

Ala. Code 1975, § 13A-6-3(a)(1)

Manslaughter
(Reckless)

The defendant is charged with manslaughter.

A person commits the crime of manslaughter if he/she recklessly causes the death of another person.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) A person, **[insert name of deceased]**, is dead;
- (2) The defendant caused the death of **[insert name of deceased]** by **[describe the act, such as shooting him/her]; (AND)**
- (3) In causing the death of **[insert name of deceased]**, the defendant acted recklessly.

[Read as appropriate]: A *person*, when referring to the victim, means a human being, including an unborn child in utero at any stage of development, regardless of viability. [13A-6-1(a)(3)]

A person acts *recklessly* in regards to his/her conduct if:

- (1) The actor is aware that there is a substantial and unjustifiable risk that death will occur;
- (2) The risk of death is so great that the actor's failure to recognize this risk is a gross deviation from the standard of behavior to which a reasonable person would hold himself/herself in the same situation; **(AND)**
- (3) The actor consciously disregards this substantial and unjustifiable risk. [See 13A-2-2(3)]

[Read all appropriate - Intoxication]: A person who creates a risk, but is unaware that he/she has created that risk solely because of voluntary intoxication, acts recklessly with regards to that risk. *Intoxication* includes a disturbance of mental or physical capacities resulting from the introduction of any substance into the body. *Voluntary intoxication* means intoxication caused by substances that the actor knowingly introduced into his/her body, the tendency of which to cause intoxication he/she knows or ought to know, unless he/she introduces them under circumstances that would afford a defense to the charge. *Intoxication* in itself does not constitute mental disease or defect. *Intoxication* is generally not a defense. However, *involuntary intoxication* is a defense if

as a result the actor lacks capacity either to appreciate the criminality of his/her conduct or to conform his/her conduct to the requirements of law. *Intoxication*, whether voluntary or involuntary, is admissible in evidence whenever it is relevant to negate an element of the offense charged. When recklessness establishes an element of an offense and the actor is unaware of a risk because of *voluntary intoxication*, his/her unawareness is immaterial in a prosecution for that offense. [13A-3-2]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of manslaughter, then you shall find the defendant guilty of manslaughter.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of manslaughter, then you cannot find the defendant guilty of manslaughter.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Note

For unborn child exceptions see 13A-6-1(b) through (e).

[Approved 10-14-15.]