

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS**

I, **Traffic Inv. Juan M. Flores #368**, do solemnly swear that I have good reason to believe, and do believe and charge, there heretofore, on the **29th Day of June 2024** in the County of Hidalgo and State of Texas, **Jose Osvaldo Sanchez DOB 10/08/2005**, hereinafter called **Defendant**, did then and there by criminal negligence, cause the death of an individual, **Anastacio Martinez Jr. DOB 06/25/1972**, by means of **Changing lanes unsafely**, In Violation of the Texas Penal Code Section 19.05 **Criminal Negligent Homicide, a State Jail Felony.**

**Probable Cause:**

On Saturday, June 29, 2024 at approximately 0901hrs, Officer Daniel Munguia #746 was dispatched to the area of 2605 West IH 2 in reference to a major accident later reclassified as a fatal accident. Officer Munguia said he arrived to see a red 2013 Fiat Passenger car displaying TX LP's RMJ-7634 with heavy damage facing against traffic on west frontage road east bound lanes. Officer Munguia said he observed a male subject walking away from the vehicle and proceeded to make contact with him. Officer Munguia said he made contact with the driver of the Fiat identified Jose Osvaldo Sanchez (DOB 10/08/2005) who informed him that he was traveling eastbound on the outside lane of travel of Interstate Highway 2. Mr. Sanchez said he was "behind another slower vehicle" and activated his left turn signal to change lanes to the middle lane. Mr. Sanchez said he looked to his left and used his left side mirror prior to changing lanes and did not see any vehicles on the lane he was planning to move to. Mr. Sanchez said after checking his blind spot he changed lanes and was struck by someone causing him to roll over.

At about 10:50hrs, Traffic Inv. Samuel Ybarra #597 proceeded to McAllen Medical where he made contact with Mr. Sanchez to inquire more about the crash. Mr. Sanchez informed him that he was traveling on the outside lane of travel and he was heading to work. Mr. Sanchez said he goes in at 9:00AM. Mr. Sanchez said that the other vehicle and his vehicle were both traveling at about 40mph. Mr. Sanchez wasn't sure what the posted speed limit for the expressway is. Mr. Sanchez also said he was running late for work. Mr. Sanchez said he looked to make sure no one was on the middle lane and checked his side mirror. Mr. Sanchez said he turned on his turn signal and waited 3 seconds before switching lanes. Mr. Sanchez said he changed lanes, then felt the impact that caused his vehicle to be pushed to the right and rolled over. Mr. Sanchez was asked if he has a valid Texas Driver License and said he did not.

On Monday, July 1, 2024 at approximately 1143hrs, I Traffic Inv. Juan M. Flores #368 proceeded to view video from Junior's Tire Shop located at 2609 West IH2 which shows the crash as it occurs. On the video I was able to see Mr. Sanchez's red Fiat traveling on the outside lane of travel and the white Freightliner tractor, in combination with a trailer, on the middle lane of travel. I also observed a small white pickup truck traveling in approximately 80 to 100 yards in front of Mr. Sanchez vehicle. No other vehicle, nor debris, was seen in front of Mr. Sanchez's vehicle to cause him to change lanes right away as he mentioned to Officer Munguia and Inv. Ybarra. Mr. Sanchez **Changed lanes when unsafe**, in violation of Texas Transportation Code 545.060 (a)(2) which states an operator may not move from lane unless that movement can be made safely. Mr. Sanchez actions caused his vehicle to collide onto the white Freightliner Tractor Trailer displaying TX LP's R591099 driven by Anastacio Martinez Jr (DOB 06/25/1972).

On Tuesday, July 2, 2024 at approximately 1630hrs, I proceeded to review the Freightliner's dashcam where it shows that the red Fiat drove out of its lane and into the Freightliner's lane of travel causing the crash. I also review the Safety Incident Report provided by Servando Reyna, REGA trucking Company Owner, which states that the Freightliner's GPS monitoring device shows that the tractor was traveling at a constant 66mph just prior to the crash. In the dashcam video, the Fiat can be seen in the outside lane of travel, traveling at a slower speed than the Freightliner. The Fiat is shown weaving with in its lane of travel prior to changing lanes from the right lane to the middle lane of travel. The Freightliner is on the middle lane and is seen coming up to the left side of the Fiat at a constant speed. The Fiat, who is still traveling at slower speeds on the outside lane, is then seen activating its turn signal. The Fiat then changes lanes onto the middle lane, still driving at slower speed than the Freightliner causing it to get struck by the front fender and front right tire of the tractor. The action of changing lanes performed by the Fiat driver were not consistent with an experienced, licensed, driver and were unnecessary as there was an open lane of travel in front of him. The actions of the Fiat driver cause a substantial and unjustifiable risk and the failure to perceive that risk as contrary a reasonable and ordinary driver would make as it changed lanes maintaining the same speed. The Fiat caused the Freightliner driver to lose control of his vehicle and eventually redirect to the right, leaving the roadway and crashing onto an empty residence location. First responders made every effort to extract the driver from inside the tractor but were unsuccessful. It was later learned that Anastacio Martinez Jr. died upon impact with the residence from injuries sustained resulting from the crash. Dr. Norma Jean Farley ruled the Cause of Death as multiple traumatic injuries with possible mechanical (traumatic) asphyxia.

**Against the Peace and Dignity of the State**

 #368  
 Complainant

Sworn To and Subscribed Before Me This 3<sup>rd</sup> Day of July A.D., 2024



  
 Judge, Municipal Court, Mission, Tx.

Cause 6184015

**WARRANT OF ARREST MUNICIPAL COURT**

|                    |  |
|--------------------|--|
| THE STATE OF TEXAS | X  |
| COUNTY OF HIDALGO  | X THE STATE OF TEXAS TO THE CHIEF OF<br>X POLICE MARSHALL OR ANY POLICEMAN |
| CITY OF MISSION    | X IN MISSION, TEXAS<br>X   |

GREETINGS: WHEREAS, COMPLAINT UNDER OATH IN WRITING HAS BEEN MADE BEFORE ME, CHARGING THAT IN THE CITY OF MISSION, COUNTY OF HIDALGO, AND STATE OF TEXAS, ON THE 29th DAY OF JUNE 2024, JOSE OSVALDO SANCHEZ, DID COMMIT THE OFFENSE OF CRIMINAL NEGLIGENT HOMICIDE WHICH IS A STATE JAIL FELONY UNDER TEXAS PENAL CODE SECTION 19.05, CONTRARY TO THE STATUTES IN SUCH CASES MADE AND PROVIDED, AND AGAINST THE PEACE AND DIGNITY OF THE STATE AND AGAINST THE ORDINANCES OF THE CITY OF MISSION, TEXAS.

THESE ARE THEREFORE TO COMMAND YOU TO ARREST THE SAID JOSE OSVALDO SANCHEZ. AND BRING HIM BEFORE THE JUDGE OF THE MUNICIPAL COURT IN THE CITY OF MISSION, TEXAS TO ANSWER SAID COMPLAINT. HEREIN FAIL NOT, BUT DUE SERVICE AND RETURN MAKE OF THIS WRIT AS THE LAW DIRECTS.

WITNESS MY SIGNATURE AND SEAL OF OFFICE THIS 3<sup>rd</sup> DAY OF JULY A.D., 2024



*[Handwritten Signature]*

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