soon as he passed me.

Okay.

D. JOHNSON: When they didn't let me in, I turned back around to face the officer and my friend Big Mike.

Okay. And-and when you turned back around, it's still one shot.

D. JOHNSON: Instantly the second shot.

Okay.

D. JOHNSON: Instantly. When I turned around, "POW" the second shot go off now.

Okay.

D. JOHNSON: And now I'm even more nervous, I'm even more fearful for my life 'cause now I see that he's really shooting still.

Okay. Okay.

D. JOHNSON: After the second shot, it was literally five seconds before the rest of the shots came out.

:

Okay.

D. JOHNSON: And, like I said there were several more. More than four 'cause I heard four bangs but it could've been more 'cause like I said. When guns go off "POW-POW-POW-POW-POW" doesn't mean it was seven shots or eight shots. It probably could be more or less 'cause the echoes and all of that, so.

:

Yeah. I understand that there's gonna be, there actually's gonna be hard up for that so we're not...

D. JOHNSON: Yes.

...we just wanna know what you see, what you heard, the feeling in the air, ya know whatever you remember. And now so you hear, you-you look and you see that he's shot or it's kinda (UI) and it's sometimes ya know sounds travels slower than sight so it's possible, it's poss...I'm just sayin' is it possible that the shot went off and you heard it as you were turning. And that's just to clarify it's not gonna make or break the case.

D. JOHNSON: No, when I turned the shot happened as I have my eyes back on both of them.

:

Uh huh.

D. JOHNSON: The shot happened. Not like I was turning back, no I turned around, "Bang."

:

Right.

D. JOHNSON: And, that's how it happened.

Okay. So, you turn around. What is your feeling? So, you're, you're scared, your stopped, you are...adrenalin's runnin'.

D. JOHNSON: What should I do?

Okay.

D. JOHNSON: What can I do?

:

Right.

D. JOHNSON: And, I'm still like my, I know to go just run, go but like I said, I never took off until I saw the final fatal shots.

Okay.

D. JOHNSON: I stood plant and where the car left from, I was still stand...now I'm still standing in the rear end where the car was at, so I'm standin...

:

So the car's gone.

D. JOHNSON: ...the car's gone.

And you're still...

D. JOHNSON: I'm standing there.

:

...firmly planted there.

D. JOHNSON: And, I'm watchin'.

Okay.

D. JOHNSON: Until the last shot go off.

:

Okay. And, you said it's four could be more and it's possible and that's fine so you're standing there and you see Mike collapse.

D. JOHNSON: Correct.

:

How long after, like at what point did you finally start get your feet movin'?

From Mike dropping to when you started moving?

D. JOHNSON: When Mike hit the ground initially, I didn't start running. I waited almost a second to check 'cause it don't take you that long to take a breath, to breathe, to move in pain or anything like that. Almost the second I saw his body was no more, there was no life in it. That's when I ran.

Okay.

D. JOHNSON: At no point of time the officer turned around or made any head gestures like he was looking for the other person because I was standing right behind him.

:

Uh huh.

D. JOHNSON: And, after I see his body's not movin' anymore at all, a second, go just like that.
Did you see the officer move towards Big Mike after all the shots were finished?

D. JOHNSON: While the shots were goin', he was movin' forward towards Mike. After the fatal shot, he stopped.

:

D. JOHNSON: Okay.
And Mike was done movin'. He didn't have to move anymore.

D. JOHNSON: Okay.
What I do know, we did not have a weapon.

:

D. JOHNSON: Uh huh.
They will not find another bullet out there on the scene that's different from the officer's gun. They wouldn't find a weapon or anything like that if they search my apartment. They can, I'll take any test they want me to take. They can check me for gun residue or anything like that. Both me and Big Mike were unarmed.

D. JOHNSON: Uh huh.
That's why I feared so much for my life.

:

D. JOHNSON: No, I believe you.
We had no way of protecting ourself. No way whatsoever. Even if he had tased Big Mike, we had no way of stopping any-any other than he could've did but shoot that gun. If he maced Big Mike, there was nothing we could do. We had nothin' to stop anything that he had in his vehicle or on his waist line.

:

D. JOHNSON: You know, when you're an Agent, it's one thing dealing with a civilian but when you're dealing with a police officer, there isn't, you could have had all those things, there is-isn't anything you could have done.

D. JOHNSON: And, there's still no way.

:

DET. Right. Do you have anymore questions?
I do, yeah, Dorian, did you see anyone else outside?

D. JOHNSON: At the time sir, I was not checkin' for anyone else.

DET. Okay, alright. Um, where are the, a cigarillos now?

D. JOHNSON: They're still, a, I don't know if you know 'cause I haven't been at my apartment at all since-since that day. So, I mean I do know that people probably been goin' to my apartment checkin'. My door was not upon ya know, we just got out of there, got my family to safety so they could be anywhere or nowhere. Like, if you-you can go to my apartment and search it if you, if it would make anyone comfortable. If they're there, they're there. If they're not, ya know...loot, a lot of looting was going on.

BOSELY, JR.: Who took the cigarillos to the house?

D. JOHNSON: I definitely took the cigarillos.

: You just, you have the firm grip on that.

D. JOHNSON: I could not let a pack drop. They did not, I know they didn't, not find a pack at the scene.

DET. What are we talking about? Are we talking like a box?

D. JOHNSON: No, we talkin' singles. Yeah, the individuals. I had the box but I put it back inside the store. And, when we got outside the store, he still had all those packs...

DET. : And these are like just the...

D. JOHNSON: Two in a pack.

DET. Yeah.

D. JOHNSON: Yeah.

DET. Yeah, alright.

: So, when you booked out, when you exited the store, you didn't have one.

D. JOHNSON: I didn't have nothin' in my hand.

: Yeah, and it wasn't til after that...did he hand any to you while you were walkin'?

D. JOHNSON: While we was walkin', no.

: No, he just...

D. JOHNSON: He kept everyone in his hand until the officer had 'em.

DET. : Do you know what Mike was doing before a, you met with him?

D. JOHNSON: No sir.

DET. : Okay. A, were there any other police officers present at the scene at the time that the shooting took place?

D. JOHNSON: When the shooting was taking place, no sir.

DET. : Just one, one officer.

D. JOHNSON: Yes sir.

DET. : Okay. We already went over that. So the, a how far and I'm gonna ask you kinda of a measurement here, thinking again, this is an estimation, okay. I'm not expecting you to break it down to an exact science but...

D. JOHNSON: That's okay.

DET. : ...how far was it from the point where Mike stopped, right?

D. JOHNSON: Uh huh.

DET. : Mike stops running. He puts his hands up. Okay, and he turns around. Is that a correct statement, what I just said?

D. JOHNSON: After the second shot, all of that happened.

DET. : Right, correct yes.

D. JOHNSON: Correct.

DET. : How, from that point right there, okay, Mike's standing there facing the officer hands up in the air. How far is it from that point right there to the point where Mike goes down to the ground?

