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 **INTRODUCTION**

 Criminal justice embodies a method through which administration of criminal law, establishes procedures aimed at fair, accurate and expeditious determination of guilt or innocence that do not infringe upon the rights of citizens and aim to provide an enlightened but effective system of punishment for those found guilty.

 At all levels of our relationship with God, other human beings and even our domestic animals, we have rules and regulations we should obey. It is failure to abide by such rules and regulations that attracts sentence and punishment. A sentence is therefore a decree of punishment. In law, a sentence generally involves decree of imprisonment, a fine and other punishments against an accused convicted of crime.

 The black’s law dictionary defines a sentence as; “the judgment that a court formally pronounces after finding a criminal defendant guilty or the punishment imposed on a criminal wrongdoer.”

 In their view, Okonkwo and Naish state that if punishment is the object of criminal law, then sentencing is simply the way in which principles of punishment are applied to individual offenders.

 In Oxford Advanced Learners’s Dictionary a sentence is defined as the punishment given by a court of law.

 Sentencing can also be defined as the “judicial determination of a legal sanction to be imposed on a person found guilty of an offence. It must however be noted, that sentences should not be passed in anger or pity. It should be passed with the aim of doing justice.

 The purposes of sentencing is to contribute along with the crime prevention initiatives, the respect of the law and the maintenance of just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives;

1. To denounce unlawful conducts.
2. To deter the offender and other persons from committing offences.
3. To separate offenders from society where necessary.
4. To assist in rehabilitating offenders.
5. To promote the sense of responsibility in offenders.

In Nigeria, those who have been previously convicted in criminal cases, usually attract partial sentences or punishments unlike first time offenders and at the time vice versa. The Supreme Court has laid down 6 basic principles of guidelines to aid courts in reaching reasonable, just and fair sentences.

1. **NATURE OF THE OFFENCE**

 The nature of the offence committed by an accused person of whom he has been found guilty goes a long way in dictating/determining the extent of his punishment. The law clearly states that a person cannot be found guilty of an offence if at the time being committed does not constitute a crime in any written law. Like in the case of **Adeyeye & others V state**, a case of robbery where the High Court of Western States imposed a sentence of 18 years imprisonment, on appeal to Western State appeal court it was reduced to 10 years, unsatisfied with the decision of the appeal court yet appealed to the Supreme Court. The Supreme Court reinstated the 18 years with 3 strokes of the cane. The Supreme Court stated that the Appeal court was too lenient because of the seriousness of the case.

 Certain offences have been considered as serious in nature, for instance, offences such as armed robbery, arson, murder, kidnapping or sexual offences especially when they involve children as victims. In **State V Osoelika** a case of kidnapping in Enugu the presiding judge refused bail application due to the prevalent and serious nature of kidnapping in Enugu and particularly South East zone of Nigeria. Also in the case of **Muhammed V COP**, the accused person who had never driven in his life jumped into a car and killed some pedestrians. He was sentenced to 3 years imprisonment and 10 years disqualification from driving by the High Court. The Supreme Court upheld his defense of provocation and imposed a term of 15 years imprisonment.

1. **NATURE/CHARACTER OF THE OFFENDER**

 When the character of a person is in question the nature/evidence of his character becomes admissible in law. Characteristics of the offender are things that are unique to a particular offender. Examples include the number and type of prior offences or whether the offender was under a custody status at the time of the offence e.g probation or jail.

 In the case of **Adeleye V Ajibade,** the appellants bad character was significant in the restoration of a heavier punishment on them. In **R V State**, the fact that the appellant had been previously convicted for defilement led the court to increase the sentence from 18 months to 5 years imprisonment with hard labor.

1. **POSITION OF THE OFFENDER**

Minor role; it is believed that a leader is normally the brain of the activity, the moving force and the progenitor of the crime. The leader should be punished more severely than other members to affirm that those who instigate should get a higher punishment than those who played minor roles. It is deemed low culpability if the offender played peripheral role in planning and executing the act. In **Enaro V The Queen**, a case of treasonable felony. Enaro was sentenced to 15 years imprisonment by the High Court. The Supreme Court reduced the sentence to 5 years and said “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.

