TARABA STATE COURTS (SENTENCING GUIDELINES) PRACTICE DIRECTIONS.



2026

TARABA STATE COURTS (SENTENCING GUIDELINES) PRACTICE DIRECTIONS, 2026

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TARABA STATE COURTS (SENTENCING GUIDELINES) PRACTICE DIRECTIONS, 2026

In exercise of the powers conferred on me by section 274 of the Constitution of the Federal Republic of Nigeria, 1999, Section 487 of the Administration of Criminal Justice Law 2021, and all other powers enabling me in that behalf, I,Hon Justice Joel F. Agya, Honourable Chief Judge of Taraba State, makes the following Practice Directions

[27th day of January 2026] Commencement

PART ONE

OBJECTIVE, GUIDING PRINCIPLES AND SCOPE OF PRACTICE DIRECTIONS

1. Objective and Guiding Principles

(1) The objective of this Practice Directions is to set out the procedure for sentencing of corruption and related offences, offences against the person or property, homicide related offences, offences against the State, offences against public order and offences against morality; for the purposes of ensuring uniformity in sentencing, pursuant to the provisions of Sections 408 and 423 of the Administration of Criminal Justice Law, 2021 (ACJL)

(2) In the application of this Practice Directions–

(a) each case shall be treated on its own merit in line with the provisions of section 423(2)(a) of the ACJL;

(b) the objectives of sentencing including prevention, restraint, rehabilitation, deterrence, education of the public, retribution and restitution, shall be borne in mind in sentencing a convict in line with the provisions of sections 408(2) and 423(2)(b) of the ACJL; and

(c) the interest of the victim, the convict and the community should be considered in line with the criteria set out under section 408(2)(f) and (g) of the ACJL.

(3) The provisions of this Practice Directions shall not derogate from the statutory and inherent discretion conferred on a Judge to determine and impose sentences.

2. Scope of Application and Procedural Steps

(1) This Practice Directions shall apply to-

(a) corruption and related offences;

(b) offences against the person;

(c) offences against property;

(d) homicide related offences;

(e) offences against public order;

(f) offences against morality; and

(g) offences against the State.

(2) This Practice Directions shall not apply to sentencing of a person below 18 years of age.

(3) The Court shall ensure that sentencing proceedings involving persons with disabilities are conducted in an accessible manner, including through the provision of sign language interpretation, accessible documents, or any other reasonable accommodation required for effective participation

(4) In determining the sentence to be imposed on a convict in any of the offences to which the Practice Directions applies, the Court shall follow the procedural steps prescribed in the relevant Part for that offence.

PART TWO
CORRUPTION AND RELATED OFFENCES

3. Discretionary and non-discretionary punishments

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

(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 9, 10

and 11 of this Practice Directions on Confiscation, forfeiture, compensation, restitution and ancillary orders, Time spent in remand and Reasons for decision.

(3) Where the statute permits the exercise of sentencing discretion, the Judge shall apply the provisions of paragraphs 4 to 11 of this Practice Directions.

4. Category of offence

(1) In sentencing the convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out in sub paragraphs 2 and 3 of this paragraph.

(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability if the convict-

(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) it shall be deemed low culpability if the convict-

(i) is involved through coercion, intimidation and or exploitation;

(ii) is not motivated by personal gain;

(iii) played a peripheral role in planning and executing the corrupt act;

(iv) commits a "one-off" offence with very little or no planning and the offence is opportunistic or spontaneous; or

(v) has a limited awareness or understanding of the corrupt activity.

(3) The severity of harm caused by a convict shall be determined in the following categories–

(a) serious harm shall be deemed to have been caused where the corrupt act-

(i) affects the fundamental human rights of any person;

(ii) threatens the security of the State;

(iii) undermines the revenue or economy of the State;

(iv) has a serious detrimental effect on a 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) significant harm shall be deemed to have been caused where-

(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) limited harm shall be deemed to have been caused where there is insignificant harm or a risk of harm to a person, business, government or the general public.

5. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the First Schedule to this Practice Directions.

(2) Where the offence prescribes a minimum sentence the Judge shall not impose less than that minimum sentence irrespective of the starting point stated in the First Schedule to this Practice Directions.

(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 specified in paragraph 4(2), an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 6 of this Practice Directions.

6. Aggravating and mitigating factors

(1) Based on the evidence before the Court, the Judge may consider aggravating or mitigating factors including those listed under this paragraph 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 schedule to this Practice Directions.

(2) Aggravating factors shall include–

(a) previous convictions;

(b) multiplicity of offences committed;

(c) taking steps to prevent victims or witnesses from supporting investigation or testifying;

(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) Mitigating factors shall include–

(a) absence of any previous conviction;

(b) remorse, particularly evidenced by restitution or reparation to the victim;

(c) evidence of good character;

(d) certified debilitating medical condition; or

(e) any assistance given by the convict to investigators during the investigation or prosecution particularly in complex cases, including where availability of evidence is limited.

7. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.

(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.

8. Totality principle

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

(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.

(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise its discretion as whether any term of imprisonment imposed shall be with or without hard labor.

