



EDO STATE COURTS (SENTENCING GUIDELINES FOR OFFENCES AGAINST THE STATE, PERSON, PUBLIC ORDER, MORALITY, HOMICIDE, PROPERTY AND CORRUPTION) PRACTICE DIRECTIONS, 2019

TABLE OF CONTENTS

| <i>Order</i> | <i>Rule</i> | <i>Subject Matter</i> |
|---------------------|--------------------|---|
| 1. | | APPLICABILITY, SCOPE, OBJECTIVE, GUIDING PRINCIPLES AND ESTABLISHED PROCEDURAL STEPS |
| | 1. | Applicability and Scope of the Practice Direction |
| | 2. | Objective of the Practice Direction |
| | 3. | Guiding Principles in Sentencing |
| | 4. | Procedural Steps for Sentencing |
| 2. | | OFFENCES AGAINST THE STATE |
| | 1. | Determining whether discretionary or non-discretionary punishment |
| | 2. | Determining the offence category (culpability and harm categories) |
| | 3. | Starting point and category range |
| | 4. | Adjustment based on aggravating and mitigating factors for offences against the State |
| | 5. | Consideration of guilty plea and potential reduction of sentence |
| | 6. | Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | 7. | Compensation, restitution, restoration and ancillary orders |
| | 8. | Consideration of period spent in custody or remand |
| | 9. | Reasons for sentence |
| 3. | | OFFENCES AGAINST PERSON |
| | 1. | Determining whether discretionary or non-discretionary punishment |
| | 2. | Determining the offence category (culpability and harm categories) |
| | 3. | Starting point and category range |
| | 4. | Adjustment based on aggravating and mitigating factors for offences against person |
| | 5. | Consideration of guilty plea and potential reduction of sentence |
| | 6. | Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | 7. | Compensation, restitution, restoration and ancillary orders |
| | 8. | Consideration of period spent in custody or remand |
| | 9. | Reasons for sentence |
| 4. | | OFFENCES AGAINST PUBLIC ORDER |
| | 1. | Determining whether discretionary or non-discretionary punishment |
| | 2. | Determining the offence category (culpability and harm categories) |
| | 3. | Starting point and category range |
| | 4. | Adjustment based on aggravating and mitigating factors for offences against public order |
| | 5. | Consideration of guilty plea and potential reduction of sentence |
| | 6. | Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | 7. | Compensation, restitution, restoration and ancillary orders |

| Order | Rule | Subject Matter |
|--------------|--|---|
| | | 8. Consideration of period spent in custody or remand |
| | | 9. Reasons for sentence |
| 5. | OFFENCES AGAINST MORALITY | |
| | | 1. Determining whether discretionary or non-discretionary punishment |
| | | 2. Determining the offence category (culpability and harm categories) |
| | | 3. Starting point and category range |
| | | 4. Adjustment based on aggravating and mitigating factors for offences against morality |
| | | 5. Consideration of guilty plea and potential reduction of sentence |
| | | 6. Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | | 7. Compensation, restitution, restoration and ancillary orders |
| | | 8. Consideration of period spent in custody or remand |
| | | 9. Reasons for sentence |
| 6. | HOMICIDE RELATED OFFENCES | |
| | | 1. Determining whether discretionary or non-discretionary punishment |
| | | 2. Determining the offence category (culpability and harm categories) |
| | | 3. Starting point and category range |
| | | 4. Adjustment based on aggravating and mitigating factors for homicide related offences |
| | | 5. Consideration of guilty plea and potential reduction of sentence |
| | | 6. Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | | 7. Compensation, restitution, restoration and ancillary orders |
| | | 8. Consideration of period spent in custody or remand |
| | | 9. Reasons for sentence |
| 7. | OFFENCES AGAINST PROPERTY | |
| | | 1. Determining whether discretionary or non-discretionary punishment |
| | | 2. Determining the offence category (culpability and harm categories) |
| | | 3. Starting point and category range |
| | | 4. Adjustment based on aggravating and mitigating factors for offences against property |
| | | 5. Consideration of guilty plea and potential reduction of sentence |
| | | 6. Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | | 7. Compensation, restitution, restoration and ancillary orders |
| | | 8. Consideration of period spent in custody or remand |
| | | 9. Reasons for sentence |
| 8. | CORRUPTION AND RELATED OFFENCES | |
| | | 1. Determining whether discretionary or non-discretionary punishment |
| | | 2. Determining the offence category (culpability and harm categories) |
| | | 3. Starting point and category range |
| | | 4. Adjustment based on aggravating and mitigating factors for corruption and related offences |
| | | 5. Consideration of guilty plea and potential reduction of sentence |
| | | 6. Multiple offences, serving, concurrent or consecutive sentence (totality principle) |
| | | 7. Compensation, restitution, restoration and ancillary orders |
| | | 8. Consideration of period spent in custody or remand |
| | | 9. Reasons for sentence |
| 9. | GENERAL PROVISIONS | |
| | | 1. Interpretation |
| | | 2. Citation |

The Schedules



EDO STATE COURTS (SENTENCING GUIDELINES FOR OFFENCES AGAINST THE STATE, PERSON, PUBLIC ORDER, MORALITY, HOMICIDE, PROPERTY AND CORRUPTION) PRACTICE DIRECTIONS, 2019

In exercise of the powers conferred on me by sections 274 and 315 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), section 490 (f) and (g) of the Administration of Criminal Justice Law of Edo State 2016 and all other powers enabling me in that behalf, I, **Honourable Justice Esohe Frances Ikponmwen**, the Honourable Chief Judge of Edo State, hereby make the following Practice Directions for all Courts of criminal jurisdiction in Edo State

ORDER 1

APPLICABILITY, SCOPE, OBJECTIVE, GUIDING PRINCIPLES AND ESTABLISHED PROCEDURAL STEPS

1. Applicability and Scope of the Practice Direction

(1) This Practice Direction shall, save to the extent as may otherwise be ordered by the Honourable Chief Judge, apply to -

- (a) sentencing in offences against the State, person, public order, morality, homicide, property and corruption related offences which include but are not limited to offences listed in Eighth to Fourteenth Schedules of this Practice Direction; and
- (b) all state courts exercising criminal jurisdiction in Edo State.

(2) The statutory and inherent discretion conferred on a Court to determine and impose sentences is not derogated from but shall be exercised in accordance with the guidelines in this practice direction.

(3) This guideline shall not be applied to any person below 18 years of age and where there is doubt as to whether the defendant or convict has attained the age of eighteen, the court shall resolve the doubt in favour of such defendant or convict.

2. Objective of the Practice Direction

The objective of this Practice Direction is to set out the appropriate standards and guideline for the sentencing process in offences against the State, person, public order, morality, homicide, property and corruption related offences, for the purpose of ensuring reasonable uniformity and fairness in sentencing in Edo State.

3. Guiding Principles in Sentencing

In determining the sentence to be imposed on a convict, the court shall take into consideration the following principles and factors-

- (a) The objectives of sentencing which are-

(i) prevention, that is, the objective of persuading the convict to give up committing offence in the future, because the consequences of crime is unpleasant;

(ii) restraint, that is, the objective of keeping the convict from committing more offence by isolating him from society;

(iii) rehabilitation, that is, the objective of providing the convict with treatment or training that will make him into a reformed citizen;

(iv) deterrence, that is, the objective of warning others not to commit offence by making an example of the convict;

(v) education of the public, that is, the objective of making a clear distinction between good and bad conduct by punishing bad conduct;

(vi) retribution, that is, the objective of giving the convict the punishment he deserves, and giving the society or the victim revenge; and

(vii) restitution, that is, the objective of compensating the victim or family of the victim of the offence.

(b) The interest of the victim, the convict and the community.

(c) Appropriateness of non custodial sentence or treatment in lieu of imprisonment.

(d) Necessary aggravating and mitigating evidence or information.

(e) A trial court shall not pass the maximum sentence on a first offender except in a mandatory sentence.

(f) Sentencing to a term of imprisonment shall apply only to those offenders who should be isolated from society and with whom other forms of punishment have failed or are likely to fail. This shall be determined in accordance with the sentencing guidelines in this Practice Direction.

(g) The need to treat each case on its own merit.

4. Procedural Steps for Sentencing

(1) Before considering the sentence to be imposed on a convict after conviction, the court shall conduct a sentencing hearing as follows-

(a) The convict shall be asked if he wishes to call any witness as to character or any other fact in mitigation of punishment if such fact had not previously been adduced in evidence at the trial.

(b) Any witness called by the convict shall be subject to the general rules of evidence relating to the examination of witnesses including examination-in-chief, cross examination and re-examination.

