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ADVANCE SHEET HEADNOTE
June 29, 2026

2026 CO 59

No. 24SC508, *People v. Ceus* – Child Abuse Resulting in Death – Instructional Error – Constitutional Harmless Error – Sufficiency of Evidence – “results in” – But For Cause – Proximate Cause – § 18-6-401(1)(a), C.R.S. (2025) – § 18-6-401(7)(a), C.R.S. (2025) – *People v. Dunaway*, 88 P.3d 619 (Colo. 2004) – *People v. Beverly*, 2025 CO 18, ¶ 28, 568 P.3d 398.

After the prosecution charged the defendant with two murder counts for the deaths of two young girls, the jury returned guilty verdicts on the lesser included offenses of child abuse resulting in death. The supreme court agreed to review this case to consider whether (1) the trial court erred in instructing the jury, (2) any instructional error was constitutionally harmless, and (3) there was sufficient evidence to support the two convictions.

Agreeing with the division, the supreme court first concludes that the trial court should have either used special interrogatories to allow the jury to make distinct findings on whether the child abuse resulted in death or drafted the elemental instructions to require such findings.

But for three reasons, the supreme court parts ways with the division's conclusion that the error was not constitutionally harmless. First, whether the girls died as a result of the abuse they endured was never meaningfully disputed at trial. Second, the jury instructions and the verdict forms clearly directed the jury to determine whether Ceus had engaged in child abuse *that resulted in the girls' deaths*. And third, the evidence that the child abuse resulted in the girls' deaths was overwhelming.

Finally, like the division, the supreme court rejects the defendant's sufficiency-of-the-evidence challenge. Viewing the evidence as a whole and in the light most favorable to the People, it is clear that it was both substantial and sufficient to support her guilt beyond a reasonable doubt.

Accordingly, despite agreement with parts of the division's opinion, the supreme court ultimately reverses the judgment and remands the case for consideration of the defendant's remaining claims.

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2026 CO 59

Supreme Court Case No. 24SC508
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 20CA1360

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Madani Ceus.

Judgment Reversed

en banc

June 29, 2026

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JUSTICE SAMOUR delivered the Opinion of the Court, in which **CHIEF JUSTICE MÁRQUEZ, JUSTICE BOATRIGHT, JUSTICE HOOD, JUSTICE BERKENKOTTER,** and **JUSTICE BLANCO** joined.
JUSTICE GABRIEL concurred in part and dissented in part.

JUSTICE SAMOUR delivered the Opinion of the Court.

¶1 “Certainly any one who has the power to make you believe absurdities has the power to make you commit injustices.” Voltaire, *Miscellanies: On Absurdities and Atrocities*, in *Les Philosophes: The Philosophers of the Enlightenment and Modern Democracy* 272, 277 (Norman L. Torrey ed., 1960). This evergreen aphorism is on full display in this case. The defendant, Madani Ceus (“Ceus”), variously known to her disciples as “Amma,” “Yahweh,” and other divine epithets, preached that she was the creator of all things.

¶2 After years spent caravanning across the country, Ceus and her group settled for several months on a farm outside Norwood, Colorado. While there, two young girls – members of the group since its inception – were declared tainted by Ceus and were exiled to a car on the far side of the property, fully exposed to the intense summer heat. Ceus forbade anyone from giving the girls food or water or interacting with them in any way. Isolated and ostracized, the children died in the backseat of the car. Their bodies remained there for weeks until the deaths were reported to the San Miguel County Sheriff’s Office (the “Sheriff’s Office”).

¶3 The People brought charges against all adult members of the group. At issue here is the viability of Ceus’s convictions for child abuse resulting in death—convictions based on jury verdicts. Our task today is to assess the propriety of the jury instructions given by the court, the harm any instructional

error may have engendered, and whether the evidence presented at trial was sufficient to sustain the convictions.¹

¶4 We conclude, as did a division of the court of appeals, that the trial court erred in instructing the jury because it failed to require distinct findings on whether the child abuse *resulted in* the girls' deaths. The court should have either used special interrogatories allowing the jury to make those findings or drafted the elemental instructions to require the jury to do so.

¶5 But we part ways with the division's conclusion that the error was not constitutionally harmless. We do so for three reasons.

¶6 First, whether the girls died as a result of the abuse they endured was never meaningfully disputed at trial. The core question was not *how* they died but *who* bore responsibility for their deaths. This focus on who was responsible permeated the trial—starting with opening statements, continuing with the evidence, and

¹ We granted certiorari to review the following three issues:

1. Whether the court of appeals erred by not considering the instructions and trial as a whole in determining whether the jury properly understood that it needed to find, and did find, the sentence enhancer beyond a reasonable doubt.
2. Whether the court of appeals erred by holding that any possible error was reversible in light of the instructions, arguments, and evidence all showing that the defendant's actions resulted in the children's deaths.
3. Whether the evidence was insufficient to sustain the convictions.

ending with closing arguments. Ceus's own statements support the conclusion that the abuse resulted in the girls' deaths.

¶7 Second, the jury instructions and the verdict forms clearly directed the jury to determine whether Ceus had engaged in child abuse *that resulted in the girls' deaths*. And the verdicts returned reflect that the jury found her guilty on both counts of child abuse "[r]esulting in [d]eath."

¶8 Third, the evidence that the child abuse resulted in the girls' deaths was formidable. Our thorough review of the trial record confirms that the through-line from the abuse to the girls' deaths was unmistakable.

¶9 In our view, taken together, these considerations leave no reasonable possibility that the instructional error affected the verdicts. Therefore, we see no basis to question the verdicts' validity.

¶10 Finally, like the division, we reject Ceus's sufficiency-of-the-evidence challenge. Viewing the evidence as a whole and in the light most favorable to the People—as we must—it is clear that it was both substantial and sufficient to support her guilt beyond a reasonable doubt.

¶11 Accordingly, despite our agreement with parts of the division's opinion, we ultimately reverse its judgment and remand the case for consideration of Ceus's remaining claims.

I. Facts and Procedural History

A. Overview

¶12 In the late summer of 2017, deputies with the Sheriff's Office responded to a report of two deceased children on a property located outside Norwood, Colorado. Upon arrival, deputies contacted—and subsequently arrested—four adults: Ashford Nathaniel Archer ("Archer"); Ika Eden ("Eden"); Frederick Alexander Blair ("Blair"); and Ceus. The scene bore the unmistakable marks of a tragedy. A car held the bodies of two young girls: M.R., approximately ten years old, and her sister, H.M., approximately eight years old. The responding deputies quickly realized that the girls had died some weeks earlier and had remained in the car; their bodies were desiccated, skeletonized in some areas, and partially mummified.

¶13 The People charged Ceus with two counts of first degree murder—victim under twelve ("murder") and two counts of child abuse resulting in death.² Following nearly two years of pretrial litigation, Ceus proceeded to a jury trial, with the two counts of child abuse resulting in death treated as lesser included offenses of the two murder counts.

² Archer, Eden, and Blair were also arrested and charged. Nashika Bramble ("Bramble"), the children's biological mother, was later arrested and charged as well.

¶14 During the four-week trial, the jury heard testimony from nearly forty-five witnesses and reviewed hundreds of exhibits. We recount the relevant facts and procedural history next. Before doing so, however, a brief preliminary word is warranted: Because we review for constitutional harmless error and Ceus challenges the sufficiency of the evidence, our recitation of the facts is deliberately extensive,³ and, given the arguments advanced by the parties, our summary of the procedural history is necessarily detailed as well.

B. Origins and Early Developments

¶15 Around 2015, Ceus, Archer, Eden, and Bramble moved as a group from Florida to an apartment in North Carolina; they had children—toddlers and teenagers—in tow. Before the move, the group members shed their former identities, burning personal effects such as photographs and identification documents. Upon arrival, they discarded their clothing and dressed in white gowns. But it wasn't just their wardrobe that changed. Ceus—possibly in conjunction with Archer—imposed a strict diet on the group as a form of bodily cleansing. The group was prohibited from consuming anything other than coconuts, almonds, dates, and water. Piece by piece, the trappings of their past

³ The facts we set forth are those that a reasonable jury could have found from the evidence presented at trial.

lives fell away as the group began engaging in communal activities of a spiritual nature.

¶16 Ceus and Archer sat atop the group's hierarchy as social leaders, with Ceus holding ultimate decision-making authority and Archer acting in a preaching capacity. But it was Ceus who was primarily in charge, and the group began to move in her orbit, shaping their lives around her authority.

¶17 After some weeks in the apartment, the group's food stores were exhausted, and they went without food. No one took action to obtain more food, and the group went hungry for a time. Although no physical restraints prevented members from leaving, Ceus warned that doing so risked spiritual contamination. Even so, a couple of the older children left the group during this time.

C. Leaving North Carolina and Settling in Colorado

¶18 The group eventually left the North Carolina apartment and traveled the country in two cars, surviving predominantly on the charity of friends and strangers. Witnesses who encountered the group during this time testified that Ceus and Archer were addressed as "Amma" and "Abba," respectively. One witness recalled that a child asked Ceus for permission before sitting in a chair, and that another member sought Ceus's permission to accept food, a quilt, and a sleeping bag.

