

1 other exhibits. They are admitted.

2 You may have a seat. Thank you, sir. I'll
3 keep these.

4 (Whereupon State's Exhibit Nos. 49-52
5 are admitted into evidence.)

6 MS. MITCHELL: Thank you, Judge.

7 THE COURT: We will proceed.

8 MS. MITCHELL: At this time, the State
9 calls John Lisle.

10 THE COURT: Okay.

11 THE BAILIFF: This witness needs to be
12 sworn in.

13 THE COURT: Come forward right here to the
14 witness stand, sir. Please raise your right hand.

15 (Whereupon the witness is sworn by the
16 Court.)

17 THE COURT: You may take the stand.

18 You may proceed when you are ready.

19 **JOHN LISLE,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. MITCHELL:

23 Q. Would you please state your name for the
24 record?

25 A. John Lisle.

1 Q. And, Mr. Lisle, where were you employed in
2 March of 2012?

3 A. Houston Police Department, Gang Division.

4 Q. And how long had you been with the Houston
5 Police Department at that point?

6 A. Oh, about six, seven years.

7 Q. Okay. Are you currently employed with the
8 Houston Police Department now?

9 A. No, ma'am.

10 Q. Where are you employed?

11 A. HEB.

12 Q. Where do you live now?

13 A. Grand Junction, Colorado.

14 Q. I'd like to take your attention to March 26,
15 2012. Were you on duty that day?

16 A. Yes, ma'am.

17 Q. And what were your -- what was your assignment
18 that day?

19 A. I was just proactive policing procedures,
20 patrolling local neighborhoods in southeast Houston.

21 Q. Did you have a partner?

22 A. I did.

23 Q. Who was that partner?

24 A. Armand Schattle.

25 Q. And were you -- did you come into contact with

1 someone you now know as Patrick Sowell's?

2 A. Yes, ma'am.

3 Q. How did you come into contact with him?

4 A. On that particular morning, I think it was
5 about 3:30 in the morning, we were patrolling the parking
6 lot of Hottyz Nightclub at the 9800 block of Westpark.

7 Q. Is that in Harris County, Texas?

8 A. Yes, ma'am. As we were pulling into the
9 parking lot, I was flagged down by a young black male
10 about 25 years of age who told us that somebody had just
11 threatened to kill him and pointed a gun at him.

12 Q. What did you do with that information?

13 A. At that point, we asked him who the person was.
14 My partner and I asked that individual who the person was.
15 And he pointed directly at who I now know to be Patrick
16 Sowell's, and identified him as the individual.

17 Q. Do you see Patrick Sowell's in the courtroom
18 today?

19 A. Yes, ma'am.

20 Q. Would you please identify him by an article of
21 clothing he's wearing?

22 A. The gentleman over here in the jumpsuit, the
23 orange.

24 THE COURT: He's identified the defendant.

25 Q. (By Ms. Mitchell) And, so, once you identified

1 Mr. Sowell, what did you do?

2 A. At that point, believing that he may have a
3 firearm as described, my partner and I exited our patrol
4 vehicle with our weapons drawn and approached him asking
5 him to stop, because at that point he had been backing
6 into a parking space in his vehicle. And his vehicle had
7 begun to roll forward. And we believed that -- it
8 appeared to us at that point that he may be trying to
9 drive away as we were approaching him on the right.

10 Q. Okay. Then what happened?

11 A. At that point, we told him to stop again,
12 pointed our weapons at him because we believed he was
13 being aggressive in the way that he was acting. He turned
14 the key off to his vehicle. While it was still in gear,
15 he let it roll because the parking lot is kind of a hill.
16 He let it continue to roll. And he put his hands up
17 acting like he couldn't stop the vehicle. At that point,
18 Armand, my partner, placed Mr. Sowell in custody. And I
19 had another individual approaching the vehicle at that
20 time, and I dealt with the other individual.

