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-**State the procedure from arraignment to imposition of sentence in a criminal trial in the High court**. What is criminal procedure? This is the method or procedure of commencing, conducting, and concluding criminal cases in court.

A trial at a High court is the elaboration of a summary trial at the magistrate court. It amplifies and expatiates certain procedures. This work will therefore, look at some salient stages of criminal procedure at a High Court consecutively starting from arraignment to imposition of sentence.

1. Arraignment and plea: arraignment is the calling of an accused person formally before the court by name at the beginning of a criminal proceeding to read to him the indictment or information brought against him to ask him whether he pleads guilty or not guilty. After this, the accused person may plead as follows:
2. Autrefois acquit: this is a plea that he has been tried for the same offence before and has been acquitted. This plea is an application of the rule against double jeopardy, which states that a person cannot be tried for the same offence twice.
3. Autrefois convict: this is a plea that he has been tried and convicted for the same offence on a previous occasion & he cannot be tried again as it is also a case of double jeopardy.
4. He may stand mute: where an accused person stands mute, without saying anything, a plea of not guilty is usually entered for the accused. This is because the law provides that where an accused stands mute, a plea of not guilty has to be mandatorily recorded for him by the court.
5. Plea of guilty to a lesser offence: however, while intending to plead ‘not guilty’ to the offence charged, an accused person may plead guilty to a lesser offence which is not on the information. Where the plea is accepted by the prosecution, the court may pass its sentence accordingly.
6. He may plead guilty to the offence charged- when the accused pleads guilty, the counsel for the prosecution will give the court a summary of the evidence together with details of the accused person’s background; character and criminal record (if any).afterwards, the counsel for defence usually makes a plea in mitigation of sentence and the court then passes its sentence.
7. He may plead not guilty- where an accused pleads not guilty, the trial process commences.
8. Plea bargaining- this is also called plea negotiating. It is agreeing for an accused to plead guilty to a lesser crime, in exchange for the dismissal of a serious criminal charge brought against him and for a quick disposal of the entire criminal proceedings. This change of plea is usually as a result of a bargain reached between the defence counsel and the counsel for prosecution often with the judge’s approval. The accused is then sentenced in respect of this lesser offence.
9. **Mentally ill persons**- some accused persons may be too mentally ill or disordered to make a plea to a criminal charge. This is usually referred to as ‘unfitness to plead’. Such accused person may then be referred for psychiatric examination and treatment. In a proven case of murder, if the accused is unfit to make a plea by reason of insanity, hospital and guardianship orders would be made and the accused would remain in a mental/psychiatric hospital until he is mentally fit to be released. Also, the defence may put up the defence of sanity and if successful, the person is usually acquitted on the case of insanity.
* **Prosecution**- the counsel for the prosecution always opens up 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 defence counsel and re-examined by the prosecuting counsel as may be necessary and the case for the prosecution closes. The burden of proof on the prosecution in criminal proceedings is proof beyond reasonable doubt. Where the burden of proof is not discharged, the charge is usually dismissed and the accused is legally entitled to be set free.
* **Submission of ‘no case to answer’**- at the close of the case for the prosecution, the defence counsel may submit that the prosecution has not produced sufficient evidence or made out a *prima facie* case against the accused and consequently, the accused has no case to answer and therefore the case should not proceed further. The defence counsel makes the submission by addressing the court. The prosecuting counsel usually replies. The judge then makes a ruling on his submission.
* **Defence**- 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 defence then opens. The accused and his witnesses, if any are, one after the other, led in evidence-in-chief by the counsel for the defence and are cross examined by the prosecuting counsel and re-examined by the counsel for for the defence may be necessary. Each witness undergoes the whole process. Generally, unless a witness has finished his testimony and undergone necessary cross-examination and re-examination, if any, another witness may not be called, except there are good reasons to do so.
* **Closing addresses**- after the close of the case for the defence, the counsel for both sides then make 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.
* **Judgement-** after the closing addresses by the counsel for both sides, the judge fixes the judgement for a date provided that 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 judgement on the case. However, where a trial is by summary procedure the judge may deliver judgement there and then, or he may retire to his chamber to consider judgement and resume sitting to deliver it on that same day, as the case may be, or on an adjourned date. In the judgement, the judge sums up, weighs, or reviews the evidence for both sides. He states his reasons for believing and accepting the case for either side and also gives his reason for believing and accepting the case for either side and also gives his reasons for believing and accepting the case for either side and also gives his reason for disbelieving and rejecting the evidence for the other side. Summarily, the judge must find the accused not guilty or guilty as the case may be.
* **Discharge**- 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. On the other hand, if the prosecution failed on a technicality, then the court will usually discharge the accused, but not acquit him.
* **Sentence**- where an accused is found guilty, before an allocutus, plea for mercy or leniency is usually made by the counsel for the defence. After the allocutus, the judge passes sentence on the accused. When an accused has been found guilty of a crime, a court may under the criminal procedure act, pass sentence and make one or more appropriate orders which may include: fine, jail time, death sentence, caning, deportation etc.

B) **Comment on the remedy available to the accused after the imposition of sentence.**

The remedy that would most likely be efficient for an accused after the imposition of a sentence in a high court is to Appeal. The accused has the right to appeal to a higher court; Court of Appeal and the Supreme Court. Although these two courts are not the same with the High Courts, as they are superior and not of first instance or courts with original jurisdiction in criminal matters, they only hear appeals during which time the trial procedure is obviously not repeated over. They only hear the arguments of the counsel, in line with the briefs of argument they have filed and at the conclusion of which court delivers its judgement.

2**. Comment on the various methods by which civil proceedings may be commenced in the High Court.**

* **Writ of summons-** this is a mode 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.
* **Originating summons-** a civil action is commenced by originating summons when it is required by a statute or a dispute, is concerned with matters of law and is unlikely to be any substantial dispute of fact. It is used whenever there is interpretation of a written law.
* **Originating motion-** this is used when provided for by a statute or a rule of court. E.g application for a judicial review.
* **Petition-**this is a formal request seeking a specific court order made by a person, group, organization to the court, typically at the start of a lawsuit.