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17/LAw01/184

CRIMINOLOGY

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

Sentencing means the prescription of punishment by a court to someone convicted of a crime. It is the judicial determination of legal sanctions to be imposed in the persons found guilty of an offense. In *ICHI v STATE* It was held that it is a judgement formally declaring to the accused person, the legal consequences of the guilt which he has confessed to or which he has been convicted of. Generally a sentencing cannot occur unless the offender is present, although this requirement may be waived in certain instances. In addition, in most jurisdictions, the victim has the right to be present.

At the sentencing hearing, the court generally has three options. First, the court may impose sentence, which may include imprisonment or some other punishment, such as probation, community service or a treatment program. Second, in many jurisdictions, the court may decide not to sentence the offender, but to instead suspend imposition of sentence and place the offender on probation. Finally, the court may impose sentence, but suspend execution of it and place the offender on probation subject to conditions.

The purpose of sentencing is incapacitation (to protect other people) rehabilitation (using education and treatment programmed to change offender behavior) retribution (to show society and the victim's family that the offender has been forced to pay for their actions) and deterrence (to prevent the offender re-offending and demonstrate to society the consequences of similar actions). The Supreme Court has laid down six basic principles to ensure uniformity in sentencing in the state such that at all times the court will bear in mind prevention, restraint, rehabilitation, deterrence, education of the public, retribution, restoration in sentencing and they are

1. First the nature of the offense
2. Character of the offender
3. Position of the offender among his confederates
4. The rampancy of the offense
- 5, statutory limitations
6. Concurrency of the sentence

NATURE OF THE OFFENSE

In law and practice, it is a principle that the nature of the offense committed by an accused person of which he has been found guilty goes a long way in determining the extent of his punishment. Provocation is statutory regarded as a mitigating factor in Nigerian Law in the sense that when a plea of provocation succeeds; It reduces in cases of murder or culpable homicide punishable by death. *ADEKAMI v STATE* the accused person killed his wife in a sudden overflow of emotion when she told him that their children belonged to her lover and that he's impotent. The Supreme Court upheld his defense of provocation and imposed a term of 15 years imprisonment. In

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 imprisonments and 10 years suspension from driving.

CHARACTER/ NATURE OF THE OFFENDER

In law and rule of evidence, it is a principle that character evidence is inadmissible in law, however, when the character of the accused person is in question the nature of his character becomes admissible. In *R V STATE* The fact that the appellant has been previously convicted for defilement led the court to increase the sentence from 18 months to 5 years imprisonment with hard labor. In *ADEYEYE v STATE* Supra part of the reason advanced for the reinstatement of the earlier penalty was that the accused person had been convicted earlier for an offense. It appears that the court worked on the assumption that anyone with a previous conviction has lost out in terms of mitigating his sentence.

Determinate sentencing, which means the judge sentences the offender to a specific time period, but most states use Indeterminate sentencing, which is when the offender's sentence is identified as a range, rather than a specific time period. An example is one to five years. The principle behind Indeterminate sentences is the hope that prison will rehabilitate some offenders, and that different people respond very differently to punishment while Indeterminate sentencing, the goal is that offenders who show the most progress will be paroled closer to the minimum term than those who do not.

THE POSITION OF THE OFFENDER AMONG HIS CONFEDERATE

Playing a minor role

Those who instigate should get a higher punishment than those instigated. In *ENARO v QUEEN* a case of treasonable felony Enaro was sentenced to 15years by the high court, the Supreme Court reduced the sentence to 5 years because the lieutenant should never have a higher sentence than the leader. The leader got 10 years so the lieutenant should not get a sentence higher .

Playing a Major Role

The Offender who played a major role one the commission of an offense that s usually visited with more severe punishment than those on minor participants. In *STATE v KERENKU* 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.

THE RAMPANCY OF THE OFFENSE

Where an offense Is rampant and prevalent,courts have always thought that severity of punishment imposed will aid in stamping out crime. *STATE v MICHAEL AYEIGBEMI* It was because the courts view in state v Another that robbery on roads and water in recent times had been on increase and disturbing that two participants to the robbery had been sentenced to 2 years imprisonments.

STATUTORY LIMITATION

The punishment for a crime should not exceed that provided by the judicial authority.

Every crime has minimum and maximum limit and the court is expected to dish out sentences that fall within its range .However in some states sexual offenses. Crimes of violence, forgery have no statutory limitation. In *AREMU v IGP* The magistrate court sentenced the accused persons to 2 years imprisonment. Dissatisfied the state appealed to the Supreme Court . The Supreme Court states that it cannot impose punishment more than what the magistrate court imposed.In *QUEEN v EYO& ORS* a case of unlawful assembly the high court sentenced them to 5 years imprisonments on appeal the supreme reduced the sentence to 3years because that was the maximum sentence stipulated by law .

CONCURRENT AND CONSECUTIVE SENTENCING

The general rule is that whenever a court finds an accused person guilty of more than one offense, the sentence should run concurrently. The Supreme Court held this position by saying whenever the offenses are similar or are of similar nature , they should run concurrently.

NWANFO v STATE the accused person was found guilty and sentenced for store breaking and possession of breaking instrument of the same transaction. The Supreme Court held that the sentence should run concurrently because the crimes emanated from the same offense .

I am of the legal opinion that the *nature of the offenses* are all unprovoked and are all actions are extremely evil, wicked and vile .The offender has been found guilty for numerous offenses which the state has been trying to curb and control and these factors will play a large role in his sentencing.It is obvious that this individual is void of desirable *character and behavior patterns* and if left unattended, will continue causing greivous harm to the society. His presence in the society will make the citizens live in fear it is clear that neither men, woman nor children are safe from his diabolical actions.The convict plays a major role in all the crimes he has committed hence deserves to be punished accordingly.Assault, rape, kidnapping, ritual killings, extortion are all *rampant* crimes seeing that he has been found guilty of all these crimes he needs to be punished accordingly to set an example for all those who want to be involved in them.All punishment will be given in accordance with the statutory provisions of the Supreme Court. The Supreme Court stands on the position that whenever the offenses are similar or are of similar nature , they should run concurrently.However, the crimes committed by Evans vary and he will have to serve his punishments consecutively.

The guidelines laid down by the Supreme Court is necessary to ensue rational and consistent sentencing standards . It warrants that sentencing decisions are well reasoned and based on clearly articulated sentencing standards that are consistently used by the judiciary. It promotes uniformity in the judicial proceedings as similar criminal who commit similar offenses will receive similar sentences.Additionally when sentencing is implemented uniformly as under sentencing guidelines,the resulting sentences are fairly predictable and jurisdiction can use that information to

forecast and manage correctional resources. It also makes certain that punishment severity is generally proportionate to the seriousness of the offense while taking into account the unique characteristics of each case. The recommended punishment serves to ensure public safety by ensuring that violent offenders are recommended to prison and the recommended punishments address not only what the offender deserves but also the punishment that will aid the offender's rehabilitation and reintegration with society.