

Attachment D

Non-exclusive List of Mitigating and Aggravating Factors

Mitigating Circumstances

1. The defendant was a minor participant in the criminal conduct.
2. The defendant was suffering from a mental or physical condition that significantly reduced his culpability for the offense.
3. The victim was an initiator, aggressor, or provoker of the offense.
4. The sentence was imposed in accordance with a jointly agreed recommendation.
5. The age of the defendant at the time of the offense.
6. The defendant verifies current involvement in, or successful completion of, a substance abuse or other treatment program that began after the date of the offense.

Aggravating Circumstances

1. The victim was especially vulnerable due to age or physical or mental disability.
2. The victim was treated with particular cruelty.
3. The defendant used position or status to facilitate commission of the offense, such as a position of trust, confidence or fiduciary relationship.
4. The defendant was a leader in the commission of an offense involving two or more criminal actors.
5. The defendant committed the offense while on probation, on parole, or during escape.
6. The defendant has committed repeated offenses against the same victim.