

INSTRUCTION NO. 1

Those who participate in a jury trial must do so in accordance with established rules. This is true of the parties, the witnesses, the lawyers, and the judge. It is equally true of jurors. It is the court's duty to enforce these rules and to instruct you upon the law applicable to the case. It is your duty to follow the law as the court gives it to you.

However, no statement, ruling, or remark that I may make during the trial is intended to indicate my opinion of what the facts are. It is your duty to determine the facts and to determine them only from the evidence and the reasonable inferences to be drawn from the evidence. In your determination of the facts, you alone must decide upon the believability of the witnesses and the weight and value of the evidence. You may believe all, any part, or none of a witness's testimony.

In determining the believability of a witness and the weight to be given to testimony of the witness, you may take into consideration the witness's manner while testifying; the ability and opportunity of the witness to observe and remember any matter about which testimony is given; any interest, bias, prejudice, incentive, or motive the witness may have; the reasonableness of the witness's testimony considered in the light of all of the evidence in the case; any benefit that the witness was promised, received or expected; and any other matter that has a tendency in reason to prove or disprove the truthfulness of the testimony of the witness.

It is important for you to understand that this case must be decided only by the evidence presented in the proceedings in this courtroom and the instructions I give you. The reason for this is that the evidence presented in court is reviewed by the lawyers and the court, and the lawyers have the opportunity to comment on, or dispute, evidence presented in court. If you obtain information from other places, the lawyers do not have the opportunity to comment on or dispute it. Fairness and our system of justice require giving both sides the opportunity to view and comment on all evidence in the case. It is unfair to the parties if you obtain information about the case outside this courtroom.

Therefore, you should not visit the scene of any of the incidents described in this case, nor should you conduct your own research or investigation. For example, you should not conduct any independent research of any type by reference to textbooks, dictionaries, magazines, the Internet, a person you consider to be knowledgeable or any other means about any issue in this case, or any witnesses, parties, lawyers, medical or scientific terminology, or evidence that is any way involved in this trial.

You should not communicate, use a cell phone, record, photograph, video, e-mail, blog, tweet, text or post anything about this trial or your thoughts or opinions about any issue in this case to any person. This prohibition on communication about this trial includes use of the Internet, Facebook, Tiktok, X (formerly Twitter), or any other personal or public website.

Faithful performance by you of your duties as jurors is vital to the administration of justice. You should perform your duties without prejudice or fear, and solely from a fair and impartial consideration of the whole case. You must carefully evaluate the evidence and resist any urge to reach any conclusion or agree to a verdict that is influenced by a personal bias for or against any party or witness. An individual juror's personal bias, prejudice, or opinion, whether conscious or unconscious, favorable or unfavorable, about any characteristics, or perceived characteristics, associated with race, sex, gender, gender identity, religion, national origin, ethnicity, disability, age, sexual orientation, or marital status should not be considered.

Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have heard all the evidence and the case is given to you to decide.

INSTRUCTION NO. 2

You must not assume as true any fact solely because it is included in or suggested by a question asked a witness. A question is not evidence, and may be considered only as it supplies meaning to the answer.

From time to time the attorneys may make objections. They have a right to do so and are only doing their duty as they see it. You should draw no inference from the fact that an objection has been made.

If the court sustains an objection to a question, you will disregard the entire question and you should not speculate as to what the answer of the witness might have been. The same applies to exhibits offered but excluded from the evidence after an objection has been sustained. You will also disregard any answer or other matter which the court directs you not to consider and anything which the court orders stricken from the record.

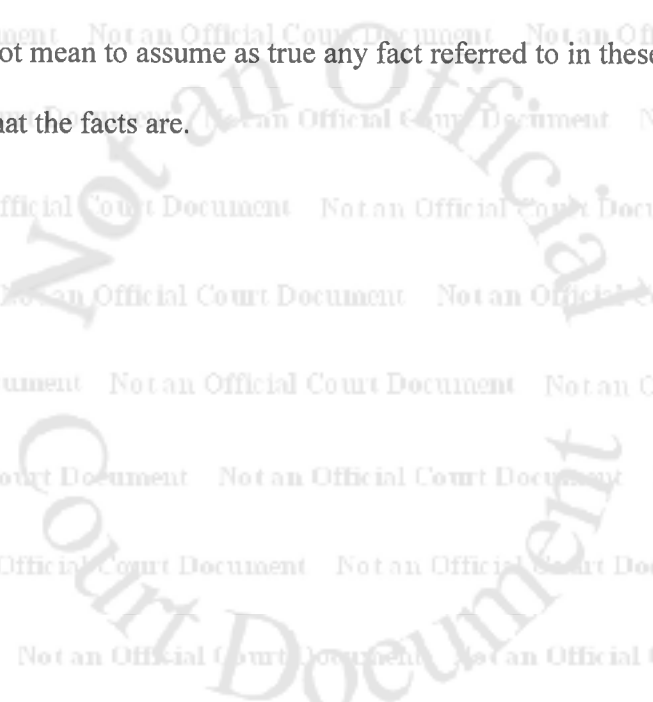
The opening statements of attorneys are not evidence. Also, you must not consider as evidence any statement or remark or argument by any of the attorneys addressed to another attorney or to the court. However, the attorneys may enter into stipulations of fact. These stipulations become part of the evidence and are to be considered by you as such.

