

**14-220. Voluntary manslaughter; lesser included offense.<sup>1</sup>**

For you to find the defendant guilty of voluntary manslaughter, 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 harm<sup>2</sup> to \_\_\_\_\_ (*name of victim*) [or any other human being]<sup>3</sup>;
3. The defendant acted as a result of sufficient provocation;
4. This happened in New Mexico on or about the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The difference between second degree murder and voluntary manslaughter is sufficient provocation. In second degree murder the defendant kills without having been sufficiently provoked, that is, without sufficient provocation. In the case of voluntary manslaughter the defendant kills after having been sufficiently provoked, that is, as a result of sufficient provocation. Sufficient provocation reduces second degree murder to voluntary manslaughter.<sup>4</sup>

**USE NOTES**

1. This instruction should immediately follow the second degree murder instruction.
  2. UJI 14-131 NMRA, the definition of “great bodily harm,” must be given following this instruction.
  3. Use the bracketed phrase when the intent was directed to someone other than the victim. UJI 14-255 NMRA must also be given following this instruction.
  4. UJI 14-222 NMRA, the definition of sufficient provocation, must be given following this instruction.
- [As amended by Supreme Court Order No. 14-8300-005, effective for all cases filed or pending on or after December 31, 2014.]