

DISTRICT COURT, 12th JUDICIAL DISTRICT 8955 Independence Way Alamosa, Colorado 81101 (719)589-4996	<p style="text-align: center;">A COURT USE ONLY ▲</p>
<p style="text-align: center;">THE PEOPLE OF THE STATE OF COLORADO</p> <p>vs.</p> <p>CRUZ SOTO, Defendant</p>	
ANNE E. KELLY District Attorney - 12th Judicial District 601 Main Street Alamosa, Colorado 81101 Phone: (719) 589-3691 Registration #38885	Case No: <i>26M504</i> Courtroom:
12TH JUDICIAL DISTRICT GRAND JURY INDICTMENT	

Of the 2025-2026 term of the 12th Judicial District Grand Jury in the year 2026, the 2025-2026 12th Judicial District Grand Jurors, chosen, selected and sworn in the name and by the authority of the People of the State of Colorado, upon their oaths, present the following indictment and described acts, all committed within the County of Costilla, State of Colorado, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado, as stated in the counts attached hereto:

COUNT 1: FAILURE TO INTERVENE, C.R.S. 18-8-802

On or about February 3, 2026, Cruz Soto, a peace officer who is on duty, unlawfully failed to intervene to prevent or stop another peace officer, namely Caleb Sanchez, from using physical force that exceeds the degree of force permitted by law in pursuance of that other peace officer's law enforcement duties in arresting, detaining, taking into custody, booking any person, or in the process of crowd control or riot control; in violation of 18-8-802(1.5), C.R.S.

COUNT 2: FAILURE TO INTERVENE, C.R.S. 18-8-802

On or about February 3, 2026, Cruz Soto, a peace officer who is on duty, unlawfully failed to intervene to prevent or stop another peace officer, namely Roland Riley, from using physical force that exceeds the degree of force permitted by law in pursuance of that other peace officer's law enforcement duties in arresting, detaining, taking into custody, booking any person, or in the process of crowd control or riot control; in violation of 18-8-802(1.5), C.R.S.

COUNT 3: ASSAULT IN THE THIRD DEGREE, C.R.S. 18-3-204

On or about February 3, 2026, Cruz Soto unlawfully, knowingly or recklessly, caused bodily injury to [REDACTED] in violation of section 18-3-204, C.R.S.

COUNT 4: FAILURE TO REPORT USE OF FORCE, C.R.S. 18-8-802

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a peace officer, who witnessed another peace officer, namely: Caleb Sanchez, use physical force which exceeded the degree of physical force permitted by law, unlawfully and knowingly failed to report the use of force, in violation of section 18-8-802, C.R.S.

COUNT 5: FAILURE TO REPORT USE OF FORCE, C.R.S. 18-8-802

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a peace officer, who witnessed another peace officer, namely: Roland Riley, use physical force which exceeded the degree of physical force permitted by law, unlawfully and knowingly failed to report the use of force, in violation of section 18-8-802, C.R.S.

COUNT 6: OFFICIAL MISCONDUCT

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a public servant, with intent to obtain a benefit for any person or maliciously cause harm to another, refrained from performing a duty imposed upon him by law, in violation of section 18-8-404, C.R.S.

COUNT 7: OFFICIAL MISCONDUCT

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a public servant, with intent to obtain a benefit for any person or maliciously cause harm to another, violated a statute or lawfully adopted rule or regulation related to his office, in violation of section 18-8-404, C.R.S.

COUNT 8: OFFICIAL MISCONDUCT

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a public servant unlawfully, knowingly, arbitrarily, and capriciously refrained from performing a duty imposed upon him by law, in violation of section 18-8-404, C.R.S.

COUNT 9: OFFICIAL MISCONDUCT

Between and including February 3, 2026 and March 16, 2026, Cruz Soto, a public servant, unlawfully, knowingly, arbitrarily, and capriciously violated a statute or lawfully adopted rule or regulation relating to his office, in violation of section 18-8-404, C.R.S.

██████████ testified that Taser devices are less-than-lethal energy weapons. Tasers are effective in utilizing pain compliance in a subject by creating neuromuscular incapacitation. Taser devices are intended to cause pain and physical incapacitation in a subject. Agency policies generally do not allow use of Tasers for those who are a threat only to themselves unless the person is in imminent danger of harming or killing themselves. A Taser is one step below the use of lethal force and is not usually used in the scenario of bringing an uncooperative person to the hospital for medical welfare purposes. Policies generally require documentation and reporting if the Taser is drawn., and especially if it is deployed. ██████████ discussed the use of force continuum in regards to Taser use. The steps include: (1) officer presence, (2) verbal command, (3) draw the Taser, (4) arm the Taser, (5) activate laser targeting, (6) "arc" warning, and (7) deploy the Taser probes. Many of these steps are designed to inform the person they are about to be Tasered and to allow them to comply without being Tasered. Risks involving the use of Tasers include: the probe breaking the skin, fall risk, electricity injected into the body causing dangers to those with prior health conditions, and multiple Taser cycles causes health complications. Deescalation attempts and verbal warnings are required under most policies unless the circumstances don't allow it.