¶19 In the early summer of 2017, the group had a chance encounter with a stranger named Blair outside a gas station near Grand Junction, Colorado. At the time, members of the group were dressed in multicolored robes, and they approached Blair to discuss spiritual matters. Little did the group and Blair know that this crossroads moment would set them on a different trajectory.

¶20 Blair owned a seventeen-acre undeveloped farm outside Norwood. Although he did not reside on his farm, he used it to cultivate vegetables and marijuana. Within a day, Blair invited the group to stay on his property. Because the farm lacked basic utilities, such as electricity and plumbing, and was also devoid of permanent structures, the group bivouacked in cars, tents, and makeshift shelters.

¶21 Upon their arrival at the farm, the group consisted of five adults,⁴ all of whom remained deeply committed to their spiritual practices. Their beliefs centered on past lives, dream interpretation, and preparation for an impending apocalypse that Ceus had predicted would occur at the end of the summer.

¶22 By this time, Ceus was casting herself as an omniscient divine figure—the “creator of the universe,” “Yahweh,” and “mother.” Her authority had become the axis around which daily life turned. She dictated the group’s schedule and

⁴ The adults were Ceus, Archer, Eden, Bramble, and a teenager who had turned eighteen while they were on the road. There were also four children in the group.

movements. And she used access to food as yet another spoke in the wheel of her control – members could not accept even a simple gift of nourishment without first asking for her approval, which she did not always grant. The group followed Ceus’s directives, convinced that unwavering obedience to her rules was the sole passage to the “light bodies” she promised would secure their salvation.

¶23 Ceus typically prepared meals for the group and withheld food from those she disfavored, particularly individuals she considered “impure” or insufficiently committed to her spiritual regimen. She claimed that her “essence” infused the food she prepared and insisted that those lacking spiritual dedication did not deserve to partake of it.

¶24 Early in the group’s time on the property, nonmembers were allowed to visit, and members were occasionally given permission to leave for brief periods. At one point, six members – including Ceus and Blair – traveled to Bridal Veil Falls in Telluride for what Ceus described as a “sealing” ceremony. Participants drank water from the waterfall and brought additional water back for the members who had remained at the farm. Ceus, however, refused to give any water to M.R., one of the young girls who had stayed behind, declaring her “unsealed” and “impure.” Around the same time, Ceus began referring to M.R. as the demon Lilith, claiming she was Lilith’s reincarnation and had harmed others

in a past life. This marked an inflection point in Ceus's treatment of M.R. and presaged M.R.'s isolation from the group.

D. Ostracizing M.R. and H.M. and the Consequences That Followed

¶25 Thereafter, Ceus gradually orchestrated the exclusion of M.R. and her sister, H.M. After learning of Ceus's concerns about M.R.'s purported past life, Blair sought and received permission to speak with M.R. Following that interaction, however, Ceus regarded Blair with a chilled affect, pronouncing that he had been contaminated by M.R.'s "dark matter" through his contact with her.

¶26 Ceus eventually exiled the two sisters from the group and ordered their confinement in a car situated away from the group's living quarters. She further decreed that neither child would be permitted to eat from the group's food.

¶27 As a result, Blair sought Ceus's permission to obtain food for the two girls from elsewhere. Ceus allowed it, and Blair and Bramble, the girls' mother, traveled to a food bank and then to a local grocery store. Upon their return, however, Ceus declared the outside food "unclean" and "impure." When Blair told her he had eaten bananas from the food bank, she claimed he had become contaminated. Ceus then prohibited Blair from any future trips to obtain food and forbade group members from leaving the farm altogether, warning that violating this edict would contaminate them and cause their "souls [to] be harvested."

¶28 From that point forward, no adult member of the group provided food to M.R. and H.M. Although the girls initially received water, those efforts ceased after Ceus deemed Archer contaminated with “gray matter” because he had come so close to them while siphoning gasoline from their vehicle. Ceus then forbade anyone from approaching the girls. Thus, at Ceus’s direction, the girls were left in the car without food or water and without protection from the elements, including the intense summer heat.

¶29 In the weeks following the girls’ exile, the group continued its normal routine—holding meetings, meditating, gathering water, and sharing meals. Meanwhile, M.R. and H.M. remained isolated in the vehicle. No one approached the car again until after their deaths.

¶30 Sometime after the girls’ deaths, Bramble informed Blair that her daughters had passed away. When Blair approached the car, he observed one girl’s foot hanging motionless outside the door. At Ceus’s direction, Blair used a shovel to push the foot back inside the vehicle. He then covered the car with a tarp and sealed it with duct tape to contain the “stench of death.” In the days that followed, the group continued its daily activities without reporting the girls’ deaths.

¶31 Ceus eventually deemed Bramble lacking in spiritual diligence and ordered that she be denied food and water. Bramble, who was pregnant at the time, was then banished from the group for her purported impurity and, like her daughters,

was confined in a vehicle.⁵ Ceus told the group that Bramble would either have to leave the property or “die like [the girls]” did. Her exile lasted only several days.

E. Discovery of the Girls’ Deaths and the Investigation That Followed

¶32 Near the end of the summer of 2017, the outside world finally breached the group’s isolation when Blair’s father and a friend arrived at the farm to check on Blair’s well-being. Although initially hesitant, Blair eventually revealed that M.R. and H.M. were dead and that their bodies were on the property, inside a vehicle that was covered with a tarp.

¶33 Blair’s father contacted the Sheriff’s Office to report the deaths. Deputies responded and discovered the severely decomposed remains of M.R. and H.M. inside the car, surrounded by food wrappers and a swarm of flies. They arrested Ceus, Blair, and the other adult members of the group who were there. Bramble was not arrested at that time because she had left the farm a few days before law enforcement responded.

¶34 Colorado Bureau of Investigation agents were called to the scene. That evening, Agent John Zamora interviewed Ceus. When he asked Ceus how the

⁵ Similarly, sometime after the girls’ ostracism, Ceus pronounced Blair’s dog, Lion, an “abomination” and banished him to his crate without food or water. Lion was ultimately rescued.

girls died, Ceus responded, “I’m not aware of nobody killing them.” Although deputies found more than 100 pounds of food on the property, Ceus indicated that the girls had “probably” died from a lack of food and water: “I think they died from not eating or drinking. . . . It’s not rocket science.” When Agent Zamora asked Ceus whether she was concerned that the girls were not receiving food or water, she stated that she had “just shut it out.”

¶35 M.R.’s and H.M.’s bodies had decomposed to the point of partial mummification. Because of the advanced state of decomposition, the coroner and medical examiner were unable to determine an exact cause of death and requested additional testing from a laboratory in New Mexico. Both forensic pathologists who examined the girls’ remains classified the manner of death as “homicide.” Although the precise cause of death could not be conclusively determined – any opportunity to pinpoint it having long since been lost to time and heat – the possible causes of death were identified as starvation, dehydration, and hyperthermia.

¶36 As mentioned, the People then charged Ceus. A jury later found her guilty of the lesser included offense of child abuse resulting in death as to each child.⁶

⁶ In separate proceedings, Archer was convicted of child abuse resulting in death and accessory to a crime, *People v. Archer*, 2022 COA 71, ¶ 1, 518 P.3d 1143, 1146–47, and Bramble was convicted of murder, *People v. Bramble*, No. 19CA1965, ¶ 7 (Dec. 15, 2022). Blair, meanwhile, pleaded guilty to an accessory charge.

F. The Jury Instructions and Verdict Forms

¶37 At trial, Ceus requested specialized unanimity instructions directed specifically to causation. Her proposed instructions would have required the jury to unanimously agree that she “committed the same act or acts” or “committed all of the acts alleged” that “*caused the death of*” M.R. and H.M. (Emphasis added.) The trial court rejected the tendered instructions and instead gave the model unanimity instruction, which informed the jury that to convict Ceus of murder or child abuse resulting in each death, it must either unanimously agree that she committed the same act or acts, or unanimously agree that she committed all the acts alleged. COLJI-Crim. E:11 (2025).

¶38 Ceus also proposed specialized interrogatories the jury would complete only if it found her guilty of the lesser included offenses of child abuse resulting in death. The tendered interrogatories would have required the jury to make unanimity determinations in two categories: (1) which of the three statutory forms of child abuse resulted in each child’s death, and (2) whether Ceus acted (a) knowingly or (b) recklessly in committing each offense. The trial court declined to submit these interrogatories, reasoning that they would improperly require jurors to “pick one” option in each category and were, in any event, unnecessary in light of the unanimity instruction it planned to give.

¶39 On its own initiative, however, the court modified the model elemental instruction for child abuse resulting in death by limiting it to those circumstances in which the abuse results in death and not merely serious bodily injury:

The elements of the crime of [c]hild [a]buse [r]esulting in [d]eath [knowingly or recklessly] are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly or recklessly,
4. caused an injury to a child's life or health, or permitted a child to be unreasonably placed in a situation that posed a threat of injury to the child's life or health, or engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries *that ultimately resulted in the death of a child.*

(Emphasis added.) Cf. COLJI-Crim. 6-4:01 (2025) (ending the fourth element with the following language: “that ultimately resulted in the death of a child *or serious bodily injury to a child*” (emphasis added)).

