

IN THE IOWA DISTRICT COURT FOR MONONA COUNTY

THE STATE OF IOWA,

Plaintiff,

vs.

ASHLEY DANIELLE CAMERON,

Defendant.

CRIMINAL NO. FECR015301

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND VERDICT**

Trial was to the Court in this matter and it began on April 23, 2013, before the undersigned and was completed on April 26, 2013 after four days of trial. The State of Iowa was represented by Assistant Attorney General Susan Krisko and Assistant Monona County Attorney Ian McConeghey. The Defendant was present for trial and was represented by Michael K. Williams and Billy Oyadare. The entire trial was stenographically reported by Cheryl Smith, CSR-RMR. Following the presentation of the evidence, the parties were permitted to make closing arguments to the Court (some oral and some written) and the matter was fully submitted on May 6, 2013, with the filing of the State's Rebuttal closing argument in writing.

The Court now enters its findings of fact, conclusions of law, and verdict as follows.

PROCEDURAL HISTORY

The Defendant Ashley Cameron was charged by Trial Information with the crimes of Murder in the First Degree (Count I) in violation of **Iowa Code Sections 707.1 and 707.2(5)** and Child Endangerment (Count II) in violation of **Iowa Code Sections 726.6(1)(a), 726.6(1)(b), and 726.6(4)**. The Defendant entered a plea of not guilty to

these charges. The Defendant filed a written waiver of a jury trial and orally waived a jury on the record before the Court and the commencement of trial. The waiver was done timely as permitted by the Iowa Rules of Criminal Procedure. Trial commenced and was completed as noted above.

FINDINGS OF FACT

Markis Dahms, approximately 15 months old, died on February 11, 2012. He was the biological child of the Defendant Ashley Cameron and was in her custody and care at the time of his death. His death occurred under suspicious circumstances from the perspective of law enforcement and as a result, an investigation into the cause of his death was initiated.

Ashley Cameron and her daughter A.D. and Markis Dahms resided at 615 12th Street, Onawa, Iowa on the day that Markis Dahms died. They had moved into that residence later in the fall of the previous year. Ashley had the custody of the two children following a Department of Human Services investigation into their father's use of methamphetamine and consequently exposing the children to his drug usage. Ashley was not suspected of drug use and therefore the children were placed in her care. Ashley had limited resources at that time and it remained that way up until Markis' death. She was not working at the time of Markis' death and she was not receiving child support from the children's father. Ashley was ill-equipped to parent these two children on her own. She had some family support that improved after her move to the Onawa residence and she relied on a few close friends to seek and obtain parenting advice and suggestions from with regard to the two children.

As early as 2002, Ashley Cameron was diagnosed with pervasive developmental

disorder. According to Dr. Rodney Dean, Ashley Cameron's psychiatrist, this condition tends to make a person physically clumsy and some slowness developmentally. This is a hereditary condition and is similar to autism. It affects an individual's interpersonal relationships and makes them socially awkward. Over time, however, an individual with this diagnosis compensates for the condition and adapts. It can cause difficulties with regard to social skill development, academic matters, and communications. The magnitude of the disorder can vary between individuals. Dr. Dean indicated that individuals with this disorder can lack appropriate language skills or speech delays, they may repeat words spoken or repeat inaccurate terms, have trouble identifying the appropriate individual to communicate with about a subject, and have trouble sustaining conversations. Since Dr. Dean's diagnosis of Ashley Cameron with this disorder, he had not seen her until 2012 when he saw her with regard to the pending criminal charges. He acknowledged that in 2012, after Markis' death, Ashley Cameron did not present these communication problems noted above. However, there is some support for this diagnosis from the testimony of Dr. Groda-Lewis presented at trial with regard to Dr. Groda-Lewis' treatment and care of Ashley Cameron prior to Markis' death. This information and background was helpful to gain insight into the several interviews by law enforcement of Ashley Cameron.

Markis' birth was essentially uneventful and after his birth she sought regular medical care for him. Ashley participated in the Women, Infants, and Children program (WIC) as well as working with the Monona County Public Health Nurse with Markis. She also had individuals she utilized as babysitters who seemed reliable and responsible.

Prior to Markis' death, Ashley and others observed some unusual behavior by Markis. He would occasionally arch his back to an extreme when someone was holding him, or attempting to do so, and on a few occasions he behaved as if he did not want to be touched or picked up when such an attempt was made. This appears to be anecdotal as none of the medically trained witnesses who testified at trial addressed what may have caused such behavior and other care providers did not observe this behavior. While some of that behavior appears somewhat unusual, there may also be reasonable explanations for it. The Court cannot conclude with any certainty what this behavior means or reveals so it will not make any conclusions with regard to it.

