

SUPREME COURT OF WYOMING

Mark Coleman Helms, II v. The State of Wyoming

Helms, 2026 WY 24 (Wyo. 2026) · No. S-25-0104 · Decided February 23, 2026

SUMMARY

The Wyoming Supreme Court affirmed Mark Coleman Helms II’s conviction for second-degree murder and his 48-to-62-year sentence. The court held that the district court properly excluded a designated examiner’s testimony at a self-defense immunity hearing, declined to consider unauthenticated and hearsay materials submitted in support of immunity, and concluded Helms failed to make a prima facie showing under Wyoming’s self-defense immunity statute. The opinion also addresses the malice instruction and the sufficiency of the evidence.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	FENN, Justice; BOOMGAARDEN, C.J.; GRAY, J.; FENN, J.; JAROSH, J.; EAMES, D.J.
JURISDICTION	Supreme Court of Wyoming
DECIDED	February 23, 2026
DOCKET	S-25-0104
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction for second-degree murder following a jury trial. The appellant challenged the denial of a pretrial motion to dismiss based on self-defense immunity, exclusion of expert testimony at the immunity hearing, a malice jury instruction, and the sufficiency of the evidence.
STANDARD OF REVIEW	The exclusion of Dr. Holmberg’s testimony was reviewed for abuse of discretion. The denial of self-defense immunity was reviewed by viewing the record in the light most favorable to the district court’s decision; factual findings were reviewed for clear error and the ultimate application of Wyoming Statute § 6-2-602 was reviewed de novo. The sufficiency of the evidence was reviewed by considering whether the evidence could reasonably support the jury’s verdict, assuming the State’s evidence was true and giving the State every reasonable favorable inference. The jury-instruction claim was not reviewed because the alleged error was invited and waived.

PRECEDENTIAL VALUE

published precedential opinion

PARTIES

Mark Coleman Helms, II v. The State of Wyoming

TOPICS

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self defense

evidence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by excluding Dr. Holmberg's proposed testimony at the self-defense-immunity hearing.
2. Whether Helms made a prima facie showing entitling him to immunity from prosecution under Wyoming Statute § 6-2-602.
3. Whether the district court erred by giving a malice-inference instruction that omitted an express statement that malice had to be proved beyond a reasonable doubt, where Helms proposed the instruction and failed to object.
4. Whether sufficient evidence supported Helms's second-degree murder conviction.

HOLDINGS

1. The court declined to adopt a blanket rule barring designated examiners from testifying at a John hearing, but held that Dr. Holmberg's proposed testimony was properly excluded because it concerned whether Helms was malingering or fabricating memory loss rather than his mental condition and was irrelevant to the self-defense issues before the district court.
2. Helms failed to make the required prima facie showing that he was entitled to immunity from prosecution under Wyoming Statute § 6-2-602(f). The district court properly denied his motion to dismiss.
3. The court declined to review Helms's challenge to the malice-inference instruction because Helms proposed the instruction, failed to object or correct it, and thereby invited the alleged error and waived review.
4. The evidence was sufficient for a rational jury to find Helms guilty beyond a reasonable doubt of second-degree murder.

KEY QUOTATIONS

“We decline to adopt a blanket rule that Wyoming Statute § 7-11-304(h) prohibits a designated examiner from testifying at a John Hearing.” (¶ 14)

“Therefore, Mr. Helms needed to present competent evidence to establish a prima facie showing he was entitled to self-defense immunity under Wyoming Statute § 6-2-602(f), and he could not rely on mere

allegations, representations, or arguments of counsel.” (¶ 19)

“There is nothing in the record to demonstrate directly or by inference that a reasonable person in like circumstances would have felt it necessary to use deadly force that night.” (¶ 32)

“Because Mr. Helms proposed the allegedly erroneous instruction and did not object or correct the instruction when given the opportunity to do so, he invited the error about which he now complains.” (¶ 37)

FACTUAL BACKGROUND

Helms shot his cousin, Nicholas Velazquez, inside Helms's home after inviting Velazquez to discuss VA benefits. Helms gave inconsistent accounts of the shooting, had consumed substantial alcohol and THC-related substances, and reported that he misunderstood Velazquez's identity. Investigators found Velazquez near the master-bedroom doorway, a folded pocketknife near his head, and an AK-47 rifle and casing in the bedroom. The jury convicted Helms of second-degree murder after acquitting him of first-degree murder.