INSTRUCTION NO. 3

The law applicable to this case is stated in these instructions and the two which the court read to you immediately after you were sworn as jurors. All of the instructions will be given to you to take to your jury room for use during your deliberations.

You must not single out certain instructions and disregard others or question the wisdom of any rule of law.

The court does not mean to assume as true any fact referred to in these instructions but leaves it to you to determine what the facts are.



INSTRUCTION NO. 4

The charge of any offense is not evidence, and it creates no inference that any offense was committed or that the defendant is guilty of an offense.

The defendant is presumed to be innocent, unless and until, during your deliberations upon your verdict, you find her guilty. This presumption of innocence places upon the state the burden of proving beyond a reasonable doubt that the defendant is guilty.

A reasonable doubt is a doubt based upon reason and common sense after careful and impartial consideration of all the evidence in the case.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. The law does not require proof that overcomes every possible doubt. If, after your consideration of all the evidence, you are firmly convinced that the defendant is guilty of the offense charged, you will find her guilty. If you are not so convinced, you must give her the benefit of the doubt and find her not guilty.

Instruction Number 5

Evidence has been introduced that the defendant made certain statements relating to the offense for which she is on trial.

If you find that a statement was made by the defendant, and that the statement was freely and voluntarily made under all of the circumstances surrounding and attending the making of the statement, then you may give it such weight as you believe it deserves in arriving at your verdict.

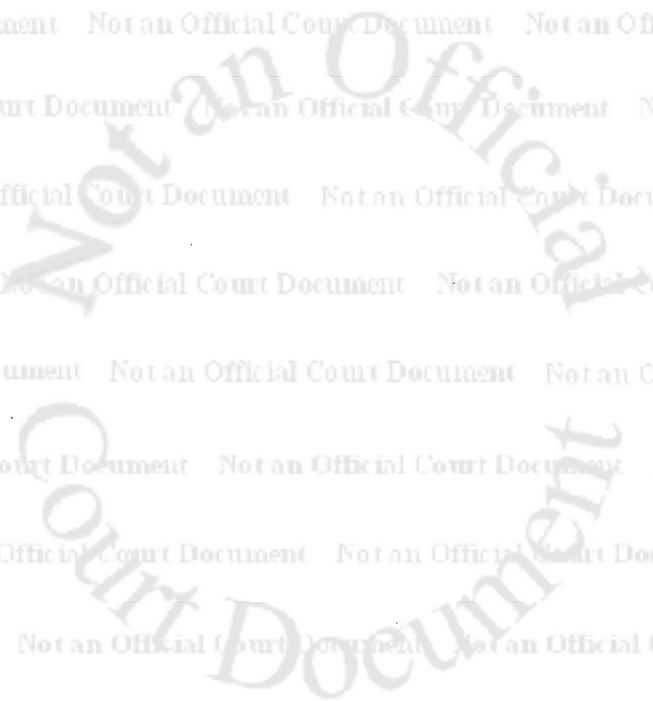
However, if you do not find and believe that the defendant made the statement, or if you do not find and believe that the statement was freely and voluntarily made under all of the circumstances surrounding and attending the making of the statement, then you must disregard it and give it no weight in your deliberations.



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Instruction Number 7

The defendant is charged with a separate offense in each of the two counts submitted to you.  
Each count must be considered separately.

You should return a separate verdict for each count and you can return only one verdict for each count.



INSTRUCTION NO. 8

As to Count I, if you find and believe from the evidence beyond a reasonable doubt:

First, that on or about May 16, 2023, in the State of Missouri, the defendant pursued Dr. Mary Muscato at her healthcare provider appointment and demanded \$10,000 or else defendant would sue her, and

Second, defendant did so with the purpose to cause emotional distress to Dr. Mary Muscato, and

Third, that defendant acted without good cause, and

Fourth, that as a result, Dr. Mary Muscato suffered emotional distress,  
then you will find the defendant guilty under Count I of harassment in the first degree.

However, unless you find and believe from the evidence beyond a reasonable doubt each and all of these propositions, you must find the defendant not guilty of that offense.

