

**DIRECT EXAMINATION**

1  
2 BY MS. MITCHELL:

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

5 A. Sergeant Stephanie Wilson.

6 Q. Where are you currently employed?

7 A. Houston Police Department.

8 Q. How long have you been with the Houston Police  
9 Department?

10 A. Twenty years.

11 Q. And what is your current assignment?

12 A. I'm currently assigned to the auto theft  
13 division.

14 Q. Were you assigned to that division back in  
15 March of 2012?

16 A. No, I was not.

17 Q. Where were you assigned?

18 A. Robbery division.

19 Q. Okay. I'd like to take your attention to a  
20 case that you were assigned involving Patrick Sowell and  
21 Joshua Johnson. Do you remember that case?

22 A. Yes.

23 Q. How did that case come to you?

24 A. I was assigned that case for follow-up  
25 investigation to attempt to obtain possible surveillance

1 video.

2 Q. Do you know the date of that offense? Was it  
3 March 23rd, 2012?

4 A. Yes, ma'am, it was.

5 Q. Whenever you were assigned that case, did you  
6 have any sort of descriptions of the suspects, or any sort  
7 of car that they were driving?

8 A. Yes, I did.

9 Q. And what did you do with that information?

10 A. To make a long story short --

11 THE COURT: Thank you.

12 A. The description of the vehicle -- I'd been  
13 doing some research to try to -- I ran some different case  
14 numbers and found a vehicle matching that description that  
15 was involved in another case.

16 Q. (By Ms. Mitchell) And what was that vehicle's  
17 description?

18 A. It was a Chrysler 300.

19 Q. Was there a specific color?

20 A. My complainants described it as tan or brown.

21 THE COURT: Let me interrupt real quick  
22 because it's just me and there's no jury here. You  
23 can go ahead and say whatever it is that I need to  
24 know in order to resolve this. Okay? In other  
25 words, the Motion in Limine, that's for a jury, not

1 for me. So, let's proceed.

2 Q. (By Ms. Mitchell) So, you had the description  
3 as a tan, or a brown, gold Chrysler 300, correct?

4 A. Yes.

5 Q. And, so, once you ran, I guess, the car through  
6 the system, or ran the case numbers, what did you find?

7 A. I found a vehicle matching the description a  
8 patrol officer had located in an apartment complex; that  
9 it was a suspicious vehicle call, and there was a pistol  
10 left in the floorboard, and the vehicle had been  
11 abandoned. The officer had done an inventory of the car  
12 with paperwork and names and stuff attempting to find the  
13 owner of the vehicle but was unable to.

14 Q. Do you know if he found any sort of paperwork  
15 in the car?

16 A. Yes. He found an insurance card, a City of  
17 Houston Police Department citation, and some other  
18 miscellaneous paperwork.

19 Q. Okay. And in whose name was that Houston  
20 traffic ticket?

21 A. Patrick Sowell.

22 Q. And did you do anything with that information?

23 A. Yes. I ran his information through the system  
24 to see if he had any people that had been known associates  
25 to see what his criminal history was like, to see if he

1 was even -- could possibly be involved in any type of  
2 robbery, or have a criminal history that would lead me to  
3 believe he could be possibly involved in a robbery.

4 Q. Okay. And did you find anything?

5 A. Yes, I did.

6 Q. What did you find?

7 A. He had a previous prior arrest for robbery, and  
8 he also had a prior murder charge.

9 Q. Okay. Did you see that he had been arrested  
10 recently?

11 A. Yes.

12 Q. And how recently was it?

13 A. I think it was within two or three days of my  
14 complainant's -- my complainant's carjacking.

15 Q. Okay. And do you know if the car was towed in  
16 that incident?

17 A. Yes, I found that the car was towed to a  
18 storage lot.

19 Q. And what kind of car was towed?

20 A. It was a gold Chrysler 300.

21 Q. Did you make any attempts to go out to the  
22 storage lot to look at the car?

23 A. Yes. Myself and my partner drove out to the  
24 storage lot to see if the vehicle was still there.

25 Q. Was it?

1 A. Yes, it was still there.

2 Q. Did it have any sort of plates on it?

3 A. It had a paper plate.

4 Q. Were you able to determine who the owner to be  
5 from the paper plate?

6 A. No, everything was expired.

7 Q. What did you do next?

8 A. We obtained the keys from the storage lot and  
9 opened the vehicle to see if we could obtain any more  
10 objects out of the car to try to find the owner.

11 Q. Did you find any information that could lead  
12 you to believe -- or lead you to the owner?

13 A. We found several pieces of paper with different  
14 names all over it. There were multiple different names.  
15 So, we really didn't know what we had found until we go  
16 back to the office and start making phone calls and run  
17 people.

