* NAME : ABRAKASA JEWEL K .
* MATRIC NUMBER : 17/LAW01/006
* COURSE : CRIMINOLGY
* COURSE CODE : LPI 304
* ASSINGMENT: Evans a notorious kidnap kingpin and armed robber, who has also been involved in series of assaults, rape and defilement of young girls has finally been apprehended by the police. He was arrested at the same 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. Evans is guilty for all the charges brought against him including kidnapping, armed robbery, rape, defilement, ritual killing and obtaining property by false pretense.

Answers

* Sentencing can be defined as the prescription of punishment by a court to someone convicted of a crime. It is the judicial determination of legal sanctions to be imposed on the person found guilty of an offence. After an accused person or defendant ha pleaded guilty or has been found guilty during the trail or prosecution the presiding judge or magistrate then enters judgement for conviction and sets the day a side for sentencing. The objectives of sentencing include
* To denounce unlawful conducts
* To defer the offender and other persons from committing offenses.
* To separate offenders from society where necessary
* To assist in rehabilitation of offenders
* To promote sense of responsibility in offender and acknowledgment of the harm done to the community and victims.
* The following guidelines have been laid down by the supreme court which can be used in sentencing accordingly, and it will also be used in sentencing Evans accordingly
* Nature of the offense
* Character or nature of the offender
* Position of the offender among his Confederates
* The rampant of the offense
* Statutory limitations
* Concurrency of the sentence.
* **Nature of the offense:**  The nature of the offense committed by an accused person of which he has been found guilty goes a long way in dictating or determining the extent of his punishment . The law is clear that a person cannot be found guilty of an offence which as at the time being committed does not constitute a crime in any written law and its punishment clearly stated. A person is innocent until proven guilty after a crime. It states that one can only be punished of crimes stated in the constitution, eg. Kidnapping, robbery, rape, murder, assault etc. Therefore Evans has committed the following crimes, In the case of ***Adeye and Ors V The State,*** a case of robbery by violence tried by the high court of a western state, the court imposed a sentence of 18 years imprisonment on the accused person. The western state appeal Court reduced the sentence to 10 years, the accused person unsatisfied with the decision of the appeal court appealed the supreme court and the supreme court and the supreme Court reinstated the 18 years with 3 strokes of cane. The supreme Court stated that the sentence of the appeal court was to liniment because of the seriousness of the case. Also in the case of ***Adesonya V The Queen;*** a case of forgery and the principle was established that only in exceptional cases can a fine be sufficient or appropriate punishment for forgery or court process. The seriousness of the offense its nature , the gravity makes forgery of court processes grievous. In cases relating to man slaughter that is unintended homicide either by provocation murder or automobile, can be seen in the cases of ***Idoye V The State, Mohammed V C.O.P, Adekanmi V The State*** and also ***Chukwu Obaji V The State.***
* **Character/ Nature or record of the offender** There is a rule of evidence, character evidence or evidence of character is inadmissible in law, however when the character of the accused person is questioned, the evidence of his character become admissible in law. In the case ***R v State;*** the appellant had been previously convicted for defilement, this lead to court to increase the sentence from 18months to 5 years imprisonment with hard labour. Also in ***R V Bangazza,*** with a heavy stick the two accused persons committed a deliberate assault on the deceased with the intention to do him grievous harm by way of retaliation to an assault committed by the deceased children and the appellants younger brother. Death resulted and the appellant was charged therefore convicted and appealed. This simply shows that or talks about how many times a criminal has committed a particular crime. In relating to the case of Evans he is known for kidnapping, killing, assault, etc. In other words it is not his first time of committing such crimes, because he is known for committing such crimes. Also in relating to that of Evans in the case of ***Adeyeye V The State;*** parrt of the reason advanced for the reinstatement of a heavier penalty of 18years was that the accused person had been convicted earlier of an offence it would appear that the court worked on assumptions that anyone with a previous conviction has lost out in times of litigating his sentence. See also the case of ***Adeleye and Ajibade.***
