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**Question one;**

1. **Clearly state the procedure from arraignment imposition of sentence in a criminal case in the high court**.

A criminal trial is one that is designed to resolve accusations brought (usually by a government) against a person accused of a crime. In the common law system, most criminal defendants are entitled to a trial before a jury. In this trial a jury examines the evidence in a bid to determine whether the defendant committed the crime he/she is accused of. IN most common law countries including Nigeria, the adversary procedure is still the norm. This procedure is one in which allegations are made and by the prosecution, resisted by the defendant and determined by an impartial Trier of fact (a judge or a jury) who is required to acquit the defendant if there is any reasonable doubt regarding his or her guilt. The high court of Nigeria is no different as it also follows the adversarial systems due to the use of common law in Nigeria as part of the received English law. The high courts of Nigeria, that is, the federal, the state and the Federal Capital Territory (FCT) all have the jurisdiction to decide over criminal cases by virtue of section 251, 257 1nd 272 of the constitution of the Federal Republic of Nigeria 1999 as amended.

A criminal prosecution develops in a series of stages, beginning with an arrest and ending at a point before during or after the trial. The criminal procedure process in the high court is usually headed by the pretrial stage which consists of the complaint and investigation and followed by the arrest of a suspect; bail may be granted to the suspect and after this comes the arraignment, the preliminary hearing, pretrial motions, trial and finally the sentencing. The focus of this question however lies in the stages between the arraignment and the imposition of the sentence.

The suspect makes his first appearance in court at **the arraignment stage**. Here, the judge reads the charges filed against the defendant in the complaints and it is the choice of the defendant to plead “guilty” or “not guilty” to those charges. The judge also reviews the defendants bail and sets dates for future proceedings. **The preliminary hearing or the grand jury proceeding** is the next stage. The preliminary hearing is an adversarial proceeding in which counsel questions witnesses and both parties their arguments. The judge will then make a decision based on the facts and evidence presented. The grand jury however, hears from only the prosecutor. The grand jury can call their own witnesses and request further investigations. The grand jury then decides whether sufficient evidence has been presented to indict the defendant. The government can bring charges forward in any of the two aforementioned ways. **Pretrial motions** being the next stage involve pretrial motions brought forth by both the prosecution and defense in order to resolve final issues and establish evidence and testimonies that will be admissible during the trial. **The Trial** stage is the stage where the jury or judge will finally find the defendant guilty or not guilty. The burden of proof lies on the prosecution in a criminal trial. This means that the prosecutor must prove beyond reasonable doubt the defenders guilt. The defendant often has constitutional rights to a jury trial in criminal matters. The decision of the judge or jury is made after listening to the opening and closing sentences, examination and cross-examination of witnesses and jury instructions. If the jury does not reach a unanimous verdict the judge may declare a miss trial or a new jury will be chosen. If the defendant is found guilty, he will be sentenced. **The imposition of the sentence** is the final stage and it involves the determination of the appropriate verdict for the convicted defendant. The court considers 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 before passing a verdict.

In summary, the criminal trial procedure in the high court consists of seven(7) stages of which this question focuses on five( 5) that is; the arraignment, the preliminary hearing or grand jury proceeding, the pretrial motions, the trial and the imposition of sentence. These five stages encompass the entire court process involved in a criminal proceeding and are extremely vital and indispensable to criminal proceedings.

1. **Comment on the remedy available to the accused after the imposition of a sentence.**

There are various remedies available to the accused after the imposition of sentence some of them include:

1. **Appeal;**

An individual convicted of a crime may ask that his or her case be reviewed by a higher court. If that court finds error in the case or the sentence imposed, the court may reverse the conviction or find that the case be retried.

1. **Presidential pardon**;

The president has a right to forgive a convict of his crime or excuse someone of his punishment. A person may be relieved of some or all of their legal consequences resulting from a criminal conviction. To request for pardon, one must send an application to the pardon attorney. The office will review, investigate and prepare a recommendation about the application.

1. **Remission of sentence**;

This simply means that your sentence can be cut short by the president, meaning you don’t have to serve the full period of your sentence. This usually happens on account of good behavior or conduct.

1. **Respite;**

This is a delay or postponement of a sentence or one granted to a jury or court for further consideration or deliberation. In all cases, it is temporary

1. **Expungement or expunction**;

This is a court order process in which the legal record of an arrest or criminal conviction is “sealed”, or erased in the eyes of the law. One must file for an expungement in the court that convicted you of the felony.

 **Question 2;**

**Comment on the various methods by which civil proceedings may be commenced in the high court.**

Commencing a civil action, proceeding is the process taken to institute an action in a competent court to determine the issues between parties. There are essentially four methods of commencing civil action in the high court of Nigeria namely:

1. By writ of summons
2. By originating summons
3. By originating motions
4. By petition.

**A writ of summons** is a writ (a form of written command in the name of the court or other legal authority to act or abstain from acting, in a particular way) by which an action is started in the high court. It must be filed by the plaintiff either through solicitors or personally in court as the 1st step in civil proceedings. After the court accepts the filing it must be served by the plaintiff to the defendant. It is used when the matter is contentious and there is need to go through the process of trial.

**An originating summon** is one of the methods of commencing a civil action in court. An action is commenced by originating summons when it is required by a statute or a dispute which is concerned with a matter of law, is unlikely to be any substantial dispute of fact. It sets out the questions the court is being asked to settle. When the facts in the case are not disputed, but the interpretation of the law or of the documents needs to be resolved, an originating summons is prepared.

**An originating motion** is a document that commences a civil action in court. It is only used when specifically required by law and is faster than the process under the writ of summons. It is often required when there is no defendant, you are making the application to the court under a particular act or the Supreme Court (general civil procedure) rules 2015 or Supreme Court (miscellaneous civil proceedings) rules 2018 says you should use an originating motion.

**A Petition** is a formal request made to the appropriate court to begin legal proceedings or in this case to commence a civil action.

The use of any of these methods is dependent on the specific nature of the case.

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