

BEFORE THE HUNTSVILLE POLICE CITIZENS
ADVISORY COUNCIL

VIDEOCONFERENCE INTERVIEW

OF

JOSHUA ROBERTS

FEBRUARY 26, 2021

11:00 A.M.

COURT REPORTER: Diana B. Williams, CCR

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A P P E A R A N C E S

[ALL APPEARING VIA VIDEOCONFERENCE]

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CITIZENS ADVISORY COUNCIL:

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A P P E A R A N C E S

(CONTINUED)

MEMBERS OF ADVISORY COUNCIL PRESENT:

Ms. Victoria Guerrieri, Chair

Mr. W.J. Love, Co-Chair

Ms. Shelly McCulley

ALSO PRESENT:

Ms. Susan Harper, White-Collar

Specialist Paralegal with Lightfoot,

Franklin & White

Ms. Diana Williams, Court Reporter

with Birmingham Reporting

1 I, Diana B. Williams, a Certified
2 Shorthand Reporter of Birmingham, Alabama,
3 and a Notary Public for the State of
4 Alabama at Large, acting as Commissioner,
5 certify that on this date, there came
6 before me via videoconference, commencing
7 at approximately 11:00 a.m. on February 26,
8 2021, JOSHUA ROBERTS, for oral examination,
9 whereupon the following proceedings were
10 had:

11

12 MS. GUERRIERI: Okay. Let's go
13 ahead and call the meeting to order. First
14 of all, I would like to thank Mr. Roberts
15 for coming in and joining us today for this
16 interview. It will be a big help towards
17 our review. And we appreciate your time.

18 I will go ahead and call roll.

19 Willie Love?

20 MR. LOVE: Present.

21 MS. GUERRIERI: John Olshefski?

22 (No response.)

23 MS. GUERRIERI: John Reitzell?

1 (No response.)

2 MS. GUERRIERI: David Little?

3 (No response.)

4 MS. GUERRIERI: Rubin Flores?

5 (No response.)

6 MS. GUERRIERI: Greg Bentley?

7 (No response.)

8 MS. GUERRIERI: Jonathan Rossow?

9 (No response.)

10 MS. GUERRIERI: Shelly McCulley?

11 MS. MCCULLEY: Here.

12 MS. GUERRIERI: Wiley Day?

13 (No response.)

14 MS. GUERRIERI: I know that John

15 Rossow had indicated he could not attend

16 this morning. I believe David Little will

17 be trying to join us a little bit later on.

18 So at this point, I will hand it

19 over to Liz to continue. Thank you.

20 MS. HUNTLEY: Thank you so much,

21 Vicki.

22 And if everyone, other than

23 myself and Mr. Roberts, will put your --

1 please put your devices on mute, and then
2 that way there won't be -- and then, of
3 course, Mr. Roberts, I have prepared a few
4 questions to ask you for purposes of this
5 interview. But when I conclude, as my
6 astute counsel, my clients always do,
7 sometimes I might miss something that is
8 important to them, because at the end of
9 the day, I am outside counsel with my
10 partner, Jack Sharman, who is not able to
11 be with us today, for the council. And
12 it's the council's investigation. We are
13 simply helping them -- assisting them with
14 gathering that information, because these
15 folks do have full-time jobs and lives.
16 And so our job is to help facilitate the
17 process and gather the information.

18 So with that said, you know that
19 we are in an investigation. And so what
20 we'd ask, if you don't mind, is if you will
21 keep this confidential in terms of the
22 interview.

23 MR. ROBERTS: Okay.

1 MS. HUNTLEY: I mean, the
2 council is working diligently to gather the
3 information to be able to generate some
4 level of a reporting back to the citizens
5 of Huntsville. And so as a part of the
6 fact-finding situation, if we were to ask
7 somebody questions and you have already
8 talked to them about what you talked about,
9 you know, it could cloud those discussions.
10 So we ask if you will please keep this
11 confidential between us.

12 So I'm going to ask you at the
13 beginning -- this isn't a deposition, but
14 it is helpful to have background
15 information in terms of context. So I'm
16 just going to ask you a few sort of basic
17 family-type personal information questions.

18 MR. ROBERTS: Okay.

19 MS. HUNTLEY: So just for the
20 record, will you state your full name?

21 MR. ROBERTS: Okay. Joshua
22 Tyler Roberts.

23 MS. HUNTLEY: Okay. And do you

1 go by Josh? Do you prefer I call you Josh
2 or Joshua?

3 MR. ROBERTS: Josh.

4 MS. HUNTLEY: Okay, Josh. And,
5 Josh, are you married?

6 MR. ROBERTS: No.

7 MS. HUNTLEY: Okay. And have
8 you been married? Is there a former spouse
9 that lives in the Huntsville area?

10 MR. ROBERTS: No.

11 MS. HUNTLEY: Okay. And what is
12 your address?

13 MR. ROBERTS: [REDACTED]
14 [REDACTED] Huntsville, Alabama [REDACTED].

15 MS. HUNTLEY: Thank you. And
16 has that been your residence over the last
17 ten years or so, or have you always lived
18 in Huntsville? Sort of what is your
19 residential history?

20 (Whereupon, Mr. Sharman joined
21 the meeting.)

22 MR. ROBERTS: I went to -- my

23 [REDACTED] [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

Over the past seven years, I have lived in a combination of Huntsville, Atlanta, and Brooklyn. And I began the process to move back to Huntsville, roughly -- I guess when the pandemic started really getting going in March. So I had a bunch of work cancel on me and could see the writing on the wall, so I came back to Huntsville for my stay. And then I've decided to remain in Huntsville since then.

MS. HUNTLEY: Okay. And do you have any other family or children that reside in the Huntsville area?

MR. ROBERTS: Yes. Probably around 30 relatives at least. You know, I was born and raised in Huntsville, so it was my -- I'm actually a seventh-generation Huntsvillian. So, yeah.

MS. HUNTLEY: Wow. Roots are

1 deep, huh?

2 MR. ROBERTS: Yeah. Yeah.

3 MS. HUNTLEY: What about your
4 education and training, Josh? What do you
5 do in that background?

6 MR. ROBERTS: I'm a camera
7 operator [REDACTED]. And I --

8 MS. HUNTLEY: Well, that's fun.

9 MR. ROBERTS: It's interesting,
10 all right. And I went to North -- to U&A
11 for two years for their film and digital
12 media program. And I decided to leave
13 halfway in to just pursue filmmaking, which
14 I have been doing since so --

15 MS. HUNTLEY: Okay. So you
16 didn't complete the degree at U&A?

17 MR. ROBERTS: Correct.

18 MS. HUNTLEY: Sounds like you
19 did okay, though?

20 MR. ROBERTS: I think so.

21 MS. HUNTLEY: So it's no secret
22 that -- and you've talked about this
23 publicly that -- I'm going to ask you a

1 little bit about criminal record, and there
2 is no secret that there was an arrest for
3 disorderly conduct at the June 3rd protest,
4 I believe.

5 MR. ROBERTS: Uh-huh
6 (affirmative).

7 MS. HUNTLEY: Because that is a
8 criminal matter, I really don't want to go
9 into that with you other than has that been
10 resolved, or what is the status of that
11 right now?

12 MR. ROBERTS: Yes. It's been
13 dismissed. I had to pay, I think, \$364 in
14 court costs. But as of today, I have no
15 criminal record, and that case has been
16 thrown out.

17 MS. HUNTLEY: Okay. And so no
18 other criminal record other than that?

19 MR. ROBERTS: Nothing. I mean,
20 maybe a speeding ticket, yeah.

21 MS. HUNTLEY: Okay. Well, now
22 that the case has been dismissed -- I
23 certainly wouldn't ask you about a pending

1 criminal matter, but now that it's been
2 dismissed, I may ask you, when we are
3 talking about the end of the June 3rd, sort
4 of what transpired at that point of the
5 arrest. But I certainly would not have
6 asked about those things, you know, had it
7 been a pending matter.

8 And so you said you are employed
9 [REDACTED] ?

10 MR. ROBERTS: [REDACTED].

11 MS. HUNTLEY: Okay. And how
12 long have you been working there?

13 MR. ROBERTS: Roughly, two
14 years. But I am freelance. So it can kind
15 of go gig to gig. Like, sometimes I will
16 work [REDACTED].

17 You know, it's just kind of all over the
18 place.

19 MS. HUNTLEY: Okay.

20 MR. ROBERTS: I have spent
21 most -- I have spent the majority of the
22 past two years [REDACTED].

23 MS. HUNTLEY: Okay. Great. I'm

1 sure you have some stories to tell, huh?

2 MR. ROBERTS: Yeah. Well, we
3 all do, yeah.

4 MS. HUNTLEY: So have you ever
5 been involved in any kind of litigation?

6 MR. ROBERTS: No.

7 MS. HUNTLEY: All right. And
8 have you ever been involved in any incident
9 with Huntsville P.D., Madison City P.D., or
10 the Madison County Sheriff's Department
11 other than the incident on June 3rd?

12 MR. ROBERTS: Outside of, I
13 think, two traffic tickets, no.

14 MS. HUNTLEY: Okay. All right.
15 So I would like to -- thank you for giving
16 us that sort of background information.

17 MR. ROBERTS: Absolutely.

18 MS. HUNTLEY: I would like to
19 start with June 1 so we can go in
20 chronological order. I understand that you
21 were there at that protest?

22 MR. ROBERTS: Yes.

23 MS. HUNTLEY: Can you tell me

1 about how you learned about the June 1
2 protest and your decision to attend and
3 participate?

4 MR. ROBERTS: I think I found it
5 through social media. Obviously, tensions
6 were very high in regards to, you know,
7 just that entire -- the entire -- you know,
8 the history leading up to the George Floyd
9 incident and, you know --

10 MS. HUNTLEY: By "history," do
11 you mean -- by "history," do you mean the
12 incidents alleging police brutality with --

13 MR. ROBERTS: Yes.

14 MS. HUNTLEY: Okay.

15 MR. ROBERTS: Yes.

16 MS. HUNTLEY: Against
17 African-Americans? Okay.

18 MR. ROBERTS: Correct. Yes.

19 MS. HUNTLEY: Okay.

20 MR. ROBERTS: Exactly that. And
21 so I found out on social media. And I was,
22 like, oh, I would like to attend this.

23 MS. HUNTLEY: Do you recall what

1 social media platform you saw it on?

2 MR. ROBERTS: It was either
3 Facebook or Instagram.

4 MS. HUNTLEY: Do you recall who
5 the -- whose account it was that you saw it
6 on?

7 MR. ROBERTS: I don't. I think
8 it may have been associated with the local
9 NAACP chapter, but my memory is very murky
10 on the exact -- of how I discovered that.

11 MS. HUNTLEY: Okay. All right.
12 So what did you -- what was said about it,
13 though, in terms of the details, if you can
14 recall that from the post?

15 MR. ROBERTS: To my knowledge,
16 it was nothing out of the ordinary, just a,
17 hey, let's, you know, speak about these
18 injustices, let's -- you know, and just
19 rally together along -- along those lines.

20 But nothing in terms of
21 instructions or nothing -- nothing out of
22 the ordinary that you would see on
23 99 percent of these kinds of posts.

1 MS. HUNTLEY: What time was it
2 scheduled to start? And we are talking
3 June 1 right now.

4 MR. ROBERTS: Okay. June 1, I
5 want to say around four. I mean, I can --
6 I can find that post and provide it to you
7 at a later time. I remember
8 specifically --

9 MS. HUNTLEY: That would -- that
10 would be great, Josh, if you could do that.

11 MR. ROBERTS: Yes.

12 MS. HUNTLEY: And on things like
13 that, just let me tell you, from a
14 logistical perspective, Susan Harper, our
15 paralegal at our firm, is also observing.
16 And she will make a note of the social
17 media post related to the June 1 event that
18 you would have reviewed --

19 MR. ROBERTS: Yes.

20 MS. HUNTLEY: -- for purposes of
21 information. Thank you so much for being
22 willing to provide that to us.

23 MR. ROBERTS: Absolutely.

1 Sorry. Where were we?

2 MS. HUNTLEY: We were talking
3 about you learned about it and your
4 decision on whether or not to go.

5 MR. ROBERTS: Yes. And, yeah, I
6 remember -- I remember this. I remember I
7 was, like, 15 minutes late. But in terms
8 of the exact time, I mean, it -- it had to
9 be between, I think, maybe -- actually,
10 maybe three and five o'clock, somewhere
11 around there. But, again, I'm a little
12 loose on the June 1st details so --

13 MS. HUNTLEY: Okay. Did you go
14 by yourself?

15 MR. ROBERTS: I did.

16 MS. HUNTLEY: Okay. And did you
17 meet anybody there, or did you talk to
18 anybody else that was going that you knew
19 would be there?

20 MR. ROBERTS: I -- I don't think
21 I -- I don't think I did on that day, in
22 particular. I did run into people that I
23 knew and decided to tag along with them.

1 But I did not -- I think I'm 99 percent
2 sure I went by myself. And this was, like,
3 a not communicated situation so --

4 MS. HUNTLEY: And where did you
5 arrive in Huntsville for this event on
6 June 1?

7 MR. ROBERTS: There is a street
8 next to Huntsville Utilities, and that
9 street leads into the park, and I -- I
10 think I parked at Huntsville Utilities and
11 then walked into the park that way.

12 MS. HUNTLEY: And by "park," do
13 you mean Big Spring Park?

14 MR. ROBERTS: Big Spring Park
15 East --

16 MS. HUNTLEY: Okay.

17 MR. ROBERTS: -- or the -- the
18 side nearest the courthouse.

19 MS. HUNTLEY: And did you wear
20 any certain gear or bring anything with
21 you, a backpack or anything like that?

22 MR. ROBERTS: I don't believe
23 so.

1 MS. HUNTLEY: And then I have to
2 ask you this question: Were you armed?

3 MR. ROBERTS: No. No. At no
4 point during any protest have I ever been
5 armed as that is, to my knowledge, illegal.
6 And I don't also have a carry permit or
7 anything of that nature so --

8 MS. HUNTLEY: Okay. Fair
9 enough. And other than the public hearing
10 that you attended -- and I believe there
11 were some media interviews that you
12 participated in -- have you spoken to
13 anybody else about these events?

14 MR. ROBERTS: Yes. We had a few
15 news interviews. I spoke with -- I think
16 they may have come up briefly in a call --
17 in, like, another Zoom call that we did
18 with AL.com that was about media bias. But
19 I think several news organizations were in
20 with that.

21 And, you know, I have spoken on
22 social media with people, either through
23 messages -- and then just general

1 day-to-day conversations with people that
2 were also there so --

3 MS. HUNTLEY: Okay. So you
4 arrive at the protest. Tell me the details
5 of what you observed when you first
6 arrived.

7 MR. ROBERTS: There was a group
8 that was speaking by the stairs. And I
9 think when I first arrived, I believe Dana
10 Fletcher's mother was speaking at that --
11 at that particular --

12 MS. HUNTLEY: Did you say Dana,
13 Dana, D-a-n-a, Fletcher?

14 MR. ROBERTS: Yes.

15 MS. HUNTLEY: Okay. And who is
16 that?

17 MR. ROBERTS: Dana Fletcher is
18 an individual who was shot by the Madison
19 Police Department outside of Planet
20 Fitness.

21 MS. HUNTLEY: Got you. All
22 right. And so when you arrived, his mother
23 was speaking. Who were some of the other

1 speakers?

