**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.]