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CRIMINOLOGY ASSIGNMENT

The question centers around sentencing and the guidelines when used in sentencing individuals for a crime committed due to the crimes they’ve committed and the consequences of such action in relation to the scenario as I have been put in the shoes of a High Court as a representative of the law to further list, explain and expatiate on the laws laid by the Supreme Court of Nigeria.

As a principle of law a practice the nature of the offense committed by an accused person of which he has been found guilty and goes a long way in determining his punishment.

 Firstly, what is a sentence? A sentence is the definite position or order after the finding of guilt of the accused person SECTION 248 OF THE CRIMINAL PROCEDURE ACT provides that if the court that if the court finds the accused guilty or make an order to reserve judgement and adjourn the case to some other date.

The purpose of sentencing is to fundamentally contribute to the crime prevention sector in respect to maintenance of the law to. Ensure a just, peaceful and safe society by imposing just sanctions that have the following objectives:

1. To denounce unlawful conducts
2. To deter the offender and other persons from committing offenses
3. To separate offenders from the society where necessary
4. To assist in rehabilitating offenders
5. To promote the sense of responsibility in offenders and acknowledgement of the harm done done on the community and victims

I will now sentence the accused after being found guilty according to the guidelines laid by the Supreme Court of Nigeria:

1. Nature of the offense
2. Character/Nature of the offender
3. Position of the offender amongst his confederal
4. Rampancy of the offense
5. Statutory limitation
6. Concurrency of the sentence

**Nature of the Offense**

As a principal as a principal of law and practice the nature of the offense committed by an accused person or which he has been found guilty of god a long way in determining of his punishment. The law is clear that a person cannot be found guilty of an offense which at the time the crime was committed does not constitute a crime in any written law and it’s punishment clearly stated.

**ADEYE & OTHERS VS STATE** the case of robbery by violence tried by the High Court of Western states the court imposed the sentence of 15 years of the accused person. On Appeal the the Western State appeal court reduced the sentence to 10 years.

 The accused person unsatisfied with the Appeal court yet appealed to the Supreme court yet appealed to the Supreme court. The SC reinstated 18 years with 3 strikes of cain. The SC stated the sentence on Appeal court was way too lenient because of the intensity of such offense.

**ADESANYA VS THE QUEEN** the case of forgery and the principal was established that only in exceptional that only in exceptional cases can a fine be sufficient or appropriate punishment for forgery of court processes. The seriousness of the offense, it’s nature, the gravity makes forgery of court processes gracious. The accused person has committed forgery was sentenced to pay fine on Appeal at the instance of the accused person. The court held that payment of fine was too small a punishment for the grievous offense of forgery hence imprisonment.

In **ADESANMI VS THE STATE** the accused person killed his wife in a sudden overflow of emotions when she told him that their children belonged to her lover. When she told him and that he’s impotent and cannot do. The Supreme court held the defence of provocation and imposed a term of 15 years imprisonment.

In conclusion, the nature of the offense is in regard to whether it was a property crime, domestic violence crime, motor vehicle violation, drunk driving offense, drug related crime, sexual assault, white collar crime and if it was violent or weapons were involved during the criminal act. Obviously when someone is physically harmed during crime (whether the injury was intentional or not), the nature of the crime is more severe than say a property crime where no one was physically injured

**CHARACTER/NATURE OF THE OFFENDER**

 Character of the offender is very essential as it serves as evidence inadmissible in law however when the character of the accused person is in question evidence, evidence of his character becomes inadmissible in evidence. But when the character of the accused is questioned his character becomes admissible as evidence.

 **ADEYEYE VS THE STATE** part of the reasons why the sentence was reinstated to 18 years was because the defendant was earlier convicted of a crime. Here anyone whom is not a first time offender has previously lost out in terms of litigating the sentence.

