

1 **OFFICER ARMAND SCHATTLE,**
2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 BY MS. COOPER:

5 Q Can you introduce yourself to the members of
6 the jury, please.

7 A My names Armand Schattle. I'm an officer
8 with HPD.

9 Q How long have you been employed with the
10 Houston Police Department?

11 A A little over eight years now.

12 Q Okay. And did you go through the police
13 academy?

14 A Yes, ma'am.

15 Q Where are you currently assigned?

16 A Mounted patrol.

17 Q What is that?

18 A I patrol downtown on horseback.

19 Q Okay. Back in January of this year, where
20 were you assigned?

21 A The Crime Reduction Unit.

22 Q What's the Crime Reduction Unit?

23 A We're a citywide hot spot unit. Basically,
24 wherever they have an increase in a particular crime,
25 that put us in the area to kind of keep everything

1 down.

2 Q Okay. If you can -- you can adjust that
3 microphone that's in front of you. Just make sure
4 you can speak into it so everyone can hear you.

5 A Right.

6 Q What is a hot -- what do you mean a hot
7 spot?

8 A Basically, we go -- we're a proactive unit
9 that they send us into an area and we just look for
10 bad people doing bad things. We use whatever
11 probable cause we can to pull somebody over, see if
12 they have any, you know, warrants or they're doing
13 anything they shouldn't be doing.

14 Q Okay. And back in January of --
15 specifically, January 16th of 2013, what area of
16 Houston were you assigned to?

17 A Southeast.

18 Q What is in Southeast? What -- what --

19 A Well, Southeast Houston is everything from
20 like -- what is it? Old Spanish Trail South, to -- I
21 don't remember where exactly, but like above 8th.

22 Q Okay.

23 A And we were on Scott Street.

24 Q And what about Scott Street? I mean, was --
25 were you particularly assigned to that street?

1 A No. We were just, you know, randomly
2 driving around seeing what we -- what we can get in
3 to.

4 Q Okay. This area of town that you were
5 assigned to, what about it made it a hot spot area?

6 MR. MAYR: Objection, relevance.

7 THE COURT: Well, that's overruled.
8 What about the area's a hot spot? Go ahead.

9 A It's a known drug location -- numerous drug
10 locations in the area. Large amount of gang
11 activity. I want to say they had -- there -- our
12 specific reason for being down there was like
13 robberies or something. I don't -- I don't --
14 honestly don't remember offhand what the exact reason
15 was.

16 Q (BY MS. COOPER) At some point -- well, what
17 shift were you working?

18 A Day shift.

19 Q What's day shift?

20 A I worked -- I was working 10:00 to 6:00 --
21 10 a.m. to 6:00 p.m. Monday through Friday.

22 Q Okay. Are you in a marked patrol unit?

23 A Yes, ma'am.

24 Q Are you in uniform?

25 A Yes.

1 Q All right. Around what time of the day is
2 it that you make contact with the defendant in this
3 case?

4 A Can I look?

5 Q Yes, absolutely.

6 A 1:15.

7 Q Is this a.m. or p.m.?

8 A P.m.

9 Q Okay.

10 A No. I'm sorry, yeah, 1:15. Yeah.

11 Q 1:15?

12 A I'm sorry.

13 Q Okay. What was it that drew your attention
14 to the defendant?

15 A According to my report, he failed to use his
16 turn signal when changing lanes.

17 Q Okay. So, are you -- you're in your
18 vehicle, are you -- what are you doing? Looking at
19 cars, or --

20 A Yes, ma'am. We would run plates, just, you
21 know, is anybody flags us down, we handle it. Just
22 any -- anything that might be out of the ordinary.
23 Any little traffic violation, you know, we pull
24 people over just to see what they're doing.

25 Q All right. Are there other cars out on the

1 roadway?

2 A Yes, ma'am.

3 Q What kind of street is -- you said you were
4 on Scott Street?

5 A Yes.

6 Q Is that -- that's in Harris County; is that
7 right?

8 A Yes, ma'am.

9 Q What -- what kind of street is this? Like
10 how many lanes?

11 A It's a four-lane street. Two of the lanes
12 go northbound, two of the lanes go southbound. We
13 were in the southbound lanes.

14 Q And what kind of vehicle is the defendant
15 driving.

16 A 2000 Buick LeSabre.

17 Q Okay. So what happens?

18 A We initiated the traffic stop. We pulled
19 into, I believe it was a service station in about the
20 7400 block of Scott Street.

21 Q Let me stop you right there.

22 What did you initiate the traffic stop
23 for?

24 A Failure to use a turn signal when changing
25 lanes.

1 Q All right. And was this unsafe for the
2 other vehicles out on the roadway?

3 A It's a traffic violation. I mean, people
4 could have seen him changing lanes. I'm not going to
5 that it was unsafe, but, I mean, it's still a traffic
6 violation.

