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MATRIC NO: 17/LAW 01/244

ASSIGNMENT TITLE: SENTENCING

COURSE TITLE: CRIMINOLOGY

COURSE CODE: LPI 304

**INTRODUCTION**

It is trite law that the Criminal Justice embodies a method through which the administration of Criminal law establishes procedures aimed at fair, just and speedy determination of guilt or innocence of any person accused of committing a crime. The criminal justice system commences the commission of a crime and continues with subsequent interventions by the law enforcement agencies of the system that has the power to arrest, array, try and punish the offender accordingly. In criminal trial it involves the state, the society and the offender who committed the crime or who is alleged to have committed the crime. [[1]](#footnote-1)A sentence is a degree of punishment. In law, sentence generally involves a decree of imprisonment, a fine and other punishments against an accused convicted of a crime. [[2]](#footnote-2)The Black’s Law Dictionary defines sentence a*s the judgment that a court formally pronounces after finding a criminal defendant guilty; or the punishment imposed on a criminal wrongdoer.* While [[3]](#footnote-3)Oxford Advanced Learner`s Dictionary defines a *sentence as the punishment given by a court of law.[[4]](#footnote-4)* The Canadian sentencing commission of 1987 defined sentencing as *the judicial determination of legal sanctions to be imposed on a person found guilty of an offence.[[5]](#footnote-5)* In *Ichi v State* where it was held that *a sentence is a judgment formally pronounced by a court or a judge upon an accused person after his conviction in a criminal prosecution imposing the punishment to be inflicted.* By virtue of [[6]](#footnote-6)section 248 of the criminal procedure act provides that if the court finds the accused person guilty the court shall pass sentence on the accused person or make another to reserve judgment and adjourn the date to some further date. The various types of sentencing are provided for in the criminal procedure act and the criminal code and also the penal code. The fundamental purpose of sentencing is to contribute along with the crime prevention initiative, the maintenance of a just, peaceful and safe society by imposing just sanctions which have good objectives. Some of them are a) To denounce unlawful conduct b) To deter the offender and other persons from committing offences c) To separate offenders from the society where necessary d) To assist to rehabilitate offenders e) To promote a sense of responsibility in offenders and acknowledgement of harm done to the community. If a person has been convicted for s crime he or she would likely attract a harsher sentence than a first time offender. The question now is….How do they arrive at a reasonable sentence?

**PRINCIPLES OF LAW**

The Supreme Court has laid down six basic guidelines to aid the court in reaching a reasonable just and fair sentence. These guidelines are as follows:

* The nature of the offence
* Character/nature of the offender
* Position of the offender amongst confederates
* The rampancy of the offence
* Statutory limitation
* Concurrent and consecutive sentencing

**THE NATURE OF THE OFFENCE**

As a principle of law and practice the nature of the offence committed by an offender accused or defendant of which he has been found guilty goes a long way in determining the extent of his punishment. The law is clear that a person cannot be found guilty of an offence which at the time being committed does not constitute a crime in any written law and its punishment clearly stated. In [[7]](#footnote-7)*Adeye and others v State* the Supreme Court held that the sentence of the court of appeal was too lenient due to the seriousness or nature of the case of robbery by violence. Also in the case of [[8]](#footnote-8)*Adesanya v The queen* a case of forgery, the principle was established that only in exceptional cases can a fin be sufficient or appropriate punishment for forgery of court processes. The seriousness of the offence, the nature, and the gravity makes forgery of court processes serious.

It was held that the payment of fine was too small for the punishment of a grievous offence such as forgery. Also in the case of[[9]](#footnote-9) *Etim v The Queen* in the cases of manslaughter it is unintended homicide either by provocation murder or automobile accident or homicide. There is a tendency of the court to impose slight penalties punishments as opposed to provocation murder. [[10]](#footnote-10)*Idoye v State* it was held by the high court that the accused was sentenced to five years imprisonment and 10 years suspension from driving on appeal the sentence was reduced to 2 and half years imprisonment and 5 years disqualification fro driving.

