

14-221. Voluntary manslaughter; no murder instruction; essential elements.¹

For you to find the defendant guilty of voluntary manslaughter [as charged in Count _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant killed _____ (*name of victim*);
2. The defendant knew that his acts created a strong probability of death or great bodily harm³ to [him] _____ (*name of victim*) [or any other human being]⁴;
3. The defendant acted as a result of sufficient provocation;⁵
4. This happened in New Mexico on or about the _____ day of _____, _____.⁶

USE NOTES

1. This instruction is to be used if the defendant has been charged only with voluntary manslaughter or if voluntary manslaughter is the highest degree of homicide given to the jury.
2. Insert the count number if more than one count is charged.
3. UJI 14-131, the definition of great bodily harm, must be given.
4. Use the bracketed phrase when the intent to kill or do great bodily harm was directed to someone other than the victim. UJI 14-255 must also be given.
5. UJI 14-222, the definition of sufficient provocation, must also be given.
6. UJI 14-141, General criminal intent, must also be given.