

COUNCIL OF LEGAL EDUCATION
NIGERIAN LAW SCHOOL
LAGOS CAMPUS

CRIMINAL LITIGATION LECTURE SCHEDULE AND TASK (WEEK 2)

MONDAY 23RD JANUARY 2023

TOPIC: INTRODUCTION TO CRIMINAL LITIGATION AND OVERVIEW OF COURSE

OUTCOMES

At the end of this lesson students would be able to:

1. Discuss the scope of the Criminal Litigation Course;
2. List and Compare the laws/rules applicable in various courts & in various parts of Nigeria;
3. Identify and explain the sources of the laws/rules guiding Criminal Litigation in Nigeria.
4. Explain the types, sittings and settings of courts.

CONTENTS

1. Introduction to Criminal Litigation.
2. Overview of Criminal Litigation
3. Sources of the law/rules guiding criminal proceedings
4. Types, sittings and settings of criminal courts
5. Laws/rules applicable in various courts and parts of Nigeria.

ACTIVITY BEFORE CLASS

- ❖ Students are to research on the laws and rules applicable in all criminal courts in Nigeria. Focusing their attention on the statutes, cases and materials provided on the subject.
- ❖ ALL GROUPS in group meetings will prepare each of the assignment on all topics listed below and be ready to present them in class.
- ❖ The soft copy of the solved task (in Power Point format) for each group must be sent to the lecturers email addresses by the group leaders not later than 8.00pm on the 22nd January 2023.
- ❖ The group leaders are to print out the hard copies of the answers to the solved task and put it in a file, place it on the desk on the podium latest by 8:45am on Monday 23rd January 2023.
- ❖ **Note that all Students must research on all the assignments and have their answers in hard and soft copy ready to make their individual presentation when called upon on Monday.**
- ❖ Students are to research further on the laws and rules applicable to criminal litigation in Nigeria including sources of criminal proceedings, the types, sitting and setting of criminal courts.
- ❖ **Students are to research and list the States that have enacted the Administration of Criminal Justice Law in Nigeria, state the commencement date of the law and States that are yet to enact the law.**

ASSIGNMENT AND TASKS

- 1. Mr. Stronghead Hardened** is standing trial at the Lagos State High Court sitting at Igbosere, Lagos for conspiracy to commit armed robbery, armed robbery, and being in possession of a substance suspected to be Cannabis sativa in a charge filed on 10th February 2019. His counsel while addressing the court relied on the Administration of Criminal Justice Act, 2015 on the argument that Armed Robbery is a Federal Offence. Both Counsel invited the court to adopt the procedure applicable in the High Court of England for bail application. Prosecuting counsel vehemently objected to the flagrant misapplication of the law and the jurisdiction of the court. The court subsequently adjourned for Parties to file and adopt their written addresses relating to the objection.

However, on the eve of the adjourned date due to a heavy down pour coupled with excessive wind storm, the court room was flooded and the roof blown off. On the adjourned date the presiding judge elected to sit in a nearby uncompleted primary school hall. Counsel for both the prosecution and defence adopted their written addresses notwithstanding that they complained that the sitting was a kangaroo court sitting in view of the venue which was not the designated court room.

At the end of the day's sitting, both counsel agreed with the judge in chambers that due to the nature of the case, that the court should sit on a Saturday and the next Monday (being a public holiday) as their witnesses being public servants would be free on those days to testify.

However, before the next adjourned date, the Court Registrar sent a text message to the respective Counsel informing them of His Lordship's request that both Counsel should file a Written address to address the Court on the applicable criminal procedural law in respect of the Charge before it and whether the Court has the jurisdiction to try an offence of being in possession of cannabis Sativa.

The defendant was eventually convicted and sentenced accordingly for one of the count. He intends to appeal on grounds of miscarriage of justice as the court sat on a Saturday and public holiday.

Comment with the aid of judicial and statutory authorities on the propriety or otherwise of the following:

- (a) The reliance and applicability of the Administration of Criminal Justice Act, 2015 in criminal trials in Lagos State in the above trial.
- (b) The submission by counsel that the court should rely on the applicable procedure in the High Court of England in relation to bail application.

- (c) Would your answer be different if the submission in (b) above was made before the High court sitting in Kano State, Enugu State, and Federal Capital Territory, Abuja respectively? Give reasons for your answer.
- (d) The legality of the court proceedings held in an uncompleted primary school building whereat the written address was adopted.
- (e) The legality of the court proceedings held on Saturday and on a public holiday.
- (f) List the Principal and Secondary enactments/sources of law necessary in Criminal Litigation in Nigeria.
- (g) Announce your appearance in writing as if you are announcing it orally in the trial Court.
- (h) How would you announce your appearance if the charge is in the Magistrates' Court of Lagos, and if it is a Criminal Appeal at the Court of Appeal and Supreme Court?
- (i) What would be your address on the issue raised in the above scenario as it relates to applicable Criminal Procedural Law and jurisdiction?
- (j) Identify and briefly comment on the criminal trials in Nigeria which the Administration of Criminal Justice Act, 2015 (ACJA, 2015) apply

RECOMMENDED TEXT BOOKS AND MATERIALS

1. O.A Onadeko: The Nigerian Criminal Trial Procedure
2. Bob Osamor: Criminal Procedure Laws and Litigation Practices (2nd Edition).
3. Afolayan A.F: Criminal Litigation in Nigeria (3rd Edition).
4. Agaba J.A: Practical Approach to Criminal Litigation in Nigeria (Revised 3rd edition).
5. YDU Hambali: Practice and Procedure of Criminal Litigation In Nigeria (2018).
6. Ojei F.E; Okanyi D.O; Egemonu J.N: Criminal Litigation in Nigeria: Practice & Procedure (2019).
7. Orimogunje O.O: Law of Evidence in Civil and Criminal Litigation in Nigeria.
8. E-Handbook on Criminal Litigation
9. Ashi V. B: Basic Skills in Trial Advocacy
10. Agbedo, F: Rights of Suspects and accused persons under Nigerian Criminal Law.
11. Adedokun E. Handbook on the Innovations of the 2011 Evidence Act.

STATUTES/LAWS

1. Administration of Criminal Justice Act 2015
2. Administration of Criminal Justice Law, Lagos 2011(revised in 2015), as amended.
3. Administration of Criminal Justice Law, Kano 2019
4. 1999 Constitution of the Federal Republic of Nigeria as amended.
5. Evidence Act 2011 as amended.
6. Criminal Code law of Lagos State 2015.
7. Penal Code.
8. Criminal Code.
9. The Police Act.
10. The Armed Forces Act.
11. The Legal Aid Act.

12. The Children and Young Persons Act, etc.
13. The Anti- Torture Act 2017.
14. Magistrate's Court Law of Lagos State 2009.
15. The Nigerian Correctional Service Act 2019.