

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: May 20, 2024
Original Proceeding District Court, Jefferson County, 2023CR2275	
<b>In Re:</b>  <b>Plaintiff:</b>  The People of the State of Colorado,  <b>v.</b>  <b>Defendant:</b>  Kashia Dominique Dorsey.	Supreme Court Case No: 2024SA84
ORDER OF COURT	

Upon consideration of Petitioner Kashia Dorsey's Petition for Rule to Show Cause Pursuant to C.A.R. 21, answer briefs from Respondents Jefferson County Court and The People of the State of Colorado, and Petitioner's reply brief, and being sufficiently advised in the premises,

IT IS HEREBY ORDERED as follows:

The Order and Rule to Show Cause issued by this Court on March 26, 2024, is hereby MADE ABSOLUTE, and this case is remanded to the county court for further proceedings consistent with this order.

The prosecution charged Ms. Dorsey with one count of felony child abuse resulting in death, which requires that Ms. Dorsey committed child abuse, § 18-6-

401 (1)(a), C.R.S. (2023), and that “the child abuse result[ed] in death to the child,” § 18-6-401 (7)(a)(I). *See also People v. District Court*, 803 P.2d 193, 196 (Colo. 1990); COLJI-Crim. 6-4:09 (2023) (“Did the child abuse result in death?”).

On February 1, 2024, the county court bound this single charge over for trial after finding probable cause that Ms. Dorsey committed the offense.

Even assuming the prosecution established probable cause that Ms. Dorsey committed some form of child abuse, the prosecution nevertheless failed to offer any evidence that the alleged abuse *caused* her child’s death (as required to prove the felony offense charged). Although courts must draw reasonable inferences in the prosecution’s favor when testimony conflicts at a preliminary hearing, *People v. Williams*, 628 P.2d 1011, 1014 (1981), there must first be evidence in the record on which to base a *reasonable* inference; otherwise, the court is left with nothing more than speculation.

Because the record lacks any evidence of a causal link between Ms. Dorsey’s alleged child abuse and her child’s cause of death, the county court’s order binding this case over for trial is VACATED.

In reaching this conclusion, we express no opinion on whether there might be probable cause for a lesser offense.

BY THE COURT, EN BANC, MAY 20, 2024.