

**Anne Kelly**  
District Attorney

426 San Juan Avenue  
Alamosa, CO 81101  
Phone (719) 589-3691



Office of the District Attorney  
12<sup>th</sup> Judicial District

**Patryce Engel**  
Assistant District Attorney

Alamosa, Conejos, Costilla  
Mineral, Rio Grande and  
Saguache Counties

November 4, 2022

### BRADY NOTIFICATION LETTER

Re: Case Name: People v. Mark Garcia  
County: Costilla  
Case Number: IA#

Officer's Name: Mark Garcia

Dear Defense Counsel or *Pro se* Defendant:

The above-named officer is endorsed as a witness against the defendant in this matter.

This is to notify you this Office has received information which leads us to believe that this officer has been involved in an incident involving dishonesty. Pursuant to *Brady v. Maryland*, 373 U.W. 83 (1963) and *Sergent v. People*, 497 P.2d 983, 989 (1972), this information is being provided to you because you may find this information to be impeaching, exculpatory, or mitigating.

The full particulars and related documentation from the internal investigation are available through subpoena from the Costilla County Sheriff's Office. In summary, while on duty for Costilla County Sheriff's Office, Mark Garcia was dispatched to a call for service which involved an armed trespasser. Mark Garcia cleared the call and went off duty without responding to the call for service. This call for service was later responded to by other Deputies. Mark Garcia was dishonest in information provided to dispatch and supervisors regarding his handling of this call and his locations during his work shift. Due to dishonesty and policy violations, Mark Garcia's employment was terminated by the Costilla County Sheriffs Office.

Sincerely,

Anne Kelly

District Attorney

Office of the District Attorney  
12th Judicial District



# Notification of Finding of Untruthfulness

FORM  
**13**

Colorado Department of Law - POST  
1300 Broadway 9<sup>th</sup> Floor  
Denver, CO 80203  
post@coa.gov 720-508-6721 FAX 866-858-7486

October 2019

SB19-166  
24-31-305 (2.5)

Costilla County Sheriff's Office		Costilla County Sheriff's Office	
Agency Name		Name of Agency Executive Submitting Form 13	
719-672-0673		Csoto@costillacounty-co.gov	
Agency Executive Phone Number		Agency Executive Email Address	
Garcia		Mark Nicholas	
Peace Officer - Last Name		Peace Officer - First Name Middle Name	
[Redacted]		[Redacted] [Redacted]	
Peace Officer Last Known Personal Address		City State Zip	
Unknown		[Redacted] [Redacted] [Redacted]	
Peace Officer Personal Email Address (if known)		Peace Officer Personal Cell Phone (if known)	
Date(s) of Employment: 07-08-2019/07-11-2022		Date(s) of Incident: 06-19-2022	
Peace Officer Date of Birth: [Redacted]		Colorado PID#: [Redacted] (000000 or 0000-0000)	

Please check the applicable boxes below.

- The certificate holder knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact:  
(At least ONE of the following MUST apply; please check ALL that apply)
  - On an official criminal justice record.
  - While testifying under oath.
  - During an internal affairs investigation.
  - During an administrative investigation and/or disciplinary process<sup>1</sup>.
- The law enforcement entity that employs or employed the certificate holder has done each of the following:  
(ALL of the following MUST apply; please check)
  - Completed an administrative process, as defined by a published policy in effect at the time of the untruthful statement concerning a material fact OR omission of a material fact.
  - Determined by a **clear and convincing standard of the evidence**<sup>2</sup> through an administrative investigation and/or disciplinary process the certificate holder knowingly made an untruthful statement concerning a material fact OR knowingly omitted a material fact on an official criminal justice record, OR while testifying in court, OR during an internal affairs investigation OR comparable administrative investigation.
  - Certifies that the certificate holder has elected not to exercise OR has exhausted the internal disciplinary appeal rights provided by their employer.

Please retain documentation of investigative details for possible future review. Do not need to include with form.

PURSUANT TO 24-31-305(2.5), C.R.S., UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE EXAMINED THIS AFFIDAVIT AND ACCOMPANYING DOCUMENTS AND, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THEY ARE TRUE, CORRECT AND COMPLETE. I FURTHER ACKNOWLEDGE THAT ANY FALSE STATEMENT, MISSTATEMENT, OR INACCURACY MAY RESULT IN REVOCATION OF MY CERTIFICATION, AS WELL AS CRIMINAL PROSECUTION.