¶40 Apparently because it had modified the fourth element, the court failed to provide the companion special interrogatory requiring a distinct finding on whether the abuse resulted in death—as opposed to serious bodily injury—as set forth in the model jury instructions:

6-4:09.INT CHILD ABUSE – INTERROGATORY (DEATH)

If you find the defendant not guilty of child abuse, you should disregard this instruction and sign the verdict form to indicate your not guilty verdict.

If, however, you find the defendant guilty of child abuse, you should sign the verdict form to indicate your finding of guilt, and answer the following verdict question on the verdict form:

Did the child abuse result in death? (Answer “Yes” or “No”)

The prosecution has the burden to prove, beyond a reasonable doubt, that the child abuse resulted in death.

....

COLJI-Crim. 6-4:09 (2025).

¶41 The verdict form given for each murder charge, which did not contain any special interrogatories, allowed the jury to find Ceus not guilty of any crime or guilty of either (1) murder or (2) the lesser included offense of child abuse resulting in death. After the jury returned guilty verdicts on the two lesser included offenses, the court sentenced Ceus to sixty-four years in the Department of Corrections.

G. Ceus’s Appeal and the Parties’ Cross-Petitions for Certiorari

¶42 Ceus appealed, raising a bevy of contentions. She argued, among other things, that the trial court failed to properly instruct the jury on the lesser included offenses of child abuse resulting in death and that, in any event, the evidence was insufficient to sustain those convictions. She also advanced several evidentiary challenges, claimed that the child abuse statute was unconstitutionally vague and overbroad, asserted that the trial court erred in refusing to instruct the jury on

independent intervening cause, and maintained that the prosecutor engaged in misconduct during closing argument. Finally, she contended that the cumulative effect of these errors required reversal.

¶43 The division took up these issues in turn. Beginning with the instructional claim, it concluded that the trial court erred by failing to give the jury a special interrogatory requiring a determination as to whether the People proved beyond a reasonable doubt that the abuse of each child resulted in death. *People v. Ceus*, No. 20CA1360, ¶ 13 (June 27, 2024). In the division’s view, the absence of such findings meant that the guilty verdicts supported only misdemeanor child abuse convictions, which do not require proof that a death resulted. *Id.* at ¶ 24. The division then considered whether the error was constitutionally harmless and held that it was not, reasoning that “causation was the central disputed issue at trial.” *Id.* at ¶ 27.

¶44 But the division rejected Ceus’s challenge to the sufficiency of the evidence. *Id.* at ¶ 35. It likewise rejected her constitutional contentions. *Id.* at ¶¶ 42, 46, 50. Finally, the division declined to reach her remaining claims, concluding that they were effectively moot because they were directed at overturning the convictions for child abuse resulting in death, which the division had already determined could not stand. *Id.* at ¶¶ 52, 54.

¶45 The division therefore remanded the case to the trial court with instructions to allow the People to elect either to retry Ceus for child abuse resulting in death as to each girl or to seek a judgment of conviction for misdemeanor child abuse on each count. *Id.* at ¶ 28. Rather than make that election on remand, the People sought our review. Ceus, in turn, cross-petitioned for review. We granted both petitions for certiorari.

II. Analysis

¶46 We turn first to the standards that serve as doctrinal markers orienting our review. We then consider if the trial court erred by failing to require distinct findings on whether the abuse resulted in M.R.'s and H.M.'s deaths. Because we conclude that the court did err, we proceed to evaluate whether that error was constitutionally harmless. We hold that it was. Finally, we shift our attention to Ceus's cross-petition and reject her challenge to the sufficiency of the evidence supporting her convictions.

A. Standards of Review

¶47 The Colorado Constitution grants the General Assembly the "power to define criminal conduct and to establish the legal components of criminal liability." *Randolph v. People*, 2025 CO 44, ¶ 12, 570 P.3d 1022, 1026 (quoting *Gorman v. People*, 19 P.3d 662, 665 (Colo. 2000)). In keeping with a defendant's constitutional right to the "presumption of innocence," a trial court must

“properly instruct the jury as to each element of the crime charged.” *Id.* (citing *Garcia v. People*, 2022 CO 6, ¶ 15, 503 P.3d 135, 140).

¶48 We review de novo whether an instruction accurately informed the jury of the governing law. *Garcia*, ¶ 16, 503 P.3d at 140. When an elemental jury instruction is “provided in error” and the error is “properly preserved,” the applicable “reversal-determining standard is constitutional harmless error,” which calls for reversal unless the prosecution establishes beyond a reasonable doubt “that the error was harmless.” *Randolph*, ¶ 15, 570 P.3d at 1026. We have understood this standard to require reversal when “there is a reasonable possibility” that the error “might have contributed to the conviction.” *Hagos v. People*, 2012 CO 63, ¶ 11, 288 P.3d 116, 119 (quoting *Chapman v. California*, 386 U.S. 18, 24 (1967)). In assessing constitutional harmlessess, we consider the record as a whole. *Delaware v. Van Arsdall*, 475 U.S. 673, 681 (1986).

¶49 Jury instructions that fail to correctly define the elements of an offense, thereby preventing the jury from determining whether the prosecution proved those elements beyond a reasonable doubt, are “constitutionally deficient.” *Key v. People*, 715 P.2d 319, 323 (Colo. 1986). Even so, the United States Supreme Court has explained that “where a reviewing court concludes beyond a reasonable doubt that the omitted [instructional] element was uncontested and supported by overwhelming evidence, such that the jury verdict would have been

the same absent the error, the erroneous instruction is properly found to be harmless.”⁷ *Neder v. United States*, 527 U.S. 1, 17 (1999). In the spirit of *Neder*’s framework, a division of the court of appeals has likewise recognized that the “omission of an element” – and, “by extension the lesser error of failing to . . . define an element” – may be harmless beyond a reasonable doubt when “the evidence relating to that element is overwhelming.” *People v. Grudznske*, 2023 COA 36, ¶ 73, 533 P.3d 579, 595–96 (quoting *People v. Draper*, 2021 COA 120, ¶ 40, 501 P.3d 262, 274); *see also Key*, 715 P.2d at 323 (noting that in evaluating for constitutional harmlessness, a reviewing court considers whether the evidence on a disputed issue is overwhelming). A review of the jury instructions as a whole may also support a reviewing court’s determination of constitutional harmlessness.⁸ *See Key*, 715 P.2d at 323.

⁷ In the context of an unpreserved error, “we have refused to find plain error unless a review of the entire record demonstrates a reasonable possibility that the improper instruction contributed to the defendant’s conviction.” *Espinoza v. People*, 712 P.2d 476, 478 (Colo. 1985). We have further explained that “[w]here an element of a crime was not contested at trial, failure to instruct properly on that issue generally does not constitute plain error.” *Id.*

⁸ We recognize that we address here an instructional error involving a sentence enhancer rather than an element. But, as pertinent here, sentence-enhancing factors generally function much like elements: With exceptions not applicable here, a defendant may not receive an enhanced sentence unless the prosecution proves the relevant factor beyond a reasonable doubt. *Armintrout v. People*, 864 P.2d 576, 580 (Colo. 1993).

¶50 We also review de novo a challenge to the sufficiency of the evidence supporting a conviction. *People v. Douglas*, 2015 COA 155, ¶ 8, 412 P.3d 785, 788. Such a challenge requires us to determine whether the evidence presented at trial, viewed as a whole and in the light most favorable to the prosecution, is both substantial and sufficient to support the defendant's guilt beyond a reasonable doubt. *Dempsey v. People*, 117 P.3d 800, 807 (Colo. 2005). Although a conviction cannot rest on speculation or conjecture, it may be supported by reasonable inferences drawn from the evidence. *People v. Donald*, 2020 CO 24, ¶ 19, 461 P.3d 4, 7.

B. The Trial Court Erred by Failing to Require Distinct Findings on Whether the Abuse Resulted in M.R.'s and H.M.'s Deaths

¶51 The People contend that the division erred in concluding that the trial court should have required the jury to explicitly find that the child abuse resulted in M.R.'s and H.M.'s deaths. We disagree.⁹

¶52 Section 18-6-401, C.R.S. (2025), the statute criminalizing child abuse, differentiates between the actions or omissions that constitute child abuse, which

⁹ The People assert that Ceus did not preserve this issue because her objection at trial was based solely on unanimity concerns. While the People's argument has some force, we need not resolve the question. Because we ultimately conclude that any error was constitutionally harmless, we assume without deciding that the issue was properly preserved.

comprise the elements of the crime, and the result of the child abuse. *Compare*

§ 18-6-401(1)(a), *with* § 18-6-401(7). A person commits child abuse if the person

causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.

§ 18-6-401(1)(a).

¶53 Subsection (7) of the statute, in turn, specifies the level of the criminal offense and its corresponding punishment, both of which vary based on the defendant's culpable mental state and the result of the child abuse. But while the culpable mental state is an element of the offense, the result of the child abuse—no injury, injury, serious bodily injury, or death—functions only as a sentence enhancer. *See* § 18-6-401(1)(a), (7)(a); *People v. Robinson*, 874 P.2d 453, 464 (Colo. App. 1993) (“[T]he fact that a child victim dies is a sentence enhancement factor and not an element of the crime of child abuse.”); *Armintrout v. People*, 864 P.2d 576, 580 (Colo. 1993) (“[A] sentence enhancement provision is not an element of the offense charged.”).

