

Costilla County District Court 304 Main Street San Luis, Colorado 81152	DATE FILED October 14, 2026 2:30 PM ▲ COURT USE ONLY ▲
THE PEOPLE OF THE STATE OF COLORADO v. Defendant: CALEB SANCHEZ	
Case No.: 2026CR505 Division: WW	
ORDER DENYING DEFENDANT’S MOTION TO QUASH INDICTMENT	

THIS MATTER comes before me on the *Defendant’s Motion to Review Probable Cause and to Quash Indictment* (“Motion”) filed on August 5, 2026. The prosecution did not file a response.

After reviewing the unredacted transcript¹ of the Grand Jury proceeding and applicable law, I hereby FIND and ORDER as follows.

On March 26, 2026, the Grand Jury, after hearing evidence regarding the charges in this case, returned an indictment against the Defendant on one count of Assault in the Second Degree (Count 1) and one count of Assault in the Third Degree (Count 2). On July 15, 2026, I granted the prosecution’s request to file an amended indictment to correct erroneous statutory citations. The amended indictment was filed along with the prosecution’s motion to amend on June 3, 2026.

¹ The prosecution filed an unredacted transcript of the Grand Jury proceeding at issue on August 11, 2026.

In the instant Motion, the Defendant asks me to review the evidence that was presented to the Grand Jury to determine whether there is probable cause for both charged offenses. The Defendant does not specifically challenge any element of either offense, nor does he challenge any portion of the amended indictment. *See generally, Motion.*

The Grand Jury heard testimony from the following witnesses: Joe Smith, then a deputy and now interim sheriff for Costilla County (“Deputy Smith”); Austen Reneau, an investigator and taser instructor for the Alamosa County Sheriff’s Office (“Investigator Reneau”); and Michael Martinez, the District Attorney’s Office’s chief investigator (“Investigator Martinez”).

Deputy Smith testified that on February 3, 2026, he received a call from the Defendant regarding Mr. Sandberg, the named victim. The Defendant asked Deputy Smith to respond to Mr. Sandberg’s residence. Deputy Smith stated it was apparent to him that Mr. Sandberg was experiencing a mental health crisis. Deputy Smith also stated the Defendant told Mr. Sandberg the sheriff’s office was looking to hire a jailor and might be able to employ him. After Mr. Sandberg was patted down, he entered the Defendant’s vehicle and was taken to the sheriff’s office. According to Deputy Smith, at no point was Mr. Sandberg under arrest.

Mr. Sandberg was transported to the sheriff’s office. He went inside and had a brief conversation. Deputy Smith was not a part of that conversation. Deputy Smith then described what he saw when Mr. Sandberg and the Defendant exited the sheriff’s office after the brief conversation. Deputy Smith saw Mr. Sandberg begin to smoke a cigarette before he eventually turned around and started to walk away from the Defendant. Deputy Smith indicated two other law enforcement officers exited the sheriff’s office around that

time – then deputy Roland Riley and then undersheriff Cruz Soto – both co-defendants. Deputy Smith explained that as Mr. Sandberg walked away, the Defendant and the other officers yelled at Mr. Sandberg, directing him not to leave. Deputy Smith indicated that is when he heard a “pop, pop,” which was the sound of Mr. Sandberg being tased. Deputy Smith stated there was no evidence to suggest Mr. Sandberg represented a threat prior to when he was tased. Deputy Smith also stated he did not hear any warnings before the tasers were deployed.

After explaining best practices and typical policies regarding law enforcement officers’ use of tasers, Investigator Reneau provided his assessment of footage from the Defendant’s body camera, a portion of which was played during the Grand Jury proceeding. The body camera footage showed when the Defendant and another officer tased Mr. Sandberg. For various reasons, including his opinion that there was no legal basis to arrest or chase Mr. Sandberg because he had not been suspected of committing any crimes and did not pose a threat, Investigator Reneau believes the tasing of Mr. Sandberg constituted excessive use of force.

Investigator Martinez indicated he reviewed the same body camera footage that Investigator Reneau testified about. Investigator Martinez stated Mr. Sandberg asked to talk to Investigator Martinez about the tasing incident a few weeks after it occurred. Investigator Martinez testified that Mr. Sandberg informed him that he understood his presence at the sheriff’s office was voluntary, yet he was tased when he attempted to walk away. Investigator Martinez agreed with Investigator Reneau that the tasing of Mr. Sandberg constituted excessive use of force and that there was no lawful basis to arrest him.

Investigator Martinez also indicated Mr. Sandberg's medical records confirmed that he sustained a broken rib during the tasing incident.

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. "At the preliminary hearing stage, the evidence must be viewed in the light most favorable to the prosecution." *People v. Jensen*, 765 P.2d 1028, 1030 (Colo. 1988). 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

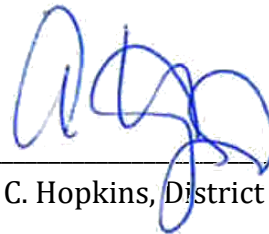
standard for establishing probable cause at a preliminary hearing). “The prosecution does not have to establish beyond a reasonable doubt that the defendant committed the crime or even the likelihood that the defendant committed the crime.” *Id.* “[E]vidence sufficient to support a conviction is not necessary at this stage of the proceedings.” *Miller v. Dist. Court In & For Nineteenth Judicial Dist.*, 641 P.2d 966, 968 (Colo. 1982).

At this stage, I am required to view the evidence that was presented to the Grand Jury in the light most favorable to the prosecution. *Summers*, 593 P.2d at 970; *Jensen*, 765 P.2d at 1030. After reviewing the transcript, I conclude the evidence presented to the Grand Jury was sufficient to induce a person of ordinary and caution to entertain a reasonable belief that the Defendant committed the charged offenses. *Hall*, 999 P.2d at 221.

THEREFORE, the Defendant’s request that I quash the indictment is DENIED.

DATED: October 14, 2026.

By the Court:



Amanda C. Hopkins, District Court Judge