

**413TH DISTRICT COURT
JOHNSON COUNTY, TEXAS**

STATE OF TEXAS

v.

DARIO EMMANUEL SANCHEZ

CAUSE No. DC-F202500792

**MOTION TO EXCLUDE TESTIMONY OF JOHN THOMAS OR, IN THE ALTERNATIVE, TO
COMPEL STATE TO COMPLY WITH BASIC DISCOVERY OBLIGATIONS**

TO THE HONORABLE JUDGE BOSWORTH:

Now comes Dario Sanchez, Defendant, and moves the Court to exclude the testimony of John Thomas, or, in the alternative, to compel the state to comply with its discovery obligations.

I.

Defendant has filed at least five discovery requests and three motions to compel. In his first request for discovery filed on September 2, 2025, Defendant generally requested all exculpatory, impeaching, and mitigating evidence. In several subsequent requests, Defendant specifically requested all “information reflecting any promises, agreements, threats, offers, or inducements of any sort provided or extended to John Philip Thomas at any time during the investigation in this case.” *See* Suppl. Discovery Requests filed Sept. 10, Oct. 15, and Oct. 24, 2025.

To date, the state has not disclosed—and the defense was previously unaware of—any information regarding any such inducements.

But the same John Thomas, on March 6, 2026, testified in the trial of the federal criminal case related to the event that ultimately spawned this state prosecution. There—with ADA Christy May in the courtroom watching—John Thomas testified to the effect that he expects Johnson County to dismiss his state charges in exchange for his testimony.

II.

Prosecutors have freestanding constitutional, statutory, and ethical duties to disclose, without request or any prompting at all, information favorable to the accused. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *United States v. Bagley*, 473 U.S. 667, 682 (1985); *Kyles v. Whitley*, 514 U.S. 419, 432–34 (1995); U.S. CONST. amend. V, VI, XIV; TEX. CONST. art. 1, §§ 10, 13, 19; TEX. CODE CRIM. PROC. art. 39.14(h); TEX. DISCP. R. PROF’L COND. 3.09(d). Impeaching information is favorable to the accused. *E.g.*, *Bagley*, 473 U.S. at 676. For years, courts have repeatedly held that the government’s suppression of inducements to testify violates Due Process. *E.g.*, *Wearry v. Cain*, 577 U.S. 385, 394, 396 (2016); *Giglio v. United States*, 405 U.S. 150, 152–53, 154–55 (1972); *United States v. Dvorin*, 817 F.3d 438, 451 (5th Cir. 2016); *Tassin v. Cain*, 517 F.3d 770, 777 (5th Cir. 2008) (disclosure of “understanding” required even where it was “not a ‘firm promise’”); *Granger v. State*, 683 S.W.2d 387, 389 & n.1 (Tex. Crim. App. 1984) (disclosure required even where agreement was “a tacit one”). And when prosecutors violate these disclosure duties, trial courts have wide discretion to fashion sanctions, such as excluding evidence. *State v. Heath*, 696 S.W.3d 677, 707–08 (Tex. Crim. App. 2024).

III.

Here, even though it is not required to trigger disclosure, Defendant has *repeatedly* requested information about any agreements with this specific witness. But in spite of both their freestanding duty *and* repeated requests, prosecutors have suppressed an apparent agreement to dismiss or not prosecute John Thomas’s state criminal charges as a reward for his testimony.

John Thomas is a witness in Defendant’s case. He is, in fact, the state’s most important witness because he is the only person whose testimony could possibly establish any requisite *mens rea* and

the only witness who has implicated Defendant in *anything* supposedly related to the Prairieland event.

In addition to his importance as a witness, he also stands to avoid extraordinary felonies. For context, Thomas is the person who admittedly smuggled Benjamin Song from Alvarado to Dallas, sheltered Song for at least one night after, and even personally purchased part of Song's disguise. Oddly, despite his extreme level of involvement, Thomas has not been booked on state charges.³

Although Thomas currently has no state charges, other conspirators' charges shed light on his exposure. Lynette Sharp and Susan Kent, for example, assisted Thomas in planning and executing the smuggling of Song out of Alvarado on July 5. In addition to federal crimes, both Sharp and Kent have pending state charges of Hindering Prosecution of Terrorism, a 15-year-*minimum* first degree felony, *see* TEX. PENAL CODE §§ 76.04(b), 76.02(b)(2), 22.02(b)(2)(B), and Engaging in Organized Criminal Activity – Smuggling of Persons, also a first degree felony, §§ 71.02(b), 20.05(a)(1)(B), 20.05(b)(1)(E). Suffice to say that John Thomas has quite a lot to gain by avoiding this hefty criminal exposure.

So an agreement allowing John Thomas to do just that—completely avoid prosecution for very punitive felonies—in exchange for his testimony would accordingly make his credibility a *vital* issue in Defendant's trial.

³ As part of a plea agreement under which he would receive a sentence of no longer than 15 years, John Thomas pled guilty to the federal crime of Providing Material Support to Terrorists, 18 U.S.C. § 2339A. *See* Plea Agreement & Factual Resume, ECF Nos. 92 & 94, in *United States v. Baumann et al.*, Case No. 4:25-cr-00282-P-6 (N.D. Tex.).

IV.

The prosecution is therefore in violation of its basic constitutional duty to disclose favorable evidence. And this is not an isolated incident. Defendant has been forced to file *three* previous motions to compel in this case, whereas the ordinary case typically requires *no* motions to compel. Given the gravity and nature of this violation and proximity to trial, the Court should exclude John Thomas's testimony at Defendant's trial.

V.

In the alternative, the Court must compel the state to comply with its discovery obligations and, in the event the state fails to comply with the Court's order, exclude John Thomas's testimony and order the state's attorneys to show cause why they should not be held in contempt.

CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays this Honorable Court:

1. Enter an order excluding John Thomas's testimony from Defendant's trial; or, in the alternative,
2. Enter an order compelling Johnson County District Attorney's Office to provide the requested discovery;
3. Set this matter for a hearing for Johnson County Criminal District Attorney's Office to show cause why it has not provided the material; and
4. If Johnson County District Attorney's Office persists in refusing to comply with proper discovery requests, exclude the witness's testimony at trial, *State v. Heath*, 696 S.W.3d 677, 708 (Tex. Crim. App. 2024); or
5. Alternatively, hold Johnson County District Attorney's Office in contempt of court for violation of its discovery obligations until it complies with the same.

Respectfully submitted April 13, 2026:

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ATTORNEYS FOR DARIO SANCHEZ

CERTIFICATE OF SERVICE

I certify that today, April 13, 2026, a copy of the foregoing was served on the Johnson County District Attorney's Office by efilng.

/s/ Dustin G. Hoffman
Dustin G. Hoffman

Automated Certificate of eService

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Motion to Compel - placed in 413th court box

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