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The Nigerian governmental system has made it to ensure that every person who have been found guilty of any crime put against him shall be sentenced by the judge in the court. Criminal justice system in Nigeria commences with the commission of a crime and continues with subsequent intervention by the law enforcement agencies. The system has the power to arrest, arraign, sentence and punish an offender accordingly. The criminal trial usually involves the state with the offender who has been alleged of committing a crime as seen above in the given case of Evans.

Sentencing means the prescription of punishment by a court to someone convicted of an offence hence after an accused person as pleaded guilty or has been found guilty during the trial or prosecution, the presiding judge or magistrate then enters judgement or conviction.

In Nigeria those who have been previously convicted in criminal case would usually attract more punishment unlike first time offenders and time vice versa. The supreme court has laid down six(6) basic principles or guidelines to aid court in reaching reasonable, just and fair sentence;

1. First, the nature of the offence
2. Character/ nature of the offender
3. The position of the offender among his confederates
4. The rampancy of the offence
5. Statutory limitation

## 6. Concurrency of the sentence

### 1. **Nature of the offence:**

As a principle of the law and practice, the nature of the offence committed by an accused in this case Evans of which he has been found guilty goes a long way in dictating/determining the extent of his punishment. The law is clear that a person cannot 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 the above case of Evans, a notorious kidnap kingpin and armed robber, who has also been involved in series of assault, rape and defilement of young girls. This series of nature of offence would amount to a serious case of punishment. In the case of Adeyeye and others V State, a case of robbery similar to Evans case the court imposed a sentence of 18yrs on the accused person on a appeal, the western state appeal court reduced the sentence to 10yrs. The accused person unsatisfied with the decision of the appeal court yet appealed to the supreme court. The supreme court reinstated 18yrs with 3 strokes of cane. The supreme court stated that the sentence of appeal court was too lenient, because of the seriousness of the offence.

In the above case which constituted the nature of offence of kidnapping, rape, and armed robbery, should be able to attract life imprisonment on an offender in this case Evans

### 2. **Character/ nature of the offender:**

As a principal of law and a rule of evidence, character evidence or evidence of character is inadmissible in law. However, when the character of the accused person is in question the nature/evidence of his character becomes admissible in law. This guideline stated by the supreme court is very essential in sentencing an offender after he has been convicted for an offence. In the case of Evans, its stated that he was been found severally for committing series of offence like kidnapping and rape also includes armed robbery.

When sentencing an offender, the court looks at the character of the offender, if he is a first time offender or not. In the case of Evans its seen that he is not a first time offender, meaning that in this case he would attract more punishment than a first time offender.

In the case of Adeyeye V The state supra part of the reasons advanced for the reinstatement of the earlier penalty(18 years) was that the accused person as been convicted earlier of an offence. It would appear, that the court worked on the assumption that anyone with a previous convicted has lost out in terms of mitigating his sentence

The case of R V State, the fact that the appellant had been previously convicted had been previously convicted for defilement this led the court, to increase the sentence from 18months to 5 years imprisonment with hard labour

### **3. The position of the offender among is Confederate**

This is when the offender plays a minor role. This guideline stated by the supreme court is divided into minor roles and major roles. In the case of Enaoro V The Queen a case of treasonable felony, the defendant was sentenced to 15 years imprisonment by the high court. The supreme court reduced the sentence to 5 years imprisonment and said the sentence imposed on the defendant should never be more than the leader. The leader of the gang should be punished more severely than the defendant. In that case the leader got sentenced to 10years meaning that the defendant should not get above 10years imprisonment.

Playing a major role

The offender who has played a major role in committing an offence would always have more punishment put upon him by the court compared to those he had inflicted the offence one. In the case of Evans he had been seen to be found commenting the offence of kidnapping and armed robbery, now while committing this crime he might not have been the only offender committing the crime, but since he inflicted others to commit the crime he would be seen as the leader of the gang meaning that he would have more punishment given to him compared to the others. In the case of queen V Mohammed and others while the first appellant who was the leader was given a maximum sentence of 8 years of an imprisonment the other parties were given a maximum sentence of 5 years imprisonment. Also in the case of the state V karenku 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.

When sentencing Evans after he has been found guilty of committing the offence put against him. This guideline would be put into consideration when sentencing him after his conviction.

#### 4. The rampancy of the offence

The offence of armed robbery, rape and kidnapping committed by Evans are serious offenses against the law of the state that would put any offender in prison for not less than 20 years.

In the case of R V Hassom and owolabi; the accused person was sentenced to 5years by the high court for forgery and another five years for stealing. He appealed and the supreme court expressed its view that this fraud on the customers is shocking prevalent and forgery of the commercial documents strikes at the root of all credit we are not disposed to reduce the sentence by one day. Another case of State V Michael Ayegbemi it was also because the court view in state V another that robbery on roads and water in recent times had been on increase and disturbing that 2 parties to the robbery were sentenced to 20 year

s imprisonment

Evans being found of committing the offence of defilement, rape, ritual killing extortion and armed Robbery are serious offence against the laws of the state that the court would sentence Evans according to the offence committed.

#### 5. Statutory limitations

A **statute of limitations** is a law passed by a legislative body to set the maximum time after an event within which legal proceedings may be initiated. When the time specified in a statute of limitations passes, a claim might no longer be filed or, if filed, may be subject to dismissal if the defense against that claim is raised that the claim is time-barred as having been filed after the statutory limitations period. When a statute of limitations expires in a criminal case, the courts no longer have jurisdiction. Most crimes that have statutes of limitations are distinguished from serious crimes as these may be brought at any time. In some states in Nigeria offence like kidnapping, sexual offence and violence do not have any statutory limitations. In Nigeria we have two kinds of statutory limitations

- a) Statutory maximum
- b) Magisterial jurisdiction limitation

In Essence when ever a statutes stipulates a term of imprisonment no court should exceed its limit. In the case of Aremu V IGP the magistrate court sentenced an offender to 2 years imprisonment but the state were dissatisfied. They then appealed to the supreme court, the supreme court then stating that they cannot exceed the 2 years imprisonment sentenced by the magistrate court.

Evans who have been accused of extortion and sexual offenses constituting rape and defilement which all constitute felony offenses should have a statutory limitations of not less than 3 years and with a punishment of death penalty or imprisonment

#### 6, concurrent and consecutive sentencing

**Concurrent 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.

If a defendant is convicted of a number of crimes that carry lengthy prison terms, the difference between consecutive and concurrent sentences can be tremendous. The same factors that judges tend to consider when deciding on the severity of a sentence (for example, a defendant's past record) also affect their decisions on whether to give concurrent or consecutive sentences. Some criminal statutes, however, require that the sentence for the crime in question be served consecutively to any other crime committed in the same incident.

There are laws governing concurrent and consecutive sentencing. When ever a person is found guilty of more than two offenses in Nigeria, the general rule is that whenever the court finds an accused guilty for more than two offenses the sentence should run concurrently. Like seen in the case of Evans, he is been alleged for the crime of extortion, armed robbery, rape and kidnapping. He was found guilty for all the offenses committed by him then he would be tried concurrently by the court.

After putting all the guidelines in which the supreme court have stated for court in sentencing an offender. The judge would there for put all the guidelines into consideration when sentencing an offender. Evans who have been convicted for the offenses of kidnapping, rape, extortion, defilement of young girls and armed robbery should be sentenced to imprisonment. Looking at it from the guidelines provided by the supreme court. Evans is not a first time offender so shouldn't have any sentenced reduced and the nature of the offence in which he had committed is a serious offence against the laws of the state.