

## Implications of Appreciation of Generic Aggravating Circumstances Not Alleged in the Information

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*SUBJECT(S): CRIMINAL LAW, AGGRAVATING CIRCUMSTANCE*

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The Article analyzes Supreme Court decisions in an effort to determine if there is a uniform ruling on whether aggravating circumstances not alleged in an Information may be appreciated against an accused in imposing the proper penalty. The conclusion is that although the accused enjoys the constitutional right to be informed of the nature of the crime charged, there are decisions indicating that this is a right that may be waived, such that failing to object to proof presented of an aggravating circumstance precludes the accused from disputing it at a later time. However, in those cases wherein the accused objects to proof submitted on facts not alleged in the information, this proof should not be admitted as it would violate the accused's right to be informed of the nature of the charge against him.