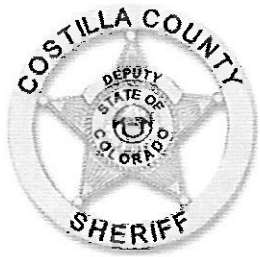
Agency Executive's Signature: [Signature] State of Colorado

Signed before me this 25 day of July, 2022 County of Costilla

My Commission Expires: 02-20-2024  
Notary Signature: Abigail Gamboa  
NOTARY PUBLIC

Abigail Gamboa  
NOTARY PUBLIC  
MY COMMISSION EXPIRES 02/20/2024

<sup>1</sup> Administrative Investigation and Disciplinary Process means an employer's formal process of internal investigation that an allegation of violation of employer rules, policy, procedure, or other misconduct or improper actions by an employee are subject to a confidential objective investigation resulting in findings of fact and disciplinary action for any substantiated violation.  
<sup>2</sup> Clear and convincing standard of evidence means proof that persuades the decision-maker to find that the truth of the contention is highly probable.



## Costilla County Sheriff's Office

**SHERIFF**  
**DANNY SANCHEZ**  
Office 719.672.0673

P.O. Box 6  
103 Gaspar St.  
San Luis, Co 81152

**UNDERSHERIFF**  
**CRUZ SOTO**  
Fax 719.672.1091

**July 25,2022**

### **TERMINATION OF MARK GARCIA**

On 06-30-2022, we were informed of some concerns deputies had about employee Mark Garcia. [REDACTED] and [REDACTED] both wrote statements regarding a call that Deputy Garcia was given. In their letters, they informed us that they had concerns about how Deputy Mark Garcia handled an armed trespass call. They state that he was given an armed trespasser call, according to information obtained the initial RP was a [REDACTED] [REDACTED] called in because he indicated his brother [REDACTED] had gone to confront the possibly armed trespassers at [REDACTED]. Deputy Garcia was given the call at 1750hrs and cleared the call at 1802hrs.

After reviewing CAD notes and listening to dispatch recordings it was discovered the call was given to Deputy Garcia at 1750hrs, Deputy Garcia clears the call at 1802hrs and goes off duty. At no time did Deputy Garcia ever attempt to go to the location of the call and tells dispatch to clear the call stating he was in the area 5-10 minutes prior to the call being aired.

After reviewing the GPS coordinates of Deputy Garcia's body camera it confirms that Deputy Garcia was never in the area of the call 5-10 minutes prior. GPS coordinates obtained actually never show Deputy Garcia in the area of the call at any time during his shift. It shows Deputy Garcia in the Chama area 1 hour and 30 minutes prior to the call but that's the closes location we were able to place, Deputy Garcia, to the actual call.

Deputy Schultz and Deputy Hummel subsequently take the call and clear the call but not before Cpl. Schultz had a gun pointed at him, by a homeowner who believed no help was coming.

On 07-19-2022, Deputy Mark Garcia meet with us at the Costilla County Sheriff's Office. While at the Office Deputy Garcia was advised of his Garrity Rights which he waived and agreed to speak to us. Deputy Garcia admits that he never responded to the armed trespasser call. Deputy Garcia was asked why he stated he was in the area of the call 5-10 minutes prior if he never responded to the call. He stated that he was in the Chama area 1 hour and 30 minutes prior, but to him it felt like it was 5-10 minutes.

Deputy Garcia also made statements that he was also having personal issues and he didn't want to lose his job because of his kids, but he also didn't want to lose his kids because of his job indicating that he had to pick up his kids that day and couldn't be late.

Based off of information obtained through an administrative investigation and based on Mark's own statements we believe he was not truthful about events that transpired on June 19, 2022. And based on our findings we are hereby notifying Colorado P.O.S.T. that we feel Mark Garcia was deceitful while employed as a Deputy Sheriff for the Costilla County Sheriff's Office. If you have any questions please let us know.

