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Chambers

Director of Public Prosecutions,
P.O. Box 1031,
Georgetown,
Guyana

28th March, 2024

DPP'S CHAMBERS - January 2024 Criminal Assizes Press Release

The Demerara January Criminal Assizes commenced on Tuesday 9th January, 2024 with a total of 259 cases listed to be heard. Justice Sandil Kissoon, Madam Justice Priya Sewnarine-Beharry and Madam Justice Simone Morris-Ramlall presided over this assizes.

During this assizes, the State disposed of forty-two (42) matters; 26 were presented in the High Court. Of these, 11 were for the offence of *Murder*, 3 for *Manslaughter*, 3 for the Offence of *Attempt to Commit Murder* and 9 for *Sexual Offences*.

The remaining 16 matter were nolle prosequi by the Director of Public Prosecutions (DPP).

There were 5 convictions, 7 verdicts of not guilty by jury, 6 formal verdicts of not guilty, 9 guilty pleas and one hung jury. There were a total of 28 accused in relation to these matters.

State Counsel Joy Williams, State Counsel Caressa Henry, State Counsel Padma Dubraj and State Counsel Alvaro Ramotar prosecuted 13 matters before Madam Justice Priya Sewnarine-Beharry. Of these 13 matters, 7 were for the offence of *Murder*, 3 for the offence of *Manslaughter* and 3 for *Attempt to Commit Murder*.

In 5 of the *Murder* trials the accused all pleaded guilty to the lesser offence of *Manslaughter*; 3 of them were respectively sentenced to 9 years, 7 years and 12 years' imprisonment while the other two were sentenced to 8 years respectively.

In another one of these *Murder* trials, the accused was sentenced at the Courts pleasure and ordered to serve a minimum of 8 years in custody. The other case had two accused and they were both acquitted by unanimous jury verdicts of not guilty.

In two of the *Manslaughter* cases, Justice Beharry up held no case submissions and directed the juries to return formal verdicts of not guilty. While the jury in the other one returned a not guilty verdict.

In one of the 3 cases for the offence of *Attempt to Commit Murder and Wounding with Intent*, Trial Judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. The accused in the another matter was found guilty by jury on the alternative count of *Wounding with Intent* and will be sentenced on May 10, 2024. And the other one accused pleaded guilty as charged and will also be sentenced on May 10, 2024.

State Counsel Rbina Christmas, State Counsel Praneeta Seeraj and State Counsel Simran Gajraj completed 4 matters for the offence of Murder in Madam Justice Simone Morris-Ramlall's Court.

In one of these, the accused pleaded guilty as charged and was sentenced to 16 years' imprisonment. In another one, the main state witness testified that she did not wish to give further evidence and Trial Judge directed the jury to return a formal verdict of not guilty.

In one of the 2 other cases, there were two accused indicted together; they were both found unanimously guilty on the lesser offence of *Manslaughter* and sentenced to life imprisonment and will respectively serve 25 years and 21 years before being eligible for parole. In the other case, the accused who was indicted on 2 counts of Murder was found unanimously guilty by jury on both counts. His sentence is deferred to April 4, 2024.

State Counsel Latiffa Elliot, State Counsel Nafeeza Baig, State Counsel Yoneika Rowland, State Counsel Abiola Lowe and State Counsel Merissa Edwards presented 9 matters in the Sexual Offences Court before Justice Sandil Kissoon.

In 4 of these the accused were all acquitted by jury verdicts of not guilty. In another one the Trial Judge up held a no case submission and directed the jury to return a formal verdict of not guilty. While the jury in one other failed to reach a verdict and returned hung; the accused was remanded back to prison to await a new trial. In another two septate trials both accused pleaded guilty; their sentences have been deferred to April. One matter remains in progress.

Sixteen matters were nolle prosequi by the DPP, 3 for the offence of *Murder*, 2 for *Attempt to Commit Murder* and 11 for *Sexual Offences*.

In two of these, the accused have died. Another one accused had his committal quashed in the High Court. While the main witnesses in another case could not be located despite several efforts made to locate them.

The complainants in the other cases submitted written statements that they did not wish to proceed with their matters.

Berbice Assizes

During this time, the Berbice October 2023 criminal assizes had continued with State Counsel Mohamed Ali who presented 15 matters; one matter for the offence of *Murder* before Justice Sandil Kissoon and the 14 others before Madam Justice Jo-Anne Barlow.

The one *Murder* matter before Justice Kissoon involved two accused who were indicted together. The jury returned unanimous guilty verdicts for both and they were sentenced to life imprisonment with possibility of parole after serving 30 years.

Of the 14 matters before Justice Barlow who first sat from January, closed the October 2023 assizes and then opened the February 2024 assizes, 3 were for *Murder*, 2 for *Manslaughter*, 5 were *Sexual Offences*, 3 for *Attempt to Commit Murder* and one for the offence of *Abduction*.

In the 3 separate *Murder* cases, the accused all pleaded guilty. One pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 12 years imprisonment. Of the other 2, one was sentenced to 26 years imprisonment and becomes eligible for parole after serving 21 years. The other was sentenced to life imprisonment with eligibility for parole after 24 years. The Court has ordered that both prisoners undergo counselling programmes offered by the prison.