D. JOHNSON: It's not far. Like I said. Upon being shot, he was in shock and trying to talk. So, he couldn't run or make a full step so much as a studder step because he's being shot repeatedly. Not, spaced out repeatedly shot, 'BANG-BANG-BANG-BANG-BANG-BANG-BANG-BANG.' He cannot do anything.

DET. : Okay. So, did he move at all? Or, did he move, can you give me a distance?

D. JOHNSON: I couldn't. He's been shot repeatedly. He didn't take a full step. He couldn't...

DET. : So, he didn't even take a full step?

D. JOHNSON: He didn't take a full step. He started to probably, it didn't, no.

DET. : Fair enough. That's what I, that's all I needed to know. A, okay, so at any point, now I know you said you saw the officer moving towards Mike, right?

D. JOHNSON: Correct.

DET. : At any point, did you see any I think you may have just answered this question but at any point, did you see Mike moving towards the officer?

D. JOHNSON: No sir. When he...when his hands was in the air...

DET. : When (UI)

D. JOHNSON: ...and he turned around...

DET. : Yeah.

D. JOHNSON: ...this is the time he's tryin' to talk to the officer 'cause I wouldn't suspect anyone to walk up on a officer who just shot them ya know. He did not try to walk back up on the officer, no sir.

DET. : Okay. And, do you know of any other witnesses that we can contact?

D. JOHNSON: Do I, no sir.

DET. : Have you been in contact with anybody in the complex that you know or have you gotten any phone calls from anybody?

D. JOHNSON: No sir. Since that day...

DET. : Anybody saying, hey I was a witness, I saw this.

D. JOHNSON: ...since that day, I was so scared and feared for my life I couldn't talk to anyone. I couldn't go home. I was afraid that with everything goin' on the police would, ya know, I'm scared for my life from police officers now. Not just this one police officer, because I did not know him personally so I didn't know his agenda. All I know is he was a police officer in uniform, fired his weapon at unarmed teens.

DET. Okay.

D. JOHNSON: I had to get myself and my family out of this situation.

DET. Okay.

: I had a question and it just left my head. So, I just wanna make sure I have this right. So, you wake up about 7:00 a.m. and at some point you said you did smoke and when you say smoke, you meant marijuana?

D. JOHNSON: Correct.

Okay, that's fine. So, you did smoke marijuana?

D. JOHNSON: No.

Or, you wanted to? That's why you were going to get cigarillos?

D. JOHNSON: I was going to get cigarillos.

Okay.

D. JOHNSON: I did not smoke yet.

: You woke up at 7:00. What time did you actually leave your house?

D. JOHNSON: A, right around 7:30, 7:45 because when I do get up yet, I have to prepare my daughter...

: Yeah.

D. JOHNSON: ...and everything like that and myself so around 7:30, 7:45 I stepped out the house I'll be feedin' my dog, yes.

: And-and that's when you saw Big Mike?

D. JOHNSON: Yes, instantly when I a, not when I came out my door but when I came around my complex, I could see straight across to his complex.

: You're talkin' like a couple minutes. You're not talkin' like hours?

D. JOHNSON: No, I'm not talkin' hours at all. Not even three minutes. I mean it don't take me, I'm young and healthy. Get down the steps fast.

Yeah. And, I'm not, um, because I'm just tryin' to give you a point of reference...what time do you believe this all took place...this all, when you met the police officer?

D. JOHNSON: From the time the police officer was involved?

Uh huh.

D. JOHNSON: It had to be 1:45, 1:50, almost 2:00 or just gettin' 2:00.

Okay.

D. JOHNSON: I definitely knew it was afternoon, it was noon.

So, did it take you guys a while? You guys walked to the store?

D. JOHNSON: Yeah, we walked to the store.

Well I guess, do you see what I'm sayin'? So, you wake up about 7:45.

D. JOHNSON: Yeah, all the way to 2:00. We teens. We, this is not an area-an areas that I don't live in. I live in this area so, yeah, we, it's not common that we stand outside for a minute, for hours, talkin'...yeah.

: That's what she was sayin'.

: Oh, that's, and I just want you to tell me that.

D. JOHNSON: Oh yeah, so...

: 'cause I, the way I thought, and I'll tell you what I thought.

D. JOHNSON: We just I, we immediately took off to the store.

And you're like yeah, we'er gonna, okay we're gonna go. So that's why I was like...

D. JOHNSON: Oh, when I see him, awe yes. You want to split.

: You talk a while?

D. JOHNSON: We talk, ya know. 'Cause.

: Okay.

D. JOHNSON: I don't even know him like that but, ya know, I know him well enough to have a decent conversation with him.

: Yeah, you guys can carry on a conversation. Okay.

D. JOHNSON: Yeah, ya know.

: Okay. So, you seem like you guys talk a little bit. You said he was loading kids up in a car.

D. JOHNSON: Yeah. When I first, that morn...that morning 7:45 like when I came out...
Yes.

D. JOHNSON: ...he was a helping his niece and nephews inside the vehicle.

: Did he take them somewhere and then come back?

D. JOHNSON: No.

: Or, they-they were just going into the vehicle and leaving?

D. JOHNSON: Yeah, they was just...
They left and he stayed.

D. JOHNSON: Yeah, but for a while yes, I watched him talk to his a, family members...
Okay.

D. JOHNSON: ...and put the kids in the car so that took a little, a little minute before we actually began our conversations.

: So, you guys, you and-and that's okay if you don't have any idea how long but it could have been you guys could've stood around and had a conversation for about an hour?

D. JOHNSON: Or, two or three. We do this.

: Okay.

D. JOHNSON: This is, no this is not a regular day.

: And, that's, it's only and you, it was you and Mike. Did anybody else come down and have a conversation with you guys?

D. JOHNSON: So sir.
So no?

D. JOHNSON: No, we did go up and check on our friend who a Big Mike was stayin' with.
And, who's that?

D. JOHNSON: His name is .

:
D. JOHNSON: Yes.
Do you know his last name or you just know him as ?

D. JOHNSON: I just know him as Mostly we call him " "

DET. What's he look like?

D. JOHNSON: He's a larger guy, brown skin with dread locks like mine, a little longer, yeah.

DET. : How tall do you think he is?

D. JOHNSON: If I had to give him a height preference, he's not 6' he probably about 5'7"-5'8".

DET. : And larger guy you mean, like...

D. JOHNSON: Yeah, weight.

DET. : Like muscle, fat?

D. JOHNSON: No, his weight. He's fat.

But, like really fat or just...?

D. JOHNSON: Not, really fat just a little blubber.

More than you?

D. JOHNSON: Yeah, more than me.

: Which is pretty much anything.

D. JOHNSON: Anybody, yeah.

So, he's, so you guys went up and checked on ?

D. JOHNSON: Yeah, we definitely went up the steps (UI).

: Okay. And, that's where he was stayin' kinda around this way, let's see.

D. JOHNSON: No, no, please show me the other one, where I showed you I ran around.

: Is that the one?

