

# **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

**Jianjun Gao**



## **Mitigating Circumstances:**

Deathquest Robert M. Bohm, 2011 A textbook on the death penalty that engages the reader with a full account of the arguments and issues surrounding capital punishment It begins with the history of the death penalty from colonial to modern times and then examines the moral and legal arguments for and against capital punishment **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 Future of the Global Financial System: Downfall or Harmony** Elena G. Popkova, 2018-11-03 This book gathers the best papers presented at the conference The Future of the Global Financial System Downfall or Harmony which took place in Limassol Cyprus on April 13 14 2018 Organized by the Institute of Scientific Communications Volgograd Russia the conference chiefly focused on reassessing the role and meaning of the global financial system in the modern global economy in light of the crisis that began in 2008 and can still be observed in many countries and on developing conceptual and applied recommendations on spurring the development of the global financial system All works underwent peer review and conform to strict criteria including a high level of originality more than 90% elements of scientific novelty contribution to the development of economic science and broad possibilities for practical application The target audience of this scientific work includes postgraduates lecturers at higher educational establishments and researchers studying the modern global financial system Based on the authors conclusions and results readers will be equipped to pursue their own scientific research The topics addressed include but are not limited to the following issues which are interesting for modern economic science and practice financial globalization the role of finances in the global economy perspectives of transition in the financial system from part of the infrastructure to a new vector of development in the global economy in the 21st century reasons for the crisis of the modern financial system and ways of overcoming it problems and perspectives regarding the harmonization of the global financial system and scenarios of development for the global financial system The content is divided into the following parts development of financial systems at the micro meso and macro levels financial infrastructure of the modern economy legal issues of development of the modern financial system and management of the global financial system **Case Law of the International Criminal Tribunal for Rwanda** , *Death Penalty Cases* Barry Latzer, 2002-11-15 *Death Penalty Cases* provides an unbiased collection of seminal death penalty cases in the United States It offers full but carefully edited excerpts from 25 different US Supreme Court cases along with helpful introductory materials specially prepared by the editor It also includes the latest statistical data on capital punishment and a useful sampling of death penalty statutes Together this material is invaluable for a full understanding of this fascinating subject Without taking sides on this controversial issue the author illuminates the arguments and presents the cases that form the framework for US law on capital punishment The keen

selection of the material and the quality and extent of the commentary make this unique textbook a superb resource and an outstanding educational tool Carefully edited excerpts from 25 landmark US Supreme Court cases Outstanding original interpretation and analysis from the author A wealth of impartial material on ethics and historical controversies Federal Register ,2013

**Arbitrary and Capricious** Michael A. Foley,2003-06-30 Justice Marshall once remarked that if people knew what he knew about the death penalty they would reject it overwhelmingly Foley elucidates Marshall s claim that fundamental flaws exist in the implementation of the death penalty He guides us through the history of the Supreme Court s death penalty decisions revealing a constitutional quagmire the Court must navigate to avoid violating the fundamental tenant of equal justice for all Nearly 100 influential Supreme Court capital punishment related cases from 1878 2002 are examined beginning with Wilkerson v Utah which question not the legitimacy of capital punishment but the methods of execution Over time focus shifted from the constitutionality of certain methods to the fairness of who was being sentenced for capital crimes and why The watershed 1972 ruling Furman v Georgia reversed the Court s stand on capital punishment holding that the arbitrary and capricious imposition of the death penalty is cruel and unusual punishment and therefore unconstitutional Furman clarified that any new death penalty legislation must contain sentencing procedures that avoid the arbitrary infliction of a life ending verdict which led to the current complex tangle of issues surrounding the death penalty and its constitutional viability *Progress Or Abuse--a Choice* United States. Veterans Administration,1978