¶54 As relevant here, when child abuse is committed knowingly or recklessly and results in an injury less severe than “serious bodily injury,” the offense is a class 1 misdemeanor. § 18-6-401(7)(a)(V). By contrast, if the child abuse is

committed knowingly or recklessly and “results in death to the child,” the offense is a class 2 felony. § 18-6-401(7)(a)(I).

¶55 Subject to exceptions not applicable here, any fact that increases the penalty for a crime beyond the statutory maximum must be submitted to the jury and proved by the prosecution beyond a reasonable doubt. *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000); *Erlinger v. United States*, 602 U.S. 821, 833 (2024); *Caswell v. People*, 2023 CO 50, ¶ 38, 536 P.3d 323, 332. Thus, sentence-enhancing factors – such as child abuse resulting in death – must generally be proved to the jury beyond a reasonable doubt. *People v. Ramirez*, 997 P.2d 1200, 1206 (Colo. App. 1999), *aff’d by an equally divided court*, 43 P.3d 611 (Colo. 2001) (mem.). It follows that for Ceus to be properly convicted of class 2 felony child abuse, the People were required to prove beyond a reasonable doubt not only the elements of child abuse, but also the sentence enhancer in question – that the child abuse resulted in death.

¶56 In this case, the trial court did not provide any special interrogatories requiring the jury to explicitly find that the child abuse resulted in each girl’s death. Nor did the elemental instructions require such findings. Because the People were required to prove beyond a reasonable doubt that the child abuse resulted in the girls’ deaths, we conclude that the trial court erred in instructing

the jury.¹⁰ To be clear, the jury did find beyond a reasonable doubt that Ceus committed child abuse against the girls, which necessarily means that she bore responsibility for their confinement in the car without food or water during the intense summer heat for an extended period. The error lies in the court’s failure to require the jury to additionally determine whether that confinement resulted in the girls’ deaths.

¶57 But does that error require reversal? After all, “[a] defendant is entitled to a fair trial, not a perfect trial.” *People v. Mills*, 557 P.2d 1192, 1194 (Colo. 1976). We take up that question now.

C. The Error Was Constitutionally Harmless

¶58 Having concluded that the trial court erred, we must consider whether the error was constitutionally harmless. If it was, we will not reverse.

¶59 The relevant inquiry is whether “there is a reasonable *possibility* that the [error] might have contributed to the conviction.” *Hagos*, ¶ 11, 288 P.3d at 119 (alteration in original) (quoting *Chapman*, 386 U.S. at 24). Our meticulous vetting of the entire trial record—including the parties’ opening and closing statements,

¹⁰ Our model jury instructions for child abuse offer guidance on this very issue. COLJI-Crim. 6-4:01 cmt. 3 (2025); COLJI-Crim. 6-4:09 cmt. 3 (2025) (“It is not necessary to submit a special interrogatory asking the jury to determine whether the child abuse resulted in death if the instruction defining the offense is drafted in such a manner that, in order to find the defendant guilty, the jury necessarily must find that the abuse resulted in death.”).

the evidence introduced, and the instructions provided to the jury—leads us to conclude that there is no reasonable possibility that the instructional error contributed to Ceus’s convictions. *See Garcia*, ¶ 18, 503 P.3d at 140. That determination rests on three grounds, considered together: (1) the proposition that the child abuse resulted in the girls’ deaths was not meaningfully contested at trial;¹¹ (2) the jury instructions and verdict forms repeatedly reminded the jury that Ceus was accused of child abuse “[r]esulting in [d]eath”; and (3) the evidence that the girls’ deaths resulted from the abuse was overwhelming.

1. The Parties Did Not Meaningfully Dispute That the Child Abuse Resulted in the Girls’ Deaths

¶60 To begin, the central disputed issue at trial was not how the girls died but, rather pointedly, who was responsible for their deaths. Indeed, the trial’s primary theme was whether Ceus bore responsibility for the girls’ confinement in the car without food or water during the intense summer heat for an extended period, not whether such confinement ultimately resulted in their deaths.

¹¹ Although our case law in this area addresses instructional errors that were uncontested at trial, Ceus did not *meaningfully* dispute whether the child abuse—that is, the girls’ confinement in the car—resulted in their deaths. We hasten to emphasize, however, that we should not be understood as holding that this ground alone suffices to support our determination that the error was constitutionally harmless. Rather, we hold that the three grounds we have identified, considered together, compel the conclusion that the error was constitutionally harmless.

¶61 The People’s case revolved around the theory that Ceus’s authority and control over the group, coupled with her ostracism of the girls, rendered her responsible for their deaths. As the People emphasized in their opening statement, the core question for the jury was whether “Ceus [was] responsible for the [girls’] deaths.” The People’s evidence likewise pivoted around Ceus’s control, authority, and decision-making, which allegedly culminated in the girls’ deaths. In closing, the People returned to this central narrative, arguing that Ceus had “consciously disregard[ed] a substantial and unjustifiable risk that [the girls] would die.”

¶62 The defense, for its part, pushed back against any effort to place responsibility for the girls’ deaths on Ceus. It argued that she could not be responsible because she was not the girls’ mother, and that Bramble, as their mother – or perhaps Blair, the owner of the farm – shouldered that responsibility. Defense counsel underscored this point in opening statement, asserting that “[i]t was [Bramble’s] choice and her choice alone” to “abandon her girls.” Distilled, the defense’s theory was that “Ceus’s failure to help or force . . . Bramble to take care of her own children is not a crime.” This framing carried through to closing argument. Defense counsel began: “Bramble is the one who is responsible for the death[s] of her two children.” Continuing, counsel maintained that Ceus could not be held responsible for child abuse through inaction or a failure to protect the girls because she owed no legal duty to ensure their well-being. Thus, rather than

contend that the child abuse did not result in the girls' deaths, the defense insisted that Ceus was not responsible for any child abuse in the first place.¹²

¶63 The division nevertheless concluded that “causation was the central disputed issue at trial.” *Ceus*, ¶ 27. But the division was mistaken in its understanding of both the law and the record. We begin with the law before turning to the record.

¶64 “[C]ausation,” as the division understood the term, had no legal relevance to the child abuse charges. Although the murder charges required proof that Ceus “cause[d]” the girls' deaths, the child abuse charges did not; they required only proof that the abuse “result[ed] in” their deaths. *Compare* § 18-3-102(1)(f), C.R.S. (2025), *with* § 18-6-401(1)(a), (7)(a)(I).

¶65 Just last term, we clarified that “results in” and “proximate cause” are statutory terms with distinct meanings. *People v. Beverly*, 2025 CO 18, ¶ 28, 568 P.3d 398, 405–06. We explained that when a criminal statute requires not only conduct but also that the conduct *caused* a particular result, the prosecution must prove both actual (or “but for”) causation and legal (or “proximate”) causation. *Id.* at ¶ 24, 568 P.3d at 405. The former is “any cause ‘but for’ which the harm

¹² Ceus pointed the finger at Bramble throughout the trial, and the jury was informed of Bramble's murder convictions relating to the deaths of her children. Even so, the jury found Ceus guilty of child abuse resulting in death.

would not have occurred,” and the latter is “any ‘cause which in natural and probable sequence produced the claimed injury.’” *Id.* (quoting *Martinez v. People*, 2024 CO 6M, ¶ 13, 542 P.3d 675, 679).

¶66 We further noted in *Beverly* that numerous federal cases interpret “results from” in a criminal narcotics statute “as imposing only a but-for cause requirement.” *Id.* at ¶ 28, 568 P.3d at 406. In doing so, *Beverly* cited *United States v. Jeffries*, 958 F.3d 517, 520 (6th Cir. 2020), which drew on a respected dictionary to define “results”: “A thing ‘results’ when it ‘arises as an effect, issue, or outcome’” (Quoting *Burrage v. United States*, 571 U.S. 204, 210–11 (2014), which in turn quoted *Results*, 2 The New Shorter Oxford English Dictionary (1993).)¹³ The Sixth Circuit therefore concluded in *Jeffries* that “[t]he proper inquiry” was whether death arose as an effect, issue, or outcome of drug use, “not whether death was a foreseeable result of the defendant’s [distribution] violation.” 958 F.3d at 520–21.

¹³ Other reputable dictionaries define “result” similarly. *See, e.g., Result*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/result> [<https://perma.cc/FE9S-NCR5>] (stating that “result” means “to proceed or arise as a consequence, effect, or conclusion”); *Result*, Cambridge English Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/result> [<https://perma.cc/C5TC-69KZ>] (defining “result” as “something that happens or exists because of something else”).

¶167 Applying the plain and ordinary meaning of “results” here, the People were required to prove that the girls’ deaths were an effect, outcome, or consequence of the child abuse. More precisely, they had to establish that the deaths were an effect, outcome, or consequence of the girls’ confinement in the car without food or water during the intense summer heat for an extended period.