 **ADELEYE VS AJIBADE** the appellants bad character was very significant in the implementation of his earlier punishment

 In conclusion this part takes a look at the character and behavior of the offender to examine if he or she is capable of carrying out such offense. His daily activities and relationship with the outside world will serve as evidence to offer if he is capable or incapable of such offence

POSITION OF THE OFFENDER AMONST HIS CONFEDERAL

This guidline is very essential as the leader of a gang who carries out a crime cannot have the same punishment as the followers. The one who played a major role will be punished more than the followers who played a minor role as they did not make up the plan

1. Playing a minor role

This is to affirm that those who played a minor role should not get higher punishment than the one who is or was the center of the activity. The case of **ENAHORO VS THE QUEEN** the case of treasonable felony Enahoro was sentenced to 15 years imprisonment by the high court the supreme court reduced the lieutenant should not be more than the leader of the gang should be punished more severely than the lieutenant. This is to affirm that those who instigate should get higher punishment than those instigated.

1. Playing a major role

The offender who played a major role in the crime are more severely punished than those inflicted by the minor participants than those inflicted by the minor participants.

 QUEEN VS MOHAMMED the first appellant was given a maximum sentence of 8 years imprisonment and the supposed followers were given a maximum sentence of 5 years imprisonment

 ERELEKU VS THE STATE although the appellant was found however he was not the leader the court was of the view that she played the leading role in the incident and most take in consideration.

**RAMPANCY OF THE OFFENSE**

Where an offense is rampant courts have also thought that severity of sentences will and in eliminating the crime. Rampancy of the offense is one of the most necessary consideration as it can be an instigating factor or an aggravating one depending on the offense. Certain offenses have been considered serious in nature eg sexual offenses especially those against minors (children).

 Robbie try with violence is also considered dangerous in OLADIPEKUN VS STATE during a robbery the leader ordered one of his followers to shoot the victim but the gun was jammed. They sentence him to 5 years imprisonment with hard labor and in talia that such a man should be kept out of sight.

 R VS OKEKE the gravity of an offence can also be likened to the rampancy of the offense. If considered rampant a court will most likely impose an earlier punishment in the view to stamp out this type of crime in the society.

**STATUTORY LIMITATIONS**

 A statute of limitations is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated.

 When the time specified in a statute of limitations passes, a claim might no longer be filed or, if filed, may be subject to dismissal if the defense against that claim is raised that the claim is time-barred as having been filed after the statutory limitations period. When a statute of limitations expires in a criminal case, the courts no longer have jurisdiction. Most crimes that have statutes of limitations are distinguished from serious crimes as these may be brought at any time.

The purpose and effect of statutes of limitations are to protect defendants. There are three reasons for their enactment:

1. A plaintiff with a valid cause of action should pursue it with reasonable diligence.
2. By the time a stale claim is litigated, a defendant might have lost evidence necessary to disprove the claim.
3. Litigation of a long-dormant claim may result in more cruelty than justice.

**Concurrent and Consecutive Sentences**

Concurrent sentences: When sentences run concurrently, defendants serve all the sentences at the same time. When a criminal defendant is convicted of two or more crimes, a judge sentences the defendant to a certain period of time for each crime. Sentences that may all be served at the same time, with the longest period controlling, are concurrent sentences. Judges may sentence concurrently out of compassion, plea bargaining, or the fact that the several crimes are interrelated. When the sentences run one after the other, they are consecutive sentences. Case of NWANKWO VS THE STATE the accused was found guilty for store breaking and possession of breaking instruments of the same transaction. The Supreme Court held that the sentence should run concurrently because they were crimes emanated from the same scene.

Consecutive sentences: When sentences run consecutively, defendants have to finish serving the sentence for one offense before they start serving the sentence for any other offense. If a defendant is convicted of a number of crimes that carry lengthy prison terms, the difference between consecutive and concurrent sentences can be tremendous. The same factors that judges tend to consider when deciding on the severity of a sentence (for example, a defendant’s past record) also affect their decisions on whether to give concurrent or consecutive sentences. Some criminal statutes, however, require that the sentence for the crime in question be served consecutively to any other crime committed in the same incident.

Sometimes, a sentencing judge can legally give just a single sentence to a defendant who is convicted of separate crimes. This comes up when the state has forbade "double punishment" for convictions that result from a single unlawful act. For example, assume that a defendant sets a house on fire in an attempt to kill the occupants. The defendant may be convicted both of arson and attempted murder, but could probably be given only a single sentence. Typically, the sentence would be for the more serious crime, which in this instance would probably be attempted murder.