

DISTRICT COURT, BOULDER COUNTY, COLORADO Court Address: Boulder County Justice Center 1777 Sixth Street Boulder, Colorado 80302 Court Phone: (303) 441-3750		DATE FILED: June 4, 2021 10:50 AM CASE NUMBER: 2021CR903
PEOPLE OF THE STATE OF COLORADO vs. JUAN JOSE FIGUEROA, Defendant		COURT USE ONLY
Attorney Name: Katharina Booth, Reg. # 30087 First Assistant District Attorney Michelle Sudano, Reg. # 54428 Deputy District Attorney Boulder County Justice Center 1777 Sixth Street Boulder, CO 80302 Attorney Phone: (303) 441-3781 Attorney Fax: (303) 441-4703 Attorney E-mail: kbooth@bouldercounty.org		Case No: Division: 21CR903-4
TWENTIETH JUDICIAL DISTRICT GRAND JURY INDICTMENT		

- COUNT 1 **MURDER IN THE FIRST DEGREE, C.R.S. 18-3-102(1)(a) (F1)**
- COUNT 2 **MURDER IN THE FIRST DEGREE, C.R.S. 18-3-102(1)(b) (F1)**
- COUNT 3 **SECOND DEGREE KIDNAPPING, 18-3-302(1), C.R.S. (F4)**

Of the 2021 statutory term of the Boulder County District Court in the year 2021, the 2021 statutory Grand Jurors chosen, selected and sworn in the name, and by the authority of the People of the State of Colorado, upon their oaths, present the following described acts, all done contrary to the form of statutes in such case made and provided, and against the peace and dignity of the People of the State of Colorado, as stated in the counts attached hereto:

Michael T. Dougherty, District Attorney for the Twentieth Judicial District, of the State of Colorado, in the name and by the authority of the People of the State of Colorado, informs the court of the following offenses committed, or triable, in the County of Boulder.

COUNT 1-MURDER IN THE FIRST DEGREE (AFTER DELIBERATION) (F1)

On or about March 18, 2018, in or triable in the State of Colorado, JUAN JOSE FIGUEROA unlawfully, feloniously, after deliberation, and with the intent to cause the death of a person other than himself, caused the death of Rita Gutierrez-Garcia; in violation of section 18-3-102(1)(a), C.R.S.

COUNT 2-MURDER IN THE FIRST DEGREE (FELONY MURDER) (F1)

On or about March 18, 2018, in or triable in the State of Colorado, Juan Jose Figueroa unlawfully and feloniously, acting alone or with one or more persons, committed or attempted to commit kidnapping and, in the course of or in furtherance of that crime, or in the immediate flight therefrom, the death of Rita Gutierrez-Garcia, a person, other than one of the participants, was caused by anyone; in violation of section 18-3-102(1)(b), C.R.S.

COUNT 3-SECOND DEGREE KIDNAPPING (F4)

On or about March 18, 2018, in or triable in the State of Colorado, Juan Jose Figueroa unlawfully, feloniously, and knowingly seized and carried Rita Gutierrez-Garcia from one place to another without the consent of the victim and without lawful justification; in violation of section 18-3-302(1), C.R.S.

Probable cause as to Counts 1, 2 and 3 is as follows:

On the evening of Saturday, March 17, 2018, victim, Rita Gutierrez-Garcia (DOB 4/7/1983), went out with friends and her cousins to some local bars in downtown Longmont (in the 300-400 block of Main Street). Gutierrez-Garcia briefly interacted with Juan Figueroa inside one of the bars at approximately 1:30 am. Gutierrez-Garcia was last seen by her cousin and an acquaintance in a parking lot in the 300 block of Main Street at approximately 2:30 am on March 18, 2018, as they were leaving the downtown area to return home. Gutierrez-Garcia told her cousin she had a ride but did not say who would be taking her home; the acquaintance saw her looking at her phone as he left the area. Witnesses also placed Figueroa in the same area after the bars had closed.