(c) After such witness, if any, has been called, the convict shall be asked if he desires to make any statement or produce any evidence or information in mitigation of punishment.

(d) The prosecutor shall thereafter, if desired, call witnesses or produce evidence including evidence of previous convictions in rebuttal of any fact or evidence adduced by or on behalf of the convict in mitigation of punishment unless such evidence had already been given.

(e) Any witness called by the prosecution shall be subject to the general rules of evidence relating to the examination of witnesses including examination-in-chief, cross examination and re-examination.

(f) The court may then pass sentence on the convict or adjourn to consider and determine such sentence provided that any sentence pronounced shall be determined in accordance with this Practice Direction or any other Practice Direction on Sentencing Guidelines issued from time to time by the Chief Judge.

(g) The sentence shall be announced in open court and a reason given for the sentence.

(2) In determining the sentence to be imposed on the convict after the sentencing hearing, the court shall be guided by the nine procedural steps specified in the relevant order in this Practice Direction.

ORDER 2

OFFENCES AGAINST THE STATE

1. Determining whether discretionary or non-discretionary punishment

(1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.

(2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.

(3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category for offences against the state (Culpability and harm categories)

(1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2(2) and (3) of this order.

(2) In the case of offences against the State, culpability is determined as follows -

(a) Category 1 – high culpability, is demonstrated by one or more of the following -

- (i) prolonged activity;
- (ii) the use of weapon;
- (iii) type of weapon used;
- (iv) injury to person(s);
- (v) damage to property;
- (vi) grave risk of death to person(s);
- (vii) grave risk to national security;
- (viii) a significant degree of premeditation;
- (ix) leading role in the commission of the offence;
- (x) death resulting from act;
- (xi) significant impact on the people;
- (xii) rampant nature of the offence;
- (xiii) target of vulnerable persons; and
- (xiv) intimidation of potential witnesses.

(b) Category 2 – Low culpability, is demonstrated by one or more of the following -

- (i) subordinate role in the commission of the offence;
- (ii) lack of premeditation;
- (iii) severe mental or emotional disturbance;
- (iv) impaired capacity where convict was under duress, regardless of whether the capacity was so impaired as to constitute a defence to the charge;
- (v) voluntary disclosure of the offence; and
- (vi) willingness to assist in arresting and prosecuting other offenders.

(3) In the case of offences against the state, harm is determined as follows:

(a) Category 1 - Serious harm, is demonstrated by any one or more of the following -

- (i) the convict caused serious injury to another person during the commission of the offence;
 - (ii) where the convict in commission of the offence created a grave risk of death to another; and
 - (iii) in the commission of the offence, the convict knowingly created grave risk of substantial danger to the national security.
- (b) Category 2 – Substantial harm, is demonstrated by any one or more of the following -
- (i) public welfare;
 - (ii) coercion and duress;
 - (iii) voluntary disclosure of the offence;
 - (iv) serious but not permanent injury;
 - (v) little or significant assistance in the commission of the crime.
- (c) Category 3 – Limited harm, is demonstrated by one or more of the following:
- (i) injury caused in the commission of the act is less serious in the content of the offence;
 - (ii) the offence was occasioned by the grossly offensive behaviour of some other person; and
 - (iii) the act has no impact on the peace, security of the State.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the table of starting point and category range specified in the First Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point set out in the First Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2 (2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for offences against the State

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the First Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences against the State -
- (i) previous conviction, having regard to the nature of the offence to which the conviction relates, its relevance to the current offence and the time that has elapsed since the conviction;

- (ii) playing leading role in the planning or organizing of the activity;
- (iii) causing death;
- (iv) prior treason offence – the convict has previously been convicted of another offence involving treason for which a sentence of either life imprisonment or death was authorized by law;
- (v) higher position in the society;
- (vi) where the convict exploited some other person's vulnerable position or other person's special difficulties in protecting himself;
- (vii) where the convict induced another person to take part in the crime by coercion, deceit or misuse of the person's youthfulness, lack of understanding or convict status;
- (viii) where a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, colour, national or ethnic origin, religious belief or other similar circumstances;
- (ix) where motivated by remuneration or any pecuniary gain;
- (x) in the commission of the offence the convict knowingly created grave risk of substantial danger to the national security;
- (xi) in the commission of the offence the convict knowingly created a grave risk of death to another person;
- (xii) disruption of governmental function;
- (xiii) extreme conduct;
- (xiv) extreme psychological injury;
- (xv) property damage or loss;
- (xvi) commission of the offence while wearing or displaying unauthorized or counterfeit insignia or uniform;
- (xvii) no remorse shown;
- (xviii) post offence bad conduct;
- (xix) nature of the articles;
- (xx) vile remarks by the convict;
- (xxi) that the offence involved actual or threatened violence or the actual or threatened use of a weapon;
- (xxii) that the offence involved unlawful entry into, or unlawful presence in a dwelling place;
- (xxiii) that the offence was committed while the convict was on bail or still subject to a sentence;
- (xxiv) the extent of any loss, damage, or harm resulting from the offence;
- (xxv) particular cruelty in the commission of the offence;
- (xxvi) that the convict was abusing a position of trust or authority in relation to the victim;
- (xxvii) that the victim was a military, police, immigration, or prison officer, or other law enforcement officers acting in the course of his duty;
- (xxviii) that the victim was an emergency health or fire services provider acting in the course of his duty at the scene of an emergency;
- (xxix) that the victim was particularly vulnerable because of his age or health or because of any other factor known to the convict;
- (xxx) that the convict committed the offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as race, colour, nationality, religion, gender identity, sexual orientation, age, or disability;
- (xxxi) premeditation on the part of the convict and, if so, the level of premeditation involved;
- (xxxii) the number, seriousness, date, relevance, and nature of any previous convictions of the convict and of any convictions for which the convict is being sentenced or otherwise dealt with at the same time;
- (xxxiii) any failure by the convict personally or failure by the convict's lawyer arising out of the convict's instructions to, or failure or refusal to co-operate with his lawyer to comply with a procedural requirement that, in the court's opinion, has done either or both of the following -
 - (a) caused a delay in the disposition of the proceedings; or
 - (b) had an adverse effect on a victim or witness; or

(xxxiv) fund acquired through illegal means.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of offences against the State -

- (i) absence of previous conviction/being a first offender;
- (ii) where offence was committed under significant coercion or provocation;
- (iii) convict's conduct resulted from a significant lack of capacity for judgment;
- (iv) guilty pleas;
- (v) assisting the police to apprehend other offenders;
- (vi) an offer to make amends or apology to the State;
- (vii) any remorse shown by the convict;
- (viii) severe illness or aged – likely result to death of the convict before release;
- (ix) where convict suffers from any form of disability which may mean that imprisonment is an extraordinary hardship;
- (x) impaired capacity – the convict was under unusual and substantial duress, regardless of whether the capacity was so impaired as to constitute a defence to the charge;
- (xi) minor participation or limited involvement in the offence on the convict's part;
- (xii) where convict committed the offence under severe mental or emotional disturbance;
- (xiii) sole or breadwinner for dependant relatives;
- (xiv) assistance in apprehending other convict or convicts;
- (xv) the age of the convict;
- (xvi) the conduct of the victim;
- (xvii) that the convict has, or had at the time the offence was committed, diminished intellectual capacity or understanding;
- (xviii) that the convict has taken steps during the proceedings (other than steps to comply with procedural requirements) to shorten the proceedings or reduce their cost;
- (xix) any adverse effects on the convict of a delay in the disposition of the proceedings caused by a failure by the prosecutor to come with a procedural requirement; or
- (xx) any evidence of the convict's previous good character.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (3) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

(1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

(2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence imposed.

ORDER 3

OFFENCES AGAINST PERSON

1. Determining whether discretionary or non-discretionary punishment

(1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.

(2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.

(3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category for offences against person (Culpability and harm categories)

(1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2(2) and (3) of this order.

(2) In the case of offences against person, culpability is determined as follows -

(a) Categories 1 – High culpability, is demonstrated by one or more of the following:

- (i) sustained or repeated assault on the same victim by the same accused or a group or gang of accused;
- (ii) significant degree of premeditation;
- (iii) use of weapon or weapon equivalent, for instance, iron rod, head butting, use of acid, use of animal or any harmful substance;
- (iv) deliberately causes more harm than is necessary for commission of offence;
- (v) deliberate targeting of vulnerable victim;
- (vi) leading role in group or gang;
- (vi) abduction or detention;
- (vii) threats to prevent victim from reporting the incident; or
- (viii) evidence show that the offence was committed in the presence of a child.

