

DISTRICT COURT CONEJOS COUNTY, COLOARDO 304 Main Street; San Luis, CO 81152	<div style="text-align: right; color: blue;">DATE FILED October 26, 2026 4:33 PM</div> <div style="text-align: center; margin-top: 100px;">Δ COURT USE ONLY Δ</div>
THE PEOPLE OF THE STATE OF COLORADO v. Defendant: CALEB SANCHEZ	
	Case Number: 2026CR505 Division: WW
ORDER DENYING DEFENDANT'S MOTION FOR DISCOVERY OF GRAND JURY PROCEEDINGS	

THIS MATTER comes before me on the *Defendant's Motion for discovery of Grand Jury Proceedings* ("Discovery Motion") filed on August 5, 2026. The prosecution did not file a response. After reviewing the argument of the Defendant and the applicable law, I hereby FIND and ORDER as follows:

The Defendant was indicted on March 26, 2026 by the 12th Judicial District Grand Jury on one felony count of assault in the second degree and one misdemeanor count of assault in the third degree for an incident that is alleged to have happened outside the Costilla County Sheriff's Department on February 3, 2026.

As is his right to do, the Defendant sought review of the probable cause to indict him and also filed a motion to dismiss.¹ Concomitant with this filing, he moved for numerous items related to the Grand Jury that indicted him including: daily attendance records for the grand jurors and the attendance records for anyone else present in the room when

¹ Probable cause was confirmed and the Motion to Dismiss was denied in an order issued on October 14, 2026.

evidence against the Defendant was heard; all written motions and orders requested in connection with the Grand Jury proceedings; all written motions and orders related to the appointment of grand jury investigators; a transcript of the voir dire of the prospective grand jurors as well as any written materials used in the selection process; a transcript of any colloquy between the district attorney and/or the Court with the grand jurors regarding their responsibilities, authority, and purpose as grand jurors; all subpoenas issued on behalf of the Grand Jury; and copies of all documents tendered to the Grand Jury. He further requests that the Court review *in camera* the colloquy between the district attorney and the Grand Jury. Other than for this final request, the Defendant cites to no legal bases for any of these discovery requests.

The Defendant's purposes for his request are that 1) he is "entitled to challenge the indictment based upon the assertion that a review of the grand jury record does not show probable cause"; 2) that "the indictment may be dismissed for other improprieties and for prosecutorial misconduct in influencing the grand jury's role as an independent charging body"; and 3) the discovery is "intended to enable the defense to make the determination concerning the existence of any improprieties in the impaneling of the grand jury, its seizure of evidence, or its proceedings leading to indictment." *Discovery Motion* at ¶¶ 1-3.

Generally speaking, grand jury proceedings must be conducted with secrecy. *People v. District Court for the Second Judicial Dist.*, 610 P.2d 490, 494 (Colo. 1980). While a defendant's need to access all information relevant to his case should be given great weight, before disclosing information about the grand jury proceedings, I must also consider the grand jury's right and need for confidentiality. *Id.* Colorado enjoys a strong policy in favor of grand jury secrecy. *In re 2000-2001 Dist. Grand Jury in and for First Judicial*

Dist., 97 P.3d 921, 923 (Colo. 2004). But grand jury proceedings should not be kept secret merely for secrecy's sake. *See Parlapiano v. Dist. Court*, 491 P.2d 965, 968 (Colo. 1971).

“[T]he liberal discovery rights that have been granted to a defendant in Colorado do not guarantee automatic access to everything that transpires before the grand jury.” *People v. District Court for the Second Judicial Dist.*, 610 P.2d at 492. Because it is the evidence presented before the grand jury that provides the basis for determining probable cause to indict, “[r]arely will the action of the district attorney provide a basis for challenging the grand jury’s true bill.” *Id.* at 492-93. “Only in those cases where clear examples of inappropriate conduct by the district attorney may affect the validity of the defendant’s indictment or the determination of probable cause, should the trial court sacrifice the confidentiality of the grand jury proceedings and release a transcript of the grand jury colloquy to defense counsel.” *Id.* at 494.

Prior to disclosing additional portions of the grand jury proceedings, such as the colloquy, there must be a showing of materiality to the preparation of the defense. *People v. District Court for the Second Judicial Dist.*, 610 P.2d at 493. If the Defendant does not make this showing, the materials need not be produced. *Id.* If, after finding the Defendant has met this burden, I review the grand jury colloquy *in camera* and find that there is more than a speculative basis for overturning an indictment because of improper conduct by the prosecutor, the materials may be disclosed to the defense. *Id.*

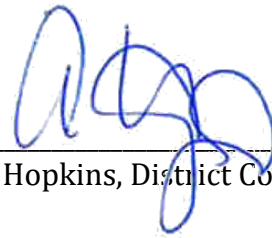
The Defendant has not made a sufficient showing that there is anything material to his defense contained in the requested grand jury materials. To the contrary, the Defendant is asking me to disclose the materials just in case something useful might be there. The

Defendant has not made the required showing to allow even an *in camera* review of the grand jury colloquy let alone its disclosure.

THEREFORE, the *Defendant's Motion for Discovery of Grand Jury Proceedings* is DENIED.

Dated: October 26, 2026

By the Court:



Amanda C. Hopkins, District Court Judge