9. Confiscation, forfeiture, compensation, restitution and ancillary orders

(1) In all cases, the Judge shall consider whether to make confiscation, forfeiture, compensation, restitution or other ancillary orders in accordance with the provisions of applicable laws.
(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with Sections 332, 347, 352 and 353 of the ACJL.
(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 and the Code of Conduct Bureau.
(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)(d) and 676(1)(f) of the Companies and Allied Matters Act or winding up under section 22(2) of the Money Laundering (Prohibition) Act, or
    (b) relevant Professional Regulatory Bodies for the purpose of barring a convict from practising a profession under sections 19(3) and (4) of the Money Laundering (Prohibition) Act and other similar legislation.

10. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

11. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART THREE
OFFENCES AGAINST THE PERSON

12. Discretionary and non-discretionary punishments

(1) The Judge shall determine whether the statute allows for exercise of sentencing discretion on the offence under consideration.
(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 18, 19 and 20 of this Practice Directions with regards to Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL, Time spent in remand and Reasons for decision.
(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs 13- 20 of this Practice Directions.

13. Category of offence

(1) In sentencing a convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out in sub-paragraphs (2) and (3) of this paragraph.
(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability if there was–
  (i) sustained or repeated assault on the same victim by the same convict or a group or gang of persons;
  (ii) a significant degree of premeditation;
  (iii) use of weapon or weapon equivalents such as iron rod, an animal, head butting, acid or any harmful substance;
  (iv) deliberate causing of more harm than is necessary for the commission of the offence;
  (v) deliberate targeting of vulnerable victim or victims;.
  (vi) leading role in group or gang;
  (vii) abduction or detention;
  (viii) threats to prevent victim from reporting the incident; or
  (ix) evidence to show that the offence was committed in the presence of a child.
(b) it shall be deemed low culpability if the following circumstances are found-
  (i) lack of premeditation;
  (ii) subordinate role in group or gang;
  (iii) a greater degree of provocation than normally expected; or
  (iv) mental disorder or learning disability linked to the commission of the offence.

(3) The severity of harm caused by a convict shall be determined in the following categories–
(a) serious harm shall be deemed to have been caused if any of the following circumstances is present-
  (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 community 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) significant harm shall be deemed to have been caused where one or more of the following is present-
  (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; and
(c) limited harm shall be deemed to have been caused where harm is demonstrated by limited impact on victim.

14. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the Second Schedule to this Practice Directions.

(2) Where the offence prescribes a minimum sentence the Judge shall not impose less than that minimum sentence irrespective of the starting point stated in sub– paragraphs (3) and (4) of this paragraph.

(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 specified in paragraph 13(2) of this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 15 of this Practice Directions.

15. Aggravating and mitigating factors

(1) Based on the evidence before the Court, the Judge may consider aggravating or mitigating factors including those listed under sub-paragraph (2) of this paragraph 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 Directions.
(2) Aggravating factors shall include–
  (a) location of the offence;
  (b) timing of the offence;
  (c) ongoing effect upon the victim;
  (d) offence committed against those working in the public sector or providing a service to the public;
  (e) presence of others including relatives, especially children or partner of the victim;
  (f) offence based on factors of discrimination such as religion, political inclination, tribe, or sex;
  (g) offence motivated by or demonstrating hostility to the victim based on the victim's disability (or presumed disability);
  (h) gratuitous degradation of victim;
  (i) in domestic violence cases, victim forced to leave their home;
  (j) failure to comply with Court orders;
  (k) an attempt to conceal or dispose of evidence;
  (l) failure to respond to warnings, Police cautions and binding over proceedings or concerns expressed by others about the convict's behavior;
  (m) commission of offence whilst under the influence of alcohol or drugs;
  (n) exploiting contact arrangements with a child to commit an offence;
  (o) previous violence or threats to the same victim;
  (p) established evidence of community impact;
  (q) any steps taken to prevent the victim reporting an incident, obtaining assistance or from assisting or supporting the prosecution;
  (r) previous convictions taken into consideration; or
  (s) abuse of power, position of authority or trust.
(3) Mitigating factors shall include–
  (a) where there is no evidence of previous convictions or relevant recent convictions;
  (b) where the convict has shown remarkable remorsefulness;
  (c) evidence of good character or exemplary conduct or behaviour;
  (d) determination or demonstration of steps taken to address addiction or offending behavior;
  (e) isolated incident;
  (f) age or lack of maturity where it affects the responsibility of the convict;
  (g) lapse of time since the offence was committed where this is not the fault of the convict;
  (h) mental disorder or learning disability; or

(i) where the convict is found to be the breadwinner for dependent relatives.

16. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.
(2) 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.

17. Totality principle

(1) In sentencing a convict for more than one offence or where the convict is already serving a sentence, the Judge shall consider whether the total sentence is just and proportionate to the offending behavior.
(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.
(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labor.

18. Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL.

(1) In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation and treatment of victim or other ancillary orders in accordance with the provisions of applicable laws.
(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with section 332, 347, 352, and 353 of the ACJL.

19. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

20. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART FOUR
OFFENCES AGAINST PROPERTY

21. Discretionary and non-discretionary punishments

(1) The Judge shall determine whether the statute allows for exercise of sentencing discretion on the offence under consideration.
(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 27, 28 and 29 of this Practice Directions regarding Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL, Time spent in remand and Reasons for decision.
(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs 22 to 29 of this Practice Directions.

22. Category of offence

(1) In sentencing the convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out under Paragraph 22 (2) and (3) of this paragraph.

(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability in the following circumstances–

(i) play major role in planning the crime,
(ii) offenders operated in a group or gang;
(iii) high level of gain results from the crime;
(iv) victim suffers substantial loss;
(v) convict abused position of trust or responsibility;
(vi) a firearm or an offensive weapon is used; (vii) violence is used or threatened;
(vii) offence is 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) convict was in possession of equipment or tools for the commission of the crime;
(x) impersonation was involved;
(xi) a vulnerable victim was targeted;
(xii) convict concealed or attempted to conceal proceeds of crime;
(xiii) injury to victim or damage to property resulted; or
(xiv) public servant acting in course of duty targeted; and

(b) it shall be deemed low culpability in the following circumstances-

(i) there was no physical or psychological injury or other significant trauma to the victim;
(ii) the 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) convict involved through coercion, intimidation or exploitation;
(v) convict played peripheral role in planning and executing the offence;
(vi) convict had limited awareness or understanding as to the nature of the offence being committed;
(vii) convict was not motivated by personal gain;
(viii) there was limited damage or disturbance to the property;
(ix) there was voluntary restitution to the victim;
(x) the behavior was not fraudulent from the outset;
(xi) convict acted on misleading or inaccurate advice; or
(xii) there was manifest lack of knowledge that the goods were stolen.

(3) The severity of harm caused by a convict shall be determined in the following categories–

(a) serious harm shall be deemed to have been caused in the following circumstances-

(i) assault on the victim;
(ii) sustained or repeated assault on the victim;
(iii) offence threatens the security of persons;
(iv) offence has a detrimental effect on the victim;
(v) significant effect, actual or intended loss caused to the victim;
(vi) there was an attempt to conceal, dispose off or destroy evidence;
(vii) failure to comply with Court orders during the trial;
(viii) goods had high value and sentimental value to the victim;
(ix) serious physical and psychological effect on the victim;

(x) intended restriction of movement of victim;
(xi) additional degradation of the victim's injury, whether physical or psychological which is grievous in the context of the offence;
(xii) threat of violence or abuse of power over others including an adult commissioningchildren 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) impersonation;
(xv) offence has lasting effect on the victim;
(xvi) multiple victims;
(xvii) goods involved were proceeds of domestic burglary;
(xviii) a high level of profit made or expected to be made;
(xix) convict provided a regular outlet for stolen goods;
(xx) offence was committed while on bail; or
(xxi) there was evidence of demand for ransom.

(b) significant harm shall be deemed to have been caused where one or more of the following is present-
(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 including economic, commercial, sentimental or personal value to the victim;
(v) ransacking or vandalism of property;
(vi) victim at home or returns home while offender commits the offence;
(vii) significant physical or psychological injury or other significant trauma to the victim;
(viii) inflicted grievous bodily harm on a person;
(ix) damage to the building or anything in it; or
(x) in domestic cases, the victim was forced to leave his or her home; and

(c) limited harm shall be deemed to have been caused where-
(i) nothing was stolen;
(ii) property of very low economic, sentimental or personal value to the victim was stolen, damaged or extorted;
(iii) there was limited damage or disturbance to the property;
(iv) the injury is less serious in the context of the offence;
(v) there was limited detrimental impact on the victim;
(vi) property is of little or no benefit to the offender; or
(vii) there was voluntary restitution to the victim.

23. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the Third Schedule to this Practice Directions.
(2) Where the offence prescribes a minimum sentence, the Judge shall not impose less than that minimum sentence irrespective of the starting point stated in paragraph 23 (3) and (4) of this Practice Directions.
(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 specified in paragraph 22(2) of this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 24 of this Practice Directions.

24. Aggravating and mitigating factors

(1) Based on the evidence before the Court, the Judge may consider aggravating or mitigating factors including those listed under paragraph 24 (2) of this Practice Directions 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 Directions.