21 Q. At any point, did you search for a weapon?

22 A. Yes, of course. Yes, ma'am.

23 Q. And were you able to locate a weapon?

24 A. Yes, ma'am.

25 Q. Where did you find that weapon?

1 A. Like I said, when we were approaching the
2 scene, Mr. Sowell's had been backing his Chrysler into a
3 parking spot, and that obstructed our vehicle because
4 there was another vehicle next to him. When I searched
5 the area, I actually found a pistol underneath the car --
6 partially underneath that car that he had been backing in
7 next to.

8 Q. Okay. Was it in a place where -- I guess where
9 the defendant could have reached or thrown the gun?

10 A. Yes, ma'am.

11 Q. Okay. How close was he to the gun at that
12 point?

13 A. At the point that we were approaching him and
14 where I recovered the gun, I would say it was within three
15 feet; at least arm's reach.

16 Q. Okay. I'm showing you what has been premarked
17 as State's Exhibit No. 43, No. 44, and 45. Just one
18 minute. And I'm opening State's Exhibit No. 44. Do you
19 recognize these envelopes --

20 A. Yes, ma'am.

21 Q. -- and the bags? And what are they?

22 A. They are the evidence that Officer Schattle and
23 I entered on that night -- or that morning.

24 Q. And what is State's Exhibit No. 43?

25 A. It's a semi-automatic pistol.

1 Q. Okay. And what's State's Exhibit 44?

2 A. I believe that's the magazine clip. That's the
3 magazine from the pistol.

4 Q. And 45?

5 A. The rounds recovered from the magazine that
6 were in the pistol.

7 Q. Okay. Are they in the same or substantially
8 similar condition as they were in on March 26, 2012, when
9 you found them?

10 A. Yes, ma'am.

11 MS. MITCHELL: Pass the witness, Your
12 Honor.

13 THE COURT: Cross?

14 MS. BELL: Briefly, Your Honor.

15 **CROSS-EXAMINATION**

16 BY MS. BELL:

17 Q. Officer, did Patrick ever get out of the car?

18 A. Yes, ma'am.

19 Q. I'm talking about before you approached him and
20 arrested him, did he get out of the car?

21 A. Was he out of the vehicle?

22 Q. Uh-huh.

23 A. Yes, ma'am.

24 Q. Okay.

25 A. He was actually entering the vehicle as we --

1 as the individual who flagged us down, as we entered the
2 parking lot, when he was identified, he was entering the
3 vehicle.

4 Q. Okay. So, he was getting in. He was starting
5 to back into the parking spot?

6 A. Yes, ma'am. He had been standing next to the
7 vehicle and he was getting back in.

8 Q. Okay.

9 MS. BELL: No further questions, Your
10 Honor.

11 THE COURT: All right. Anything else?

12 MS. MITCHELL: That's it, Your Honor.

13 THE COURT: Thank you, sir. You may step
14 down.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: Okay. Next witness, please.

17 MS. MITCHELL: The State calls Armand
18 Schattle.

19 THE COURT: Okay.

20 THE BAILIFF: He needs to be sworn in.

21 THE COURT: He was sworn in yesterday. You
22 are still under oath. You can take the stand.

23 You may proceed when you are ready.

24 **OFFICER ARMAND SCHATTLE,**

25 having been first duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MS. MITCHELL:

3 Q. Would you please state your name for the
4 record?

5 A. Armand Schattle.

6 Q. Officer Schattle, I'm showing you what has been
7 premarked as State's Exhibit Nos. 43, 44, and 45. Do you
8 recognize these?

9 A. Yes, ma'am.

10 Q. What are they?

11 A. The gun we recovered from the scene.

12 Q. And what's 44?

13 A. The magazine that was in the gun -- the bullets
14 that were in the magazine.

15 Q. And did you tag these into evidence?

16 A. I believe I tagged them, but my partner
17 recovered them.

18 Q. And do you see your initials anywhere on the
19 bags?

20 A. Yes. Right here, right here, and then right
21 there.

22 Q. And how did they get to the courtroom today?

23 A. I picked them up from the property room and
24 brought them.

25 Q. And are they in similar or substantially