Of the 2 matters for the offence of *Manslaughter*, one accused pleaded guilty as charged and is awaiting his sentence. While in the other case, the mother of the deceased testified she did not wish to proceed with the evidence and trial judge directed the jury to return a formal verdict of not guilty.

The accused persons in the 5 matters for Sexual Offences were all acquitted by jury verdicts of not guilty. In one of these cases the accused was charged with 3 counts of *Sexual Activity with A Child Family Member*, the State has filed an appeal in this matter.

There were 3 cases for the offence of *Attempt to Commit Murder* with the alternative count of *Felonious Wounding*. In one case, the jury returned a majority verdict of 11 guilty and he was sentenced to 8 years imprisonment. The 2 other accused were found guilty of *Felonious Wounding* and are awaiting sentence.

In the one matter for the offence of *Abduction*, the jury failed to reach a verdict and the accused was further remanded to await a new trial.

Seven matters were nolle prosequi by the DPP, 2 each for the offences of Murder, Sexual Offences and Attempt to Commit Murder and 1 for the offence of Manslaughter.

The committal in one case was quashed by the High Court; in 5 others, the complainants submitted statements that they no longer wanted to proceed with their matters; The accused in one other matter has died.

The Berbice February Assizes continues into June.

Essequibo Assizes

Meanwhile, the Essequibo October 2023 criminal assizes had continued with State Counsel Taneiha Saygon who completed 17 matters, 5 of these were before Madam Justice Priya Sewnarine-Beharry and 12 before Justice Navindra Singh who sat from January, closed the October 2023 assizes and opened the February 2024 criminal assizes.

Of the 5 matters before Justice Beharry, 3 were for the offence of *Murder* and the 2 others for the offence of *Attempt to Commit Murder*.

In one of the 3 Murder matters, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 4 years imprisonment after the Court ordered that the time spent on remand be deducted.

The other 2 accused were found unanimously guilty by jury verdicts and each sentenced to life imprisonment. One of them who was indicted on 3 counts of Murder was sentenced to life imprisonment on each count.

In one of the two cases for *Attempt to Commit Murder*, the accused pleaded guilty and was sentenced to 4 years imprisonment with time spent on remand prior to his conviction to be deducted. The other accused was found guilty by jury verdict and was sentenced to life imprisonment with possibility of parole after 20 years.

Of the 12 cases before Justice Singh, 2 were for the offence of *Murder*, 8 for Sexual Offences and one each for the offences of *Manslaughter* and *Attempt to Commit Murder*.

In one of the two Murder cases, the accused was found unanimously guilty by jury and was sentenced to life imprisonment. In the other, the Court ruled that the caution statement (CS) was not free and voluntary and was inadmissible. Trial Judge directed the jury in the matter to return a formal verdict of not guilty.

In 6 of the Sexual Offences matters, the complainants testified that they did not wish to proceed with their matters and Justice Singh directed the juries to return formal verdicts of not guilty. In another one in which the accused who was indicted on 2 counts of *Rape of a Child under 16 years* was found guilty on both counts and sentenced to 10 years imprisonment. While in one other, the accused was acquitted by jury verdict.

In the case for *Attempt to commit Murder* the accused was acquitted by a jury verdict.

While the accused in the *Manslaughter* matter was sentenced to time serve while on remand.

The Essequibo February assizes remains in progress until May, 2024.

The Demerara April Criminal Assizes will commence on Tuesday 2nd April, 2024. A total of 224 matters are listed to be heard. Madam Justice Jo-Ann Barlow, Madam Justice Simone Morris-Ramlall and Justice Sandil Kissoon are rostered.

Court of Appeal

We appeared in 24 appeals in the Court of Appeal for the offences of *Murder, Manslaughter, Attempted Murder, Sexual Offences, Causing Death by Dangerous Driving, Robbery Under Arms, Trafficking in Person, Possession of Narcotics for the Purpose of Trafficking, Receiving Stolen Property and Simple Larceny*.

Of these 24 matters, 19 were applications for Leave to file and serve Notices of Appeal against conviction and sentence; 16 applications were granted while 3 are pending.

Three other Applications were granted for Extension of Time to file and serve Notices of appeal. There were two applications for bail pending appeal, one was denied and other was withdrawn.

During this time, we appeared in 4 matters at the Demerara Full Court, two for the offences of *Possession of Narcotics for the Purpose of Trafficking* and one each for *Conspiracy to Defraud and Unlawful Wounding*.

Three of these applications were to appeal against conviction and sentence, 2 were allowed in part, their convictions were upheld but the sentences varied. The other one application was denied.

Another one appellant was granted his application for permission to travel out of the jurisdiction.

The Berbice Full Court sat 2 times to hear one Application for Bail Pending Appeal and this was denied. The other application for Extension of Time to File an Appeal against conviction and sentence was granted.

Caribbean Court of Justice.

We appeared in one matter at the CCJ for the offence of Murder. The appeal was allowed.