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The issue of determination is whether Evans will be sentenced by the Judge with the aid of the guidelines and principles laid down by the Supreme Court in reaching a reasonable and fair sentence. The issue in determination is solved in the affirmative

Sentencing usually starts at the post-conviction stage of the criminal justice process, in which the defendant is brought before the court for the imposition of a penalty. If the defendant is convicted in a criminal prosecution, the event that follows the verdict is called sentencing. In a nutshell therein, sentencing is the penalty ordered by the court. General the primary goals of sentencing are punishment, deterrence, incapacitation, restitution and rehabilitation.

For serious crimes, sentencing is usually pronounced at a sentencing hearing where the prosecutor presents their arguments regarding the penalty. The laws must be interpreted and applied by the judge in different cases, and this includes guidelines on appropriate sentence

**Section 248 0f CPA** provides that if a court finds the accused person guilty, the court shall pass sentence on the accused person or make an order to reserve judgment and adjourn the case to another court. While in the process of sentencing, there are guideline which must be followed they include;

Nature of the offence

Character to the nature of the offender

Position of the offender among his confederates

The Rampancy of the offence

Statutory Limitation

Concurrency of the Sentence

Firstly it should be noted that the nature of the offence of which a person has been found guilty of goes a long way in in determining the extent of his punishment. The law is clear however that a person cannot be found guilty of an offence if at the time being committed does not constitute an offence under any written law or legislation and its punishment clearly stated. Similarly in ***Adesanya v The Queen*** it was established that the seriousness of the offence, its nature, the gravity makes forgery of court processes grievous and payment of fine was too small a punishment for the grievous offence of forgery. In ***Adeye &Others v The state*** the Supreme Court stated that the sentence of the appeal was too lenient because of the seriousness of the offence. Usually, the nature of the offence is constituted in the section (Criminal Code or Penal Code or criminal laws of Lagos State) which defines the offence. For example, **Section 273 of the Criminal Code** says that whoever kidnaps or abducts a person shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to pay a fine or **Section 269(a) of Criminal Laws of Lagos State 2011** also punishes kidnapping, where ransom is demanded, with imprisonment for 21 years.

The next step is to examine the Character or Nature of the Offender: As a principle of law and as a rule of evidence, evidence of character is inadmissible in law. However when a character of the accused person is in question, the evidence of his character becomes admissible in evidence. In ***Adeyeye v The state*** the court held that the reason for reinstating the sentence of 18 years is because he has been convicted of an offence prior to this. The court was on the assumption that anyone with a previous conviction has lost out the terms of a mitigating factor. This was also the case in ***R v*** ***State***, due to his previous conviction, his sentence was increased. In a case like ***Adeleye vAjibade*** the appellant’s bad character was significant in the restoration of a heavier punishment

Furthermore the Position of the offender among his confederates needs to be taken into consideration: This however is divided into two categories, when the offender is playing a minor role: this is just to say that when the offender is playing a minor, he is not the leader but he aided in the offence. Due to this he cannot be given the same punishment as the instigator or as the leader of the group. In the case of ***Enahoro v The State*** the Supreme Court reduced the sentenced of the accused and said that “a sentence imposed on a lieutenant should never be more than the leader. The leader of the gang should be punished more severely than lieutenant. This is to affirm that a person who instigates should get a higher punishment than those instigated.

Where the offender played a major role: the offender who played a major role in the commission of the crime or the leader usually serves a more severe punishment than the others. In ***State v Kerenku*** although the appellant was found not to be the leader, she played a major role in the commission of the offence which was taking into consideration. Similarly in ***Queen v Mohammed&Ors*** the leader was given a maximum sentence of 8 years imprisonment while the other parties where given 5 years. Lastly in ***Ihom&Ors v Tiv Native Authority***, the court sentenced the leader of the riot an extended time in prison compared to the rest of the offenders who got lesser prison time.

The next point to be looked at is the Rampancy of the Offence: Where an offence is rampant or prevalent, courts have always taught that the severity of sentences imposed with aid in stamping out the crime. The rampancy of an offence however may differ from geographical area i.e. armed robbery is rampant in western part of Nigeria and kidnapping in the southern part of Nigeria. The authority in ***State v Ayegbemi Micheal*** relied on the courts view in ***State v Another*** that robbery on roads and water in current times have been on increase and disturbing that the two parties in the robbery were sentenced to 20 years imprisonment. Also in ***RvHassan&Owolabi*** the fact that the crime committed by the accused was at that time prevalent, was taken into consideration when he was being sentenced what constituted in his sentencing. Rampancy of the offence can be a mitigating or aggravating one, depending on the offence. Certain offences have been considered serious in nature e.g. sexual offences, robbery. In ***State v Adegboye, Iko v The State***, the accused was sentenced to 5 years imprisonment with hard labor for raping a passenger. Robbery is another serious offence; this was showcased in the case of ***Olanipekun v The State*** where the accused was sentenced to 5 years with hard labor

The gravity of the offence can also be likened to the rampancy of the offence. If considered rampant and grievous, the court will most likely impose a heavier punishment in the view to stamp out this kind of crime in the society.

