1. **The procedure from arraignment to imposition of sentence in a criminal trial in the High Court.**

 Criminal procedure is the adjudication process of the criminal law. While criminal procedure differs dramatically by jurisdiction, the process generally begins with a formal criminal charge with the person on trial either being free on bail or incarcerated, and results in the conviction or acquittal of the defendant. Criminal procedure is the method or procedure of commencing, conducting and concluding criminal proceedings or matters in court. The rules regulating the criminal procedure in Nigeria courts are; Criminal Procedure Act and its equivalent laws in the Southern states and Criminal Procedure Code and its equivalent laws in the northern states. Other sources are The Nigeria Constitution, Criminal Code and Penal Code and Statutes establishing tribunals.
The stages of criminal procedure at a High court from arraignment include;
- Arraignment and Plea
-Plea of guilty
-Plea of not guilty
-Prosecution
-Submission of “No case to answer”
-Defense
-Closing Address
-Judgment
-Discharge
- Finding of guilt and sentence.

**Arraignment and Plea**

An arraignment is a court proceeding at which a criminal defendant is formally advised of the charges against him and is asked to enter a plea to the charges. In many states, the court may also decide at arraignment whether the defendant will be released pending trial. Arraignment is a formal reading of a criminal charging document in the presence of the defendant to inform the defendant of the charges against the defendant. In response to arraignment, the accused is expected to enter a plea.
In other words, arraignment means, the registrar or other officer of court calling the accused by name while the accused is standing in the dock and reading over and explaining the charge or information to the accused in a satisfactory way and asking the accused to make his plea.
An accused person may plead as follows;
- Autrefois acquit: Autrefois acquit is a plea made by a defendant who is charged of a crime or misdemeanor. It is a peremptory plea or a plea made before the commencement of a trial. A defendant can plead that s/he was tried earlier for the same crime under same facts of the case. This plea from a defendant can stop the government from carrying on with a trial against the defendant on the grounds of double jeopardy rule. However, the defendant should have been tried and acquitted in the previous case, since s/he was found not guilty.
- Autrefois convict: Autrefois convict is a plea made by a defendant in a case when s/he is indicted for a crime or misdemeanor. By this plea, a defendant can claim that s/he was charged of the same crime under substantially same facts. The defendant should also prove that s/he was convicted for the offense.
Autrefois convict is a technical plea of defense made before the commencement of a trial in a criminal proceeding. A defendant should provide substantial evidence that s/he was convicted for the same cause.
Pursuant to the double jeopardy rule no one can be put in jeopardy twice for the same cause.
- He may stand mute
- Plea of guilty to a lesser offence
 **Plea of guilty**

In legal terms, a plea is simply an answer to a claim made by someone in a criminal case under common law using the adversarial system. A plea of guilty is a formal and conclusive admission of all elements of that charge. When the accused pleads guilty, the Crown does not need to lead any evidence to prove that charge (R v Broadbent)
The accused may enter a written plea of guilty by a notice signed by the accused to one or more charges on an indictment if:

* the accused makes an oral plea of guilty to one or more charges in the indictment; and
* the accused indicates his or her intention to plead guilty to one or more remaining charges; and
* the prosecution consents to the accused making a written plea of guilty; and
* the court considers it is appropriate to accept the written plea, having regard to the number of charges in the indictment.
If the court accepts a written plea of guilty to one or more charges, it is not necessary to arraign the accused on those charges and the written plea has the same effect as if it was entered on arraignment.

**Plea of not guilty**

Pleading not guilty usually means that you don’t agree with the charge. It might also mean that you can’t remember what happened, or you want to make the prosecution prove their case against you. When you plead not guilty your matter is listed for trial. This can be months ahead. At the trial, the judge will hear from all witnesses and decide if you are guilty or not guilty.