18 Q. Did you find anything else in the vehicle that  
19 may have been taken in the robbery?

20 A. Yes, we found what I believe to be my  
21 complainant's car keys to the Infinity that was stolen  
22 during the carjacking.

23 Q. Did you find anything else?

24 A. Yes, a gold necklace with a gold cross on it  
25 that I believe was one of the other complainant's in my

1 case, the necklace that was reported stolen.

2 Q. Were you able to determine the owner of the car  
3 from that search?

4 A. No, not really. We believe it may have been  
5 purchased by one person, but was actually owned by  
6 Mr. Sowell.

7 Q. Okay. Well, let's say that Mr. Sowell had  
8 gone to that storage lot and tried to get that car out of  
9 the impound lot, would he have been able to?

10 A. Depends on the storage lot. They may have  
11 released it to him if he came up with some sort of  
12 registration or any type of paperwork with his name on it.

13 Q. Okay. But at that point, you still didn't know  
14 who the car truly belonged to?

15 A. Right. We still did not know exactly who the  
16 actual owner of the car was.

17 Q. Did you show the complainants in your case the  
18 property that was recovered?

19 A. Yes, I did.

20 Q. And were they able to identify it as theirs?

21 A. Just the one complainant.

22 Q. Just Mr. Abdlahi?

23 A. Yes.

24 Q. And, so, he was able to say that those keys  
25 were his and the necklace was his friend's?

1 A. Yes.

2 MS. MITCHELL: Past the witness, Your  
3 Honor.

4 THE COURT: Cross?

5 MR. STILL: Yes, sir.

6 **CROSS-EXAMINATION**

7 BY MR. STILL:

8 Q. Is it Sergeant Wilson?

9 A. Yes, sir.

10 Q. Just basic things. You did not have a warrant  
11 to search that vehicle; is that correct, at the impound  
12 lot?

13 A. Correct.

14 Q. And the search at the impound lot would have  
15 been on what, March 29th of 2012; is that correct?

16 A. The date sounds correct, yes.

17 Q. You only searched that Chrysler 300 one time;  
18 is that right?

19 A. Yes.

20 Q. And you didn't have a warrant to do that,  
21 correct?

22 A. I already said that.

23 Q. That's right. Now, in terms of Mr. Sowell's  
24 vehicle, you said you believed it belonged to Mr. Sowell's;  
25 is that correct?

1 A. Afterwards, yes.

2 Q. Well, let's talk about that. You actually  
3 interrogated Mr. Sowell's at some point after his arrest;  
4 is that correct?

5 A. Correct.

6 Q. And he did tell you that it was his car,  
7 correct?

8 A. Yes.

9 Q. Now, you were also aware of additional cases  
10 Mr. Sowell's picked up after you searched that vehicle; is  
11 that correct?

12 A. What do you mean after?

13 Q. Well, you're aware that he also has an evading  
14 in a motor vehicle and felon in possession of weapon case  
15 where he was driving the gold Chrysler 300 from April 19th  
16 of 2012; is that correct?

17 A. I believe that's when he was arrested on the  
18 warrant that I filed, correct?

19 Q. That is correct.

20 A. Yes.

21 Q. Where the task force was looking for him and  
22 they arrested him, correct?

23 A. Yes.

24 Q. And he was driving that very same car that you  
25 searched; is that correct?

1           A.       I believe he was. I don't know. I wasn't  
2 involved in the arrest.

3           Q.       If you were able to look at that police report  
4 and compare it with the numbers, would you be able to tell  
5 us definitively if it was the same car?

6           A.       I guess if they put the vin number he was  
7 driving, yes.

8                   MR. STILL: May I approach the witness,  
9 please?

10                  THE COURT: Yes, sir.

11                  THE COURT: And if you could direct in the  
12 police report where you are referring to the --

13                  MR. STILL: Yes, sir.

14           Q.       (By Mr. Still) Sergeant Wilson, I'm showing you  
15 an HPD offense report number 049324712N, as in Nancy, and  
16 that's from April 19th of 2012; is that correct?

17           A.       Yes.

18           Q.       And if you can please compare this vin number  
19 on this report to the vin number that you recorded for  
20 searching that car, or whoever recorded for searching that  
21 car, I would appreciate it.

22           A.       (Witness complies.)

23                   MR. STILL: May I approach, Your Honor,  
24 again?

25                  THE COURT: You may.

1 Q. (By Mr. Still) Sergeant Wilson, I want to help  
2 you along with this information. I'm going to also show  
3 you what's been marked as HPD incident No. 037749112J, as  
4 in jail. This is the incident from the March 26th, 2012,  
5 arrest at the Hottyz Club; is that correct?

