

NAME: ADEKUNLE MUYINAT ADEPEJU

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INTRODUCTION

In all criminal trials, where a conviction is secured, the next logical step would be sentencing. Sentencing is a very broad field accommodating different approaches and ideas. It is an exercise of a discretionary power that is little guided in a country such as Nigeria. The term sentence in law refers to punishment that was actually ordered or could be ordered by a trial court in a criminal procedure. The sentence can generally involve a decree of imprisonment, a fine, and/or punishments against a defendant convicted of a crime. The Canadian sentencing commission in 1987 defined sentencing as 'The judicial determination of legal sanctions to be imposed on the person found guilty of an offense'.

A sentence is also defined as a definite order pronounced by a court of competent jurisdiction at the aid of criminal trial after the finding of guilt on a guilty person. **S.248 Of CPA** provides that if the court finds the accused guilty, the court shall pass sentence.

How the Supreme Court arrives at a reasonable sentencing;

1. Nature of the offense
2. The character/ nature/ record of the offender
3. The position of the offender among his confederates
4. Rampancy of the offence
5. Statutory limitation
6. Concurrency of the sentence

NATURE OF THE OFFENCE

As a principle of law and practice, the nature of the offense committed by the defendant of which he has been found guilty goes a long way in dictating the extent of his punishment. The law is clear that a person cannot be found guilty of an offense which as at the time being committed does not constitute a crime in any written law and his punishment clearly stated. All the offenses committed by Evans are being constituted a crime in written law which stated punishments.

In the case of **ADEYEYE & ORS V STATE**, a case of robbery by violence tried by the high court of the western state imposed an 18years imprisonment sentence on the accused. On appeal, the western state appeal court reduced it to 10years, the accused unsatisfied with the decision of

the appeal court yet appealed to the Supreme Court which reinstated the 18years and 3 strokes of cane. The Supreme Court stated that sentence of appeal court was too lenient cause of the seriousness of the offense.

Also, the case of **ETIM V THE QUEEN (1964)**, manslaughter i.e unintended homicide either by provocation murder or automobile homicide. In the case of the later, there is a tendency of the court to impose slight punishments as opposed to provocation murder.

CHARACTER/ NATURE/ RECORD OF THE OFFENDER

As a principle of law and as a rule of evidence, character evidence is inadmissible in law however when the character of the accused is in question. The evidence of his character becomes admissible in law. **ADEYEYE V STATE (SUPRA)**. In **ADELEYE V AJIBADE** the appellants' bad character was significant in the restoration of a heavier punishment on the term. Also in **R v State** the fact that the appellant had been previously convicted for defilement. This led the court to increase the sentence from 18months to 5years with hard labor. Evans has been involved in so many criminal activities and so deserves appropriate and severe sentencing in accordance to the provided laws.

Position of the offender amongst his confederates; when the offender plays 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 convicted with minor crimes. In **QUEEN V MOHAMMED & ORS** while the first appellant who was the leader was given a maximum sentence of 8years, the others were given a maximum of 5years. In this case, Evans seems to be the only one without confederates and so his punish will be severe and appropriate.

RAMPANCY OF THE OFFENCE

Where an offense is rampant or prevalent, courts have always thought that severity of sentences imposed will air in stamping out the crime. Rampancy of the offense is one of the most necessary consideration as it can be a mitigating factor depending on the offense. Certain offenses have been considered as serious in nature, for example; sexual offenses when it involves children. In **STATE V ADEGBOYE** a jail term was imposed on an offender for inserting his finger into the vagina of a 9years old girl who was hawking groundnut. Also in **IKO V THE STATE**, a taxi driver was sentenced to 5years imprisonment with hard labor for raping a passenger so violently which is considered of a serious nature. Similarly, in **R V OZULOKE** when he met a little girl aged 8years in the village. He covered her eyes with his hands and stuffed bread into her mouth

to stop her from crying and took her into the bush, poured acid on her body and cut off her left ear. The 20years sentence was considered adequate because the offense was regarded as being revolting.

STATUTE OF LIMITATION

A 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 main purpose of these laws is to ensure that convictions are based upon evidence (physical or eyewitness) that has not deteriorated with time. Common law legal systems can include a statute specifying the length of time within which a claimant or prosecutor must file a case. The charges which Evans is being accused of are recent cases which are being based upon evidence and proper investigation by the police.

CONCURRENT AND CONSECUTIVE SENTENCES

When sentences run concurrently, defendants serve all the sentences at the same time. Consecutive sentences. When sentences run consecutively, defendants have to finish serving the sentence for one offense before they start serving the sentence for any other offense. Evans has been found guilty of all the charges brought against him including kidnapping, armed robbery, rape, defilement, ritual killing extortion and obtaining property by false pretense and he can either serve all concurrently or consecutively.

CONCLUSION

In conclusion, being the sentencing judge, Mr Evans will be liable to receive a harsher sentence because with regard to the guidelines provided by the Supreme Court, it will obviously enable a harsher sentencing for the accused.