

Costilla County District Court 304 Main Street San Luis, Colorado 81152	DATE FILED September 1, 2026 12:30 PM ▲ COURT USE ONLY ▲
THE PEOPLE OF THE STATE OF COLORADO v. Defendant: DANNY SANCHEZ	
Case No.: 2026CR503 Division: WW	
ORDER PROVIDING A PROBABLE CAUSE REVIEW AND DENYING DEFENDANT'S MOTION TO DISMISS FOR LACK OF PROBABLE CAUSE	

THIS MATTER comes before me on Defendant Danny Sanchez' *Demand for Probable Cause Review* ("Demand") and *Motion to Dismiss for Lack of Probable Cause* ("Motion") and related briefs.¹ To the extent that my decision on the Motion relies on a probable cause review, the Demand is GRANTED. But, after reviewing the Grand Jury record and the applicable law, I hereby DENY the Motion.

I. SUMMARY OF THE GRAND JURY TESTIMONY

The Defendant was indicted by the 12th Judicial District Grand Jury on March 26, 2026 on one count of abuse of corpse and four counts of second-degree official misconduct. The following is a summary of the probable cause statement included in the Indictment:

In August 2025, the District Attorney's Office received a report from a Costilla County citizen about human remains found on their property in a remote area commonly

¹ The Defendant filed his Demand on May 19, 2026. The Motion was filed on June 4, 2026. The People filed a response brief on July 3, 2026. The Defendant filed a reply brief on July 5, 2026.

known as the Wild Horse Mesa. The reporting party indicated they called the Costilla County Sheriff's Office in October 2024 to report the same and shortly thereafter Keith Schultz, then a Costilla County Sheriff's Office deputy, as well as the Defendant, then the elected Costilla County Sheriff, responded to the property on which the remains were discovered. The reporting party informed the District Attorney's Office that former deputy Schultz and the Defendant collected a skull but left several other bones and various items of potential relevance at the property. When the reporting party called the District Attorney's Office in 2025, they expressed concern about the Sheriff's Office still having not returned to the property to finish the investigation or to collect the remaining bones.

Shortly after receiving the report, the District Attorney's Office's chief investigator followed up with the Sheriff's Office, and the Colorado Bureau of Investigation ("CBI") was called to assist with the collection of the scattered remains and other items that the Sheriff's Office left behind. This took place over ten months after the Sheriff's Office's initial response.

The Grand Jury convened on November 5, 2025; January 15, 2026; and March 26, 2026. During the November 2025 and January 2026 sessions, the Grand Jury heard testimony, respectively, from the following witnesses: Michael Martinez, the District Attorney's Office's chief investigator ("Investigator Martinez"); Heather Sczech, a crime scene analyst employed by the Colorado Bureau of Investigation ("Analyst Sczech"); and Joe Dzuris, the Alamosa County Coroner ("Coroner Dzuris"). The following is a summary of these witnesses' testimony as it relates to the charges against the Defendant.

Investigator Martinez testified about the information the reporting party relayed to the District Attorney's Office and how the District Attorney's Office's collection and

investigation of the remains unfolded. According to Investigator Martinez, the reporting party indicated the Defendant was more interested in searching for arrowheads than investigating and collecting the remains. Investigator Martinez summarized his review of computer-aided dispatch (“CAD”) notes regarding the reporting party’s initial call to the Sheriff’s Office as well as a police report that was authored by former deputy Schultz on December 31, 2024.

Investigator Martinez indicated he was able to confirm by reviewing the police report that the Defendant joined former deputy Schultz at the scene the day after the Sheriff’s Office was made aware of the discovery. Investigator Martinez also described his involvement in the collection of the remainder of the items, including bones, and the overall processing of the scene that was done with the assistance of CBI. Finally, he opined that as the leader of a law enforcement agency, the Defendant had a duty to ensure all the remains were collected for investigation purposes.

Agent Sczech described best practices regarding the processing of crime scenes before describing how CBI went about collecting the rest of the remains as well as shoes, clothing items, and a necklace that were found nearby. Agent Sczech also explained how the autopsy was done and summarized interactions she had with the deputy coroner for Costilla County. Additionally, she opined that the way the Sheriff’s Office handled the investigation sent the message that “their person doesn’t matter” to the decedent’s family.