Additionally, statutory limitation is another guideline that must be considered as a Judge: it is law that forbids prosecutors from charging someone with a crime that was committed more than a specified numbers of years ago. The general purpose of this is to make sure convictions occur only upon evidence that has not detoriated with time. However not all crimes are governed by the statute of limitation. Murder for example in some states, sexual offences with minors, crimes of violence, kidnapping, forgery, assault have no statutory limitation. In Nigeria there are two types of statutory limitation; Statutory maximum and Magistrarial jurisdiction limitation

In ***Queen v Eyo&Ors*** the court decreased the sentence that was given previously because there a maximum sentence stipulated by law. In ***Aremu v I.G.P*** the Supreme Court stated it cannot impose punishment more than what the magistrate court imposed. Also in ***Mordi v C.O.P*** The Supreme Court reinstated the earlier punishment because that was the limitation in the magistrate court

The final procedure includes Concurrent and consecutive sentences: When a person, is charged and found guilty of more than two offences in Nigeria, the general rule is that whenever a court finds an accused person guilty of more than one offence, the sentence should run concurrently. The Supreme Court held that “whenever the offences are similar nature or disposition they should run concurrently”

In ***Nwafor v The State***, where the accused was guilty for store breaking and the possession of break in implements in the same transaction the Supreme Court held that the punishment should run concurrently because they are offences emanating from similar

In applying this principle of law to the case, it is pertinent to know that the nature of something simply means the basic inherent features, character, or qualities of something. The offences committed by Evans thereby have its nature and characteristics. Due to the gravity of the offences committed by Evans, the punishment given has to be proportionate to the gravity of the offence.

However as a judge in this case, the nature of the offences that was committed by Evans is grievous because of the punishments provided for such offences in the Criminal Code( for example the punishment for rape is life imprisonment, kidnapping is imprisonment for 10 years)and other legislations and it also involves series of negative effects on the victim of the crime for example, The nature of the offence of kidnapping constitute an attack on and infringement of, the personal liberty of an individual and as such shall be taken into consideration is determining sentencing.

Being a judge presiding over this case, I would take into consideration the fact that he was convicted of a series of crimes, he was caught at the Seme Border dressed like a woman, his offences involve young girls as victims and so on. This points to show the type of character he has by showcasing it through his actions. A person who is convicted of various crimes is obviously a person of questionable character. For instance the offence of rape and kidnapping among others show the type of person the offender is and what he is capable of. He is a person of bad character and has little or no humane characteristics and all this falls under the umbrella of the character of the nature of the offender who is Evans

The next guideline that I have to consider as a Judge in this case is the position of the offender among his confederates, in this case there are no confederates being prosecuted. Moreover relying on judicial authority and my discretion as a judge with the aid of the evidence involved in the case, I would conclusively say that Evans played a major role in the crimes he committed. This is because of the evidence placed before the court and the involvement of the accused in the commission of the crimes even though, no confederates have been prosecuted, it is a fact that he played a major role in the commission of the crime which means that his punishment will be more severe.

Having depended on judicial authorities and precedents, the offences that were committed are considered rampant in the eyes of the law, taking into reference the society that we reside in. Rampant offences aforesaid includes sexual offences, robbery and so on which are the exact offences that the appellant is guilty for. Due to this, because the offences committed are rampant, a heavier punishment needs to be imposed which can also serve as an example to stop the commission of crime especially these kind.

Statutory limitation is the next guideline Most of the crimes that Evans committed are not subject to statutory limitation i.e. assault, sexual offences, armed robbery etc. hence they do not conform to the rule that states that some crimes are not regarded as such because they were committed a long time ago. This defense cannot be upheld in this case and the last procedure being. Due to the fact that the offences are similar in nature e.g. rape, kidnapping and defilement of young girls also armed robbery and assault are similar offences, extortion and obtaining property by false pretense are also of similar nature, they are to be run concurrently. As a judge in this case I have to rely on precedents and run the offences in this case concurrently.

In conclusion, it is due process of law that I follow these guidelines as a Judge to aid in the sentencing of Evans. However, having considered all the procedures and processes, these guidelines include factors that help in dissecting the crimes committed by Evans and aid the Judge in sentencing fairly.