

14-211. Second-degree murder; voluntary manslaughter not lesser included offense; essential elements.¹

For you to find the defendant guilty of second-degree murder [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] [her] acts created a strong probability of death or great bodily harm³ to _____ (*name of victim*) [or any other human being]⁴;
3. This happened in New Mexico on or about the _____ day of _____, _____.⁵

USE NOTES

1. This instruction is to be used only when second-degree murder is the lowest degree of homicide to be considered by the jury.
2. Insert the count number if more than one count is charged.
3. UJI 14-131 NMRA, the definition of great bodily harm, must be given.
4. Use this bracketed phrase when the intent was directed to someone other than the victim. In such a case, UJI 14-255 NMRA must also be given.
5. UJI 14-141 NMRA, general criminal intent, must also be given.

[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.]