¶168 Our decision in *People v. Dunaway*, 88 P.3d 619 (Colo. 2004)—a case involving child abuse resulting in serious bodily injury—does not alter the analysis. There, the defendant told the police that after shaking his girlfriend’s infant child two or three times, the child became quiet. *Id.* at 622. The People pursued the first two statutory bases of liability under section 18-6-401(1)(a). *Dunaway*, 88 P.3d at 622. Under the second, they alleged that the defendant permitted the child to be unreasonably placed in a situation that posed a threat of injury to the child’s life or health. *Id.* at 625. We concluded that the record supported a finding that this allegation was established because there was proof that the defendant knowingly or recklessly failed to promptly seek treatment, concealed the seriousness of the injury, and attempted to prevent the child from receiving medical care. *Id.* at 626–27. But we nevertheless held that the evidence was insufficient because the prosecution failed to show that the child abuse “resulted in serious bodily injury to the child.” *Id.* at 627. We explained that the prosecution presented no expert testimony that the ninety-minute delay in

obtaining medical treatment aggravated the injury already present or resulted in other serious bodily injury. *Id.*

¶69 Today's decision hews closely to *Dunaway*. Consistent with *Dunaway*, we hold that when the prosecution charges child abuse resulting in death as a class 2 felony, it is not sufficient to prove that the defendant knowingly or recklessly committed child abuse; the prosecution must also prove that the abuse "result[ed] in death to the child." § 18-6-401(7)(a)(I).

¶70 We recognize that, in a few instances in our *Dunaway* opinion, we used the less precise phrase "causal connection" rather than "resulted in." *Dunaway*, 88 P.3d at 627–28. But all we meant was that there must be a link between the child abuse and the result – the abuse must result in the child's injury or death. In other words, the child abuse must be the but for cause of the resulting injury, and conversely, the resulting injury must be the effect, outcome, or consequence of the child abuse. Thus, we rejected the prosecution's assertion that mere evidence of the defendant's delay in obtaining medical treatment for the child's serious injury sufficed. *Id.* at 628. As we explained, this evidence didn't necessarily prove that the delay "resulted in" serious bodily injury. *Id.*

¶71 Still, we nowhere suggested that the prosecution must prove that the defendant *proximately caused* the child's injury or death. Nor could we have done so, since such a requirement would have contravened the statute's plain language.

See § 18-6-401(7)(a)(I) (requiring proof that the child abuse “result[ed] in” the child’s death, not that the defendant proximately caused the child’s death); § 18-6-401(7)(a)(III) (requiring proof that the child abuse “result[ed] in” the child’s serious bodily injury, not that the defendant proximately caused the child’s serious bodily injury); see also *Beverly*, ¶ 28, 568 P.3d at 405–06 (clarifying that “results in” and “proximate cause” have different meanings). This is not after-the-fact speculation about what our court meant in *Dunaway*; it’s necessarily what the court meant – based on the plain statutory language.

¶72 Here, the jury found that Ceus was responsible for the girls being confined in the car without food or water during the intense summer heat for an extended period. Unlike in *Dunaway*, however, the prosecution also proved the result of the child abuse. More to the point, the prosecution established that the girls’ confinement in the car – the child abuse – resulted in their deaths. Yet the division anchored its harmless error analysis in its belief that whether Ceus proximately caused the girls’ deaths was not only relevant to the child abuse resulting in death convictions but was the preeminent issue in the case. *Ceus*, ¶ 27. This was error as a matter of law.

¶73 Beyond this legal error, the division also misapprehended the record by equating Ceus’s argument that she wasn’t responsible for the girls’ deaths with an argument that, regardless of who was responsible for confining the girls in the car,

the confinement didn't result in their deaths. What is readily apparent from the record is that, to the extent the defense urged that Ceus was not responsible for the girls' deaths, it was asserting that *she bore no responsibility for the girls' well-being at all*—not that the girls' deaths, after they were confined in the car, did not result from their having no food or water and being exposed to the intense summer heat for an extended period. The real contested issue throughout the trial was *the culpable source of the child abuse, not the effect, outcome, or consequence of the child abuse*. This is a nuanced but important distinction—one the division overlooked. And perhaps no evidence speaks louder on this score than Ceus's own words to law enforcement: "I think they died from not eating or drinking . . . It's not rocket science." We are hard-pressed to treat the trial court's instructional error as reversible when the question whether the confinement in the car resulted in the girls' deaths was not meaningfully contested at trial.¹⁴

¹⁴ To be clear, we are not inferring that the abuse resulted in death from the proof establishing the abuse itself, a proposition *Dunaway* expressly disavowed. 88 P.3d at 627–28. To the contrary, as discussed below, overwhelming evidence at trial established that the girls' deaths resulted from their confinement in the car. Rather than meaningfully dispute that the girls died from starvation, dehydration, and exposure—to quote Ceus, "It's not rocket science"—Ceus sought to lay responsibility at Bramble's feet, a maneuver the jury clearly rejected.

2. The Jury Instructions and Verdict Forms Reinforce Our Conclusion

¶74 The jury instructions and verdict forms bolster our conclusion that there is no reasonable possibility that the instructional error contributed to Ceus's convictions. The trial court duly gave Ceus's tendered theory-of-defense instruction, which asserted that "she is not guilty of first degree murder or child abuse *resulting in death*, because she was not responsible for any children other than her own." (Emphasis added.) The instruction went on to state that Ceus was not responsible for "*the death* of any child," and that "[i]nstead, . . . Bramble" should be held accountable for "*the death* of her children through her own criminal conduct." (Emphases added.) It concluded that Ceus "did not know or foresee that . . . Bramble . . . would *kill* her children," and that Ceus "had no duty to protect [the girls] from their mother." (Emphasis added.)

¶75 More broadly, the jury instructions repeatedly framed the offense as "[c]hild [a]buse *resulting in [d]eath*," referring to that full title no fewer than eleven times and never to "child abuse" in isolation. (Emphasis added.) The jury was specifically instructed that the prosecution bore the burden of proving beyond a reasonable doubt each element of "child abuse *resulting in death*." (Emphasis added.)

¶76 Further, the jury was instructed to hold the prosecution to its burden of proof when completing the verdict forms. Mindful of all those instructions, the

jury filled out each verdict form by selecting the box next to “child abuse *resulting in death.*” (Emphasis added.)

3. The Evidence Was Overwhelming

¶77 The evidence that the child abuse resulted in M.R.’s and H.M.’s deaths was nothing short of overwhelming—this, too, buttresses our conclusion that the instructional error was harmless beyond a reasonable doubt. Lay witness testimony, expert testimony, and physical evidence converged to reveal a factual portrait that left little room for doubt: The girls died from starvation, dehydration, and hyperthermia, or a combination of those conditions. And the record contained a mountain of evidence showing that those conditions resulted from the girls’ confinement in the car.

¶78 Here, again, we rely on what Ceus herself said: This is “not rocket science.” Ceus was right: This really isn’t rocket science. The girls died after being confined in the car without food or water during the intense summer heat for an extended period. There was no evidence suggesting any other cause of death. The forensic evidence confirmed as much. One of the pathologists opined that “[t]here was no evidence of external trauma” on either girl, allowing him to rule out fractures, major trauma, and similar causes. And while he acknowledged that advanced decomposition made it impossible to rule out every conceivable alternative, he

opined that the most likely causes of death for both girls were starvation, dehydration, and hyperthermia.

¶79 In sum, for the three reasons we have set forth, there is no reasonable possibility that the instructional error affected the guilty verdicts. We therefore conclude that the error was constitutionally harmless.

**D. The Evidence Was Sufficient to Support the Jury’s
Verdicts Finding Ceus Guilty of Child Abuse Resulting
in the Girls’ Deaths**

¶80 In her cross-petition, Ceus challenges the sufficiency of the evidence underlying her convictions for child abuse resulting in death. She relies on two grounds to buoy her position. We take them in turn.

**1. The Child Abuse Statute Did Not Require Proof of a
Formal Caretaking Relationship; What Matters Is That
Ceus Placed the Girls’ Lives or Health at Risk**

¶81 Consistent with her defense at trial, Ceus challenges the sufficiency of the evidence on the ground that she lacked a formal caretaking relationship with M.R. and H.M. But the child abuse statute does not allow a person to escape liability simply because she is not the victim’s parent, guardian, or other formal caretaker. *See People v. Arevalo*, 725 P.2d 41, 48 (Colo. App. 1986) (“Every person has a duty to refrain from any action which causes a child to be placed in a situation which endangers the child’s life and health.”). To the contrary, the statute’s reach is both preventive and expansive, covering not only those who directly inflict harm on

children but also those who threaten—or even permit—such harm. *Id.* at 48–49; *see also People v. Archer*, 2022 COA 71, ¶¶ 11–20, 518 P.3d 1143, 1148–49 (holding that sufficient evidence supported the class 2 felony child abuse conviction of one of Ceus’s codefendants despite the absence of a familial relationship with M.R. and H.M.); *People v. Mann*, 646 P.2d 352, 355–56 (Colo. 1982) (interpreting the child abuse statute as encompassing both those who physically harm children and those who allow another to do so). This stands in stark contrast to the murder statutory provision under which Ceus was charged. *See* § 18-3-102(1)(f) (requiring proof that the perpetrator was in a “position of trust” with respect to the victim).

¶82 The relevant question for the jury, therefore, was not whether Ceus owed a legally recognized *duty of care* to the girls by virtue of her relationship to them, but whether she *engaged in conduct that placed their lives or health at risk*. And the prosecution presented substantial evidence that she did. A parade of witnesses—group members and peripheral observers alike—described Ceus as exercising extraordinary authority over nearly every aspect of the group’s existence. Having elevated herself to the status of a spiritual leader—or, in her own view, a deity—Ceus dictated members’ daily routines, controlled their interactions with outsiders, directed their religious practices, and exerted significant control over their access to the most fundamental item of sustenance: food. That authority extended to the girls’ mother.

