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NIGERIAN LEGAL SYSTEM

1. **The procedure from arraignment to imposition of sentence in a criminal court in the High court.**

**ARRAIGNMENT**

The suspect in a criminal proceeding usually makes his first appearance in court at the arraignment. During arraignment, the judge reads the charges filed against the defendant in the complaint. The defendant chooses to plead “guilty”, “not guilty, or “no contest” to the stated charges. The judge also reviews the defendant’s bail and sets dates for future proceedings.

**TRIAL**

At trial, the judge or jury will either find the defendant guilty or not guilty. The prosecution bears the burden of proof in a criminal trial. Thus the prosecution must prove beyond reasonable doubt that the defendant is guilty and committed the crimes charged. The defendant has constitutional right to a jury trial in most criminal matters.

**CONVICTION**

In law, a conviction is the verdict that usually results when a court of law finds a defendant guilty of a crime. The opposite of conviction is an acquittal. {that is, “not guilty”}. A conviction is a determination of guilt, and a determination of guilt must be the act of the court or the arm of the court charged with deciding the guilt of the accused. There must be at least a determination of guilt before here can be a conviction. There can be no conviction on the count where the defendant pleads guilty until by some act on the part of the court it has indicated a determination of the question of guilty.

**ALLOCUTUS**

An allocution or allocutus, is a formal statement made to the court by the defendant who has been found guilty prior to being sentenced. It is part of the criminal procedure in some jurisdictions.

An allocutus allows the defendant to explain why the sentence of the court should be lenient. In plea bargains, an allocution may be required of the defendant. The defendant explicitly admits specifically and in detail their actions and their reasons in exchange for a reduced sentence.

In principle, that removes any doubt as to the exact nature of the defendant’s guilt in the matter.

**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.

**REMEDY AVAILABLE TO ACCUSED AFTER IMPOSITION OF SENTENCE**

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 or find that the case be re-tried.

STEPS INVOLVED IN A CRIMINAL APPEAL;

1. Choosing an attorney to handle the appeal;

Not every trial lawyer can successfully handle appeals. It is important to find an attorney who completely understands the appeal process and has the legal research and legal skills to effectively handle the case.

1. Reviewing the record on appeal;

The attorney will obtain the Record on Appeal from the trial court clerk. The record consists of the clerk’s transcript {every document that was filed with the court during the case} and the court reporter’s transcript {record of everything said during the trial}.

1. Preparing and filing the opening brief;

The brief would summarize what occurred in the case and present legal arguments supporting the appeal. The brief is the major instrument of persuasion in an appeal.

1. Oral Argument;

The attorney will argue the case in case. The court will listen to the oral argument, and then issue a written decision affirming or reversing the conviction.

1. **Methods by which civil proceedings commence in a High Court**

Essential, there are four ways of commencing civil action in court in a High Court;

* By Writ of Summons
* By Originating Summons
* By Originating Motion
* By Petition
1. **Writ of Summons;**

A Writ of Summons is one of the modes of commencing a civil action. It is a formal document addressed to the defendant requiring him to appear in court if he/she wishes to defend himself against the plaintiff’s claim.

1. **Originating Summons;**

Originating summons{OS} is one of the modes of commencing civil action in court. An action is commenced by OS when

1. It is required by a statute
2. A dispute, which is concerned with matters of law, is unlikely to be any substantial dispute of fact
3. **Originating motion;**

It is an application that commences a proceeding in a court.

1. **Petition;**

A petition falls among the various methods to start a civil proceeding in a High Court.

A petition is a legal document formally requesting a court order made by a person, group or organization typically at the start of a law suit.