Instruction Number 9

Unless you find and believe from the evidence beyond a reasonable doubt that

First, that on or about May 16, 2023, in the State of Missouri, the defendant pursued Dr. Mary Muscato at her healthcare provider appointment and demanded \$10,000 or else defendant would sue her, and

Second, defendant did so with the purpose to cause emotional distress to Dr. Mary Muscato, and

Third, that defendant acted without good cause, you must find the defendant not guilty under Count I of harassment in the first degree as submitted in Instruction No. 8.

INSTRUCTION NO. 10

As to Count II, if you find and believe from the evidence beyond a reasonable doubt:

First, that on or about June 6, 2023, in the State of Missouri, the defendant pursued Dr. Mary Muscato at a dental appointment demanding money to prevent defendant from reporting Dr.

Mary Muscato to the FBI, and

Second, defendant did so with the purpose to cause emotional distress to Dr. Mary Muscato, and

Third, that defendant acted without good cause, and

Fourth, that as a result, Dr. Mary Muscato suffered emotional distress,

then you will find the defendant guilty under Count II of harassment in the first degree.

Instruction Number 11

Unless you find and believe from the evidence beyond a reasonable doubt that

First, that on or about June 6, 2023, in the State of Missouri, the defendant pursued Dr. Mary Muscato at her dental appointment demanding money to prevent defendant from reporting Dr. Mary Muscato to the FBI, and

Second, defendant did so with the purpose to cause emotional distress to Dr. Mary Muscato, and

Third, that defendant acted without good cause, you must find the defendant not guilty under Count II of harassment in the first degree as submitted in Instruction No. 10.

The following terms used in these instructions are defined as follows:

“Emotional distress” means something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

“Good cause” means a cause that would motivate a reasonable person under the circumstances under which the act occurred.

“Purpose” means a person acts purposely or with purpose, with respect to the person’s conduct or to a result thereof, when it is his or her conscious object to engage in that conduct or to cause that result.

INSTRUCTION NO. 13

When you retire to your jury room, you will first select one of your number to act as your foreperson and to preside over your deliberations.

You will then discuss the case with your fellow jurors. Each of you must decide the case for yourself, but you should do so only after you have considered all the evidence, discussed it fully with the other jurors, and listened to the views of your fellow jurors.

In deciding what the facts are, you must decide what testimony you believe and what testimony you do not believe. You may believe all, any part, or none of a witness's testimony. You must decide for yourselves whether to believe the testimony of any witness.

You must take great care in determining the believability of a witness and the weight to be given to testimony of the witness; you may take into consideration the witness's manner while testifying; the ability and opportunity of the witness to observe and remember any matter about which testimony is given; any interest, bias, prejudice, incentive, or motive the witness may have; the reasonableness of the witness's testimony considered in the light of all of the evidence in the case; any benefit that the witness was promised, received, or expected; and any other matter that has a tendency in reason to prove or disprove the truthfulness of testimony of the witness.

Your verdict in this case should be based on unbiased reflection after fairly considering the evidence and the views of other jurors whose backgrounds and perspectives may be different from yours.

Your verdict, whether guilty or not guilty, must be agreed to by each juror. Although the verdict must be unanimous, the verdict should be signed by your foreperson alone.

When you have concluded your deliberations, you will complete the applicable forms to which you unanimously agree and return them with all unused forms and the written instructions of the court.

INSTRUCTION NO. 14

The attorneys will now have the opportunity of arguing the case to you. Their arguments are intended to help you in understanding the evidence and applying the law, but they are not evidence.

You will bear in mind that it is your duty to be governed in your deliberations by the evidence as you remember it, the reasonable inferences which you believe should be drawn therefrom, and the law as given in these instructions.

It is your duty, and yours alone, to render such verdict under the law and the evidence as in your reason and conscience is true and just.

The state's attorney must open the argument. The defendant's attorney may then argue the case. The state's attorney may then reply. No further argument is permitted by either side.

VERDICT

As to Count I, we, the jury, find the defendant Danielle Muscato, guilty of harassment in the first degree, as submitted in Instruction No. 8.

*[Handwritten Signature]*

Foreperson

FILED  
BOONE COUNTY  
AUG 14 2025  
CLERK OF CIRCUIT COURT  
COLUMBIA, MO

STATE V DANIELLE MUSCATO

VERDICT

As to Count II, we, the jury, find the defendant Danielle Muscato, guilty of harassment in the first degree, as submitted in Instruction No. 10.

*[Handwritten Signature]*

Foreperson

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FILED  
BOONE COUNTY  
AUG 14 2025  
CLERK OF CIRCUIT COURT  
COLUMBIA, MO

STATE V DANIELLE MUSCATO

Court Document Not an Official Court Document **VERDICT** Official Court Document Not an Official Court Document

Official Court Document As to Count I, we, the jury, find the defendant, Danielle Muscato, not guilty. Official Court Document

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VERDICT

As to Count II, we, the jury, find the defendant, Danielle Muscato, not guilty.

Foreperson