7 Q Okay. So you see him change lanes without
8 signaling, conduct a traffic stop.

9 Do you approach the vehicle?

10 A Yes, ma'am.

11 Q And when you approach the vehicle, is the
12 window rolled up or down?

13 A It was rolled down.

14 Q As you're -- do you have someone with you?

15 A Yes, ma'am, my partner, David Stark.

16 Q Okay. When you get out of the vehicle to
17 approach the defendant's vehicle, what do you
18 observe?

19 MR. MAYR: Objection, Your Honor.
20 Reurge the motion. Ask that all of this from this
21 point forward be suppressed?

22 THE COURT: All right. It's overruled.
23 Same ruling.

24 MR. MAYR: And we'd ask for a running
25 objection for all testimony pertaining from this

1 point forward.

2 THE COURT: You may have it. The
3 record will so reflect.

4 MR. MAYR: Thank you.

5 Q (BY MS. COOPER) When you approached the
6 vehicle, which side of the vehicle do you approach?

7 A The driver's side.

8 Q And what do you observe?

9 A I observed the defendant sitting in the
10 driver's seat. We're talking, you know, back and
11 forth. Smelled the odor of marijuana. I asked him
12 to step out of the car and searched him.

13 Q Do you identify the defendant in this case?

14 A Yes, ma'am.

15 Q Is that based on what? Driver's license,
16 verbal?

17 A He -- I don't remember if he had a driver's
18 license, but he told us his name and was straight
19 with his information.

20 Q What did he say his name was?

21 A Hankston, Gareic.

22 Q Okay. And do you recognize the defendant in
23 the courtroom today, as the person you made contact
24 with back on January 16th of 2013?

25 A Yes, ma'am.

1 Q Can you identify him by an article of
2 clothing that he's wearing to the jury?

3 A Gentleman in the black tie and the black
4 suit.

5 MS. COOPER: Your Honor, may the record
6 reflect the witness has identified the defendant?

7 THE COURT: It will so reflect.

8 Q (BY MS. COOPER) When you approach -- or he's
9 got the window rolled down because you smelled an
10 odor of marijuana?

11 A Yes, ma'am.

12 Q Are you familiar with what that smells like?

13 A Yes.

14 Q How?

15 A You know, narcotics came out when we were in
16 the academy and burned some and said this is what it
17 smells like.

18 Q Is there a distinctive smell between burnt
19 marijuana versus just fresh marijuana?

20 A Yes.

21 Q And could you tell whether or not this was
22 burnt marijuana, or...

23 A The smell of burnt marijuana is considerably
24 stronger than just regular marijuana. So it stays
25 in the fabric longer. What we eventually found was a

1 unsmoked, you know, sweeted marijuana. But the car
2 smelled of burnt marijuana. So it stays in the
3 fabric and it's just very, very hard to mask.

4 Q Okay. So you smelled the marijuana, and
5 then what do you -- what do you do from there?

6 A I asked him to step out of the car, and
7 searched his person. My partner had pulled the -- or
8 asked the passenger out of the car and searched his
9 person. And we found a bag with several pills of an
10 unknown substance.

11 Q And where did you -- who found --

12 THE COURT: When you say "we found,"
13 what does that mean?

14 THE WITNESS: Oh, I'm sorry. I found
15 -- I found it in his front right pocket. I'm sorry,
16 I meant "we" as my in my partner and I.

17 Q (BY MS. COOPER) Who found the pills?

18 A I did.

19 Q And where did you find them?

20 A In his front right pants pocket.

21 Q In whose front right pants pocket?

22 A Mr. Hankston.

23 Q Okay.

24 MS. COOPER: May I approach the
25 witness, Judge?

1 THE COURT: You may.

2 Q (BY MS. COOPER) After you go through his
3 pockets and you find the pills, did you find
4 something else in the car?

5 A Yes, ma'am, a swisher of marijuana.

6 Q I want to show you State's Exhibit 139.

7 Do you recognize this?

8 A Yes, ma'am.

9 Q All right. And what is it?

10 A This is -- it's an evidence bag that we use
11 to tag narcotics.

12 Q And is evidence, just like in any other
13 case, was the evidence in this case given an offense
14 report number?

15 A Yes, ma'am. And it corresponds with my
16 report.

17 Q And is every piece of evidence marked with
18 the same offense report number?

19 A It should be, yes.

20 Q Okay. And what's that report number?

21 A 006-20-6713 Sam.

22 Q And I want to show you the contents of
23 State's Exhibit No. 139.

24 And you actually are the one that found
25 the pills in the pocket; is that right?

1 A Yes, ma'am.

2 Q And do you recognize them here in the
3 contents of State's Exhibit No. 139?

4 A Yes, ma'am.

5 Q And then the baggy -- actually, were the
6 pills inside of the Ziplock bag?

7 A Yes.

8 Q And then you can also see what is a
9 marijuana cigar here.

10 Do you recognize that?

11 A Yes, ma'am.

12 Q After you find the pills in the defendant's
13 pocket and the marijuana in the vehicle -- well,
14 where do you find the marijuana in the vehicle?