The night of February 10, 2012, into the early morning hours of February 11, 2012, Haylee Simpson babysat for Markis Dahms and his sister A.D. Ashley got home about 2:00 a.m. on February 11 and she was accompanied by a male companion. The male companion stayed the night and left before noon on February 11, 2013, and no one else was in the home except for Ashley Cameron and her two children. This was an ordinary day for Ashley and the two children. They all remained home and that day Markis was fed spaghetti and pizza during the day and evening. He was not walking yet at 15 months and he got around in a walker-stroller. He drank from a sippy cup that day which had water, juice, or milk in it typically. At one point in the early evening Markis threw up. Remnants of the vomited food particles are seen in the pictures of the ottoman or footstool in the living room of the residence. Although the parties strongly contest what happened from this point forward, the Court finds that the evidence establishes that the following occurred.

Markis was in a single pajama outfit often called a onesie. He vomited on the

ottoman and on himself causing Ashley to take his clothes off and prepare the two children for a bath in the tub. Ashley's tub is the old enamel, clawfoot-type that is largely out of date and use. Her plumbing into the tub is not set up as a typical tub would be. The regular tub faucets do not work so water is brought into the tub by way of two separate waterlines (one hot and one cold), much the same as the set-up is behind a washing machine. Ashley put both of the children in the tub either while the water was running or after she had filled the tub to about 5 to 7 inches in depth. The children had some empty shampoo bottles in the tub to play with, a large white cup, and a loofah. The tub drain was stoppered by a rubber stopper which, from the photographs, does not appear to have been a stopper that actually set down into the drain, but rather sat on top of the drain.¹ At some point, Ashley started to clean the children, including cleaning Markis up from his vomiting episode earlier. The children were playing in the tub with the cup and the loofah. A.D. was pouring water over herself and Markis and Markis continued, while in the tub, to throw up multiple times. This is indicated by the pictures and the loofah which clearly show signs of human vomit. Markis' continuous throwing up prompted Ashley to rinse him off and to put his face under the cold water spigot multiple times. The number of times she put Markis' face under the cold water spigot was excessive. At one point Ashley left the bathroom and left the children unattended. It was during this time that Markis drowned. When Ashley returned, she discovered Markis face down in the tub and appearing blue in color and she began to panic and attempted to pull the children out of the tub with some difficulty

1. The State did not offer into evidence the stopper nor the white cup observed in the photographs of the tub. The white cup is shown clearly in the photo exhibits but the stopper appears to be only slightly visible in one of the photo exhibits.

due to the fact that they were wet and slippery. At some point the tub stopper came free and the tub drained. Ashley was able to get them both out eventually and she took Markis to the living room where she performed CPR. A.D. also came into the living room and remained there without any clothes on until help arrived.

While performing CPR, Ashley sent a text to one of her friends to call 911. She sent the text to Melissa Brown, a person who was her friend and a person from whom she sought advice and guidance regularly. Ashley's cell phone, which is a limited use phone, was going dead and she was anticipating that it would not have enough of a charge to call 911 and she asked Melissa to call them while Ashley performed CPR on Markis. Ashley also decided to call 911 herself and was successful in reaching them. Ashley was distraught when she spoke with the 911 operator as the tape of that exchange clearly indicates. An ambulance was dispatched to Ashley's residence and Melissa Brown came over promptly and arrived at approximately the same time as the ambulance.

Prior to the ambulance arriving, Onawa Police Officer Darin Specketer arrived at the Cameron residence. He entered the home and observed Ashley kneeling over Markis in the living room and that there was also a very young female in the same room and naked. He immediately stepped up to check Markis for a pulse and breath and observed none. He began CPR. Ashley related to Officer Specketer that Markis had vomited earlier and that she had put water on him to clean him and that he shot his head back, then fell into the water and swallowed some water. Officer Specketer observed that Markis was pale, his lips were blue in color, and his stomach was distended. Before Officer Specketer was able to start rescue breathing, the ambulance

and Melissa Brown arrived. Officer Specketer observed that Markis' hair was damp, but he did not observe any water coming from Markis, as in from his mouth i.e. his stomach or lungs when he was doing the compressions. When the ambulance took over and took Markis to the hospital, Officer Specketer followed almost immediately thereafter. Ashley, Melissa Brown, and A.D. left the house together for the hospital following Officer Specketer and the ambulance. Later at the hospital, Officer Specketer recalls seeing Ashley when he arrived and he observed her upset and kneeling near a door in the emergency room area.

