

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

STATE OF TEXAS

v.

DARIO EMMANUEL SANCHEZ

CASE No. DC-F202501244

SECOND MOTION TO QUASH/DISMISS INDICTMENT

TO THE HONORABLE JUDGE BOSWORTH:

Now comes Dario Emmanuel Sanchez, Defendant, and moves this Court to quash and dismiss the indictment, and in support thereof would show the Court the following:

I.

Defendant was originally indicted on August 28, 2025 in Cause No. DC-F202500792. That indictment contained two counts—one of “hindering prosecution of terrorism” and the other of tampering with physical evidence. On December 10, 2025 the state obtained another indictment, which was assigned the above cause number, which also contains two counts. For the following reasons, the new indictment must be quashed.

II.

Count One states that Defendant:

with intent to hinder the arrest or prosecution of John Thomas or Benjamin Song for an offense under Section 76.02 of the Texas Penal Code, namely committing or conspiring to commit aggravated assault with a deadly weapon on a public servant, did provide or aid in providing John Thomas or Benjamin Song with the means of avoiding arrest, or provide or aid in providing Benjamin Song with the means of effecting escape, or tamper with physical evidence, namely digital chat logs and/or digital group identifying information, which might aid in the discovery or apprehension of John Thomas or Benjamin Song[.]

Count One is still incomprehensible and fails to put Defendant on notice of the offense or offenses against which he must defend.

It still seems to allege conduct under Penal Code § 76.04—“Hindering Prosecution of Terrorism.” That statute reads in relevant part as follows:

- (a) A person commits an offense if, with intent to hinder the arrest or prosecution of another for an offense under Section 76.02, the person:
 - (2) provides or aids in providing the other with any means of avoiding arrest or effecting escape; or
 - (4) tampers with any physical evidence that might aid in the discovery or apprehension of the other.
- (b) An offense under this section is of the same degree as the offense under Section 76.02 or 76.03 for which the person committed the act described by Subsection (a).¹

The statute, and Count One, incorporates § 76.02 (“Terrorism”).

Section 76.02, Terrorism, reads in relevant part:

- (a) A person commits an offense if the person:
 - (1) commits or conspires to commit an offense under:
 - (E) Section 22.02; and
 - (2) commits or conspires to commit that offense with the intent to:
 - (A) intimidate or coerce the public or a substantial group of the public; or
 - (B) influence, by intimidation or coercion, the policy, conduct, or activities of this state, a political subdivision of this state, or the United States.

Count One fails to notify Defendant which type of “terrorism” John Thomas and/or Benjamin Song allegedly committed or conspired to commit. It fails to notify Defendant what “means” he provided to avoiding arrests or effecting escapes. It attempts to charge multiple offenses in a single count in violation of Texas Penal Code § 21.24.

¹ For ease of reading, ellipses (for omitted text) and brackets (for adjusted punctuation) have been omitted from this quoted statute and from Section 76.02, which is quoted next.

III.

Count Two fails to charge tampering with physical evidence. The State alleges “digital evidence” (Signal/Discord chat logs/group identifiers), but digital data has no material, corporeal existence and therefore cannot be “physical” evidence. “Physical” means material or having tangible, bodily form—i.e., “of or pertaining to matter; material.” *Physical*, Black’s Law Dictionary 1431 (11th ed. 2019); *see also Physical*, Merriam-Webster Dictionary (“having material existence: perceptible especially through the senses”). Because the pleading targets intangible information rather than a tangible “record, document, or thing,” it does not allege an offense under Texas Penal Code § 37.09(a)(1) and fails to give constitutionally adequate notice. It should be quashed. *See TEX. CODE CRIM. PROC.* arts. 21.02(7), 21.04, 21.11.

IV.

The indictment fails to allege facts which constitute a criminal offense.

V.

The indictment fails to allege facts which constitute a criminal offense over which this Court has jurisdiction.

VI.

The indictment is vague and uncertain and fails to be or contain a plain, concise, and definite written statement of the essential facts constituting the offense sought to be charged.

VII.

The indictment states conclusions, rather than facts.

VIII.

The indictment does not adequately and fairly inform the Defendant of the offense or offenses sought to be charged against him.

IX.

The indictment violates the Defendant's rights to be informed of the nature and cause of the accusation against him, in that the allegations are so vague, indefinite, contradictory, and uncertain as not to inform the Defendant of the nature and the cause of the accusation against him. U.S. CONST. amends VI, XIV; TEX. CONST. art. 1, § 10.

X.

Count One of the indictment fails to allege the culpable mental state(s) necessary to constitute the offense or offenses alleged.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully asks the Court to quash and dismiss the Indictment.

Respectfully submitted January 5, 2026:

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CERTIFICATE OF SERVICE

I certify that today, January 5, 2026, a copy of the foregoing was served upon the Johnson County District Attorney's Office by efile with efile.txcourts.gov.

/s/ Dustin G. Hoffman
Dustin G. Hoffman

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Marina Martinez on behalf of Dustin Hoffman

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Filing Code Description: Motion

Filing Description: Second Motion to Quash/ Dismiss Indictment

Status as of 1/5/2026 2:24 PM CST

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