15 A In the center console of the car.

16 Q Okay.

17 A The console separates the driver and
18 passenger seat.

19 Q Okay. What do you do -- anything else?
20 What do you do after that?

21 A We arrested them for -- arrested the
22 passenger for warrants, and I think he had four or
23 five warrants. And we arrested Mr. Hankston here for
24 the -- what we thought was ecstasy and later tested
25 for -- I can't -- what was name of the other?

1 Q Well, at the time when you arrest him?

2 A We thought it was ecstasy.

3 Q Okay. All right. But there's been testing
4 on it, and you've since found out it was something
5 else, right?

6 A Yes, ma'am.

7 Q Okay. Is there -- who was the passenger in
8 the vehicle?

9 A It was a Mr. Davis, Qualyn (phonetic) Davis.

10 Q And does the -- do you -- at that point,
11 were you aware that the defendant was on bond for
12 murder?

13 A I don't believe so. I honestly can't
14 remember, you know, if we had that conversation. But
15 I don't think we saw anything on the -- when we ran
16 him, that he was arrested and on bond for murder.

17 Q Okay. Anything else that you did when you
18 arrest the defendant for possession of a controlled
19 substance?

20 A No, ma'am.

21 Q Was there -- without going into the specific
22 test, was there a field test that was done on the
23 pills out at the scene?

24 A Not at the scene. We took those back --

25 THE COURT: That's the question. At

1 the scene, that was the question.

2 THE WITNESS: No, ma'am, not at the
3 scene.

4 Q (BY MS. COOPER) Okay. At some point, was
5 there a field test done on the pills?

6 A Yes.

7 Q Okay. And based on that, was he arrested
8 and charged with possession of a controlled
9 substance?

10 A Yes.

11 MS. COOPER: I pass the witness.

12 THE COURT: All right. Any questions?

13 **CROSS-EXAMINATION**

14 BY MR. MAYR:

15 Q Good afternoon, Officer Schattle. I just
16 have two questions.

17 A Yes, sir.

18 Q First of all, when you came into contact
19 with my client, did he appear to be impaired or under
20 the influence of any of those substances?

21 A No, sir.

22 Q And when you arrested him, he was
23 cooperative with you? He wasn't disruptive, fought
24 with you or anything else like that?

25 A No, sir.

1 MR. MAYR: No further questions, Your
2 Honor.

3 THE COURT: All right. Anything else?

4 MS. COOPER: No, Your Honor.

5 THE COURT: May Officer Schattle be
6 excused?

7 MS. COOPER: Yes, Judge.

8 THE COURT: Counsel?

9 MR. MAYR: We have no objection.

10 THE COURT: You're free to go. Thank
11 you, sir.

12 What says the State?

13 MS. COOPER: State calls Ahtavea
14 Barker.

15 THE COURT: All right.

16 THE BAILIFF: She has not been sworn,
17 Judge.

18 THE COURT: All right. Thank you.

19 Good afternoon, Ms. Barker.

20 THE WITNESS: Good afternoon.

21 THE COURT: Raise your right hand,
22 please.

23 (Witness sworn.)

24 THE WITNESS: Yes.

25 THE COURT: Feel free to adjust the

1 chair and the microphone, and answer the questions as
2 directly as you can. Also the Rule has been invoked.
3 You know about that, right?

4 THE WITNESS: Yes.

5 THE COURT: All right. You may
6 proceed.

7 **AHTAVEA BARKER,**
8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 BY MS. COOPER:

11 Q Can you introduce yourself to the members of
12 the jury, please.

13 A Hi, my name is Ahtavea Barker.

14 Q And where are you employed at?

15 A I'm employed by the City of Houston Police
16 Department crime laboratory.

17 Q Can you tell the members of the jury about
18 your education and training?

19 A Sure. I earned my bachelor's of science
20 degree in chemistry from Texas Southern University.
21 I have about four and a half months of training with
22 the HPD crime lab, specifically identifying
23 controlled substances.

24 I trained with the Drug Enforcement
25 Administration, as well as various other forensic