██████████ reviewed the body worn camera footage captured by Undersheriff Soto, Sgt. Sanchez, Deputy Riley, Deputy Cheeks and ██████████. The video from Sgt. Sanchez showed the following:

██████████ told Sgt. Sanchez "you can take me home." Sgt. Sanchez told him "for this not to go wrong or go south, we are asking you to go voluntarily and, let me finish, you tell the hospital what you want. If you don't tell them you're going to kill yourself, they're not going to keep you. If you go voluntarily in the ambulance, they'll take you." During the conversation, Sgt. Sanchez says "we're not trying to take you anywhere. Just go to the hospital on your own accord." ██████████ started walking away and became agitated when he noticed three other deputies surrounding him. He continued to express anger about "being lied to" by law enforcement. When other deputies began approaching him, ██████████ is visibly upset and says "bring it, do it!". After being told multiple times by deputies that going to the hospital would be "voluntary", ██████████ turned and started walking away from deputies. Deputy Riley then told ██████████ to stop walking away. ██████████ then turned around and extended his arms out to his sides.

Deputy Riley and Sgt. Sanchez then both unholstered their Taser devices. It appeared that ██████████ saw this because he turned around, ducked slightly and pulled his jacket over his head. Deputy Riley and Sgt. Sanchez both deployed their Taser devices. Sgt. Sanchez deployed his Taser device twice.

██████████ clearly appeared to be affected by the deployment as his body stiffened and he fell face first on the asphalt pavement. ██████████ is then heard screaming in pain. Undersheriff Cruz immediately gets on the top of ██████████ and appears to attempt to drive stun ██████████ with his Taser. Undersheriff Cruz then forcibly puts handcuffs on ██████████. During this time, Deputy Riley and Sgt. Sanchez yell at ██████████ saying "you had your chance! You're going to get it again!"

Deputy Riley and Sgt. Sanchez both unholstered their Taser devices and pointed them at [REDACTED]. Undersheriff Soto stood immediately next to Deputy Riley and Sgt. Sanchez in view of the two deputies unholstering their Taser devices. Undersheriff Cruz did nothing to stop Deputy Riley and Sgt. Sanchez from unholstering their Tasers devices, pointing them at [REDACTED] and then discharging their Tasers. Sgt. Sanchez deployed his Taser twice, and Deputy Riley deployed his Taser once.

He provided an opinion about Deputy Riley and Sgt. Sanchez's use of the Taser on [REDACTED]. He concluded that the Taser use in this incident represented an excessive use of force. He opined that the Taser deployment was unnecessary and unjustified for several reasons.

First, no deputy on scene provided [REDACTED] with verbal warnings of the potential use of the Taser on [REDACTED] in order to provide him with an opportunity to comply. [REDACTED] did not pose an immediate threat to the deputies or others. [REDACTED] was not acting violently nor physically resisting officers at the time the Taser was deployed. [REDACTED] was unarmed. The officers could not have had a reasonable belief that other available options would be ineffective, impractical or would present a greater danger to themselves or others.

Second, [REDACTED] was not under arrest nor had he committed any crime at the time the Tasers were deployed. In fact, he was repeated told that law enforcement wanted him to go to the hospital voluntarily or of his "own accord." The officers had no basis to order him to stop attempting to leave, and [REDACTED] had no reason to believe he would be required to remain on the scene.

Third, Tasers should not be deployed in situations where a subject is only demonstrating verbal defiance or gestures or passive resistance. Mere flight is also not a permitted use of the Taser device without additional aggravating circumstances. [REDACTED]'s conduct here was, at most, verbal defiance and passive resistance.

Fourth, [REDACTED] also noted that [REDACTED] was struck with three separate sets of Taser probes. He opined while one set of Taser probes would have been excessive in these circumstances, three sets of Taser probes was certainly excessive. He observed that Sgt. Sanchez deployed his device twice. If the Taser deployment was appropriate, which it was not in [REDACTED]'s opinion, Sgt. Sanchez should have allowed time for [REDACTED] to comply before deploying his Taser a second time.

