17/law01/200

EMMANUEL ELOCHUKWU ODENIGBO

CRIMINOLOGY ASSIGNMENT

**Assignment Title:** Sentencing
**Course Title:** Criminology II
**Course Code:** LPI 304

**Question**
Evans, a notorious kidnap kingpin and armed robber, who has also been involved in series of assault, rape and defilement of young girls has finally been apprehended by the police. He was arrested at the Seme Border, dressed like a woman and attempting to cross the border to Benin Republic. Investigation into his activities was concluded by the police and he was brought to the High Court where you are the Presiding Judge. After a long trial, you have found Evans guilty of all the charges brought against him including kidnapping, armed robbery, rape, defilement, ritual killing extortion and obtaining property by false pretence. Having found him guilty of these charges, your next assignment is to sentence him accordingly. What are the things that will guide you in sentencing Evans having regard to the guidelines laid down by the Supreme Court.

ANSWER: I’ll firstly define sentencing as a process by which the law examines cases and facts brought before it and through which , seeks to give and adequate and sufficient punishment for such offence or offences.

I would examine the above case facts with the following guidelines:

1. Nature of offence: As a principle of law ,the nature of an offence committed by an accused who was found guilty of such crime goes a long way in determining the extent of punishment . The law clearly states that a person cannot be found guilty of an offence which at the time is not a crime , I. E written by the law and punishment clearly stated . By facts of the case Evans has committed multiple felonies including kidnapping, armed robbery, rape, defilement, extortion, murder then other crimes like obtaining property by false pretence.

Guided by the of the law, this felonies in their nature have punishments e.g murder punishment is death . As in SEC 316 and 319 criminal code. Rape was also written SEC 357 and 358 . The punishments will guide my sentencing or conviction.

Also examining the offence and facts will also determine to what extent or gravity the punishment may become. Like in ADESONYA V QUEEN the court stated that “only in exceptional cases can a fine be sufficient or appropriate punishment for forgery of court processes. The seriousness and gravity makes the punishment very grievous “ court held payment of fine for forgery is too small hence imprisonment.

Considering the gravity of the offence as in defilement; rape, murder, armed robbery, kidnapping . All multiple felonies , which are very much grievous is most likely to be a grievous punishment according to the jurisdiction of the court .

1. Character and nature of offender: As a principle of law the rule of evidence character is admissible in law. However when the character of the accused is bad . This is very much considered when giving punishment. Things such as no record history of criminal activities or first time offender or recidivism , are all character qualities that can affect judgment punishment to either be more lenient or more grievous. As seen in ADELEYE V AJIBADE “ Where the court considered the appellants bad character and restored a heavier punishment “ in comparison with the given EVANS case he is portrayed to be notorious and highly harmful to the society at large . Which will negatively affect his final judgement either to be sentenced to death or imprisoned for life.
2. Rampancy of the offence:

This can either be an aggravating factor or a mitigating feature to an offence punishment. STATE V AIYEGBENI MICHAEL “Robbery on road on water is seen to be prevalent at those times and is very much increasingly disturbing. This aggravated the courts punishment .

They are also cases considered serious in nature such as sexual offences especially child victims. It wasn’t clearly stated that Evans sexual crimes were on child victims but generally the law doesn’t take things easy with sexual offences . And this can aggravate the punishment to be netted out.

Conclusion : This three factors will serve as guidelines to adequately adhere to their principles and considering my adequate jurisdiction, give out befitting judgement and punishment to Evans for being found guilty of the above multiple nefarious activities . Bearing in mind, the notorious tainted character even trying to evade the law when he has apprehended at the seme boarders . Grievous felonies like Rape , murder and armed robbery . And the Rampancy of these felonies in the present society . This will guide the punishments to be served by EVANS.