2 MR. ROBERTS: I believe there
3 was an individual that was a member of,
4 like, a local religious group, I believe a
5 member of the local NAACP chapter. And I
6 believe Brendon. Lewis might be his last
7 name.

8 There were -- there were a few
9 speakers, and I wasn't quite in earshot for
10 all of it, but there were -- there were a
11 few speakers that day so --

12 MS. HUNTLEY: Now, do you know
13 what role Mr. Lewis had in being there,
14 what his connection was, which
15 organization?

16 MR. ROBERTS: At the time I did
17 not know.

18 MS. HUNTLEY: Have you since
19 learned that now?

20 MR. ROBERTS: No.

21 MS. HUNTLEY: Okay. So it was
22 somewhat of a rally to some extent when you
23 got there in terms of speakers speaking;

1 correct?

2 MR. ROBERTS: Correct.

3 MS. HUNTLEY: And what happened
4 after they concluded the presentations?

5 MR. ROBERTS: I witnessed the
6 back end -- so the west side of the group
7 that was next to the stairs behind the
8 bank, if that makes sense, so further away
9 from the courthouse, they -- they started
10 moving up around that bank, and -- and the
11 crowd kind of followed suit.

12 MS. HUNTLEY: Were they chanting
13 to get the crowd to follow, or did people
14 just want to --

15 MR. ROBERTS: No. It was
16 very -- initially, it was very grassroots.
17 There was just kind of a sense of, well, we
18 want to -- you know, it just -- it felt --
19 like you could feel it; everybody kind of
20 wanted to just march for a minute, you
21 know, and get that message out.

22 To my knowledge -- I couldn't
23 see any -- there was no leadership or

1 anything of that nature. So it was kind
2 of -- it felt very grassroots, you know.

3 MS. HUNTLEY: Okay. So there
4 was no announcement from the microphone of
5 the organizers that were presenting that
6 said, Let's go march now?

7 MR. ROBERTS: No. No.

8 MS. HUNTLEY: Okay. And what
9 happened after that?

10 MR. ROBERTS: We walked around
11 the side of the bank.

12 MS. HUNTLEY: First of all --
13 I'm sorry. And I should have asked you
14 this first. This is what happens when you
15 try to go on and not look at your notes.

16 Were there any police officers
17 present in the area of the park when there
18 was just the rally going on?

19 MR. ROBERTS: I don't recall
20 them at this time. There may have been
21 maybe a handful, but not in the park. I
22 will say that I do remember there being
23 officers up towards the -- with these

1 protests being so close together, it's, you
2 know --

3 MS. HUNTLEY: I'm sorry. I'm in
4 the same place as well so that --

5 MR. ROBERTS: Yes. I want to
6 say that either the 1st or the 3rd there
7 was a -- I don't think this was the case on
8 the 1st, that there were officers at the
9 top of the steps blocking -- blocking that
10 initial thing. I think that was more of on
11 the 3rd. But I didn't -- there was not a
12 major presence of police. I will say that.

13 MS. HUNTLEY: Okay.

14 MR. ROBERTS: It was not a
15 noticeable presence of any kind.

16 MS. HUNTLEY: Fair enough. And
17 so there wasn't any announcement about
18 "let's march." You are saying that there
19 was sort of an organic grassroots movement
20 of people in that direction.

21 Do you have any idea or estimate
22 of the amount of people that may have been
23 present there for that particular rally?

1 MR. ROBERTS: Maybe 5 to 700 --

2 MS. HUNTLEY: Okay.

3 MR. ROBERTS: -- with -- with a
4 little bit of leeway on -- I mean, you
5 know, give or take. But it seemed like
6 about, you know, 5 to 800 maybe.

7 MS. HUNTLEY: Okay.

8 MR. ROBERTS: Yeah.

9 MS. HUNTLEY: So several hundred
10 people?

11 MR. ROBERTS: Yes.

12 MS. HUNTLEY: Not really sure
13 how many, but it wasn't like it was just a
14 small group of folks?

15 MR. ROBERTS: Yes.

16 MS. HUNTLEY: But it was a large
17 crowd.

18 MR. ROBERTS: It was a lot of
19 people, yes.

20 MS. HUNTLEY: Okay. And so you
21 are a photographer, so I have to ask: Did
22 you shoot anything or take any video or
23 pictures?

1 MR. ROBERTS: I did not. On the
2 3rd, I brought my camera, but I was a
3 little busy so I didn't quite shoot
4 anything.

5 On the 1st, I did not bring my
6 camera with me, though.

7 MS. HUNTLEY: Okay. So you
8 didn't do anything on your phone or
9 anything?

10 MR. ROBERTS: No.

11 MS. HUNTLEY: Okay. All right.
12 So the rally is over. Large crowd. This
13 sort of organic movement towards the
14 stairs. You are talking about the stairs
15 leading up to the Courthouse Square?

16 MR. ROBERTS: Correct.

17 MS. HUNTLEY: Okay.

18 MR. ROBERTS: Well, so there is
19 the stairs with the fountain that's closest
20 to the courthouse. And then there is
21 another set of stairs on the back side of
22 the bank. And that's where everybody moved
23 up towards -- or no. On the 1st -- on the

1 1st, I want to say we went up the central
2 stairs closest to the courthouse. And I
3 think on the -- on the 3rd, we went around
4 to the bank.

5 MS. HUNTLEY: Okay. All right.
6 So when y'all got up the stairs into the --
7 I guess that puts you out into the
8 Courthouse Square, into that area?

9 MR. ROBERTS: Yes.

10 MS. HUNTLEY: So what happened
11 then?

12 MR. ROBERTS: I believe we went
13 towards Cotton Row, took a left, took
14 another left, and then did kind of a
15 rectangle march around. And I recall that
16 happening, I think, both days.

17 MS. HUNTLEY: Now, what about
18 the police presence once you got into the
19 Square? Did you observe any law
20 enforcement?

21 MR. ROBERTS: On the -- on the
22 1st, yes. I want to say that there was
23 police at the top of the courthouse. We

1 were -- I was unsure why. It seemed
2 very -- the whole situation seemed very
3 peaceful at the time. But, yeah, there
4 were -- there were officers at the top of
5 the courthouse, I think, protecting the
6 courthouse.

7 MS. HUNTLEY: Okay. And was it
8 your understanding when you went there that
9 there would be presenters in Big Spring
10 Park West, and it would transition into a
11 march --

12 MR. ROBERTS: No.

13 MS. HUNTLEY: -- Or was it your
14 understanding that there would just be the
15 rally?

16 MR. ROBERTS: I just went for
17 the rally. And, again, it was just a very
18 spur of the moment -- I don't recall
19 anyone, like, announcing, you know, over --
20 over any megaphones or anything. I don't
21 think anybody associated with the rally
22 led -- transitioned it into the march.

23 I do think I recall maybe one

1 person after everybody had kind of started
2 moving in that direction yelling, like,
3 "This way," or something like that.

4 But there was no one associated
5 with the rally. There was no one with
6 megaphones that -- that were promoting a
7 march, I think.

8 MS. HUNTLEY: So during this
9 march -- a lot of times in a protest like
10 this, you will have people that sort of are
11 the chant leaders is what I call them, for
12 lack of a better term, that sort of lead
13 the chants and the march.

14 Did you recognize or identify
15 anybody -- any of those folks that might
16 have been doing that during the march?

17 MR. ROBERTS: Can you repeat
18 that question again?

19 MS. HUNTLEY: Like, during the
20 march, there is usually, like, for example,
21 "No justice, no peace," is one of the
22 chants you hear --

23 MR. ROBERTS: Yes.

1 MS. HUNTLEY: -- you've heard
2 often.

3 MR. ROBERTS: Uh-huh
4 (affirmative).

5 MS. HUNTLEY: So were there any
6 particular individuals that were sort of
7 the chant leaders, if you will, of what --

8 MR. ROBERTS: It seemed -- I
9 mean, I think there -- there were, but
10 there were also, you know, just random
11 people at random times feeling the moment
12 and leading chants as well. So it's hard
13 for me to lock it down. It didn't seem
14 like an organized situation in any regards
15 so --

16 MS. HUNTLEY: And were you-all
17 marching on the street or on the sidewalks?

18 MR. ROBERTS: Both.

19 MS. HUNTLEY: Okay. And were
20 the streets closed, to your knowledge, in
21 anticipation of this; or did you just walk
22 in the streets even though traffic may have
23 been coming or --

1 MR. ROBERTS: On the 1st, I
2 don't recall. I know on the 3rd, streets
3 were closed. On the -- of the 1st, I maybe
4 remember a barrier, but I couldn't give you
5 a definitive answer on that.

6 MS. HUNTLEY: But they were
7 walking in the street and on the sidewalks
8 on the 1st?

9 MR. ROBERTS: Yes.

10 MS. HUNTLEY: Okay. And how
11 many times did you-all take this what you
12 call a block around the courthouse where
13 you got to Cotton Row, took a left, then
14 took a left, and took a left? How many
15 times did --

16 MR. ROBERTS: I want to say -- I
17 want to say around four times. Anywhere
18 from four to seven.

19 MS. HUNTLEY: Okay.

20 MR. ROBERTS: Somewhere between
21 that.

22 MS. HUNTLEY: How long did this
23 march -- first of all, how long did the

1 rally last? I should have asked that

2 before you took me up the stairs.

3 MR. ROBERTS: I would say, from
4 the time I got there, it was under an hour.

5 MS. HUNTLEY: Okay. And so that
6 would have been a little after five-ish
7 maybe that they started to move organically
8 up to the steps into the Courthouse Square?

9 MR. ROBERTS: Any time from four
10 to five -- maybe from 3:30 to 5:30,
11 sometime around there.

12 MS. HUNTLEY: Okay.

13 MR. ROBERTS: But if you have --
14 if you have 5:30 on your end, then that's,
15 you know, probably correct.

16 MS. HUNTLEY: Oh, nothing
17 definite on my end.

18 MR. ROBERTS: Gotcha. Okay.

19 MS. HUNTLEY: I'm just trying to
20 see what you recall.

21 So how long did this march
22 portion last where you said you-all were
23 just walking around the Square sort of

1 organically and chants were going?

2 MR. ROBERTS: Under 30 minutes.

3 MS. HUNTLEY: Okay. And what
4 was the law enforcement presence like when
5 you guys were doing the march around the
6 courthouse?

7 MR. ROBERTS: To my knowledge, I
8 recall there being, roughly, like, anywhere
9 from 10 to 20 officers around the
10 courthouse area.

11 MS. HUNTLEY: And do you recall
12 any distinction as to whether or not they
13 were sheriff deputies or Huntsville Police
14 Department officers?

15 MR. ROBERTS: They looked like
16 Madison County Sheriff's Department.

17 MS. HUNTLEY: And what made you
18 draw that conclusion?

19 MR. ROBERTS: I believe I
20 remember seeing "Sheriff" on one of their
21 uniforms and -- and just the color of their
22 uniforms as opposed to the HPD uniforms.

23 MS. HUNTLEY: What color were

1 their uniforms?

2 MR. ROBERTS: I think, like,
3 a -- like, a light- to mid-brown I want to
4 say.

5 MS. HUNTLEY: Okay. And did you
6 observe any exchange between the protesters
7 and law enforcement as the group was
8 walking around the Square?

9 MR. ROBERTS: Other than --
10 other than chants, I mean, there was no --
11 other than verbal exchanges, I didn't see
12 anything of note.

13 Police certainly just stood by
14 for the -- for the moment. They were not
15 engaging in any verbal things of that
16 nature at the time so --

17 MS. HUNTLEY: What kind of gear
18 did they -- you described the uniforms as
19 sort of a brown kind of color, which is
20 what led you to believe they were sheriff
21 deputies.

22 MR. ROBERTS: Yes.

23 MS. HUNTLEY: What kind of gear

1 did they have on, if anything, those
2 officers?

3 MR. ROBERTS: You know, on the
4 1st, it's a little bit -- little bit fuzzy.
5 I do know that when we were pushed down the
6 steps later, that, to my knowledge, was
7 Huntsville police. But I think I recall
8 there being sheriff deputies at the top of
9 the stairs around the courthouse.

10 MS. HUNTLEY: Okay.

11 MR. ROBERTS: Yeah.

12 MS. HUNTLEY: So at the top of
13 the stairs before y'all went up around the
14 bank side, or at the top of the stairs once
15 y'all came down from the Courthouse Square?

16 MR. ROBERTS: Repeat that again.

17 MS. HUNTLEY: So the sheriff
18 deputies that were at the top of the
19 stairs, are you talking about --

20 MR. ROBERTS: Around the
21 courthouse specifically.

22 MS. HUNTLEY: They were around
23 the courthouse. Okay.

1 MR. ROBERTS: Yes.

2 MS. HUNTLEY: So there was no --
3 you are saying you didn't observe any
4 interaction, really, between law
5 enforcement and the protestors. You were
6 just all sort of walking around the Square
7 chanting and conducting the march.

8 And then -- and then what
9 happened?

10 MR. ROBERTS: Then we got to
11 kind of in front of the -- in front of
12 the -- in between the bank and where the
13 Confederate monument used to be. And
14 everything kind of stalled at that moment.

15 And I think we -- it seemed that
16 everyone was ready to kind of disperse.
17 And then members of the crowd shifted their
18 attention to the police presence around the
19 courthouse.

20 MS. HUNTLEY: What do you mean
21 by shifted their attention to that?

22 MR. ROBERTS: I think they were
23 not expecting such a police presence. I

1 think people seemed -- you know, to me,
2 personally, it felt like there was a lack
3 of trust from -- from police. And I don't
4 quite know how it began, but people began
5 chanting at them, you know, a lot of the
6 same chants that had been going on
7 throughout the march.

8 MS. HUNTLEY: Do you recall what
9 some of those chants were?

10 MR. ROBERTS: "No justice, no
11 peace." You know, there was a lot.

12 MS. HUNTLEY: Okay.

13 MR. ROBERTS: I could get you --
14 man, there was a lot.

15 MS. HUNTLEY: So let me ask you
16 this: You said that they were chanting
17 towards -- like, so the march had sort of
18 stopped or it kind of stalled, like --

19 MR. ROBERTS: The group had
20 stalled. And it seemed like everybody was
21 milling about and soon to disperse. And
22 then that's when a subsection of the group
23 shifted their attention to the police that

1 were there and began either chanting or,
2 you know, commenting about, you know,
3 police brutality to them so --

4 MS. HUNTLEY: Where were they in
5 relation to these law enforcement officers?
6 Were they facing them? Did they get close
7 to them in their faces? Did they --

8 MR. ROBERTS: Well, there
9 were -- okay. There were -- on the 1st,
10 there were -- there were barriers in
11 between -- I think on the steps leading up
12 to the courthouse, specifically the
13 courthouse steps. So they did not get
14 close to them initially. And then I think
15 a small subgroup eventually walked past a
16 little bit of the barriers.

17 But it didn't seem that anybody
18 got face-to-face in an aggressive manner,
19 like, you know, within a five-foot distance
20 or anything of that nature.

21 And there was an individual that
22 sat down on the steps. And then I think he
23 got arrested. But he sat -- you know, he

1 sat with his face back -- like, he sat next
2 to the police, and I think he got -- yeah,
3 he definitely got arrested and -- or taken
4 away, rather. They may have released him.
5 I'm not -- I'm not sure. And, yes, that's
6 all -- that's all I have on that at the
7 moment.