¶83 Significantly, witnesses testified that, while wielding this extraordinary power, Ceus banished the girls to the car, declared one of them “impure,” forbade them from eating the group’s food, prohibited members from leaving the property to obtain alternative food, instructed members to avoid the car for fear of contamination, and, after the girls died, directed that the vehicle be covered with a tarp. This conduct brought Ceus squarely within the ambit of the child abuse statute, regardless of whether she occupied a formal caretaking role with respect to the girls. Viewed in the light most favorable to the prosecution and drawing every reasonable inference in its favor, this evidence was more than sufficient to support her convictions.

2. There Was Sufficient Evidence to Establish that Ceus Acted Knowingly or Recklessly

¶84 The People were required to prove beyond a reasonable doubt that Ceus acted either “knowingly” or “recklessly.” Ceus claims they failed to do so. We disagree.

¶85 The child abuse statute directs the factfinder to assess the defendant’s mental state by examining “the nature of the offender’s conduct in relation to the child or to the circumstances under which the act or omission occurred.” *People v. Deskins*, 927 P.2d 368, 371 (Colo. 1996). Thus, in a case like this one, the statute does not require proof that the defendant specifically intended or foresaw the result of the abuse – death. *See id.* That approach is consistent with the statute’s

“results in” requirement, which does not demand traditional proximate-cause foreseeability.

¶86 We have already concluded that the evidence showing the child abuse resulted in the girls’ deaths was as decisive as it was abundant. And viewing now the evidence in the light most favorable to the People and affording them the benefit of every reasonable inference—as the law requires—we hold that the record contains ample evidence from which a rational jury could conclude that Ceus acted knowingly or recklessly.

¶87 Our case law provides the framework for assessing the requisite culpable mental state under the statutory provisions defining child abuse resulting in death. A defendant acts knowingly when she possesses a “general awareness of the abusive nature of [her] conduct in relation to the child” or an awareness of the circumstances under which she acted against the child’s well-being. *Dunaway*, 88 P.3d at 625 (quoting *People v. Noble*, 635 P.2d 203, 210 (Colo. 1981)). Recklessness is less demanding. See *Deskins*, 927 P.2d at 373 (“[T]he awareness required for reckless child abuse is simply the *risk* that one’s conduct could result in an injury to a child’s life or health.”). A defendant acts recklessly when she consciously disregards “a substantial and unjustifiable risk” that, under the circumstances, a particular act or omission would constitute child abuse. *Lybarger v. People*, 807 P.2d 570, 575 (Colo. 1991). Whether a risk is substantial and unjustifiable

depends on both the likelihood and the magnitude of the harm involved. *People v. Hall*, 999 P.2d 207, 220 (Colo. 2000). And because death represents the gravest possible harm, even conduct creating a relatively slight risk of death may satisfy that standard. *Id.*

¶88 The question for us, therefore, is whether the prosecution presented sufficient evidence for a rational jury to find that Ceus was aware of, or consciously disregarded, circumstances posing a substantial and unjustifiable risk to the girls' health or safety, and that the danger she was aware of or consciously disregarded ultimately resulted in their deaths. We join our colleagues in the division in concluding that the evidence comfortably met that standard. We need not repeat here our earlier account of the compelling evidence of the hold Ceus exercised over the group, including the girls' mother. Suffice it to say that a rational jury could reasonably infer from the witnesses' testimony that Ceus either knew, or consciously disregarded, that the group members were devoted to her authority and would comply with her directives to leave the girls confined in the car without food or water during the intense summer heat for an extended period.

¶89 And the evidence of Ceus's culpable mental state did not end there. The jury watched the video recording of her post-arrest interview. She acknowledged to law enforcement that the girls likely died because they were "not eating or drinking." When asked whether she was concerned that the girls were not

receiving food or water, Ceus admitted that she simply “shut it out.” A rational jury could interpret these statements as admissions that she was aware of the grave danger confronting the girls and deliberately chose to ignore it.

¶90 Considered together, the evidence was abundantly sufficient for a rational jury to find beyond a reasonable doubt that Ceus acted knowingly or, at the very least, recklessly.

III. Conclusion

¶91 For the foregoing reasons, although we agree with portions of the division’s opinion, we ultimately reverse its judgment. We therefore remand the case for the division to consider the remaining claims raised by Ceus.

JUSTICE GABRIEL concurred in part and dissented in part.

JUSTICE GABRIEL, concurring in part and dissenting in part.

¶92 I agree with the majority's conclusion that, viewing the evidence as a whole and in the light most favorable to the People, the evidence was substantial and sufficient to allow a reasonable jury to find Madani Ceus guilty of child abuse. Maj. op. ¶¶ 10, 80-90. I further agree with the majority's conclusion that the instructions on the child abuse charges erroneously failed to advise the jury that it needed to find beyond a reasonable doubt that Ceus's alleged child abuse resulted in the victims' deaths. *Id.* at ¶¶ 4, 46, 51-56. I do not, however, agree with the majority's ultimate determination that the instructional error in this case was harmless beyond a reasonable doubt. *Id.* at ¶¶ 5, 46, 58-79.

¶93 In my view, contrary to the People's assertion, Ceus preserved her assertion of instructional error by (1) submitting a special interrogatory that would have required the jury to make the finding that she claims the given instructions omitted and (2) citing the applicable case law and pattern jury instruction requiring such a finding. In addition, I believe that the division below correctly concluded that the jury was not properly instructed and did not make the requisite finding of causation. Finally, because Ceus's entire defense was that her conduct did not cause the victims' deaths, I cannot perceive how the absence of an instruction and a jury finding of the requisite causation can be said to be harmless at all, much less harmless beyond a reasonable doubt.

¶94 Accordingly, I would affirm the division’s judgment. I therefore respectfully concur in part with and dissent in part from the majority’s opinion.

I. Facts and Procedural History

¶95 The majority sufficiently sets forth the facts of this tragic case, and I need not repeat those facts. Instead, I will principally limit my factual recitation to the procedural issues that are relevant to my analysis.

¶96 The People charged Ceus with two counts of first degree murder and two counts of child abuse resulting in death. The case proceeded to trial, and Ceus’s principal defense was that she did not cause the victims’ deaths. To the contrary, she argued that the victims’ mother, who was separately convicted of two counts of first degree murder, was responsible.

¶97 At trial, before the jury instruction conference, Ceus’s counsel tendered to the court a packet of draft proposed jury instructions. Although the packet did not include an elemental instruction for child abuse resulting in death, it included a single page, entitled, “Lesser Included Offenses,” that said, “COLJI-Crim. E:14, COLJI-Crim. 6-4:01, § 18-6-401(1)(a), (7)(a)(I)[, C.R.S. (2025)], *Friend v. People*, [2018 CO 90,] 429 P.3d 1191 . . . (child abuse resulting in death is a lesser included offense of first degree murder of a child by one in a position of trust [sic].” Section 18-6-401(7)(a)(I), which Ceus cited, establishes the required element of causation, and *Friend*, ¶ 38, 429 P.3d at 1197, recites the elements of child abuse resulting in

death and notes as an element of that offense that the child abuse resulted in a child's death.

¶98 In addition, Ceus's counsel tendered two special interrogatories, one for each count of child abuse, that provided, in pertinent part:

You should only complete this instruction if you find the defendant guilty of child abuse resulting in death of [the victim]. If you do not find the defendant guilty of child abuse resulting in death of [the victim], you should disregard this instruction.

If, however, you find the defendant guilty of child abuse resulting in death of [the victim], you should sign the verdict form to indicate your finding of guilt, and answer the following two verdict questions:

1. Did the death of [the victim] result from (check one):

The defendant knowingly or recklessly causing an injury to the child's life or health that resulted in the death of the child, or

The defendant knowingly or recklessly permitting the child to be unreasonably placed in a situation that posed a threat of injury to the child's life or health, that resulted in the death of the child, or

The defendant knowingly or recklessly engaging in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries, that ultimately resulted in the death of the child?

2. Did the defendant commit this crime (check one) [sic]

Knowingly, or

Recklessly?

The prosecution has the burden to prove each numbered condition beyond a reasonable doubt.

¶99 The court refused this tendered special interrogatory and instead instructed the jury on the elements of child abuse resulting in death, in pertinent part, as follows:

The elements of the crime of Child Abuse Resulting in Death [knowingly or recklessly] are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly or recklessly,
4. caused an injury to a child's life or health, or permitted a child to be unreasonably placed in a situation that posed a threat of injury to the child's life or health, or engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately resulted in the death of a child.

¶100 The court did not instruct the jury that it was required to find that any child abuse committed by Ceus resulted in or caused the victims' deaths. Nor did the court provide a special interrogatory requiring the jury to make such a finding. And the verdict form provided by the court did not require the jury to make that finding. Instead, the verdict form gave the jury the option of finding Ceus not guilty of both first degree murder and child abuse resulting in death or finding her guilty of either "Murder in the First Degree ([Victim])" or "Child Abuse Resulting in Death [knowingly or recklessly] ([Victim])."

