Voluntary Manslaughter Defenses

The potential defenses to a voluntary manslaughter charge are similar to the defenses that a defendant might raise for other homicide charges. A defendant facing a voluntary manslaughter charge could attempt to prove that they didn't actually commit the crime, claim that their actions were justified, or argue that their behavior didn't meet the elements of voluntary manslaughter.

What defense a person actually chooses to raise in court will vary according to the law of the state they are in and the circumstances of the case, but here is a general introduction to the types of defenses that a defendant could make to a voluntary manslaughter charge.

Actual Innocence

Not committing the crime in the first place is the best defense possible. Prosecutors carry the burden of proving beyond a reasonable doubt that a defendant is guilty of the crime charged; until then the defendant is presumed innocent. In order to refute the prosecutions accusations, a defendant can claim an alibi or attack the validity of the prosecutions evidence. If the jury finds that the defendant has raised a reasonable doubt about their guilt, they will acquit.

Self-Defense

Self-defense defenses against a voluntary manslaughter charge work slightly differently than they would for a murder charge. When defendants raise self-defense in a murder case, the type of self-defense they claim can be either perfect or imperfect.

A perfect claim of self-defense occurs when there is a reasonable need for deadly force to protect one's life and involves no wrongdoing on the part of the defendant. An imperfect self-defense claim involves an unreasonable belief that deadly force is necessary, some bad behavior on the part of the defendant, or both.

For example, if the defendant was the aggressor in the situation, but still had to use deadly force to protect their life, the claim of self-defense is imperfect.

In a murder case, a successful perfect self-defense claim will result in an acquittal; an imperfect claim will usually result in a reduction to a manslaughter charge.

In a manslaughter case, the only type of self-defense claim available is a perfect self-defense claim. An imperfect self-defense claim in effect is an admission that the defendant did in fact commit voluntary manslaughter.

Insanity

If a defendant meets the legal definition for insanity at the time of the homicide, the justice system will not hold them accountable for their actions. Usually jurisdictions base the insanity defense on the defendants inability to understand the nature of their actions or distinguish between right and wrong.

The exact standards for the insanity defense vary between jurisdictions, but FindLaws Insanity Defense Section contains explanations of the different tests currently in use.

Accidental Killing

By showing that the homicide occurred as the result of an accident, a voluntary manslaughter defendant could possibly achieve a reduction to an involuntary manslaughter charge.

Like the name suggests, a voluntary manslaughter has an element of intent to it. Even if occurring in the heat of passion, a person who commits a voluntary manslaughter had the full intent to kill or cause great bodily harm to the victim.
An involuntary manslaughter, on the other hand, results from negligent or reckless behavior. The perpetrator of an involuntary manslaughter might act carelessly, but they did not have the intent to kill or cause the victim great bodily harm. If the defendant can show that the victim's death resulted from an accident rather than an intentional act, they may be able to reduce the charge to one of involuntary manslaughter.

For example, Adam and Bob get into an argument in a parking lot and Adam, enraged, jumps in his car and starts to peel out of the lot. Because he's so angry, Adam isn't paying attention and hits Bob's girlfriend with his car and kills her. Adam didn't intend to hit her, so the prosecutors charge Adam with voluntary manslaughter. If Adam can show that his carelessness caused her death, rather than any intent to hit her, the charges should be reduced to involuntary manslaughter.

**Intoxication**

Intoxication won't usually excuse a person from criminal behavior, unless the intoxication was involuntary (if they were drugged against their will, for instance). This is especially true for a voluntary manslaughter charge. In a murder charge, an intoxication defense might succeed in dropping the charge to one of manslaughter, but intoxication doesn't offer a very good defense to a manslaughter charge. Indeed, an intoxicated homicide is one of the situations the crime of manslaughter was developed to address.
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