Costilla County Sheriff

A handwritten signature in black ink, appearing to read 'Danny Sanchez', written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Danny Sanchez



## Costilla County Sheriff's Office

**SHERIFF**  
**DANNY SANCHEZ**  
Office 719.672.0673

P.O. Box 6  
103 Gaspar St.  
San Luis, Co 81152

**UNDERSHERIFF**  
**CRUZ SOTO**  
Fax 719.672.1091

**July 11, 2022**

### **NOTICE OF TERMINATION**

**Mark Garcia:**

**This Notice is to advise you of your Termination of Employment as a Deputy Sheriff with Costilla County Sheriffs Office as of July 11, 2022.**

On June 19, 2022, at approximately 1750hrs, you were dispatched to [REDACTED] in Chama for a report of armed trespassers. RP [REDACTED] Stated his brother [REDACTED] advised there were some armed trespassers on his property and he was going to confront them. According to dispatch logs, you cleared the call at 1802hrs and went off duty. The disposition given to dispatch was that you were in the area approximately 5-10 minutes earlier and didn't see anything.

We reviewed the GPS coordinates of your body camera. We confirmed you weren't in the Chama area around the time the call was aired, in fact, your body camera GPS coordinates never show you near the location of the call at any point during your shift. Your body camera shows you near the POST Office in Chama but 1 hour and 30 minutes before the call was aired. At the time the call was aired your Body Camera shows you in between San Luis and Ft. Garland, at no point does it ever show you headed towards the Chama area, it shows you Northbound on HWY 159 where you proceeded to HWY 160 and into Alamosa County.

[REDACTED] had voiced some concerns about the call to me. According to [REDACTED] overheard the call on the radio, and being it was armed trespassers call he proceeded to get ready and head towards your location as a cover car. [REDACTED] also heard the call and they both were heading your way as cover. [REDACTED] advised me while he was attempting to get your location he was shocked to learn the call had been cleared and you had called off duty. [REDACTED] stated that he was not comfortable with the way the call was handled and he and [REDACTED] proceeded to the scene.

Upon arriving on the scene [REDACTED] advised me the front door to the residence was wide open. He stated the glass door was closed but the actual door to the home was wide open. He went on to say they also discovered a bullet in the doorway. [REDACTED] advised me that he was concerned that something had happened to the homeowner and decided to make entry into the home. After calling verbally for the homeowner with no answer both Deputies began to clear the home. [REDACTED] advised me that as he turned the corner to clear out a bedroom he was met by a rifle pointing directly at his face. [REDACTED]

advised they were able to get it worked out and the homeowner was paranoid as he thought no Deputies were responding to his call for help. Mark apologized to the Deputies and the call was cleared by [REDACTED] and [REDACTED]

The call of a possible armed home invasion is a high-priority high-risk call and should have been treated accordingly. The manner this call was handled was reckless and negligent. You showed no due regard for the safety of the public and your fellow officers. This type of behavior will not be tolerated. You put the life of the homeowner [REDACTED] and your fellow deputies at risk. The department as a whole was extremely lucky no one was hurt as a result of this call.

On June 29, 2022, at approximately 1645 hours you were dispatched to a Disturbance in Progress in the Town of Fort Garland. Dispatch attempted to reach you via radio approximately 5 to 6 times and you did not answer the radio. Undersheriff Cruz Soto then attempted to contact you by radio and you did not answer him either until approximately the 7<sup>th</sup> attempt. By this time Blanca PD was en route to the Disturbance. The call had been defused by Blanca Police Officers and they advised they attempted to inform you of the information they had obtained. According to them, you were very unprofessional and seemingly ignored their presence so they left. The reporting party has also expressed concerns with the way this call was handled and called me in regards to filing a complaint as she felt she was treated unfairly by you.

After this call in Fort Garland, you proceeded to contact [REDACTED] and began to argue as to why they were there as they are Blanca. [REDACTED] has filed a complaint about your conduct with him and your behavior.

On May 3, 2022, another complaint was filed by [REDACTED] who states in her complaint "That you would not complete her case which was a Trespassing and a Dog attacking her Dog in which she says she had vehicle information. She goes on to state you began to ask her personal questions.

If you wish to defend these complaints I will be available on July 19, 2022, at 1045 hours at Costilla County Sheriff's Office. Sgt. Hunter Velasquez will be in contact with you to obtain any equipment in your possession that belongs to Costilla County. Your final check can either be mailed to you or you can call and speak to Ayesha Williams Payroll Clerk and make arrangements to pick it up.