(b) Category 2 – Low culpability, is demonstrated by one or more of the following:

- (i) lack of premeditation;
- (ii) subordinate role in group or gang;
- (iii) greater degree of provocation than normally expected; or
- (iv) mental disorder or learning disability, where linked to the commission of offence.

(3) In the case of offences against person, harm is determined as follows:

(a) Category 1 – Serious harm, culpability is demonstrated by any one or more of the following -

- (i) on-going effect on victim;
- (ii) offence committed against those working in the public sector or providing a service to the public;
- (iii) established evidence of society impact;

- (iv) where it results in death;
 - (v) where it results in pregnancy (in sexual offences);
 - (vi) where it results in break-up of marriage in case of a married couple;
 - (vii) sustained or repeated assault on the same victim by the same offender or a group or gang of offenders;
 - (viii) deliberate targeting of vulnerable victim; or
 - (ix) offender is aware that he or she is suffering from a sexually transmitted disease.
- (b) Category 2 – Substantial harm, culpability is demonstrated by any one or more of the following -
- (i) serious medical condition requiring urgent, intensive or long term treatment;
 - (ii) significant psychological trauma;
 - (iii) social stigma on victim; or
 - (iv) significant impact on persons giving service to the public.
- (c) Category 3 – Limited harm, culpability is demonstrated by limited impact on victim.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the table of starting point and category range specified in the Second Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point set out in the Second Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2 (2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for offence against person

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Second Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences against the person -
- (i) location of the offence;
 - (ii) timing of the offence;
 - (iii) ongoing effect upon the victim;
 - (iv) offence committed against those working in the public sector or providing a service to the public;
 - (v) presence of others including relatives, especially children or partner of the victim;
 - (vi) offence based on factors of discrimination such as religion, tribe, sexual;
 - (vii) offence motivated by or demonstrating hostility to the victim based on the victim's disability or presumed disability;

- (viii) gratuitous degradation of victim;
- (ix) in domestic violence cases, victim forced to leave their home.;
- (x) failure to comply with current court orders;
- (xi) an attempt to conceal or dispose of evidence;
- (xii) failure to respond to warnings, Police cautions and binding over proceedings or concerns expressed by others about the accused person's behaviour.;
- (xiii) commission of offence whilst under the influence of alcohol or drugs;
- (xiv) exploiting contact arrangements with a child to commit an offence;
- (xv) previous violence or threats to the same victim;
- (xvi) established evidence of community impact;
- (xvii) any steps taken to prevent the victim from reporting an incident, or obtaining assistance or assisting or supporting the prosecution;
- (xviii) previous convictions taken into consideration; or
- (xix) abuse of power, position of authority or trust.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of offence against person -

- (i) there is no previous convictions or no relevant recent conviction/ being a first offender;
- (ii) convict shown remorse;
- (iii) good character or exemplary conduct;
- (iv) determination or demonstration of steps taken to address addiction or offending behaviour;
- (v) isolated incident;
- (vi) lack of maturity where it affects the responsibility of the convict;
- (vii) lapse of time since the offence was committed where this is not the fault of the convict.
- (viii) mental disorder or learning disability; or
- (ix) where the convict is found to be the sole or breadwinner for dependent relatives.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

- (1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part

32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

(2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence imposed.

ORDER 4

OFFENCES AGAINST PUBLIC ORDER

1. Determining whether discretionary or non-discretionary punishment

(1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.

(2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.

(3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category for offences against public order (Culpability and harm categories)

(1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2(2) and (3) of this order.

(2) In the case of offences against public order, culpability is determined as follows -

(a) Categories 1 – High culpability, is demonstrated by one or more of the following -

- (i) group action;
- (ii) use of threat or violence for common purpose;
- (iii) prolonged activity;
- (iv) caused fear for personal safety or injury to persons;
- (v) damage to property;
- (vi) risk to national security;
- (vii) death resulting from the act;
- (viii) use of weapon;
- (ix) target being vulnerable person; or
- (x) intimidation of potential witness.

(b) Category 2 – Low culpability, is demonstrated by one or more of the following -

- (i) no injuries was caused;
- (ii) offence stopped as soon as law enforcement officers arrived;
- (i) convict show remorse;
- (iv) lack of maturity where it affects the responsibility of the convict;
- (v) convict played subordinate role in the commission of the offence;
- (vi) there was limited damage or disturbance to property;
- (vii) lack of premeditation;
- (viii) absence of severe mental or emotional disturbance; or
- (ix) voluntary disclosure of the offence.

(3). In the case of offences against public order, harm is determined as follows:

(a) Category 1 - Serious harm, is demonstrated by any one or more of the following -

- (i) inflict grievous bodily harm on a person;
- (ii) damage to property;
- (iii) gave risk of death; or

- (iv) grave risk to national security.
- (b) Category 2 – Substantial harm, is demonstrated by any one or more of the following -
 - (i) chaos;
 - (ii) significant psychological trauma;
 - (iii) theft of or damage to property causing a significant degree of loss to economic, commercial, sentimental, or personal value; or
 - (iv) coercion and duress.
- (c) Category 3 – Limited harm, is demonstrated by one or more of the following –
 - (i) nothing was stolen or destroyed;
 - (ii) limited damage or disturbance to the property; or
 - (iii) act has no impact on the peace, security of the State.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the table of starting point and category range specified in the Third Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point set out in the Third Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2 (2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for offence against public order

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Third Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences against public order -
 - (i) use of weapon;
 - (ii) injuries and high level damage caused;
 - (iii) large group actions ;
 - (iv) people put in fear of personal safety;
 - (v) actual or potential escalation into violence;
 - (vi) threats;
 - (vii) damage to property;
 - (viii) targeted vulnerable persons;
 - (ix) throwing of objects;
 - (x) previous conviction;

- (xi) fighting between rival groups;
- (xii) busy public place; or
- (xiii) prolonged activity.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of offence against public order -

- (i) spontaneous violence;
- (ii) provocation;
- (iii) remorse particularly evidence by restitution or reparation to victims;
- (iv) impulsive action;
- (v) no previous conviction/ being a first offender;
- (vi) stopped as soon as the law enforcement arrived;
- (vii) did not start the trouble;
- (viii) crime occasioned by offensive behavior of some other person;
- (ix) peaceful assembly with no violence;
- (x) small group;
- (xi) people not put in fear; or
- (xii) was coerced into membership of unlawful society by means of threat to life.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

- (1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.
- (2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence imposed.

ORDER 5

OFFENCES AGAINST MORALITY

1. Determining whether discretionary or non-discretionary punishment

(1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.

(2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.

(3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category for offences against morality (Culpability and harm categories)

(1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2(2) and (3) of this order.

(2) In the case of offences against morality, culpability is determined as follows -

(a) Category 1 – High culpability, is demonstrated by one or more of the following -

- (i) played a leading role where offences is committed by a group;
- (ii) sophisticated nature of the offence, involving a significant planning;
- (iii) offence committed continuously over a period of time;
- (iv) abused position of trust or responsibility;
- (v) use of force;
- (vi) type of weapon used;
- (vii) injury to person which may be physical injury or psychological injury;
- (viii) significant degree of premeditation;
- (ix) death resulting from the act;
- (x) concealment and methods of concealing the act;
- (xi) threat to the victim against disclosure;
- (xii) knowledge of the offender that he has communicable diseases; and
- (xiii) vulnerability of victim.

(b) Category 2 – Low culpability, is demonstrated by one or more of the following -

- (i) convict played a peripheral role in planning and executing the act;
- (ii) lack of premeditation;
- (iii) greater degree of provocation than normally expected;
- (iv) severe mental or emotional disturbance;
- (v) impaired capacity occasioned by duress but which does not constitute a defence known to law;
- (vi) voluntary disclosure of the offence;
- (vii) willingness to assist in arresting and prosecuting other offenders;
- (viii) deceit of the offender by the victim; or
- (ix) cultural practice which is not repugnant to natural justice, equity and good

conscience.

