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**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**

Sentencing can be characterized as a post conviction process of ascertaining and imposing punishments on guilty party it is the ultimate stage of the trial process when the Court has found the litigant guilty or the litigant has argued guilty, the judge at that point chooses on a sentence suitable for the offense committed. Agreeing to the Canadian Sentencing Commission in 1987 sentencing can be characterized as the legal assurance of lawful sanctions to be forced on the individual blameworthy of an offense.

The Supreme Court laid down 6 basic guidelines as an immense assistance to judges to operate as parameters or templates which should be taken into consideration during sentencing. This guidelines are;

1. The Nature of the offence

2. Character/Nature of the offender

3. The position of the offender among his confederates

4. The Rampancy of the offence

5. Statutory Limitation

6. Concurrency of the sentence

Nature of the offence is a guiding principle which is set In order to ensure that the gravity of the offence must be in accordance to the punishment being bestowed on the offender. In the case **Adeleye V The State** , a case involving robbery by violence the High court sentenced the offender to 18years imprisonments but on appeal the sentence was reduced to 10 years, unsatisfied with the judgement the offender further appealed to the Supreme Court which reinstated the original sentence of 18 years on the grounds that the punishment given was too lenient in relation to the offence committed. Where the victims are young girls, especially in sexual offences, courts are less reluctant to allow for any mitigating factor to influence its sentence.In relation to Even’s case the court must ensure that the sentence being given is in line with the punishment provided by law for the offence committed.

Character/ Nature and Records of the offender; character evidence is inadmissible in law although when the character of the accused is questioned then character evidence becomes admissible in law in the case of **Adeyeye v The state** it was seen that an offender looses out on mitigating the sentence as he was not a first time offender. Considering the fact that Mr Evans is a serial offender it would be of essence that a heavier form of punishment be imposed on him due to his bad character and past records as well he would not be allegeable for pardon since he is not a first time offender

Position of the offender ; The role to which the offender plays in the commission of the crime is an important factor to be considered for sentencing. In the case of **Queen v Mohammed & Ors** while the first appellant who was the leader was given a maximum sentence of eight years imprisonment, the other person or parties to the offense were given a maximum of five years imprisonment this implies that an offender who played a major role on the commission of a crime usually to be visited with more sever punishment than those who commit minor crimes. In relation to Mr Evans who is seen to have played the major role in commission of. all crime to which he was convicted for and as such the full burden of punishment is expected to be upon him.

Rampancy of offence is of upmost Importance in consideration when initiating sentencing because it can serve as a mitigating or aggravating factor, where the crimes being committed by the offender is seen to be rampant the the court especially when concerning offences which are seen to be of serious nature such as sexual offences, murder and particularly offences which renders children as victims would be expected to ensure sever punishment be given as well as the offender kept out of circulation as he/she serves as a continuous threat to society. In the case of **R v Hassan and Owolabi** the accused was sentenced to five years for stealing and another five years for forgery, the SC expressed that fraud on the customs are shockingly prevalent and the forgery of commercial document strikes as the root of all credit therefore they were not disposed to reduced the sentencing by one day. In relation to this Mr Evans who is know as a rampant offender constantly involved in crimes of serious nature including raping and defilement of young girls would be seen as deserving of the most server form of punishment permitted by law.

Statutory limitation is established for the purpose of making sure that conviction of crimes occurs only upon evidence which has not deteriorated in time. This rule like every other legal principle has exceptions as not all crimes are governed by statute of limitations some of these crimes are sexual offences with minors, violence, kidnapping, arson Which have no Statutory limitations. In the case of **Aremu v IGP** the magistrate court sentenced the accused to two years imprisonments, unsatisfied the accused went on appeal to the Supreme Court which held that the S.C cannot impose a sentence more than the magistrate court because the magistrate court had jurisdiction over serious criminal offences.With regards to Mr Evans case where the offences committed are not governed by the law of statutory limitation the time of commission of the crime is irrelevant and he would therefore be liable for his crime and therefore be imposed punishment proportionate to his crime.

Concurrent sentencing; this general rule holds that when an offender is charged for more than one offences, sentence given would be served concurrently. In the case of **Nwanko v The state** the SC held that sentence should be served concurrently because such offences are usually established from the same transact In accordance to this rule Mr Evans in a normal circumstance would be made to serve his sentence concurrently but considered the crimes were not all of similar disposition Mr Evans would be liable to serve his sentence consecutively.

In conclusion the court would be expected to impose a very severe punishment on Mr Evans considering the serious nature of the offences he has committed also with regards to each guidelines followed.

**REFERENCE**

* THE LAW AND POLICY IN CRIMINAL JUSTICE SYSTEM AND SENTENCING IN NIGERIA: International Journal of Asian social Science, 2014, 4(7): 886-897
* Canadian Sentencing Commission in 1987
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