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ANSWERS

1) Procedure for arraignment in high court; in a criminal the jury goes through the evidence to decide whether the defendant committed the crime in question or not. This trial is the government’s opportunity to make sure that justice is served which is to make sure that the part guilty obtains a verdict and is convicted. A criminal trial consists of six phases which are;

i) Choosing a jury; when solving criminal cases the first step is choosing jury, when selecting a judge the plaintiff and defendants attorney will question the jurors generally and also matters related to the particular case in question. In this stage both the prosecution and defence council will exclude certain numbers of jurors, through the use peremptory challenges which is used to exclude the jurors for detached reasons and also challenges for a cause which can be used revoke a juror who has shown his/ her inability in deciding a case.

ii) Opening a case; after selecting a jury the first conversation being held during trial comes in two opening statements, one the prosecutor on behalf of the government and also the defence council, during this period no witness testifies and also no physical evidence is being made effective use of. The government has typical proof as to claiming the defendant guilty. The first statement to be given is that of the prosecutor and is more detailed and explained than that of the defenders. The defenders sometimes wait till the conclusion of the government main case before making its opening statement.

iii) Witness testimony and cross examination; in any criminal trial we have what we normally call the case in chief this is when both parties handles their main evidence to the jury, in this case in chief the government also brings in evidence in order to convince the jury that the defendant committed the crime, after this the prosecutor call the witness and expert to testify, the prosecutor also has the choice to show physical evidence. The witness is also meant to take an oath, the party who called the witness asks the witness some questions and the answers of the witness may gain the party a chance of winning the case , after this the opposing party can also asks the witness some questions , the party that called the witness to the stand can also question the witness through re direct examination.

iv) Jury instruction; after evidence has been presented by the both parties and also made their closing statements, the next thing to do towards making the decision of the case is the jury instruction this is when the judge give the jury set of legal norms that will be used finally to decide whether the defendant is guilty or not, based on the criminal offence that the defendant committed the judge will choose the legal norm that should be used on the defendants case. The judge then orders on relevant legal principles decided upon which includes findings that will need to make the court arrive to particular conclusion.

v) Jury’s deliberation and verdict; after the judge has given instructions, juror as a group considers the case through a process which is called deliberation attempting to agree whether the defendant is guilty or not, this stage is for the jury to discuss the stage, most times the jury fails to reach an agreement and thereby finds a condition known as hung jury a judge will then declare a mistrial whereby the case is dismissed or the trial will start again but with a selection of jury.

2) Remedy available for accused; the remedy available for the accused after a sentence has been imposed is known as appeal. This is known as a request sent to the higher court to reverse the decision made by the lower court. appeals act as a process of both clarifying and both interrupting the law. Cases whereby a guilty person can appeal and can be granted includes;

a) When an accused pleads guilty cause he/doesn’t know why charges are held against them.

b) In a case where the accused person is being held for crimes he / her didn’t commit.

c) In criminal cases a person can’t appeal until found guilty by the court of law if they weren’t found guilty the verdict is final if not you can appeal i sentence was too harsh or the court made a mistake that resulted to your conviction.

3) Methods by which civil proceedings maybe commenced in court;

a) Writ of summons this is one of two methods of starting a civil action against a person, it is a formal document addressed to the defendant who informs him / her to appear before the court if he/ she would like to defend his/ her against the plaintiffs claim.

Originating summons; an action can be raised by writing a summon where it is required by a statue or dispute which is concerned with matters of the law and is unlikely to be about any substantial dispute of fact. An originating summon may be of two forms namely; inter parties and ex- parties. Originating summons are heard by registrars or judges in their chamber or open court.