8 MS. HUNTLEY: So let me ask you
9 this: You talked about how the march
10 started was this sort of subset of the
11 group started moving that way, and people
12 followed. Did the same thing happen here
13 with this subset of the group turning their
14 attention towards law enforcement and
15 chanting and doing things --

16 MR. ROBERTS: Yes. It was a
17 very -- it seemed like a very grassroots
18 unorganized subset. And I wouldn't even
19 say it was the -- it was the same
20 individuals, you know, throughout. So just
21 very spur of the moment, oh, hey, like, we
22 just marched against police brutality. Why
23 are all of these officers here? Do they

1 not trust us?

2 And then I think that's kind of
3 how that kind of -- that's what I would
4 assume happened with -- with that situation
5 so --

6 MS. HUNTLEY: So then what
7 happened? So the chanting started. It
8 started with a subset of folks. And then
9 that group -- did that group -- the
10 majority of the group, or did some of the
11 people still go ahead and leave? Because
12 you said everyone was milling about like it
13 was --

14 MR. ROBERTS: It certainly felt
15 that -- on both days, it was the majority
16 of the group that stayed, maybe not
17 throughout, but it seemed that the majority
18 did not disperse after each march.

19 MS. HUNTLEY: Okay. And so
20 we've got the exchange. We've got the
21 majority of the folks joining in on this
22 chanting at law enforcement officers
23 instead of just the general protest of

1 police brutality, in general, as they were
2 marching across the Square. Some folks got
3 close to the gated -- or the barricades
4 that were up. Some went a little past.
5 One gentleman even went up on the steps,
6 and he was carried off. What happened
7 then?

8 MR. ROBERTS: I remember
9 seeing -- I remember seeing some local
10 representatives trying to quell the crowd.
11 I remember seeing Devyn Keith there trying
12 to quell the crowd. I saw Tommy Battle
13 there, and he tried to -- which was, you
14 know, a good tactic, you know, to do, is to
15 bring the group away from that situation
16 and try to lead people into the park. And
17 I'm trying -- the 1st -- they were so close
18 together. It's kind of --

19 MS. HUNTLEY: It's fine. Take
20 your time.

21 MR. ROBERTS: I want to say --
22 do you have -- do you have that down as the
23 1st or the 3rd?

1 MS. HUNTLEY: What down?

2 MR. ROBERTS: As Tommy Battle
3 speaking to the group.

4 MS. HUNTLEY: I believe it was
5 the 1st but --

6 MR. ROBERTS: Okay. Yes. Okay.
7 So we had -- we had him lead a small
8 subgroup. It felt like 30 percent of the
9 people. I'm not, you know, exactly sure on
10 the numbers. But he took -- a group
11 followed him into the park and away from
12 the courthouse.

13 And I want to say after that,
14 there was a gentleman -- there was a
15 gentleman who brandished a firearm and was
16 immediately subdued by an officer. No
17 shots were fired. Owen -- Owen Eason, I
18 believe, was his name. And after that is
19 when tensions kind of hit a -- for obvious
20 reasons. You shouldn't be brandishing a
21 fireman.

22 So after that is when, I think,
23 tensions kind of piqued, and it seemed that

1 police started to take action to remove
2 protestors from the area.

3 MS. HUNTLEY: And when you say
4 "police," are you -- at this point is there
5 a presence of Huntsville P.D., or is it
6 still the brown uniformed officers?

7 MR. ROBERTS: On the 1st, I want
8 to say Huntsville police removed protestors
9 while there was a presence of sheriff
10 deputies around the courthouse. Whereas on
11 the 3rd, almost all actions were taken by
12 sheriff deputies.

13 MS. HUNTLEY: Okay. So tell me
14 about the actions of -- and what made you
15 discern that these must have been
16 Huntsville P.D.? Was it the uniforming as
17 well, like you did for the sheriff?

18 MR. ROBERTS: It was -- it was
19 the uniforms. I recall them being a
20 darker -- well, because the sheriff's
21 department also had dark blue uniforms or
22 dark uniforms, either black or blue, on
23 both days -- or their riot -- their riot

1 equipment was, like, a dark blue-black. So
2 I would say uniform is what led me to
3 believe these things so --

4 MS. HUNTLEY: And what methods
5 were used by law enforcement to remove the
6 crowds on June 1st?

7 MR. ROBERTS: It was kind of
8 like a cattle corral method. They lined up
9 in a line, started pushing people back.
10 Once people didn't move, I think there was
11 a teargas -- like a -- it was definitely a
12 teargas canister, something that was, you
13 know, bothersome to my breathing
14 capabilities and my -- kind of stung my
15 eyes as well. That was on the 1st. And
16 there weren't --

17 MS. HUNTLEY: Is that -- so the
18 formation of pushing the crowd --

19 MR. ROBERTS: Yes.

20 MS. HUNTLEY: -- as well as the
21 canisters of tear gas to move the crowd
22 further away --

23 MR. ROBERTS: Yes.

1 MS. HUNTLEY: -- were the
2 tactics that you -- now, you said it was
3 you, obviously, that you experienced that
4 as well. So you said 30 -- about
5 30 percent, in your estimate, of the crowd
6 followed the mayor and the city leadership
7 into Big Spring Park?

8 MR. ROBERTS: Correct.

9 MS. HUNTLEY: And then the other
10 70 percent of this crowd remained there?

11 MR. ROBERTS: Yes.

12 MS. HUNTLEY: And when they
13 remained, was it the continued chanting at
14 law enforcement?

15 MR. ROBERTS: Yes.

16 MS. HUNTLEY: Okay. And then
17 how did -- was there an announcement made
18 by law enforcement when the lines were
19 formed to begin to push the crowd, which
20 you were a part of; correct?

21 MR. ROBERTS: Uh-huh
22 (affirmative).

23 MS. HUNTLEY: -- began to push

1 the crowd to disperse?

2 MR. ROBERTS: I want to -- yes,
3 there was.

4 MS. HUNTLEY: Who made that --
5 did you recognize who made that
6 announcement?

7 MR. ROBERTS: I don't recognize
8 -- on the 3rd, I recognized Police Chief
9 McMurray making that announcement and
10 then -- amongst other people. On the 1st,
11 I don't recall who made that announcement.

12 MS. HUNTLEY: Did you hear the
13 announcement?

14 MR. ROBERTS: I did.

15 MS. HUNTLEY: And what did the
16 announcement say?

17 MR. ROBERTS: Essentially, you
18 know, please vacate the premises, things of
19 that nature.

20 MS. HUNTLEY: Okay. And then
21 what did the crowd do in response to that
22 announcement?

23 MR. ROBERTS: We kind of -- we

1 stood our ground.

2 MS. HUNTLEY: Okay. And so did
3 the crowd have a belief that there was some
4 permit that allowed them to be there or --

5 MR. ROBERTS: I can't speak for
6 the crowd. Personally, you know, my belief
7 was, you know -- yeah, I can't speak -- I
8 can't speak for the crowd.

9 I didn't -- I wasn't under the
10 assumption of there being a permit, per se,
11 so --

12 MS. HUNTLEY: So when you --

13 MR. ROBERTS: -- on the -- on the
14 1st. On the 1st.

15 MS. HUNTLEY: So when you stood
16 your ground, on what basis did you stand
17 your ground and not disperse after the
18 announcement from law enforcement?

19 MR. ROBERTS: It just -- it just
20 seemed that considering our community,
21 considering how -- how much we all love
22 Huntsville, how calm our community is, on
23 average, how friendly these people are, it

1 seemed that it would be okay to use my
2 First Amendment right to protest, you know,
3 things that I saw happening in the
4 community and in the country and in doing
5 so peacefully.

6 At no point did 99.9 percent of
7 those people, you know, impede officers in
8 a way that would be physical in nature or,
9 like, physically aggressive in nature.

10 So, you know -- and perhaps I
11 was lied to, you know, by our education
12 system. But it just seemed that, you know,
13 I should be able to give my opinion at a
14 moment of crisis so -- in my -- in my
15 downtown so --

16 MS. HUNTLEY: So this group that
17 stayed up there in the Square and didn't
18 follow city leadership down into Big Spring
19 Park that you described as standing their
20 ground, were they in the street or were
21 they on the sidewalks? Where were they?

22 MR. ROBERTS: We were on the --
23 we were on the street until -- until we

1 were pushed into the sidewalk.

2 MS. HUNTLEY: Okay. So in the
3 public roadway. Do you know if any cars
4 were trying to come through?

5 And, I'm sorry, Shelly, do you
6 mind going on mute?

7 MS. MCCULLEY: I'm sorry. It
8 was. I was offline. Sorry.

9 MS. HUNTLEY: That's okay.

10 MR. ROBERTS: I don't recall any
11 cars trying to come through on the 1st.

12 MS. HUNTLEY: Okay.

13 MR. ROBERTS: And on the 3rd, I
14 recall there being barriers in place.

15 MS. HUNTLEY: Okay.

16 MR. ROBERTS: And the only cars
17 that came through were state trooper
18 vehicles and -- which I personally got the
19 crowd out of the way, and other people did
20 too, but -- to let -- to let troopers
21 through so --

22 MS. HUNTLEY: Okay. And so you
23 guys were in the street. You said you

1 stood your ground even though you were told
2 to disperse?

3 MR. ROBERTS: Yes.

4 MS. HUNTLEY: And you described
5 the dispersal as them forming a line,
6 throwing canisters of tear gas. And I take
7 it, from your description, you experienced
8 the tear gas yourself?

9 MR. ROBERTS: Yes.

10 MS. HUNTLEY: Okay.

11 MR. ROBERTS: They were -- they
12 were I would say about like that in size.
13 And they would -- they would spin around
14 and spark and disperse gas.

15 MS. HUNTLEY: And did that
16 effectively move the crowd to where people
17 started to leave?

18 MR. ROBERTS: It got people
19 moving, yes.

20 MS. HUNTLEY: Okay. And did
21 you continue to stand your ground, or
22 did others even after the forming of the
23 line --

1 MR. ROBERTS: I stood my ground
2 within reason. If officers came with an
3 "x" amount of feet of me, I moved back. At
4 no point in time did I try and resist their
5 motions.

6 MS. HUNTLEY: Okay. Did you
7 witness any other protesters resist the
8 motions of law enforcement that day?

9 MR. ROBERTS: I think I
10 witnessed, roughly -- roughly, three people
11 on -- if you are at the steps facing the
12 courthouse, there were -- there was a girl,
13 maybe 100 pounds, that got knocked over by
14 police in their line. And she had told
15 me -- I think her name was Claire. I think
16 she had told me she got stepped on by them.

17 There was another instance where
18 there was a gentleman about, like, five --
19 about five-ten, 220, something like that, I
20 think he got arrested for getting in the
21 way.

22 And then once -- once we got to
23 the stairs that led back into the park,

1 there were two individuals that got
2 essentially pushed in some capacity down
3 the stairs a little bit, not tumbling all
4 the way down, but definitely got knocked
5 down.

6 MS. HUNTLEY: And who made
7 contact with these individuals before they
8 went down the steps?

9 MR. ROBERTS: Police.

10 MS. HUNTLEY: And do you know if
11 those were Huntsville P.D. or if it was
12 sheriffs?

13 MR. ROBERTS: It was -- it was
14 the group that encircled -- they were
15 wearing dark uniforms, and it was the group
16 that boxed -- not encircled -- boxed in the
17 protesters to push them in, like, a cattle
18 corral kind of movement towards the steps.
19 It was -- whoever that group was. But they
20 were all wearing the same uniforms, to my
21 knowledge.

22 MS. HUNTLEY: And did they --
23 you saw them push the folks down the

1 stairs, or was it --

2 MR. ROBERTS: I saw a gentleman
3 go tumbling back and saying, like, "I just
4 got pushed." I'm sure it's on body cams.
5 But I don't -- I don't know how else he
6 would have gone back in that motion.

7 But I was -- again, at that
8 point I had been -- I had removed myself
9 from the situation so --

10 MS. HUNTLEY: How long did you
11 stay? When you say "removed," did you go
12 down the steps and you were --

13 MR. ROBERTS: I went down to the
14 first landing. And that's when police at
15 the time had stopped their -- their push
16 so --

17 MS. HUNTLEY: And what did you
18 observe -- when you got to the park, did
19 you stay there at the park for a while?

20 MR. ROBERTS: No. I observed a
21 lot of people coughing, crying. There was
22 somebody bleeding and then -- from their
23 elbow, I think. And I think there was,

1 like, a medical tent or something somebody
2 had set up -- not a tent, but just a
3 station somebody had set up for first aid.
4 And I think there were a few people -- and
5 it was kind of right by that fountain on
6 that second landing where those gazebos
7 are. And after that, I left entirely.

8 MS. HUNTLEY: Did you have any
9 trouble getting to your car and leaving the
10 area?

11 MR. ROBERTS: No, I did not.

12 MS. HUNTLEY: So other than the
13 people falling back down the stairs and the
14 young lady that said she got stepped on and
15 another gentleman, did you observe any
16 other physical contact between the citizens
17 and law enforcement?

18 MR. ROBERTS: No, not on June --
19 not on June 1st, no.

20 MS. HUNTLEY: When you say
21 they -- when they came to form the line
22 when y'all did not disperse, do you recall
23 at least an estimate of how many officers

1 that may have been?

2 MR. ROBERTS: 25 to 30, I want
3 to say, give or take -- give or take a few.

4 MS. HUNTLEY: Were they wearing
5 riot gear?

6 MR. ROBERTS: I don't recall on
7 the 1st. I assume for them to have
8 deployed that -- the teargas tactic, they
9 would have had masks. I want to say -- I
10 want to say they did. I want to say they
11 did, to some extent, I mean, because riot
12 gear could be a few different things. It's
13 kind of a wide -- or, I mean, I feel
14 that on the 3rd, there was a -- I think
15 there was a -- it felt like there was a
16 difference in gear from the 1st and the
17 3rd, albeit a slight difference. I
18 definitely felt that they were more
19 prepared on the 3rd.

20 MS. HUNTLEY: And then one last
21 question about this. So the police
22 officers that lined up in the formation to
23 move the crowd, where did they come from?

1 Did they march in from somewhere? Because
2 you said, when you got up to the Square, at
3 first it was just sort of the sheriff folks
4 around the courthouse. So where did this
5 presence of law enforcement come from?

6 MR. ROBERTS: I want to say they
7 came from the south side of the Square.

8 MS. HUNTLEY: Can you describe a
9 landmark near the area where --

10 MR. ROBERTS: Across from Cotton
11 Row where the new -- there is a new City
12 Hall being built. It's -- it's right
13 there. So it's across from Cotton Row and
14 the bank. So on the southeast corner of
15 that intersection.

16 MS. HUNTLEY: So they came in
17 from that direction?

18 MR. ROBERTS: I believe so.

19 MS. HUNTLEY: Okay. And was
20 that the only presence that came and added
21 to what had already been the sheriff
22 deputies around the courthouse?

23 MR. ROBERTS: Yes. Well, there

1 were -- there were more -- at some point
2 more deputies showed up around the
3 courthouse. But there was no other outside
4 agency like we saw on the 3rd.

5 MS. HUNTLEY: Okay. Is there
6 anything else you would like to ask me
7 about the 1st -- or tell me about the 1st?
8 Not ask.