Melissa Brown observed that A.D. was wet and naked in the living room when she arrived at about the same time as the ambulance. When they all left en route to the hospital (Burgess Memorial Hospital in Onawa), Melissa grabbed a blanket and some clothes for A.D. Upon arrival at the hospital, Melissa and Ashley went into a separate room in the ER. A.D. was taken to another room where she was watched by a nurse. This nurse, Rachel Pinkelman, saw that A.D. had damp hair. She also observed Ashley when the doctor in the emergency room that night, Dr. Mary Groda-Lewis, told her of Markis' death. She described Ashley Cameron as someone who was "hit in the gut" when she was told of Markis' passing.

Dr. Groda-Lewis was the doctor in the ER that night. She knew Ashley and Markis as she provided prenatal care for Ashley with regard to her pregnancy with Markis. At the Cameron residence the EMTs were not able to intubate Markis because of the presence of large amounts of water in his airway. Dr. Groda-Lewis was able to intubate him in the ER. It was difficult due to the large amount of water present. She described it as with every chest compression, fluid would come out of Markis. The

hospital documented 150 cc's of fluid. Unfortunately, Dr. Groda-Lewis and her ER team were unable to save Markis. He was pronounced dead at 7:30 p.m. by Dr. Groda-Lewis. Dr. Groda-Lewis proceeded to inform Ashley Cameron of Markis' death. This was done in a room in the ER and others were present with Ashley at that time. Dr. Groda-Lewis indicated that Ashley fell to the floor when she received the news and she stated that "people are going to accuse me of killing my child." The coroner was called by Dr. Groda-Lewis and around that time frame. Assistant Chief of Police, Jim Fouts, conducted an interview of Ashley Cameron and obtained her permission to search her residence.

Onawa Police Officer, Jon Pinkelman, had been dispatched to the Cameron residence to secure it until Assistant Chief Fouts arrived to conduct the search. Officer Pinkelman assisted in the search of the residence and seized certain evidence. Officer Pinkelman arrived at the residence at about 7:35 p.m. and Assistant Chief Fouts arrived at about 8:26 p.m. at the residence to search the residence. The ambulance was first called to the residence at 7:03 p.m. that night. Officer Pinkelman observed that the tub was dry, but that it was wet under the shampoo bottles, the cup, and the loofah which were still in the tub and undisturbed an hour and a half after the 911 call. Following Fouts and Pinkelman's search of the residence, Fouts returned to the hospital to speak with Ashley Cameron again. Once his interview was completed, he permitted Ashley to return to the residence.

Ashley returned to the residence with Melissa Brown and cleaned the place up as she had been informed at the hospital that the Department of Human Services would be coming to the house as part of the investigation of Markis' death.

Following the death of Markis, Ashley Cameron was interviewed several times by DCI Special Agent, Dan Dawson. During some of these interviews, Chantel Rol, with the Iowa Department of Human Services, was present and Assistant Chief of Police, Jim Fouts, was also present at times. These interviews were recorded (audio only) and admitted into evidence at trial. Much was made at trial from the parties as to what was said in the interviews and the differing interpretations of the content of the interviews. The Court listened to these exhibits and as fact finder, found them very helpful in reaching a verdict.

The State Medical Examiner's Office conducted an autopsy of Markis and found the cause of death to be drowning. The autopsy was completed by Dr. Dennis Klein with the State Medical Examiner's Office. He conducted an external and an internal examination of Markis. He found 150 ml of fluid in Markis' stomach and fluid in his lungs. This water or fluid which Dr. Klein found is in addition to the 200 ml measured by emergency personnel. Dr. Klein also discovered two areas in Markis' brain that he described as revealing an injury called gliosis which he described as indicative of bleeding or lack of oxygen. He was unable to identify a cause for this finding. He ruled them out as a cause of Markis' death, but acknowledged that they could be a cause of death, but his research allowed him to conclude otherwise.

While the autopsy was underway, Ashley Cameron called Dr. Klein and in their discussions, she related to him what she recalled of what happened on the night of Markis' death. Dr. Klein could not match what Ashley Cameron said happened with his autopsy findings. The volume of water found in Markis was Dr. Klein's major concern with the version of events relayed by Ashley Cameron. Ashley Cameron related to Dr.