Costilla County Sheriff



Danny Sanchez



## Costilla County Sheriff's Office

**SHERIFF**  
**DANNY SANCHEZ**  
Office 719.672.0673

P.O. Box 6  
103 Gaspar St.  
San Luis, Co 81152

**UNDERSHERIFF**  
**CRUZ SOTO**  
Fax 719.672.1091

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns

---

2. I have invoked my Miranda rights on the grounds that I might incriminate myself in a criminal matter.
3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.
4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.
5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.
6. Anything I say may be used against me in any subsequent department charges.
7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Investigating Deputy:

Signature: *[Handwritten Signature]*

Date: 07/19/22

Time: 1150 hrs

Location: Costilla County Sheriff's Office

Witnessed by: *[Handwritten Signature]*  
*[Handwritten Signature]*

# Costilla County Sheriff's Office



103 Gasper Street San Luis, Colorado 81152

Office: 719.672.0673

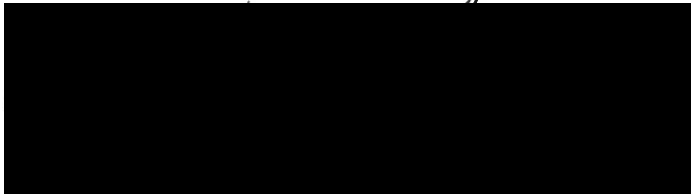
Danny Sanchez, Sheriff

Fax: 719.672.1091

Cruz Soto, Undersheriff

On 06/19/2022 at approximately 17:50 I heard dispatch give Deputy Garcia a call at [REDACTED] in Chama. Dispatch stated that it was an armed trespassing call. The caller stated that someone is breaking into the house and [REDACTED] did not call because he was going to contact the parties and he thinks they had a gun. Deputy Garcia was about to go off duty and told dispatch that he had just driven through the area and did not see anything and that he would be clear. [REDACTED] called dispatch on the radio and stated that he would be in route. I called and said I would also be headed that direction.

I arrived in the area and initially had difficulty locating the above address. [REDACTED] and I responded to the address once we figured out where we were going. Once on scene I cleared a plate on a truck parked next to the house. Dispatch confirmed we were in the right place and [REDACTED] and I proceeded up to the house. We both knocked and announced ourselves. The storm door was closed but the main door was wide open. We called [REDACTED] name and still got no response. [REDACTED] knocked on the back door. No one answered. We made the decision to make entry into the house. [REDACTED] announced "SHERIFF'S OFFICE!" [REDACTED] made entry and I was right behind him. He went to pie the first door we came to on the right-hand side. I heard [REDACTED] say "whoa whoa whoa!" He backed out of the door quickly and told whoever was on the other side of the door to drop the gun. The voice on the other side of the wall asked to see a badge. [REDACTED] removed his badge and showed it around the corner. The male put his gun down and we proceeded into the room. It was [REDACTED] He had fallen asleep and apparently did not hear us.



# COSTILLA COUNTY SHERIFF'S OFFICE

Sheriff Danny Sanchez

Undersheriff Cruz Soto

103 Gasper Street  
Post Office Box 6  
San Luis, CO 81152

Dispatch: (719) 672-3302  
Office: (719) 672-0673  
Fax: (719) 672-1091

On 06-19-2022 at approx. 17:50 hrs. I was getting ready for my shift to begin at 18:00. I already had turned my radio on and was listening to what was going on to be prepared to begin my shift. I heard Dispatch notify Deputy Mark Garcia of a possible armed trespasser at [REDACTED], called in by [REDACTED] for his brother [REDACTED] who was going to confront the armed trespassers.

I heard Garcia ask for a call back number and then Dispatch relayed it to him. I hurried up and got ready and left my house. I advised Dispatch that I would be en route to [REDACTED] to Cover C-5 [REDACTED]. Dispatch acknowledged my radio traffic. Then about five minutes later Dispatch notified me that C-5 had called in by cellphone and had advised them that he had been in the area a short time prior to the call and he didn't see anything that looked suspicious. He then informed them that he was off duty.