(2) Aggravating factors shall include–

(a) physical and psychological effect on the victim, even if unintended;
(b) threat and intimidation to prevent the victim from reporting the offence;
(c) high amount of money involved;
(d) length of time over which the offence was committed;
(e) the use to which money was put such as spending on luxuries more than on necessities;
(f) breach of position of trust, such as by employee, director or trustee;
(g) degree of planning;
(h) motive;
(i) vulnerability of victim;
(j) class of victim especially the elderly or children;
(k) extent of loss which may be either intended or actual;
(l) extent of gain- intended and actual;
(m) effect on the public and public confidence;
(n) effect on fellow employees and partners;
(o) offensive weapon used;
(p) demand for ransom;
(q) violence or threat of violence is applied;
(r) dehumanizing treatment;
(s) played a leading role in the commission of offence by a group;
(t) pressured and influenced others into involvement;
(u) sophisticated nature of offence involving significant planning;
(v) previous conviction;
(w) multiplicity of offences committed;
(x) taking steps to prevent victims or witnesses from cooperating in investigation or prosecution.
(y) attempt to conceal, dispose off or destroy evidence;
(z) failure to comply with Court orders during the trial;
(aa) offence committed at night;
(bb) in domestic cases where the victim was forced to leave his or her home;
(cc) established evidence of community impact;
(dd) vandalism of premises, in excess of the damage generally associated with a standard burglary;
(ee) alcohol or other mind altering substance to facilitate commission of offence;
(ff) possessing articles for use in an extensive and skilfully planned fraud;
(gg) deliberate concealment of the victim from authorities;
(hh) targeting a particular victim because of his office or position;

(ii) deception of the victim by the offender;
(jj) intended restriction of the movement of the victim;
(kk) impersonation;
(ll) knowledge that the property or goods were stolen;
(mm) threats of violence or abuse of power over others such as where an adult; commissions children to steal, or a drug dealer pressurizing addicts to steal in order to pay for their habit); or
(nn) criminal record of the convict.

(3) Mitigating factors shall include–
(a) guilty plea;
(b) remorse demonstrated by making reparation or restitution of loss to the victim;
(c) voluntary cessation of offending behavior or act;
(d) reporting an undiscovered offence;
(e) assistance to state authorities during investigation or prosecution;
(f) involved through coercion, intimidation or exploitation;
(g) not motivated by personal gain;
(h) played peripheral role in planning and executing the offence;
(i) no previous conviction;
(j) plea bargain;
(k) first offender;
(l) acted under duress;
(m) no premeditation;
(n) nothing or only property of very low value is stolen;
(o) no damage caused to dwelling or commercial premises;
(p) limited impact on the victim;
(q) lack of knowledge that the goods were stolen;
(r) evidence of good character; or
(s) motive.

25. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.
(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.

26. Totality principle

(1) In sentencing a convict for more than one offence or where the convict is already serving a sentence, the Judge shall consider whether the total sentence is just and proportionate to the offending behaviour.
(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.
(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labour.

27. Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL

(1) In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation and treatment of victim or other ancillary orders in accordance with the provisions of applicable laws.

(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with section 332, 347, 352, and 353 of the ACJL.

28. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

29. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART FIVE
HOMICIDE RELATED OFFENCES

30. Discretionary and non-discretionary punishments

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

(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 36, 37 and 38 of this Practice Directions with regards to Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL, Time spent in remand and Reasons for decision.

(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs 31 to 38 of this Practice Directions.

31. Category of offence

(1) In sentencing the convict the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out under sub paragraphs (2) and (3) of this paragraph.

(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability in the following circumstances–

(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 or ethnicism;
(viii) use of weapon; or

(ix) victim is among vulnerable persons like children, elderly, women or persons with disabilities.

(b) it shall be deemed low culpability where any of the following circumstances applies to the convict–

(i) lack of premeditation;
(ii) coercion, intimidation or exploitation;
(iii) remorse;
(iv) age or 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) The severity of harm caused by a convict shall be determined in the following categories–

(a) serious harm shall be deemed to have been caused in the following circumstances-

(i) victim is particularly vulnerable;
(ii) sustained or repeated assault on the victim;
(iii) victim is in grave risk of death;
(iv) grave risk to national security;
(v) multiple victims;
(vi) physical or psychological trauma; or
(vii) location of the offence such as. in an isolated place;

(b) significant harm shall be deemed to have been caused where one or more of the following is present-

(i) chaos;
(ii) damage to property causing a significant degree of loss including economic, commercial, sentimental, or personal value; or
(iii) coercion and duress.

(c) limited harm shall be deemed to have been caused where one or more of the following is present-

(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.

32. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the Fourth Schedule to this Practice Directions.

(2) Where the offence prescribes a minimum sentence the Judge shall not impose less than that minimum sentence irrespective of the starting point stated under Paragraph 32 (3) and (4) of this Practice Directions.

(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 specified in Paragraph 31(2) this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 33 of this Practice Directions.

33. Aggravating and mitigating factors

(1) Based on the evidence before the court, the Judge may consider aggravating or mitigating factors including those listed under Paragraph 33 (2) and (3) of this Practice Directions 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 Directions.

(2) Aggravating factors shall include:

(a) use of weapon;
(b) abuse of power, position of trust or authority;
(c) present offence committed while on bail;
(d) offence motivated or demonstrated by hostility;
(e) attempt to conceal, dispose or destroy evidence;
(f) death during commission of another crime;
(g) offence was racially, ethnically, religiously or politically motivated;
(h) effects on vulnerable persons;
(i) taking steps to prevent victims or witnesses from supporting investigation or prosecution;
(j) previous conviction;
(k) pecuniary gain;
(l) grave risk of death to additional persons;
(m) heinous, cruel, or depraved manner of committing the offence;
(n) deliberate damage to property; or
(o) played a leading role in a group or gang.