9 MR. ROBERTS: Not at this
10 moment.

11 MS. HUNTLEY: Okay. And other
12 than the experience with the tear gas, did
13 you have any injuries from the 1st?

14 MR. ROBERTS: No.

15 MS. HUNTLEY: Okay. And at this
16 time, so that we can stay kind of on
17 subject, I'm going to see if my colleague
18 has any additional follow-ups about June 1,
19 Jack.

20 MR. ROBERTS: Okay.

21 MS. HUNTLEY: And then Jack will
22 see if Vicki -- see if any CAC members --
23 that way we can stay on topic with the

1 actual event at hand.

2 Jack, do you have any additional
3 questions about June 1?

4 MR. SHARMAN: I have got a
5 couple. Thanks, Liz.

6 And thank you, Mr. Roberts. I'm
7 Jack Sharman, a colleague of Liz for this
8 effort.

9 You mentioned about the arrests
10 on the 1st of the gentleman with the gun.
11 And I believe you are right, his name was,
12 apparently, Eason.

13 MR. ROBERTS: Uh-huh
14 (affirmative).

15 MR. SHARMAN: And you described
16 a little bit the effect that that seemed to
17 have or that you perceived seemed to have
18 on the crowd.

19 If you would, go over that for
20 me again. What was the effect or lack of
21 effect of that or the change that seemed to
22 have caused or the lack of a change, that
23 arrest.

1 MR. ROBERTS: Well, that kind
2 of -- it seemed to propel everyone's
3 mindset from, you know, hey, this is -- you
4 know, we are not -- this is a nonviolent
5 encounter to now there has been an aspect
6 of violence introduced by a single
7 individual. And that just kind of
8 heightened everybody's -- yeah, I think a
9 lot of people left after that moment, if
10 that makes any sense. People were
11 concerned about that whole situation as
12 any -- it definitely seemed like -- if
13 the -- at the exact moment, you know,
14 everybody -- we just heard "Gun." And, you
15 know, as -- as Americans, in a -- in a
16 public setting, that's -- that's kind of
17 when you leave that situation so --

18 MR. SHARMAN: So if I am
19 understanding you correctly, it was the
20 display of the gun and that individual's
21 actions that sort of caused trouble as
22 opposed to the way officers handled him?
23 Is that accurate? It was more, like,

1 "Well, this fellow has got a gun," rather
2 than "Look at the way law enforcement is
3 responding to the guy with the gun"?

4 MR. ROBERTS: Yes.

5 MR. SHARMAN: Okay. All right.
6 I just wanted to kind of clear that up.

7 And then at the very beginning,
8 you mentioned something -- and I may have
9 missed the whole story -- about being on a
10 Zoom call with members of the media about
11 media bias. If I -- if I noted that
12 correctly, what was that about?

13 MR. ROBERTS: It just seemed
14 that there was -- you know, with -- with
15 various local outlets, and specifically the
16 local -- it just seemed that a lot of
17 things were not being -- a lot of details
18 were being left out of stories.

19 It seemed that -- you know, for
20 instance, I think, like, WHNT, the day
21 after the -- the day after June 1st just
22 released the police press release and
23 didn't really have any other information

1 about it. So just biases, you know, not
2 getting both sides of the story kind of --
3 kind of wanted to clear that up.

4 And so AL.com partnered with
5 some other agency to get -- get, I think,
6 about five people together and just talk
7 about how that could be handled better and
8 how these kinds of stories could be
9 presented in a -- you know, with more facts
10 involved, I guess.

11 MR. SHARMAN: Okay.

12 MR. ROBERTS: Yeah.

13 MR. SHARMAN: And then, finally,
14 Liz asked you a few questions relating to,
15 you know, kind of broadly, communication,
16 and particularly communication between law
17 enforcement on the one hand and folks, you
18 know, assembled for the protest on the
19 other.

20 And as you probably know, one
21 thing we are having to wrestle with here is
22 there are -- there are differing
23 perceptions about the nature, the extent,

1 and the quality of communication. So I
2 just want to go back for a minute and kind
3 of get your -- your take on that, again, on
4 the 1st.

5 MR. ROBERTS: Okay.

6 MR. SHARMAN: On the 1st, as I
7 understand it, there came a time when you
8 heard some sort of warning or instruction
9 that, look, this is essentially unlawful
10 assembly. Everybody has got -- everybody
11 has got to go home, basically. Is that
12 more or less accurate?

13 MR. ROBERTS: I would say yes.

14 MR. SHARMAN: Okay. Was that
15 amplified in any way, I mean, with -- or
16 was it just people trying to yell,
17 basically?

18 MR. ROBERTS: On the 1st, I
19 think it was people just trying to yell, to
20 my recollection, yes.

21 MR. SHARMAN: Okay. And, again,
22 this is all your recollection, as best as
23 you can recall. And this is not a test. I

1 mean, you know, if you don't remember
2 something, it's fine.

3 On the 1st, when you heard those
4 warnings or orders, whatever is the best
5 way to describe them, how close or how far
6 away were you? And I'm not trying to --
7 because there were different people in
8 different places, and we are trying to get
9 a sense of --

10 MR. ROBERTS: Yes, I was --
11 pretty much for the entirety of the 1st and
12 the 3rd, I was near the front of -- I would
13 say I was near the front of individuals
14 that were closest to officers. So I was --
15 personally could hear things a little bit
16 clearer so --

17 MR. SHARMAN: Okay. Okay.
18 Okay.

19 Okay, Liz, I think that's -- I
20 think, on the 1st, that's all I have got.

21 MS. HUNTLEY: Okay. Vicki, do
22 you want to see if you or any CAC member --

23 MS. GUERRIERI: Yes. Okay.

1 Does any member of the CAC have questions
2 for Mr. Roberts?

3 MS. HUNTLEY: And we are
4 specifically talking about June 1st.

5 (Audio interference.)

6 MS. GUERRIERI: Let's not --
7 let's not all talk at one time. This is
8 regarding the events on June the 1st. If
9 anyone has questions, let's talk one at a
10 time.

11 Shelly?

12 MS. MCCULLEY: No, I'm good.
13 Jack got my questions answered.

14 MS. GUERRIERI: Okay.

15 MR. LOVE: And I don't have any
16 questions.

17 MS. GUERRIERI: Okay.

18 MS. HUNTLEY: Great. If y'all
19 will go back on mute now, it will go more
20 smoothly.

21 Okay. Great. All right.

22 MS. GUERRIERI: Thank you.

23 MS. HUNTLEY: I just -- I just

1 thought -- I knew that Mr. Roberts was --
2 and understandably jumbling the two
3 events -- and so I thought it would be good
4 if we could -- whatever we needed to ask
5 about the 1st while he was in that mind-set
6 for us to get those questions out, not to
7 say that -- knowing me, Mr. Roberts, Josh,
8 I will probably come back and remember
9 something once you say something about the
10 3rd.

11 MR. SHARMAN: And, Liz, I'm a
12 much older man than Mr. Roberts, but I need
13 to take a couple of minutes' break. Should
14 we maybe take, like, a three- or
15 four-minute break?

16 MS. HUNTLEY: I think that is a
17 great idea. I could use one as well.

18 (Whereupon, a brief recess was
19 taken from 12:05 p.m. until
20 12:14 p.m.)

21 MS. HUNTLEY: Okay. I guess we
22 will go ahead and get started back. I'm
23 sure Jack will pop on.

1 MR. ROBERTS: Okay. I did -- I
2 want to just wait until he gets back
3 because there was -- there was a key piece
4 on the 1st that I do remember now, is that
5 we did go up the court -- the front steps.
6 We did not go around the bank side.

7 MS. HUNTLEY: Okay.

8 MR. ROBERTS: And we -- it did
9 seem like it was a -- it did seem like the
10 people in that -- at the -- the organizers
11 did intend on a march, and we went up the
12 steps.

13 MS. HUNTLEY: Okay.

14 MR. ROBERTS: That's -- that's
15 what it seemed. So that's -- I know that's
16 drastically different, but it just --
17 because, on the 3rd, that was not the case.
18 But that was on the 1st what I remember
19 definitely so --

20 MS. HUNTLEY: Okay. What do you
21 mean on the 3rd? You didn't think there
22 was supposed to be a march on the 3rd?

23 MR. ROBERTS: No. On the 3rd --

1 sorry. I'm so sorry.

2 MS. HUNTLEY: I know it's tough.

3 MR. ROBERTS: I might be getting
4 that flipped around. On the 1st, we went
5 around the back of the bank. And for some
6 reason, I just remember going up those
7 steps towards the courthouse where that
8 fountain is. But I -- I might change that
9 back. I think maybe on both days we did go
10 around the back side of the bank.

11 MS. HUNTLEY: But either way, on
12 both days, the rally started in the park
13 and --

14 MR. ROBERTS: Yes, on the west
15 side of the park.

16 MS. HUNTLEY: -- there was a
17 movement -- regardless of which set of
18 steps, there was a movement up the steps
19 towards the Courthouse Square --

20 MR. ROBERTS: Yes.

21 MS. HUNTLEY: -- to march around
22 the Square?

23 MR. ROBERTS: Yes. And -- yes.

1 And it was a preplanned event, I believe --
2 or it -- not preplanned. It was -- it
3 seemed that organizers -- I think I recall
4 organizers promoting a march, and then we
5 followed up to the courthouse area around
6 the Square.

7 MS. HUNTLEY: Was that for the
8 1st or for the 3rd where the march --

9 MR. ROBERTS: On the -- on the
10 1st. On the 3rd, there was no march
11 planned. And at the end of their speaking,
12 they told everybody to go home. And that's
13 when it was very grassroots. Everybody
14 looked around. They were, like, hmmm, I'm
15 not feeling that. And then people just
16 kind of started moving back towards --
17 around the back side of the bank.

18 MS. HUNTLEY: Okay.

19 MR. ROBERTS: And I think, on
20 the 3rd, there were officers lined up
21 blocking the steps up towards the
22 courthouse.

23 MS. HUNTLEY: Okay. All right.

1 Well, then, why don't we start on the 3rd.

2 And then as you start to segregate the

3 two --

4 MR. ROBERTS: Yes.

5 MS. HUNTLEY: -- something else

6 like that may come up.

7 But what I am understanding

8 you're telling me right now is that the 1st

9 you believe that a march was a part of the

10 event being -- there was going to be some

11 presentations in the park, and then they

12 were going to move into a march around the

13 Courthouse Square.

14 MR. ROBERTS: Yes.

15 MS. HUNTLEY: Is that correct?

16 MR. ROBERTS: Yes.

17 MS. HUNTLEY: But on the 3rd, it

18 was your understanding that it was just a

19 rally, and there was not going to be a

20 march --

21 MR. ROBERTS: Correct.

22 MS. HUNTLEY: -- even though one

23 ended up happening?

1 But you showed up on the 3rd --

2 MR. ROBERTS: There was no
3 intention by organizers to start a march or
4 lead a march on the 3rd.

5 MS. HUNTLEY: Well, and that's a
6 nice segue. So, you know, we have the
7 event on the 1st where you were present and
8 participated. And then we shift to now the
9 3rd. How did you learn about the protest
10 or the rally that was going to occur on
11 June 3rd?

12 MR. ROBERTS: I believe it was
13 another social media post.

14 MS. HUNTLEY: Okay. Do you
15 recall which entity posted that on social
16 media?

17 MR. ROBERTS: I believe it was a
18 religious organization, maybe coupled --
19 perhaps coupled with the local NAACP
20 possibly. But I do remember there being
21 religious speakers. And it did seem
22 different in tone than the 1st. It seemed
23 more of a -- more of a unified presence on

1 the 3rd.

2 MS. HUNTLEY: Okay. More of a
3 unifying presence of law enforcement?

4 MR. ROBERTS: Just of -- I would
5 say just more of, you know, trying to hit
6 home on the -- on the peace aspect.

7 MS. HUNTLEY: Okay.

8 MR. ROBERTS: Not that that
9 wasn't presented as well on the 1st. It
10 just seemed to be more of a -- of that --
11 that kind of factor, I would say.

12 The 1st was -- seemed like a --
13 there was -- there was more speech directed
14 at confronting police brutality, whereas
15 the 3rd, it seemed that organizers -- or
16 speakers, rather, had more of a unifying
17 tone.

18 MS. HUNTLEY: Okay. And at one
19 point on June 1, didn't you or somebody in
20 the crowd ask the officers to take a knee,
21 to join you-all in solidarity?

22 MR. ROBERTS: I certainly did.
23 And it's much more than just solidarity.

1 It's kind of a -- you know, as we were
2 there peacefully, it's kind of a mutual
3 understanding that -- in my mind, it would
4 seem that if these officers were to take a
5 knee, it was a mutual understanding that
6 they won't do anything they are told no
7 matter what such as attacking peaceful
8 protesters. And that was kind of the
9 intent of that.

10 So not only was it solidarity
11 and an understanding to -- you know, to me,
12 the concept of taking a knee would have
13 been, hey, we understand. We understand
14 what you are saying. We understand that
15 there are some major issues and flaws in
16 our organization.

17 And so we did -- we did ask for
18 that. Maybe -- maybe they didn't
19 understand that. I mean, maybe they had
20 orders not to. But if that had occurred at
21 any moment, it was my full, full belief
22 that, you know, we would not be here today
23 so --

1 MS. HUNTLEY: Okay. So they
2 didn't take the knee. And was this before
3 or after the line formed to move the crowd?

4 MR. ROBERTS: On the 3rd?

5 MS. HUNTLEY: On the 1st. I'm
6 wrapping up the 1st before we transition to
7 the 3rd. I just want to capture that one
8 last little thing.

9 I remember reading a statement
10 from you where you discussed -- or where
11 you talked about asking law enforcement to
12 take a knee. And now you are confirming
13 that you did, in fact, do that.

14 MR. ROBERTS: Yes. And now that
15 you have said this, the image is perhaps
16 the hydration. But now things are coming
17 back to me. They did have -- there was a
18 moment where they did take a knee to put on
19 gas masks on the 1st. And that is -- the
20 crowd initially thought they were taking a
21 knee. And I think this happened again on
22 the 3rd. And people were cheering. And
23 then -- and then that was not the case

1 so --

2 MS. HUNTLEY: Okay. So in
3 response -- or I wouldn't say they were
4 responding to your request, but at the time
5 that y'all were asking -- and, Jack, we are
6 at June 1 --

7 MR. ROBERTS: Well, there had
8 been multiple moments throughout where
9 people had pled with them to just show
10 solidarity. And the easiest way to do that
11 would be to take a knee as we had seen in
12 other, you know, protests and things around
13 the country so --

14 MS. HUNTLEY: And did they
15 verbally respond to those requests? Did
16 they say anything in response to the
17 protestors that were asking them to take a
18 knee?

19 MR. ROBERTS: I did not hear any
20 verbal response from officers about taking
21 a knee.

22 MS. HUNTLEY: Okay. And then,
23 ultimately, at some point when they took a

1 knee to -- or when they bent down to get on
2 their masks, you said the crowd thought
3 they were responding to the "get on one
4 knee" request.

5 MR. ROBERTS: Yes.

6 MS. HUNTLEY: And then they
7 realized they were -- the reason they were
8 getting down was to put their masks on?

9 MR. ROBERTS: Yes. To take
10 physical action, yes.

11 MS. HUNTLEY: And these were the
12 officers that formed the line that pushed
13 the crowd, correct, that were putting the
14 masks on; or were these the sheriff
15 officers that were at the courthouse?