Klein that there had been some family history of seizures and that Markis may have had a seizure. This was not indicated in Markis' medical records and Markis showed no history of seizures physically upon examination by Dr. Klein. Dr. Klein requested that Special Agent Dawson check into the history of seizures with Markis' family. This was not done as directed. Only a very limited inquiry was made by Special Agent Dawson. Nevertheless, Dr. Klein ruled out a seizure-related drowning. However, he also acknowledged that an autopsy cannot reveal whether a person had a seizure after that person's death and that it is possible that Markis had a seizure near the time of the incident. Dr. Klein also agreed that if Ashley Cameron left Markis unattended in the tub, that it could explain what happened and be consistent with his findings.

Ashley Cameron's statement of the events on the evening of Markis' death evolved over time. As stated earlier, she was interviewed multiple times. She first steadfastly denied that she ever left the bathroom and thus leaving the two children unattended. Later she acknowledge that she likely left the room and in disclosing this information she revealed that she was having flashbacks from that night as she kept thinking about it and it did not make any sense. As the interviews continued, she disclosed that A.D. was using the large white cup in the tub to pour water on herself and Markis and that Ashley herself had used that cup to rinse the children and especially Markis. The final revelation in the interviews was that Ashley used the cold water spigot to rinse Markis' head and body of the vomit because he vomited several times with each time requiring a rinse. Ashley Cameron actively and willingly participated in the interviews and appeared from the audio tapes to be genuinely attempting to assist in the investigation. The interviews at times lasted several hours and she was often told that

she was free to go and not under arrest. The audio recordings reveal that she had several emotions at times that sounded appropriate for the subject matter being discussed. They also revealed what sounded like a personal connection between Chantel Rol, Jim Fouts, and Ashley such that her efforts and disclosing or revealing all that happened on the night of the incident were legitimate. The interviews also reveal signs from Ashley of her Pervasive Developmental Disorder as described by Dr. Dean. To be clear, Ashley reveals on her own that she believes she may have left the bathroom. She had been asked about this prior, but her revelation comes on her own in a way that appears to be an effort on her part to reconcile what happened. The Court concludes that her statement with regard to leaving the bathroom and thus the children unattended is credible as is her explanation of both A.D. and her pouring water from the cup over Markis and her description of using the cold water spigot to run water over his head and face. Ashley's description with regard to the use of the cold water spigot does not rise to the level of the State's argument with regard to how she did it. She admits running the water from the spigot over Markis' face after each of his vomiting episodes, but not to holding his head under the spigot as one might do to intentionally drown an infant.

Evidence was presented that Ashley Cameron has a significant history of lying and that she lied here. In fact, this evidence was presented by both parties. Nevertheless, the Court in reviewing the evidence must find what version of events is consistent with the physical evidence and consider that along with the credibility of the witnesses. While Ashley Cameron may not be the most credible witness, the physical evidence here reveals what occurred the night Markis Dahms died. Where there is

doubt as to what happened and that doubt is reasonable, to the extent it impacts the Court's consideration of one or more of the elements of the offenses charged, it will be resolved to the defendant's favor as it is the State of Iowa's burden to establish each element of each offense beyond a reasonable doubt. The defendant has no burden to prove her innocence.

CONCLUSIONS OF LAW AND ANALYSIS OF THE FACTS

The Trial Information charges the Defendant Ashley Cameron with having done the following under Count I (Murder in the First Degree):

Having malice aforethought, kill M.D., a child, while committing an assault and the death occurred under circumstances manifesting an extreme indifference to human life.

Under Count II (Child Endangerment) of the Trial Information charges the Defendant with having done the following:

Knowingly act in a manner that created substantial risk to M.D.'s physical health or safety, and/or by an intentional act or series of acts, used unreasonable force, torture, or cruelty on M.D. that resulted in the death of M.D., a child.

COUNT I

The elements of the crime of Murder in the First Degree as charged under Count I of the Trial Information are as follows.

- 1) That on or about the date stated in the Trial Information, the Defendant Ashley Cameron assaulted² Markis Dahms;
- 2) Markis Dahms was under the age of 14.
- 3) Markis Dahms died as a result of the assault;

2. The State in the charging language of the Trial Information chose to allege an assault under Count I and not child endangerment, but alleges under Count II of the Trial Information that the Defendant committed the offense of child endangerment. The Court concludes that this was a conscious decision by the State to pursue two separate theories concerning how the death of Markis Dahms came about.