- (3). In the case of offences against morality, harm shall be determined as follows:
- (a) Category 1 - Serious harm, is demonstrated by any one or more of the following -
- (i) serious environmental, social and economic impacts on the victim or the society;
 - (ii) lack of awareness and understanding of moral activities;
 - (iii) involving through coercion, intimidation and, or exploitation;
 - (iv) the convict caused serious injury to another person during the commission of the offence;
 - (v) infected the victim with diseases such as sexually transmitted infection; or
 - (vi) bodily or internal injury to the victim.
- (b) Category 2 – Substantial harm, is demonstrated by any one or more of the following -
- (i) significant detrimental effects on the person or persons;
 - (ii) coercion and duress; or
 - (iii) voluntary disclosure of the offence.
- (c) Category 3 – Limited harm, is demonstrated by one or more of the following –
- (i) injury caused in the commission of the act is less serious in the content of the offence; or
 - (ii) the offence was occasioned by the grossly offensive behaviour of some other person or the victim.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the relevant table of starting point and category range specified in the Fourth Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point in the Forth Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2 (2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for offences against morality

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Fourth Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences against morality -

- (i) previous conviction, having regard to the nature of the offence to which the conviction relates, its relevance to the current offence and the time that has elapsed since the conviction;
- (ii) offence committed while on bail;
- (iii) offence motivated by, or demonstrating hostility to the victims based on the victim's sex orientation;
- (iv) offence motivated based on victim's disability;
- (v) planning of an offence;
- (vi) use of a weapon to frighten or injure victim;
- (vii) abuse of a position of trust;
- (viii) attempt to conceal or dispose of evidence;
- (ix) commission of the offence for financial gain;
- (x) failure to respond to warnings or concerns expressed by others about the convict's behaviour;
- (xi) offence committed whilst on license;
- (xii) where offence affected multiple victims;
- (xiii) a sustained assault or repeated assaults on the same victim;
- (xiv) victim is particularly vulnerable;
- (xv) additional degradation of the victim for instance taking photographs of a victim as part of a sexual offence or video recording of sexual activity;
- (xvi) convict is aware that he is suffering from sexually transmitted infection;
- (xvii) where the offence involved abduction or detention;
- (xviii) playing leading role in the planning or organizing of the activity;
- (xix) causing death;
- (xx) where the convict induced another person to take part in the crime by coercion, deceit or misuse of the person's youthfulness, lack of understanding or dependant status;
- (xxi) extreme psychological injury;
- (xxii) habitual offender;
- (xxiii) status of the victim;
- (xxiv) no remorse shown; or
- (xxv) possession of nude pictures or other pictures of children.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of offences against morality –

- (i) no previous conviction/ being a first offender;
- (ii) evidence of good character;
- (iii) where offence was committed under significant coercion or provocation of the convict;
- (iv) convict's conduct resulted from a significant lack of capacity for judgement;
- (v) guilty pleas;
- (vi) severe illness or old age likely result to death of the convict before release from prison custody;
- (vii) where convict suffers from any form of disability which may mean that imprisonment is an extra ordinary hardship;
- (viii) impaired capacity where the convict was under unusual and substantial duress;
- (ix) convict is the sole or breadwinner for dependant relatives;
- (x) assistance in apprehending other offender or offenders;
- (xi) the fact that the convict played a minor role in the offence;
- (xii) youth or age, where it affects the responsibility of the individual convict;
- (xiii) remorse; or
- (xiv) voluntary disclosure of the offence by the offender.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

- (1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.
- (2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict in accordance with section 416(2)(e) of the Administration of Criminal Justice Act or any other applicable Laws.

9. Reasons for sentence

The court shall give reasons for the sentence imposed.

ORDER 6

HOMICIDE RELATED OFFENCES

1. Determining whether discretionary or non-discretionary punishment

- (1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.
- (2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.
- (3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category for homicide related offences (Culpability and harm categories)

- (1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2 (2) and (3) of this order.

- (2) In the case of homicide related offences, culpability is determined as follows -

- (a) Category 1 – High culpability, is demonstrated by one or more of the following -
 - (i) group action;
 - (ii) membership of a syndicate or organized crime;
 - (iii) played a leading role;
 - (iv) premeditation or significant planning;
 - (v) damage to property;
 - (vi) risk to national security;
 - (vii) motivated by bias, religion, language, ethnicity;
 - (viii) use of weapon; or
 - (ix) vulnerable persons like children, elderly, women, physically challenged.
- (b) Category 2 – Low culpability, is demonstrated by one or more of the following -
 - (i) lack of premeditation;
 - (ii) coercion, intimidation and or exploitation;
 - (iii) show remorse
 - (iv) lack of maturity where it affects the responsibility of the convict;
 - (v) played a minor role;
 - (vi) mental or emotional disturbance; or
 - (vii) voluntary disclosure of the offence.

- (3) In the case of homicide related offences, harm is determined as follows:

- (a) Category 1 - Severe harm, is demonstrated by any one or more of the following -
 - (i) victim is particularly vulnerable;
 - (ii) sustained or repeated assault on the victim;
 - (iii) grave risk of death;
 - (iv) grave risk to national security;
 - (v) multiple victims;

- (vi) physical or psychological trauma on victim or society; or
 - (vii) location of the offence, for instance, in an isolated place.
- (b) Category 2 - Substantial harm, is demonstrated by any one or more of the following -
- (i) chaotic situation;
 - (ii) damage to property causing a significant degree of loss; or
 - (iii) coercion and duress.
- (c) Category 3 – Limited harm, is demonstrated by one or more of the following -
- (i) consent of the victim;
 - (ii) limited damage or harm;
 - (iii) act has no impact on the peace and security of the State; or
 - (iv) victim contributed to the act.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the relevant table of starting point and category range specified in the Fifth Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point set out in the Fifth Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for homicide related offences

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this order and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Fifth Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences of homicide -
- (i) use of weapon;
 - (ii) abuse of power, position of trust or authority;
 - (iii) present offence committed while on bail;
 - (iv) offence motivated or demonstrated by hostility;
 - (v) attempt to conceal, dispose or destroy evidence;
 - (vi) death during commission of another crime;
 - (vii) offence was racially or religiously motivated;
 - (viii) vulnerable persons;

- (ix) taking steps to prevent victims or witnesses from supporting investigation and or prosecution;
- (x) previous conviction;
- (xi) pecuniary gain;
- (xii) grave risk of death to additional persons;
- (xiii) heinous, cruel, or depraved manner of committing the offence;
- (xiv) deliberate damage to property; or
- (xv) played a leading role in a group or gang.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of offences of homicide –

- (i) spontaneous or lack of premeditation or planning;
- (ii) duress;
- (iii) convict showed remorse;
- (iv) good character;
- (v) no previous conviction/ being a first offender;
- (vi) assisted the authority in investigation or prosecution;
- (vii) greater degree of provocation than normally expected;
- (viii) impaired capacity;
- (ix) victim's consent;
- (x) equally culpable convict;
- (xi) minor participation; or
- (xii) certified debilitating medical condition.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

- (1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

(2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence.

ORDER 7

OFFENCES AGAINST PROPERTY

1. Determining whether discretionary or non-discretionary punishment

- (1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.
- (2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.
- (3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

)

2. Determining the offence category in offences against property (Culpability and harm categories)

- (1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rule 2 (2) and (3) of this order.
- (2) In the case of property offences, culpability is determined as follows -
 - (a) Category 1 – High culpability, is demonstrated by one or more of the following -
 - (i) played a major role in planning the offence;
 - (ii) offenders operated in a group or gang;
 - (iii) high level of gain results from the offence;
 - (iv) victim suffer substantial loss;
 - (v) convict abused position of trust or responsibility;
 - (vi) where excessive violence or threat of violence is used;
 - (vii) offence committed continuously or repeatedly over a period of time;
 - (viii) victim or premises is deliberately targeted due to vulnerability or hostility based on disability, race; political inclination, ethnicity or religion;
 - (ix) impersonation was involved;
 - (xi) targeting vulnerable victim;
 - (xii) convict concealed or attempted to conceal proceeds of crime;
 - (xiii) injury to victim or damage to property resulted; or
 - (xiv) targeting public servants acting in course of duty;
 - (b) Category 2 – Low culpability, is demonstrated by one or more of the following -
 - (i) no physical or psychological injury or other significant trauma to the victim;
 - (ii) property stolen is of low value (economic, sentimental or personal) to the victim;
 - (iii) efforts taken by convict to remedy effects on the victim;
 - (iv) involved through coercion, intimidation and or exploitation;
 - (v) limited awareness or understanding as to the nature of the offence being committed;
 - (vi) not motivated by personal gain;
 - (vii) limited damage or disturbance to the property;
 - (viii) voluntary restitution to victim;
 - (ix) the behaviour not fraudulent from the outset;

- (x) convict acted on misleading or inaccurate advice; or
- (xi) there as lack of knowledge that the goods were stolen.