(3) Mitigating factors shall include–

(a) spontaneous or lack of premeditation or planning;
(b) duress;
(c) remorse;
(d) good character;
(e) no previous conviction;
(f) assisted the authority in investigation or prosecution;
(g) greater degree of provocation than normally expected;
(h) impaired capacity;
(i) victim's consent;
(j) equally culpable defendant;
(k) minor participation; or
(l) certified debilitating medical condition.

34. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.

(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.

35. Totality principle

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

(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.

(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labour.

36. Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the Administration of Criminal Justice Act

(1) In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation and treatment of victim or other ancillary orders in accordance with the provisions of applicable laws.

(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with section 332, 347, 352, and 353 of the ACJL.

37. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

38. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART SIX
OFFENCES AGAINST PUBLIC ORDER

39. Discretionary and non-discretionary punishments

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

(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 45, 46 and 47 of this Practice Directions with regards to Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL, Time spent in remand and Reasons for decision.

(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs 40 to 47 of this Practice Directions.

40. Category of offence

(1) In sentencing the convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out under sub paragraphs (2) and (3) of this paragraph.

(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability where any of the following circumstances is present-

(i) was involved in group action;
(ii) used 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 witnesses.

(b) it shall be deemed low culpability where any of the following circumstances is present-
(i) no injury was caused
(ii) offence stopped as soon as law enforcement officers arrived;
(iii) the convict showed a great deal of remorse for the offence;
(iv) certified diminished mental capacity, where it affects the responsibility of the convict;
(v) the 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 to the public; or
(ix) voluntary disclosure of the offence.

(3) The severity of harm caused by a convict shall be determined in the following categories–

(a) serious harm shall be deemed to have been caused if any of the following circumstances is present-
(i) inflicted grievous bodily harm on a person;
(ii) damage to environment;
(iii) damage to property;
(iv) victim was in grave risk of death; or
(v) grave risk to national security;

(b) significant harm shall be deemed to have been caused where one or more of the following is present-
(i) chaos;
(ii) significant psychological trauma;
(iii) theft of or damage to property causing a significant degree of loss including economic, commercial, sentimental or personal value; or
(iv) coercion and duress.

(c) limited harm shall be deemed to have been caused where-
(i) nothing was stolen or destroyed;
(ii) limited damage or disturbance to the property; or
(iii) act has no impact on the peace and security of the state.

41. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the Fifth Schedule to this Practice Directions.

(2) Where the offence prescribes a minimum sentence, the Judge shall not impose less than that minimum sentence irrespective of the starting point stated under Paragraph 41 (3) and (4) of this Practice Directions.

(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 specified in Paragraph 40(2) of this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in Paragraph 42 of this Practice Directions.

42. Aggravating and mitigating factors

(1) Based on the evidence before the court, the Judge may consider aggravating or mitigating factors including those listed under Paragraph 42(2) and (3) of this Practice Directions 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 Directions.

(2) Aggravating factors shall include–

(a) use of weapon;
(b) injuries and highlevel damage caused;
(c) group actions/large groups;
(d) people put in fear of personal safety;
(e) actual or potential escalation into violence;
(f) threats;
(g) damage to property;
(h) vulnerable persons present/targeted;
(i) throwing of objects;
(j) previous conviction;
(k) fighting between rival groups
(l) busy public place;
(m) prolonged activity; or
(n) membership of an organised crime group.

(3) Mitigating factors shall include–

(a) spontaneous violence;
(b) provocation;
(c) remorse particularly evidenced by restitution or reparation to victims;
(d) impulsive action;
(e) no previous conviction;
(f) stopped as soon as the law enforcement arrived;
(g) did not start the trouble;
(h) crime occasioned by offensive behaviour of some other person;
(i) peaceful assembly with no violence;
(j) small group;
(k) people not put in fear; or
(l) was coerced into membership of unlawful society by means of threat to life.

43. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.

(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.

44. Totality principle

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

(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.

(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labour.

45. Compensation, restitution, restoration and ancillary orders pursuant to sections 330-357 (Part 33-35) of the ACJL.

In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation, restoration and treatment of the victim(s) or other ancillary orders in accordance with the provisions of applicable laws.

46. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

47. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART SEVEN
OFFENCES AGAINST MORALITY

48. Discretionary and non-discretionary punishments

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

(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to Paragraphs 54, 55 and 56 of this Practice Directions including Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL, Time spent in remand and Reasons for decision

(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs 49 to 56 of this Practice Directions.

49. Category of offence

(1) In sentencing the convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out in sub paragraphs (2) and (3) of this paragraph.

(2) The level of culpability of a convict shall be determined in the following categories–

(a) it shall be deemed high culpability in any of the following circumstances–

(i) played a leading role where the offence 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) equipped or possessing articles for use;
(vi) type of weapon used;
(vii) injury to person which may be physical or psychological;
(viii) a 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; or
(xii) knowledge of the offender that he has communicable diseases.