**Plea bargaining**
**Plea bargaining**, in [law](https://www.britannica.com/topic/law), the practice of negotiating an agreement between the prosecution and the defense whereby the defendant pleads guilty to a lesser offense or (in the case of multiple offenses) to one or more of the offenses charged in exchange for more [lenient](https://www.merriam-webster.com/dictionary/lenient) sentencing, recommendations, a specific [sentence](https://www.britannica.com/topic/sentence-law), or a dismissal of other charges. Supporters of plea bargaining claim that it speeds [court](https://www.britannica.com/topic/court-law) proceedings and guarantees a [conviction](https://www.merriam-webster.com/dictionary/conviction), whereas opponents believe that it prevents [justice](https://www.merriam-webster.com/dictionary/justice) from being served. Plea bargains are not always easy to recognize. Negotiations that result in formal agreements are termed “explicit plea bargains.” However, some plea bargains are called “implicit plea bargains” because they involve no guarantee of leniency. Explicit bargains are the more important of the two. The great majority of criminal cases in the United States involve some form of plea bargaining. In recent years in Nigeria, there has been a lot of plea bargaining especially in charges brought by the Economic and Financial Crimes Commission in order to expeditiously dispose of the potentially lengthy criminal proceedings.

**Mentally ill persons**
Some accused persons may be to mentally ill or disordered to make a plea to a criminal charge. This is referred to as unfitness to plead. Such accused person may then be referred for psychiatric examination and treatment. In a clear case of murder, if the accused is unfit to make his plea by reason of insanity, a variety of hospital and guardianship orders may be made and the accused may be committed to a mental or psychiatric hospital for necessary care at the pleasure of the President or Governor in respect of federal or state offence, as the case may be until the person is mentally fit to be released. In the leading case of R v M’Naghten, the accused was charged with murder and a plea of defence of insanity was successfully made for the accused and the House of Lords held; that the accused was not guilty and was acquitted on the ground of insanity.

**Prosecution**

A prosecutor is a legal representative of the prosecution in countries with either the common law adversarial system, or the civil law inquisitorial system. The prosecution is the legal party responsible for presenting the case in a criminal trial against an individual accused of breaking the law. Typically, the prosecutor represents the government in the case brought against the accused person. The counsel for the protection always opens a criminal proceeding by calling evidence for the prosecution. He calls his witnesses and examines each in chief, and tenders any exhibit they may have. The witnesses are in turn cross-examined by the defense counsel and re-examined by the prosecuting counsel as may be necessary and the case for the prosecution closes.

**Submission of “No Case to Answer”**
At the close of the case for the prosecution, the defense counsel may submit that the prosecution has not provided sufficient evidence or made out a prima facie against the accused and consequently, the accused has no case to answer and therefore the case should not proceed further. The defense makes the submission by addressing the general court. The prosecuting counsel usually replies and the judge makes a ruling on this submission.
The judge could either accept the submission or neglect it. If he accepts it, he would give the verdict of not guilty and discharge because the accused has no question to answer. But if the judge neglects it, the trial proceeds and the accused has to state his case by giving evidence in his defense. Where the accused fails to give evidence in his defense and chooses to stand by his “No case submission,” which had earlier failed, the court would often usually convict the accused. The reason being that the accused failed to defend himself against a prima facie case made out against him.

**Defense**In civil proceedings and criminal prosecutions under the common law, a defendant may raise a defense in an attempt to avoid criminal or civil liability. After the close of the case for the prosecution and the failure of a no case submission, if such submission was made, the case for the defense then opens. The accused and his witness are cross examined by the prosecuting counsel and re-examined by the council for the defense as may be necessary. Each witness undergoes the whole process before another witness is called up to be examined.

**Closing address**

After the close of the case for the defense, the counsel for both the prosecution and defense counsel would give their closing speeches by addressing the court from their filed written addresses. The prosecution counsel is always the first to address the court. He sums up or reviews the case on both sides.
A closing address, summation, or summing up is the concluding statement of each party's [counsel](https://en.wikipedia.org/wiki/Counsel) reiterating the important [arguments](https://en.wikipedia.org/wiki/Logical_argument) for the [tier of fact](https://en.wikipedia.org/wiki/Trier_of_fact), often the jury, in a [court case](https://en.wikipedia.org/wiki/Court_case). A closing argument occurs after the presentation of [evidence](https://en.wikipedia.org/wiki/Evidence_%28law%29). A closing argument may not contain any new information and may only use [evidence](https://en.wikipedia.org/wiki/Evidence_%28law%29) introduced at trial. It is not customary to raise [objections](https://en.wikipedia.org/wiki/Objection_%28law%29) during closing arguments, except for egregious behavior. However, such objections, when made, can prove critical later in order to preserve appellate issues. During closing arguments, counsel may not (among other restrictions) vouch for the credibility of witnesses, indicate their personal opinions of the case, comment on the absence of evidence that they themselves have caused to be excluded, or attempt to exhort the jury to irrational, emotional behavior.

