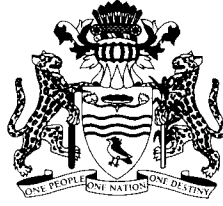


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Chambers

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3rd June, 2016

DPP's CHAMBERS APRIL 2016 CRIMINAL ASSIZES PRESS RELEASE

Gaol Delivery was done by Justice Navindra Singh on Friday 27th May, 2016, bringing to an end the April 2016 Criminal Assizes which commenced on Tuesday 5th April, 2016 with Justice Navindra Singh, Madam Justice Priya Sewnarine-Beharry and Madam Justice Jo-Ann Barlow. A total of 163 cases were listed to be heard during the April Assizes.

Fifty-eight (58) matters were disposed of during the Demerara April 2016 Criminal Assizes. Of these fifty-eight matters, thirty-one were presented in the High Court of Demerara. Twenty-seven (27) matters were nolle prosequi in writing by the Director of Public Prosecutions (DPP).

Of these thirty-one matters that were presented, there were nine (9) guilty pleas, three guilty verdicts by jury, eight not guilty verdicts by jury, eight formal verdicts of not guilty, two hung jury and one case was withdrawn by the trial judge.

Justice Navindra Singh completed sixteen (16) matters. Of these 16 matters, one was for the offence of Manslaughter, one for the offence of Sexual Activity with A Child Family Member, two for Attempt to Commit Murder, six matters for the offence of Murder, three for the offence of Carnal Knowledge of Girl under 15 Years, one matter for the offence of Rape and two for the offence of Rape of A Child under 16 Years.

In the one matter for the offence of Manslaughter the accused pleaded guilty and was sentenced to nine years imprisonment. In the one matter for the offence of Sexual Activity with A Child Family Member the accused was found guilty by the jury and sentenced to twelve years imprisonment.

In one of the two cases for the offence of Attempt to Commit Murder, the virtual complainant (VC) went into the witness box and testified that he no longer wanted to proceed with the matter and caused the trial judge to direct the jury to return a formal verdict of not guilty.

While in the other case the accused pleaded guilty to the alternative count of Causing Grievous Bodily Harm and was sentenced to five years imprisonment.

In one of the six matters for the offence of Murder, the trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. In the other five Murder trials all the accused pleaded guilty to the lesser offence of Manslaughter and were sentenced respectively to eight years imprisonment, nine years imprisonment, fourteen years imprisonment and fifteen years imprisonment by the trial judge. In two of these five matters the accused were each sentenced to eight years.

In the three matters for the offence of Carnal Knowledge of Girl under 15 years, the VCs went into the witness box and testified that they did not wish to proceed with the evidence and caused the trial judge to direct the juries to return formal verdicts of not guilty.

While in the one case for the offence of Rape, the trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty.

In the two separate cases for the offence of Rape of A child under 16 Years, both accused were acquitted after the jury returned not guilty verdicts.

Justice Priya Sewnarine-Beharry completed **seven** matters. Of these seven matters, **two** were for the offence of Carnal Knowledge of Girl Between 15 and 16 Years, **two** for the offence of Murder, **one** for the offence of Rape of A Child under 16 years and **two** matters for the offence of Manslaughter.

In one of the two cases for the offence of Carnal Knowledge of Girl Between 15 and 16 Years the accused was acquitted after the jury returned a majority verdict of 10 to 2 not guilty. In the other case, the VC testified that she did not wish to proceed with the evidence and caused the trial judge to direct the jury to return a formal verdict of not guilty.

In one of the two Murder cases, the jury returned a unanimous verdict of not guilty for the accused. In the one other case the jury failed to reach a verdict and the accused was remanded back to prison to await a new trial.

The accused in the trial for the offence of Rape of A Child under 16 years was acquitted after the jury returned a not guilty verdict.

The accused in the two separate matters for the offence of Manslaughter were both acquitted by the jury.

Justice Jo-Ann Barlow completed **eight** matters. Of these eight matters, **five** were for the offence of Murder, **one** for Wounding with Intent, **one** for the offence of Rape of A Child under 16 Years and **one** for the offence of Rape.