Gutierrez-Garcia's cell phone information showed her located in the area of the bars until approximately 2:30 am on March 18, 2018. Phone tower data showed her phone in the approximate area of the 600 block between Main St. and Coffman St. from 2:40 to 3:03 am. Figueroa's truck was captured on surveillance footage going southbound in an alley in that area at 2:37 am. At 3:03 am, Gutierrez-Garcia's phone began to move, covering distances consistent with a vehicle travelling at city speeds. Surveillance footage showed Figueroa's truck travelling north through the same alley between Main St. and Coffman St. at 3:03 am. Figueroa's truck was

then captured travelling westbound on Longs Peak Avenue at 3:04 am. Gutierrez-Garcia's phone traveled this same path at the same time. At 3:07 am, Longmont Police dispatch received a 911 hang up call from Gutierrez-Garcia's phone number. Dispatch called back two different times and there was no answer. Gutierrez-Garcia's phone dropped off the network at 3:10 am and was in the approximate area of 3rd Ave. and Vivian St. in Longmont.

Gutierrez-Garcia has not been seen or heard from since and is presumed deceased. When Gutierrez-Garcia had not returned home or contacted any member of her family by Monday evening (March 19, 2018), her mother reported her missing. Prior to March 18, 2018, Gutierrez-Garcia was a consistent and regular user of financial devices and various social media platforms. Since March 18, 2018, there has been no activity on Gutierrez-Garcia's bank or other financial accounts; her social media and email accounts have been inactive; her phone has never reappeared on the network; and she was not located in any local hospitals, jails or mental health facilities. Periodic review of these various accounts confirm that all these accounts have remained inactive since March 18, 2018. Additionally, Gutierrez-Garcia was the primary caretaker of her three school-aged sons and was one semester away from graduating with a paralegal degree at the time of her disappearance. Gutierrez-Garcia had a close relationship with her mother and two sisters and had been actively involved in the planning of the birth of her sister's baby. None of Gutierrez-Garcia's friends or family knew of or suspected any plans she harbored to run away. Gutierrez-Garcia did not have mental health issues and police were not able to identify anyone who wished to harm her.

Juan Figueroa was named as a person of interest in Rita Gutierrez-Garcia's disappearance. Police learned that Figueroa had fled the State of Colorado on the evening of March 20, 2018, shortly after detectives attempted to contact him at his mother's home. Figueroa briefly stayed with a relative in Crystal City, TX on March 21, 2018 before crossing the border into Mexico on March 22, 2018. While he was in Mexico, Figueroa asked several individuals for money, and further stated that he was in trouble, that he was planning to sell his truck, and that people would only see him if they came to visit him in Mexico.

Figueroa was stopped by U.S. Customs and Border Patrol agents as he was crossing the border back into the United States from Mexico on March 27, 2018. He was arrested on a warrant issued on March 24, 2018, stemming from a separate offense that occurred in November of 2017, involving victim K.N. Figueroa was informed by officials in Texas that the warrant was for a sexual assault and that he would likely be extradited. Figueroa responded by stating, "That's the only warrant? That's it? ...Just Sex Assault? ...Sweet (claps) let's get this over and done with so I can get my bond, get it posted."

K.N.'s case was similar to Gutierrez-Garcia's case and informed the investigation. Figueroa met both women in bars in downtown Longmont within months of one another. Figueroa struck up a conversation with each woman and had the opportunity to observe her level of intoxication. During the course of the evening, both women were separated from their friends. Figueroa took K.N. back to his apartment and strangled her to the point of unconsciousness before sexually assaulting her. Figueroa told K.N. that he was going to kill her and stated that she would never leave. K.N. was able to get out of Figueroa's bedroom and ran downstairs. K.N. yelled for help and told Figueroa's roommates that Figueroa had "tried to kill" her.