**Judgment**
Judgment is also known as [adjudication](https://en.wikipedia.org/wiki/Adjudication) which means the [evaluation](https://en.wikipedia.org/wiki/Evaluation) of [evidence](https://en.wikipedia.org/wiki/Evidence) to [make a decision](https://en.wikipedia.org/wiki/Make_a_decision).  In law, a judgment, also spelled judgment is a decision of a court regarding the rights and liabilities of parties in a legal action or proceeding.
After the closing address by both counsels, the judge fixes a date provided that it is not a summary trial, and the court rises in adjournment to enable it deliberate, consider, or evaluate the totality of evidence in the case. On the adjourned date the court resumes sitting, the case is called and the judge begins to deliver his judgment on the case. However, where a trial is by summary procedure the judge may deliver the judgment there and then, or he may retire to his chamber to consider judgment and resume sitting to deliver it on that same day, as the case may be, or on an adjourned date.

**Discharge**
The discharge is a fairly rare [sentence](http://www.duhaime.org/LegalDictionary/S/Sentence.aspx) in [criminal law](http://www.duhaime.org/LegalDictionary/C/CriminalLaw.aspx) and is generally reserved for those particular situations which might warrant a discharge; either an [absolute discharge](http://www.duhaime.org/LegalDictionary/A/AbsoluteDischarge.aspx) - one with no conditions; or a [conditional discharge](http://www.duhaime.org/LegalDictionary/C/ConditionalDischarge.aspx). It should be noted that for a discharge to be even considered by a court, a finding of guilt is necessary. There is no basis for a discharge if the accused is found to be innocent.
Where an accused person has not been found guilty, on merit, the judge will dismiss the information or charges and accordingly discharge and acquit the accused person as provided under the criminal procedure law. But if the prosecution failed on technicality, then the court will usually discharge the accused, but not acquit him.
Where a person has not been found guilty, a court usually makes one or more of the following orders;
- Dismissal order; dismissing the information, or charge(s)
- Order of discharge of the accused on the charge(s)
- Order of acquittal.

**Sentence**
The term sentence in law refers to punishment that was actually ordered or could be ordered by a trial court in a criminal procedure. A sentence forms the final explicit act of a judge-ruled process as well as the symbolic principal act connected to their function. When an accused is found guilty, before passing sentence an allocotus, plea for mercy or leniency is usually made by the counsel for the defense. After the allocotus, the judge passes sentence on the accused.
Types of Sentences Court may impose
- Imprisonment
- Fine
- Death Sentence
- Caning
- Deportation…
The sentence can generally involve a decree of [imprisonment](https://en.wikipedia.org/wiki/Imprisonment), a [fine](https://en.wikipedia.org/wiki/Fine_%28penalty%29), and/or punishments against a [defendant](https://en.wikipedia.org/wiki/Defendant) [convicted](https://en.wikipedia.org/wiki/Conviction_%28law%29) of a [crime](https://en.wikipedia.org/wiki/Crime). Those imprisoned for multiple crimes usually serve a concurrent sentence in which the period of imprisonment equals the length of the longest sentence where the sentences are all served together at the same time, while others serve a consecutive sentence in which the period of imprisonment equals the sum of all the sentences served sequentially, or one after the next. Additional sentences include intermediate, which allows an inmate to be free for about 8 hours a day for work purposes determinate, which is fixed on a number of days, months, or years; and indeterminate or bifurcated, which mandates the minimum period be served in an institutional setting such as a [prison](https://en.wikipedia.org/wiki/Prison) followed by street time period of [parole](https://en.wikipedia.org/wiki/Parole), [supervised release](https://en.wikipedia.org/wiki/United_States_federal_probation_and_supervised_release) or [probation](https://en.wikipedia.org/wiki/Probation) until the total sentence is completed.