I had heard [REDACTED] come on duty and advised him the call and thought it didn't sound right the way the call had been cleared. [REDACTED] lives a lot closer to Chama than I do. I asked him to find the address and meet me up there.

When I got to Chama I found [REDACTED] but still was unable to locate the address. We stopped at [REDACTED] address and were able to get directions from him. We could see [REDACTED] house from [REDACTED] address. [REDACTED] and I went to [REDACTED] residence and found the front door to be wide open. The glass storm door was closed, but the front door was wide open.

I knocked on the door and even opened it and yelled for [REDACTED]. [REDACTED] and I went around to the south side door on the house and knocked there also. No answer. We went back around to the wide open front door. We earlier had observed there to be a bullet on the floor.

I went ahead and made entry into the house. [REDACTED] right behind me. I yelled and announced myself as "SHERIFF'S OFFICE!!!" As I started into the residence I heard rustling around in the first bed room. I started to make entry into the room and was meet by a rifle in my face.

We were able to work out who I was and didn't get shot. The man holding the rifle was [REDACTED] [REDACTED] who thought nobody was coming. The stand-off ended peacefully, but all could have been avoided had Garcia gone out there what he was called to gout there.

Case Closed. Cleared by Report.

[REDACTED]

# COSTILLA COUNTY SHERIFF'S OFFICE

## Policy and Procedure Manual

<b>Approval Date: 08-30-13</b>	<b>Section: 2 Employee/ Officer Conduct</b>
<b>Approved By:</b> <b>Sheriff Amos Medina</b> <b>Undersheriff Andrew Espinoza</b>	<b>Sub-Section: 200</b> <b>Topic: General Conduct</b>

### Purpose

It is the purpose of this document to outline acceptable and unacceptable behavior of our officers while employed with this agency and while in the public eye. This will promote the community's integrity and respect towards our agency and aid us in the successful completion of our duties.

### Policy

The Costilla County Sheriff's Office will advise in writing of conduct that is expected of employees to promote a positive show of ethics and detour from actions that maybe socially and legally unacceptable. Negative actions may lead to disciplinary actions which may include a verbal reprimand or in more excessive cases suspension or being relieved from duty.

### Procedure

1. Officers must continually conduct themselves in a manner that will reflect a positive image to Costilla County, The Costilla County Sheriff's Office, our fellow officers, and the law enforcement community in general. Unbecoming conduct will include that which reflects discredit on the employee or Sheriff's Office or which tends to impair the operation, efficiency, or effectiveness of the individual or Sheriff's Office.
2. Every employee shall obey all Federal, State and Local laws at all times. At no time will any employee aid, abet, incite or conceal another's attempt or completion of any violation of law. Any convictions for violation of any law will be considered a violation of this Policy and Procedure.
3. Every employee will comply with Sheriff's Office or Costilla County policies and procedures at all times. Also, at no time will any employee aid, abet, incite or conceal another employee's attempt or completion of any violation of Sheriff's Office or Costilla County policies.
4. Every employee shall have an obligation to perform his/her duties with integrity and loyalty to the agency, with proper performance, and with intentionally good faith.

any medication and information including the effects of the prescription that may affect the employee's ability to perform required duties.

16. Employees are not permitted to consume alcohol to the extent that it interferes with his/her duties in any way. Employees are not permitted to have any level or signs of intoxication whatsoever while on duty or on call/standby. Employees are not permitted to possess alcohol while on duty except when necessary during the course of their duties such as the collection and handling of evidence.
17. If at any time a supervisor has reason to believe an employee is under the influence of drugs and/or alcohol he/she may request that the employee submit to appropriate and reasonable testing of drugs and/or alcohol. Refusal of testing by the employee may lead to disciplinary action including relief of duties.
18. Employees shall not gamble or engage in any games of chance risking money or any other items or services unless the employee is off duty, in civilian attire, and in a licensed Colorado casino.
19. Employees shall not willfully and knowingly depart from the truth to the best of his/her knowledge in giving testimony, speaking to supervisors, or in any other relay of information in connection with any duties associated with the Sheriff's Office.

