

# Prosecutor in Michael Brown case knowingly presented false testimony favorable to Ferguson cop

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St. Louis County prosecuting attorney Robert P. McCulloch said in a radio interview Friday that he presented testimony he knew to be false before the grand jury weighing charges against Darren Wilson, the police officer who shot unarmed teenager Michael Brown on August 9.

McCulloch's admission underscores the fact that the grand jury proceedings that failed to indict the Ferguson, Missouri cop were a highly manipulated legal fraud, set up from the beginning to exonerate Wilson. Contrary to standard procedure, McCulloch did not call for the grand jury to return any specific charges, but instead shaped the evidence in such a way as to be favorable to Wilson. The predetermined decision not to indict Wilson was then presented as the impartial judgment of a grand jury.

McCulloch made his damning admission after the news outlet the *Smoking Gun* revealed that a key witness in the grand jury was a racist, an open supporter of Darren Wilson, was mentally ill, and had a history of providing perjured testimony.

"This is a lady who clearly wasn't present when this occurred, and she recounted this statement that was right out of the newspaper about Wilson's actions, right down the line," McCulloch told KTRS Radio in St. Louis, "even though I'm sure she was nowhere near the place."

Yet despite this, McCulloch cited her claims in his press conference announcing the grand jury's decision not to indict Wilson, saying that one witness "describes his movement as a full charge."

Right-wing pundits and other media outlets repeatedly cited this testimony, subsequently confirmed to be from 45-year-old Sandra McElroy, to lend

credence to the rigged decision by claiming that the grand jury heard credible evidence substantiating the cop's claim that Brown lunged at Wilson and that he only shot in self-defense.

McCulloch sought to defend his allowance of McElroy's testimony by claiming that he was only attempting to present all of the evidence at hand in an impartial manner. "Early on, I decided that anyone who claimed to have witnessed anything was going to be presented to the grand jury," McCulloch said.

"My job is not to get an indictment," he said. "My job is to seek the truth, and seek justice and do what is right and what's appropriate in there."

In fact, McCulloch did everything to slander and discredit eyewitnesses who provided evidence that Brown was the victim of a cold-blooded police murder. Meanwhile, he concealed the vile bigotry of McElroy and her history of lying to the police.

The following has been brought to light about McElroy:

She acknowledged to prosecutors that she held views that "others consider to be racist." The *Smoking Gun* discovered Internet posts made by McElroy in which she referred to African Americans as "apes," and "monkeys." As the *Smoking Gun* put it, "Next to a clip about the disappearance of a white woman who had a baby with a black man is the comment, 'see what happens when you bed down with a monkey have ape babies and party with them.' A clip about the sentencing of two black women for murder is captioned, 'put them monkeys in a cage.'"

She explained her supposed presence on the scene of Brown's death in two mutually conflicting accounts. She initially told investigators she attempted to make

an unexpected visit to a friend she had not seen for 26 years. In an apparently fabricated journal entry she later provided to the grand jury, she wrote that she would “randomly” visit Ferguson in order “to understand the Black race better so I stop calling Blacks N\*\*\*\*\*s [redaction added].”

McElroy started a Facebook group aiming to raise funds to support officers “that have been dealing with the riots,” which claimed to have made payments to the Darren Wilson Trust Fund.

She was sentenced in 2007 to two felony check fraud charges. That same year, she provided fraudulent statements to police regarding a child abduction case, which officers found to be a “complete fabrication.”

After inviting the witness to present false testimony to the grand jury, McCulloch is now seeking to shield her from perjury charges. “We’re not going to file perjury charges against anyone,” said the prosecutor, even though “There were people who came in and yes, absolutely lied under oath.”

The killing of Brown sparked months of protests in Ferguson and around the country that were met with a militarized police crackdown in which peaceful protesters, reporters and legal observers were subject to tear gas, rubber bullets and mass arrests. The grand jury’s decision not to indict Wilson last month sparked renewed protests, which were suppressed by thousands of police and Missouri National Guard.

John Burton, a police misconduct lawyer in Los Angeles County and a writer for the *World Socialist Web Site*, said, “The fact that this woman’s testimony would get past the prosecuting attorney and be presented to the grand jury just goes to show how the whole process was a legal farce. For a prosecutor to knowingly present perjured testimony is an ethical violation at the least,” Burton said, adding that it may also be a violation of the law.

“The decision as to whether or not to prosecute a case is made by the prosecutor, not by a grand jury. The grand jury is there to protect people from unjust prosecution by requiring the prosecutor to demonstrate that there is probable cause, and they do that by showing the evidence to support the prosecution,” Burton said.

“The fact is that the prosecutor’s office made the decision not to prosecute Wilson, and they manipulated the grand jury process to make it look like an impartial

decision.”



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