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**COURSE: NIGERIAN LEGAL SYSTEM**

**The procedures from arraignment to imposition of sentence in criminal cases in the highCourt goes as follows:**

**Arraignment–At the arraignment,thedefendantentersapleaofguilty,notguilty,ornocontest**

**(nolocontendere).Ifthedefendantentersanotguiltyplea,thejudgewillsetatrialdate.Ifthe**

**defendantentersaguiltypleaordeclaresnocontesttothecharges,thejudgewillsetadateto**

**sentence the defendant for the crime.**

**Trial**

**OpeningStatements–Thedefendanthastherighttoatrialinwhicheitherajuryorthejudge**

**determinesguilt.Whenthecourtisreadyforthetrialtobegin,eachsidecanmakeanopening statement. In a criminal case, the prosecuting attorney speaks first.**

**Tobegin,theprosecutingattorneygivesanoverviewofthefactsthatwillbepresented. Thedefenseattorneymaypresentthesametypeofopeningcommentormaysavetheopening**

**statementuntillaterinthetrialwhenthatsideofthecasebegins.Eitherattorneymaydecide**

**nottogiveanopeningstatement.**

**Witnesses–Theprosecutingattorneybeginsthecasebycallingwitnessesandaskingthem**

**questions.Thisisdirectexamination.**

**Witnessesinalltrialstakeanoathoranaffirmationthatwhattheysayincourtistrue.Alltrial**

**evidence,includingtestimonyandphysicalevidence,suchasdocuments,weapons,orarticles**

**ofclothing,mustbeacceptableasdefinedbytheArizonaRulesofEvidencebeforeitcanbe**

**admittedintoevidenceandshowntothejury.Thejudgedecideswhatevidenceandtestimony**

**areadmissibleundertherules.**

**Inacriminaltrial,theprosecutingattorneypresentsevidenceandwitnesstestimonytotryto**

**provebeyondareasonabledoubtthatthedefendantcommittedthecrime.Thedefendant’s**

**attorneymaypresentevidenceandwitnessestoshowthatthedefendantdidnotcommitthe**

**crimeortocreateareasonabledoubtastothedefendant’sguilt.Thedefendantisconsidered**

**innocentofthecrimechargeduntilprovenguilty.**

**Whentheprosecutionhasfinishedquestioningawitness,thedefenseisallowedtocross examinethewitnessonanyrelevantmatter.Aftercross-examination,theattorneywhofirst**

**calledthewitnessmayaskthewitnessmorequestionstoclarifysomethingtouchedoninthe**

**cross-examination.Thisisredirectexamination.Thejudgemayallowanopportunityforthe**

**opposingattorneytore-crossexamine.**

**Whentheprosecutionhascalledallthewitnessesforitssideofthecaseandpresentedallof**

**itsevidence,itrestsitscase.**

**Atthispoint,thedefendant’sattorneymayaskforajudgmentofacquittal.Thismeansthatthe**

**attorneyisaskingthecourttodecidethecaseinthedefendant’sfavorbecausetheprosecuting**

**attorneydidnotpresentenoughevidencetoprovethecaseagainstthedefendant.Ifthejudge**

**agreesthatthereisnotenoughevidencetoruleagainstthedefendant,thejudgerulesinfavor**

**ofthedefendant,andthecaseends.**

**Ifajudgmentofacquittalisnotrequestedoriftherequestisdenied,thedefensemaypresent**

**evidenceforitssideofthecase.Thedefenseattorneyoftenwaitsuntilthispointinthetrialto**

**makeanopeningstatement.**

**Thedefensemaychoosenottopresentevidence,asitisnotrequiredtodoso.Thedefendant**

**inacriminalcaseisnotrequiredtoproveinnocence.Theburdenisontheprosecutiontoprove**

**thedefendant’sguiltbeyondareasonabledoubt.**

**Ifthedefensedoespresentacaseandcallwitnesses,thesamerulesandproceduresthat**

**governedpresentationofevidencebytheprosecutionnowapplytoevidencepresentedbythe**

**defenseincludingtheopportunityfortheprosecutortocross-examinedefensewitnesses.**

**Attheendofthedefendant’scase,theprosecutormaypresentadditionalinformationto**

**respondtoevidenceofferedbythedefense.Followingthis,thedefenseisgivenanother**

**opportunitytopresentmoreevidenceonthedefendant’sbehalf.**

**ClosingArguments–Aftertheprosecutionandthedefensehavepresentedalloftheirevidence,**

**eachsidemaymakeclosingarguments.Closingarguments—similartoopening**

**statements—provideanopportunityfortheattorneystoaddressthejudgeorthejuryafinal time.Theprosecutorspeaksfirst,usuallysummarizingtheevidencethathasbeenpresented**