16 MR. ROBERTS: These were
17 officers in a darker uniform that I
18 believed to be HPD, although I am aware on
19 the 3rd that it was the sheriff's
20 department that had -- that did most of the
21 action that day, if not all of it.

22 MS. HUNTLEY: So the ones that
23 put the masks on, on the 1st, were the ones

1 that formed that line of about 25 with the
2 dark uniforms?

3 MR. ROBERTS: Correct. Correct.

4 MS. HUNTLEY: That did the
5 pushing of the -- or getting the crowd
6 to --

7 MR. ROBERTS: Yes. It was more
8 of a -- they -- you know, they walked and
9 asked us to move back. And the
10 overwhelming -- I mean, except for a
11 handful of people, everyone did move back
12 as they moved forward, to my knowledge.

13 MS. HUNTLEY: Okay.

14 MR. ROBERTS: I certainly did
15 so --

16 MS. HUNTLEY: All right. Thank
17 you so much for that. And we got that all
18 cleared up. And we can always go back as
19 you start to think through in response to
20 the questions about June 3rd. If it
21 triggers some other memory about June 1st,
22 feel free to share it; okay?

23 MR. ROBERTS: Okay.

1 MS. HUNTLEY: So on June 3rd,
2 you said that, once again, you saw the post
3 on social media about this particular
4 protest. And you don't recall what
5 organization, if any, was circulating the
6 post?

7 MR. ROBERTS: I don't.

8 MS. HUNTLEY: What were the
9 details, as you recall, of when and where
10 for this protest on June 3rd?

11 MR. ROBERTS: I know there was a
12 time that they gave and a location. I want
13 to say the time was, again, around -- from,
14 like, three to five o'clock to start. I
15 want to say around four. Yes.

16 MS. HUNTLEY: Okay. And so it
17 gave the details of the event. Did it tell
18 you -- was it -- was it going to be a
19 rally? Was the only location for the march
20 in Big Spring Park, or did it say it would
21 continue into the Courthouse Square? What
22 were those details specifically?

23 MR. ROBERTS: Yes, the details

1 was just that it was the park.

2 MS. HUNTLEY: Okay. And did you
3 have any understanding that it would go
4 beyond the park before you headed that way
5 to the protest?

6 MR. ROBERTS: Not before I
7 headed to the protest or even during the
8 initial moments of the protest.

9 MS. HUNTLEY: Okay. What time
10 did you arrive?

11 MR. ROBERTS: I want to say I
12 was, again, about ten minutes late to the
13 start of that.

14 MS. HUNTLEY: And where did you
15 park this time?

16 MR. ROBERTS: I want to say I
17 parked, again, near Huntsville Utilities.

18 MS. HUNTLEY: Okay. And what
19 did you bring with you? Did you bring
20 anything different this time than you did
21 the 1st time?

22 MR. ROBERTS: I brought a
23 backpack and -- that had my camera in it.

1 And I brought a gas mask that I had for a
2 photo shoot. And I had already purchased
3 this. And I think I had a first aid kit
4 with me. And that was it, to my knowledge.

5 MS. HUNTLEY: So you didn't
6 bring any milk or water or anything like
7 that?

8 MR. ROBERTS: I probably brought
9 some -- I think -- I mean, yeah, I brought
10 some water too. No, I didn't bring any --
11 I didn't bring any milk.

12 MS. HUNTLEY: Okay. And why did
13 you bring those things this time when you
14 didn't bring them on June 1?

15 MR. ROBERTS: In case of police
16 teargassing us again, I wanted to not
17 breathe in the tear gas. The water was for
18 hydration purposes. The first aid kit
19 was -- you know, I witnessed them pushing
20 people. So if that had been me, I would
21 want to, you know, tend to those wounds.
22 And the camera was -- I bring a camera with
23 me a lot of places. So that's kind of par

1 for the course but --

2 MS. HUNTLEY: But you have
3 already shared with us you didn't use the
4 camera that --

5 MR. ROBERTS: I did not. I did
6 not use the camera, no. It was -- it was a
7 film photography camera. It was not a
8 video camera. And my phone was dead that
9 day so --

10 MS. HUNTLEY: Okay.

11 MR. ROBERTS: Yeah. Which is
12 why I didn't record a whole lot so --

13 MS. HUNTLEY: And did anyone go
14 with you on June 3rd?

15 MR. ROBERTS: I may -- I believe
16 I went by myself, but a roommate may have
17 tagged along with me.

18 MS. HUNTLEY: Your roommate that
19 you live with?

20 MR. ROBERTS: Yes -- lived.
21 Lived with, yeah.

22 MS. HUNTLEY: Okay. At that
23 time?

1 MR. ROBERTS: Uh-huh

2 (affirmative).

3 MS. HUNTLEY: And when you
4 arrived, what did you observe?

5 MR. ROBERTS: Again, there
6 was -- there were speakers in the same
7 location as the 1st, kind of near the
8 steps. I observed more -- or I observed a
9 heavy police presence behind them on the
10 steps but further -- like, into the gazebo
11 area. And the crowd seemed larger this
12 time.

13 MS. HUNTLEY: How much larger?
14 Would you say double the size from before
15 or --

16 MR. ROBERTS: At least
17 30 percent larger.

18 MS. HUNTLEY: Okay. Did the
19 speakers have microphones, or were there
20 amps there to project out to the crowd for
21 the speakers?

22 MR. ROBERTS: Yes. There
23 were -- both days I believed there to be

1 audio amplification devices.

2 MS. HUNTLEY: Okay. And what
3 was the mode of the crowd like as the
4 speakers were doing their presentations?

5 MR. ROBERTS: You know,
6 general -- general -- I mean, we were
7 focused on the speeches. There was
8 obviously a general unease resulting from
9 the two days prior. But still it was not a
10 riotist mood of any kind. So I would say a
11 very -- kind of in line with the 1st so --

12 MS. HUNTLEY: Okay. And you
13 said that when you went there, you
14 understood it was just to be -- the only
15 location you knew about was in Big Spring
16 Park?

17 MR. ROBERTS: Correct.

18 MS. HUNTLEY: Okay. Was there
19 ever any -- did you ever hear anything
20 about there being a march in addition to
21 the park -- the rally at the park for
22 June 3rd before you got there?

23 MR. ROBERTS: No. No.

1 MS. HUNTLEY: Okay. So was it
2 advertised as a rally or a protest? Do you
3 recall that?

4 MR. ROBERTS: I believe it was a
5 rally, but I would have to -- I would have
6 to find them if I still have those posts.
7 I will try and -- try and find them for
8 you.

9 MS. HUNTLEY: Great. Like I
10 said, Susan will follow up with.

11 MR. ROBERTS: Okay.

12 MS. HUNTLEY: Because that would
13 be important if you can put your hands on
14 them --

15 MR. ROBERTS: Okay.

16 MS. HUNTLEY: -- for us to see.

17 So you get there a few minutes
18 late. The speakers have already started.
19 How far back from the stage were you?

20 MR. ROBERTS: I would say I was,
21 roughly -- I would say I was in the middle
22 of the crowd.

23 MS. HUNTLEY: Okay. So how far

1 back would you think that would be from the
2 stage?

3 MR. ROBERTS: 35 yards.

4 MS. HUNTLEY: Okay.

5 MR. ROBERTS: 40 yards maybe.

6 MS. HUNTLEY: So could you hear
7 really clearly what was being said by the
8 speakers?

9 MR. ROBERTS: I could, yes.

10 MS. HUNTLEY: Okay. And then
11 when the speakers concluded, was there and
12 direction given to the crowd about what
13 should happen next?

14 MR. ROBERTS: The speakers asked
15 us all to disperse and go home.

16 MS. HUNTLEY: Okay. And so what
17 did you observe then after they made that
18 announcement?

19 MR. ROBERTS: At that moment
20 there was a general mood of, well -- and
21 the thing -- the presentation this time was
22 much shorter than the presentation on the
23 1st. And so you had a larger crowd show up

1 for the second presentation and then just a
2 very quick presentation. And everybody --
3 there was -- there was this general sense
4 of, well, we would like to march again, is
5 kind of what it seemed like.

6 And then I noticed that there
7 were some people behind us walking up
8 around -- up around the bank, around the
9 back side so --

10 MS. HUNTLEY: Was that towards
11 the stairs that would lead up into the
12 Square?

13 MR. ROBERTS: No. We went -- it
14 was the stairs behind the bank that you
15 could take -- because I remember police
16 being in between. They were on the stairs.
17 So it was in between the crowd and the
18 courthouse. So people went around the back
19 side and up towards the courthouse that
20 day.

21 MS. HUNTLEY: And what police
22 were there that were in between the
23 courthouse and that crowd?

1 MR. ROBERTS: They were -- they
2 were shaded, and they were kind of -- there
3 was -- there was some foliage, I believe,
4 in between my line of sight. But I
5 couldn't quite tell if those exact police
6 were HPD or sheriff's department.

7 MS. HUNTLEY: Okay.

8 MR. ROBERTS: But, yeah, I am
9 unsure about those specific police so --

10 MS. HUNTLEY: So when you say
11 there was a sense of wanting to continue,
12 that the rally was short so people -- are
13 you saying people didn't feel satisfied
14 that they were able to really --

15 MR. ROBERTS: We felt like we --
16 we felt like -- it seemed to me that the
17 general sense of the crowd was that they
18 were not satisfied with the message
19 presented given the results of June 1st and
20 how we perceived that altercation to go
21 down. And amongst, you know, the way --
22 you know, me personally -- yeah, I mean, I
23 can't speak for everybody there, but that's

1 just how it kind of -- it felt. It felt
2 like that they were unsatisfied.

3 And, again, like -- things like
4 WHNT presenting just the police press
5 release and no other further information in
6 regards to June 1st, initial reports and
7 things like that, it seemed that -- it felt
8 like the crowd sensed that there had
9 been -- that they were there to protest
10 injustice, and that an injustice had
11 occurred to them during their protest on
12 the 1st. And so they wanted to continue,
13 you know, getting their voices out.

14 MS. HUNTLEY: And everything you
15 just articulated, did anybody -- did you
16 overhear any comments from the crowd that
17 said, We need to march, or, you know, that
18 expressed that sort of dissatisfaction
19 with --

20 MR. ROBERTS: Not until I
21 already saw people moving up the back side
22 of the -- of the -- behind the bank up
23 towards the -- towards the courthouse.

1 MS. HUNTLEY: And what did you
2 hear when you saw those people moving up
3 the back side?

4 MR. ROBERTS: You know, things
5 like, okay, we are going to march. You
6 know, I think there was a person or two
7 saying, like, "This way."

8 But, again, it did not seem
9 very -- very organized. It just seemed
10 like that was the general consensus. It
11 seemed like the crowd had that kind of
12 already in mind, and -- and then that
13 was -- and then people just kind of started
14 going that way so -- and, again, this was
15 just my personal -- you know, I can't speak
16 for everybody, but that's just kind of --
17 the air, that's how the air felt, you know.

18 MS. HUNTLEY: Did you have any
19 understanding that the permit extended
20 beyond the rally and into the march that
21 occurred after the rally on the 3rd?

22 MR. ROBERTS: I remember hearing
23 of the permit, but I was not aware of the

1 details of the time of the permit until
2 after the event.

3 MS. HUNTLEY: Okay. So when
4 you -- and you followed the group that went
5 to march in the Square; correct?

6 MR. ROBERTS: Uh-huh
7 (affirmative).

8 MS. HUNTLEY: And when you
9 followed that group, did you feel like you
10 were doing it as a continuation of the
11 existing program, or was it really clear
12 from the speakers that it was over, their
13 part that they were there to do was over?

14 MR. ROBERTS: Oh, the speakers?
15 Everyone that had organized that was very
16 clear that -- you know, to go home and to
17 disperse.

18 MS. HUNTLEY: And so as you
19 continued with it -- did you see people go
20 home? Did people respond to --

21 MR. ROBERTS: I mean, people --
22 I saw a few people leaving. But I think
23 the overwhelming majority followed the

1 group up the stairs.

2 MS. HUNTLEY: And we talked
3 about this for June 1, that the chant
4 leaders, right, people in the crowd that
5 are leading what people were saying -- do
6 you recall any specific individuals that
7 may have been sort of the louder voices
8 encouraging the crowd to move or go or
9 anything like that?

10 MR. ROBERTS: I don't recall any
11 particular person being the main leader or
12 organizer. It felt like a very fluid
13 grassroots thing where people would -- I
14 mean, there were certainly a few
15 individuals that were louder than others.
16 But it seemed to me that a lot of different
17 people were leading chants at different
18 times.

19 MS. HUNTLEY: And you said that
20 there was law enforcement kind of behind
21 the stage of the organizers. Did they make
22 any change or shift in their position once
23 the crowd started moving towards the

1 stairs?

2 MR. ROBERTS: Well, my -- as I
3 had turned my back to follow the group, I
4 no longer had eyes on them. So I'm unsure
5 about their movements after that.

6 MS. HUNTLEY: Okay. What
7 happened when you got to the stairs?

8 MR. ROBERTS: Which set of
9 stairs?

10 MS. HUNTLEY: The stairs around
11 the back to get up into the Courthouse
12 Square. Because you said that there was a
13 line of officers from the --

14 MR. ROBERTS: Oh, okay. So
15 there were -- there were officers in
16 between -- on the steps between the park
17 and the courthouse but not -- because there
18 are two sets of stairs. So not the --
19 there were no officers by the other stairs
20 on the back side of the bank. So we just
21 continued walking up the stairs and onto
22 the street.

23 MS. HUNTLEY: Okay.

1 MR. ROBERTS: And then we
2 continued walking up towards the courthouse
3 along the side of the bank. And at that
4 moment, as we came up to Cotton Row, I saw
5 Owen Eason, who had pulled -- who had
6 brandished the firearm on the 1st getting
7 what I thought was arrested by police,
8 again, on -- he was -- I think he was in a
9 Mustang with his brother. He has a twin
10 brother and -- or maybe a Dodge Challenger.
11 But they were -- they were in that car, and
12 police were talking to them. And there was
13 a police presence around them at that
14 moment.

15 MS. HUNTLEY: And what were the
16 protesters doing while this was going on?

17 MR. ROBERTS: We continued
18 moving forward towards the -- towards what
19 is the west side of the Square.

20 MS. HUNTLEY: So was it the same
21 sort of pattern as the 1st? You got to
22 Cotton Row and took a left to do the block
23 around the courthouse?

1 MR. ROBERTS: Yes, it was the
2 same -- same pattern and same march pattern
3 in terms of -- and, again, there is a
4 little bit of fuzz around the -- on the 1st
5 of whether we went up the main steps or the
6 back steps, but it was the same marching
7 pattern where we went to where Green Bus
8 Brewery is and then took a left down
9 towards Honest Coffee and then another left
10 onto Jefferson and then back towards Cotton
11 Row. And then we did that motion several
12 times.

13 MS. HUNTLEY: And you have
14 already mentioned earlier you can't recall
15 whether or not there were barricades that
16 closed the roads, but you observed on the
17 3rd that they were closed; correct?
18 Barricades on the roads.

19 MR. ROBERTS: Yes. On the 3rd,
20 there were barricades on North Side Square.
21 And it seemed that they were blocking -- it
22 just seemed that they were blocking that
23 road that -- or, yes, North Side Square

1 that goes down into -- so it wasn't
2 blocking Jefferson, to my knowledge. It
3 was blocking North Side Square.