# COSTILLA COUNTY SHERIFF'S OFFICE

## Policy and Procedure Manual

<b>Approval Date: 08-30-13</b>	<b>Section: 2 Employee/Officer Conduct</b>
<b>Approved By:</b> <b>Sheriff Amos Medina</b> <b>Undersheriff Andrew Espinoza</b>	<b>Sub-Section: 201</b> <b>Topic: Standards of Conduct</b>

### Purpose

The purpose of this policy is to clarify what conduct is expected of all employees of the Costilla County Sheriff's Office.

### Policy

It is the duty of employees to comply with the following responsibilities and the supervisory instructions given to them for the performance of their duties. These standards are for internal purposes only and are not intended to set or suggest standards for civil or criminal liability or to establish third-party rights of any kind.

### Procedure

- Duty to conduct oneself within the bounds of the law. Each employee has the responsibility to know the law and follow it.
- Duty to ethical conduct and loyalty to the county. Each employee has the responsibility to avoid any activities which may conflict with county duties; to respect and preserve county property and resources; to maintain confidences; to not misuse county time, benefits, or privileges of employment; and to act ethically and honesty in all matters that may reflect on the reputation of the county.



## BLANCA POLICE DEPARTMENT

601 Main St.  
PO BOX 90  
Blanca, CO 81123

Phone: 719-379-3810  
Fax: 719-379-4762

July 5, 2022

Re: Complaint on Deputy Mark Garcia

Sheriff Danny Sanchez,

On June 29, 2022 at approximately 1645 hours, myself and [REDACTED] were on duty when a call of a disturbance in progress on Pfeiffer St. in the Town of Fort Garland, CO was aired to Deputy Mark Garcia.

Dispatch had attempted to get ahold of Deputy Garcia several times via radio regarding this call with no answer. Being that it was an in-progress call with two females actively fighting I decided that [REDACTED] and I would assist as we have on numerous occasions through our agency assisting each other through mutual aide.

As we were getting ready to air to dispatch that we would be responding to assist your office, Undersheriff Cruz Soto aired that he was currently in Alamosa, CO as he was ending his shift but would respond. Due to his distance and response time, we aired that we would assist with the disturbance,

We arrived on scene and both women were no longer fighting and were separated. We were told what had occurred by one of the females who was identified as [REDACTED]. We were getting ready to go and speak to the other female when Deputy Garcia arrived on scene. I asked Deputy Garcia if he wanted to go with me and speak with the other female. Deputy Garcia didn't acknowledge me or respond to what I had asked. Deputy Garcia never spoke with myself or [REDACTED] to get any info we may have had prior to his arrival. Deputy Garcia walked past me going and speaking with [REDACTED]. Since the scene was safe, I asked Deputy Garcia if he needed anything from us. Deputy Garcia respond that he didn't and we cleared.

I cleared and then contacted Undersheriff Soto and explained to him what had occurred and told him that Deputy Garcia pretty much ignored us and wasn't vary professional. I had mentioned to Undersheriff Soto that we have always had a great working relationship

between our agency and yours and never had a deputy act like this before. This was the extent of our conversation. After this call I met with ( [REDACTED] ) at the intersection of Smith Ave. and Main St. in the Town of Blanca, CO. While we were talking Detention Deputy Julian Rodriguez arrived and joined us in conversation.

As we were speaking Deputy Garcia arrived and appeared to be upset. Deputy Garcia walked up to us and asked "so I ignored you"? Not understanding his question, I asked him what he was talking about and he then repeated himself. I realized Undersheriff Soto must have spoken with him regarding the way he acted on the above call. I responded that he did ignore us. Deputy Garcia then asked Officer Sanchez and Officer Sanchez nodded yes indicated that Deputy Garcia had ignored us. Deputy Garcia stated that he didn't and stated "well that pisses me the fuck off". I replied that he not responded to calls as he should be pisses me the fuck off.

Deputy Garcia then became angrier and more argumentative stating that he was at the dollar store and that was the way he was on active calls. I told Deputy Garcia that he should have responded to his radio and for him not to be mad at me for the way he acted on scene. Deputy Garcia continued to argue stating that "you're Blanca" but didn't finish his statement. I told Deputy Garcia that he needed to leave and that I wasn't one of his co-workers that he thinks he could talk to like that. Deputy Garcia refused to leave until I turned on my body camera and he heard the camera state "camera recording". Deputy Garcia then turned around and left. I contacted Undersheriff Soto and let him know what had happened.

Respectfully,

[REDACTED]