NAME: OKERENWOGBA CHIMDINMA MADELEINE

MATRIC : 17/LAW01/214

COURSE: CRIMINOLOGY

COURSE CODE: LPI 304

What are the things that will guide you in sentencing Evans having regard to the guidelines laid down by the supreme court.

The supreme court has laid down 6 basic principle or guidelines to aid courts in reaching reasonable just and fair sentences:

i, nature of offense

ii, character or record of nature of offense

iii, rampancy of the offense

iv, position of the offender among his confederate

v, statutory limitation

vi, concurrency of the sentence .

1. The nature of the offense : As a Principe of laws and practice , the nature of the offense committed by an accused person (defendant) of which they have been found guilty goes a long way to determining the extent of the punishment . The law is clear that a person cannot be found guilty of an offense which as at the time being committed doesn’t constitute a crime in any written law and its punishment clearly stated . As stated in ADEYEYE AND OTHERS v. STATE a case of robbery by violence tried by the high court of western state. The court imposed a sentence of 18years on accused person on appeal , the western state appeal court reduce the sentence to 10years . The accused person unsatisfied with the decision of the appeal court , yet appeal to the supreme court. The supreme court re-instated the 18years with 3 strokes of cane. The supreme court stated that the sentence of the accused was too lenient because of the sentence of offense .

Also in the ANDESAYO v. THE QUEEN a case of forgery and the principle was established that only in exceptional cases can the fine be efficient for appropriate punishment for forgery of court processes. The seriousness of the offense, its nature , the gravity makes forgery of court processes grievous. In that case the accused person having committed the offense of forgery was sentenced tp pay fine on appeal , at the distance of the accused person. The court held that the payment of fine was too small for the grievous offense of forgery hence imprisonment .

Similarly in INDOYE vs STATE also in MUHAMMED vs COP.

In CHUKWU OBANJI vs STATE the sentenced of 15yers was also imposed on provocation preharps the disparity between autocrash cases and manslaughter , provocation cases can be traced to class differentiation . In that autocrash cases are more likely to occur among members of the upper/middle class . Why those in manslaughter provocation are likely to be of the lower, poor and illiterate. Provocation is the statutory recognize defense of criminal defense which serve as a litigating factor and reduce cases of murder to manslaughter. The maximum sentence for manslaughter is life imprisonment however judges employed their discretion indeterming the essence of sentence to the accused convicted.

2. Character/Nature Or Record Of The Offense

As a principal of the law and as a rule of evidence, character evidence is inadvisable in law . However when the character of accused person is in question the evidence of his character becomes advisable evidence . Or when the character of accused person in question the evidence or question in character becomes advisable in law.

ADEYEYE v STATE part of the reason advanced for the reinstatement of 18years was that the accused person had been convicted earlier of an offense it would appear that the court worked on the assumption that anyone with a grievous conviction had lost out in terms of litigating the sentence .

In ADEYEYE v ADELADE the appellant bad character was significant in the restoration of an earlier punishment by them.

In R V STATE the facts the appellant had been previously convicted for defilement this led the court to increase the sentence for 18months to 5years . Imprisonment with hard labour .

R v BANGAZA was a heavy stick the two accused persons’s committed a deliberate assault on the deceased. With the intention to do him previous harm by way of retaliation . For an assault committed by

Deceased children by the appellant young brother. Death resulted and the appellant was charged their for , convicted and they also appealed , after the murder in 1950 the appellant ran away in a place in bonny, they surrounded themselves early in 1959 and where tried in December 1959. At the time of the offense the appellant were under 17years old nut old enough to be criminally responsible .by the time they where convicted they where 17 and more.

3. The Position Of The Offender Among His Confederates ( Playing a Major Role )

The offender who has played a major role in the commission of crime is usually visited with a minor punishment , than those inflicted on minor participants . The above idea was given judicial recognition in QUEEN v MUHAMMED & others. While the first appellant who was the leader was given maximum sentence of 8years imprisonment . The other party’s were given a maximum of 5years imprisonment .