4 MS. HUNTLEY: Okay. And so the
5 crowd proceeded around the Square?

6 MR. ROBERTS: Well, it was -- I
7 think we went to -- down towards Honest
8 Coffee and then took a left and then took
9 another left. So it was more of a
10 rectangle than a square.

11 MS. HUNTLEY: And so you did
12 that pattern around -- how many times? Do
13 you remember exactly or an estimate?

14 MR. ROBERTS: Around four to six
15 times.

16 MS. HUNTLEY: Okay. When you
17 got to the top of the stairs from the side
18 that you entered, did you observe anything
19 about law enforcement? Was it the same as
20 before where there were some people maybe
21 on the courthouse roof and then --

22 MR. ROBERTS: It was a much
23 heavier presence than the 1st, much, much

1 heavier presence.

2 MS. HUNTLEY: What do you mean
3 by "much heavier"? Can you describe that
4 to us?

5 MR. ROBERTS: There were --
6 there were snipers in two positions at
7 least on top --

8 MS. HUNTLEY: Were there snipers
9 on the 1st or just people on top of the --

10 MR. ROBERTS: On the 3rd --

11 MS. HUNTLEY: On the 3rd?

12 MR. ROBERTS: -- above the --
13 above the courthouse. Well, not at the
14 roof of the courthouse, but the -- that
15 little defensive square around it that's --

16 MS. HUNTLEY: Okay.

17 MR. ROBERTS: So, yes, there was
18 a group -- or there was a sniper and a
19 spotter on the -- what is it, Domaine
20 South, which is on that side? I think that
21 is the northeast side of the Square. And
22 then there was another, I think, more
23 centrally located near the -- near the --

1 near the Confederate statue.

2 MS. HUNTLEY: Now, could you
3 distinguish those snipers, whether or not
4 they were HPD or sheriff?

5 MR. ROBERTS: I could not,
6 actually. They were -- from my angle, I
7 could not tell their insignia so --

8 MS. HUNTLEY: Could you tell
9 what color they were wearing?

10 MR. ROBERTS: I want to say it
11 was, like, a green, like a -- like a
12 light -- like a light olive green, but
13 it -- yeah, I want to -- I want to say
14 green, but, again, I'm not 100 percent on
15 that detail.

16 MS. HUNTLEY: Okay. And so the
17 sniper presence, that was new from what had
18 happened on June 1?

19 MR. ROBERTS: Yes.

20 MS. HUNTLEY: And then you said
21 much more presence. Was there more
22 presence on the ground of the dark brown
23 sheriff officers around the courthouse than

1 there were on June 1?

2 MR. ROBERTS: Yes. There was an
3 increased presence around the west side of
4 the courthouse. But, again, up the stairs
5 of the courthouse.

6 MS. HUNTLEY: Okay. When you
7 were talking to my colleague before our
8 little break, you talked about the shift of
9 things once the weapon was brandished, and
10 the word "gun" was yelled into the crowd.

11 MR. ROBERTS: Yes.

12 MS. HUNTLEY: Did that same
13 shift occur when the gentleman was being
14 detained, once again, by law enforcement on
15 the 3rd?

16 MR. ROBERTS: No. No.

17 MS. HUNTLEY: Okay. Did people
18 seem to respond to it any kind of way?
19 Were they defending him? Were they --

20 MR. ROBERTS: I think -- no. I
21 think a lot of people didn't know who he
22 was, you know, because, with the crowd
23 situation, not everybody is in viewpoint.

1 But I think -- I mean, I personally was,
2 like, oh, he's getting arrested. That's
3 probably good because you shouldn't be
4 bringing guns to protests. So I saw that
5 as, like, a good thing personally. But I
6 can't speak for -- and, again, I wasn't
7 really with a group or anything at that
8 point in time. I had seen some people that
9 I recognized, but I couldn't get anybody's
10 opinion at that moment.

11 MS. HUNTLEY: Okay. And so tell
12 me what happened next. So y'all got to the
13 top. You saw the arrest or detainment
14 happening. You observed the increased
15 police presence around -- both around the
16 courthouse with the snipers.

17 Were there -- were there
18 officers -- law enforcement officers
19 situated anywhere else other than around
20 the courthouse and the snipers?

21 MR. ROBERTS: I want to say
22 that, again, on the -- now, and I know
23 later in the day for sure, but I do recall

1 police vehicles being on Jefferson past
2 Cotton Row, so a little bit further down
3 that way, so on the southeast side of the
4 Square.

5 MS. HUNTLEY: And when you say
6 "police vehicles," did you recognize what
7 cars they were? Were they sheriff cars, or
8 were they HPD?

9 MR. ROBERTS: I want to say I
10 saw HPD.

11 MS. HUNTLEY: Okay. Are you
12 sure about that? I mean, are they
13 distinctive -- is there a distinct color
14 difference between a sheriff car and a HPD
15 vehicle?

16 MR. ROBERTS: Yes, there is.
17 HPD is, you know, the white with the blue.
18 And I think the sheriff is typically --
19 typically like a light -- like a light gray
20 maybe or -- because I think they have white
21 vehicles as well. There are just so many
22 different color schemes that they use. My
23 memory is not locking in on an exact

1 situation there.

2 MS. HUNTLEY: And where those
3 cars were, were there law enforcement
4 officers -- were the cars parked, or were
5 there officers standing outside of those
6 cars?

7 MR. ROBERTS: I think they
8 were -- they were parked in the street, I
9 think, at the -- at the onset of when we
10 walked up. There was -- there was
11 definitely HPD to the -- on that -- on that
12 southeast corner and beyond. I think
13 they -- I think they had blocked off some
14 area. I'm not entirely sure of that,
15 though.

16 MS. HUNTLEY: Okay. So you had
17 that presence, the increased presence of
18 sheriff deputies, you believe, at least,
19 that were around the courthouse, and then
20 the snipers?

21 MR. ROBERTS: Yes.

22 MS. HUNTLEY: What did you
23 observe, if anything, about the snipers?

1 MR. ROBERTS: They had helmets
2 on. One had a -- I think there were two
3 groups, and one had -- and one person in
4 each of the two groups had binoculars as
5 kind of -- working as a spotter. I'm not
6 sure of their function, but I do remember
7 that. I remember there being one officer
8 for each of the two groups having the
9 weapon and then another officer having
10 binoculars.

11 MS. HUNTLEY: Okay. And how
12 were the snipers handling their weapons?

13 MR. ROBERTS: I believe they
14 were viewing the crowd through the scope of
15 the weapon. I'm not sure if that was
16 taking place the entire time, but I do
17 remember seeing that at some point.

18 And, again, with them being
19 elevated and me being on the ground with a
20 lot going on around me, my eyes were not
21 always up there for that. But I do
22 remember that at times.

23 MS. HUNTLEY: Fair enough. So

1 as you walked around the Square, did law
2 enforcement make an attempt to --
3 initially, when you started, to stop you
4 from walking around the Square?

5 MR. ROBERTS: No. There was no
6 blockade or anything of that nature.

7 MS. HUNTLEY: Okay. And so at
8 what point did -- or was there ever any
9 sense that the walk had gone on long
10 enough? Because how -- last time, for
11 June 1, you said it may have been five or
12 seven times that y'all did that walk
13 pattern.

14 MR. ROBERTS: Uh-huh
15 (affirmative).

16 MS. HUNTLEY: How long or how
17 many times did y'all do that walk pattern
18 on June 3rd?

19 MR. ROBERTS: Yes, somewhere
20 between -- somewhere between four and six,
21 I believe. Somewhere between four and six.

22 MS. HUNTLEY: And then what
23 happened that created a shift in -- like,

1 how did -- did the march just stop or what
2 happened?

3 MR. ROBERTS: Yes, we -- again,
4 the crowd just kind of just stopped, again,
5 lost momentum, if you will, or -- yeah.

6 So the crowd stopped, and then,
7 again, there was a smaller subsection of
8 individuals that initially shifted their
9 focus towards officers. And then that
10 begat the rest of the crowd shifting as
11 well.

12 MS. HUNTLEY: And when you say
13 "shifting," is it like what happened on
14 June 1 where they started chanting at the
15 officers or saying things --

16 MR. ROBERTS: Yes.

17 MS. HUNTLEY: -- directed to the
18 officers?

19 MR. ROBERTS: Yes.

20 MS. HUNTLEY: Do you recall what
21 some of those things were, some of those
22 things that were said?

23 MR. ROBERTS: You know, we were

1 mimicking a lot of the chants we've been
2 saying as we -- as we went around. Some of
3 them were, you know, "No justice, no
4 peace." I think we were adding, like, "No
5 racist police" onto the end of that. It
6 was a litany of a bunch of different ones.
7 I can't --

8 MS. HUNTLEY: Okay. And then I
9 will ask you again, like, on June 1, did
10 anybody approach the officers, like, get
11 physically close to them or throw anything
12 or any of those types of things?

13 MR. ROBERTS: To my
14 recollection, this time people stayed a
15 little bit further back. There may have
16 been an individual that got closer. And I
17 think I saw a total of two water bottles
18 being thrown, one when we were facing the
19 police at -- the police presence at the
20 courthouse steps next to the Confederate
21 monument.

22 And I think that got shut down.
23 I mean, when people -- there were a few

1 instances where, like, one person would
2 throw something, and everybody would be,
3 like, "Stop doing that," you know.

4 So, yes, there were a few -- a
5 few water bottles. I can't say exactly how
6 many, but it was not a barrage of water
7 bottles at that time or anything of that
8 nature so --

9 MS. HUNTLEY: And am I hearing
10 you correctly that when a person -- an
11 individual would do something like that,
12 the crowd would sort of admonish them to
13 stop; is that --

14 MR. ROBERTS: Yes. Yes.

15 MS. HUNTLEY: Okay.

16 MR. ROBERTS: Initially. I
17 mean, I think that was different once the
18 tear gas came out. But initially, you
19 know, it seemed that the crowd did not want
20 water bottles being thrown. And there
21 were -- there were very few.

22 MS. HUNTLEY: And how big was
23 the crowd at this point?

1 MR. ROBERTS: I would say it
2 seemed like maybe 700 people.

3 MS. HUNTLEY: That were up in
4 this Courthouse Square area?

5 MR. ROBERTS: Yes. Maybe 5 to
6 700. I'm not too good with the jellybean
7 count, you know, but --

8 MS. HUNTLEY: Okay. All right.
9 And so you said right before kind of the
10 march itself kind of stalled, there was a
11 fraction of the larger crowd, a group that
12 directed attention at law enforcement --

13 MR. ROBERTS: Uh-huh
14 (affirmative).

15 MS. HUNTLEY: -- began to --

16 MR. ROBERTS: But they were not
17 organized. It was a very hodgepodge kind
18 of put-together thing.

19 MS. HUNTLEY: Kind of organic?

20 MR. ROBERTS: Yes. Yes, very
21 organic.

22 MS. HUNTLEY: And so they
23 started chanting, and people started

1 joining in; is that correct --

2 MR. ROBERTS: Yes.

3 MS. HUNTLEY: -- at law
4 enforcement?

5 MR. ROBERTS: At law
6 enforcement; correct.

7 MS. HUNTLEY: There were a
8 couple of bottles thrown, but you are
9 saying that the crowd sort of admonished
10 folks that were throwing things?

11 MR. ROBERTS: Yes. The general
12 air was that we were going to remain
13 peaceful. You know, to my knowledge, one
14 window was broken at Kaffeeklatsch. And
15 how that got broken, whether it was
16 protesters or police, I am still unsure.

17 But, yes, I mean, nothing -- I
18 don't think there were car windows smashed,
19 to my knowledge. I mean, there was
20 nothing -- I think the general air was
21 let's keep this peaceful so --

22 MS. HUNTLEY: Okay. And at what
23 point -- and we are back where we almost

1 were for June 1.

2 MR. ROBERTS: Yes.

3 MS. HUNTLEY: You have got the
4 stalled march. You've got the shift of
5 chanting at police instead of just
6 chanting, in general, the protest of police
7 brutality, in general, as y'all were doing
8 the march.

9 At what point or, if any, were
10 you guys told to leave?

11 MR. ROBERTS: There was, I
12 think, maybe -- I mean, I'm bad with
13 time -- I'm admittedly bad with time frames
14 for this particular situation.

15 But after we had done our
16 march and we had stalled and then we had
17 talked -- we had -- and, again, like, the
18 chanting wasn't at police the entire time.
19 It shifted, you know, from all kinds of
20 directions and aspects.

21 But there had been a larger
22 police presence that came down from, I
23 think, the -- past Cotton Row and closer to

1 the -- I guess the Wells Fargo bank, from
2 that area, and had -- and these were
3 sheriff deputies that had formed. And I
4 know this because they were also the group
5 that arrested me.

6 So they had formed along the
7 right side of -- basically, in front of
8 Cotton Row, but in the street, on the
9 street side. And they had formed. And I
10 believe McMurray was there with a sound
11 amplification device, like a megaphone and
12 a speaker or something of that nature and
13 telling the crowd to disperse at -- I think
14 it was before eight o'clock or seven. I
15 know that doesn't help you too much, but,
16 yeah.

17 MS. HUNTLEY: And was he using
18 anything to amplify his voice to tell the
19 crowd to disperse?

20 MR. ROBERTS: Yes, he was.

21 MS. HUNTLEY: What was he using?
22 Do you recall?

23 MR. ROBERTS: I think it was a

1 megaphone hooked up to a speaker of some
2 sort. And I know they had a -- like, they
3 had a crowd deterrent, yeah, like a crowd
4 deterrent device for sound that they would
5 play as well that was supposed to be very
6 loud and, you know, annoying, I guess, to
7 get people to leave.

8 But I could -- I could hear
9 because I was at the very front of this
10 side of the crowd, again. So I could hear
11 that. But I can't speak for the rest of
12 the crowd.

13 MS. HUNTLEY: And do you recall
14 the exact words that Chief McMurray used or
15 close to them?

16 MR. ROBERTS: Roughly, you know,
17 "Please disperse." "Go home." I think he
18 gave a time limit of some nature, but I
19 don't recall that exact time limit. But I
20 think it was those three kinds of things he
21 was hitting on so --

22 MS. HUNTLEY: So was he standing
23 amongst sheriff deputies? Because you said

1 that the -- the law enforcement that sort
2 of came on scene at this moment were
3 sheriff deputies because you recognized
4 them.

5 MR. ROBERTS: Yes, he was
6 standing with sheriff deputies. And these
7 deputies also were the ones who arrested me
8 and brought me to the -- to the Madison
9 County Jail.

10 MS. HUNTLEY: Okay. And were
11 there any HPD mixed in with the sheriff
12 officers that were standing there with
13 Chief McMurray?

14 MR. ROBERTS: I couldn't tell or
15 I don't clearly recall at that time. But I
16 do remember a heavy sheriff's presence --

17 MS. HUNTLEY: Okay. So after --

18 MR. ROBERTS: -- along the
19 courthouse and on the flanking side by
20 Cotton Row in the street.

21 MS. HUNTLEY: And so after Chief
22 McMurray makes the announcement, what
23 happens then?

1 MR. ROBERTS: And again, we --
2 the majority -- I think there was this
3 one -- this one tall, older gentleman that
4 was kind of closer to -- I mean, he had --
5 he was holding -- he was doing -- I did
6 this a lot, too, but he was doing this, you
7 know, just peace signs to the crowd
8 (demonstrating).

