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A sentence is the penalty ordered by the court. Generally, the primary goals of sentencing are punishment, deterrence, incapacitation, and rehabilitation. In some states, juries may be entitled to pronounce sentence, but in most states, and in federal court, sentencing is performed by a judge.

Sentencing means the prescription of the punishment by a court to someone convicted of a crime. Hence, after an accused person or offender has pleaded or has been found guilty during the trial or the prosecution process. The presiding Judge or magistrate enters judgement or conviction and sets date aside sentencing. It is the judgement formerly declaring to the accused person, the legal consequences of the guilt which he has confessed to, or which he has been convicted of. A sentence is a definite order pronounced by the court of competent Jurisdiction at the end of the criminal trial after the filing of guilt against the accused person.

Section 248 of the Criminal Procedure Act provides that if the court finds the accused person, the legal consequences of the guilt which he has confessed to or which he has been convicted of the court shall pass sentence. The fundamental purpose of sentencing is to contribute along with the crime prevention initiatives, the respect of the rule of law and to maintain peaceful and safe society by imposing just sanctions that had one or more of the following objectives.

- A) To denounce unlawful conducts
- B) To deter the offender and other persons from committing the crime again
- C) To separate offenders from society where necessary
- D) To assist in rehabilitating offenders

The Supreme Court has however laid down six basic guidelines to aid courts in reaching just and reasonable sentence.

- 1) The nature of the offense

- 2). Character/nature of the offender
- 3) Position of the offender among his confederates
- 4) The rampancy of the offense
- 5) Statutory limitation
- 6) concurrency of the sentence

1). NATURE OF THE OFFENCE

As a principle of law, the nature of the offense committed by an accused person (the defendant) of which he has been found guilty goes a long way in dictating or determining the extent of his punishment. The law is clear that a person can not be found guilty of an offence which as at the time being committed does not constitute a crime in any written law and its punishment clearly stated.

In addition, Evans who is guilty of kidnapping, armed robbery, rape and defilement of young girls, ritual killing, extortion and obtaining property in false pretence will be sentenced according to the law. The nature of Evans offence are so grievous that he will end up having to spend the rest of his life in prison. In the case of **Adeyeye and others V State**, a case of robbery by violence based by the high court of western court The two appellants were convicted by Fakayode J., in the High Court of the Western State holden at Oshogbo, each on three counts of robbery and sentenced to terms of imprisonment as follows:-

First Accused: 18 years imprisonment with hard labour with 6 strokes of the cane.

Second Accused: 15 years imprisonment with hard labour with 3 strokes of the cane.

On appeal, the western state appeal court reduced the sentence to 10 years. The accused unsatisfied with the decision of the appeal court yet appealed to the Supreme Court . The Supreme Court reinstated the 18years with 3 strokes of cane. The Supreme Court claimed that the sentence of the appeal court was too lenient due to the seriousness of the offence.

2) CHARACTER AND NATURE OF THE OFFENDER

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

For instance, in **Adeyeye V the State**, part of the reasons for the reinstatement of the sentence was that the accused person had been 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 his sentence.

In other words, because of how grievous Evans crimes has been in the past and also couple with the fact that he has committed more than two offenses it's going to affect his sentence in a negative way.

3) POSITION OF THE OFFENDER AMONG HIS CONFEDERATES

In **ENAORO V THE QUEEN**, a case of reasonable felony, ENAORO was sentenced to 15years imprisonment by the High Court. The Supreme Court reduced the sentence saying the lieutenant should never be given a higher sentence than the leader.

Evans is the leader of his confederates and doesn't not stand a chance of having a lower or smaller sentence than his gang. Since he is the gang leader, his sentence will definitely be higher than the rest of his gang members. The leader is usually the epic center of the activities. The moving force of the crimes.

4) THE RAMPANCY OF THE OFFENCE

Where an offence is rampant or prevalent, courts have always thought that the severity of punishment imposed will aid in stamping out the crime. In the case of **R V HASSAN AND OWOLABI**, the accused person was sentenced to 5 years by the High Court for forgery and another five years for stealing. He appealed and the Supreme Court expressed its view.

5) STATUTE OF LIMITATIONS

In some states, sexual offences with minors, crimes of violence, kidnapping, arson, forgery, have no statutory limitations. Many states have adopted systems that classify felonies by category.

Furthermore in Nigeria, there are two types of statutory limitations:

A) Statutory Maximum

2) Magisterial Jurisdiction Limitations

In essence, whenever a statute itself stipulates a term of imprisonment, no court should exceed its limits. **MORDI V COP**, The magistrate court sentenced the accused person to 2 years and the High Court later increased it to 10years. On appeal, the Supreme Court reinstated the earlier imposition of 2 years because that was the limitation of the magistrate court.

6) CONCURRENT AND CONSECUTIVE SENTENCES

There are laws governing the concurrent and consecutive sentences. When a person is charged and found guilty of more than two offences in Nigeria. The general rule is that whenever the court finds the accused person guilty of more than one offence, the sentence should run concurrently. In *NWAFO V STATE*, here the accused person was guilty and sentenced for store breaking and possession of breaking instruments. The Supreme Court held that the sentence should run concurrently because they were crimes emanated from the same offence.

In addition, Evans is guilty of more than one offence and so his sentence shall run concurrently. His sentence will be served at the same time. The purpose of concurrent sentence is to allow the accused person serve all his sentences at the same time.

In conclusion, I am of the legal opinion that these six guidelines listed above will be procedure on the type of sentencing Evans will be given.