(3) In the case of offences against property, harm is determined as follows:

(a) Category 1 - Serious harm, is demonstrated by any one or more of the following -

- (i) assault occasioning harm;
- (ii) sustained or repeated assault on the victim;
- (iii) offence threatens the security of persons;
- (iv) significant effect, actual or intended loss caused to the victim;
- (v) there was an attempt to conceal, dispose or destroy evidence;
- (vi) failure to comply with court orders during the trial;
- (vii) goods had high value and sentimental value to the victim;
- (viii) serious physical and psychological effect on the victim;
- (ix) intended restriction of movement of victim;
- (x) additional degradation of the victim injury, whether physical or psychological which is grievous in the context of the offence;
- (xi) threats of violence or abuse of power over others for instance, an adult;
- (xii) commissioning children to steal, or a drug dealer pressurizing addicts to steal in order to pay for their habit;
- (xiii) location of the offence such as in an isolated place;
- (xiv) use of another person's identity;
- (xv) offence has lasting effect on the victim;
- (xvi) multiple victims;
- (xvii) the fact that the goods involved were the proceeds of a domestic burglary;
- (xviii) high level of profit made, or expected to be made;
- (xix) the fact that the convict provided a regular outlet for stolen goods;
- (xx) commission of the offence while the convict was on bail; or
- (xxi) there was evidence of demand for ransom.

(b) Category 2 - Substantial harm, is demonstrated by one or more of the following -

- (i) significant detrimental effect on a person or persons;
- (ii) where goods are of significant value;
- (iii) goods had significant sentimental value;
- (iv) theft of or damage to property causing a significant degree of loss to economic, commercial, sentimental, or personal value to the victim;
- (v) ransacking or vandalism of property;
- (vi) significant physical or psychological injury or other significant trauma to the victim;
- (vii) inflict grievous bodily harm on a person;
- (viii) damage to the building or anything in it; or
- (ix) in domestic cases, victim was forced to leave his home.

(c) Category 3 - Limited harm, is demonstrated by one or more of the following -

- (i) nothing was stolen;
- (ii) property of very low value be it economic, sentimental or personal to the victim;
- (ii) there was limited damage or disturbance to the property;
- (iii) the injury is less serious in the context of the offence;
- (iv) there was limited detrimental impact on the victim;
- (v) goods have no sentimental attachment;
- (vi) property is of little or no benefit to the convict; or
- (vii) there was voluntary restitution to the victim.

3. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the relevant table of starting point and category range specified in the Sixth Schedule to this Practice Direction.

(2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point set out in the Sixth Schedule to this Practice Direction.

(3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.

(4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2 (2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for property offences

(1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Sixth Schedule.

(2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of offences against property -

- (i) the physical or psychological effect on the victim, even if unintended;
- (ii) threat and intimidation to prevent the victim from reporting the offence;
- (iii) amount of money involved;
- (iv) length of time over which the offence was committed;
- (v) the use to which money was put whether spending on luxuries more than on necessities;
- (vi) breach of position of trust, such as by employee, director or trustee;
- (vii) degree of planning;
- (viii) motive;
- (ix) victim is vulnerable;
- (x) class of victims, elderly or vulnerable victim;
- (xi) extent of loss whether intended and actual;
- (xii) extent of gain whether intended and actual;
- (xiii) effect on the public and public confidence;
- (xiv) effect on fellow employees and partners;
- (xv) where an offensive weapon is used;
- (xvi) the demand for ransom;
- (xvii) where violence or threat of violence is applied;
- (xviii) dehumanizing treatment;
- (xix) where the offender played a leading role in the commission of the offence by a group;
- (xx) pressured and influenced others into involvement;
- (xxi) sophisticated nature of the offensive involving significant planning;
- (xxii) previous conviction;
- (xxiii) multiplicity of the offences committed;
- (xxiv) taking steps to prevent victims or witnesses from cooperating in investigation and or prosecution;

- (xxv) attempt to conceal, dispose or destroy evidence;
- (xxvi) failure to comply with court orders during the trial;
- (xxvii) offence committed at night;
- (xxviii) in domestic cases, victim forced to leave their home;
- (xxix) established evidence of community impact;
- (xxx) commission of the offence while under the influence of alcohol or drugs;
- (xxxi) vandalism of the premises, in excess of the damage generally associated with a standard burglary;
- (xxxii) possessing articles for use in an extensive and skillfully planned fraud;
- (xxxiii) deliberate concealment of the victim from authorities;
- (xxxiv) targeting a particular victim because of his office or position;
- (xxxv) deception of the victim by the offender;
- (xxxvi) intended restriction of the movement of the victim;
- (xxxvii) use of another person's identity;
- (xxxviii) threats of violence or abuse of power over others for instance, an adult commissioning children to steal, or a drug dealer pressuring addicts to steal in order to pay for their habit); or
- (xxxix) criminal record of the accused.

(3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of property offences –

- (i) guilty plea;
- (ii) remorse demonstrated by making reparation or restitution of loss to the victim;
- (iii) voluntary cessation of offence;
- (iv) reporting an undiscovered offence;
- (v) assistance to the Police in the prosecution or investigation;
- (vi) involved through coercion, intimidation and or exploitation;
- (vii) not motivated by personal gain;
- (viii) no previous conviction/ being a first offender;
- (ix) plea bargain;
- (x) first offender;
- (xi) acted under duress;
- (xii) no premeditation;
- (xiii) nothing or only property of very low value is stolen;
- (xiv) no damage caused to dwelling or commercial premises;
- (xv) limited impact on the victim;
- (xvi) evidence of good character; or
- (xvii) motive.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.

(2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.

(3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

(1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

(2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence.

ORDER 8

CORRUPTION AND RELATED OFFENCES

1. Determining whether discretionary or non-discretionary punishment

(1) The court shall determine whether the statute allows exercise of discretion in sentencing for the offence under consideration.

(2) Where the statute does not permit the exercise of discretion, the court shall apply the punishment prescribed by the statute and proceed to rule 7 and rule 9 of this order.

(3) Where the statute permits the exercise of discretion in sentencing, the court shall proceed to rule 2 to rule 9 of this order.

2. Determining the offence category (Culpability and harm categories)

(1) The court shall determine the categories of the offence in accordance with the level of culpability of the convict and severity of harm caused by the offence, after considering their respective qualifying factors set out in rules 2 (2) and (3).

(2) In the case of property offences, culpability is determined as follows -

- (a) Category 1 – High culpability, is demonstrated by one or more of the following -
 - (i) played a leading role where the offence is committed by a group;
 - (ii) pressured or influenced others into involvement;
 - (iii) abused position of significant power, trust or responsibility;
 - (iv) abused position occupied upon taking constitutional or statutory oath of office;
 - (v) by corrupt action, directly or indirectly targeted at a public officer or a law enforcement officer;
 - (vi) committed an offence involving significant planning, due to the sophisticated nature of the offence;
 - (vii) committed the offence continuously or repeatedly over a period of time; or
 - (viii) is motivated by an expectation of substantial financial, commercial or political gain.

- (b) Category 2 – Low culpability, is demonstrated by one or more of the following -
 - (i) is involved through coercion, intimidation and or exploitation;
 - (ii) is not motivated by personal gain;
 - (iii) played peripheral role in planning and executing the corrupt act;
 - (iv) a first time offender who commits an offence with very little or no planning and the offence is opportunistic or spontaneous; or
 - (v) has a limited awareness or understanding of corrupt activity

(3) In the case of corruption and related offences, harm is determined as follows:

- (a) Category 1 - Serious harm, is demonstrated by any one or more of the following -
 - (i) affects the fundamental human rights of any person;
 - (ii) threatens security of the State;
 - (iii) undermines revenue or economy of the State;
 - (iv) has a serious detrimental effect on person or persons;
 - (v) has a serious environmental impact;

- (vi) seriously undermines the government, including in the provision of public services or business; or
 - (vii) substantially results in actual or intended loss to the State or other person.
- (b) Category 2 - Substantial harm, is demonstrated by one or more of the following -
- (i) there is a detrimental effect on a person;
 - (ii) there is an environmental impact;
 - (iii) the government is undermined, including in the provision of public services or business; or
 - (iv) actual or intended loss is caused to the State or other person.
- (c) Category 3 - Limited harm, is demonstrated where there is insignificant harm or a risk of harm to a person, business or government or the general public.

3. Starting point and category range

- (1) After determining the categories of culpability of the convict and severity of harm caused, the court shall apply the corresponding starting points of sentencing within the relevant table of starting point and category range specified in the Seventh Schedule to this Practice Direction.
- (2) Where the offence prescribes a minimum sentence, the court shall not impose less than that minimum sentence irrespective of the starting point in the Seventh Schedule to this Practice Direction.
- (3) The starting point shall apply to all convicts notwithstanding the plea of guilt or previous convictions.
- (4) Where the level of culpability of a convict is qualified by multiple features of culpability set out in rule 2(2) of this order, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating features set out in rule 4 of this order.