**1b**.Post-Conviction remedies are specific and complicated legal proceeding that challenges the legality of some aspects of the criminal trial.
The defense counsel has limited opportunities to challenge a conviction or sentence:
- a direct criminal appeal,
- sentence modification,
- pardon
- Clemency: This general concept of amelioration of penalties, especially by action of executive officials; the forms it may take include; Amnesty, Commutation, Remission, Reprieve, Respite, Expungement.
 **DIRECT CRIMINAL APPEAL**
 Direct criminal appeals are not like other trial proceedings, even though they arise out of the same conviction. When it’s at the appeal stage, the aim is to convince the appellate court that an error at the trial court made the conviction unfair or contrary to law, warranting a different outcome.
 **SENTENCE MODIFICATION**
Sentence modification is a bit more different from and quite separate process from a criminal appeal. They seem the same, the court involved, the grounds which can affect a criminal sentence, and the procedures involved are quite different. While criminal appeals must be filed by strict deadlines, a sentence modification petition can be filed any time while an offender is serving a sentence.
 **PARDON**
A pardon exempts someone from punishment for a crime. The pardoning power is an inherent right of the people, and they can vest that power in whomever they choose. State constitutions usually spell out where the pardoning power lies. Pardons are typically issued to individuals, but they can also go to groups of people. Whether made by the President or a state governor, the decision to grant or deny a pardon rests solely in the executive’s discretion. That decision is typically final and not subject to judicial review.

 **CLEMENCY**

Clemency may be a pardon, shortening of a prison sentence, commutation of a sentence, or a reprieve. A pardon is defined in criminal law as an official act of forgiving a crime. A pardon may be granted under the executive powers of a governor or the President. Clemency is considered to be an act of grace. It is based on the policy of fairness, justice, and forgiveness. It is not right but rather a privilege and one who is granted clemency does not have the crime forgotten, as in Amnesty, but is forgiven and treated more leniently for the criminal acts. Clemency is similar to pardon in as much as it is an act of grace exempting someone from punishment. Commutation of an offender’s sentence, however, is the lessening of the punishment based on the offender’s own good conduct subsequent to his conviction. Although clemency is a privilege and not a right, questions have arisen as to whether a prisoner sentenced to death is entitled to certain constitutional rights during a clemency proceeding. States that impose the death penalty require a clemency review before a prisoner is executed.

1. **Commencement of civil procedure in the High Court**

Commencement of a civil proceeding is the process taken to institute an action before a competent court to determine the issues between parties. There are four main modes of commencing civil action in court in Nigeria namely;

**Writ of summons**: A way of starting a [legal](https://www.ldoceonline.com/dictionary/legal) [action](https://www.ldoceonline.com/dictionary/action) by someone who has a [claim](https://www.ldoceonline.com/dictionary/claim) against a [particular](https://www.ldoceonline.com/dictionary/particular) [person](https://www.ldoceonline.com/dictionary/person), that [orders](https://www.ldoceonline.com/dictionary/order) that person to come to [court](https://www.ldoceonline.com/dictionary/court) unless they [admit](https://www.ldoceonline.com/dictionary/admit) the claim. The Writ of Summon is one of the two modes used in commencing a civil action against a person. It is a formal document addressed to the defendant requiring him to appear before the court if he/she wishes to defend himself against the plaintiff's claim. A writ is usually accompanied by an Endorsement of the Claim or a Statement of Claim so that the defendant is made aware of the claim against him/her.

**Originating summons**; An action is commenced by way of an Originating Summons where;

* It is required by statute; or
* The dispute is concerned with matters of law in respect of which there is unlikely to be any substantial dispute of facts.

Compared to a Writ of Summons, the Originating Summons is a simpler and swifter procedure for the resolution of disputes as it is determined generally on affidavits filed and does not involve pleadings or many interlocutory proceedings. However, many of the requirements concerning issuance, duration, renewal and service with regard to a writ may apply, with the necessary modifications, to an Originating Summons.

**Petition**; A petition is a request to do something, most commonly addressed to a government official or public entity. Petitions to a deity are a form of prayer called supplication. In the colloquial sense, a petition is a document addressed to some official and signed by numerous individuals.
Petition can also be the title of a legal [pleading](https://en.wikipedia.org/wiki/Pleading) that initiates a legal case. The initial pleading in a civil lawsuit that seeks only money (damages) might be called (in most U.S. courts) a complaint. An initial pleading in a lawsuit that seeks non-monetary or "equitable" relief, such as a request for a [writ](https://en.wikipedia.org/wiki/Writ) of [mandamus](https://en.wikipedia.org/wiki/Mandamus) or [habeas corpus](https://en.wikipedia.org/wiki/Habeas_corpus), custody of a child, or [probate](https://en.wikipedia.org/wiki/Probate) of a will, is instead called a petition.

**Originating motion;** A summons that sets out the questions the court is being asked to settle. When the facts in a case are not disputed, but the interpretation of the law or of the documents needs to be resolved, an originating summons is prepared.