Question 1

The procedure of criminal trial from Arraignment in a high court starts when the suspect after being arrested, the suspect makes his first appearance in court at the arraignment. During the arraignment, the judge reads the charges filed against the defendant in the complaint and the defendant chooses to plead guilty, not guilty or no contest to those charges. The judge will also review the defendant’s bail and set dates for future proceedings.

The next stage is Preliminary Hearing, here the government brings criminal charges in one of two ways: by a bill of information secured by a preliminary hearing or by grand jury indictment. In the federal system, cases must be brought by indictment. States, however, are free to use either process. Both preliminary hearings and grand juries are used to establish the existence of a probable cause, a defendant will not be forced to stand trial. A preliminary hearing or preliminary examination is an adversarial proceeding in which counsels questions witnesses and both parties makes arguments. The judge then makes the ultimate finding of probable cause.

The next stage is Pre-Trial Motions, this is brought by both the prosecution and the defense in order to resolve final issues and establish what evidence and testimony will be admissible at trial.

The next stage is Trial, here the judge will either find the defendant guilty or not guilty. The prosecution bears the burden of proof in a criminal trial. Thus, the prosecutor must prove beyond a reasonable doubt that the defendant committed the crimes charged. the judge makes the final determination of guilt or innocence after listening to opening and closing statements, examination and cross examination of witnesses. If the judge finds the defendant guilty, the court will sentence the defendant.

The next stage is Sentencing, the court determines the appropriate punishment for the convicted defendant. In determining a suitable sentence, the court will consider a number of factors, including the nature and severity of the crime, the defendant’s criminal history, the defendant’s personal circumstances and the degree of remorse felt by the defendant.

The remedy available to the accused after imposition of sentence is Appeal, an individual convicted of a crime may ask that his or her case be reviewed by a higher court. If that court finds an error in the case or the sentence imposed, the court may reverse the conviction of find that the case should be re-tried.

Question 2

Section 109 of the ACJA (The Administration of Criminal Justice Act,2015) provides for different method of instituting criminal proceedings. In a high court;

1. By information of the AG(FED) subject to Section 104 of the ACJA
2. By information or charge filed in the court after the defendant has been summarily committed for perjury by a court under the provisions of the ACJA
3. By information or a charge filed in the court by any other prosecuting authority
4. By information or charge filed by a private prosecutor subject to the provisions of the ACJA

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