Major role; it shall be deemed high capability if the offender plays a leading role where the offence is committed by a group. The offender who played a major role in the commission of the crime is usually visited with more severe punishments than those who played minor roles. In the case of **Queen V Mohammed & Others** while the first appellant who was the leader was given a maximum sentence of 8 years of imprisonment, the other parties were given a maximum sentence of 5 years imprisonment. In **State V Kereku**, 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.

1. **RAMPANCY OF THE OFFENCE**

 The prevalence of an offence urges a deterrent sentence to be imposed. Court will take it seriously because of its rampancy. The court will give heavy punishment so that it will be a lesson to the public to not do the same offence. Were an offence is rampant or prevalent, courts have always thought that severity of sentences imposed will aid in stamping out the crime. Examples include drug offences, stealing, kidnapping, firearms, robbery etc. In the case of **R V Hassan & Owolabi** the accused person was sentenced to 5 years by the High Court for forgery and another five years for stealing. He was appealed and the Supreme Court expressed its views thus “fraud on the customs are shockingly prevalent and forgery of the commercial documents strikes at the root of all credits, we are not disposed to reduce the sentence by one day.” Heavier sentences are used as deterrents for the prevalent or rampant offences. The court will consider the rampancy of the offences.

1. **STATUTORY LIMITATIONS**

 A statute of limitation is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated. A sentence should address any relevant statutory limitations on sentence. A statute of limitation dictates the time period within which a legal proceeding must begin. The purpose of a statute of limitations in a criminal case is to ensure the prompt prosecution of criminal charges and thereby spare the accused of the burden of having to defend against stale charges after memories may have faded or evidence is lost. The general purpose of statute of limitations is to make sure that convictions occur only upon evidence that has 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 its statutory limit; however not all crimes are governed by the statute of limitations. Many states classify felonies by category i.e simple offences, felony and misdemeanors. In Nigeria, we have two types statutory maximum and magisterial jurisdiction limitation. In **Mordi V C.O.P** the magistrate court sentenced the accused person to 2 years and the high court later increased it to 10 years. On appeal, the Supreme Court reinstated the earlier imposition of 2 years because that was the limitation of the magistrate court. Also in **Aremu V IGP** the magistrate court sentenced the accused person to 2 years imprisonment, dissatisfied, the state appealed to the Supreme Court. The Supreme Court stated that it cannot impose punishment more than the magistrate court imposed. Some crimes include Affray which is a one year imprisonment term and rape which is a term of life imprisonment.

1. **CONCURRENT AND CONSECUTIVE SENTENCES**

 When sentences run consecutively, the defendant serves them back to back. When they run concurrently, the defendant serves them at the same time. 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. When sentences run concurrently, defendants serve all the sentences at the same time. When sentences run consecutively, defendants have to finish serving the sentence for one offence before they start serving the sentence for any other offence. In the case of **Nwafor V State**, here the accused person was found guilty and sentenced for store breaking and possession of breaking instruments. The Supreme Court held that the sentence should run concurrently because they were crimes that emanated from the same crime disposition.

**CONCLUSION**

 As the presiding judge of the case, I have come to the conclusion that the nature of the offences committed by Evans, are grievous. Like in the case of **Adeyeye & Others V State**, who was given 18 years for armed robbery. The character of the offender is a negative one as we have seen and likewise the above case which resulted in the Supreme Court increasing his term. He played a major role in the crimes mentioned and heavier punishments are given to major role players. His offences are rampant and the court takes any rampant case seriously to serve as a lesson to the public. His sentences will run concurrently in regards to the general rule in Nigeria that whenever a court finds an accused person guilty of more than one offence the sentences should run concurrently.