Coroner Dzuris provided an overview of a coroner’s duties, summarized the steps that are taken during a death investigation, and described how coroners typically collaborate with law enforcement agencies. He indicated that under Colorado law, law enforcement officers are prohibited from touching or moving a decedent’s body until the

coroner is on scene and first makes an assessment. He also summarized other statutory duties and prohibitions that govern to law enforcement officers' actions regarding death investigations. He opined that the way the Sheriff's Office collected a portion of the remains violates the statutory provision that requires law enforcement officers to first obtain the coroner's permission. Additionally, he opined that the Defendant had a duty to direct his deputies to go back to the scene to finish the investigation and the failure to do so rises to the level of behavior that outrages normal family sensibilities.

Based on this testimony, the Defendant contends probable cause is lacking for each of the charged offenses because the evidence presented to the Grand Jury was "wholly grounded, impermissibly, in hearsay" and it failed to establish that he "had any personal knowledge of what was occurring" or that he "ever saw human remains." *Motion* at p. 3; *Reply* at p. 1. The Defendant goes on to argue that the evidence does not contain any direct perceptions concerning the allegations. *Motion* at p. 5.² The Defendant's arguments concerning Counts 2 through 5 turn on the resolution of the Motion's attack on Count 1.³

II. CONCLUSIONS OF LAW

The crux of the Defendant's contention that I should dismiss the Indictment is that the charges are based solely on hearsay statements.⁴ The authority discussed below leads me to conclude that I cannot dismiss the Indictment on that basis.

² The Defendant does not take the position that he did not join former deputy Schultz during the initial response. *Motion* at p. 1 ("[The Defendant] went to the location briefly.").

³ *Id.* at p. 5 ("The remaining counts of Official Misconduct fail, for similar reasons to the felony charge. . . [T]here has not been probable cause established for these other charges, as the People relied purely on problematic and shifting hearsay evidence in an attempt to prove the felony charge . . .").

⁴ *See generally, Motion; Reply* at p. 1 ("[I]t was impermissible for unreliable hearsay to be the sole grounds for the indictment under the circumstances.").

A grand jury may indict a person for an offense “when the evidence before such grand jury provides probable cause to believe that such person committed such offense.” C.R.S. § 16-5-204(4)(j). However, if upon the filing of a motion by the defendant the district court finds that the grand jury finding of probable cause is not supported by the record, the district court must dismiss the indictment. *Id.* at (4)(k). “Any other motions testing the validity of the indictment may be heard by the court based only on the record and argument of counsel, unless there is cause shown for the need for additional evidence.” *Id.* at (4)(n).

When reviewing a grand jury finding pursuant to C.R.S. § 16-5-204(4)(k), the district court functions “much like the role of the court at a preliminary hearing” and “the same rule applies in determining the existence or absence of probable cause.” *People v. Summers*, 593 P.2d 969, 970 (Colo. 1979); *see also, People v. T & S Leasing, Inc.*, 763 P.2d 1049, 1050 (Colo. 1988) (“The district court’s function in reviewing the grand jury record pursuant to section 16-5-204(4)(k) is similar to the role of the court at a preliminary hearing in determining the existence or absence of probable cause.”).

“The court must draw all inferences in favor of the prosecution and when there is a conflict in the testimony a question of fact exists for determination at trial.” *Summers*, 593 P.3d at 970; *People v. Jensen*, 765 P.2d 1028, 1030 (Colo. 1988)(“At the preliminary hearing stage, the evidence must be viewed in the light most favorable to the prosecution.”). The court must determine whether the evidence presented was sufficient to “induce a person of ordinary prudence and caution to entertain a reasonable belief that the defendant committed the crime charged.” *People v. Hall*, 999 P.2d 207, 221 (Colo. 2000) (explaining the standard for establishing probable cause at a preliminary hearing). “The prosecution does not have to establish beyond a reasonable doubt that the defendant committed the crime or

even the likelihood that the defendant committed the crime.” *Id.* In other words, “evidence sufficient to support a conviction is not necessary at this stage of the proceedings.” *Miller v. Dist. Court In & For Nineteenth Judicial Dist.*, 641 P.2d 966, 968 (Colo. 1982).