9 And then there was another
10 gentleman with a megaphone that presented
11 no threat.

12 But other than those two
13 individuals, the rest of the crowd stood
14 pretty much a two-way road away from police
15 for the -- for the majority of this.

16 And we continued chanting. And
17 the state troopers came through on
18 Jefferson -- or I believe that's Jefferson
19 on the west side of the Square. The crowd
20 moved out of the way to let them through.

21 And around that time is when --
22 there had been some -- a small barrage of
23 teargas canisters closer to Green Bus

1 Brewing, I think, to shift the crowd all
2 into one single file line so that they
3 could corral us.

4 And then the troopers came in
5 and blocked off that. And then that's when
6 they started to unleash tear gas and began
7 their push to get everybody to disperse.

8 MS. HUNTLEY: When you say
9 "they," who you are meaning --

10 MR. ROBERTS: Sheriff's --
11 sheriff's department.

12 MS. HUNTLEY: -- that they
13 released the tear gas and --

14 MR. ROBERTS: Sheriffs fully
15 both on that flanking side and along the
16 courthouse who -- the sheriff's department.

17 MS. HUNTLEY: Okay. Did they
18 move towards the crowd?

19 MR. ROBERTS: Yes. They first
20 fired their teargas canisters, and then
21 they slowly walked in a line towards the
22 crowd.

23 MS. HUNTLEY: Did the sheriff

1 make any announcement, or was it just Chief
2 McMurray?

3 MR. ROBERTS: I did not see
4 Kevin Turner there. But he may have been
5 there, but I just -- I only noticed
6 McMurray.

7 MS. HUNTLEY: Okay. And was
8 this a moment where -- as you did on
9 June 1, did you stand your ground and not
10 leave even though there was an announcement
11 to disperse?

12 MR. ROBERTS: Yes. I mean,
13 again, I backed away in step with
14 officers -- or with sheriffs, rather. But
15 it never came into a physical confrontation
16 or -- and, again, I think I -- I think I
17 was doing this (demonstrating) for, like,
18 90 percent of the time.

19 But, yes, we did -- we did -- a
20 lot of the -- a lot of the crowd when the
21 tear gas first hit, a lot of the crowd
22 backed away, like, further.

23 MS. HUNTLEY: Okay.

1 MR. ROBERTS: And then there
2 were a few people that did not, and I was
3 one of those people so --

4 MS. HUNTLEY: You were one of
5 those people that did not back away
6 further?

7 MR. ROBERTS: That did not,
8 like -- I mean, I backed away, but I did
9 not -- there was, like, this gap that the
10 gas kind of created. Because, you know,
11 obviously, people don't want to breathe
12 that in. And as I had a gas mask, I was
13 not affected by the gas.

14 But I kept at least, like, a
15 10-yard distance, if not more, the entire
16 time of that initial push.

17 MS. HUNTLEY: Okay. And then
18 what happened? So there was -- the tear
19 gas was the first -- that was the first
20 signal to move the crowd, first active
21 engagement from law enforcement to move the
22 crowd; is that correct?

23 MR. ROBERTS: Well, the first

1 engagement -- well, oh, active engagement.
2 Yes, there were verbal things that I think
3 the first few rows of people could probably
4 hear and --

5 MS. HUNTLEY: What were those
6 verbal things being said?

7 MR. ROBERTS: Well, just, you
8 know, "Disperse." You know, "Please go
9 home." You know, "The protest is over" or
10 "The permit is over" -- or something along
11 those lines pretty much.

12 MS. HUNTLEY: Okay.

13 MR. ROBERTS: So they, you
14 know -- state troopers come in. They begin
15 to fire tear gas -- not the state troopers,
16 but the sheriff's department, they began to
17 fire tear gas. We began to move back.

18 Officers on -- and I think it
19 was in the front, too, there were people --
20 there were sheriffs firing rubber bullets
21 into -- into a large mass of people, you
22 know.

23 And then there were sheriffs on

1 the side of the courthouse doing the same
2 from more of, like, a tactical advantage
3 firing down into select people. And we
4 continued to move back.

5 And again, I kept a 10- to
6 20-yard distance. But I don't think
7 anybody sought to physically attack them or
8 anything at this point. Everybody was --
9 was moving back, some more -- some quicker
10 than others, but everyone was moving back.

11 And we continued -- is that
12 Jefferson that's right there on the west
13 side of the Square?

14 MS. HUNTLEY: I have to say I
15 can't say.

16 MR. ROBERTS: Okay.

17 MS. HUNTLEY: Maybe our
18 chairwoman would know but --

19 MS. GUERRIERI: Yes. Yes.

20 MR. ROBERTS: Okay.

21 MS. GUERRIERI: Liz, yes.

22 Mr. Roberts, that is Jefferson where you
23 are turning right off of Clinton that would

1 take you in front of the courthouse.

2 MS. HUNTLEY: Okay.

3 MR. ROBERTS: Okay. So -- so
4 this was all taking place on Jefferson.
5 The crowd continued to move back. And at
6 this time some people were dispersing
7 entirely, but there was still a large
8 portion of the crowd that decided to
9 continue moving back at a slower pace but
10 still moving back.

11 And then I think -- and I
12 noticed a man with military garb -- like he
13 had -- for lack of a better term, he seemed
14 like a -- like a member of a far-right
15 movement. He had military camo garb on.

16 And once we -- we continued
17 pushing down to Jefferson, and I noticed
18 there was a woman who had been shot in
19 the back of her calves several times or
20 maybe -- I think twice by rubber bullets,
21 and there was just blood pouring out.

22 And there was a gentleman
23 that -- well, police were in the process

1 of, like, arresting her -- or they were
2 kind of coming at her. She couldn't get
3 away quick enough. She was a larger woman
4 and had these wounds in her legs. And
5 police were kind of moving in on her.

6 And I remember telling them,
7 like, "Hey, you know, look at what you are
8 doing." And then they kind of backed off
9 for a second there.

10 At that time another gentleman,
11 an African-American gentleman, came up and
12 helped her -- me and her -- me and him kind
13 of helped her into a -- where I guess there
14 had been, like, a medical treatment
15 situation, like, a small -- like, first aid
16 kit, stuff like that set up, and we had
17 helped her there.

18 At that point he stayed with
19 her, and then I stayed with the group or
20 with the crowd and continued pushing back
21 towards the intersection of Kaffeeklatsch.

22 And at that point I think -- I
23 remember the gentleman that I had mentioned

1 previously in the camo garb throw a
2 firework of some nature. And it was, like,
3 a sparker kind of deal, not explosive, but
4 it did emit sparks and things of that
5 nature.

6 And then we, at that point, just
7 continued moving all of the way back until
8 a police just stopped. And at that point,
9 everyone dispersed.

10 MS. HUNTLEY: Until what just
11 stopped?

12 MR. ROBERTS: Until -- until
13 sheriffs stopped at the -- I think it was,
14 like, a little bit past the Kaffeeklatsch
15 intersection. And then they stopped moving
16 forward. And then everyone dispersed.

17 MS. HUNTLEY: How long was there
18 a pause where they stopped before the crowd
19 dispersed? So if I were to describe it --
20 what you are describing is a push by law
21 enforcement where they may have used tear
22 gas and rubber bullets. The crowd would
23 move out, and they would --

1 MR. ROBERTS: Yes.

2 MS. HUNTLEY: They would --

3 MR. ROBERTS: They would

4 advance.

5 MS. HUNTLEY: They would

6 advance. And then there would be

7 another -- how many times do you recall

8 this happening where there was a push,

9 there was this action of releasing tear

10 gas, shooting rubber bullets, and the crowd

11 moving as a result of that action, and then

12 them pushing further at the crowd?

13 MR. ROBERTS: The rubber bullets

14 stopped after the crowd had moved past the

15 courthouse and maybe even a little bit

16 before that.

17 MS. HUNTLEY: Okay. So how many

18 times was there a push with some use of

19 nonlethal force, whether it be tear gas or

20 rubber bullets?

21 MR. ROBERTS: At least three

22 times. And that was involving tear gas.

23 And that's just for the courthouse. That

1 is not the park later that occurred, but
2 for the courthouse. So it was at least
3 three times -- three barrages of tear gas
4 and stuff like that.

5 MS. HUNTLEY: That was the group
6 you were with?

7 MR. ROBERTS: Well, it was just
8 the main crowd.

9 MS. HUNTLEY: Main crowd?

10 MR. ROBERTS: Yeah.

11 MS. HUNTLEY: That was on the
12 Square?

13 MR. ROBERTS: Yeah. I wasn't
14 with any particular group.

15 MS. HUNTLEY: Okay. All right.
16 And did they -- did they yell to warn that
17 they were about to release rubber bullets
18 or anything like that to give the crowd a
19 warning?

20 MR. ROBERTS: I don't recall
21 rubber bullets. I do recall tear gas --

22 MS. HUNTLEY: Okay.

23 MR. ROBERTS: -- being warned

1 against.

2 MS. HUNTLEY: What did they say
3 about the tear gas to let you know it was
4 coming?

5 MR. ROBERTS: Well, just on the
6 initial push. It was -- you know, if we --
7 you know, something along the lines of, you
8 know, if you don't disperse, tear gas will
9 be used, things of that nature so -- and
10 maybe not tear gas, per se, but the message
11 was conveyed.

12 MS. HUNTLEY: And so it was
13 conveyed verbally. And when the crowd
14 didn't move, they released the tear gas?

15 MR. ROBERTS: Yes.

16 MS. HUNTLEY: Okay. But there
17 was no --

18 MR. ROBERTS: I don't recall
19 anything about rubber bullets.

20 MS. HUNTLEY: About the rubber
21 bullets?

22 MR. ROBERTS: Yes.

23 MS. HUNTLEY: Okay. And if I

1 recall your testimony, you were struck by
2 the rubber bullets; correct?

3 MR. ROBERTS: Yes. Twice.

4 MS. HUNTLEY: And where were you
5 struck?

6 MR. ROBERTS: On my stomach at a
7 45-degree angle above my belly button. And
8 so kind of below my right rib, if that
9 makes any sense, and then on my left
10 buttocks as well so --

11 MS. HUNTLEY: Would you have
12 been leaving? To have been shot on your
13 buttocks, were you moving away?

14 MR. ROBERTS: At the time of
15 being shot in the buttocks, it was on -- it
16 was -- let me clear that up because that is
17 a huge difference.

18 For me personally -- I know
19 other people had been shot in their back
20 and legs and things like that. I was shot
21 in the side of -- of my buttocks, like,
22 kind of -- just like in the thigh/cheek
23 area.

1 MS. HUNTLEY: Got you.

2 MR. ROBERTS: But definitely on
3 the side -- I remember -- I saw who fired
4 at me, too. It was from -- they were --
5 they were on the courthouse above. So it
6 came down at an angle.

7 MS. HUNTLEY: So were the --
8 okay. So that's an interesting point. So
9 the rubber bullets came from above, and the
10 tear gas came from the ones that were on
11 the ground?

12 MR. ROBERTS: Rubber bullets
13 came from in front and -- and -- in front
14 from that general area and from above.

15 MS. HUNTLEY: Okay.

16 MR. ROBERTS: And -- but above
17 on the left flank -- if I am facing Cotton
18 Row on Jefferson, it's from the left flank
19 and then from the front as well.

20 MS. HUNTLEY: Okay. And you
21 said, at some point, they said releasing
22 the tear gas and just stopped and didn't
23 move?

1 MR. ROBERTS: Uh-huh

2 (affirmative).

3 MS. HUNTLEY: And how long was
4 there sort of this pause when they stopped
5 before y'all dispersed?

6 MR. ROBERTS: I want to say it
7 was under three minutes, maybe -- because
8 another thing is, as they continued to
9 push, there became fewer and fewer people
10 in the crowd. But as I was near the front
11 of the crowd, I was not aware of that.

12 And eventually, you know, I'm
13 looking around, and there is, like, 15
14 people. And I'm, like, okay, maybe --
15 maybe let's go, you know, so, yeah.

16 MS. HUNTLEY: So were you one of
17 the last ones to go? Were you in that last
18 group that finally dispersed?

19 MR. ROBERTS: I was one of the
20 last two people.

21 MS. HUNTLEY: Okay. So where
22 did you go from there?

23 MR. ROBERTS: From there, I

1 wanted to -- and again, my phone was dead.
2 So I wanted to go back to the park to see
3 if I knew -- if I could help anyone, if
4 anybody was injured, you know, provide
5 medical aid, and then, also, reconvene with
6 anybody I knew at that time so -- just to
7 make sure everything is good, you know, and
8 also to get, like, a -- you know, just to
9 get an eye on things as well so --

10 MS. HUNTLEY: Okay. And what
11 did you observe when you got to the park?

12 MR. ROBERTS: I was walking
13 to -- I was walking along -- there is an
14 antique shop. I want to say it's Monroe
15 Street maybe. I was walking along that to
16 go back to the park, because they had
17 pushed us that far -- that far north. And
18 I ran into somebody I knew. And they were,
19 like, hey, take -- I think they had some
20 milk with them. They were, like, "Take
21 this milk and see if anybody needs it for
22 their eyes." And I was, like, "Okay."

23 So I took that milk, and I went

1 to the park to look for people. And then I
2 saw that there was a large group of people
3 on the international side of the park,
4 which, I guess, is the east side of the
5 park.

6 And when I walked up, I observed
7 a few water bottles being thrown at a
8 police vehicle. I also saw that police
9 vehicle who was -- they were not
10 surrounded. There was no one near them,
11 but they almost hit a family in the -- in
12 the crosswalk. I believe that was an HPD
13 truck.

14 But I rejoined that group -- or
15 that -- it's not -- and, again, group, you
16 know, is not a collective -- it was just a
17 crowd, rather. And I rejoined that group,
18 told them to get out of the street because
19 there were a few -- and where that street
20 is, there is, like, parking -- there is
21 parking in the street. So they were really
22 just standing in parking spots, but
23 nonetheless, it's not a good look, you

1 know, despite everything. But, you know, I
2 wanted people out of the streets. So
3 everybody got onto the sidewalk.

4 At that point there were --

5 MS. HUNTLEY: Now, who was
6 telling the people to get off the street
7 and onto the --

8 MR. ROBERTS: Oh, I did. I did.
9 I told people to get out of the street,
10 yeah.

11 MS. HUNTLEY: Okay.

12 MR. ROBERTS: So, yeah, I told
13 people to get out of the street. At that
14 point there were -- there was a slow
15 trickle of officers that were reconvening,
16 I guess, to handle the rest of this crowd.
17 As they approached, they began firing --

18 MS. HUNTLEY: What officers?
19 I'm sorry. Was that HPD or --

20 MR. ROBERTS: Sheriffs.
21 Sheriffs. Sheriffs.

22 MS. HUNTLEY: Okay.

23 MR. ROBERTS: Yeah, sheriffs.

1 Because I was also arrested by the
2 sheriff's department. And these were the
3 same people that had formed that line for
4 the push as well.

5 MS. HUNTLEY: Okay.

6 MR. ROBERTS: So, yes, so
7 they -- they slowly trickled in. And once
8 they had enough -- once they deemed they
9 had enough people, they formed another line
10 and started pushing people out of an open
11 park at night and started firing tear gas
12 into the -- into the park.

13 And at this point, people
14 started fleeing kind of more in mass. I
15 remained as well, kind of keeping a
16 distance and then backing away and then
17 doing this (demonstrating) the whole time
18 to show them that I was peaceful, you know.