¶101 The jury found Ceus guilty of child abuse resulting in death as to both victims, and the trial court subsequently sentenced her to sixty-four years in prison.

¶102 Ceus appealed, arguing, as pertinent here, that the trial court had reversibly erred by failing to instruct the jury completely on the crime of child abuse resulting in death. *People v. Ceus*, No. 20CA1360, ¶ 13 (June 27, 2024). Specifically, she asserted that the trial court had erred by declining to provide the jury with a special interrogatory requiring it to find beyond a reasonable doubt that the child abuse resulted in the victims' deaths. *Id.*

¶103 In a unanimous, unpublished decision, the division agreed with this argument and reversed Ceus's child abuse conviction. *Id.* at ¶¶ 13–28, 56. In so concluding, the division initially opined that Ceus had preserved her contention of instructional error by objecting to the child abuse instructions and submitting her own instructions, including a special interrogatory related to the causation requirement. *Id.* at ¶ 19.

¶104 The division next determined that neither the jury instructions nor the verdict forms provided by the court required the jury to find that Ceus's conduct resulted in the victims' deaths. *Id.* at ¶¶ 20–26. Specifically, the division opined that, although the trial court had properly instructed the jury on the elements of child abuse and the three alternative ways of committing that crime under section

18-6-401(1)(a), the court never instructed the jury that it was required to find beyond a reasonable doubt that the child abuse resulted in death, as required to elevate the offense to a class 2 felony under section 18-6-401(7)(a)(I). *Id.* at ¶ 25. The division thus agreed with Ceus that the jury had convicted her only of misdemeanor, not felony, child abuse. *Id.*

¶105 In so concluding, the division rejected the People’s argument that the elemental instruction that the trial court had provided sufficiently required the jury to determine that Ceus’s child abuse resulted in the victims’ deaths. *Id.* at ¶ 24. To the contrary, the elemental instruction set forth the three alternative ways of committing child abuse and nothing more. *Id.* On this point, the division observed that in *People v. Dunaway*, 88 P.3d 619, 627 (Colo. 2004), we had “soundly rejected” an argument that proof of the act element under subsection (1)(a) “necessarily proves” the injury element under subsection (7)(a). *Ceus*, ¶ 25 (quoting *Dunaway*, 88 P.3d at 627). The division further rejected the People’s contention that the title of the elemental instruction (i.e., “child abuse resulting in death”) was sufficient to sustain a felony child abuse conviction. *Id.* at ¶ 26. In the division’s view, nothing in the title required the jury to find beyond a reasonable doubt that Ceus’s abuse resulted in the victims’ deaths. *Id.* Nor did the verdict form or any interrogatory require such a finding. *Id.*

¶106 Finally, the division disagreed with the People’s contention that the foregoing error was constitutionally harmless. *Id.* at ¶ 27. The division observed that the issue of causation was “the central disputed issue at trial” and that Ceus had defended on the theory that the victims’ mother had caused their deaths. *Id.* Accordingly, without an instruction requiring the jury to find beyond a reasonable doubt that Ceus’s abuse resulted in the victims’ deaths, the division could not conclude that the instructional error was harmless beyond a reasonable doubt. *Id.*

¶107 In light of the foregoing, the division determined that reversal was required and that, on remand, the People could elect to try Ceus again for felony child abuse or could ask the trial court to enter a judgment of conviction on misdemeanor child abuse. *Id.* at ¶ 28.

¶108 The People then petitioned for certiorari review, and we granted their petition.

II. Analysis

¶109 I begin by discussing the applicable standard of review. I then address, in turn, the questions of preservation, instructional error, and constitutional harmless error.

A. Standard of Review

¶110 Trial courts must correctly instruct the jury on the applicable law, although they have discretion as to the style and form of the instructions. *People in Int. of*

J.G., 2016 CO 39, ¶ 33, 370 P.3d 1151, 1161. We review jury instructions de novo to determine whether the instructions, considered as a whole, correctly informed the jury as to the pertinent law. *Id.*

B. Preservation

¶111 We and divisions of our court of appeals have long and consistently maintained that by tendering an instruction that accurately states the law, a party preserves for appellate review a claim of instructional error relating to that tendered instruction. *See, e.g., Thomas v. People*, 820 P.2d 656, 659 (Colo. 1991); *People v. Ridgeway*, 2013 COA 17, ¶ 10, 307 P.3d 126, 128. This is so even if the party does not then object or otherwise raise the issue during a jury instruction conference. *People v. Tardif*, 2017 COA 136, ¶ 10, 433 P.3d 60, 64.

¶112 Here, in light of this settled case law, Ceus clearly preserved the issue now before us by (1) submitting a special interrogatory that would have required the jury to make the finding that she claims the given instructions omitted and (2) citing the applicable case law and pattern jury instruction requiring such a finding.

¶113 I am not persuaded otherwise by the People's argument to the contrary. In asserting that Ceus did not give the trial court an opportunity to address the question, the People ignore the above-cited case law and, in essence, assert that Ceus was required to do more than cite the applicable law and tender an

interrogatory that addressed the precise issue now before us. For the reasons that I have stated, Ceus had no obligation to do more than she did.

¶114 Having thus determined that Ceus preserved for appellate review her assertion of instructional error, I turn to the merits of that question.

C. Instructional Error

¶115 Section 18-6-401 provides, in pertinent part:

(1)(a) A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child.

.....

(7)(a) Where death or injury results, the following shall apply:

(I) When a person acts knowingly or recklessly and the child abuse results in death to the child, it is a class 2 felony except as provided in paragraph (c) of this subsection (7).

¶116 We construed the requirements of this statute over two decades ago in *Dunaway*, 88 P.3d at 627-28. There, we concluded that the child abuse statute "specifically links subsection (7)(a) to subsection (1)(a) and plainly requires a causal connection between the two." *Id.* at 628. And we made clear that the abusive act described in subsection (1)(a) must "result[] in" the injury described in subsection (7)(a), thereby equating the statutory term "results in" with the requirement of a causal connection. *Id.* at 627. In so concluding, we expressly

rejected the People’s request that we infer proof of the injury element of subsection (7)(a) from proof relating to subsection (1)(a). *Id.* at 627. We observed that “the legislature specifically contemplated and provided for those situations where the prosecution establishes proof of section 18.6-401(1)(a) but without a resulting injury.” *Id.* (noting that subsection (7)(b) provides for the scenario in which no death or injury resulted). We thus opined that “no reasonable interpretation of subsection (1)(a) would lead to the conclusion that proof of [the injury required by subsection (7)(a)] is made or inferred through proof of the conduct listed in subsection (1)(a).” *Id.* at 627–28.

¶117 We reiterated these requirements over a decade later when, in *Friend*, ¶ 38, 429 P.3d at 1197, we recited the elements of child abuse resulting in death and expressly noted that the fact that the child abuse resulted in the child’s death is a separate element of the offense.

¶118 Consistent with the foregoing, at the time of Ceus’s trial, the Colorado model criminal jury instructions provided both an elemental instruction and a special interrogatory requiring the jury to find the injury element of subsection (7)(a) beyond a reasonable doubt.

¶119 Specifically, the model elemental instruction for “Child Abuse (Knowingly or Recklessly)” provided, in pertinent part:

The elements of the crime of child abuse (knowingly or recklessly) are:

1. That the defendant,
2. in the State of Colorado, at or about the date and place charged,
3. knowingly or recklessly,
4. caused an injury to a child's life or health, or permitted a child to be unreasonably placed in a situation that posed a threat of injury to the child's life or health, or engaged in a continued pattern of conduct that resulted in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries that ultimately resulted in the death of a child or serious bodily injury to a child.

COLJI-Crim. 6-4:01 (2018).

¶120 The special interrogatory titled, "Child Abuse – Interrogatory (Death)," in turn, provided, in pertinent part:

If . . . you find the defendant guilty of child abuse, you should sign the verdict form to indicate your finding of guilt, and answer the following verdict question on the verdict form:

Did the child abuse result in death? (Answer "Yes" or "No")

The prosecution has the burden to prove, beyond a reasonable doubt, that the child abuse resulted in death.

COLJI-Crim. 6-4:09.INT (2018).

¶121 This model interrogatory, however, contained a comment that provided:

It is not necessary to submit a special interrogatory asking the jury to determine whether the child abuse resulted in death if the instruction defining the offense is drafted in such a manner that, in order to find the defendant guilty, the jury necessarily must find that the abuse resulted in death.

Id. at cmt. 3.

¶122 Here, as noted above, the trial court gave an elemental instruction that advised the jury on the three alternative ways of committing child abuse. It never instructed the jury, however, regarding the injury element set forth in section 18.6-401(7)(a)(I). Nor did it, either in the elemental instruction, a special interrogatory, or a verdict form, require the jury to find that the People had proved that injury element beyond a reasonable doubt, as the law indisputably demands. Thus, the People were never required to prove beyond a reasonable doubt – and the jury was never required to find – the causal connection between section 18.6-401(1)(a) and section 18.6-401(7)(a)(I) that we made clear in both *Dunaway*, 88 P.3d at 628, and *Friend*, ¶ 38, 429 P.3d at 1197, was required to sustain a felony child abuse conviction.

