

**14-210. Second degree murder; voluntary manslaughter lesser included offense; essential elements.<sup>1</sup>**

For you to find the defendant guilty of second degree murder [as charged in Count \_\_\_\_\_]<sup>2</sup>, 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] [her] acts created a strong probability of death or great bodily harm<sup>4</sup> to \_\_\_\_\_ (*name of victim*) [or any other human being]<sup>3</sup>;
3. The defendant did not act as a result of sufficient provocation;<sup>4</sup>
4. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.<sup>4</sup>

**USE NOTES**

1. This instruction is to be given only when provocation is an issue.
2. Insert the count number if more than one count is charged.
3. Use this bracketed phrase when the intent was directed to someone other than the victim. UJI 14-255 NMRA must also be given following UJI 14-220 NMRA, voluntary manslaughter; lesser included offense.
4. The following instructions must also be given after UJI 14-220 NMRA, voluntary manslaughter, lesser included offense:
  - UJI 14-141 NMRA, general criminal intent;
  - UJI 14-131 NMRA, definition of great bodily harm;
  - UJI 14-222 NMRA, definition of sufficient provocation; and
  - UJI 14-250 NMRA, jury procedure for various degrees of homicide.

[As amended by Supreme Court Order No. 10-8300-039, effective December 31, 2010; as amended by Supreme Court Order No. 18-8300-012, effective for all cases pending or filed on or after December 31, 2018.]