**CHARACTER/NATURE OF THE OFFENDER**

As a principle of law the nature of the offender can influence/reduce the judgment of the judge. A rule of law the principle of evidence of character is in admissible in law. However, when the character of the accused person is in question, then the evidence of his character becomes admissible in law. In [[11]](#footnote-11)*Adeleye v Ajibade* the appellant’s bad character was significant in the restoration of heavier punishment on them. *In[[12]](#footnote-12) R v Regina* the appellant had been previously convicted for defilement this lead the court to increase the sentence from 18months to five years imprisonment with hard labour*.[[13]](#footnote-13) In R v Bangaza* in this case with a heavy stick a deliberate assault on the diseased with the intention of doing him grievous harm by the way of retaliation for an assault committed by the deceased children on the appellants younger brother. Death resulted and the appellant ran to a place in borno. They surrendered themselves early in 1959 and were tried in December 1959. At the time of their offence, the appellant was under 17 years old but old enough to be criminally responsible by the time they were convicted, they were 17 and more. Dismissing the appeal and holding that they were rightly sentenced to death. Then *Adenoma CJN as he then said under[[14]](#footnote-14) section 368 (3) of the criminal procedure act says that it is at the age the offender was at the time he was convicted that is material and it seems clear that the appellants cannot invoke the provisions of the sections but the responsible authorities who no doubt gives such rate and deems fit at the possibility that if the appellants had not run away and had been brought to trial at once the section would have applied. Thus, the appellants appeal was dismissed.*

**POSITION OF THE OFFENDER AMONGST ITS CONFEDERATES**

A situation where the offender plays a minor role. In [[15]](#footnote-15)*Enahoro v the queen* In this case of treasonable felony Enahoro was sentenced to 15 years imprisonment by the high court. The Supreme Court reduced the sentence to five years and said *a sentence imposed on a lieutenant should never be more than the leader. The leader of a gang should be punished more severely than a lieutenant. This is to affirm that those who instigate should get higher punishment than those who instigated.* In the case of late Awolowo, the leader got 10 years sentence so the lieutenant should get higher than 10 years. The leader is usually the center of the activities and the brain behind the crime.

*PLAYING A MAJOR ROLE*

The offender who has played a major role in the commission of the crime is usually given more severe punishment than the minor role players. In [[16]](#footnote-16)*Queen v Mohammed and others* while the first appellant who was the leader was given maximum of 8 years. The other parties were given a maximum sentence of 5 years. In [[17]](#footnote-17)*State v Kerenku* although the appellant was found not to be the leader, the court was however of the view that she played a leading part in the incident and must take that into consideration. [[18]](#footnote-18)*Ihom & Others v Tiv Native Authority* where the appellant was involved in a riot in which many animals was maimed and destroyed. They all got sentences totally six years imprisonment except the sixth appellant who got 8 years imprisonment for being the moving force of the riot

**RAMPANCY OF THE OFFENCE**

The principle of law is where an offence is rampant or prevalent courts have always thought that severity of sentences imposed in the aid of stapping out the crime. In [[19]](#footnote-19)*R v Hassan and owolabi* the accused person was sentenced to 5 years by the high court for forgery and another 5 years for stealing. The appeal and the Supreme Court was expressed its view thus fraud on the customs as shockingly prevalent and the forgery of commercial documents strikes at the roots of all credit. We are not disposed to reduce the sentence by one day

In *State v Michael Ayegbemi* [[20]](#footnote-20)it was because the court viewed in State v another that robbery had increased and in recent times had increased and two parties to the robbery were sentenced to two years imprisonment. In [[21]](#footnote-21)*Onyilokwu v COP* the offender was initially detained for causing harm and later unsuccessfully charged with escaping and additionally charged with escaping lawful custody though he was discharged and acquitted the court expresses the view that 3 years imprisonment earlier imposed in him did not show adequate consideration not only for the first offender status but also the offence.

Rampancy of an offence is one of the most necessary considerations as it can be the most mitigating factor depending on the offence. Certain offences are considered as serious in nature. For example sexual offences especially when it involves children as victims. In [[22]](#footnote-22)*State v adeboye* a 3 years prison sentence was imposed on an offender for inserting his finger into the vagina of a girl of age 9 who was hawking groundnut.

**STATUTORY LIMITATION**

The general rule of law is that crimes are not statute barred but there are some exceptions where the prosecutor cannot bring the case to court (statute barred).

* If you defile a girl under 18 you must bring such case within two years or else you are statute barred.
* Sexual offences with idiots must be brought within 3 months

Statutes of limitation is a law that forbids prosecutors from charging someone with a crime that was committed more than a specified number of years ago. The general purpose is to make sure convictions occur only upon evidence that had not been depilated with crime after the period of states has run. The criminal is especially free. Also, where the state has stipulated terms for imprisonment, the courts shall not exceed its statutory limits. However, not all crimes are governed by the statutes of limitation. There are two types of statutory limitation. In [[23]](#footnote-23)*Mordi v COP* the Magistrate Court sentenced the accused person to 2 years imprisonment then the High Court later increased the time to 10 years. On appeal, the Supreme Court reinstated the earlier imposition of two years because that was the limitation of the magistrate court.