The STATE v KERENTWU although the appealant was found not to be the leader , the court was however of the view that she played a leading act in the incident and must take that into consideration .

Also in IHOM & ANOTHER v TIV NATIVE AUTHORITY where the appellant were all involved in a riot in which many animals where manned and destroyed . They all got sentencing 6years imprisonment except the 6th appellant who got 8years imprisonment for being the moving force of the riot .

4. The Rampancy of the offense

Where an offense is rampaged or prevalent , courts have always thought that severity of punishment imposed will aid in stamping out the crime. In R v Hassan and Onolabi the accused Person was sentenced to 5 years by the high court for forgery and another 5 years for stealing . He appealed and the supreme court expressed the view thus far “ fraud on the customs are shockingly prevalent and forgery of the commercial document strikes at the roof of all credits . We are not disposed to review the sentenced by one day .

State v Micheal Ayegbeni it was also because the court view in the State v Another that robbery on roads and water in recent times have been on increased and disturbing that the two parties in the robbery were sentenced to 20 years imprisonment .

In Onyilokwu V COP The State (1981) 2 NCR 49 where the offender was initially detained for causing hurt, and later, he unsuccessfully tried to escape and was additionally charged with escaping from lawful custody. Although he was later discharged and acquitted, the court expressed the view that three years imprisonment earlier imposed on him did not show adequate consideration not only for his first offender status, but also , for an offence which was not prevalent in the community. The ramphancy of an offense is one of the most necessary consideration as it can be a litigating factor or aggravating one depending on the offense. Certain offense have been considered serious in nature for eg sexual offense especially involves children as victims. State v Adegboye A 3years prison sentenced was imposed by the offender for inserting his finger into a vagina of a little girl aged 9 who was hawking groundnut . Also seen in Ikot v state A taxi driver was sentenced to 5 years imprisonment with hard labour for raping a passenger so violently .

5. Statutory Limitation : the criminal statue of limitation is that the law forbids solicitor from charging someone with a crime that was committed more than a specified number of years ago. The general purpose of statue of limitation is to make sure conviction occurs only upon evidence that hasn’t degenerated is time . After the period of state itself has stipulated terms of imprisonment the court shall not exceed is statutory limitation , however not all crimes are governed by statue of limitation .

A **statute of limitations** is a law passed by a legislative body to set the maximum time after an event within which [legal proceedings](https://en.wikipedia.org/wiki/Legal_proceeding) may be initiated.[1]

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.[2]

In [civil law](https://en.wikipedia.org/wiki/Civil_law_(legal_system)) systems, similar provisions are typically part of their [civil](https://en.wikipedia.org/wiki/Civil_code) or [criminal codes](https://en.wikipedia.org/wiki/Criminal_code) and known collectively as *periods of prescription*. The [cause of action](https://en.wikipedia.org/wiki/Cause_of_action) dictates the statute of limitations, which can be reduced (or extended) to ensure a fair trial.[3] The intention of these laws is to facilitate resolution within a "reasonable" length of time.[4] What amount of time is considered "reasonable" varies from country to country, and within countries such as the United States from state to state.[5][6] Within countries and states, the statute of limitations may vary from one civil or criminal action to another. Some nations have no statute of limitations whatsoever.

Analysis of a statute of limitations also requires the examination of any associated [statute of repose](https://en.wikipedia.org/wiki/Statute_of_repose), tolling provisions, and exclusions.

6. Concurrent and consecutive sentences : there are laws governing concurrent and consecutive sentences. When a person is charged and found guilty of more than 2 offense in Nigeria . The general rule is that whenever a court finds an accused person guilty of more than one offense the sentencing should run concurrently . The supreme court held this position by saying whenever the offices are similar or of similar nature / disposition they should run concurrently .

In Nwankwo V. State here the accused person was fond guilty and sentenced for store breaking and possession of some transactions . The supreme court held that the sentenced should run concurrently , because they were crime that emanated from the same 10 years suspension from driving . The supreme court reduced the sentenced 2 and half years imprisonment and 5 years disqualification from driving .