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Chambers

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

27th December, 2019

DPP'S CHAMBERS OCTOBER AND 2019 YEAR END PRESS RELEASE

Gaol delivery as done by Justice Sandil Kissoon on Friday 20th December, 2019 bringing to an end the Demerara October 2019 Criminal Assizes. During the October Criminal Assizes Madam Justice Jo-Ann Barlow, Madam Justice Simone Morris-Ramlall and Justice Kissoon sat.

During this Assizes, which commenced on Tuesday 1st October, 2019, a total of 322 cases were listed to be heard. Of these 322 cases, 53 matters were disposed of.

Of these 53 matters, 40 received attention in the High Court of Demerara while 13 were nolle prosequi by the Director of Public Prosecutions (DPP) by letter.

Of the 40 matters that were presented, 21 were for the offence of *Murder*, 18 others were for *Sexual Offences and one was for Robbery Under Arms*.

There were 14 guilty pleas, 11 guilty verdicts by jury, 3 not guilty verdicts, 6 formal verdicts of not guilty, 2 hung juries and 4 aborted trials.

State Counsel Shawnette Austin and Sarah Martin completed 11 cases for the offence of *Murder* before Madam Justice Jo-Ann Barlow. In one case, the accused pleaded guilty to the offence of *Murder* and was sentenced to life imprisonment with the possibility of parole after serving 20 years. While 6 others pleaded guilty to the lesser offence of *Manslaughter*. In one of these 6 cases, the accused who was indicted for *Murder* and an alternative count of *Felonious Wounding*, was sentenced to 30 years on the first count and 8 years on the alternative count. His sentences are to run concurrently. Of the 5 others, 2 were respectively sentenced to 14 years imprisonment each while the other 3 were sentenced to 25 years, 18 years and 12 years. In another 3 cases, one accused was sentenced to 15 years imprisonment after the jury found him guilty of the lesser offence of *Manslaughter*. The other 2 accused were acquitted. In one other case, the jury returned a unanimous verdict of guilty and the accused was sentenced to life imprisonment with possibility of parole after 20 years are served.

State Counsel Tuanna Hardy, Teriq Mohammed and Nafeeza Baig presented 19 matters before Madam Justice Simone Ramlall; of these 19 matters, 18 were Sexual Offence cases. Three of these cases were for *Rape*, 10 for the offence of *Rape of a Child under 16 years*, and **one** each for *Sexual Activity with a Child Under 16 years*, *Sexual Activity With A Child Family Member*, *Carnal Knowledge of a girl under 15 years*, *Incest by Male*, *Buggery and Indecently Assaulting another Male*. There was one matter for the offence of *Robbery under Arms*.

In 6 of these matters, the accused were found unanimously guilty by jury verdicts. Three of them were respectively sentenced to 5 years, 20 years and 18 years imprisonment. Another one who was indicted on two counts for *Rape of Child under 16 years* and *Sexual Activity with a Child under 16 years*, was sentenced to 15 years on the first count and 7 years on the second count; his sentences will run concurrently. The one other who was indicted on four counts for *Sexual Activity with A Child Family Member* was found unanimously guilty on all counts was sentenced to a total of 85 years imprisonment. One other who was indicted on two counts of *Rape of a Child under 16 years* was sentenced to 18 years on the first count and 20 years on the second count. His sentences are to run concurrently.

In 2 other separate matters, the juries failed to reach a verdict and returned hung. While in another 2, the accused were acquitted by jury verdicts of not guilty.

In 4 separate cases, the complainants failed to attend Court and the Trial Judge directed the juries to return formal verdicts of not guilty. Four cases were aborted.

In the one case for the offence of *Robbery under Arms*, the accused who was a juvenile at the time the offence was committed, pleaded guilty and was sentenced to 3 years in custody; the Court ordered that he under goes literacy and technical training.

State Counsel Abigail Gibbs and Mandel Moore presented 10 matters for the offence of *Murder* in Justice Sandil Kissoon's Court.

In 6 of these cases, there were nine accused persons, 7 pleaded guilty to the lesser offence of *Manslaughter*; Four of them were sentenced to life imprisonment while the three others were sentenced to 20 years, 17 years, and 5 years imprisonment respectively. The other two accused were further remanded back to prison to await new trials.

Of the 4 other matters, 3 accused were found guilty by unanimous jury verdicts; One accused was sentenced to death and the 2 others were each sentenced to life imprisonment. They will become eligible for parole after serving 40 years and 32 years imprisonment respectively. In the other one case, the accused was acquitted after Trial Judge upheld a no case submission and directed the jury to return a formal verdict of not guilty.

12 cases were Nolle Prosequi by the DPP, these 12 cases were for Sexual Offences. In 5 of the Sexual offences cases, the complainants indicated in written statements they did not wish to proceed with their matters. While another 7 complainants could not be located.

During this time, the Berbice Criminal Assizes opened on Tuesday 15th October, 2019. State Prosecutor Seeta Bishundial presented 6 matters before Justice Brassington Reynolds.

Of these 6 matters, 3 were for the offence of *Murder*, 2 for the offence of *Rape of A Child under 16 years* and one for *Attempt to Commit Murder*.

Of the 3 cases for *Murder*, 2 accused pleaded guilty to the lesser offence of *Manslaughter* and were sentenced to 19 years and 17 years imprisonment respectively. The other accused for the offence of *Murder* was acquitted by the jury.

In one of the 2 matters for *Rape for a Child under 16 years*, the accused was found unanimously guilty by a jury verdict; he will be sentenced on December 30, 2019. While the complainant in the other case gave

sworn testimony that she did not wish to proceed with her matter and trial judge directed the jury to return a formal verdict of not guilty.

