

The offense of assault with intent to commit voluntary manslaughter and this lesser offense differ in that the offense of assault with intent to commit voluntary manslaughter requires, as an essential element, that you be satisfied beyond reasonable doubt that the accused attempted to do bodily harm to thirty (30) Vietnamese Nationals, more or less; that, at the time, the accused intended to commit voluntary manslaughter; and that, under the circumstances, the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces; whereas this lesser included offense does not include such element, but it does require that you be satisfied beyond reasonable doubt ~~that~~ that the accused did bodily harm to thirty (30) Vietnamese Nationals, more or less, and that the bodily harm was done with unlawful force or violence.

The offense of assault inflicting grievous bodily harm and this lesser offense differ in that the offense of assault ~~inflicting~~ grievous bodily harm requires, as an essential element, that you be satisfied beyond reasonable doubt that the accused inflicted grievous bodily harm on thirty (30) Vietnamese Nationals, more or less; that the grievous bodily harm was done with unlawful force or violence; that the accused, at the time, had the specific intent to inflict grievous bodily harm; whereas this lesser included offense does not include such element, but it does require, as an essential element, that you be satisfied beyond reasonable doubt that the accused did bodily harm to thirty (30) Vietnamese Nationals, more or less; that the bodily harm was done with unlawful force or violence.

The offense of assault with a dangerous weapon and this lesser offense differ in that the offense of assault with a dangerous weapon requires, as an essential element, that you be satisfied beyond reasonable doubt that the accused attempted to do bodily harm to thirty (30) Vietnamese Nationals, more or less; that the accused did so with a certain weapon, namely, an M-16 rifle; that the attempt was done with unlawful force or violence; and that such M-16 rifle was used in a manner likely to produce grievous bodily harm; whereas this lesser included offense does not include such element, but it does require, as an essential element, that you be satisfied beyond reasonable doubt that

the accused did bodily harm to thirty (30) Vietnamese Nationals, more or less; that the bodily harm was done with unlawful force or violence.

The offense of assault upon a child under the age of sixteen years and this lesser offense differ in that the offense of assault upon a child under the age of sixteen years requires, as an essential element, that you be satisfied beyond reasonable doubt ~~at~~ least one of the thirty (30) Vietnamese National, more or less, was then a child under the age of sixteen years; whereas this lesser included offense does ~~not~~ include such element.

The offense of willful discharge of firearm under such circumstances as to endanger life and this lesser offense differ in that the offense of willful discharge of firearm under such circumstances as to endanger human life requires, as an essential element, that you be satisfied that the accused discharged a firearm, to wit: an M-16 rifle; that such discharge was willful and wrongful; that such discharge was under circumstances such as to endanger human life; that, under the circumstances the conduct of the accused was to the prejudice of good order and discipline in the armed forces or was of a nature to bring discredit upon the armed forces; whereas this lesser included offense does not require such element, but it does require that, as an essential element, you be satisfied beyond reasonable doubt that the accused did bodily harm to thirty (30) Vietnamese Nationals, more or less; that he did ~~so~~ by shooting at them with an M-16 rifle; and that the bodily harm was done with unlawful force ~~and~~ or violence.