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LEVEL: 300

MATRIC NUMBER: 17/LAW01/267

DEPARTMENT: LAW

COURSE: CRIMINOLOGY II

The supreme court in Mohammedu v. Olawunmi 1993 4WLR PT 348 Act 401 paragraph A, holds as follows, once the court of competent jurisdiction makes a finding of guilt in a criminal or quasi criminal matter a conviction has been made regardless of different sentencing consequent upon it. The sentence of imprisonment or payment of fine emanates from the discretion of the judge, after the finding of guilt and follows logically from the conviction.

*The supreme court has laid down six basic principles/guidelines to is the court in which in a reasonable just and first sentence. They are as follows:*

1. The nature of the offence.

2. Character/nature of the offender.

3. Position of the offender among his confederates.

4. The rampantcy of the offence.

5. Statutory limitation.

6. Concurrent and consecutive sentence.

I shall explain and apply all of this in a seriatim manner in the case of Evans.

The first guideline that would help me in sentencing Evans will be as follows:

1. The nature of the offence :

As a notion to law and practice the nature of the offence committed by a defendant or an accused person who has been found guilty can determine the extent of his punishment.

Adesanya v. The Queen

This was a case of forgery. And the principle was established that only in exceptional cases can a fine be sufficient for appropriate punishment for forgery of court processes. The seriousness of the offence, it's nature, the gravity makes forgery of court processes grievous.

**In the case of Evans the gravity of his offence was grievious considering that he was found guilty of kidnap, assault, defilement of young girls, armed robbery, ritual killing, extortion, obtaining property by false pretense. The nature of the offences committed by Evans makes them grievous which would make his sentencing grievous.**

2. Character/ nature of the record:

As a rule of law and as a rule of evidence, character evidence is in admissible in law however when the character of the accused person is in question the evidence or nature of his character becomes admissible in law.

Adeyeye v. The court (supra)

Part of the reasons advanced for the reinstatement of the 18years penalty was that the accused was convicted earlier of an offence. It would appear that the court worked on the assumption that anyone with a previous conviction has lost out in terms of mitigating the sentence.

In Adeleye and ajibade

In this case the appliance bad character was significant to the restoration of a heavier punishment on him.

R v. The state

The fact that the appellant has been previously convicted for defilement. This led to the court to increase his sentence from 18 months to five years imprisonment and hard labour.

**The character or nature of the record of that person determines if the person was a previous offender or if the person was a one-time offender but in the case of Evans it was already noted that he was a notorious kidnap kingpin and arm robber who has also been involved in a series of assaults rape and defilement of young girls. This shows that Evans is one with an evidence of bad character.**

3. The position of the offender among his confederates:

i) playing a minor role:

Enahoro v. The Queen

In the case of treasonable felony. Enahoro was sentenced to 15 years imprisonment by the high court.The supreme court reduced the sentence to five years saying : a sentence imposed on a lieutenant should never be more than a leader. The gang leader of a gang should be punished more severely than the lieutenant. This is to affirm that does who instigate should get higher punishment than those instigated. In this case the late Awolowo the leader got 10 years sentence, so the lieutenant should not get higher than 10 years. The leader is usually the percenter of the activity, moving force and progenitor of the crime.

ii) playing a major role:

The offender who has played a major role in the commission of a crime is usually visited with more severe punishment than those participating. The above was given judicial recognition in Queen v. Mohammed and others , the first appealant was given a maximum sentence of eight years mprisonment the other participants were given a maximum sentence of five years.

**Evans known to be a notorious kidnap "kingpin "(a kingpin is known as the leader or crime boss of a particular crime) will be imprisoned to a higher sentence than that of his lieutenants. this is because the position of Evans among his confederates is that of a major role.**

**Ihon and another v. The tiv native authority**

The appellant were all involved in a riot in which many animals were maimed and destroyed. they all got sentencing totally six years imprisonment except the 6th appealant who was charged with eight years for being the moving force of the riot.

4. The rampancy of the offence:

Where an offence is rampant or prevalent courts have always thought that the severity of sentence imposed will aid in stamping out the crime.

R v. Hassan and Owolabi

The accused was sentenced to five years by the high court for forgery and 5 years for stealing. The appeal and the supreme court experienced his bills source fraud on the customs a shockingly prevalent and forgery of the commercial documents tribes as the root of all credits were not disposed to reduce the sentence by one day.

**In the case of evans it was held that he was the involved in "series" of assault rape and defilement of young girls and also been apprehended by the police. This reveals that Evans has previous cases of crimes which tends to exhibit the rampancy of his offences.**

Rampancy of the offence is one of the most necessary consideration as it can be a mitigating or aggravating one depending on the offence.

Certain offence have been considered serious in nature for example sexual offences especially when it involves children as victims**.**

**In the application of Evan's case he was known for the defilement of young girls.**

State v. Adegboye

A three-year sentence is imposed on an offender for inserting his finger into the vagina of a little girls age 9 who was hawlking groundnut.

Iko v. State

A taxi driver was sentenced to five years with hard labour for raping a passenger so violently.

**In the case of Evans who was noted for a series of rape and other associated crimes.**

R v. Ozuloke

The appellant meet a little girl age 8 on a village road. He covered her eyes with his hands and stuff bread in her mouth to stop her from crying out, took her into a bush laid her on the ground tied her hand and poured acid on her body and cut off her left ear force her to open her eyes and poured acid into, them he later ran away leaving the little girl unconscious. A 20-year jail sentence was considered adequate. The offence was regarded as being most revolting.

It was known in **the case of Evans that he was allegedly a criminal who defiled young girls.**

5. Statutory limitation:

A criminal statute of limitation is a law that forbids prosecutors from charging someone with a crime that was committed more than a specified number of years ago. The general purpose of statutory limitation is to make conviction or call only upon evidence that has not deteriorated with time. After the period of the statutes has run the criminal is essentially free. Also where the state itself has stipulated terms of imprisonment the court shall not exceed the statutory limit. However not all crimes are governed by the statute of limitating murder. in some states sexual offences with crimes of violence kidnapping arson and forgery have no statutory limitation. many states have adopted systems that classify felonies magisterial and simple felonies.

In essence whenever statute itself stipulates a term of imprisonment no court should exceed its limits.

Queen v. Eyo and others

this was a case of unlawful assembly. The high court sentenced them to five years imprisonment on appeal to the supreme court reduced it to 3 years because that was the maximum sentence stipulated by law.

6. Concurrent and consecutive sentencing:

there are laws governing concurrent and consecutive sentences. When a person is charged and duty of more than one office the sentence should run concurrently. The supreme court held the position by saying whatever the offences are similar or of similar nature they should run concurrently.

**Taking take into consideration Evans don't have committed a series of offences should be sentence concurrently.**

Nwankwo v. The state

Here the accused person was found guilty and sentenced for stop breaking and possession of break-in instruments. The supreme court held that the sentence should run concurrently.

**With regards to the guidelines given bye by the supreme court and Evans being guilty of all charges, he should be sentenced to a death penalty**.

This decision is based on the fact that his sentences to run concurrently based on the fact that his crimes were numerous and the rampancy of his offence was prevalent and also in association with the nature of his offence.