D. JOHNSON: No, that's not. There should be another one 'cause this...

: Oh, that's the one, that's the one. It's just, we're too far away, it's right here. Sorry, we got it oriented.

D. JOHNSON: Oh, (UI) I'm sorry.

It's okay.

D. JOHNSON: Alright, so...

: So, you circled where you were staying.

D. JOHNSON: I live...this is where...

: Just circle where, make a you can make a " ."

D. JOHNSON: Alright.
:
I'll do it. And, that's where Big Mike was staying?

D. JOHNSON: Uh huh.
Okay, so that's why...

D. JOHNSON: So you can see how, if I come out of my apartment...
Uh huh.

D. JOHNSON: ...I don't have to go anywhere. I can stand right here and see all away across..
Okay.

D. JOHNSON: And, this was the building that he stayed in.
:
So, you guys go, you're talking, you go up and check on " " and he, do you ask him if he wants to come with or...

D. JOHNSON: Yes, we def...
:
...and he's like naw, I'm good.

D. JOHNSON: Yeah, he's like half sleep and he's just wakin' up so we had a little chit-chat talkin' around Funny-Fun ya know for a while and then we, man, let's go to the store stop playin' around, ya know.
:
Okay.

D. JOHNSON: Ya know.
So, you got, it's just a mat... and that's fine.

D. JOHNSON: Yeah.
:
So, you guys are just talking so you guys didn't, how long...

D. JOHNSON: We even talked to a, it was two construction workers workin' outside of his building at the bottom 'cause...
Okay.

D. JOHNSON: ...we're havin' some a, they didn't something with the hose. Everything on the first floors get flooded when it rain, I don't know what he said but...we spoke to them. We had a conversation with one of those guys.
:
Okay.

DET. : What'd you talk to those guys about?

D. JOHNSON: Typical stuff, not typical stuff. We ask him did he spoke weed?

DET. The construction worker?

: Okay, Uh huh.

DET. : No big deal. No big deal.

D. JOHNSON: Yeah, he replied. Like he didn't, he didn't feel offended. He said no, he do other things and that was just that.

DET. : What-what else did he do?

D. JOHNSON: It-it and it was real fun because he, 'cause I thought 'cause I thought he would ya know shew us off for young teens just messin' around but no, he-he was a real cool guy. He said, no I don't smoke weed but I-I do this thing call wax. You know what wax is? I do know what wax is. I saw people do it, it's crazy.

What is wax?

D. JOHNSON: It's like this form of, they smoke it out of a pipe for one.

Okay.

D. JOHNSON: And they, it's like a piece of thing like this where they will pick it up.

Kinda like a straw?

D. JOHNSON: Yeah, and it's like...

BOSLEY JR: A dropper.

D. JOHNSON: No, it's like a string. I seen it on a Youtube.

String?

D. JOHNSON: Yeah, Youtube video. It's like a string and they-they light the thing and they just put it on there and just (inhales).

DET. : What do you mean, oh they put it on a pipe.

D. JOHNSON: Yeah, put it on the pipe.

: What is it? Like what kind of drug is it?

D. JOHNSON: I don't, this is my first like he, he pulled it.

: Wax.

D. JOHNSON: Right, was. I was like, wow. Now I just recently took a trip from Colorado, Aurora so I was in dispensary stores and stuff like that so.

Oh, okay, yeah.

D. JOHNSON: I'm lookin' around I know what oreuse are, I know what this is, a hash is, or when he says wax to me, it kinda through me for a loop, like oh, that's a extra drug.

DET. : How long did you talk to those guys for?

D. JOHNSON: A good, what a 20 minutes, 25 minutes. They was jokin' around.

DET. : Talking about obviously wax?

D. JOHNSON: Nah, after that, that conversation ended fast believe me. It ended fast 'cause a difference so...we got...

Give me one second, sorry.

D. JOHNSON: More about the job and what they were doin'. Why were they doin' it 'cause we, in our apartment complex they don't notify us what's goin' on. We just come out and there's construction workers everywhere. Oh, what's goin' on? So...

DET. : Did you talk to them about anything else?

D. JOHNSON: No.

DET. Okay.

So, the construction workers you go, you go from here.

D. JOHNSON: Yes.

And then how-what kind of way did you go to the store?

D. JOHNSON: When we walked to the store, I'm gonna show you the direction first comin' a, out of his apartment complex.

Okay.

D. JOHNSON: We're still on his side walkin' up the street. So, we never cross back over to my side. We're still on his side.

Uh huh.

D. JOHNSON: And, we walked...and it's not like we were rushin' to the store.

: Yeah.

D. JOHNSON: We were just walkin' still talkin'. All the way to the store, all the way we walked all the way, we walked all the way to West Florissant. This is West Florissant I'm assuming.

Uh huh, uh huh.

D. JOHNSON: Alright, we walked all the way to West Florissant and when we got to the corner of West Florissant, we crossed the street and now we're on the same side as the Sam's Store, we're walkin' passed all the other stores still talkin' and ya know having a regular day. The McDonald's all the way down to the Ferguson Market.

Okay, and what I'm gonna do right now just to-just to show (UI) I'm gonna make an arrow just to show...is that-is that fair...

D. JOHNSON: Awe, that's cool.

:

...to show that you guys were going this way.

D. JOHNSON: Cool.

So, you're here...

D. JOHNSON: From his building.

:

From his building, walk in and you guys are on the sidewalk.

D. JOHNSON: Yes, we're definitely on the sidewalk.

And that's fine. If you're not, that's okay too. But, the point is, you go along the street, you don't cut through here, this development...

D. JOHNSON: Oh, no.

...you go that way.

D. JOHNSON: Directly up the sidewalk.

Okay, so you go in the store.

D. JOHNSON: Uh huh.

:

Did you...you had a discussion with Mike about getting cigarillos. He knew that's why you wanted to go.

D. JOHNSON: Yes.

Did you know what he was going to do when he was in there?

D. JOHNSON: Not at all. It never struck me. And, that's why I was so shocked inside the store because the type of person he is and ya know, and ya know I didn't know him for that long but ya know, every time they bring him around he's a quiet guy. And, then we do speak, he's big, but his voice is lighter than mine so...

:

Oh yeah.

D. JOHNSON: Yeah, I figure like man this big ole teddy bear, he ain't got a...and then he county, a county boy. I-I grew up in the city, Walnut Park area so I know what they look like now so. I didn't sense nothin', I just, man I'm 22 he's 18. He's younger than me so I'm just I'm really feeling like a little kind of a role model for him. They see that ya know I go to work. I have my own apartment, I do not live with my mother. I take care of my family so I, ya know people come around they see stuff. Ya know the people they see stuff, like okay, there is a way that you can so stuff like that and that's why I guess we took a liking to each other because I figured he was a positive guy and he was a positive guy. He really didn't get into trouble. He dabbled in music a little bit.

Okay.

D. JOHNSON: And, I dabble in music so we had a common interest with that. He—he dress real nice on a younger generation. I know you all probably wouldn't be fond of his dress code. Ya know, we-we liked each other...

That's good.