- 4) The Defendant Ashley Cameron acted with malice aforethought;
- 5) The Defendant Ashley Cameron was committing the offense of Assault; and
- 6) Markis Dahms' death occurred under circumstances showing an extreme indifference to human life.

Iowa Uniform Jury Instruction 700.20 and State v. Thompson, 570 N.W.2d 765 (Iowa 1997).

An assault occurs when the Defendant Ashley Cameron:

- 1) does an act which was intended to cause pain or injury or result in physical contact which was insulting or offensive or places an individual in fear of an immediate physical contact which would have been painful, injurious, insulting, or offensive to Markis Dahms;
- 2) The Defendant Ashley Cameron has the apparent ability to do the act; and
- 3) The Defendant Ashley Cameron's act caused bodily injury to Markis Dahms.

The Court's inquiry and consideration with regard to Count I of the Trial Information begin with an identification of what is in dispute between the parties. The factual disputes which are present here as to the charge of Murder in the First Degree under Count I center around what precisely lead to Markis Dahms' death and whether Ashley Cameron's actions establish that she acted with malice aforethought. There is no disagreement that Markis Dahms died as a result of the actions of Ashley Cameron, but there is considerable disagreement as to whether her actions rise to the level of Murder. In fact, Ashley Cameron has conceded that she was negligent and as such has committed child endangerment inasmuch as she took certain actions which resulted in the death of her son Markis Dahms, but she never intended to cause his death. The

Court's findings set forth herein reveal the facts which the Court has found with regard to what happened the night Markis Dahms died. For the sake of brevity, the Court will not restate its findings here, but will discuss first whether Ashley Cameron acted with malice aforethought with regard to her actions on the night of Markis' death for if there is no malice aforethought, there is no Murder in the First Degree.

Malice aforethought is not defined by statute, but Iowa Uniform Jury Instruction No. 700.7 defines it as follows:

"Malice" is a state of mind which leads one to intentionally do a wrongful act [to the injury of another] [in disregard of the rights of another] out of actual hatred, or with an evil or unlawful purpose. It may be established by evidence of actual hatred, or by proof of a deliberate or fixed intent to do injury. It may be found from the acts and conduct of the defendant, and the means used in doing the wrongful and injurious act. Malice requires only such deliberation that would make a person appreciate and understand the nature of the act and its consequences, as distinguished from an act done in the heat of passion.

"Malice aforethought" is a fixed purpose or design to do some physical harm to another which exists before the act is committed. It does not have to exist for any particular length of time.

The evidence in this case of malice as suggested by the State of Iowa includes the testimony of Mindy Holverson, an employee of Iowa State Bank in Onawa. Ms. Holverson observed Ashley Cameron with her two children about two days before the date of Markis' death at the bank and Ashley was attempting to use the ATM at the bank and having some difficulty. Markis was observed crying and Ms. Holverson observed Ashley place Markis in a wet spot or "puddle" near the ATM while she was attempting to use the ATM. This happened a second time and Ms. Holverson observed

Ashley yell³ at Markis and consider placing him the wet spot again, but chose not to do so. This short series of events does not establish malice aforethought and is not helpful to the Court for such an inquiry. What this witness described is not uncommon in the Court's experience and as such is not valuable to the Court either by itself or in consideration of the rest of the facts and evidence.

Finally, the Court is permitted to consider the acts of the Defendant in its consideration as to whether the element of malice aforethought has been established by the State of Iowa beyond a reasonable doubt. As indicated in the findings of fact herein, the Court found the audio taped interviews of the defendant and the 911 tape very helpful in considering whether this element has been established beyond a reasonable doubt. It has not. The Court cannot conclude based upon the evidence presented at trial that the defendant acted with malice aforethought beyond a reasonable doubt. Since it is required that all of the elements of an offense be established beyond a reasonable doubt, there is no need to discuss the remaining elements at this time since the Court has now concluded that one of the elements has not been established beyond a reasonable doubt. Therefore the defendant is not guilty of Murder in the First Degree.

