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**17/Law01/292**

**Criminology 2**

**LPI 304**

**Guidelines by the Supreme Court in sentencing a guilty party in the High Court**

The Supreme Court have laid down 6 basic principles or guidelines used in establishing a reasonable, just and fair sentencing. There are as follows;

1. Nature of offence
2. Character or the nature of the offender
3. The position of the offender
4. The rampancy of the offence
5. Statutory limitations
6. Concurrent and consecutive sentence

**Nature of the Offence**

This in the sense means that a person cannot be found guilty of an offence which as at that time being committed, does not constitute to a crime in any written law and its punishment not clearly stated as it was seen in the case of ***Adeye and others*** *v The state*. However it can be said to also be the degree of the offence which then influences the decision of the court as seen in the case of ***Adesanya v The Queen******(1954) ANLR Pg 38***. In that case, the accused person having committed the offence of forgery was sentenced to pay fine. On appeal the court held that the fine was too small a punishment for the offence, hence imprisonment.

**Character/Nature of the Offender**

As a principle of law and as a rule of evidence, evidence of character is inadmissible in law. However when the character of the accused persons in question, the evidence of his character becomes admissible in law. In ***R v State***, the fact that the appellant had been previously convicted for defilement. This led to the court to increase the sentence from 18 months to 5 years imprisonment with hard labour. Furthermore in the case of ***Adeleye v Ajibade*,** the appellant’s bad character was significant in the restoration of a heavier punishment.

**Position of the Offender**

In this case there are various roles of the offender which determines the degree or the approach of sentence. These are as follows;

1. Major role
2. Minor role

**Major Role**

The offender who has played a major role in the commission of a crime is usually visited with a much more severe punishment than those with minor roles. This was given judicial recognition in the case of ***The Queen v Muhammad and others***; while the first appeallant who was the leader was given a maximum sentence of 8 years, the other parties were given the maximum of 5 years.

**Minor Role**

In this situation on the other hand, is converse in relation to the above role as they are given a much lesser punishment. As seen in the case of ***Enahoro v The Queen*** in the case of treasonable felony. Enahoro was sentenced to 15 years imprisonment by the high court. The supreme court reduced the sentence to 5 years amid said, a sentence imposed on a lieutenant should never be more than the leader who instigated such an offence

**Rampancy of the Offence**

Such a principle is one of the most necessary guidelines in mitigation depending on the offence. Where an offence is rampant or prevalent, courts have always thought that severity of punishment imposed will aid in stamping out the crime. In the case of ***State v Michael Ayegbemi*** It was because the courts view in ***State v Another*** that robbery on roads and water in recent times had been on increase distributing. The parties to such robbery were sentenced to 20 years imprisonment.

**Statutory Limitations**

A statute of limitation is the law that forbids prosecutors from charging someone with a crime that was committed more than a specified number of years ago. It is established to make sure that conviction occurs only upon evidence that has not deteriorated with time. In essense, whenever a statute itself has stipulated a time of limitation, no court should exceed the statutory limit as was seen in the case of ***Aremu v IGP*** were the magistrate court sentenced the accused person to 2 years imprisonment to be satisfied .The state appealed to the supreme court and it held that it cannot impose a punishment more than what the magistrate court imposed.

**Concurrenct and Consecutive Sentence**

There are laws governing concurrent and consecutive sentences. When a person is charged and found guilty of more than 2 offences in Nigeria the general rule is that the sentences should run concurrently. The supreme court held this position by saying “Whenever the offences are similsr or of similar nature/disposition, they should run concurrently as seen in the case of ***Nwankwo v The state***

**Conclusion**

With these above guidelines the writer believes that the process of establishing a reasonable and fair sentencing on this case in question will be into fruition.