D. JOHNSON: ...ya know dress attire and everything like that so we had a couple common things but ya know I'm a athlete and he never played a sport in his life so.

Oh really?

D. JOHNSON: Yeah, and that's, that was odd to me.

Right.

D. JOHNSON: 'cause he could easily go anywhere.

: Sure.

DET. : So that incident in the store then surprised you. That was, you would consider that out of character?

D. JOHNSON: Definitely.

DET. : I don't wanna put words but that's what you're sayin', right?

D. JOHNSON: Definitely out of character.

: From what you knew of him.

D. JOHNSON: From what I knew of him.

: And him being a county boy.

D. JOHNSON: Like-like-I said. It shocked me. It really did and I-I could tell the store clerk and 'cause his a daughter worked there with him.

Uh huh.

D. JOHNSON: She was shocked ya know. She never a did anything by the way. She stood at her register. But, we didn't have any weapons, like I said. We never had any weapons. I didn't understand why they was like, he is big. Don't get me wrong. But his voice is so light that ya know, you could almost laugh if he threatened you. But, he don't threaten people. He-he get loud in his still light voice.

DET. After you guys left the store, did you guys talk about it?

D. JOHNSON: Yeah, I did. I definitely talked about it. I definitely talked about it 'cause I was still shocked.

DET. Go ahead and tell me about that conversation.

D. JOHNSON: Alright. I was ya know like, that wasn't, ya know I'm more watchin' for the police conversation like man, ya know that was ya know stealing. Ya know, I'm tryin' to see if he was aware of what he was doin' but, ya know.

BOSLEY, JR.: Wait a minute, did you say, did you tell him that was stealin'?

D. JOHNSON: Yeah.

BOSLEY, JR.: Okay.

D. JOHNSON: I said, man, that's stealin'. I don't do that. And, that's why, before I even left the store, I put the, I made sure hey, you all see me, I don't want this. Ya know, I don't, I didn't know what was going on. I walk in the store, people always, ya know some people they buy whole big boxes cigarillos so it's not common that people can buy a bunch of 'rillos at one time but when I saw my friend Big Mike making his exit without paying anything, that's when I knew okay, somethin' ain't right.

: And, you're thinking of getting out of the store. 'cause your point was going to get cigarillos.

D. JOHNSON: Yeah,

: And I, and to pay.

D. JOHNSON: Yeah.

: And, what was your sense? And, again, you're not gonna get in any trouble. I need to... so, what was your, what was your thought in your mind when you're like okay, you said, "You saw he didn't pay, to pay." You saw he had a hand full of cigarillos. What-what was going on in your mind?

D. JOHNSON: In my mind, because how he got the cigarillos, and it's not to be funny. I believed I was being pranked.

: Okay.

D. JOHNSON: At that time...

: Like he was pranking you?

D. JOHNSON: The whole store. I thought the whole store was in on a prank. Because, like I said, he didn't snatch and grab.

: Right.

D. JOHNSON: And, if you go in the store and see where the cigarillos and boxes is located, this man gotta do all it, ya know, and the store clerk is right here in front of him. And, the fact that he's not getting', ya know doin' anything possible to stop him from grabbin' 'em, I felt like I was being pranked at the time, not to be funny. It's very serious.

: No.

DET. Did he say anything to the clerk?

D. JOHNSON: When the clerk asked him like what he want, he said..."I want these cigarillos."
So, he said it as he grabbed it?

D. JOHNSON: As he grabbed it. That's furthermore my, is you pranking me, like you gotta be kiddin' me. Ya know, so..."I want these, these box of Rillos" and he turns around and hands 'em to me. I'm lookin' like wow, okay, that was strange. I never seen nobody, ya know, I walked in the store. I only lived over there eight months now. I'm sure he lived over there longer than me because his grandmother stayin' over there. He had a lot of people that stayin' there so I know he know probably a bunch of people that works in these stores around the neighborhood so in my mind, okay they know this guy. Ya know they-they know him. They know him well enough that he can grab them and pay for it like ya know.

: Yeah.

D. JOHNSON: It wasn't until he grabbed two hands and went back and did the same motion and same speech in the same tone. Matter of fact, that's what he said, "matter fact, nah, I want these." And that's ya know my hands full, his hands full but ya know.

DET. : What'd the clerk say?

D. JOHNSON: Ya know, at that time, like I said, I thought I was being pranked. The clerk, when he first grabbed the box the clerk did nothin'. The second time he reached for 'em the clerk didn't, but as he was comin' back, the clerk swatted but it wasn't even in a fast motion. It's like you smack a baby hand, like (demonstrates). And, I almost could not understand why was it so soft. Like, somebody's tryin' to, I mean, if he's really stealing from you, you should try to do more to stop somebody. Like, I know people pull out baseball bats. Some store clerks have pistols or guns behind there, so, if he did have anything like that, I would not see any reason why he-he didn't pull anything out the store clerk or his daughter. 'Cause she was there.

BOSLEY, JR.: Okay, um I don't know ya, I don't know what your time line is but we do have the NAACP we're gonna have to do somethin' with them and then one other thing so...whatever else.

DET. : Do you have anything?

No, I-I I mean, do you have any questions for us? Is there more you wanna tell us?

D. JOHNSON: The last thing I want to say, besides the store incident, when the officer approached us, he did not approach like he was being ya know, stopping someone for committing a crime. He never asked about the cigarillos not one time and they were in plain sight the whole time. He never said, hey, did you all just come from a store or anything like that. His initial stop was, "Get the 'F' on the sidewalk."

: Okay.

D. JOHNSON: And, he probably would've kept goin'.

Right.

BOSLEY, JR.: There's one thing else too I-I-I think you all did cover it. But, um, the the police chief and some of the authorities um, Darren seemed to think that or have asserted that the shots were fir...that there was a shot fired inside the vehicle.

D. JOHNSON: Oh, a , the gun was inside the vehicle. But, the bullet definitely came outside the vehicle to touch my friend if that's what anyone wanted me to clarify. Yeah, it was outside.

BOSLEY, JR.: There was no bullets inside the vehicle?

D. JOHNSON: Oh, no sir. If they can find any other bullet shell that is not that officer's, please let me know. Because I would really be surprise and shocked then.

No, and I think, I think the word of mouth has distorted this case for everyone involved.

BOSLEY, JR.: Of course.

And, I'll leave it at that, so.

BOSLEY, JR.: Okay.

We aren't saying that either way and we're not...believe you/me if we thought you were not telling us the truth we'd be talkin' to you in a much more stern manner. Okay?

D. JOHNSON: Definitely.

So, regardless of this situation. We're very sorry you had to go through that. Okay, and for anybody who had to see that. Anybody involved. This is not a win situation in any regard. Officer gets arrested; officer doesn't get arrested. It doesn't change the fact what happened to Mike.

D. JOHNSON: And that's (UI).

BOSLEY, JR.: That's right.'

And that gravity lost on us. It's not-it's not-it's not lost on our agencies. And, we appreciate you talkin' to us.