The Court must now consider the lesser included offenses of Count I. Second Degree Murder is a lesser included offense of Murder in the First Degree and it also contains the element of malice aforethought and based on the Court's conclusions related to that element of the Murder in the First Degree charge, the Defendant is found not guilty of Murder in the Second Degree. See **Iowa Uniform Jury Instruction 700.13**. Moreover, the Court has considered the offense of Attempt to Commit Murder

3. The witness used the word yell, but in cross-examination she described it as a raised voice.

and finds that it requires proof beyond a reasonable doubt that Ashley Cameron acted as she did with the specific intent to cause Markis Dahms' death. The specific intent element of Attempt to Commit Murder has not been established beyond a reasonable doubt and the Defendant is therefore not guilty of the offense of Attempt to Commit Murder. See **Iowa Uniform Jury Instruction 700.19**.

The Court next considers the offense of Voluntary Manslaughter. This offense contains an element which requires the State of Iowa to establish that the actions taken by Ashley Cameron were done solely by reason of sudden, violent, and irresistible passion resulting from serious provocation. There is no factual basis to support this element or any suggestion of provocation and, as such, the offense of Voluntary Manslaughter is not a lesser included offense of Murder in the First Degree or Murder in the Second Degree. See **Iowa Uniform Jury Instruction Nos. 700.15 and 700.16**.

Involuntary manslaughter must be considered next as a lesser included offense. There are two ways to commit the crime of Involuntary Manslaughter. It can be committed by unintentionally causing the death of another by the commission of a public offense that is not a forcible felony or escape, and by unintentionally causing the death of another by committing an act in a manner likely to cause death or serious injury. See **Iowa Code Sections 707.5(1) and (2)**. It is the second alternative that is applicable here. Accordingly, the elements of this offense for which there is a factual basis for consideration are as follows:

1. Ashley Cameron recklessly left Markis Dahms in the bathtub with water unattended on February 11, 2012;
2. By leaving Markis Dahms in the bathtub with water unattended on February

11, 2012, Ashley Cameron acted in a manner likely to cause death.

3. Ashley Cameron, by leaving Markis Dahms in the bathtub with water unattended on February 11, 2012, unintentionally caused the death of Markis Dahms.

The Court in its findings of fact set out in this written ruling has concluded that these three elements of Involuntary Manslaughter have been established beyond a reasonable doubt. Therefore, the Defendant Ashley Cameron is guilty of the offense of Involuntary Manslaughter as a lesser included offense of Murder in the First Degree.

COUNT II

The elements of the crime of Child Endangerment as charged under Count II of the Trial Information are as follows.

- 1) Ashley Cameron is the parent, guardian, or person having custody or control of Markis Dahms;
- 2) The victim (Markis Dahms) is a child (under the age of 14);
- 3) Ashley Cameron knowingly acted on February 11, 2012, in a manner that created a substantial risk to Markis Dahms' physical, mental, or emotional safety; and
- 4) Ashley Cameron's act or actions resulted in the death of Markis Dahms.

At the outset of trial, Ashley Cameron's counsel acknowledged that she committed the offense of Child Endangerment and this was also confirmed in the written closing argument by the defendant. Nevertheless, the facts indeed support these elements beyond a reasonable doubt. The Court finds beyond a reasonable doubt that Ashley Cameron knowingly acted in a manner that created a substantial risk to Markis

Dahms on February 11, 2012, by leaving him unattended in a bathtub with water. Markis was 15 months old approximately at the time of his death and he was in the custody of his biological mother Ashley Cameron at the time of his death. Ashley Cameron's actions in leaving Markis unattended in the bathtub with water resulted in the death of Markis Dahms.

To be clear, elements one, two, and three are related to the offense of Child Endangerment and each of them have been established beyond a reasonable doubt. Element four is treated as an element of the offense of Child Endangerment by the Court as the Court, as the finder of fact, must determine the appropriate sentence to be considered, as the penalties for the offense of Child Endangerment can range from an Aggravated Misdemeanor to a Class B Felony, depending on the harm caused by the Child Endangerment. Child Endangerment resulting in the death of a child is a Class B Felony and carries the harshest penalty allowed for this type of offense. **Iowa Code Section 726.6(4)**. It is the Court's belief and opinion that the State must also establish this sentencing enhancement aspect of the offense as if it is an element of the offense and it must be established by evidence beyond a reasonable doubt. Therefore, the Court finds that this sentencing enhancement or element of the offense has been established beyond a reasonable doubt.

VERDICT

Accordingly, the Court announces its verdict as follows:

Under Count I of the Trial Information, the Defendant Ashley Cameron is guilty of the offense of Involuntary Manslaughter, a lesser included offense of Murder in the First Degree.

Under Count II of the Trial Information, the Defendant Ashley Cameron is guilty of the offense of Child Endangerment Resulting in Death as charged in the Trial Information.