In one of the five Murder cases, the accused was sentenced to life imprisonment after the jury returned a unanimous verdict of guilty. This prisoner becomes eligible for parole after he would have served 25 years in jail.

In two other Murder trials the accused both pleaded guilty to the lesser offence of Manslaughter and were respectively sentenced to 13 years imprisonment and 14 years 9 months imprisonment.

In another Murder trial the accused will have to await a new trial because the jury failed to reach a verdict.

While in one other Murder trial in which two accused were indicted, the number one accused was acquitted by the jury which returned a unanimous verdict of not guilty. The number 2 accused was unanimously found guilty by the jury and sentenced at the Court's pleasure. Trial Judge Jo-Ann Barlow ordered that he undergoes counselling and to participate in academic classes in prison. This prisoner will be evaluated in April 2018.

The case for the offence of Wounding with Intent was withdrawn from the jury by Trial Judge Jo-Ann Barlow after the caution statement (CS) which was admitted into evidence revealed the accused acted in self-defence. The jury was then directed by the trial judge to return a formal verdict of not guilty.

In the one matter for the offence of Rape of A Child under 16 Years the victim informed the Court that she did not wish to proceed with the matter and the trial judge directed the jury to return a formal verdict of not guilty.

The accused in the one matter for the offence of Rape was acquitted by the jury which returned a unanimous verdict of not guilty.

Twenty-seven matters were nolle prosequi by the DPP. Of these twenty-seven matters, five were for the offence of Rape, three matters for the offence of Murder, six matters for the offence of Manslaughter, two matters for Rape of A Child under 16 Years, two for the offence of Buggery, one for Carnal Knowledge of A Girl Under Fifteen Years and one matter each for the offences of Sexual Activity with A Child Family Member, Fraudulent Misappropriation, Obtaining by False Pretence, Causing Death By Dangerous Driving, Break and Enter and Larceny, Wounding with Intent to Commit Murder, Throwing Noxious Substance and Carnal Knowledge of Girl between Fifteen and Sixteen Years.

In eighteen cases for the offences of Rape, Murder, Manslaughter, Buggery, Fraudulent Misappropriation, Obtaining by False Pretence, Causing Death By Dangerous Driving, Break and enter and Larceny and Wounding with Intent to Commit Murder the main witnesses could not be located. These were all old cases which were committed more than ten years ago.

Another nine cases were nolle prosequi for the Offences of Sexuality Activity With a Child Family Member, Wounding With Intent To Commit Murder, Rape of a Child under Sixteen Years, Throwing Noxious Substance, Rape and Carnal Knowledge of A Girl Under Fifteen Years because the VC's indicated in writing that they did not wish to proceed with their matters.

At the same time the Berbice February 2016 Criminal Assizes which commenced on Tuesday 2nd February, 2016 was in progress with Justice Franklin Holder who first sat from February to April. Sixty-five cases have been listed to be heard during this Assizes. Of these sixty-five cases, nine of them received attention during the four months, February to May.

Of these nine matters, six of them were presented before Justice Holder. Of these six matters, four were for the offence of Murder, one for the offence of Attempt to Commit Murder and another one for the offence of Sexual Activity with A Child Family Member.

In one of the four Murder cases, the accused was acquitted by the jury when they returned a unanimous verdict of not guilty. One other Murder trial was aborted after the mother of the deceased reported to the Court that she had observed the accused and a juror communicating and that several other jurors and the accused lived in close proximity. After holding an inquiry, Justice Holder felt the jury was compromised and could not be impartial. The accused will have to await a new trial.

In a third trial the accused was freed after the trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. While the accused in the one other Murder trial pleaded guilty to the lesser offence of Manslaughter and was sentenced to twenty-six years imprisonment.

In the one matter for the offence of Attempt to Commit Murder in which two accused were indicted, the jury was unanimous with a guilty verdict for both accused. The number one accused was sentenced to seventeen years imprisonment while the number two was sentenced to twelve years imprisonment.

The accused in the one matter for the offence of Sexual Activity with A child Family Member was freed after despite several warnings to attend Court, the virtual complainant failed to attend. The trial judge then directed the jury to return a formal verdict of not guilty.