D. JOHNSON: And, I wanna thank you for having me and letting me be able to tell you the truth and to know that I was comfortable enough to come here and not be harassed by anyone. It's-it's definitely been a toll on my life as well as Mike's family. Like, like I said. I lost out on everything.

DET. I hope that you feel that we've treated you fairly and-and allowed you to a speak openly and freely.

D. JOHNSON: Who did what? Excuse me. I didn't hear what you...

DET. : Have we allowed you, I mean we 've allowed you to speak openly and freely...

D. JOHNSON: Yes.

DET. : ...and fairly and you got to tell your side of the story.

D. JOHNSON: The true side of the store.

And, understand this. We leave here, you can still talk to us again. You just say oh, I remembered something else I want to say. Mr. Bosely knows how to contact me (UI) if you want. I can give that to both of you.

BOSLEY, JR.:

Please.

Um, ya know feel free anything, just...if you have a question, you can call us. We'll be happy to answer alright? Um,

(Knock at door)

UM:

Thank you.

:

Yeah. So, before we, I wanna...

BOSLEY, JR.:

Okay, sure, go ahead before we disperse.

I don't want you to leave just yet.

D. JOHNSON:

Awe, no, I'm still here.

DET.

Now, Um, I'm gonna step out. I'm gonna leave the recorder on. I will turn it off if you want privacy, I'll turn it off, otherwise I'll just leave it on.

BOSLEY, JR.:

No, go ahead.

Just so you don't have any privilege conversation.

(Multiple talking at once)

(Person asks where restroom is)

UM:

Stop being so narrative.

BOSLEY, JR.:

Hey, hey, hey. (clicks fingers) yeah.

UM:

Are we ready to go?

UM:

A, I guess he's waiting for, I don't know what we're waiting for.

BOSLEY, JR.:

How you feel?

D. JOHNSON:

I definitely feel comfortable. I don't feel nervous at all. I don't feel like I did it or said anything wrong at all.

BOSLEY, JR.:

they still have that tape on, but I thought we needed, I was tryin' to preserve some time 'cause I thought we needed to do somethin' else is that thing with the a Ferguson Police Department on for today?

UM:

Tomorrow at 10:00.

UM:

Where at?

UM:

We need to move it?

UM:

Not them.

BOSLEY, JR.: It's tomorrow at 10:00?

UM: And it could be and they just finished up they had a parade or somethin' and they were comin' to the press conference.

BOSLEY, JR.: Okay, okay. We'll have a chance to spend some time covering some of this ya know, so...

UM: I think that we got some stuff that we gotta deal with here.

D. JOHNSON: Can we leave?

BOSLEY, JR.: You did really good though.

D. JOHNSON: Thank you.

BOSLEY, JR.: I mean, you were comfortable. That's what they were lookin' for. You were straight forward you answered the questions. It'll help clear up a lot of things. Okay, alright.

(Restroom break)

UM: Man-man, it's about 5:30.

(mumbling and whispering – inaudible)

DET. It'll be about maybe five or six more questions.

BOSLEY, JR.: Okay, alright, yeah.

DET. Okay.

BOSLEY, JR.: They said McCulloch had a press conference. While we got all this going on here. Does anybody know what that was about?

DET. No, don't know anything about that one?

BOSLEY, JR.: (Inaudible)

So, that's his little tiny baby out there?

BOSLEY, JR.: It's four months old. Four month old baby. Now, you know I need to ask you all something. Have you got a chance to talk to the officer?

DET. Yes.

BOSLEY, JR.: Okay. Suffice. Alright. Okie doke.

DET. I can't imagine this taking, this, these questions taking...

BOSLEY, JR.: That's okay, I just know we had somethin' at 6:00 and ya know, I wanna...

DET. I understand.

BOSLEY, JR.: ...we just want you to...

We just wanna clarify.

BOSLEY, JR.: You-you you all have done extremely well by us so we fine. They just got a few more questions.

DET Okay, so we're, we're back in the room with everybody who was a originally present is now also present in the same positions. A, Dorian as we said we just got a few more questions to clarify a few things, okay? Um, would you just kind of clarify a the, when the door opens to the driver's side of the police car, right? That door opens. Clarify for me what, with what force that door opens. How does, how does, explain that aspect of it.

D. JOHNSON: Aggressive and fast like almost we didn't even know he was fittin' to get out the car. That's how fast, "boow" real fast like aggressively fast pace.

DET. Okay, and how far do you think that door opens again?

D. JOHNSON: It didn't even open a full inch before touching us.

DET. Four?

D. JOHNSON: A full inch.

DET. A full inch.

D. JOHNSON: Correct.

DET. So, I mean a full inch is-is obviously relatively small.

D. JOHNSON: Yeah. That's how-that's how close we were to the vehicle.

DET. Okay. And, so that door opens and it hits you and what happens to that door then?

D. JOHNSON: It recoils back.

DET. Okay.

D. JOHNSON: It closes on the officer.

DET. Okay. Um, so we're talking about a relatively a one-inch, a one-inch open and then a one-inch closing it.

D. JOHNSON: He could not stick his foot out the car how close we were even if it didn't close back, he still wouldn't be able to be able to get out the car. Well, from his arm I see he was a large, or kinda large officer. He wouldn't be able to just get out that small...I probably couldn't even fit out of it.

DET Okay.

BOSLEY, JR.: So , he would have been pinned into the car, Okay.

D. JOHNSON: Like squeezing out.

DET. : Alright. Could he have-have could, and I say he, the officer...could he have perceived that as something-something...

Going back over what you had said.

D. JOHNSON: Right.

: 'Cause he's just reiterating.

DET. : Could he have perceived that as something other than a, other than a bounce off of you and Mike, or I mean, was it pretty clear as to what it was?

D. JOHNSON: Like , perceive it to what like someone pushin' the door back on him?

DET. : Right.

: You said earlier that you said "I could see how he might think that."

D. JOHNSON: See how he might. But, then given his vision and see that my large friend has his hands filled with 'rillos' it's not like he can push anything if his hands is filled and my, ya know I'm little and it barely hit me...

Right.

D. JOHNSON: So,...

: What if the officer didn't ya know, his frame of view is different than your frame of view.

D. JOHNSON: Correct.

: So, if he doesn't see...well if he didn't know that Mike had something in his hand, it's possible. Okay.

BOSLEY, JR.: Were you and Big Mike attempting to prevent him from gettin' out the car?

D. JOHNSON: Not at all.

Okay. And you, you and Mike are not the ones we're investigating.

D. JOHNSON: I understand.

: Um...

DET. : Um, just so we're clear, we'll stay on this topic here. Okay, you said that Mike's body was standing next to the driver's side of the door, meaning his feet are on the ground the whole time? Both feet are on the ground the whole time?

D. JOHNSON: Correct, correct.

DET. : Okay. Does any part of his body ever go inside that police car?

D. JOHNSON: Yes.

DET. : Okay, what?

D. JOHNSON: Like his torso. But, like I said, the officer never pulled him down. He just kept pulling and it was like he was getting his body to come toward the window.