**CONCURRENT AND CONSECUTIVE SENTENCING**

There are laws governing concurrent and consecutive sentence when a person is charged and found guilty of more than two offences in Nigeria. The general rule is that when a court finds an accused person guilty of more than one offence the sentence should run concurrently. The Supreme Court held this position by saying wherever the offences are similar or of similar nature they should run concurrently. In [[24]](#footnote-24)*Nwankwo v the state* In this case the Supreme Court held that the sentence should run concurrently because they were crimes that emanated from the same.

***APPLICATION***

Evans was found guilty of all the charges brought against him by the six guidelines provided by The Supreme Court. Evans was found guilty of kidnapping, armed robbery, rape, defilement, Ritual killing, extortion, and obtaining property by false pretense. Due to the nature of the offences which are stated above, the character of the offender as Evans is a known criminal, the rampancy of the offence as Evans has been involved in series of criminal activities and also the concurrency of the sentence. In the case of [[25]](#footnote-25)*Chuwku obaji v the state* the sentence of 15 years imprisonment was also imposed for provocation perhaps the disparity between auto crash cases and manslaughter cases can be traced. In essence the *nature of the offence* had a significant importance to the judgment of the judge. In [[26]](#footnote-26)Adeleye v Ajibade the bad *character of the offender* was significant in the restoration of heavier punishment on them. Also in the case of [[27]](#footnote-27)*Onyilokwu v cop* the rampancy of the offence made the judge to give a harsher judgment on the offender and In the case of [[28]](#footnote-28)*Nwankwo v State*. Evans was given concurrent and consecutive sentences due to the various crimes which were committed.

**CONCLUSION**

In conclusion, a sentence is a judgment formally pronounced by a court or a judge upon an accused person after his conviction in a criminal prosecution imposing the punishment to be inflicted. The judgment or sentence given to Evans was based on the six guidelines given by the Supreme Court. Which are the nature of the offence, Character of the offender, position of the offender amongst its confederates, the rampancy of the offence, statutory limitation and concurrency of sentence. The above stated are the guidelines which a supposed to be used in giving judgments to offenders. However, Evans was judged bases on these guidelines. The fundamental purpose of sentencing is to contribute along with the crime prevention initiative, the maintenance of a just, peaceful and safe society by imposing just sanctions which have good objectives.

1. https://donnishjournals.org/djlcr/pdf/2018/january/Idem-et-al.pdf [↑](#footnote-ref-1)
2. Black’s law dictionary [↑](#footnote-ref-2)
3. Oxford dictionary [↑](#footnote-ref-3)
4. The Canadian sentencing commission of 1987 [↑](#footnote-ref-4)
5. Ichi v state 1996 9 NWLR pt 470 [↑](#footnote-ref-5)
6. section 248 of the criminal procedure act [↑](#footnote-ref-6)
7. Adeye and others v State [↑](#footnote-ref-7)
8. Adesanya v The queen [↑](#footnote-ref-8)
9. Etim v The Queen [↑](#footnote-ref-9)
10. Idoye v State [↑](#footnote-ref-10)
11. Adeleye v Ajibade [↑](#footnote-ref-11)
12. R v Regina [↑](#footnote-ref-12)
13. In R v Bangaza [↑](#footnote-ref-13)
14. section 368 (3) of the criminal procedure act [↑](#footnote-ref-14)
15. Enahoro v the queen [↑](#footnote-ref-15)
16. Queen v Mohammed and others [↑](#footnote-ref-16)
17. State v Kerenku [↑](#footnote-ref-17)
18. Ihom & Others v Tiv Native Authority [↑](#footnote-ref-18)
19. R v Hassan and owolabi [↑](#footnote-ref-19)
20. State v Michael Ayegbemi [↑](#footnote-ref-20)
21. Onyilokwu v COP [↑](#footnote-ref-21)
22. State v adeboye [↑](#footnote-ref-22)
23. Mordi v COP [↑](#footnote-ref-23)
24. Nwankwo v the state [↑](#footnote-ref-24)
25. Chuwku obaji v the state [↑](#footnote-ref-25)
26. Adeleye v Ajibade [↑](#footnote-ref-26)
27. Onyilokwu v cop [↑](#footnote-ref-27)
28. Nwankwo v State [↑](#footnote-ref-28)