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Criminology Assignment

What is criminology.

Criminology is the study of the effect of crime on individuals and society.criminology takes a interdisciplinary approach to the study of crime, it draws on the research of sociologist, psychologists, neurologists, economists, biologists and anthropologist to learn the management, causes, control, consequences, and best prevention methods for criminal behavior, both on the individual and social levels.

In most simple terms on the purpose of criminology is to understand why people break the law the causes, factors that are contributing to the criminal behavior that can be eliminated or deceased.

Sentencing in the other hand means the prescription of punishment by the a court of competent jurisdiction to someone convicted of a crime. The criminal justice system in Nigeria commence with the commission of crime and continues with subsequent interventions by the law enforcement agencies and the system had the power to arrest, sentence and punish the offenders accordingly the criminal trial which usually involves the state vs society with the offender who committed or is alleged to have committed the crime.

Another definition of sentencing can be found in the case of Ichi vs state1999 where it is held that a sentence is the judgement by the court or upon an accused person after his conviction in a criminal prosecution imposing the punishment to be inflicted. Section 248 of the criminal procedure act provides that if the court finds the accused person guilty the court shall pass sentencing on the accused. The court shall sentence on the accused person, or make an order to reserve judgment and adjourn the case to some other date.

In Nigeria those who have been previously convicted convicted in criminal cases usually attract harsher sentences unlike first time offenders, like as seen in the above case of Evans who’s been involved in various crimes ( kidnap kingpin, arm robbery, assault, rape and defilement of young girls etc) in which he’s been found of felony, (A felony isis therefore seen as any offence which is declared by law to be a felony, or is punishable without proof of previous conviction, with death or with imprisonment for three years or more.)

As a judge the guild line to aid me in the sentencing of Mr Evans for which he’s been found guilty of are the guilds which have been laid down by the Supreme Court. The sentencing guideline, is a comprehensive template that will guide the Court in arriving at the sentence to be imposed. Considerations such as the aggravating factors which ought to be considered in sentencing, previous convictions, multiplicity of offences committed, steps taken to prevent victims or witnesses from supporting the investigation or testifying, concealment, disposal or destruction of evidence, frustrating or delaying prosecution etc. whilst the mitigating factors, such as the absence of any previous conviction, remorse of the offender, evidence of restitution, evidence of good character, certified depilating medical condition or assistance given by the offender during prosecution are all factored as parameters towards assisting the judge in the imposition of sentence. The sentencing guideline is a veritable tool for assisting the Court in the sentencing process, it is hoped that all the States Judiciaries in the Federation will avail themselves of sentencing guideline. Hopefully it should curtail disparity in sentencing.

Here are some basic rules governing sentencing:

First I have to look at the nature of the offense, (wether it’s a felony, misdemeanor or a simple offense) as a principal of law and practice the nature of the offense committed by an accused person of which they’ve been found guilty goes a long way in determining the extent of his punishment.

Secondly, character/ nature of the offender, to see if the person loves to commit crime and not due to circumstances. However when the character of the accused person is in question, the evidence of his character becomes admissible in law. See Adeleye vs ajibade. The appellate’s bad character was significant in the restoration of the earlier punishment on them.

Thirdly, looking at the role the offender in the crime committed. The offender who plays a mayor role is usually vested with more punishment than those participants. The above idea was given judicial recognition in Queen vs Mohammed when the first apallent who was the leader was given maximum sentence of 18yrs imprisonment and the others were given 5 years.

Fourthly, the rampancy of the offense. How many crimes the offender has committed ( been accused of) and which he’s guilty of committing, in the above scenarios Evans has been found guilty of all that he has been accused of committing and he will be sentenced according to each crime. And lastly which is the statutory limitations, this in law forbids solicitor from charging someone with a crime that was committed more than a specific number of years, to the general purpose of statute of limitations is to make sure convictions occurs only upon evidence that has generated in time. The court shall not not exceed its statutory limit where the state itself has stipulated terms of imprisonment. Section 17 of the Interpretation Act shall also be considered by the Judge in determining whether the term of imprisonment imposed shall be with or without hard labour. The elaborate sentencing guidelines are recommended for every judge in the determination of the pronouncement he is to make by way of confiscation, forfeiture, compensation, restitution or other ancillary orders in accordance with the provisions of the applicable laws under which the offender is to be convicted. However not all crimes are governed by statutory limitations, murder for example in some states sexual offenses, forgery, kidnapping, assaults etc

Mr Evans has been found guilty of committing all the crimes he’s been accused of with no statutory limitations in cases of reasonable felony, i here by sentence him to death.