DET. : Okay, now you're saying, you're saying his torso comes in the car, right?

D. JOHNSON: Yeah.

DET. Now, for...

D. JOHNSON: But you can imagine how...

DET. : For me to visualize that, right, I mean Mike's a big guy right?

D. JOHNSON: Correct.

DET. He's 300 pounds or so, right?

D. JOHNSON: Yes.

DET. So, Mike's a big guy for, for the officer to get his torso in the car is a little, is a little confusing to me so can you kinda elaborate on that I mean, his head goes in the car?

D. JOHNSON: No.

DET. So, his head never goes in the car.

D. JOHNSON: Like I said, the officer is sitting down. So, I don't really think he can overpower Mike standing up with one hand. He had to be super human to do somethin' like that.

DET. Okay.

D. JOHNSON: So, as he's pullin' him and like I said, he's like he's pulling him straight not down 'cause Mike is a big guy. I-he can just stand up...

: Started pullin' him like this.

D. JOHNSON: No, he-his hand is on his throat like this. And, I told you I can see his muscles and his arms so I could tell you he was gripping.

We're gonna take this so it don't, just have him.

BOSLEY, JR.: Okay. Okay. (UI)

DET. : And so...

D. JOHNSON: But, because Mike's so big and ya know of course I'm doin' this to , so his hands is like ya know, up on Mike's neck.

: So, here's-here's the window of the car.

D. JOHNSON: Uh huh.

Mike's head's above it, correct?

D. JOHNSON: A, yeah, his eyes and everything, but...
: His eyes are, so...

D. JOHNSON: It's standing straight up yes.
This-this window frame is gonna stop his head from going in the car.

D. JOHNSON: Correct.
'cause he's so tall.

D. JOHNSON: So, now you get the vision of when I say torso I don't mean he had his body inside the window like this. I mean, like he was tryin' to pull him but it wouldn't go, it wouldn't fit.

BOSLEY, JR.: Did Mike's body cross that plain there?

D. JOHNSON: Oh.

BOSLEY, JR.: Did he cross that into that car?

D. JOHNSON: Maybe his stomach but, ya know.

DET. So, his stomach crosses that plain, okay.

D. JOHNSON: Okay.

DET. : His arms?
Any arms?

DET. : Hands, anything?
When you said he had him on his arms...

D. JOHNSON: He had his arm.
: ...did he pull, did he actually successfully pull his arm in to the car with him.

D. JOHNSON: Now, that-that I'm do not fully remember but all I remember is I do remember seeing the officer's grip on Big Mike's arm and never let him go.
And, you're-and you're not sure, you didn't see and you don't have in your memory that his hand was inside the car?

D. JOHNSON: No, no.
: Okay, that he didn't pull it in any arm, any shoulder, anything like that?

D. JOHNSON: No.
Okay. And, so when you're, and just to clarify so when you're sayin' tug-of-war, you mean, officer...explain.

D. JOHNSON: The officer was the one pulling towards the vehicle.

Uh huh.

D. JOHNSON: Big Mike was pulling away from the vehicle.

And you didn't did you see Big Mike grab onto the officer?

D. JOHNSON: No sir, No ma'am, not at all.

DET. : So, if they're, Mike's pulling away right, where Mike's hands at then.

D. JOHNSON: They're still filled with 'rillos'.

DET. Okay.

D. JOHNSON: And, it's like he never dropped a pack his self so he's like, I wanna say it's on the vehicle. It's on the vehicle but not in the vehicle 'cause he cannot get a grip on anything right now, because his hands are full of 'rillos' so it's almost like on the vehicle.

Okay.

D. JOHNSON: And, he's pushin' his self away from the vehicle.

: So when...

DET. Can I start, when he's got his hands up like this, right. You're saying are his hands here on the vehicle, right?

D. JOHNSON: Yeah.

DET. : And, where's a, where's a the officer driving Mike at at that point?

D. JOHNSON: At that point?

DET. Yeah.

D. JOHNSON: He still has his arm, his hand...

DET. : And so, Mike's got his, Mike's got his hands on the, on the car like this, right?

D. JOHNSON: Yeah.

DET. : And, he's pushing away from the vehicle.

D. JOHNSON: Pushin' away.

DET. And the officer is in the car and he's got his arm up.

D. JOHNSON: Correct.

DET. : I'm assuming his left arm?

D. JOHNSON: Correct.

DET. : He's got his left arm up he's grabbing Mike's neck.

D. JOHNSON: Correct.

DET. : Is that right?

D. JOHNSON: Correct.

DET. Okay. And, the officer is sitting in his seat in the driver's seat of the car?

D. JOHNSON: Correct.

DET. Alright.

: So, you, okay obviously the officer is dressed like a Ferguson Police Officer.

D. JOHNSON: Right.

Describe his physical attributes. How would you describe him?

D. JOHNSON: I cannot fully describe.

That's okay.

D. JOHNSON: But, I could tell he was a ya know, younger but not too, a, young, old not too old, so a late 30s early 40s. Like 40s, I mean 40 exact and late 30s I mean 37, 38 ya know.

Okay. What race?

D. JOHNSON: He was definitely a white male.

White. Do you know what color of hair he had?

D. JOHNSON: I could not remember (UI) his hair.

How about, well, how would you describe his size?

D. JOHNSON: I knew, because I really didn't I couldn't get a look, a hold on him inside while he was sittin' down but I knew he had to be something, ya know, a --a large guy 'cause he, ya know, he managed to pull and ya know, he still got a good grip so I imagine he wasn't a little officer.

DET. : Large tall, or large fat, large muscular, what?

D. JOHNSON: Large, not fat or muscular but you know in between so he's like blubber but ya know not all the way.

: Is it you saw that or just based off the contact you assume that?

D. JOHNSON: Based off of his arm and when I seen it, ya know, ya know when someone make a fist, you can see the muscle tone...

Uh huh.

D. JOHNSON: ...instead of the fat in it, so I see muscle tone instead of fat.

Muscle tone.

D. JOHNSON: So, I couldn't tell you was he released, did it all fall or anything like that.

How about when you got out of the car and you were watchin' him?

D. JOHNSON: Awe, no. I was, when he got out of the car after the first shot, I was so fearin' for my life, I'm not even thinkin' about lookin' at his name tag or his head or his shoes or anything. I'm lookin' at my friend Big Mike to make sure did he, is he gonna get away 'cause if he get away we're good. Or, anything like that 'cause I know he shot.

Did you ever hear the officer give him commands?

D. JOHNSON: No ma'am.

No commands, okay. So, your focus wasn't even on what the officer's doin'? Your focus is on what is goin' on with my friend? What, is he okay?

D. JOHNSON: Yes, and, I'm watchin' the officer and Big Mike 'cause ya know they're both right here but more so focused on Big Mike.

Okay.

D. JOHNSON: So, I still see the officer of course.

: Yeah, I can see your but I'm lookin' at you. I see what you're sayin'.

