

☐ County Court ☐ District Court Costilla County, State of Colorado 304 Main Street San Luis, CO 81152	DATE FILED June 3, 2026 7:09 PM ▲ COURT USE ONLY ▲
PEOPLE OF THE STATE OF COLORADO v. CALEB SANCHEZ AKA: Caleb Sanchez Defendant	
Anne E Kelly, District Attorney John Zachary, Deputy District Attorney Office of the District Attorney 601 Main Street Alamosa, CO 81101 Phone Number: (719) 589-3691 Attorney Reg. 38885	Case No. D0122026CR000505 Div: Ctrm:
PEOPLE'S MOTION TO AMEND THE INDICTMENT AND INFORMATION AND RESPONSE TO DEFENDANT'S MOTION TO DISMISS	

Anne Kelly, District Attorney in and for the Twelfth Judicial District, State of Colorado, respectfully submits this Motion to Amend the Indictment and Information and responds to Defendant's Motion to Dismiss, and states as follows:

RELEVANT FACTS

The Defendant was indicted by the 12th Judicial District Grand Jury on March 26, 2026 on two counts. The information appears as follows:

COUNT 1: ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203

On or about February 3, 2026, Caleb Sanchez, with intent to cause bodily injury to another, unlawfully and feloniously caused serious bodily injury to [REDACTED]; in violation of 18-8-802(1.5), C.R.S.

COUNT 2: ASSAULT IN THE THIRD DEGREE, C.R.S. 18-3-204

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

In presenting the information to the Grand Jury, the People submitted it with a typographic error in the language of Count 1. The title of the Count 1 "ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203" correctly identifies the following information language: "On or about February 3, 2026, Caleb Sanchez, with intent to cause bodily injury to another, unlawfully and feloniously caused serious bodily

injury to [REDACTED] [REDACTED]” The error is in the identification of the statute in the language following the title of Count 1. The information reads “in violation of 18-8-802(1.5)” instead of the correct statutory citation of C.R.S. 18-3-203 as identified in the title of the charge. The People are moving the Court to amend the indictment and information to correct the typographic error.

LEGAL STANDARD AND ARGUMENT

Colorado Rule of Criminal Procedure Rule 6.8 allows the Court to order an amendment of an indictment any time before or during trial “upon application of the people and with notice to the defendant and the opportunity for the defendant to be heard” with respect to “**defects, errors, or variances** from the proof relating to matters of **form**, time, place, and names of persons when such amendment does not change the substance of the charge, and does not prejudice the defendant on the merits.” C.R.Crim.P. 6.8(a) (emphasis added). The same rule prohibits any amendments as to “the substance of the offense charged.” *Id.*

The purpose of the legislative requirements for indictments is to provide the Defendant sufficient notice of the crime being alleged to allow for sufficient preparation of a defense. *People v. Williams*, 984 P.2d 56, 59 (Colo. 1999); *People v. Zupancic*, 557 P.2d 1195, 1197 (Colo. 1976); *People v. Donachy*, 586 P.2d 14 (Colo. 1978); *People v. Buckallew*, 848 P.2d 904, 910 (Colo. 1993); *People v. Tucker*, 631 P.2d 162, 163 (Colo. 1981). The purpose of the Rule allowing amendments to an indictment is to ensure that the indictment “truly and accurately reflects the findings of the grand jury.” *People v. Campbell*, 573 P.2d 557, 558 (Colo. 1978) (cautioning against “exalting over substance” when a technically flawed indictment reflects the findings of the grand jury); *People v. Saiz*, 600 P.2d 97, 102 (Colo. App. 1979). When a proposed amendment has no effect on the “substance of the offense” in the indictment, the amendment should be permitted if it does not prejudice the defendant. *People v. Martinez*, 18 P.3d 831.

The analysis of the difference between “form” and “substance” in the context of indictment is the same as the analysis of amended informations pursuant to Rule Colo. R Crim Pro. 7. *People v. Williams*, 984 P.2d at 60 (citing *Hamling v. U.S.* interchanging “information” with “indictment”). In other words, the same goals are addressed: the information or indictment (the charging document) must provide the

Defendant with adequate notice and must protect the defendant from further prosecution of the same offense. If the indictment succeeds in achieving those two goals- even with errors, typos, or other minor defects- any amendments to the indictment to correct those defects are not substantive and do not strip the court of jurisdiction. *Id.* A comparison between the amendment requested here and the indictment in *Zupanic* is instructive. In that case, the Court affirmed a motion to dismiss the indictment where the language of the charge did not specific *any* of the specific factual elements necessary to support any charge. 557 P.2d at 1197-98. Here, all of the elements are listed under the clear and unambiguous title of “ASSAULT IN THE SECOND DEGREE, C.R.S. 18-3-203. The elements of the mistyped statute number bear no resemblance to the specific elements laid out in the charge. Importantly, the concern of the Court in *Zupancic* was not a typographical error, but the complete lack of detail in the charging language.

Here, the error in the indictment is obviously a typographical error. The intent of the grand jury is clear: to indict the Defendant on second degree assault pursuant to the statute clearly stated in the title of the charge. The indictment contains all of the essential elements of second degree assault and the proposed amendment does not change the Grand Jury’s intent. Neither can the Defendant point to any prejudice that would result from an amendment to fix a typographical error before he has even entered a plea.

The Defendant has not, because he cannot, point to Court to any authority suggesting that an indictment that clearly states the elements of an offense that is labeled with the title of the crime and the correct statute number fails to provide sufficient notice to the Defendant about what he is being charged with.

Wherefore, based on the above the People respectfully request that this Honorable Court GRANT the People's Motion to Amend the Indictment to the form attached to this pleading and DENY the Defendant's Motion to Dismiss.

Dated June 03, 2026

Anne E Kelly
District Attorney