

14-5140. Excusable homicide.

Evidence has been presented that the killing of _____ (*name of victim*) by defendant occurred by accident or misfortune

[while defendant was _____ (*describe facts*), with usual and ordinary caution and without any unlawful intent]

[upon any sudden and sufficient provocation against defendant]

[upon a sudden combat, with no undue advantage taken by defendant, nor any dangerous weapon used and the killing was not done in a cruel or unusual manner].

If you determine that the defendant killed _____ (*victim*), by accident or misfortune you must find him not guilty.

USE NOTES

No instruction on this subject shall be given.