**NAME: EGBO RICHARD OGHENERUKOME**

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**COURSE: NIGERIAN LEGAL SYSTEM II**

**COURSE TITLE: LPI 204**

**1 PROCEDURES OF CRIMINAL CASES IN THE HIGH COURT**

**ARRAINGMENT**

The suspect makes his first court appearance at the arraignment. During 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

**PERLIMINARY HEARING**

A preliminary hearing, or preliminary examination, is an adversarial proceeding in which counsel questions witnesses and both parties makes arguments and brings evidences forward to the judge. The judge then makes the ultimate finding of probable cause

**PRE- TRIAL**

Pre-trial motions are 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.

**TRIAL**

At trial, the judge or the jury will either find the defendant guilty or not guilty. Before that, the judge must hear both sides of the story from the defendant and the prosecutor, who must prove his points beyond reasonable doubt that the defendant committed the crime he is accused of.

**SENTENCING**

During the sentencing phase of a criminal case, 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.

**1ii) REMEDY**

**APPEAL**

An individual convicted of a crime may ask that his or her case be reviewed by a higher court. Such higher court includes the appeal court. And if he or she is not satisfied he can go to the supreme court, the supreme court is the highest court, this is considered as the last hope of man.

2**. CIVIL PROCEEDINGS IN A HIGH COURT**

**STARTING A CLAIM**

Civil cases are commenced by the filing of a Statement of Claim or a Summons - depending on the type of case. The Statement of Claim or Summons explains which court the claim is being commenced in, the parties to the case and details about the claim. There are fees for lodging a Statement of Claim or a Summons. According to **order 2 rule 1 of the high court civil procedure rules**, it states that “the party who commences civil proceedings shall be described as "plaintiff" and the opposing party shall be described as "defendant”. And it shall be commenced by filling of writ of summons according to **order 2 rule 2 of the high court civil procedure rules**

**ISSUANCE OF WRIT OF SUMMONS**

Writ of summons is being issued to the defendants. Writs of summons can be seen as a legal document by the court inviting an accused person of a crime to the court.

**VENUE AND TRANSFER**

The venue depends on the subject matter of what the case is related to. According **to order 3 rule 1 of the high court civil procedure rules, if the case is related to immovable property or any interest in it or for any damage to it shall be commenced in the Region in which the immovable property or any part of it is situated. Rule 2 of this order states that”** **Every cause or matter that relates to movable property detrained or seized for any cause shall be commenced in the Region in which the distraint or seizure takes place”.**

**THE COURT PROCESS BEFORE HEARING**

In most cases, there will be a number of case management appearances required before the case is listed for a hearing. These include pre-trial conference. This stage exist to encourage settlement of the claim and to ensure the case preparation is on track.

**HEARING**

Civil hearings are generally heard by a judge without a jury. The way hearings usually precede is:

The case is being called, the judge listens to both sides of the story, the defendants have to defend his self beyond reasonable doubt because the burden of proof lies on him.

**DECISION**

After hearing, the judge will hand down a judgment. This may be done immediately after the hearing, or the judge may reserve (postpone) his or her decision for a later date.