**The Death Penalty** Scott Vollum,Rolando V. del Carmen,Durant Frantzen,Claudia San Miguel,Kelly Cheeseman,2014-05-16 The Death Penalty Third Edition brings together all the legal issues related to the death penalty and provides case briefs for the most important United States Supreme Court death penalty cases No other book available brings together a discussion of the major constitutional issues surrounding the death penalty with a broad array of associated case briefs The authors classify cases according to legal issues and provide a commentary on the various sub topics presenting legal materials in an easily understood form Though the primary audiences of the book are undergraduates in criminal justice programs and practitioners in the corrections and justice systems the book will also prove useful to anyone who has an interest in the death penalty the criminal justice system or the United States Constitution Every chapter starts with commentaries regarding general case law in a sub topic such as aggravating and mitigating factors followed by a chart of the cases briefed in the chapter and then the case briefs These case briefs acquaint the reader with Supreme Court cases by summarizing facts issues reasons and holdings The Death Penalty Third Edition is a succinct trusted guide to the law of capital punishment in the United States

**Intersections of Law and Culture at the International Criminal Court** Julie Fraser,Brianne McGonigle Leyh,2020-10-30 This pioneering book explores the intersections of law and culture at the International Criminal Court ICC offering insights into how notions of culture affect the Court s legal foundations functioning and legitimacy both in theory and in practice

**Encyclopedia of Capital Punishment in the United States, 2d ed.** Louis J. Palmer,

Jr.,2008-07-23 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 *Confirmation Hearings on Federal Appointments* United States. Congress. Senate. Committee on the Judiciary,2013 *Education Procedures* ,1984 **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

**Sentencing in International Criminal Law** Silvia D'Ascoli,2011-04-01 This book deals with sentencing in international criminal law focusing on the approach of the UN ad hoc Tribunals for the former Yugoslavia ICTY and Rwanda ICTR In contrast to sentencing in domestic jurisdictions and in spite of its growing importance sentencing law is a part of international criminal law that is still under construction and is unregulated in many aspects International sentencing law and practice is not yet defined by exact norms and principles and as yet there is no body of international principles concerning the determination of sentence notwithstanding the huge volume of sentencing research and the extensive modern debate about sentencing principles Moreover international judges receive very little guidance in sentencing matters this contributes to inconsistencies and may increase the risk that similar cases will be sentenced in different ways One purpose of this book is to investigate and evaluate the process of international sentencing especially as interpreted by the ICTY and the ICTR and to suggest a more comprehensive and coherent system of guiding principles which will foster the development of a law of sentencing for international criminal justice The book discusses the law and jurisprudence of the ad hoc Tribunals and

also presents an empirical analysis of influential factors and other data from ICTY and ICTR sentencing practice thus offering quantitative support for the doctrinal analysis This publication is one of the first to be entirely devoted to the process of sentencing in international criminal justice The book will thus be of great interest to practitioners academics and students of the subject      **Official Cohort Default Rate Guide** ,1995      **Official Cohort Default Rate Guide, For FFEL Program**

**And Direct Loan Program Loans, FY 1998** ,2000      **Epistemic Cognition and Development** David Moshman,2014-12-05 Epistemic cognition the philosophical core of metacognition concerns people s knowledge about the justification and truth of beliefs Multiple literatures in psychology and education address aspects of epistemic cognition In the absence of a coherent conceptual framework however these literatures mostly fail to communicate with each other and often connect only loosely to genuine epistemology This complicates any effort to achieve a systematic theoretical understanding of epistemic cognition and its development Deanna Kuhn writes in her foreword Moshman is not the first to take on this challenge but he fulfills it elegantly and I think the most comprehensively and astutely After reviewing the basics of philosophical epistemology and cognitive psychology Epistemic Cognition and Development provides a compelling account of developmental change across childhood and beyond in knowledge about knowledge especially with regard to fundamental conceptions of objectivity subjectivity rationality justification and truth This is followed by detailed consideration of domain specific epistemologies of science logic morality social convention history and identity including associated forms of reasoning The final section provides theoretical conclusions educational and social applications and suggestions for further research      Official Gazette Philippines,1902

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