

**CAUSE NO. CR02153**

**THE STATE OF TEXAS**                      §                      **IN THE DISTRICT COURT**  
**VS.**    §                      **BLANCO COUNTY, TEXAS**  
**MARK SKLADANY**                      §                      **424<sup>th</sup> JUDICIAL DISTRICT**

**INSTRUCTIONS OF THE COURT**

**MEMBERS OF THE JURY:**

The defendant, MARK SKLADANY, is accused of CAPITAL MURDER, alleged to have been committed on or about the 12<sup>th</sup> day of December, 2022, in Blanco County, Texas. The defendant has pleaded "not guilty," and you have heard all of the evidence that will be produced on whether the defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether the defendant has been proved guilty or not.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decision of the case. Then, I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

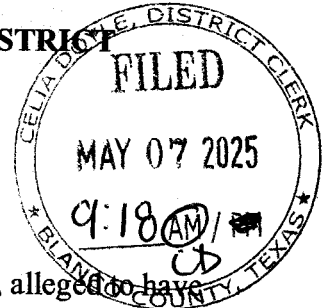
**GENERAL PRINCIPLES**

**The Indictment**

The indictment is not evidence of guilt. The indictment is only a document required to bring the case before you. The indictment cannot be considered in any way by the jury. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. You may not draw any inference of guilt from any of these circumstances.

**Presumption of Innocence**

The defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The law does not require a defendant to prove his innocence or produce any evidence at all. Unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt



after careful and impartial consideration of all of the evidence in the case, the presumption of innocence alone is sufficient to acquit the defendant.

### **Burden of Proof**

As to whether the Defendant has been proven guilty or not, the burden of proof throughout the trial is always on the state and the defendant does not have the burden to prove anything. The state must prove every element of the offense beyond a reasonable doubt to establish guilt for the offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find that the Defendant committed the offense. If the state does not prove every element of the offense beyond a reasonable doubt, then you must find the defendant not guilty. If, after you have considered all of the evidence and these instructions, you have a reasonable doubt about whether the defendant has committed the offense, you must find the defendant not guilty.

### **Jury as Fact Finder**

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

### **Evidence**

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence presented in this case to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable

inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

### **Admitted Exhibits**

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

### **Unanimous Verdict**

The law requires that you render a verdict of either “guilty” or “not guilty” or “not guilty by reason of insanity.” The verdict of “not guilty” simply means that the State’s evidence does not prove the defendant guilty beyond a reasonable doubt.

You may return a verdict only if it is unanimous, meaning all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

### **Defendant’s Right to Remain Silent**

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf. The defendant may also choose not to testify. The defendant’s decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant’s decision not to testify.

### **LAW SPECIFIC TO THIS CASE**

The state accuses the defendant of having committed the offense of CAPITAL MURDER.

### **Relevant Statutes**

A person commits the offense of CAPITAL MURDER if the person intentionally causes the death of an individual in the course of committing or attempting to commit the offense of burglary of a habitation.

### **Causation**

A person causes the death of another if, but for the person's conduct, the death of the other would not have occurred.

### **Lesser Included Offenses**

Although the defendant has been charged with capital murder by indictment, you may find the defendant not guilty of that offense but guilty of any lesser included offenses.

In this case, the offense of murder is a lesser included offense of the charged and greater offense of capital murder.

### **Definitions**

A person acts "**intentionally**," or "**with intent**," with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

"**Individual**" means a human being who is alive.

"**Burglary of a Habitation**" means, if without the effective consent of the owner, the person intentionally or knowingly enters a habitation with intent to commit a felony, theft or an assault.

"**Effective consent**" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

"**Owner**" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

A person acts "**knowingly**," or "**with knowledge**," with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts "**knowingly**," or "**with knowledge**," with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

"**Enter a place**" means to intrude into the place either (1) any part of the body or (2) any physical object connected with the body.

"**Habitation**" means a structure that is adapted for an overnight accommodation of persons and includes each separately secured or occupied portions of the structure and each structure appurtenant to or connected with the structure.

A person commits the offense of "**Aggravated Assault with a Deadly Weapon**" if the

person commits the offense of “Assault” as hereinafter defined, and the person uses or exhibits a deadly weapon during the commission of the offense.

A person commits the offense of “**Assault**” if the person intentionally or knowingly threatens another with imminent bodily injury or intentionally or knowingly or recklessly causes bodily injury to another.

The term “**bodily injury**” means physical pain, illness, or any impairment of physical condition.

A person acts “**recklessly**,” or “**is reckless**,” with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances, as viewed from the actor’s standpoint.

The term “**deadly weapon**” means a firearm or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

“**Firearm**” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

The term “**serious bodily injury**” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“**Murder**” means intentionally or knowingly causing the death of an individual.

**Application of Law to Facts**  
**Charged Offense of Capital Murder**

You must decide whether the state has proven, beyond a reasonable doubt, two elements.  
The elements are that—

1. the defendant, MARK SKLADANY, in Blanco County, Texas, on or about the 12<sup>th</sup> day of December, 2022, intentionally caused the death of an individual, namely, John Jones, by striking John Jones with a vehicle; and
2. this was done in the course of committing or attempting to commit, or in the immediate flight after the attempt to commit or committing the offense of burglary of a habitation of John Jones or Cynthia Jones, who was the owner of the habitation.

You must all agree on elements 1 and 2 listed above.

If you all agree the state has proved, beyond a reasonable doubt, both of the two elements listed above, then you must find that the Defendant committed the offense and you do not need to consider whether the defendant is guilty of the lesser included offense.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or both of elements 1 and 2 listed above, you must find the defendant “not guilty” and next consider whether the defendant is guilty of the lesser included offense of murder.