D. JOHNSON: Ya know what I'm sayin'. Exactly how it works so, I see him but not to directly keep my eye on him.

Gotcha.

D. JOHNSON: Just like I see him but if I wasn't payin' attention...tomorrow if you ask me, I couldn't tell you. Did he have a mustache. I couldn't tell you.

Or, was he 7', 5'? Tall? Short?

D. JOHNSON: Yeah, I couldn't tell you all that.

Um, go ahead.

DET. : How long through this tug-a war did Mike give you the cigarillos?

D. JOHNSON: Mike couldn't or he was able to give me the cigarillos until he got unlatched off of Big Mike's throat because he had a nice grip. But, when he got on his shirt, ya know, he can turn now, 'cause his shirt's flexible so you can make all the turns you want but if someone has you you're still grabbed and that exactly what that was.

DET. Okay, so it, he had him with both hands, right?

D. JOHNSON: Who, the officer?

DET. No.

D. JOHNSON: Big Mike?

DET. : Mike's holding the cigarillos.

D. JOHNSON: He's still holding the cigarillos in both hands.

DET. The officer goes for the neck, to the shirt collar, to the shoulder, to the arm, to the sleeve, right?

D. JOHNSON: Still the shirt. Mostly the shirt, yeah.

DET. : You're right. I'm making reference to the shirt. And so at that point is when he hands the cigarillos off to you with both hands.

D. JOHNSON: Correct.

DET. Right?

D. JOHNSON: Like extended. He never put 'em both in one hand and hand 'em to me. He handed both to me...

DET So he takes both hands and he puts both hands towards you and hands you those?

D. JOHNSON: Correct and I grab both sections with both of my hands.

DET. : At that point, what does Mike do with his hands?

D. JOHNSON: He turns back around but his hands doesn't go up because the officer now has one of his and the other arm is like still pushin' off the vehicle 'cause he's tryin' to get away. So, he's tryin' to push off the vehicle even more so now. But, it never went inside the car. It never reached for the officer's weapon. Especially his free arm. And that's with the arm I think, if you know if they said he reached for a weapon, this would be the arm to do it with 'cause it's free. He doesn't have this one. This-this, the free arm never went in the car.

If-if we took, I'm not sayin' there is, just (UI) if the officer has injuries, do you know how that would have happened? Like based off of what you saw?

D. JOHNSON: If the officer has any injuries...

: Uh huh.

D. JOHNSON: ...it was because of, while Big Mike was pullin' back he may of ya know, as he's pullin', they pullin' back and forth so whose to say the officer didn't bump up against the door while pullin' back and back and forth.

BOSLEY, JR.: A-a- wait listen.

But, you didn't-but you didn't see it.

D. JOHNSON: I didn't see that.

: No, and I'm not and I'm not sayin', that's okay. I'm not sayin'. I'm not tryin' to put words in your mouth. I'm sayin' would you, is there, I'm just tryin' to say it like spark your memory and maybe you're like oh yeah, I saw this, (UI).

D. JOHNSON: I didn't. It's just, everybody just pay attention to this. I never said that's what actually happened. She asked me if the officer had injuries, where do you think they would come? I said, if the officer had injuries, they may have come from the tug-a-war but not because of Mike striking him.

I'm not sayin'.

BOSLEY, Jr.: We-we-we --we-we're listening to every word you say but here's-here's what I don't want you to do. A, and they-they're not tryin' to trap you or anything.

Not at all.

BOSLEY, JR.: But, for your own good, what we have to do is not speculate about stuff.

D. JOHNSON: I don't know if the officer has any injuries.

(multiple talking at once)

No, and that's okay. And you know what to be fair to him, I did ask him to speculate so again, he's not the subject of our investigation. He's our, he's our witness. He's our star witness so, I'm just, I'm tryin to get your sense.

D. JOHNSON: Okay.

That's all. And, I understand we're fine to have your attorney in here. Normally we don't, but this is, we get it.

D. JOHNSON: Okay.

That's why we have _____ in here. Everybody, we want you to be comfortable. So, I don't want you, I don't want Mr. Bosley, don't feel uncomfortable about what you just said.

BOSLEY, JR.: And I-and I hope your guys understand when I make a statement.

Yes.

BOSLEY, JR.: And when I'm...

It's right here. It's not getting' twisted on you.

D. JOHNSON: Correct.

Do you wanna keep...

DET. Yep, a, we'll just kinda keep going chronological here through the, through the incident. Um, so, you take off running first. Is that a correct, is that fair of me to say that you run first and then Mike runs?

D. JOHNSON: No.

DET. Mike runs first.

D. JOHNSON: No.

DET. And then you run?

D. JOHNSON: We ran at the same time.

DET. : You run at the same time? Okay. You run at the same time, you're an athlete, Mike's not. I'm guessing you run faster than Mike?

D. JOHNSON: I was already in a position where I was ahead of Mike.

DET. And, that's your words right?

D. JOHNSON: Yeah. I'm already positioned where the way we were facing the car. I'm on Mike's his right.

DET. Right.

D. JOHNSON: So, once he shot and I see, we both turn, so of course I'm a head of him and yeah, you're right. I'm an athlete. I'm gone.

DET. Okay. So, you're-you're at that point, you're back, you're running away from the officer and you're running away from Mike. Your back is turned away from both of them until the point that...

D. JOHNSON: My back is, but, like I said from my peripheral. Mike's so big I could still cat...see this big guy over my head running with me. I can hear him. He's right on my back.

DET. Okay. You can hear him and your peripheral you can, you know he's right there.

D. JOHNSON: Yeah.

DET. But, your back is still turned...

D. JOHNSON: Correct.

DET. : ...until what point? Until the point that...

D. JOHNSON: The first car.

DET. : Okay, until you hit that first car, and I don't mean hit it, but until you get to that first car and you go down in between the first car and the second car. Is that right?

D. JOHNSON: Correct.

DET. Okay. And then at that point is when you direct your attention to what, when you're, when you're crouching down between those two cars?

D. JOHNSON: Big Mike come in directly behind me.

DET. Saying?

D. JOHNSON: We locked eyes "Keep running bro."

DET. Okay, alright, alright. And then a, progress a little further again here so there is how many shots in the car?

D. JOHNSON: One shot in the car.

DET. : Okay. And I-I'm gonna-I'm gonna separate that from the rest of it, okay? There's one shot in the car. We know that. The next shot would be when?

D. JOHNSON: A few, like a minute or two after so...

BOSLEY, JR.: I think what you're sayin' a...

D. JOHNSON: What?

: That's okay.

BOSLEY, JR.: ...ya know seconds are must faster and minutes are...

D. JOHNSON: At the time of the incident while it was occurring it's hard for me to calculate how fast any time was goin'.

DET. I'm not-I'm not-I'm not worried about it. I understand.

D. JOHNSON: Just for the record. So, like I said, after the first shot, it was like a minute I won't say a full minute, I'll say 30 seconds, or 40 seconds of us runnin' me to set up in a crouching manner, Big Mike to continue and see me and continue running then I heard the officer get out of his car so...yeah, 45 seconds to 50 seconds.