4. Adjustment based on aggravating and mitigating factors for corruption and related offences

- (1) Based on evidence before it, the Court may consider the aggravating and mitigating factors including those listed under sub-rules (2) and (3) of this rule and decide whether any combination of these or other relevant factors, shall result in an upward or downward adjustment from the starting point set out in the Seventh Schedule to this Practice Direction.
- (2) The court shall consider the following circumstances as aggravating factors in sentencing in cases of corruption and other related offences -
- (a) previous convictions;
 - (b) multiplicity of offences committed;
 - (c) taking steps to prevent victims or witnesses from prosecution or supporting investigation;
 - (d) concealment, disposal or destruction of evidence;
 - (e) failure to comply with court orders during the pendency of the trial;
 - (f) influencing, frustrating, compromising or delaying investigation or prosecution; or
 - (g) failure to respond to cautions, including administrative disciplinary actions.
- (3) The court shall consider the following circumstances as mitigating factors in sentencing in cases of property offences –

- (a) absence of any previous conviction/ being a first offender;
- (b) remorse, particularly evidenced by restitution or reparation to victim;
- (c) evidence of good character;
- (d) certified debilitating medical condition; or
- (e) any assistance given by the convict to investigators during investigation or prosecution particularly in complex cases, including where availability of evidence is limited.

5. Consideration of guilty plea and potential reduction of sentence

- (1) The Court shall take account of any potential reduction for a guilty plea made at the trial.
- (2) A consideration for the reduction of a sentence upon a guilty plea shall not exceed a reduction by one third of the applicable punishment prescribed by law.

6. Multiple offences, serving, concurrent or consecutive sentence (totality principle)

- (1) When sentencing a convict for more than one offence, or where the convict is already serving a sentence, the court shall consider whether the total sentence is just and proportionate to the offending behaviour.
- (2) In the case of conviction for multiple offences arising from the same transaction, the sentence shall run concurrently.
- (3) In the case of conviction for multiple offences not arising from the same transaction, the court shall consider and make pronouncement on whether the sentence shall run concurrently or consecutively.

7. Compensation, restitution, restoration and ancillary orders

- (1) In all cases, the court shall consider whether to make compensation, restitution, restoration, rehabilitation and treatment of victim and other ancillary orders in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.
- (2) Where the offence has resulted in loss or damage the court shall make an order for restoration or restitution in accordance with the provisions of Part 32 or any other relevant provision of the Administration of Criminal Justice Law of Edo State 2016 or any other applicable laws.
- (3) Where the convict is a public officer, the Judge shall order the court's Registrar to forward a copy of the judgment to the appropriate administrative disciplinary agencies, including the Code of Conduct Bureau and the State Civil Service Commission.
- (4) Where applicable, the Judge shall order the Registrar to forward a copy of the judgment to –
 - (a) the Corporate Affairs Commission for the purpose of disqualification under sections 3(4)(c), 509(1)(f), 675(1)(d) of the Companies and Allied Matters Act or winding up under section 19(2) of the Money Laundering (Prohibition) Act, or
 - (b) relevant Professional Regulatory Bodies for the purpose of barring a convict from practicing a profession under section 16(3) and (4) of the Money Laundering (Prohibition) Act and other similar legislation.

8. Consideration of period spent in custody or remand

The period spent in prison custody while awaiting or undergoing trial shall be considered and computed in sentencing the convict.

9. Reasons for sentence

The court shall give reasons for the sentence.

ORDER 9

GENERAL PROVISIONS

1. Interpretation

In this Practice Direction –

“Harm” includes death, any bodily hurt, disease, or disorder, whether permanent or temporary, any psychological or emotional injury, damage to property or any economic or financial loss and “Serious harm” , “Substantial harm” or “Limited harm” shall be determined according to the degree or effect of the harm;

“sentencing” means the pronouncement by a court of the degree of punishment on a convict in accordance with the law;

“State” means Edo State of Nigeria.

2. Citation

This Practice Directions may be cited as Edo State Courts (Sentencing Guidelines for Miscellaneous Offences) Practice Direction 2019.

THE FIRST SCHEDULE
[Order 2 rules 3 (1) and (2) & 4(1)]

Table 1 - Starting point and category range for offences against the State:

| Level of harm | High culpability | Low culpability |
|----------------------|--|--|
| Serious harm | Starting point 90% Range 80% - 100% | Starting point 70% Range 50% - 80% |
| Substantial harm | Starting point 80% Range 60% - 90% | Starting point 60% Range 40% - 70% |
| Limited harm | Starting point 70% Range 50% - 80% | Starting point 25% Range Option of fine or other non-custodial sentence – 30% |

Note: two examples for calculating percentages of sentences:

90% of 10 years sentence is $0.9 \times 10 \text{ years} = 9 \text{ years}$.

60% of a 7 year sentence is $0.6 \times 7 \text{ years} = 4.2$. The 4.2 years can be rounded up.

THE SECOND SCHEDULE
[Order 3 rules 3 (1) and (2) & 4(1)]

Table 2 - starting point and category range for offences against person:

| Level of harm | High culpability | Low culpability |
|----------------------|--|--|
| Serious harm | Starting point 90% Range 80% - 100% | Starting point 50% Range 40% - 60% |
| Substantial harm | Starting point 80% Range 60% - 90% | Starting point 40% Range 30% - 50% |
| Limited harm | Starting point 50% Range 40% - 60% | Starting point 25% Range Option of fine or other non-custodial sentence - 30% |

THE THIRD SCHEDULE
[Order 4 rules 3 (1) and (2) & 4(1)]

Table 3 - Starting point and category range for offences against public order:

| Level of harm | High culpability | Low culpability |
|----------------------|--|--|
| Severe harm | Starting point 90% Range 80% - 100% | Starting point 70% Range 50% - 80% |
| Substantial harm | Starting point 80% Range 60% - 90% | Starting point 60% Range 40% - 70% |
| Limited harm | Starting point 70% Range 50% - 80% | Starting point 25% Range Option of fine or other non-custodial sentence – 30% |

THE FOURTH SCHEDULE
[Order 5 rules 3 (1) and (2) & 4(1)]

Table 4 - Starting point and category range for offences against morality:

| Level of harm | High culpability | Low culpability |
|----------------------|--|--|
| Serious harm | Starting point 90% Range 80% - 100% | Starting point 50% Range 40% - 60% |
| Substantial harm | Starting point 70% Range 60% - 80% | Starting point 40% Range 30% - 50% |
| Limited harm | Starting point 60% Range 50% - 70% | Starting point 25% Range Option of fine or other non-custodial sentence – 30% |

THE FIFTH SCHEDULE
[Order 6 rules 3 (1) and (2) & 4(1)]

Table 5 - starting point and category range for offences against homicide:

| Level of harm | High culpability | Low culpability |
|----------------------|--|--|
| Serious harm | Starting point 90% Range 80% - 100% | Starting point 70% Range 50% - 80% |
| Substantial harm | Starting point 80% Range 60% - 90% | Starting point 60% Range 40% - 70% |
| Limited harm | Starting point 70% Range 50% - 80% | Starting point 25% Range Option of fine or other non-custodial sentence – 30% |

Note: Examples for calculating percentages of sentences:

90% of 10 years sentence is $0.9 \times 10 \text{ years} = 9 \text{ years}$.

60% of a 7 year sentence is $0.6 \times 7 \text{ years} = 4.2$. The 4.2 years can be rounded up.

THE SIXTH SCHEDULE
[Order 7 rules 3 (1) and (2) & 4(1)]

Table 6 - Starting point and category range for offences against property:

| Level of harm | High culpability | Low culpability |
|----------------------|--|---|
| Serious harm | Starting point 90% Range 80% - 100% | Starting point 50% Range 40% - 60% |
| Substantial harm | Starting point 70% Range 60% - 80% | Starting point 40% Range 30% - 50% |
| Limited harm | Starting point 50% Range 40% - 60% | Starting point 25% Range Option of fine or other non-custodial sentence – 30% |

THE SEVENTH SCHEDULE
[Order 8 rules 3 (1) and (2) & 4(1)]

Table 7 - Starting point and category range for corruption and other related offences:

| Level Of harm | High culpability | Low culpability |
|----------------------|--|--|
| Serious harm | Starting Point 90% Range 80% - 100% | Starting Point 70% Range 50% - 80% |
| Substantial harm | Starting Point 80% Range 60% - 80% | Starting Point 60% Range 40% - 70% |
| Limited harm | Starting Point 70% Range 50% - 70% | Starting Point 50% Range 40% - 60% |