* **Position of the offender among his Confederates:** This has to do whether the offender is the main leader or those who instigate the crime. When the offender plays a minor role of the offense, in a case of treasonable felony, Enahoro was sentenced to 15 years imprisonment by the high court, the supreme court reduced the sentence to 5 years and said a sentence imposed on a lieutenant, should never be more than a leader. A leader of the gang should be punished more than the others part of it, this is to affirm that those who instigate should get higher pain than this who instigated. In that case the late Awolowo the leader got 10 years sentence so the others should not get the same pain. The leader is usually the centre of activities, moving force and progenitor of crime. On the other hand when an offender plays a major role, he or she is usually visited with more severe pain than those who instigated the crime. The idea was given judicial recognition while the first appellant who was the leader was given a maximum sentence of 8 years of imprisonment, the other parties were given a maximum sentence of 5 years. In relating to the case of Evans, if he is the gang leader of the following crimes which he has been proven guilty of he will be punished or sentenced more than those who instigated it, she will face more pain because he is the centre of activities, the moving force and a progenitor of the crime. The rampant of the offence; where an offence is rampant or prevalent court has always through the severity of sentences imposed will aid stamping out the crime. In a case, an accused person was sent to 5years by the high court for forgery and another 5 years for stealing, the appeal and supreme court expressed his view, though Fraud on the customs are shockingly prevalent and forgery of commercial documents strikes at the root of all credit and are not disposed to reduce the sentence by one day . In the case of ***State V Micheal Ayebemi;*** it was also because of the court view in ***State V Another,***  that robbery on roads and water. I recent times had been on increase and disturbing that the 2 parties to do robbery were sentenced 20 years imprisonment. Also in a case of this, the offender was initially detained of causing harm and later he unsuccessfully tried to escape and was additionally charged with escaping from lawfully although he was later discharged and acquitted, the court expressed the view that three years imprisonment earlier imposed on him did not show adequately. Rampancy of the offence is one of the most necessary consideration as it can be a litigating factor one depending on the offence.
* **Statutory Limitations:** A statute of limitations is a law that prohibits prosecutors from charging someone for a crime that committed more than a specified number of years ago. The general purpose of statute of limitations is to make sure convictions detonated with time. After the period of stature has run, the criminal is essentially free, also where the state itself has stipulated terms of imprisonment. However, not all crimes are governed by the statute of limitations. For example murder in some states, sexual offenses with minors crime of violence, kidnapping have no statute of limitations. Many states have adopted systems that classify crimes by categories which are Felony, misdemeanour, simple offenses. Types of Statutory Maximum and Magisterial Jurisdiction limitation. Whenever a statute itself stipulates time of I’m imprisonment no court should exceed the statutory limit. In the case of ***Queen V Eyo and Ors;*** a case of unlawful assembly the high court sentenced them to 5 year imprisonment. On appeal to the Supreme court, it was reduced to 3 years because that was the maximum sentence stipulated by law. Also In the case of ***Aremu V IGP;*** the magistrate court sentenced the accused person to 2 years imprisonment, dissatisfied, the state appealed to the supreme court. The supreme court stated that it can not impose a punishment more than what the magistrate court has imposed. See also the case of ***Mord V COD.***
* **Concurrent and Consecutive sentencing :** There are laws governing concurrent and Consecutive sentencing, when a person is charged and found guilty of more than two offense in Nigeria, the general rule is that whenever a court finds an accused person guilty of more than one offence the sentence should run concurrently. The supreme court held that “whenever the late of similar nature, they should run concurrently”. In the case of ***Nwafor V The State;*** the accused person was found guilty and sentenced for store breaking and the possession of breaking implements, the supreme court held that they should be prosecuted concurrently because they emanate from the same transaction.

In conclusion the above guidelines listed are useful for sentencing. In relating to the case of Evans, he is guilty for the following offenses which have been stated, therefore the following guidelines laid by the supreme court will be used in sentencing him. I believe he will be sentenced concurrently because he is guilty of the various crimes and it is ideal for him to be sentenced at once to the highest number of years which as a penalty to one of the offenses.