

SUPREME COURT, STATE OF COLORADO 2 East Fourteenth Avenue Denver, Colorado 80203	DATE FILED August 10, 2026 11:42 PM
THE PEOPLE OF THE STATE OF COLORADO Plaintiff-Appellee/Cross-Appellant, v. EDWARD BENJAMIN RUIZ. Defendant-Appellant/Cross-Appellee.	
Transfer from the Colorado Court of Appeals, 2025CA2199 Appeal from the District Court, El Paso County, 2025CR420, Div. 22, Hon. William Bain, District Court Judge	▲ COURT USE ONLY ▲ Case No.: 25SA342
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PEOPLE’S REPLY BRIEF	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 28 and C.A.R.32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The brief complies with C.A.R. 28(g).

It contains 1,055 words.

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R. 28 and C.A.R. 32.

/s/ Tanya A. Karimi

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ARGUMENT

I. This Court’s decisions do not prohibit “knows or reasonably should have known” language from defining a mental state, nor limit such language to public welfare offenses.

Ruiz traces this Court’s decisions in *People v. Prante*, 177 Colo. 243, 493, P.2d 1083 (1972), *People v. Johnson*, 193 Colo. 199, 200, 564 P.2d 116, 117 (1977), *People v. Moore*, 674 P.2d 354, 357–58 (Colo. 1984), and *People v. Ellison*, 14 P.3d 1034, 1035 (Colo. 2000) to distill a rule that “the ‘reasonable person’ standard cannot appear as a culpable mental state required for committing a criminal offense unless such offense is a public welfare one.” *See* Answer Brief, pp.13–19. But Ruiz’s examination of these cases neglects to examine the different language used between cases where statutory language was found unconstitutional and where statutory language was upheld, namely the use of the term knowingly.

In *Johnson*, the Court found the “having reasonable cause to believe” portion of the theft by receiving statute unconstitutional by reason of overbreadth. *Johnson*, 564 P.2d at 117–18. The Court again found this belief language unconstitutional in *Moore*, 674 P.2d at 357–58. This language of belief is what can lead a jury to make a conclusion about what a “fictional reasonably prudent man,” may do. *Johnson*, at 118. But the current statutory definition of the knowingly mental state requires a subjective component. Use of the term knowingly or

knowledge is what differentiates the MVT statute from the statutes found unconstitutional in *Johnson* and *Moore*. The analysis in *Ellison* illustrates that distinction.

In *Ellison*, the DUR statute defined “knowledge” as “actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person’s license or privilege to drive was under restraint.” *Ellison*, 14 P.3d at 1035. *Ellison* acknowledged that the knowledge of circumstances language meant that “a defendant could not be punished for acting without actual subjective knowledge of these circumstances,” and that “knowledge, as defined [by circumstances] combines both a subjective and an objective component. It requires the defendant to be actually aware of specific circumstances.” *Id.* at 1037.

In the MVT statute, the “knows or reasonably should have known” language applies to the circumstance of whether a defendant’s act of exercising control over a vehicle “was without authorization or was by threat or deception.” § 18-4-409(2), C.R.S. 2025. By requiring knowledge of a defined circumstance, the MVT statute requires subjective knowledge.

“[A] person acts “knowingly”...with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of

such nature or that such circumstance exists.” § 18-1-501(6), C.R.S. 2025.

Following the definition of “knowingly,” a defendant to be convicted under the MVT statute must know or reasonably know his exercise over a vehicle is without authorization or by threat or deception, meaning he has or reasonably should have a subjective awareness of the circumstance that his exercise over a vehicle is without authorization or by threat or deception. The definition of “knowingly” places subjective knowledge on a defendant.

This Court’s analysis in *Ellison* focused initially on incorporation of a subjective component into the statutory mental state. It placed equal importance on the fact that the DUR statute was a public welfare offense. *Ellison*, 14 P.3d at 1037. But the existence of a public welfare offence was not determinative to the analysis, nor should it be. “Public welfare offenses usually proscribe acts of neglect where the law requires care, or inaction where it imposes a duty.” *Id.* “Reasonably should have known” language addresses instances where a person exercises deliberate ignorance of regulations, and such language is particularly effective in addressing public welfare offenses where persons should be aware of certain regulations. Similarly, the “reasonably should have known” language in the MVT statute addresses a person’s deliberate ignorance of circumstances showing a lack of authorization for exercising control over a vehicle. Other statutes, criminal

possession of a financial device, § 18-5-903(1), C.R.S. 2025 (“person has in his or her possession or under his or her control any financial device that the person knows, or reasonably should know, to be lost, stolen or delivered under mistake”) and vehicular eluding, § 18-9-116.5(1), C.R.S. 2025 (“knows or reasonably should know that he or she is being pursued by said police officer”), are not public welfare offenses but contain “reasonably should know language” to address deliberate ignorance. A public welfare offense is not an exception to rule defining mental states but is an offense that illustrates the need to address deliberate ignorance of factual circumstances in defining an offense.

II. The language “knows or reasonably should have known” does not reduce the mental state to a standard below criminal negligence; it is a knowing mental state.

Ruiz argues that the language “knows or reasonably should have known” reduces the mental state in the MVT statute to a standard below criminal mental state. *See Answer Brief*, pp.25–29. It does not, because the language includes the definition of “knowingly. Again, “a person acts ‘knowingly’...with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.” § 18-1-501(6), C.R.S. 2025. The definition requires the mental state apply to conduct or a circumstance when a defendant “is *aware* that his conduct is of such nature or that

such circumstance exists.” *Id.* (emphasis added). An *awareness* of conduct is in the definition of knowingly. Defining a mental state as a reasonable awareness of certain conduct does not reduce the mental state of “knowingly;” it applies that mental state to specific conduct.

Statutes are presumed constitutional, and if a challenged statute is subject to an alternative construction that comports with constitutional standards, the constitutional construction must be adopted. *People v. West*, 724 P.2d 623, 626 (Colo. 1986). Here, because the “reasonably should have known” language in the MVT statute applies to a defendant’s subjective knowledge of his authorization to retain or exercise control over a vehicle, the MVT statute when so understood comports with constitutional standards. The district court erred in holding otherwise.

CONCLUSION

For the reasons stated in the opening brief and this reply brief the People pray the Court reverse the order of the district court.

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CERTIFICATE OF SERVICE

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