THE EIGHTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant offences against the State in the Criminal Code Law
Chapter 6: Treason and certain other offences
Chapter 6A: Treachery

| S/N | Offences | Criminal Code | Sentences |
|-----|---|---------------|--|
| 1 | Treason | Section 37 | Death |
| 2 | Instigating invasion of Nigeria | Section 38 | Death |
| 3. | Concealing of treason | Section 40 | Imprisonment for life |
| 4. | Treasonable felony | Section 41 | Imprisonment for life |
| 5 | Promoting inter-communal war | Section 42 | Imprisonment for life |
| 6 | Inciting to mutiny | Section 44 | Imprisonment for life. |
| 7 | Aiding and inciting mutinous acts or disobedience of members of the Armed Forces or Policeman | Section 45 | Imprisonment for 2 years and fine of N400 |
| 8 | Inducing such person to desert | Section 46 | Imprisonment for six months and fine of N100 |

| | | | |
|----|--|-------------|---|
| 9 | Causing disaffection among members of the Armed Forces, Police or Prison Officer | Section 46A | Imprisonment for a term not exceeding 3 years or fine not exceeding N600 Naira or to both such imprisonment and fine. |
| 10 | Assisting/Allowing escape of prisoners of war | Section 48 | Section 48(1) Knowingly: Life Imprisonment. Section 48(2) Negligently: 2 years imprisonment. |
| 11 | Treachery | Section 49A | Death penalty. |

THE NINTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant provisions in the Criminal Code Law on offences against the person:

Chapter 29: Assaults

Violence Against Persons (Prohibition) Law 2018

| S/N | Offence | Criminal Code | Sentences |
|------------|---|---|--|
| 1. | Punishment of assault | Section 351 | 1 year imprisonment (if no greater punishment is provided) |
| 2. | Inflicting physical injury on a person | Section 2 of Violence Against Persons (Prohibition) Law 2018 | Imprisonment not exceeding 5 years or fine not exceeding N100,000.00 or both. For attempt, imprisonment not exceeding 3 years or fine not exceeding N200,000.00 or both. For aiding and abetting, imprisonment not exceeding 3 years or fine not exceeding N200,000.00 or both |
| 3. | Assault with intent to commit unnatural offence | Section 352 | 14 years imprisonment |
| 4. | Indecent assaults on males | Section 353 | 3 years imprisonment |
| 5. | Assault on persons protecting wrecks | Section 354 | 7 years imprisonment |
| 6. | Assault occasioning harm | Section 355 | 3 years imprisonment |
| 7. | Serious assault | Section 356 | 3 years imprisonment |
| | | | |

| Chapter 30: Assaults on females: abduction Violence Against Persons (Prohibition) Law 2018 | | | |
|--|--|--|--|
| 8. | Rape | Section 1 Violence Against Persons (Prohibition) Law 2018 | Life imprisonment. Maximum of 14 years imprisonment if offender is less than 14 years. Minimum of 2 years imprisonment in all other cases. |
| 9. | Attempt to commit rape | Section 359 | 14 years imprisonment with or without canning |
| 10. | Indecent assault on females | Section 360 | 2 years imprisonment |
| 11. | Abduction | Section 361 | 7 years imprisonment |
| 12. | Abduction of girls under sixteen | Section 362 | 2 years Imprisonment |
| Chapter 31: Offences against Liberty: Slave dealing Kidnapping Prohibition Law 2009 (as amended) Edo State Trafficking in Persons Law 2018 | | | |
| 13. | Kidnapping | Section 3 Kidnapping Prohibition Law | Death |
| | Attempt to kidnapping | Section 4 Kidnapping Prohibition Law | Life imprisonment |
| | Aiding and abetting kidnapping | Section 5 Kidnapping Prohibition Law | Death |
| 14. | Deprivation of liberty | Section 365 | 2 years imprisonment |
| 15. | Compelling action by intimidation | Section 366 | 1 year imprisonment |
| 16. | Compelling action by assault | Section 367 | 5 years imprisonment |
| 17. | Concealment of matters affecting liberty | Section 368 | 3 years imprisonment |
| 18. | Slave dealing | Section 369 | 14years Imprisonment |

| | | | |
|--|--|---|---|
| 19 | Slave dealing | Section 25 of Edo State Trafficking in Persons Law 2018 | Imprisonment for not less than 7 years and to a fine of not less than N2,000,000.00 |
| Chapter 32: Offences relating to Marriage and Parental Rights and Duties Violence Against Persons (Prohibition) Law 2018 | | | |
| 20. | Bigamy | Section 370 | 7 years Imprisonment |
| 21. | Child-stealing | Section 371 | 14years Imprisonment |
| 22 | Desertion of children | Section 372 | 1 year Imprisonment |
| 23 | Abandoning of spouse, children and other dependents without sustenance | Section 16 Violence Against Persons (Prohibition) Law 2018 | Imprisonment not exceeding 3 years or fine not exceeding N500,000.00 or both |
| Chapter 33 Defamation | | | |
| 24. | Publication of defamatory matter | Section 375 | 2years Imprisonment |
| 25. | Publishing defamatory matter with intent to extort | Section 376 | 7 years Imprisonment |

THE TENTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant offences against public order:

Criminal Code

| S/N | Offences | Criminal Code | Sentence |
|-----|---|---------------|--|
| 1. | Treason | Section 37 | Death |
| 2. | Instigation invasion of Nigeria | Section 38 | Death |
| 3. | Provision as to juvenile offenders and pregnant women | Section 39 | Detention to the pleasure of the president |
| 4. | Concealment of treason | Section 40 | Life imprisonment |
| 5. | Treasonable felonies | Section 41 | Life imprisonment |
| 6. | Promoting inter communal war | Section 42 | Life imprisonment |

| | | | |
|-----|---|-------------|--|
| 7. | Inciting to mutiny | Section 44 | Life imprisonment |
| 8. | Aiding or inciting to mutinous acts or disobedience of members of armed forces or policemen | Section 45 | 2 years imprisonment and a fine of ₦400 |
| 9. | Inducing such persons to desert | Section 46 | 6 months imprisonment and a fine of ₦100 |
| 10. | Causing disaffection among members of armed forces, police or prison officers | Section 46A | 3 years imprisonment and a fine of ₦600 |
| 11. | Assisting or allowing escape of prisoners of war | Section 48 | Knowingly :Life imprisonment. Negligently: 2 years imprisonment |
| 12. | Treachery | Section 49A | Death |
| 13. | Unlawful assembly | Section 70 | 1 year imprisonment |
| 14. | Managing an unlawful society | Section 63 | 7 years imprisonment |
| 15. | Members of unlawful society / permit an unlawful society to meet on their premises | Section 64 | 3 years imprisonment |
| 16. | Rioting after proclamation | Section 74 | 5 years imprisonment |
| 17. | Rioting | Section 71 | 3 years imprisonment or with fine or both |
| 18. | Preventing or obstructing the making of proclamation | Section 75 | 10 years imprisonment |
| 19. | Rioters demolishing buildings, machinery, railway etc | Section 76 | Life imprisonment |
| 20. | Rioters injuring buildings, machinery, railway etc | Section 77 | 7 years imprisonment |
| 21. | Smuggling or rescuing goods under arms | Section 78 | 7 years imprisonment |
| 22. | Smuggling under arms or in disguise | Section 79 | 7 years imprisonment |
| 23. | Going armed so as to cause fear | Section 80 | 2 years imprisonment |
| 24. | Forcible entry | Section 81 | 1 year imprisonment |
| 25. | Forcible detainer | Section 82 | 1 year imprisonment |
| 26. | Affray | Section 83 | 1 year imprisonment |
| 27. | Challenge to fight a duel | Section 84 | 3 years imprisonment |
| 28. | Prize fight | Section 85 | 1 year imprisonment. If committed at night, 3 years imprisonment |
| 29. | Threatening violence | Section 86 | 1 year imprisonment. If committed at night, 3 years imprisonment |
| 30. | Assembling for the purpose of smuggling | Section 87 | 6 months imprisonment or a fine of ₦200 |
| 31. | Unlawful procession | Section 88 | 1 month imprisonment. if found with offensive weapon, 6 months imprisonment. Where a command made in the name of the Governor is disobeyed, 3 years imprisonment |

THE ELEVENTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant offences against morality:

