

# **MITIGATING CIRCUMSTANCES**

## **Mitigating Circumstances**

- If present, these circumstances do not entirely free the actor from criminal liability but serve only to reduce the penalty.
- It has two types:
  - **PRIVILEGED MITIGATING**
  - **ORDINARY MITIGATING**

### **A. INCOMPLETE JUSTIFICATION OR EXEMPTION**

- A majority, but not all, elements of justifying and exempting circumstances are present

#### **Incomplete Self-Defense, Defense of Relatives and Strangers**

- 0. Unlawful Aggression - should always be present to be appreciated as a mitigating circumstance.
- a. Ordinary mitigating circumstance - if only unlawful aggression is present.
- b. Privileged mitigating circumstance - if two of the three requisites are present

#### **Art. 69. Penalty to be imposed when the crime committed is not wholly excusable.**

- A penalty lower by one or two degrees than that prescribed by law shall be imposed if the deed is not wholly excusable by reason of the lack of some of the conditions required to justify the same or to exempt from criminal liability in the several cases mentioned in Article 11 and 12, provided that the majority of such conditions be present. The courts shall impose the penalty in the period which may be deemed proper, in view of the number and nature of the conditions of exemption present or lacking

### **B. UNDER 18 OR OVER 70 YEARS OLD (CONDITIONAL MINORITY)**

- Offender is above fifteen but below eighteen years of age.
- **BASIS:** Diminution of intelligence

#### **What Age to Consider?**

- 0. In determining whether the penalty should be lowered – the age of the offender at the time of the commission of the crime

# Mitigating Circumstances

**Puja Mehta**



## **Mitigating Circumstances:**

**Criminal Law: Made easy for students, bar examinees & practitioners** Abelardo C. Estrada, 2008 *The Death Penalty* Louis J. Palmer, 1998-01-01 Examines and explains the laws of capital punishment as they exist in the United States as of 1998 focusing primarily on issues that are resolved after a defendant has been convicted of a capital crime **The Death Penalty in the United States** Louis J. Palmer, Jr., 2013-10-17 The death penalty landscape has changed considerably since the 1998 first edition of this book For example six states that had the death penalty Connecticut Illinois Maryland New Jersey New Mexico and New York no longer impose the punishment Some of the changes set out in this second edition involve discussions of all of the significant cases decided by the United States Supreme Court after 1998 including *Roper v Simmons* 543 U S 551 2005 *Atkins v Virginia* 536 U S 304 2002 *Schriro v Smith* 126 S Ct 7 2005 *Harbison v Bell* 129 S Ct 1481 2009 *Holmes v South Carolina* 126 S Ct 1727 2006 *Kansas v Marsh* 126 S Ct 2516 2006 *Ring v Arizona* 536 U S 584 2002 *Sattazahn v Pennsylvania* 537 U S 101 2003 This new edition includes 13 new chapters They cover such topics as capital felon s defense team habeas corpus coram nobis and section 1983 proceedings the Innocence protection act and post conviction DNA testing challenging the death sentence under racial justice acts inhabited American territories and the costs of capital punishment **Encyclopedia of Capital Punishment in the United States, 2d ed.** Louis J. Palmer, Jr., 2008-08-06 This updated encyclopedia provides ready information on all aspects of capital punishment in America It details virtually every capital punishment decision rendered by the United States Supreme Court through 2006 including more than 40 cases decided since publication of the first edition Entries are also provided for each Supreme Court Justice who has ever rendered a capital punishment opinion Entries on jurisdictions cite present day death penalty laws and judicial structure state by state with synopses of common and unique features Also included are entries on significant U S capital prosecutions legal principles and procedures in capital cases organizations that support and oppose capital punishment capital punishment s impact on persons of African Asian Hispanic and Native American descent on women and on foreign nationals and the methods of execution Essential facts are also provided on capital punishment in more than 200 other nations A wealth of statistical data is found throughout Mitigating Circumstances Nancy Taylor Rosenberg, 1993 After an intruder invades the home of Assistant District Attorney Lily Forrester Lily finds that her life is spinning out of control and turmoil in both her professional and private lives comes to a boil **Mitigating Circumstances** Brian D. Baker, 2017-06-09 *Mitigating Circumstances* is a compilation of real life detective stories that highlight the grace of God in the lives of criminal offenders Told in the first person *Mitigating Circumstances* describes how the professional life of an experienced private detective changed dramatically when Jesus became the Lord of his life A gritty often discouraging occupation morphed into a ministry and these stories are the fruit of this ministry These stories are meant to encourage readers that God can heal even the most hardened hopeless offender **Confirmation Hearings on Federal Appointments** United States. Congress.

Senate. Committee on the Judiciary, 2013      *The American and English Annotated Cases*, 1915      **Annotated Cases, American and English**, 1915      **People of the State of Illinois V. Gacy**, 1987      **Federal Register**, 1983

**Wisconsin Statutes of 1898** Wisconsin, 1898      **The Pacific Reporter**, 1914

Comprising all the decisions of the Supreme Courts of California Kansas Oregon Washington Colorado Montana Arizona Nevada Idaho Wyoming Utah New Mexico Oklahoma District Courts of Appeal and Appellate Department of the Superior Court of California and Criminal Court of Appeals of Oklahoma varies      **California. Court of Appeal (1st Appellate District). Records and Briefs** California (State)., Number of Exhibits 1      **Philippine Prisons Review**, 1927      North Carolina Reports North Carolina. Supreme Court, 1987 Cases argued and determined in the Supreme Court of North Carolina      *People of the State of Illinois V. Ford*, 2000      **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State).,      In Re M.I., 2012      Index-digest to Notes and Annotations in Shannon's Code of Tennessee Issued in 1917 and 1918 Tennessee, 1922

Mitigating Circumstances: Bestsellers in 2023 The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the engaging narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This touching tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover expertly weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Mitigating Circumstances : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This captivating historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Mitigating Circumstances : Delia Owens "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a exceptional and gripping novel that will keep you speculating until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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