(b) it shall be deemed low culpability in any of the following circumstances-
(i) convict played a peripheral role in planning and executing the act;
(ii) lack of premeditation;
(iii) a greater degree of provocation than normally expected;
(iv) severe mental or emotional disturbance;
(v) impaired capacity where the defendant was under unusual and substantial duress, regardless of whether the capacity was so impaired as to constitute a defense to the charge;
(vi) voluntary disclosure of the offence;
(vii) willingness to assist in arresting and prosecuting other offenders; or
(viii) deceit of the offender by the victim.

(3) The severity of harm caused by a convict shall be determined in the following categories–

(a) serious harm shall be deemed to have been caused in any of the following circumstances-
(i) serious environmental, social and economic impacts on the victim or the society;
(ii) limited awareness and understanding of moral effects of action;
(iii) involved through coercion, intimidation and/or exploitation;
(iv) the defendant during the commission of the offence caused serious injury to another person;
(v) infected victim with diseases such as sexually transmitted infections; or
(vi) inflicted grievous bodily or internal injury to the victim.

(b) significant harm shall be deemed to have been caused where one or more of the following is present-
(i) significant detrimental effects on the person or persons;
(ii) coercion and duress; or
(iii) voluntary disclosure of the offence.

(c) limited harm shall be deemed to have been caused where-
(i) injury caused in the commission of the act is less serious in the context of the offence; or
(ii) the offence was occasioned by the grossly offensive behaviour of some other person or the victim.

50. Starting point and category range

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

(2) Where the offence prescribes a minimum sentence, the Judge shall not impose less than that minimum sentence irrespective of the starting point stated under Paragraph 50 (3) and (4) of this Practice Directions.

(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 specified in paragraph 49(2) this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 51 of this Practice Directions.

51. Aggravating and mitigating factors

(1) Based on the evidence before the court, the Judge may consider aggravating or mitigating factors including those listed under Paragraph 51(2) and (3) of this Practice Directions and decide whether any combination of these or other relevant factor, shall result in an upward or downward adjustment from the starting point set out in the Sixth Schedule to this Practice Directions.

(2) Aggravating factors shall include–

(a) 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;
(b) where an offence was committed while on bail;
(c) offence motivated by or demonstrating hostility to the victims based on his/her sexual orientation;
(d) offence motivated based on victims disability;
(e) planning of an offence;
(f) use of a weapon to frighten or injure victim;
(g) abuse of a position of trust;
(h) attempt to conceal or dispose of evidence;
(i) commission of the offence for financial gain;
(j) failure to respond to warnings or concerns expressed by others about the offender's behaviour;.
(k) offence committed whilst on license;
(l) where the offence affected multiple victims;
(m) a sustained assault or repeated assaults on the same victim;
(n) victim is particularly vulnerable;
(o) additional degradation of the victim including taking photographs or video of a victim as part of a sexual offence or of sexual activity.
(p) offender is aware that he or she is suffering from a sexually transmitted infection;
(q) where the offence involved abduction or detention;
(r) playing leading role in the planning or organizing of the activity;
(s) causing death or grievous hurt;
(t) 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;
(u) extreme psychological injury;
(v) habitual offender;
(w) status of the victim;
(x) no remorse shown by the convict; or
(y) possession of nude pictures or other pictures of children.

(3) Mitigating factors shall include–

(a) no previous conviction;
(b) evidence of good character;
(c) where availability of evidence is limited;
(d) where offence was committed under significant coercion or provocation;
(e) offender's conduct resulted from a significant lack of capacity for judgment;
(f) guilty plea;
(g) severe illness or age likely to result to the death of the offender before release from custody
(h) where offender suffers from any form of disability which may mean that imprisonment is an extraordinary hardship;

(i) impaired capacity where the defendant was under unusual and substantial duress, regardless of whether the capacity was so impaired as to constitute a defense to the charge;
(j) assistance in apprehending other offenders;
(k) the fact that the offender played a minor role in the offence;
(l) youth or age, where it affects the responsibility of the individual defendant;
(m) genuine remorse; or
(n) voluntary disclosure of the offence by the offender.

52. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.
(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.

53. Totality principle

(1) In sentencing a convict for more than one offence or where the convict is already serving a sentence, the Judge shall consider whether the total sentence is just and proportionate to the offending behaviour.
(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.
(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labour.

54. Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL

(1) In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation and treatment of victim or other ancillary orders in accordance with the provisions of applicable laws.
(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with section 332, 347, 352 and 353 of the ACJL.

55. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with section 423(2) (e) of the ACJL.

56. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART EIGHT
OFFENCES AGAINST THE STATE

57. Discretionary and non-discretionary punishments

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

(2) Where the statute does not permit the exercise of any sentencing discretion, the Judge shall apply the punishment prescribed by the statute and proceed to paragraphs 63, 64 and 65 of this Practice Directions.
(3) Where the statute permits the exercise of sentencing discretion, the Judge shall proceed to apply the provisions of paragraphs58 to 65 of this Practice Directions.

