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First and foremost, sentencing may be defined as the definite position/order pronounced by a court of competent jurisdiction at the end of a criminal trial after the finding of guilt of the accused person.

In all criminal trials, where a conviction is secured, the next logical step would be sentencing. Sentencing is a very broad field accommodating different approaches and ideas. The term sentence in law refers to punishment that was actually ordered or could be ordered by a trial court in a criminal procedure. The sentence can generally involve a decree of imprisonment, a fine, and/or punishments against a defendant convicted of a crime.

6 basic principles or guidelines have been laid down by the Supreme Court to aid courts in reaching reasonable, just and fair sentences. They are as follows;

1. The nature of the offence

2. The character/nature of the offender

3. The position of the offender among his confederates

4. The rampancy of the offence

5. Statutory limitation

6. The concurrency of the sentence

✓ The nature of the offence: As a principle of law and practise, the nature of the offence committed by an accused person (defendant) of which he has been found guilty, goes a long way in determining/dictating the extent of his punishment. As was exercised in the case of Adeyeye and others v. the state.

In cases of manslaughter i.e. unintended homicide either by provocation, murder or automobile accident. In cases of automobile homicide, there is a tendency of the court to impose slight penalties/punishments as opposed to provocation murder.

In dalliance with Evans however, the crimes committed were of a grievous nature and as such the punishment which is to be meted out, is not to be in any way lenient. A similar instance where the gravity of an offence plays a deterministic factor for punishment is in the case of Adeyeye and others v. state which was a case of robbery by violence (which happens to be one of Evans’ crimes, alongside kidnapping, robbery, rape, defilement, ritual killing extortion and obtaining property by false pretence). Here, the court imposed a sentence of 18 years imprisonment on the accused. On appeal for a reduction of sentence, the Supreme Court reinstated the punishment of 18 years and 3 strokes of cane seeing as it had been reduced to 10 years stating that the sentence of the appeal court was too lenient because of the seriousness of the offence.

Evans upon sentencing is to be given a term proportionate to his rather heinous offences.

✓ Character/nature of the offender: As a principle of law and a rule of evidence (or vice versa) character evidence or evidence of character is inadmissible in law. However, when the character of the accused person is in question the nature/evidence of his character, becomes admissible in law.

The character of the offender plays a huge role in sentencing and given Evans prior reputation as a notorious kidnap kingpin and armed robber who had been involved in series of assault, rape and defilement of young girls. Based on Evans’ reputation and record it can be admissible in court seeing as his character is in question the nature/evidence of his character. Such an understanding as can be seen in the case of Adeyeye v. The state supra, where the court worked on the assumption that anyone with a previous conviction has lost out in terms of mitigating his sentence. As well as in Adeleye and Ajibade where the appellants bad character was significant in the restoration of a heavier punishment.

✓ The position of the offender among his confederates (when the offender plays a minor role): In the case of Enaoro v. The Queen, it was stated that “the sentence imposed on the lieutenant should never be more than the leader. The leader of the gang should be punished more severely than the lieutenant” this is to affirm that those who instigate should get a higher punishment than those instigated.

(Playing a major role): The offender who has played a major role in the commission of a crime is usually visited with a more severe punishment that those inflicted on minor participants. The above idea was given judicial recognition in the case of Queen v. Muhammed and others.

Evans is considered to have played a major role seeing as there is no mention of other persons/parties. Seeing as he is the major participant, he is to be inflicted with more severe punishments.

✓ The rampancy of the offence: Where an offence is rampant or prevalent, courts have always thought that severity of punishments imposed will aid in stamping out the crime. The gravity of an offence can also be likened to the rampancy of an offence. If considered rampant and grievous, the court would most likely impose a heavier punishment in the view to stamp out this type of crimes in the society.

The entire situation with Evans may be likened to the case of State v. Another, where the court held that robbery on road and water in recent times had been on increase and disturbing that the 2 parties to the robbery were sentenced to 20 years imprisonment. The crimes committed by Evans however grievous can also be considered to have been at large in whatsoever area of commission and so it would be wise for a severe punishment to be imposed to aid in eradicating it from the society.

✓ Statutory limitation: The criminal statute of limitation is a law which forbids prosecutors from charging someone with a crime that was committed more than a specified number of years ago. The general purpose of statutory limitation is to make sure convictions only occur upon evidence that is not deteriorated with time. After the period of the statute has run, the criminal is essentially free. Also, where the state itself has stipulated terms of imprisonment, the court shall not exceed the statutory limit. However, not all crimes are governed by the statute of limitation e.g. murder.

In Nigeria, there are 2 types of statutory limitation:

1. Statutory maximum

2. Magisterial jurisdiction limitation

In essence, whenever a statute itself stipulates a term of imprisonment no court should exceed its limit.

I as the judge will take into account the time upon which the offences were committed s well as the time in which an action was brought against it so as not to go against the statutory limitation. Certain crimes committed by Evans however are not governed by statute of limitation such as, ritual killing which is a crime of violence, kidnapping

✓ Concurrent and consecutive sentences: 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 whenever a court finds an accused person guilty of more than one offence, the sentences should run concurrently. The Supreme Court held this position by saying “where the offences are similar or of similar nature/disposition they should run concurrently”.

Seeing as Evans has been found guilty of all 7 offences of which he was accused, he is to serve his term for them concurrently. The offences which are most similar would run concurrently in terms of servitude while the others would run consecutively.

In conclusion, these guidelines will be taken into serious consideration upon the drafting out of a suitable punishment for Evans and each factor will be thoroughly looked over before the final sentencing statement is rendered.