The Colorado Rules of Evidence (other than those that pertain to privileges) do not apply to preliminary hearings or grand jury proceedings. C.R.E. 1101(d)(2)-(3). “During a preliminary hearing, the court may consider evidence that might not be admissible at trial, such as hearsay.” *Hall*, 999 P.2d at 221. Additionally, “the court must not accept the defendant’s version of the facts over the legitimate inferences that can be drawn from the prosecution’s evidence.” *Id.* “The court should not review the merits of the prosecution’s factual assertions because that function should be left for the trier of fact if the case goes to trial.” *Id.*

In *Maestas v. Dist. Court In & For City & Cnty. of Denver*, 541 P.2d 889, 892 (Colo. 1975), the Colorado Supreme Court admonished courts to beware of the excessive use of hearsay evidence at a preliminary hearing. The court explained that “the evidence presented at the preliminary hearing must have some semblance of a factual foundation and must show probable cause.” *Id.* The court held:

Where the prosecution exploits the use of hearsay on hearsay and establishes probable cause solely on the basis of second-half [sic] information, the historical function of the preliminary hearing is vitiated—that being to place before the judge evidence which establishes probable cause exists to prove that the defendant did commit the crime charged.

Id.

However, soon after *Maestas* was announced, the supreme court explained that “[t]he character of the evidence before the grand jury, as well as the quantum, is generally not a basis for attacking an indictment.” *People v. Zupancic*, 557 P.2d 1195, 1197 n. 2 (Colo.

1976) (citing *Costello v. United States*, 350 U.S. 359, 364 (1956) (declining to reverse a conviction because the indictment was based solely on hearsay because doing so “would run counter to the whole history of the grand jury institution . . .”); *see also*, *People v. Dist. Court for Second Judicial Dist.*, 610 P.2d 490, 493 n. 2. (Colo. 1980) (“The absence of evidence before the grand jury, other than hearsay, will not cause the grand jury’s determination of probable cause to be set aside in most instances.”). In light of this line of cases, it is clear to me that an indictment should not be dismissed solely on the basis that it is based on hearsay evidence.

Moreover, even if I were required to analyze the Motion under the same standard that applies to preliminary hearings, I am not convinced that dismissal of the Indictment would be appropriate. Three years after the supreme court decided *Maestas* — the case the Defendant’s Motion largely relies upon — the supreme court concluded a district court’s dismissal of a sexual assault charge was improper even though the prosecution’s only witness during the preliminary hearing was the officer who investigated the case. *People ex rel. VanMeveren v. Dist. Court In & For Larimer Cnty.*, 575 P.2d 405, 406 (Colo. 1978). The *VanMeveren* court noted that the witness in *Maestas* was so unfamiliar with the case that the defendant did not have an opportunity to effectively cross-examine him, thereby thwarting the screening function of the preliminary hearing. *VanMeveren*, 575 P.2d at 407. The *VanMeveren* court further explained:

[I]n this case the prosecution witness is the investigating officer of the case who had knowledge and information about many of the aspects of the alleged crime. Although much of his testimony was hearsay, he also testified concerning his observations of the alleged victim when she made her complaint to him. Also, he personally interviewed the defendant and witnesses whose statements he related. . .

Id.

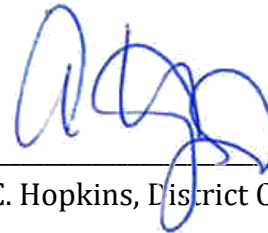
Even if the same standard of review that governs preliminary hearings applied to motions to dismiss indictments for lack of probable cause, I am nonetheless required to view the evidence in the light most favorable to the prosecution and draw all reasonable inferences in its favor. Adhering to this standard and after my review of the testimony that the Grand Jury considered, I conclude the Motion should be denied.

III. ORDER

IT IS THEREFORE ORDERED THAT *Motion to Dismiss for Lack of Probable Cause* is DENIED.

DATED: September 1, 2026.

By the Court:



Amanda C. Hopkins, District Court Judge