58. Category of offence

(1) In sentencing the convict, the Judge shall determine the categories of the offence in accordance with the level of culpability of the convict and the severity of harm caused by the offence, after considering the qualifying factors set out in sub paragraphs (2) and (3) this paragraph.
(2) The level of culpability of a convict shall be determined in the following categories–
(a) it shall be deemed high culpability if any of the following circumstances is present–
(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 the act;
(xi) significant impact on the society;
(xii) intention;
(xiii) rampant nature of the offence;
(xiv) target of vulnerable persons; or\
(xv) intimidation of potential witnesses.
(b) it shall be deemed low culpability if any of the following circumstances is present-
(i) subordinate role in the commission of the offence;
(ii) lack of premeditation;
(iii) severe mental or emotional disturbance;
(iv) impaired capacity where the defendant was under unusual and substantial duress, regardless of whether the capacity was so impaired as to constitute a defense to the charge;
(v) voluntary disclosure of the offence; or
(vi) willingness to assist in arresting and prosecuting other offenders.
(3) The severity of harm caused by a convict shall be determined in the following categories–
(a) serious harm shall be deemed to have been caused if any of the following circumstances is present-
(i) defendant during commission of offence caused serious injury to another person;
(ii) where the defendant in commission of the offence created a grave risk of death to another;
(iii) caused damage to environment; or
(iv) in the commission of the offence, the defendant knowingly created grave risk of substantial danger to national security.
(b) significant harm shall be deemed to have been caused where one or more of the following is present-
(i) public welfare;
(ii) coercion and duress;

(iii) voluntary disclosure of the offence;
(iv) serious but not permanent injury; or
(v) little or significant assistance in the commission of the crime; and

(c) limited harm shall be deemed to have been caused where-
(i) injury caused in the commission of the act is less serious in the context of the offence;
(ii) the offence was occasioned by the grossly offensive behaviour of some other person; or
(iii) the act has no impact on the peace and security of the State.

59. Starting point and category range

(1) After determining the categories of culpability of the convict and severity of harm caused, the Judge shall apply the corresponding starting points of sentencing within the category range specified in the Seventh Schedule to this Practice Directions.
(2) Where the offence prescribes a minimum sentence, the Judge shall not impose less than that minimum sentence irrespective of the starting point stated in Paragraph 59 (3) and (4) of this Practice Directions.
(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 specified in paragraph 58(2) of this Practice Directions, an upward adjustment from the starting point may be made, before further adjustments for aggravating or mitigating factors, set out in paragraph 60 of this Practice Directions.

60. Aggravating and mitigating factors

(1) Based on the evidence before the court, the Judge may consider aggravating or mitigating factors including those listed under paragraph 60 (2) and (3) of this Practice Directions 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 Directions.
(2) Aggravating factors shall include–
(a) 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;
(b) offence committed while on bail;
(c) playing leading role in the planning or organizing of the activity;
(d) causing death;
(e) prior treason offence- the defendant has previously been convicted of another offence involving treason for which a sentence of either life imprisonment or death was authorized by law;
(f) higher position in the society;
(g) where the convict exploited some other person's vulnerable position or other person's special difficulties in protecting himself;
(h) 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;
(i) 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;

(j) where motivated by remuneration or any pecuniary gain;
(k) in the commission of the offence the defendant knowingly created grave risk of substantial danger to national security;
(l) in the commission of the offence the defendant knowingly created a grave risk of death to another person;
(m) disruption of governmental function;
(n) extreme conduct;
(o) extreme psychological injury;
(p) property damage or loss;
(q) commission of the offence while wearing or displaying unauthorized or counterfeit insignia or uniform;
(r) no remorse shown;
(s) post offence conduct;
(t) nature of the articles;
(u) vile remarks by the offender;
(v) that the offence involved actual or threatened violence or the actual or threatened use of a weapon;
(w) that the offence involved unlawful entry into, or unlawful presence in a dwelling place;
(x) that the offence was committed while the offender was on bail or still subject to a sentence;
(y) the extent of any loss, damage, or harm resulting from the offence;
(z) particular cruelty in the commission of the offence;
(aa) that the offender was abusing a position of trust or authority in relation to the victim;
(bb) that the victim was a military, police, immigration, or correctional officer, or other law enforcement officers acting in the course of his or her duty;
(cc) that the victim was an emergency health or fire services provider acting in the course of his or her duty at the scene of an emergency;
(dd) that the victim was particularly vulnerable because of his or her age or health or because of any other factor known to the offender;
(ee) that the offender committed the offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as ethnicity, race, nationality, religion, gender identity, sexual orientation, political inclination, age, or disability;
(ff) premeditation on the part of the offender and, if so, the level of premeditation involved;
(gg) the number, seriousness, date, relevance, and nature of any previous convictions of the offender and of any convictions for which the offender is being sentenced or otherwise dealt with at the same time;
(hh) any failure by the offender personally (or failure by the offender's lawyer arising out of the offender's instructions to, or failure or refusal to co-operate with, his or her lawyer) to comply with a procedural requirement that, in the court's opinion, has caused a delay in the disposition of the proceedings or had an adverse effect on a victim or witness; or
(ii) fund acquired through illegal means.