BOSLEY, JR.: Maybe it could be shorter?

Yeah, considering you can probably you probably can run a 100 yards I guess...

D. JOHNSON: Yeah.

...in like 15 seonds.

D. JOHNSON: Yeah, probably.

BOSLEY, JR.: With a gun, I can move faster.

Okay, so consider that and the distance you ran.

D. JOHNSON: Okay.

So, just that-that just to help you with the perspective on time 'cause I think we're all think...'cause 45 seconds is very long when you're talkin' in this context.

D. JOHNSON: Okay.

So, if you think about how fast you can run a hundred meters for ya know...

D. JOHNSON: Well, I know how I can run a 100 meters but, like I said, I stopped running at the first car.

True.

D. JOHNSON: And I sat down. And that, where's that map that I drew for...like I said now if you can kinda picture this in real life...

Uh huh.

D. JOHNSON: ...the vehicle, the officer's vehicle and the first car did not ya know real life they're not that close but yeah, they're-they're close enough to where this would be like a, well you like a ten second run for me so, it's like ten seconds of me running to the first car.

But that, think about how that felt. Maybe felt longer.

D. JOHNSON: It maybe felt longer, you're right.

But, it's probably like consider that your perception versus what ya know, 'cause time probably and in these situations, it tends to slow down but it's going real fast. Be mindful of that and ask Mr. Bosley because you're gonna get, essentially you're gonna get held down to that.

BOSLEY, JR.: Yes.

'cause this is recorded and should this go to court that's one of the things the defense might hammer you on. Well, you said 45 seconds and really it was only five, so, don't get hinked about that just kind of keep that in mind.

D. JOHNSON: Well, just for the record, I rather not answer anymore questions about the time frame in the incident rather that ask the questions about the incident directly itself.

DET. Fair enough.

BOSLEY, JR.: That was pretty good.

DET. : Okay, so the second shot goes off, right and that's a single shot.

D. JOHNSON: Correct.

DET. Am I correct in saying that?

D. JOHNSON: Correct.

DET. That's a single shot. Mike turns around, hands up. The next series of shots, right, you said those were multiple shots at that point, right?

D. JOHNSON: Correct.

DET. How many shots is that roughly?

D. JOHNSON: Four or five, but I say several, because given this situation my mind cannot fully concept in counting the shots.

DET. : Alright.

D. JOHNSON: But I know they were rapid.

DET. : Okay. So, I'm gonna call that a volley of shots, alright? That's a volley of shots. So, he turns arou...after that single shot there's a shot. After that single shot he turns around there's another volley of shots directed towards Mike, right?

D. JOHNSON: Correct.

DET. What happens then? Is there anymore shots that take place?

D. JOHNSON: No more shots.

DET. He's down. He's dead.

We'll call it a string. Volley applies back and forth. We'll just say a string of shots.

DET. Okay, fair enough.

BOSLEY, JR.: Oh, thank you for clearing that up.

Sorry, 'cause I know...no one is sayin there was...

D. JOHNSON: That we fired back, no.

One gun.

D. JOHNSON: One gun one person shooting.

DET. Okay, so after that single shot when Mike turns around, there are four or five more shots, right?

D. JOHNSON: Correct.

Right after that.

D. JOHNSON: Right after that. Simultaneously.

DET. And then that's when Mike goes down, right?

D. JOHNSON: And that's when he goes down. After the string of shots.

DET. Alright. Okay.

And, he goes down. Are there anymore shots fired after that that you perceived that you saw?

D. JOHNSON: That I definitely saw, there were no more shots after he fully hit fatal position. Fetal position.

Okay. Okay, and then swing back around just to clarify. You were walkin' out I was gonna get to this, we covered everthing...

DET. I think so.

: At the scene...so, you're in the store, you're leaving. Were you in front of Mike or behind him?

D. JOHNSON: I was behind him.

: You were behind him?

D. JOHNSON: Yeah.

: So, you're walkin' out the door and what happens with the store owner or clerk or...?

D. JOHNSON: Like I said...

: Right, just, go nothing;

D. JOHNSON: He stood there. He didn't try to touch me. He didn't try to grab after me or anything like that.

: He stood at the counter? Where was the clerk when you were leaving?

D. JOHNSON: When we were leaving he was standing by the door by his a vend, a he doesn't vending machine, it's a cooler I say.

: Uh huh.

D. JOHNSON: He was just standing by his cooler.

: Okay. Did, and, you said did he try to stop you or Mike from leaving the door?

D. JOHNSON: Initially, yes.

: Okay.

D. JOHNSON: But, like I said, it wasn't a wrestle, it wasn't a fight or anything like that. Especially with me or anything. I'm sure they have the camera footage, a...

: So, he didn't even try to, he didn't try to physically tough you or stop you at all.

D. JOHNSON: He didn't at all.

: But, you said as far as Mike's concerned, did he touch Mike?

D. JOHNSON: He did not touch Mike.

: The store owner didn't touch Mike?

D. JOHNSON: No.

: He didn't try to like stand in the way or anything like that?

D. JOHNSON: He tried to stand in the way.

: He tried to stand in the way but no one touched anyone?

D. JOHNSON: No, a he tried to stand in the way. Big Mike asked “Could you get out of the way”? and he’s still standin’ there and Big Mike doesn’t forcefully, he just like I said, if it was forced, the man was small so I know if it was forced he would’ve hit the ground. He would have fell.

Okay.

D. JOHNSON: Slid across the floor even. But, he didn’t. He’s like he almost stood over. Just stepped over.

But, can (UI). So, you’re walkin’ your Big Mike and _____’s the store clerk. You’re walkin’ out the door.

D. JOHNSON: We’re walkin’ out the door. I’m Big Mike. It’s like this with the ‘rillos’ in his hand...

Uh huh.

D. JOHNSON: ...he more didn’t, it was more with his forearm.

: But-but he touched the clerk. Okay. Just moved out the way and then both of you just staring straight forward just walked out the door and no one never turned around or said anything?

D. JOHNSON: I mean, I-I’m lookin’ at the store clerk. I’m watching.

Okay.

D. JOHNSON: I’m ya know...

And, did he say, what’d he say?

D. JOHNSON: While we’re walkin’ out, and that’s ya know Big Mike he ‘s already out the door as I’m walkin’ out. I hear him say, I’ll call the police.

: Okay.

D. JOHNSON: Like he made a threat to call the police. I’m fittin’ to call the police. Or he said I’ll call the police.

Okay.

D. JOHNSON: And, we just kept walkin’.

But, that’s it. Mike just did that.

D. JOHNSON: Just that.

Walked out the door and didn’t look back.

D. JOHNSON: We didn’t look back.

Okay. You got anything else? Okay. Alright I think...

DET. : Anything else. Were you gonna say something sir?

BOSLEY, JR.:

No, just the Post has been bugging the hell out of me about tryin' to talk to him and...

DET.

Dorian, you got anything? Okay. If there's nothing else, the time is 5:54 p.m. this concludes the interview.