[REDACTED] opined that it is well known and should have been well known to Deputy Riley, Sgt. Sanchez and Undersheriff Soto that mere flight from law enforcement is not a justification for the use of a Taser device to apprehend an individual without additional dangers or aggravating circumstances. [REDACTED] further opined that Undersheriff Soto should have immediately attempted to prevent Deputy Riley and Sgt. Sanchez from unholstering and deploying their Taser devices because the use of the Taser device was clearly inappropriate in that circumstance.

██████████ testified before the Grand Jury. The evidence, including all exhibits admitted, and testimony from this witness during the grand jury session established the following facts:

██████████ conducted an interview with ██████████ about this incident. He stated he was having a mental health crisis in February and the Costilla County Sheriff's Office responded. He was convinced to go to the Sheriff's Office to speak about his possible employment with the Sheriff's Office. He believed he was free to leave at any time and confirmed that no one told him he was under arrest or not free to leave. When he learned that the Sheriff's Office wanted him to go to the hospital "voluntarily", he no longer wanted to be at the Sheriff's Office. He reported that when he started to walk away, he was "tased and roughed up" by the deputies. He was never informed that he was being arrested or criminally charged. He claimed that he suffered broken ribs as a result of the incident.

Around that same time DDA John Zachary reported that ██████████ told him about the events and provided ██████████ with ██████████'s report for his review

██████████ had not previously known about this use of force incident. ██████████ testified that it is unusual that a law enforcement agency would not seek the assistance of another law enforcement agency to complete a use of force investigation when a citizen suffers serious bodily injury as ██████████ suffered in this instance. ██████████ confirmed that no criminal charges were requested by the Sheriff's Office for ██████████

██████████ obtained ██████████'s medical records from February 3 through February 5, 2026. The medical records indicate that ██████████ suffered a non-displaced fracture of at least one rib and was experiencing pain from that fracture while being treated at a San Luis Valley Health facility.

On March 13, 2026, ██████████ sent an email to the Sheriff's Office requesting all reports and body worn camera footage from the incident. The District Attorney's Office received five written reports, but the submission omitted several critical pieces of evidence and an additional request for materials. The reports written by Sgt. Sanchez and Undersheriff Cruz were written on March 16, 2026, three days after the District Attorney requested the material and over a month after the incident. It is extremely unusual to have been involved in a use of force incident

Officers have a duty to report excessive use of force by other officers within 10 days. Undersheriff Soto did not report this to Sheriff Sanchez in a timely manner. Officers have a duty to intervene when witnessing other officers using excessive force. Undersheriff Soto failed to live up to this duty.

[REDACTED] is an experienced use of force investigator and found that the evidence in this case represents unjustified use of excessive force by the Costilla County Sheriff's Office. This opinion is based on the facts that [REDACTED] committed no crime, was never told he was under arrest (although the officers arguably had justification for a mental health hold), he was given no definitive warning or command that he was not free to leave, and that application of force in this circumstances presented high risk of injury. Additionally, Sgt. Sanchez behavior after the Tasing reflected that he acted out of anger at [REDACTED]'s defiance.

AS TO COUNT ONE:

A TRUE BILL

[REDACTED]

Foreperson

A NO TRUE BILL

Foreperson

AS TO COUNT TWO:

A TRUE BILL

[REDACTED]

Foreperson

A NO TRUE BILL

Foreperson

AS TO COUNT THREE:

A TRUE BILL

[REDACTED]

Foreperson

A NO TRUE BILL

Foreperson

AS TO COUNT FOUR:

A TRUE BILL

[REDACTED]

Foreperson

A NO TRUE BILL

Foreperson

AS TO COUNT FIVE:

A TRUE BILL

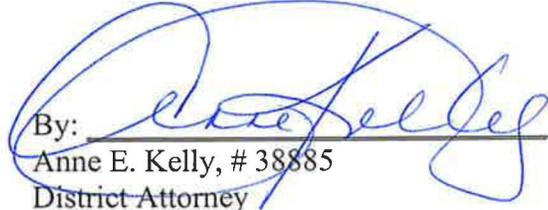
[REDACTED]

Foreperson

A NO TRUE BILL

Foreperson

ANNE E. KELLY
DISTRICT ATTORNEY
12th JUDICIAL DISTRICT

By: 
Anne E. Kelly, # 38885
District Attorney
12th Judicial District

Date: 3/26/26

The 2025-2026 12th Judicial District Grand Jury presents the within Indictment, and the same is hereby ORDERED FILED this 26th day of March, 2026

Pursuant to § 13-73-107, C.R.S., the Court designates Costilla County, Colorado as the county of venue for the purposes of trial.

Dated this 26th day of March ^2026



Judge