

Relevant Law of the State of Marshall

720 MSRS 5/9-1

Murder

§ 9-1. Murder

(a) A person who kills an individual without lawful justification commits murder if, in performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than voluntary manslaughter

720 MSRS 5/9-2

Voluntary Manslaughter

§ 9-2. A person commits the offense of Voluntary Manslaughter when he commits the offense of murder as defined in paragraphs (1) or (2) of subsection (a) of Section 9-1 of this Code and either of the following mitigating factors are present:

(1) At the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by the individual killed or another whom the offender endeavors to kill, but he negligently or accidentally causes the death of the individual killed; or

(2) * * *

When a defendant is on trial for murder and evidence of either of the mitigating factors defined in subsection (a) of this Section has been presented, the burden of proof is on the defendant to prove either mitigating factor by a preponderance of the evidence before the defendant can be found guilty of voluntary manslaughter. However, the burden of proof remains on the State to prove beyond a reasonable doubt each of the elements of murder * * *. In a jury trial for murder in which evidence of * * * the mitigating factors defined in subsection (a) of this Section has been presented and the defendant has requested that the jury be given the option of finding the defendant guilty of voluntary manslaughter, the jury must be instructed that it may not consider whether the defendant has met his burden of proof with regard to voluntary manslaughter until and unless it has first determined that the State has proven beyond a reasonable doubt each of the elements of murder.

720 MSRS 5/7-1

Use of force in defense of person

§ 7-1. A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony murder, manslaughter, aggravated battery].