

COMBINED COURTS, COSTILLA COUNTY, COLORADO Court Address: 304 Main Street, PO Box 301, San Luis, CO 81152	DATE FILED June 7, 2026 4:29 PM
Plaintiff: The People of the State of Colorado vs. Defendant: Caleb Sanchez	
Attorney for Defendant: Donald F. Cutler, IV Cutler Law Office, LLC 329 West Highway 50 P.O. Box 743 Salida, Colorado 81201 Phone No.: (719) 539-5017 Fax No.: (719) 539-5018 E-Mail: office@cutlerlaw.org Atty. Reg. No.: 32739	Case Number: 26CR505 Div.: Ctrm.:
DEFENDANT'S REPLY – DEFECTIVE INDICTMENT	

COMES NOW, Caleb Sanchez, by and through defense counsel, to respectfully reply and to object to the District Attorney's Response and Motion to Amend the Twelfth Judicial District Grand Jury Indictment and true bill.

AS GROUNDS, Mr. Sanchez states as follows:

1. Mr. Sanchez stands charged, along with various co-defendants, via the Twelfth Judicial District Grand Jury's Indictment, dated March 26, 2026.
2. Mr. Sanchez incorporates his Motion to Dismiss, dated May 27, 2026 by this reference.
3. The indictment is the action of the grand jury, not the district attorney, and it alone determines what offense is to be charged. Thus, its charges may not be broadened or changed through amendment, except by the grand jury itself. C.R.Crim.P. Rule 6(b), and *see, Sawyer v. People*, 173 Colo. 351, 354, 478 P.2d 672, 674 (1970).
4. After an indictment has been returned by the grand jury, it may not be amended as to its substance, except by resubmitting it to the grand jury itself for amendment. C.R.Crim.P. Rule 6.8(b), *See, People v. Martinez*, 18 P.3d 831 (Colo. App. 2000), cert. denied (Colo. 2001).

5. The policy underlying this rule [6.8] is to insure that an indictment reflects the will of the grand jury. *People v. Campbell*, 194 Colo. 451, 573 P.2d 557 (1978).
6. The Defendant contends that, pursuant to the clear language of Rule 6.8(b), because this is a defective Indictment, as to the charges found by the grand jury, a matter of substance, it cannot be amended.
7. Mr. Sanchez makes this motion and all motions in this case pursuant to and cites as authority for this motion (and all other motions and objections made during the proceedings in this case, whether or not explicitly stated at the time of the making of the motion or objection) federal and state constitutional rights to due process of the law, the effective assistance of counsel, confrontation, equal protection, trial by jury, compulsory process, the privilege against self-incrimination, the right to appeal of any conviction, protection from *ex post facto* legislation, and protection against cruel & unusual punishment. U.S. CONST. Art. 1 §9, and Amendment 1, IV, V, VI, VIII, IX and XIV; COLO. CONST. Art. II, §§3, 6, 7, 10, 11, 16, 18, 20, 23, 25, and 28.

WHEREFORE, Mr. Sanchez respectfully replies to the District Attorney's Response and objects to the Motion to Amend the Indictment as contrary to Colorado law, and to request dismissal of the indictment herein.

Date: June 7, 2026

Respectfully submitted,

CUTLER LAW OFFICE, LLC


Donald F. Cutler, IV
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of June, 2026, delivered a true and correct copy of the foregoing Motion to Dismiss by electronic service via CCE, addressed to:

Anne Kelly, Esq.,
District Attorney

