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CRIMINOLOGY ASSIGNMENT

Sentencing can be defined as the prescription of a punishment by a court to someone convicted of a crime. According to the Canadian Sentencing Commission 1987, Sentencing can be defined as a judicial determination of legal sanctions to be imposed on a person found guilty of an offense.

In the case of **Ichi vs. State 1996**, it was held that a sentence is a judgment formally pronounced by the court or a judge upon an accused after his conviction in his criminal prosecution, imposing the punishment to be inflicted.

As a Presiding Judge in the High Court, the things that will guide me in sentencing Evans as laid down by the Supreme Court are;

-Nature of the offense

This goes a long way in determining the extent of his punishment. A person cannot be found guilty of an offense which at the time it was committed didn't constitute a crime in any written law and its punishment stated. The seriousness of the offense, the gravity of it determines how grievous the punishment will be.

-Character/Nature of the Offender

The evidence of character is not relevant in law. However, when the character of the accused is in question, the evidence of his character becomes relevant and worthy. If the accused has been convicted of an offense earlier, the court will not try to mitigate the sentence.

-The Position of the Offender among his Confederates

That is the role the offender plays in the crime. It could be major and it could be minor. Those who play a minor role shouldn't be given the same punishment as those who instigate the crime or criminal activity. But the offender who played a major role in the commission of a crime should be severely punished than the minor participants.

-The Rampancy of the Offense

If an offense is rampant or prevalent, the severity of sentences imposed will aid in stamping out the crime and the courts believe so. It is very necessary because rampancy can be a mitigating factor or an aggravating one depending on the offense. The court will take such sentencing seriously, since it is rampant and will serve as an example for prospective offenders. Especially sexual offenses that are considered serious in nature. Gravity of an offense can be likened to rampancy of an offense at times and if an offense is considered both rampant and grievous, the court is likely to impose a heavier punishment with the aim of stamping out such crime in the society.

-Concurrency of the Sentence

When a person is found guilty of more than one offense, the general rule is that the sentences should run concurrently. The Supreme Court held this position by saying 'Whenever the offenses are of similar nature or disposition, they should run concurrently especially if they are emanating from a similar transaction'.

-Statutory Limitation

A statute of limitation is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated. The general purpose is to make sure convictions occur only upon evidence that has not deteriorated its time because after the period of the statute has run, the criminal is essentially free.

However, not all crimes are governed by the statute of limitation. For example, murder, kidnapping, arson and crimes of violence in some states have no statutory limitation.

In conclusion, the above guidelines will in fact aid any Judge to sentence an offender accordingly. Especially since Evans has been found guilty of all the charges brought against him. This will lead to a just and fair sentence.