PROCEDURAL HISTORY

The State charged Helms with first-degree murder. He pleaded not guilty and not guilty by reason of mental illness and was evaluated by two designated examiners. The district court held a self-defense-immunity hearing, excluded proposed testimony from Dr. Holmberg, denied the motion to dismiss, and proceeded to a five-day jury trial. The jury acquitted Helms of first-degree murder but convicted him of second-degree murder and the district court imposed a sentence of 48 to 62 years. Helms timely appealed.

DISPOSITION

affirmed

CASES CITED

- State v. John, 2020 WY 46, 460 P.3d 1122 (Wyo. 2020)
- Dixon v. State, 2019 WY 37, 438 P.3d 216 (Wyo. 2019)
- Huckelby v. State, 313 So. 3d 861 (Fla. Dist. Ct. App. 2021)
- McCalla v. State, 2026 WY 18 (Wyo. 2026)
- Davis v. State, 2025 WY 120, 578 P.3d 805 (Wyo. 2025)
- Marquez v. State, 2025 WY 61, 569 P.3d 356 (Wyo. 2025)
- Hanson v. State, 2025 WY 56, 568 P.3d 1186 (Wyo. 2025)
- Schneider v. State, 2022 WY 31, 505 P.3d 591 (Wyo. 2022)
- Johns v. State, 2018 WY 16, 409 P.3d 1260 (Wyo. 2018)
- Wyo. Bd. of Land Comm'rs v. Antelope Coal Co., 2008 WY 60, 185 P.3d 666 (Wyo. 2008)
- Holm v. State, 404 P.2d 740 (Wyo. 1965)
- McDaniel v. State, 24 So. 3d 654 (Fla. Dist. Ct. App. 2009)
- Seaton v. State of Wyo. Highway Comm'n, Dist. No. 1, 784 P.2d 197 (Wyo. 1989)

- United States v. Wilkerson, 84 F.3d 692 (4th Cir. 1996)
- Harnetty v. State, 2022 WY 68, 511 P.3d 165 (Wyo. 2022)
- Townsend v. State, 2025 WY 108, 576 P.3d 1254 (Wyo. 2025)
- Toth v. State, 2015 WY 86A, 353 P.3d 696 (Wyo. 2015)
- Jackson v. State, 2019 WY 81, 445 P.3d 983 (Wyo. 2019)
- Mackley v. State, 2021 WY 33, 481 P.3d 639 (Wyo. 2021)
- Vaught v. State, 2016 WY 7, 366 P.3d 512 (Wyo. 2016)
- Wilson v. State, 2025 WY 116, 578 P.3d 402 (Wyo. 2025)
- Huckins v. State, 2020 WY 21, 457 P.3d 1277 (Wyo. 2020)
- Munoz v. State, 2024 WY 103, 556 P.3d 238 (Wyo. 2024)
- Hultberg v. State, 2024 WY 59, 549 P.3d 759 (Wyo. 2024)
- Hanson v. State, 2025 WY 80, 571 P.3d 1282 (Wyo. 2025)
- Wilkerson v. State, 2014 WY 136, 336 P.3d 1188 (Wyo. 2014)
- Jacobs v. State, 2021 WY 104, 495 P.3d 303 (Wyo. 2021)
- Farrow v. State, 2019 WY 30, 437 P.3d 809 (Wyo. 2019)
- Kruckeck v. State, 702 P.2d 1267 (Wyo. 1985)
- Schmuck v. State, 2017 WY 140, 406 P.3d 286 (Wyo. 2017)