¶123 In my view, as the division below concluded, this constituted clear instructional error. The prosecution was required to prove beyond a reasonable doubt all of the elements of child abuse as charged, including *both* that the abuse was committed in one of the three ways set forth in section 18.6-401(1)(a) *and* that this abuse, when committed knowingly or recklessly, resulted in the death of a child under section 18.6-401(7)(a)(I). The jury was not instructed that it was required to find the latter, nor did it make any such finding.

¶124 In so concluding, I am not persuaded by the People’s argument that the instructions given and the verdict form provided were adequate because they

consistently referred to “Child Abuse Resulting in Death.” In advancing this argument, the People rely on the title of the charge and assert that we can infer the requisite section 18.6-401(7)(a)(I) finding from a section 18.6-401(1)(a) finding. These arguments, however, fail.

¶125 Regarding the elemental instruction, the instruction itself demonstrates why relying on the title of the charge is insufficient. As noted above, in the elemental instruction provided by the court, the court described the charge as “Child Abuse Resulting in Death” but then instructed on all three alternative ways of committing child abuse, the first two of which did not require the death of a child. Accordingly, if the jurors followed the instructions that they were given, which we presume they did, *People v. McKeel*, 246 P.3d 638, 641 (Colo. 2010), then they could have convicted Ceus of “child abuse resulting in death” based on findings that Ceus’s conduct caused injury to the victims’ life or health or permitted the victims to be unreasonably placed in a situation that posed a threat of injury to the child’s life or health, neither of which required a finding that the abuse resulted in death. *See* § 18.6-401(1)(a).

¶126 The “mere presence” instruction does not alter this conclusion, as the People contend. That instruction advised the jury only that it could not convict Ceus of either of the charged offenses unless the prosecution proved all of the elements of the offense beyond a reasonable doubt. For the reasons just stated, such an

instruction, whether alone or in combination with the other instructions given, did not advise the jury that, to convict Ceus of the felony child abuse charges, it was required to find, beyond a reasonable doubt, that Ceus's abusive conduct resulted in the victims' deaths.

¶127 Lastly, as to the People's assertion that we can infer a section 18-6-401(7)(a)(I) finding from a section 18.6-401(1)(a) finding, we expressly rejected the same contention in *Dunaway*, 88 P.3d at 627-28.

¶128 For these reasons, like the majority and the division below, I would conclude that the jury instructions on the charge of felony child abuse were erroneous because they did not advise the jury on the injury element of the crime and did not require the jury to find, beyond a reasonable doubt, that Ceus's abuse resulted in the victims' deaths.

¶129 The question thus becomes whether this error was harmless beyond a reasonable doubt, as the majority concludes. Maj. op. ¶¶ 5, 46, 58-79. I turn to that issue next.

D. Constitutional Harmless Error

¶130 When a trial court misinstructs a jury on the elements of an offense, either by omitting or misdescribing that element, and the error was preserved for our review, we review the error for constitutional harmless error. *Griego v. People*, 19 P.3d 1, 8 (Colo. 2001); *Ridgeway*, ¶ 9, 307 P.3d at 127; see also *Hagos v. People*, 2012

CO 63, ¶ 11, 288 P.3d 116, 119 (noting that we review trial errors of constitutional dimension that were properly preserved for review for constitutional harmless error). Under this standard, we must reverse unless we can conclude that the error was harmless beyond a reasonable doubt. *Hagos*, ¶ 11, 288 P.3d at 119. Thus, we will reverse if there is a reasonable possibility that the error contributed to the conviction. *Id.*

¶131 Once a constitutional error is established, the burden of establishing that the error was harmless beyond a reasonable doubt rests with the People. *Id.*

¶132 Here, Ceus's entire defense was that she did not cause the deaths of the victims but rather their mother did. In these circumstances, unlike the majority, I perceive no basis on which to conclude that the error in this case was harmless, much less that it was harmless beyond a reasonable doubt.

¶133 On this point, I am not persuaded by the majority's suggestion that the jury necessarily found that Ceus's abusive conduct resulted in the victims' deaths because the instructions given and the verdict form provided consistently referred to "Child Abuse Resulting in Death." Maj. op. ¶¶ 59, 74-76. To reach this conclusion, the majority makes the same mistakes that the People make. Specifically, the majority overlooks the fact that the instructions and verdict form advised the jury on all three alternative ways of committing child abuse, the first two of which did not require the death of a child. Thus, the instructions and

verdict form allowed the jury to convict Ceus of “child abuse resulting in death” without finding that any abuse that she committed resulted in the victims’ deaths. In addition, by eliminating the requirement that the People prove a causal connection between the abusive act described in section 18.6-401(1)(a) and the injury element described in section 18.6-401(7)(a)(I), Maj. op. ¶¶ 63–73, the majority’s rationale effectively infers a subsection (7)(a)(I) finding from a subsection (1)(a) finding. Again, however, we rejected precisely such an analysis over two decades ago in *Dunaway*.

¶134 I likewise am unpersuaded by the majority’s view that the evidence here was overwhelming. Maj. op. ¶¶ 59, 77–78. To the contrary, although I agree with the majority that, viewing the evidence as a whole and in the light most favorable to the People, the evidence was substantial and sufficient to support a child abuse conviction, that is not the test in the context of determining whether an error was harmless beyond a reasonable doubt. Rather, as noted above, we consider whether there is a reasonable possibility that the error contributed to the conviction. *Hagos*, ¶ 11, 288 P.3d at 119.

¶135 Here, substantial evidence at trial, which the majority largely ignores, raised a legitimate question as to whether Ceus’s alleged abusive conduct (as opposed to that of the victims’ mother, who was convicted of first degree murder in the victims’ deaths) was the cause of those deaths. Thus, for example, evidence

produced at trial indicated that (1) the victims' mother had a history of abusing and neglecting them; (2) Ceus moved away from the victims two weeks before they died and did not see them again thereafter; (3) the last time Ceus saw the victims, they were healthy and well; (4) others brought the victims food and water in the interim; (5) at no point did Ceus preclude the victims' mother from providing them with food and water; (6) the food pantry on the site where the victims lived had food that was available to them, and the victims' mother knew how to cook food on site; and (7) a grocery store and free food bank were within a fifteen-minute walk from the site at which the victims and their mother were living. Such evidence, if believed, would have allowed a properly instructed jury to conclude that the victims' mother, and not Ceus, had caused their deaths.

¶136 To overcome this obstacle, the majority asserts that the statute required the prosecution to prove only that the abuse "resulted in" the victims' deaths and that no causal connection between Ceus's conduct and the victims' deaths was required or even relevant. Maj. op. ¶¶ 63-73. And having stated this premise, the majority goes on to say that whether the victims died as a result of abuse was not disputed at trial, thus allegedly supporting the majority's view that the instructional error was harmless beyond a reasonable doubt. *Id.* at ¶¶ 6, 59-60. But the majority's premise is wrong, and therefore, its conclusion is, as well. Specifically, although the majority begins from the premise that "resulted in"

requires no causal connection to the victims' deaths, in *Dunaway*, 88 P.3d at 628, we said precisely the opposite. Indeed, as noted above, in *Dunaway*, we expressly equated the concepts of "resulted in" and "causal connection." *Id.* at 627-28 (noting that the People were required to prove that the defendant's actions under section 18-6-401(1)(a) "resulted in" the requisite injury under section 18-6-401(7)(a) and that the statute plainly required a "causal connection" between the two subsections).

¶137 Although the majority acknowledges that this is what we said, it proceeds to opine as to what "we meant," namely, that to obtain a conviction under the statute, the People must establish only but for causation. Maj. op. ¶ 70. The words "but for causation," however, appear nowhere in our opinion in *Dunaway*, and I believe it is far more appropriate to rely on what our precedent actually says than to rely on speculation—decades after the fact and without supporting evidence—as to what our predecessors meant (particularly when that speculation differs from what they said). For these reasons, I do not agree that the majority's decision today "hews closely to *Dunaway*," as the majority claims. Maj. op. ¶ 69. To the contrary, I believe that the majority's opinion is inconsistent with that longstanding precedent.

¶138 Accordingly, I would conclude that the instructional error committed by the trial court was not harmless beyond a reasonable doubt, and, like the division

below, I would further conclude that Ceus's child abuse conviction must be reversed.

III. Conclusion

¶139 The facts of this case are obviously tragic, and the need to do justice for the innocent victims here is strong and indisputable. But that undeniable goal cannot justify our ignoring decades of settled precedent or diminishing Ceus's constitutional rights.

¶140 For the reasons discussed above, I would conclude that, viewing the evidence as a whole and in the light most favorable to the People, the evidence was substantial and sufficient to allow a reasonable jury to find Ceus guilty of child abuse. I would further conclude, however, that (1) Ceus properly preserved the instructional error issue that is now before us; (2) the trial court erred in not instructing the jury that it needed to find that Ceus's abusive conduct resulted in the victims' deaths and in not providing a special interrogatory or verdict form requiring such a finding; and (3) this instructional error was not harmless beyond a reasonable doubt. Like the division below, I would therefore reverse Ceus's child abuse conviction and remand this case to the trial court with instructions that, on remand, the People may elect to retry Ceus for felony child abuse or ask the trial court to enter a judgment of conviction on misdemeanor child abuse.

¶141 Accordingly, I would affirm the division's judgment and therefore respectfully concur in part with and dissent in part from the majority's opinion in this case.