(3) Mitigating factors shall include–
(a) absence of any previous conviction;
(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.

61. Guilty plea

(1) The Judge may consider any guilty plea made by the convict including when such plea was made, in determining a reduction in the sentence to be imposed.

(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.

62. Totality principle

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

(2) In the case of a conviction for multiple offences, the Judge shall consider and make a pronouncement on whether the sentences shall run concurrently or consecutively.

(3) The Judge shall in accordance with section 17 of the Interpretation Act exercise his discretion as whether any term of imprisonment imposed shall be with or without hard labour.

63. Compensation, restitution and ancillary orders pursuant to the provisions of sections 330-357 (Part 33-35) of the ACJL

(1) In all cases, the Judge shall consider whether to make compensation, restitution, rehabilitation and treatment of victim or other ancillary orders in accordance with the provisions of applicable laws.

(2) Where the offence has resulted in loss or damage, the Judge may make a restoration order in accordance with the provisions of section 332, 347, 352, and 353 of the ACJL.

64. Time spent in remand

The period spent in custody awaiting or undergoing trial shall be considered and computed in sentencing the convict in line with the provisions of section 423 (2) (e) of the ACJL.

65. Reasons for decision

The Judge shall give reasons for the sentence imposed.

PART NINE
MISCELLANEOUS

66. Interpretation

"*ACJL*" means Administration of Criminal Justice Law, 2021;

"*Corruption*" has the same meaning as in the applicable enactments and Regulations;

"*Court*" means the High Court of the State, and where appropriate, a Magistrate Court, Area Court or any other Court exercising criminal jurisdiction in the State

"*Culpability*" means guilt or blameworthiness, meriting condemnation, deserving reproach or punishment;

"*High Court*" means High Court of the State;

"*Judge*" where applicable includes a Magistrate and an Area Court Judge;

"*Sentence*" means a decree of punishment forming the final explicit act of a Judge-ruled process, and also the symbolic principal act connected to his function. The sentence can generally involve a decree of imprisonment, a fine or other punishments against a defendant convicted of a crime.
"*State"* means Taraba State
"*Vulnerable persons*" means persons exposed to the possibility of being attacked or harmed either physically or emotionally, and in need of special care, support or protection because of age, disability, risk of abuse or neglect.

67. Citation

This Practice Directions may be cited as the Taraba State Courts (Sentencing Guidelines) Practice Directions, 2026.

FIRST SCHEDULE
CORRUPTION AND RELATED OFFENCES
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 5(1)]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 70% Range 50% ←→ 80%
SIGNIFICANT HARM	Starting Point 80% Range 60% ←→90%	Starting Point 60% Range 40% ←→70%
LIMITED HARM	Starting Point 70% Range 50% ←→80%	Starting Point 50% Range 40% ←→ 60% Option of fine & other non-custodial Sentence

SECOND SCHEDULE
OFFENCES AGAINST THE PERSON
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 13]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 50% Range 40% ←→60%
SIGNIFICANT 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 & other non-custodial sentence ←→30%

THIRD SCHEDULE
OFFENCES AGAINST PROPERTY
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 23]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 50% Range 40% ←→60%
SIGNIFICANT HARM	Starting Point 70% ←→60% ←→80%	Starting Point 40% **Range** 30% ←→50%
LIMITED HARM	Starting Point 50% **Range** 40% ←→60%	Starting Point 25 % **Range** Option of fine & other non-custodial sentence ←→30%

FOURTH SCHEDULE
HOMICIDE RELATED OFFENCES
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 32]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 70% Range 50% ←→80%
SIGNIFICANT 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%.

FIFTH SCHEDULE
OFFENCES AGAINST PUBLIC ORDER
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 41]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 70% Range 50% ←→80%
SIGNIFICANT 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 & other non-custodial sentence ←→30%

SIXTH SCHEDULE
OFFENCES AGAINST MORALITY
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 50]

LEVEL OF HARM	**HIGH CULPABILITY**	**LOW CULPABILITY**
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 50% Range 40% ←→60%
SIGNIFICANT HARM	Starting Point 80% Range 60% ←→90%	Starting Point 40% Range 30% ←→50%
LIMITED HARM	Starting Point 70% Range 50% ←→80%	Starting Point 25% Range Option of fine & other non-custodial sentence ←→30%

SEVENTH SCHEDULE
OFFENCES AGAINST THE STATE
Category of Offence
Starting Point (Applicable to all convicts)
Category Range (Applicable to all convicts)

[Paragraph 59]

LEVEL OF HARM	HIGH CULPABILITY	LOW CULPABILITY
SERIOUS HARM	Starting Point 90% Range 80% ←→100%	Starting Point 70% Range 50% ←→80%
SIGNIFICANT 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 & other non-custodial sentence ←→30%

MADE at Jalingo this 27th day of January, 2026

HON. JUSTICE JOEL F. AGYA
Chief Judge,

Developed by Rule of Law and Empowerment Initiative with support from the MacArthur Foundation.

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