

## Provocation

Provocation is an affirmative defense to first degree intentional homicide. Raising the provocation defense means that the defendant admits that he committed a murder, but that the murder was the result of being provoked into the act. Under the common law, provocation essentially mitigates a murder charge to manslaughter.

### CREATIVE AUDIO

This **provocative stripper** has provoked more than she ever intended, all thanks to an indecent proposal by **aqua duck**. His friends wives refer to him as somewhat of a bad influence, seen here as true because he brought over the provocative stripper. This wife just happened to come home from work early today on a whim. She brought some **heated passion fruit** in an attempt to reignite the passion of her marriage. She **didn't even have time to cool off** the passion fruit before discovering her cheating husband. She did however, have time to grab **the tutu red rum** in the ice chest before he noticed her. She completely agreed with the label, which said that red rum is a drink best served cold, no more than **two degrees**, so she promptly clubbed her husband over the head with it. He completely understood where his wife was coming from as he stumbled around the room and fell to the floor. His fate was sealed when she clamped the tight **chain** around his neck **connected to her**. For the wife, it served as a literal representation of the connection her husband swore to honor on the day they were married.



PLAY PICMONIC

### Second degree murder

[Red rum with 2 degree symbol and tutus](#)

Murder is red rum spelled backwards. Provocation is a criminal defense used to justify a mitigated sentence or a conviction for a lesser charge typically in the face of a second degree murder.

### Acted in the heat of passion

[The heated passion fruit](#)

There is an intense emotional excitement that prompted violent and aggressive action, such as rage, anger, hatred, furious resentment, fright, or terror.

### Didn't have time to cool off

[Didn't have time to cool off](#)

The provocation must occur immediately before the defendant's act that caused the death. The defendant must not have had a reasonable opportunity to cool off.

## **Adequate provocation**

### **Aquaduck**

This means calculated to inflame the passion of a reasonable man, causing him to act for the moment from passion rather than reason. The provocation by the victim needs to be sufficient to significantly undermine the rationality of a reasonable person.

There are objective circumstances that mitigate murder to manslaughter under the common law, and these include:

- Discovering spouse having sex with someone else
- Mutual combat
- Aggravated assault and battery
- Crime committed against close relatives
- Illegal arrest

## **Causal connection between provocation and defendant's actions**

### **The chain connecting wife and cheating husband**

There must be a causal link between the provocation, the passion, and the homicide.