

JURY INSTRUCTION NO. 1

The burden is upon the Commonwealth to prove by the evidence beyond a reasonable doubt every material and necessary element of the offense charged against the defendant. It is not sufficient that you may believe his guilt probable, or more probable than his innocence. Suspicion or probability of guilt, however strong, will not authorize a conviction, but the evidence must prove his guilt beyond a reasonable doubt. You shall not speculate or go outside of the evidence to consider what you think might have taken place, but you are to confine your consideration to the evidence introduced by the Commonwealth [and the defense] and unless you believe, upon a consideration of all the evidence before you, that guilt of the defendant has been proved beyond a reasonable doubt as to every material and necessary element of the offense charged against him, then you shall find the defendant not guilty.

The burden resting upon the Commonwealth to prove guilt of the defendant beyond a reasonable doubt does not require that such guilt be proven beyond every imaginable, conceivable or possible doubt, but only beyond a reasonable doubt. You must limit your consideration to the evidence introduced, and you are not go outside the evidence to hunt up doubts, nor must you entertain doubts that are speculative or conjectural. If, upon a consideration of all the evidence, you are satisfied of the guilt of the defendant beyond a reasonable doubt, then you shall find him guilty.

JURY INSTRUCTION NO. 2

In order for the killing to amount to murder in the second degree, although it is not necessary for the Commonwealth to prove wilfulness, deliberation and premeditation, it is incumbent upon the Commonwealth to prove that the defendant acted with malice. Unless you believe from the evidence beyond a reasonable doubt that he did act with malice, you cannot find the defendant guilty of second degree murder.

JURY INSTRUCTION NO. 3

Murder in the second degree is the unlawful killing of a human being with malice and without premeditation and deliberation. If you believe from the evidence, beyond a reasonable doubt, that the defendant unlawfully killed the deceased with malice but without premeditation and deliberation, you shall find him guilty of murder in the second degree.