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**1) What motivates just desserts principle of punishment? Discuss.**

According to Merriam-Webster, 'just desserts' means deserved reward or punishment. It is a theory designed to promote equality and fairness of hearing of sentence for the imposition of a sentence. Just desserts is based on the principle that punishment should fit the crime, when such scenario occurs, it's said that the offender has received their 'just desserts'.

The phrase represents the idea of a fair and appropriate punishment related to severity of the crime that was committed. It is sometimes referred to as retribution type of sentencing, i.e. one should be punished simply because one committed a crime. It could best be explained with the quote of an eye for an eye, a tooth for a tooth. Severity of the punishment should be commensurate with severity of the crime.

Thus, motivation for just dessert punishment may be seen where one kills another, which is murder according to law, such person may be sentenced to death or life imprisonment, such person could be said to have received just desserts. It provides a check on power of the state in determining the amount of punishment necessary to pay the price of crime, no more, no less. Without these checks, according to Lewis, society could punish the family of the criminal rather than the criminal himself, and of course, the state could lock up those who are simply deemed to be dangerous, ignoring any actual violation of law.

Some argue against while others strongly defend the effectiveness of this theory with the basis that law does not provide for vengeance but reformation of such criminal.

**2a.) Most effective way of punishing and treating capital offenders and reasons.**

- i. Imprisonment: It can be defined as a term of judicial sentence available for a convicted offender of adult age, involving incarceration in prison for either life or a specified period of time. It became a dominant form of punishment with birth of classical school, replacing death sentence given in Europe. It takes various forms depending on type of crime committed and outcome of trial of the offender, the extremist is life imprisonment. To most countries sentence may be defined by the Judges. Such confinement may be accompanied with hard labour.

Although it has been argued that imprisonment does not necessarily treat an offender but may help facilitate commission of more crimes through relation with other criminals who are imprisoned. It however helps to keep such criminals out of the public especially where they are serving a life imprisonment.

- ii. Probation: This is punishment given out as part of a sentence which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to a probation officer regularly and according to a set schedule. It is from the Latin word

probatio which means to test or prove. It may be conditionally suspended upon the promise of good behavior. Violation of probation can lead to its revocation and imprisonment.

Imprisonment may cause one become better at a particular crime thus probation allows one to become better outside the four walls of a prison cell. Under guidance of a probation officer one is to be report regularly and his behavior within his community would be recorded, upon revocation of probation such person could be imprisoned.

- iii. Restitution: It involves the court as part of a sentence in a criminal case, ordering a defendant to compensate the victim for losses suffered as a result of the crime committed. The victims of such crime would feel better and safer in such a situation. It also allows the offender understand he has committed a grave offence.
- iv. Fine: Fine or mulct is money that a court of law or other authority decides has to be paid as punishment for a crime or offence, the amount may be defined by the crime. Fines may also be paid installmentally. The word fine originated from the Latin word, *finem facere*, meaning 'to put an end to', it originated in England in 1275, when English courts began to permit convicts to be released from prison upon payment of a required amount of money. Under Criminal Procedure Act courts are allowed to impose fines in place of place of imprisonment according to Section 382(1). Fines paid must be in close relation with the offenders liability.
- v. Capital Punishment: This means punishing someone for a crime by killing them i.e. death penalty. It has very old history and can be traced to *lex talionis* doctrine of eye for an eye. It had two requirements, it must have marked the victim and it must be spectacular. Such could have taken place through beating, beheading, burning, cutting asunder, crucifixion, drowning, destruction by wild beasts, impaling or suffocation.

Present methods of execution include lethal injection, hanging, electrocution, firing squad and gas chamber. An example practiced in Nigeria in the past was that of firing squad, in this case sentencing is carried out by firing squad made up of six to eight men, but not all of them are loaded with live bullets, some have blank ammunition. Survival time is uncertain.

Just deserts suggests that murders should be executed for retributive reasons, although scientists say there is no empirical research which shows specific crimes deserve just desert punishment. One argument against death penalty is that an innocent person may be punished for a crime committed by another person.

**3a) Will your answer be same if accused was charged for simple offence?**

No.

Simple offences deserve lesser punishment. For instance, a person who is imprisoned for simple offence such as Contempt of court. **Sec133 C.C.** should not get same punishment as a capital offender who may have committed an offence such as rape or murder. The reason is because simple offenders have a higher chance of rehabilitation rather than capital offenders who are normally seen as dangerous to society or the public.

**REFERENCE:**

- 1) Criminology and Criminal Justice Second Edit A.B. DAMBAZAU