Figueroa's truck was seized at the time of his arrest and later searched for evidence. A witness familiar with Figueroa's truck noted that while his truck cab was normally full of trash and dirty from sleeping in it, that in the days after March 18, 2018, it had been cleaned thoroughly and was described as spotless. Forensic testing conducted by the Colorado Bureau of Investigations (CBI) showed the presence of DNA consistent with Gutierrez-Garcia in Figueroa's truck; a sample from a stain on the fabric of the passenger seat showed a mixture of four individuals' DNA. Assuming the presence of Figueroa, the mixture is at least 24,000 times more likely to be observed if it originated from Figueroa, Gutierrez-Garcia, and two other unknown, unrelated individuals than if it originated from Figueroa and three unknown, unrelated individuals. Likelihood ratio values between 10,000 and 999,999 are considered strong support by CBI.

Figueroa also made multiple statements regarding his involvement in Gutierrez-Garcia's disappearance and death. Figueroa told a cellmate that he had strangled Gutierrez-Garcia and disposed of her body before returning to the home of his sister, _____, around 8:00 am. Figueroa explained how the missing woman had called him a "weirdo" which caused him to punch her, knocking her unconscious, and then he strangled her. Figueroa further told the cellmate that he had burned his clothes in his sister _____ fireplace, and that the missing woman's body was in an area not accessible to the public. Police were also able to surreptitiously record Figueroa pursuant to a court-ordered wiretap warrant. During the recordings, Figueroa could be heard talking about how he had burned his clothing and extensively cleaned his truck in order to avoid detection. A witness before the Grand Jury testified that Figueroa started a fire or stood next to a fire in _____ fireplace in the days after Gutierrez-Garcia went missing. Figueroa also stated that he had buried the body and that the only way anyone would find it is if police inserted a probe into his brain.

All offenses against the peace and dignity of the People of the State of Colorado.

AS TO COUNT ONE:

TRUE BILL Ad. Ch.

NO TRUE BILL _____

AS TO COUNT TWO:

TRUE BILL Ad. Ch.

NO TRUE BILL _____

AS TO COUNT THREE:

TRUE BILL Ad. Ch.

NO TRUE BILL _____

I, C. G. the Foreperson of the 2021 Statutory Grand Jury, in Boulder, Colorado, do hereby swear and affirm that each and every True Bill returned in this Indictment by the 2021 Statutory Grand Jury was arrived at after deliberation and with the assent and agreement to the existence of probable cause by at least nine members of the 2021 Statutory Grand Jury.

[Signature]
FOREPERSON

Subscribed and sworn to before me in the City and County of Boulder, State of Colorado, this ____ Day of June, 2021.

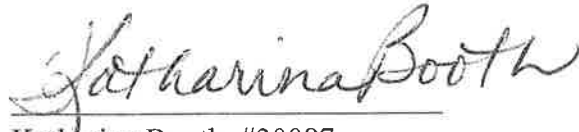
MARCI SYNER LIEBERMAN
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19964017072
COMMISSION EXPIRES 7/5/2024

[Signature]
NOTARY PUBLIC

My commission expires: 7.5.2024

Respectfully submitted and approved for filing this 3 day of June, 2021.

MICHAEL T. DOUGHERTY
District Attorney



Katharina Booth, #30087
First Assistant District Attorney
Twentieth Judicial District Attorney's Office
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Michelle Sudano, #54428
Deputy District Attorney
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Court orders this Indictment returned.

ARREST WARRANT TO ISSUE FOR:

JUAN JOSE FIGUEROA

BUENA VISTA CORRECTIONAL FACILITY

DOB: 04/20/1989, SSN: , OLN:

H/M,

NCIC:

CCIC:

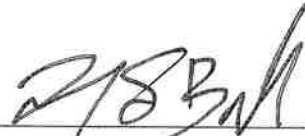
BOND IS HEREBY SET IN THE FOLLOWING AMOUNT:

\$ 2,000,000 cash

CONDITIONS:

PTS, MC w/ (V) Family
HR. GPS, SAM, no drugs/alc.,
No weapons

BY THE COURT:



INGRID BAKKE

Chief Judge

Twentieth Judicial District

State of Colorado