**Application of Law to Facts**  
**Lesser Included Offense of Murder**

You must decide whether the state has proven, beyond a reasonable doubt, two elements.

The elements are that—

1. the defendant, MARK SKLADANY, in Blanco County, Texas, on or about the 12th day of December, 2022, caused the death of an individual, namely, John Jones, by striking John Jones with a vehicle; and
2. the defendant did this either intentionally or knowingly.

You must all agree on elements 1 and 2 listed above.

If you all agree the state has proved, beyond a reasonable doubt, both of the two elements listed above, then you must find that the Defendant committed the offense.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or both of elements 1 and 2 listed above, you must find the defendant “not guilty.”

## **AFFIRMATIVE DEFENSE OF INSANITY**

If you all agree the state has proved, beyond a reasonable doubt, each of the two elements listed above for CAPITAL MURDER or MURDER and that the Defendant has thus committed CAPITAL MURDER or MURDER, you must next consider whether the defendant is not guilty because of the affirmative defense of insanity.

### **Insanity**

A person's conduct that would otherwise constitute the crime of CAPITAL MURDER or MURDER is not a criminal offense if, at the time of that conduct, the person, as a result of severe mental disease or defect, did not know that the conduct was wrong and thus was insane.

However, neither voluntary intoxication nor temporary insanity of the mind caused by intoxication shall constitute any defense to the commission of a crime.

### **Burden of Proof**

Insanity is an affirmative defense. That means the burden is on the defendant to prove insanity by a preponderance of the evidence.

### **Definitions**

**"Mental disease or defect"** does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

The term **"preponderance of the evidence"** means the greater weight and degree of the credible evidence.

The term **"intoxication"** means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

### **Application of Law to Facts**

To decide the issue of insanity, you must decide whether the defendant has proved, by a preponderance of the evidence, two elements. The elements are that—

1. at the time of the conduct alleged, the defendant had a severe mental disease or defect other than that temporarily caused by voluntary intoxication; and
2. as a result of the severe mental disease or defect, the defendant did not know his conduct was wrong and thus was insane.

If you find that the defendant has proved, by a preponderance of the evidence, both elements 1 and 2 listed above, you must find the defendant "not guilty by reason of insanity" of



the offense you believe the state has proven beyond a reasonable doubt and specify this in your verdict.

If you all agree the state has proved, beyond a reasonable doubt, each of the elements of the charged offense of CAPITAL MURDER, or the lesser included offense of MURDER, and you all agree the defendant has not proved, by a preponderance of the evidence, one or both elements 1 and 2 listed above, you must find the defendant "guilty" of the offense you believe the state has proven beyond a reasonable doubt.

**Evidence of Wrongful Acts Possibly Committed by Defendant**

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed acts of misconduct other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such acts of misconduct, if any were committed, and even then you may only consider the same in determining the motive, opportunity, intent, preparation, plan, knowledge, or identity of the defendant in connection with the offense alleged against him in the indictment in this case, and for no other purpose.

## RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating, and until excused by the court, all jurors must follow these rules:

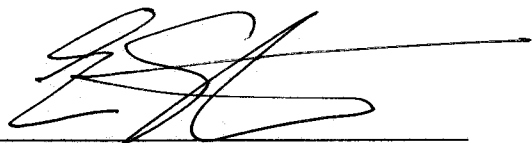
1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the bailiff.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

SIGNED on this 7<sup>th</sup> day of May, 2025.

  
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EVAN STUBBS  
JUDGE PRESIDING

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VS.    §                      BLANCO COUNTY, TEXAS  
MARK SKLADANY                           §                      424<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT**  
**(Charged Offense – Capital Murder)**

**GUILTY**

We, the jury, find the defendant, MARK SKLADANY, guilty of CAPITAL MURDER, as charged in the indictment.

*Courtney Williams*  
FOREPERSON OF THE JURY

**-OR-**

**NOT GUILTY**

We, the jury, find the defendant, MARK SKLADANY, not guilty of the offense of CAPITAL MURDER as charged in the indictment.

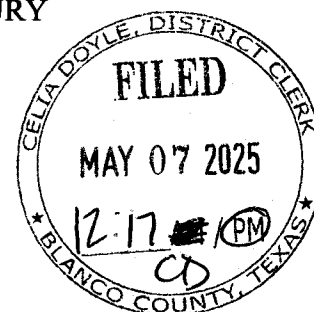
\_\_\_\_\_  
FOREPERSON OF THE JURY

**-OR-**

**NOT GUILTY BY REASON OF INSANITY**

We, the jury, find the defendant, MARK SKLADANY, not guilty of the offense of CAPITAL MURDER as charged in the indictment by reason of insanity.

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FOREPERSON OF THE JURY



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<b>MARK SKLADANY</b>	<b>§</b>	<b>424<sup>TH</sup> JUDICIAL DISTRICT</b>

**VERDICT**  
**(Lesser Included Offense – Murder)**

**GUILTY**

We, the jury, find the defendant, MARK SKLADANY, guilty of the offense of MURDER.

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FOREPERSON OF THE JURY

**-OR-**

**NOT GUILTY**

We, the jury, find the defendant, MARK SKLADANY, not guilty of the offense of MURDER.

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FOREPERSON OF THE JURY

**-OR-**

**NOT GUILTY BY REASON OF INSANITY**

We, the jury, find the defendant, MARK SKLADANY, not guilty of the offense of MURDER by reason of insanity.

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FOREPERSON OF THE JURY