19 And so I kept backing away.
20 They kept firing. They would fire tear gas
21 into parts of the park that weren't even
22 occupied as well as to create, like, kind
23 of a zone of control.

1 And they eventually pushed us --
2 well, I also -- I also witnessed them
3 pepper spray a small girl. I think she was
4 maybe 90 pounds. Now, she did -- she did
5 get within a certain distance of them and
6 was, you know, yelling at them, but --
7 maybe not pepper spray. You know, they had
8 all the riot gear.

9 But they continued their push.
10 And once we got to the -- I think it's the
11 JFK memorial with the eternal flame there
12 in the park, they continued their line and
13 then pushed the remaining people into
14 oncoming traffic.

15 And then that small -- I mean,
16 and I'm talking, like, maybe, like, five --
17 five people or less. That small group got
18 onto the median and then made their way.

19 And in the median, I then used
20 the milk that I was provided to help the
21 girl who got pepper-sprayed next to me to
22 then douse her eyes with that because she
23 was just screaming.

1 And then once we got out of the
2 median, we moved to the other side of the
3 street. More officers started showing up.

4 MS. HUNTLEY: Was that sheriff
5 or HPD?

6 MR. ROBERTS: Sheriffs. It was
7 sheriffs, to my knowledge.

8 MS. HUNTLEY: And how many were
9 in your crowd at this point?

10 MR. ROBERTS: Under -- under 60,
11 I would say.

12 MS. HUNTLEY: Okay.

13 MR. ROBERTS: Yeah, at that
14 point it had really -- the difference in
15 crowd size from the courthouse to the park
16 situation was -- was -- was noticeable. It
17 was very, very noticeable. And then the
18 difference in crowd size from once police
19 started firing tear gas again in the park
20 to the push to the -- to the street,
21 basically, was -- yeah, it had -- a lot of
22 people had either dispersed or moved to the
23 other side of the street.

1 So at that point --

2 MS. HUNTLEY: And can I ask you
3 this? Were you wearing your -- because you
4 took your mask that time.

5 MR. ROBERTS: Yes, I was wearing
6 my mask for -- for --

7 MS. HUNTLEY: The whole -- the
8 entire time?

9 MR. ROBERTS: -- for -- and
10 another thing is a lot of people didn't
11 have masks. So once the tear gas was
12 fired, they would move and things like
13 that.

14 So, you know, we were in the
15 street, and then we -- and the streets on
16 the -- I think the "T" -- it's a "T"
17 intersection on Lowry, and I think there is
18 like the AC Hotel and something right
19 there. And that "T" intersection had been
20 blocked off on the back end, and I think it
21 had been -- at some point once the crowd
22 started moving that way, I think police
23 blocked off those two things. So then

1 traffic was no longer flowing into the
2 area.

3 And then we, you know, formed a
4 line and started chanting again. And at
5 that point police started closing in. I
6 turned around to walk away, finally. And
7 then I had a tap on my back. And he was,
8 like, "You are under arrest."

9 I was, like, "Okay."

10 And it was a very -- it was a
11 very gentle arrest. I didn't have any
12 injuries stemming from that arrest or
13 anything of that nature. The officer was
14 very nice. And then we were put into a --
15 put in the van, and then we were taken off
16 to jail.

17 MS. HUNTLEY: And have you had
18 any communication with law enforcement
19 since that happened? Did you file a
20 complaint? Did you do anything like that?

21 MR. ROBERTS: No, I didn't.

22 MS. HUNTLEY: And you said that
23 charge has since been dismissed; correct?

1 MR. ROBERTS: Correct.

2 MS. HUNTLEY: And when you left
3 the Square and went to the park, you said
4 to check on people, see if people needed
5 help, that sort of thing, and the push
6 started to remove people from the park,
7 were there any announcements made? You
8 said that was the sheriff's department;
9 right?

10 MR. ROBERTS: Uh-huh
11 (affirmative). It was the sheriff's
12 department, again. I don't recall
13 announcements that second time --

14 MS. HUNTLEY: Okay. So --

15 MR. ROBERTS: -- personally, you
16 know, but a lot going on so --

17 MS. HUNTLEY: Okay. I think
18 that's all I have. I will, again, do like
19 we did before, pass it to Jack and then --
20 to see if he's got any questions, and then
21 we will turn it over to our chairwoman.

22 MR. SHARMAN: I will try to be
23 efficient because I know we have been going

1 a long time.

2 Mr. Roberts, again, talking
3 about June 3rd, the state trooper vehicles,
4 remind me again, on June 3rd, what you saw
5 them doing or what you understood them to
6 be doing.

7 MR. ROBERTS: To my knowledge,
8 they -- from what it seemed like, and,
9 again, just, you know, we -- they just
10 seemed to drive through the crowd. I think
11 it was kind of a scare tactic for
12 dispersion. I didn't -- I'm not quite sure
13 what their function was after that.

14 And they may have been in that
15 later group of arresting individuals, but
16 I just -- I'm unsure of their function
17 after -- after that. It just seemed like
18 it was, like, I think, maybe four to six
19 cars or SUVs that -- you know, the gray
20 with the blue, and they drove through so --

21 MR. SHARMAN: So they were,
22 basically, just going down the street and,
23 basically, trying to move people before

1 them? Was that the gist of it or --

2 MR. ROBERTS: I'm not -- I'm not
3 sure. But they came through. And then
4 when they did that, everybody kind of had
5 to move to the right side. And this may
6 have been a tactic or something. I'm sure
7 they had a purpose for it.

8 But everybody moved to the right
9 side, and then they parked kind of around
10 the other group of officers and then formed
11 a -- just kind of formed a barrier, if you
12 will, a soft barrier, not a, you know,
13 impassable barrier. But that seemed to be
14 the purpose of their -- seemed to be their
15 purpose at the time.

16 MR. SHARMAN: All right. Let me
17 ask you about the rubber bullets. And you
18 probably said this, and if you did, forgive
19 me. Did you see any officer, you know,
20 discharge rubber bullets?

21 MR. ROBERTS: Yes, I saw both of
22 the officers who hit me with -- with --
23 they had the orange shotgun-style things.

1 MR. SHARMAN: Okay. And I got
2 kicked off for a little while, so y'all may
3 have gone over this, but were those HPD
4 officers or sheriffs or somebody else?

5 MR. ROBERTS: I believe them to
6 be sheriffs, both the group that was doing
7 the initial push and then the group that
8 was along the courthouse.

9 MR. SHARMAN: Okay. Did you see
10 any other agency or law enforcement
11 officers deploy rubber bullets?

12 MR. ROBERTS: No.

13 MR. SHARMAN: Okay. What about
14 any other, you know, less than lethal
15 munitions, beanbags and the like? Did you
16 see any deployment of any of that?

17 MR. ROBERTS: I'm not -- I'm not
18 sure. I didn't see -- at the time I did
19 not see deployment of beanbags. And again,
20 this was a very crazy environment, you
21 know, so --

22 MR. SHARMAN: Okay.

23 MR. ROBERTS: And I apologize.

1 I'm probably a little fuzzy on a few
2 things, but, you know --

3 MR. SHARMAN: No, that's fine.
4 That is fine.

5 And then just to be clear, the
6 sheriff's department deployed tear gas or
7 what you understood to be tear gas; is that
8 right?

9 MR. ROBERTS: Yes.

10 MR. SHARMAN: Okay. Did they
11 deploy anything else as far as a chemical
12 agent, as far as you know, including, you
13 know, smoke that is, you know, a
14 nonirritating dispersement or anything
15 else?

16 MR. ROBERTS: There may have
17 been. Oh, yeah, there were -- there were
18 definitely flash-bangs. And then, on the
19 1st, there certainly was a smoke canister
20 at first. And then I think there was
21 later -- I think they fired tear gas after
22 that.

23 But on the 3rd, I'm unsure as to

1 whether or not they fired a smoke canister.
2 But there were -- there were multiple
3 flash-bangs that went out on the -- on the
4 3rd.

5 MR. SHARMAN: Okay. And were
6 those flash-bangs deployed by -- well, do
7 you know which agency deployed the
8 flash-bangs?

9 MR. ROBERTS: So it seemed to me
10 that it was all the sheriff's department.
11 And a few of the people who were in that
12 line, also, were the arresting officers,
13 and ended up in the Madison County Jail,
14 which was, to my knowledge -- I mean, I'm
15 not -- I have been fortunate to not have
16 had many run-ins -- or any run-ins with the
17 law, really, but I do think there is a
18 city -- a city jail and then a county jail,
19 and then the sheriffs operate the county
20 jail; is that correct?

21 MS. GUERRIERI: Mr. Roberts,
22 there is just one -- one jail, and that's
23 Madison County.

1 MR. ROBERTS: There is just one?

2 Okay. There is just one jail?

3 MS. GUERRIERI: Yes.

4 MR. ROBERTS: Okay. So, yeah,
5 that would have been -- I thought it -- I
6 thought it was sheriffs, but it could of --
7 I mean, again, it could have been HPD. But
8 hopefully -- hopefully the body cams will
9 sort that out so --

10 MR. SHARMAN: Okay. And I think
11 you said this, I just want to be sure. As
12 far as state troopers, that is ALEA
13 officers, as best you recall, the only --
14 from active involvement you saw -- them
15 engaged in was with the vehicles?

16 MR. ROBERTS: To my knowledge.

17 MR. SHARMAN: Okay.

18 MR. ROBERTS: Yes.

19 MR. SHARMAN: All right. That's
20 great. I appreciate your time. Those are
21 the only follow-ups I have.

22 MS. GUERRIERI: Okay. Do any
23 members of the CAC have questions for

1 Mr. Roberts? If you do, unmute yourself
2 and speak one at a time.

3 Willie Love, do you have a
4 question?

5 MR. LOVE: No, Vicki, I don't
6 have any. I think it's been a very
7 thorough review. All of the questions that
8 I had in my mind were answered.

9 And so I appreciate the patience
10 of Mr. Roberts and the thoroughness of our
11 support of Ms. Huntley and Mr. Sharman.

12 MS. GUERRIERI: Thank you,
13 Willie. Shelly, do you have a question?

14 MS. MCCULLEY: I do have one.
15 He made a comment earlier on about his
16 understanding of the officers taking a
17 knee.

18 Did any of those officers at any
19 point ever make you guys -- leave you with
20 the impression that, by taking a knee, that
21 they were on your side and they would do
22 nothing?

23 MR. ROBERTS: I was never given

1 the impression that they would take a knee,
2 nor would that taking of the knee result in
3 them doing nothing.

4 MS. MCCULLEY: So where did that
5 understanding come from? Because you said
6 that you were -- you had the understanding
7 that, if you could get them to take a knee,
8 that they were in solidarity with you, and,
9 therefore, they would -- they would --

10 MR. ROBERTS: Oh, no. It wasn't
11 a -- it was more of a, you know -- the
12 crowd -- it seemed that we were -- you
13 know, the general feeling of this protest
14 was a search for answers --

15 MS. MCCULLEY: Okay.

16 MR. ROBERTS: -- you know, a
17 search for accountability. And, you know,
18 it would have been nice -- or it would have
19 definitely changed the tone of people if
20 officers had done that action, and it would
21 have just showed some form of
22 understanding, I guess, is -- I can't speak
23 for what exactly would have -- exactly what

1 would have taken place or things like that
2 but -- yeah, and the crowd very well may
3 have remained there. I very well may have
4 remained there. But that would have gone a
5 long way in at least showing some form of
6 understanding, I think, in considering the
7 crowd was searching for answers. That may
8 have eased tensions, although I cannot, you
9 know, expect them to do that either. You
10 know, that's not something that -- you
11 know, it's not like -- I can't demand that
12 of anyone, you know, so it would have to be
13 like a self gesture or something of that
14 nature so --

15 MS. MCCULLEY: Okay. And you
16 said where you were standing, you could
17 hear them ask you-all to leave. How many
18 times did that take place? Was that
19 multiple times you could hear that, or was
20 that just, you know, once or twice?

21 MR. ROBERTS: Yes, as I was at
22 the front of everything, I could hear them
23 ask us to leave a few times.

1 MS. MCCULLEY: Okay. Well, I
2 thank you for your time and your patience
3 with all of us.

4 MR. ROBERTS: Well, thank you,
5 Shelly. Thanks, everyone.

6 MS. GUERRIERI: Okay. Is there
7 anyone else -- anyone else from the CAC
8 have a question?

9 (No response.)

10 MS. GUERRIERI: Then I will ask
11 just one question. Just bear with me,
12 Mr. Roberts. On June the 3rd when you went
13 up the stairs to march around the
14 courthouse, at the time when you were going
15 up to that area, do you recall if there was
16 vehicular traffic on the streets at that
17 time; and if there was, how was that
18 traffic stopped in order to have you be
19 able to march safely?

20 MR. ROBERTS: On the 3rd, I do
21 not recall there being vehicular traffic.

22 MS. GUERRIERI: Okay. So the
23 street maybe was already blocked off at

1 that point or do you recall?

2 MR. ROBERTS: I believe -- I
3 believe so, yes. Yes, I mean, I -- I don't
4 remember any -- any vehicles outside of
5 police and -- and the presence of the
6 barriers, and I don't think people were --
7 I don't recall any passenger vehicles or
8 pedestrian vehicles driving --

9 MS. GUERRIERI: And what about
10 on June the 1st -- what about on June the
11 1st, the same?

12 MR. ROBERTS: My recollection of
13 June the 1st is a little fuzzier in that
14 regard.

15 MS. GUERRIERI: Okay.

16 MR. ROBERTS: I think that --
17 yeah, I couldn't answer concretely about
18 June the 1st.

19 MS. GUERRIERI: Okay. Okay.
20 Well, again, I would like to thank you for
21 the enormous amount of time that you have
22 given to this council today in answering
23 these questions. It's appreciated very

1 much.

2 And I would like to thank our
3 legal counsel who has been very diligent in
4 leading us through this. And, again, I
5 have nothing more.

6 Liz and Jack, are you complete?

7 MS. HUNTLEY: We are done.

8 And, Mr. Roberts, thank you --
9 unless Jack has something -- but thank you
10 so much for taking the time to talk with us
11 and help us understand the facts. That's
12 what the CAC is interested in, the facts.

13 So thank you for taking the time
14 to -- a tremendous amount of time,
15 actually. But you being at both events, it
16 took a little time to sort through that.
17 So I appreciate your patience, you have a
18 good weekend.

19 MR. ROBERTS: You too. Thank
20 you, Ms. Huntley. Thank you, everyone.

21 MS. GUERRIERI: Thank you. We
22 are adjourned.

23 (Whereupon, the interview ended

1 at 1:45 p.m.)
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1 CERTIFICATE

2

3 STATE OF ALABAMA)

4 JEFFERSON COUNTY)

5

6 I hereby certify that the above and
7 foregoing interview was taken down by me in
8 stenotype, and the questions and answers
9 thereto were reduced to computer print
10 under my supervision, and that the
11 foregoing represents a true and correct
12 transcript of the testimony given by said
13 witness upon said interview.

14 I further certify that I am neither
15 of counsel nor of kin to the parties to the
16 action, nor am I anywise interested in the
17 results of said cause.

18 Signed the 26th day of
19 February, 2021.

20

21 /s/ Diana B. Williams, CCR
22 DIANA B. WILLIAMS, CCR
23 Alabama CCR No. 104, Expires 09/30/2021

22

23 Commissioner for the State of Alabama at
Large, Commission expires 04/11/2023