The accused in the one case for *Attempt to commit Murder*, pleaded guilty to the alternative charge of Felonious Wounding. He too will be sentenced on December 30, 2019.

The Berbice Criminal Session remains in progress and continues until 3 February 2020.

Meanwhile, the Essequibo Criminal Assizes commenced on Tuesday 22nd October, 2019 with Justice Gino Persaud. Sixty-three matters have been listed. State Counsel Lisa Cave has presented 7 matters so far.

Of these 7 matters, 2 were for the offence of *Murder*, 2 for *Attempt to Commit Murder* with an alternative count of *Wounding with Intent* and 3 for Sexual Offences.

In one of the two *Murder* matters, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 14 years imprisonment. The other matter remains in progress.

In one of the 2 matters for *Attempt to Commit Murder* with an alternative count of *Wounding with Intent*, the complainant testified that she did not wish to proceed with the trial and as a result the trial judge directed the jury to return a formal verdict of not guilty for the accused. The accused in the other case was taken to Court but did not enter a plea. The trial judge ordered that he undergo a mental evaluation to ascertain if he was fit to stand trial; however, the accused subsequently died.

In one of the three matters for Sexual Offences, the accused was acquitted by the jury; while in the other two matters, the complainants testified in Court they did not wish to proceed with their cases and trial judge directed the juries to return formal verdicts of not guilty. The Essequibo Criminal Sessions remains in progress.

During 2019, Two Hundred and Sixteen (216) cases were disposed of. 182 of these cases received attention in the Court. Thirty-four (34) matters were Nolle Prosequi by the DPP.

Of these 178 cases, 114 were presented at the Demerara Assizes, 25 at the Berbice Assizes and 43 at the Essequibo Assizes.

There were 87 cases for Murder, 86 Sexual Offences, 2 cases for the offence of Manslaughter, 5 cases of Attempt to Commit Murder, and one case each for the offences of Accessory After the Fact to Murder and Robbery under Arms.

There were 38 convictions, 58 guilty pleas, 32 formal verdicts of not guilty, 28 not guilty verdicts by jury, 5 hung juries, 5 Aborted Trials and 51 cases were Nolle Prosequi, 16 of these were done in Court.

The January 2020 Criminal Assizes in Demerara will open on Tuesday 14th January, 2020. There are 318 cases listed to be heard during this sessions. Madam Justice Jo-Ann Barlow, Justice Brassington Reynolds and Justice Sandil Kissoon have been rostered to sit during this Assizes.

The February 2020 Berbice Criminal Assizes will commence on Tuesday 4 February.

The Essequibo February 2020 Criminal Assizes will commence on Tuesday 18 February.

During 2019, we appeared in 30 matters in the Court of Appeal. In these 30 matters, the State was represented by Assistant DPP Ms. Dionne McCammon, Assistant DPP Mrs. Teshana Lake, Assistant DPP

Mrs. Diana O'Brien, Assistant DPP Ms. Natasha Backer, Senior State Counsel Mrs. Mercedes Glasford, State Counsel Ms. Narissa Leander and State Counsel Ms. Orinthia Schmidt.

Of these 30 Appeals, 12 were for Sexual Offences, 3 for the offence of Manslaughter, 8 Murder Appeals, 2 for Wounding with Intent, another 2 for Possession of Narcotics for the Purpose of Trafficking and one each for Felonious Wounding, Causing Death by Dangerous Driving and Uttering a Forged Document.

The Court of Appeal dismissed and denied 8 of these applications to appeal against conviction and sentence. While 6 other appellants applications were allowed in part. The appeals against conviction were dismissed but the appeals against sentence were allowed. The sentences were varied which included commutation of 2 Death sentences to life imprisonment. The Court of Appeal reserved one decision while one other application was withdrawn.

There were 8 applications for Extension of Time to File and Serve Notices of Appeal of which 6 were granted and 2 were denied. While 5 appellants made applications for bail pending their appeal, 3 of these were denied while one application was granted and one other application withdrawn.

The Court of Appeal allowed an appeal by the State against an acquittal.

In 2019, the Demerara Full Court dealt with 15 matters for the offences of Break and Enter and Larceny, Possession of Firearm without License, Murder, Possession of Cannabis, Possession of Narcotics for the Purpose of Trafficking, Assault Causing Actual Bodily Harm and Rape of a Girl under 16 Years.

Four applications were withdrawn, 1 application was struck out after the Full Court ruled it had no jurisdiction to hear the matter, 5 appellants were denied their applications while 5 others were granted their applications to appeal.

The Berbice Full Court heard an application to appeal against sentence for the offence of Possession of narcotics for the Purpose of Trafficking. The Appellant did not attend court and the application was dismissed.

The Berbice Civil Court heard an application to quash a committal for the offence of Murder and the application was granted.

During 2019, we appeared at the Caribbean Court of Justice in an application for leave to appeal against a decision of the Court of Appeal where the conviction and sentence for the offence of Manslaughter was dismissed. The Caribbean Court of Justice dismissed the application.

We are also engaged in another case before the Caribbean Court of Justice where the applicant applied for leave to appeal against the decision of the Court of Appeal to dismiss an appeal against conviction and sentence for the offence of Rape of a Child Under 16 years. The Caribbean Court of Justice has denied the application for leave to appeal against the conviction but has granted leave to hear the appeal against sentence in January 2020.

During 2019, the DPP's Office received 318 Depositions. Of these depositions, 174 Indictments were proffered, 16 were returned to Magistrates' Court for Reopening of cases, 13 matters were discontinued, 2 were Nolle Prosequi while 113 matters are receiving attention.

We gave legal advice in 3,725 files received from the Guyana Police Force and other Law Enforcement Agencies.