Criminal Code

Child's Right Law

Edo State Trafficking in Persons Law 2018

| S/No | Offences | Criminal Code | Sentences |
|-------------|---|----------------------|---|
| 1. | Unnatural offences | Section 214 | 14 years, |
| 2. | Attempt to commit unnatural offences | Section 215 | 7 years |
| 3. | Indecent treatment of boys under fourteen | Section 216 | 7 years |
| 4. | Indecent practice between male | Section 217 | 3 years |
| 5. | Defilement of girl under eleven | Section 218 | Imprisonment of life. 14 years imprisonment for attempt. |
| 6. | Unlawful sexual intercourse with a child | Child's Rights Law | Life imprisonment |
| 7. | Householder permitting defilement of young girls on his premises above thirteen and under sixteen | Section 219 | 2 years imprisonment if the girl is more than eleven years but less than thirteen years. Life imprisonment if the girl is less than eleven years. |
| 8. | Defilement of girls under sixteen and above thirteen and idiots | Section 221 | 2 years |
| 9. | Causing or encouraging the seduction or prostitution of a girls under sixteen | Section 222A | 2 years |
| 10. | Allowing person under sixteen to be in brothels | Section 222B | 6 months |

| | | | |
|-----|--|--|---|
| 11. | Procuration | Section 223 | 2 years |
| 12. | Procuring defilement of woman by threats or fraud, or administering drugs | Section 224 | 2 years |
| 13. | Abduction of girl under eighteen with intent to have carnal knowledge | Section 225 | 2 years |
| 14. | Persons trading in prostitution | Section 225A | 2 years |
| 15. | Keeping a brothel | Section 225B | N100 fine or 6 months on first offence and one year on subsequent offence . |
| 16. | Unlawful detention with an intent to defile, or in a brothel | Section 226 | 2 years |
| 17. | Conspiracy to defile | Section 227 | 3 years |
| 18. | Procurement of persons for sexual exploitation | Section 15 Edo State Trafficking in Persons Law 2018 | Imprisonment for not less than 5 years and fine of N500,000 |
| 19. | Procurement and recruitment of persons under 18 years for prostitution or other forms of sexual exploitation | Section 16 Edo State Trafficking in Persons Law 2018 | Imprisonment for not less than 7 years and fine of N1,000,000 |
| 20. | Procurement and recruitment of person for sexual pornography | Section 17 Edo State Trafficking in Persons Law 2018 | Imprisonment for not less than 7 years and fine of N1,000,000 |
| 21. | Foreign travel which promotes prostitution or sexual exploitation | Section 18 Edo State Trafficking in Persons Law 2018 | Imprisonment for not less than 7 years and fine of N1,000,000 |

| | | | |
|-----|--|-------------|---|
| 22. | Attempt to procure abortion | Section 228 | 14 years |
| 23. | Attempt to procure own miscarriage | Section 229 | 7 years |
| 24. | Supplying drugs or instruments or procure abortion | Section 230 | 3 years |
| 25. | Indecent acts | Section 231 | 2 years. |
| 26. | Obscene publication and exhibition | Section 232 | Imprisonment for 2 years or fine of N200 or both. |

THE TWELFTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant sections relating to homicide: :

Criminal code

| S/N | Offences | Criminal Code | Sentences |
|------------|------------------------------------|----------------------|-------------------|
| 1. | Murder | Section 319(1) | Death |
| 2. | Attempted murder | Section 320 | Life imprisonment |
| 3. | Accessory after the fact to murder | Section 322 | Life imprisonment |
| 4. | Written threat to murder | Section 323 | 7 years |
| 5. | Conspiracy to murder | Section 324 | 14 years |
| 6. | Manslaughter | Section 325 | Life imprisonment |
| 7. | Aiding suicide | Section 326(3) | Life imprisonment |
| 8. | Attempt to commit suicide | Section 327 | 1 year |
| 9. | Infanticide | Section 327A | Life imprisonment |
| 10. | Killing unborn child | Section 328 | Life imprisonment |
| 11. | Concealing the birth of children | Section 329 | 2 years |
| 12. | Unlawful possession of human head | Section 329A | 5 years |

THE THIRTEENTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant sections relating to property offences under the Criminal Code Law

Chapter 34: Stealing

Chapter 36: Stealing with violence

Chapter 37: Burglary

Chapter 38: Obtaining money by false pretences

Robbery and Firearms (Special Provisions) Act

| S/N | Offences | Criminal Code | Sentences |
|------------|--|----------------------|-----------------------|
| 1 | General stealing | Section 390 | 3 years imprisonment |
| 2 | Stealing wills | Section 390 (1) | Imprisonment for life |
| 3 | Stealing postal matters | Section 390 (2) | Imprisonment for life |
| 4 | Stealing cattle | Section 390 (3) | 7 years imprisonment |
| 5 | Stealing from the person stealing goods in transit | Section 390 (4) | 7 years imprisonment |
| 6 | Stealing by person in public service | Section 390 (5) | 7 years imprisonment |
| 7 | Stealing by clerks and servants | Section 390 (6) | 7 years imprisonment |
| 8 | Stealing by directors or officers of companies | Section 390 (7) | 7 years imprisonment |
| 9 | Stealing by agents | Section 390 (8) | 7 years imprisonment |
| 10 | Stealing property of value of N1000 | Section 390 (9) | 7 years imprisonment |

| | | | |
|----|------------------------------------|---|-----------------------|
| | | | |
| 11 | Stealing by tenants or lodgers | Section 390 (10) | 7 years imprisonment |
| 12 | Stealing after previous conviction | Section 390 (11) | 7 years imprisonment |
| 13 | Robbery | Section 402 cc | 14 years imprisonment |
| 14 | Robbery | Section 1 (1) Robbery and Firearms (Special Provisions) Act | 21 years imprisonment |
| 15 | Robbery with firearms | Section 402 cc | Imprisonment for life |
| 16 | Robbery with firearms | Section 1 (2) Robbery and Firearms (Special Provisions) Act | Death |
| 17 | Attempted robbery | Section 403 cc | 7 years imprisonment |
| 18 | Attempted robbery | Section 2 (1) Robbery and Firearms (Special Provisions) Act | 14-21 years |
| 19 | Attempted armed robbery | Section 403 cc | Life imprisonment |

| | | | |
|----|---|---|---|
| 20 | Attempted armed robbery | Section 2 (2) Robbery and Firearms (Special Provisions) Act | Life imprisonment |
| 21 | Attempts at extortion | Section 408 | 3 - 14 years imprisonment. |
| 22 | Burglary/ House breaking | Section 411 | 14 years imprisonment (when committed in the day). Life imprisonment (when committed in the night). |
| 23 | Entering dwelling house with intent to commit felony | Section 412 | 14 years imprisonment |
| 24 | Breaking into building and committing felony | Section 413 | 14 years imprisonment |
| 25 | Breaking into building with intent to commit felony | Section 414 | 7 years imprisonment. |
| 26 | Breaking into place of worship and committing felony | Section 415 | 14 years imprisonment |
| 27 | Breaking into place of worship with intent to commit felony | Section 416 | 7 years imprisonment |
| 28 | Persons found armed, etc, with intent to commit felony | Section 417 | 3 years imprisonment and 7 years if previously convicted of a felony relating to property. |
| 29 | Obtaining goods by false pretence | Section 419 | 3 years imprisonment |
| 30 | Cheating | Section 421 | 2 years imprisonment |
| 31 | Receiving stolen property | Section 427 | 7 years – life imprisonment |

THE FOURTEENTH SCHEDULE
[Order 1 rule 1(1) (a)]

List of relevant sections relating to Corruption offences under the Criminal Code Law and other applicable laws

Chapter 12

Corruption and abuse of office

| S/N | Offences | Criminal Code | Sentences |
|-----|--|---------------|---|
| 1. | Official corruption: public official inviting bribe on account of own actions | Section 98(1) | 7 years imprisonment |
| 2. | Official corruption: person giving bribes, etc on accounts of public official | Section 98A | 7 years imprisonment |
| 3. | Official corruption: person inviting bribes etc on accounts of public official | Section 98(B) | 7 years imprisonment |
| 4. | Extortion by public officers | Section 99 | 3 years imprisonment |
| 5. | Officers charged with administration of property of special character or with special duties | Section 102 | 1 year imprisonment |
| 6. | False claim by officials | Section 103 | 3 years imprisonment |
| 7. | Abuse of office | Section 104 | 2 years imprisonment. 3 years if the act is done for the purpose of gain. |
| 8. | False certificates by public officers | Section 105 | 3 years imprisonment |
| 9. | False assumption of authority | Section 107 | 3 years imprisonment |
| 10. | Personating public officers | Section 108 | 3 years imprisonment |
| 11. | Personating members of armed forces | Section 109 | 1 year imprisonment |
| 12. | Unlawfully wearing the uniform of armed forces | Section 110 | 1 month imprisonment or fine of N10 |

GIVEN UNDER MY HAND THIS ^{9th}..... DAY OF ^{October}....., 2019

HON. JUSTICE ESOHE FRANCES IKPONMWEN
Chief Judge
Edo State