**andhighlightingitemsmostbeneficialtotheprosecution.Thedefendant’sattorneyspeaksnext.**

**Thedefenseattorneyusuallysummarizesthestrongestpointsofthedefendant’scaseand**

**pointsoutflawsintheprosecutor’scase.Theprosecutorthenhasonelastopportunitytospeak.**

**InstructingtheJury–Afterclosingargumentsinajurytrial,thejudgereadsinstructionstothe**

**jurors,explainingthelawthatappliestothecase.Jurymembersmustfollowtheseinstructions**

**inreachingaverdict.**

**JuryDeliberations–Thejurygoestoaspecialjuryroomandelectsaforemantoleadthe**

**discussion.Jurorsmustconsideralloftheevidencepresented,reviewthefactsofthecase,**

**andreachaverdict.Whenthejurymakesitsdecision,thecourtiscalledbackintosession.**

**Verdict–Theforemanpresentsawrittenverdicttothejudge,andeitherthejudgeorthecourt**

**clerkreadsthejury’sverdicttothecourt.Thecourtthenentersajudgmentbasedontheverdict,**

**andthejuryisreleasedfromservice.Iffoundnotguilty,thedefendantisreleasedimmediately.**

**Ifthedefendantisfoundguilty,adateissetforsentencing.Thedefendantmaybeheldin**

**custodyorremainonreleasestatusuntilsentencing.**

**Sentencing–Asentencinghearingisscheduledtodeterminethepunishmentaconvicted**

**defendantwillreceive.Thejudgehearstestimonyfromtheprosecutionandthedefense**

**regardingthepunishmentthateachsidefeelstheconvicteddefendantshouldreceive.**

**InArizona,theLegislaturehasestablishedarangeofsentencesfordifferentcrimes,andthe**

**judgemustimposeasentencewithintherangeoutlinedbylaw.Theoptionsmayinclude**

**probation,fines,imprisonment,oracombinationofthesepunishments.Insomecases,the**

**deathpenaltycanbeimposed.Ajuryratherthanthejudgeisrequiredtodecidewhetherthe**

**defendantwillreceivethedeathpenalty**

**2) The remedy can be in form of probation and reduction of sentence years as indicated in the law depending on the law’s mercy limit which solely depends on the class criminal offence committed.**

**3)**

**Steps in a civil lawsuit:**

**1.The plaintiff files a document(acomplaintorapetition)withtheclerkofthecourtstating**

**thereasonswhytheplaintiffissuingthedefendantandwhatactiontheplaintiffwantsthecourt**

**totake.**

**2.Theplaintiffmuststatewhetherthecaseiseligibleforarbitrationaccordingtocourtrule.**

**3.Acopyofthecomplaintandasummonsaredeliveredto(servedon)thedefendant.**

**4.Thedefendanthasalimitedtime(usually20days)tofileawrittenansweradmittingor**

**denyingthestatementsinthecomplaint.**

**5.Theplaintiffandthedefendantexchangeinformationaboutthecase.Thisiscalled**

**discovery.**

**6.Thecaseistriedbeforeajuryorajudge.Civiltrialprocedureissimilartocriminal**

**procedure,witheachsidehavingtheopportunityforopeningandclosingstatements,direct**

**examinationandcrossexaminationofwitnesses,andintroductionofotherevidence.**

**7.Thejudgemakesadecisionorthejurygivesitsverdict,basedonthetestimonyandother**

**evidencepresentedduringtrial.**

**8.Thelosingpartymayappealthedecisiontothenexthigherlevelofthecourt.**