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This question borders on the rules governing the sentencing procedure in Nigeria. In a criminal trial, when a judgment of conviction is secured the next reasonable step is sentencing. Conviction and sentencing come at the end of the entire procedure and process. After an accused person has pleaded guilty or has been found guilty during the trial, the magistrate or judge then enters judgment of conviction and thereby sets a date for sentencing. Sentencing literally means to decide and state legitimately what the final punishment will be.

Furthermore, sentencing can be defined as the prescription of the punishment by the court to someone convicted of a crime. In addition, The Canadian Sentencing Commission in 1987 defines sentencing as the judicial determination of legal sanctions to be imposed on a person found guilty of an offence. Also, In ***Ichi v State*** it was held that a sentence is the judgment formally pronounced by the judge or court upon an accused person after his conviction in a criminal prosecution, imposing the punishment to be mitigated. ***Section 248 of the CPA*** provides that if the 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 on a later date.

The key purpose of sentencing includes:

* Punishment
* Deterrence
* Rehabilitation
* Denunciation
* Protection of the community.

In Nigeria, those who have been previously convicted in criminal cases usually attract harsher sentences unlike first time offenders. The Supreme Court has laid down six principles or guidelines to aid courts in reaching a reasonable and just sentence. I will now discuss them seriatim.

* Nature of the offence: The nature of the offence committed is taken into consideration during sentencing. Offences considered as serious in Nigeria include: Armed Robbery, Arson, Murder and Sexual offences. In the case of ***Adeye and Others v State,*** a case of robbery by violence tried by the High court of Western states. The court imposed a sentence of 18 years imprisonment on the accused person. On appeal, the Western State Appeal court reduced the sentence to 10 years. The accused unsatisfied with the decision appealed to the Supreme Court. The Supreme Court reinstated the 18 years along with three strokes of cane. The Supreme Court stated that the decision of the Appeal court was too lenient because of the nature of the offence. The courts are usually reluctant in fully punishing offenders who are committing crimes for the first time. In cases of manslaughter, provocation is a statutorily recognized criminal defence which serves as a mitigating factor and reduces the offence of murder to manslaughter. The maximum sentence for manslaughter is life imprisonment. However, judges employ their discretion in determining the extent of sentence to the accused convicted.
* Character and nature of the offender: Character evidence is inadmissible in law. However, when the character of the accused is in question, evidence of his character becomes admissible in law. In the case of ***Adeyeye v The State Supra,*** part of the reasons advanced for the reinstatement of the earlier penalty of 18 years was that the accused person had been convicted of earlier of an offence. In another decided case, the appellant’s bad character was significant in the restoration of a heavier punishment on them. If the offender is seen as notorious, the court will be reluctant to reduce his/her punishment.
* Position of the offenders among his Confederates: This is of two types-
* When the offender plays a minor role: Punishment should be allocated to offenders based on their roles in the crime. Offenders who play minor roles should be given lesser punishment than the leaders and instigators of the crime. In ***Enahoro v The Queen,*** The Supreme Court reduced Enahoro’s sentence to five years and said “a sentence imposed on a lieutenant should never be more than the leader. The leader of a gang should be punished more severely than the lieutenant.”
* When the offender plays a major role: The leader is allocated more punishment than those who play minor roles seeing as the leader is usually the instigator, progenitor and the moving force of the crime. The above idea was given judicial recognition in ***Queen v Mohammed & ors.*** The first appellant (the leader) was given the maximum sentence of 8 years imprisonment, the other appellant was given a maximum sentence of 5 years.
* Rampancy of the Offence: The court usually takes into fact if an offence is prevalent in a community; courts have always thought that severity of offences imposed will aid stamping out of crime. Rampancy of the offence is one of the most necessary as it can be a mitigating factor or an aggravating one. In ***R v Hassan & Owolabi,*** it was held that fraud on the customs are shockingly prevalent and the forgery of commercial documents strikes at the root of all credit, we are not disposed to reduce this sentence by one day.
* Statutory Limitation – This is a law prescribing a period of limitation for the bringing of actions of certain kinds. It limits a prosecutor from punishing an offender after the period of limitation has expired. For example, Defilement of a girl under 13; such a case must be brought before 2 years duration.
* Concurrency of the sentence- Sentences that may all be served at the same time, with the longest period controlling, are concurrent sentences. Judges may **s**entence 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.

In conclusion, a lot of factors come into play on the minds of the Judges and Magistrates who give different sentences to the offenders even on similar offences with similar facts. However, judges must use these guidelines to help in making their decisions. Based on the facts in the question and evidence provided, having followed these guidelines Evans will be found guilty.