6 THE COURT: From the what club?

7 MR. STILL: Hottyz Club, Your Honor,  
8 H-o-t-t-y-z.

9 THE COURT: That's what I thought you said.

10 A. It appears to be, yes.

11 Q. (By Mr. Still) Let's compare the vin numbers,  
12 please, from these reports, from the April 19th arrest and  
13 from this arrest on March the 26th at Hottyz Club. I just  
14 want to make sure they are the same.

15 A. Yes, they're the same.

16 Q. Thank you very much. Sergeant Wilson, Houston  
17 police officers that choose to impound a vehicle after an  
18 arrest, they follow procedures set forth by the Houston  
19 Police Department about inventory; is that right?

20 A. I'm sorry, say that again.

21 Q. Yes. Houston police officers who impound  
22 vehicles follow procedures when they have a vehicle towed  
23 after an arrest; is that correct?

24 A. Yes.

25 Q. And what this is doing is they inventory the

1 vehicle at the time before the tow so the Houston Police  
2 Department can make sure that the items in the car are  
3 safeguarded; is that correct?

4 A. Correct.

5 Q. And when you searched the vehicle, the Chrysler  
6 300 in question here, on March 29, 2012, do you agree with  
7 me that an inventory search of that vehicle had already  
8 been done at the time of the arrest; is that correct?

9 A. That's fair to say, yes.

10 Q. And, so, you were just basically looking for  
11 evidence during your search; is that right?

12 A. No, I was not looking for evidence.

13 Q. Well, you would agree with me --

14 A. I was looking for information about the car.

15 Q. Well, you searched the entire car; is that  
16 correct?

17 A. Yes.

18 Q. And you seized evidence when you laid your eyes  
19 upon it; is that correct?

20 A. It turned out to be, yes.

21 Q. So, you would agree with me that this was in  
22 fact -- you were looking for evidence, correct?

23 A. That was not really the thought process when I  
24 began the whole -- looking at the car.

25 Q. Well, it certainly turned into that once you

1 seized items, correct?

2 A. Yes.

3 MR. STILL: Pass the witness, Your Honor.

4 THE COURT: All right. Thank you.

5 Anything else?

6 MS. MITCHELL: Just to clear a couple of  
7 things up.

8 **REDIRECT EXAMINATION**

9 BY MS. MITCHELL:

10 Q. So, you searched the car around March 29, 2012?

11 A. I don't know the exact date.

12 Q. Approximately?

13 A. Yes.

14 Q. And then the arrest -- whenever you finally got  
15 a statement from the defendant, that was April 19, 2012,  
16 correct?

17 A. Yes. It was sometime later, yes.

18 Q. Okay.

19 MS. MITCHELL: Pass the witness.

20 THE COURT: Mr. Still.

21 MR. STILL: One more thing I want to clear  
22 up. I'm sorry for --

23 THE COURT: It's okay.

24 **RECROSS-EXAMINATION**

25 BY MR. STILL:

1 Q. Sergeant Wilson, for the robbery you  
2 investigated, that was for March 23rd, and also the  
3 robbery that occurred on March the 25th with Complainant  
4 Deberry, a licensed plate number and a vin number were not  
5 provided by any of the witnesses in those cases; is that  
6 correct, for the Chrysler 300 suspect vehicle?

7 A. That's correct.

8 MR. STILL: That's all I have, Your Honor.

9 THE COURT: Okay. Thank you. You may step  
10 down.

11 Call your next witness, please.

12 MS. MITCHELL: It should be Armand  
13 Schattle, but I'm not sure if he's here yet. I  
14 haven't had a chance to check.

15 THE COURT: He's not present yet?

16 MS. MITCHELL: He's not present yet.

17 THE COURT: We will take a recess until  
18 that witness gets here. That's the only other  
19 witness you're going to call, correct?

20 MS. MITCHELL: Yes.

21 (Whereupon the Court stood in a brief  
22 recess.)

23 THE COURT: Let's proceed. Raise your  
24 right hand.

25 (Whereupon the witness is sworn by the

1 Court.)

2 THE COURT: Come forward. Let's proceed.

3 **OFFICER ARMAND SCHATTLE,**

4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 BY MS. MITCHELL:

7 Q. Would you please state your name for the  
8 record?

9 A. Armand Schattle.

10 Q. Where are you currently employed?

11 A. Houston Police Department.

12 Q. How long have you been with the Houston Police  
13 Department?

14 A. About nine years.

15 Q. What is your current assignment?

16 A. HPD mounted patrol.

17 Q. Were you with mounted patrol in March of 2012?

18 A. No, I was with the crime reduction unit.

19 Q. Okay. And I'd like to take your attention to  
20 March 26, 2012. Were you called out to a location called  
21 Hottyz Nightclub?

22 A. We weren't called out. We were driving through  
23 the parking lot and flagged down.

24 Q. And what were you flagged down about?

25 A. Robbery, assault with a weapon. The guy just