

1 **14-221. Voluntary manslaughter; no murder instruction; essential elements.**¹

2 For you to find the defendant guilty of voluntary manslaughter [as charged in Count
3 _____]², the state must prove to your satisfaction beyond a reasonable doubt each of the
4 following elements of the crime:

5 1. The defendant killed _____ (*name of victim*);

6 2. The defendant knew that [~~his~~]their acts created a strong probability of death or great
7 bodily harm³ to [~~him~~] _____ (*name of victim*) [or any other human being]⁴;

8 3. The defendant acted as a result of sufficient provocation;⁵

9 4. This happened in New Mexico on or about the _____ day of
10 _____, _____.⁶

11 USE NOTES

12 1. This instruction is to be used if the defendant has been charged only with voluntary
13 manslaughter or if voluntary manslaughter is the highest degree of homicide given to the jury.

14 2. Insert the count number if more than one count is charged.

15 3. UJI 14-131 NMRA, the definition of great bodily harm, must be given.

16 4. Use the bracketed phrase when the intent to kill or do great bodily harm was
17 directed to someone other than the victim. UJI 14-255 NMRA must also be given.

18 5. UJI 14-222 NMRA, the definition of sufficient provocation, must also be given.

19 6. UJI 14-141 NMRA, General criminal intent, must also be given.

20 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
21 or filed on or after December 31, 2025.]

22 **Committee commentary.** — The difference between [~~second-degree~~]second-degree murder and
23 voluntary manslaughter is that voluntary manslaughter requires sufficient provocation. *State v.*

1 *Gaitan*, 2002-NMSC-007, ¶ 11, 131 N.M. 758, 42 P.3d 1207. As explained in the commentary to
2 UJI 14-220 NMRA, manslaughter is essentially [~~second-degree~~]second-degree murder committed
3 under sufficient provocation. To make a case of manslaughter, the state must prove all of the
4 essential elements of [~~second-degree~~]second-degree murder plus the additional element of
5 sufficient provocation.

6 [As amended by Supreme Court Order No. 14-8300-005[, ~~effective for all cases filed or pending~~
7 ~~on or after December 31, 2014~~]; as amended by Supreme Court Order No. S-1-RCR-2025-00126.]