

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

STATE OF TEXAS

v.

DARIO EMMANUEL SANCHEZ

CASE No. DC-F202600514

THIRD 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 indicted on August 28, 2025 in Cause No. DC-F202500792. On December 10, 2025 the state obtained another indictment, Cause No. DC-F202501244 (the 1244 indictment). On May 22, 2026, after the state agreed Count One of the 1244 indictment should be quashed and then obtained another indictment, the Court quashed Count One of the 1244 indictment and denied Defendant's Second Motion to Quash as to Count Two of that indictment.

On May 19, 2026, the state obtained the current indictment, which splits Count One of the previous indictments into two counts. Counts One and Two charge that Defendant violated the Hindering statute by

tamper[ing] with ***physical evidence, namely digital*** chat logs ***or digital*** group identifying information[.]

For the following reasons, the new indictment¹ must be quashed.

¹ To be clear, Defendant believes Count Three (tampering with physical evidence) should also be quashed for the exact same reasons as he said before and **does not waive** his Count-Three complaint. However, the Court denied Defendant's Second Motion to Quash as to Count Two of the 1244 indictment, which is identical to

II.

The indictment fails to allege an offense. Digital data has no material, corporeal existence and therefore is not “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 attempts to shoehorn intangible information into the operative phrase *physical evidence*, *see* TEX. PENAL CODE § 76.04(a)(4), it fails to allege an offense under the Texas Penal Code and fails to give constitutionally adequate notice. It should be quashed. *See* TEX. CODE CRIM. PROC. arts. 21.02(7), 21.04, 21.11.

III.

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

IV.

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

V.

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.

VI.

The indictment states conclusions, rather than facts.

Count Three of the current indictment. For purposes of judicial economy since rearguing that Count would appear to be futile, this motion and accompanying brief will mainly refer to and focus on Counts One and Two. Where applicable, all arguments should be construed, for purposes of the record, as applying equally to Count Three.

VII.

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

VIII.

The indictment's allegations are so vague, indefinite, contradictory, and uncertain as to violate Defendant's rights to be informed of the nature and cause of the accusations against him. U.S. CONST. amends VI, XIV; TEX. CONST. art. 1, § 10.

IX.

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

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

Respectfully submitted May 27, 2026:

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CERTIFICATE OF SERVICE

I certify that today, May 27, 2026, a copy of the foregoing was served upon the Johnson County District Attorney's Office by efileing with efile.txcourts.gov.

/s/ 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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