One matter for the offence of Murder was nolle prosequi by the DPP because the accused died while awaiting his trial.

Justice Brassington Reynolds began sitting in April and has since commenced three matters for the offences of Rape of A Child Under Sixteen Years and Attempt to Commit Murder.

The case for the offence of Rape of A Child Under Sixteen Years was aborted because the State Prosecutor reported to the Court there was an irregularity between a juror and the accused and the juror and Defence Counsel. This report caused the trial judge to hold an enquiry which resulted in the judge ruling it would be unfair to continue the trial.

In the matter for the offence of Attempt to Commit Murder the accused has been found unanimously guilty by the jury. He will be sentenced on 7th June, 2016. Another case for the offence of Attempt to Commit Murder the accused has been empanelled and is continuing. The Assizes continues until 20th June, 2016.

During this time, the Essequibo February 2016 Criminal Assizes had commenced on Tuesday 16th February, 2016 before Justice James Bovell-Drakes. Three matters were presented before Justice Drakes for the offences of Attempt to Commit Murder, Rape and Manslaughter.

In the one case for the offence of Attempt to Commit Murder the VC indicated to the Court that he did not wish to proceed with the matter and the trial judge directed the jury to return a formal verdict of not guilty.

The accused in the trial for the offence of Rape will await a new trial since the jury failed to reach a verdict. While the accused in the matter for the offence of Manslaughter pleaded guilty and was sentenced to thirteen years imprisonment.

Meanwhile, The Demerara June 2016 Criminal Assizes will commence on Tuesday 7th June, 2016 with 116 cases listed to be heard. Justice Navindra Singh, Madam Justice Jo-Ann Barlow and Madam Justice Priya Sewnarine-Beharry will be sitting during the month of June and then Justice James Bovell-Drakes Justice Navindra Singh and Madam Justice Priya Sewnarine-Beharry will be sitting from July to September 2016.

While the Berbice June Criminal Assizes will start on Tuesday 21st June, 2016. Justice Reynolds continues for the month of June after which Madam Justice Jo-Ann Barlow will sit from July to September. The Essequibo May 2016 Criminal Assizes commenced on Tuesday 17th May, 2016 before Justice James Bovell-Drakes with 27 cases listed to be heard. Justice James Bovell-Drakes continues for the month of June after which another judge will sit.

During the months January to May 2016, we appeared in fourteen (14) matters in the Court of Appeal. Two Applications for Extension of Time to file Notices of Appeal were granted. Another **two** Applications for bail pending Appeal were withdrawn by the Appellants. In **one** other matter, the Court of Appeal ordered the Registrar of the Supreme Court to return to a petitioner his passport thereby granting him permission to leave the jurisdiction in the course of his business on the condition that he shall be present to attend the hearing and determination of his Appeal. **Four** other Appellants had their sentences and convictions set aside and their matters to be done De Novo. **One** Application for Extension of Time to file Grounds of Appeal was granted. While **one** Application to withdraw Appeals by both the Appellant and the Respondent was granted. In **one** other matter, the Court reserved its ruling while **one** other matter was adjourned and another **one** was not heard because a Justice of Appeal had travelled on behalf of the judiciary when the matter was fixed for hearing.

In the Demerara Full Court, **three** matters were presented. **One** matter was referred to the Court of Appeal since the Full Court ruled it had no jurisdiction to hear the matter. **One** other matter was struck out for want of jurisdiction while in another **one** matter, the Appellant informed the Full Court that the Grounds and Submissions were already filed in the Court of Appeal and a re-hearing was set to be heard in the Vreed-en-Hoop Magistrates' Court.

The Berbice Full Court heard **thirteen** cases. **One** matter was referred to the Court of Appeal after the State submitted that the Full Court had no jurisdiction to hear the matter since it was an indictable matter. **Three** other Appellants had their Appeals Allowed after the Full Court ruled that the magistrate, having declined jurisdiction, could not then place the Appellants on Bonds. Another **two** Appellants had their Appeals Allowed in part in relation to their sentence. While **five** matters were struck out because the Full Court ruled it had no jurisdiction to hear them. **Two** matters were adjourned.