Voluntary Manslaughter Overview

Voluntary manslaughter, on the spectrum of homicides, lies somewhere in between the killing of another with malice aforethought (aka, murder) and the excusable, justified or privileged taking of life that does not constitute a crime (eg, some instances of self-defense.)

Voluntary manslaughter is a separate concept from involuntary manslaughter. Voluntary manslaughter has several definitions depending on what state the crime occurs in, but generally it is an intentional homicide that occurs in the heat of passion or after a sufficient provocation.

Involuntary manslaughter, on the other hand, occurs when someone dies as a result of the defendants non-felony illegal act or as a consequence of the defendants irresponsibility or recklessness.

Federal law defines voluntary manslaughter as the unlawful killing of a human being without malice upon a sudden quarrel or heat of passion.

The exact meaning of the heat of passion varies depending on the situation, but the term generally refers to an irresistible emotion that an ordinarily reasonable person would experience under the same facts and circumstances. This idea of an irresistible impulse contrasts with the idea of premeditation present in first degree murder, and a showing of one necessarily negates the other.

For example, if Adam sees a perfect stranger, Bob, desecrating a religious monument and flies into a rage during which he kills Bob, the state would likely charge Adam with voluntary manslaughter, not murder. If, on the other hand, Adam had a long-standing, uncontrollable hatred for Bob because of his criticism of Adams faith, and Adam hid and waited for Bob to desecrate the monument with the intent kill Bob, then the state would most likely bring a murder charge against Adam.

States sometimes also define voluntary manslaughter as a homicide that occurs with the mistaken belief that the killing was justified. For instance, if the defendant kills in self-defense, but was the original aggressor in the situation that led to the homicide, the state would probably classify the killing as voluntary manslaughter. In addition, voluntary manslaughter can also encompass a homicide that occurs based on the defendants honest but unreasonable belief that a situation requires deadly force.
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