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Chambers

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

29th December, 2021

DPP'S CHAMBERS OCTOBER 2021/YEAR END PRESS RELEASE

Demerara October Assizes

The Demerara October Criminal Assizes commenced on Tuesday, 5th October, 2021, with a total of 341 cases listed to be heard. Justice Brassington Reynolds and Madam Justice Jo-Ann Barlow presided over these assizes.

During these assizes, the State disposed of 12 matters: 5 were presented in the High Court. Of these, 2 were for the offence of *Murder* and 3 for Sexual Offences. The remaining 7 were *nolle prosequi* by the Director of Public Prosecutions (DPP).

There were 2 Not Guilty verdicts by the jury, 2 formal verdicts of Not Guilty and 1 Guilty plea.

Senior State Counsel Lisa Cave and State Counsel Latiffa Elliot completed the 2 matters for the offence of *Murder* before Justice Barlow. In one case, the trial judge upheld a No-Case submission and directed the jury to return a formal verdict of Not Guilty. In the other, the accused was acquitted by a unanimous jury verdict of Not Guilty.

State Counsel Sarah Martin and Nafeeza Baig prosecuted one of the Sexual offence cases. The accused in this matter pleaded guilty and was sentenced to 15 years imprisonment.

While Senior State Counsel Seeta Bishundial together with State Counsel Latiffa Elliot and State Counsel Muntaz Ali completed the remaining 2 matters in the Sexual Offences Court before Justice Reynolds. The accused persons in these cases were acquitted; in one case, the jury returned a unanimous verdict of not guilty. In the other, the trial judge upheld a No-Case submission and directed the jury to return a formal verdict of Not Guilty.

The 7 matters *nolle prosequi* by the DPP were for sexual offences in which the complainants, in each case, submitted written statements they did not wish to proceed with their matters.

Berbice October Assizes

The Berbice October Criminal Assizes commenced on Tuesday, 19th October, 2021. Senior State Counsel Abigail Gibbs appeared in 3 matters in the Berbice Criminal Assizes before Justice Sandil Kissoon. These 3 matters were for the offence of *Murder*. In one case that involved two accused, the number one accused was found unanimously guilty by a jury verdict and sentenced to death. His co-accused pleaded guilty and was sentenced to life imprisonment with parole after serving 35 years. In the other 2 matters, the accused persons entered guilty pleas to the lesser offence of *Manslaughter* and were each sentenced to life imprisonment. One becomes eligible for parole after he would have served 35 years and the other, after he would have served 30 years.

The Berbice October 2021 Criminal Assizes remains in progress until February 2022.

Essequibo October Assizes

The Essequibo October Criminal Assizes commenced on Tuesday, 26th October, 2021. Senior State Counsel Tiffany Lyken completed 15 matters before Madam Justice Priya Sewnarine-Beharry, who first sat in June, closed the June Criminal Session and opened the October Assizes. Of these 15 matters, 7 were for Sexual Offences, 5 for the offence of *Murder* and 3 for *Attempt to Commit Murder* with alternative counts of *Discharging A Loaded Firearm with Intent, Felonious Wounding and Robbery under Arms*.

In 3 of these 7 sexual offence cases, the accused were found guilty by jury verdicts; 2 were respectively sentenced to 18 years and 12 years imprisonment; the other offender is awaiting sentence. Another 3 accused were acquitted by jury verdicts. While the complainant in one other, testified that she did not wish to proceed and the judge directed the jury to return a formal verdict of Not Guilty.

In the 5 Murder cases, 3 accused entered guilty pleas to the lesser offence of *Manslaughter* and were respectively sentenced to 8 years, 7 years and 15 years imprisonment. In another one case, trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. While in another one case, the accused was found unanimously guilty by his jury. He is awaiting sentence.

In one of the 3 cases for the offence of *Attempt to Commit Murder*, the accused was found Not Guilty. The other two accused pleaded guilty as charged. One was sentenced to 5 years imprisonment while the other is awaiting sentence.

Three matters for Sexual Offences were nolle prosequi by the DPP because the complainants did not wish to proceed with their matters.

Year In Review

During 2021, One Hundred and Fifty-Six (156) cases were disposed of. 128 of these cases received attention in the High Courts. Twenty-eight (28) matters were Nolle Prosequi by the DPP.

Of these 128 cases, 66 were presented at the Demerara Assizes, 27 at the Berbice Assizes and 35 at the Essequibo Assizes. One Hundred and Fifty-One (151) persons appeared in these cases.

There were 69 cases for the offence of *Murder*, 6 cases for the offence of *Manslaughter*, 45 cases for *Sexual Offences* and 8 cases for the offence of *Attempt to Commit Murder*.

There were 37 convictions, 49 guilty pleas, 22 formal verdicts of not guilty, 30 not guilty verdicts by jury, 2 Mistrials, 7 Hung Juries and 28 cases were Nolle Prosequi.

In 2021, the DPP's Office received 219 Committal Depositions; 122 of these from the County of Demerara, 43 from the County of Berbice and 54 from the County of Essequibo.

Of these 219 depositions, 130 have been indicted, 8 charges were discontinued, 74 are receiving attention and 7 were remitted to the Magistrates' Courts.

The DPP's Office gave legal advice in 3,297 police files received from the Guyana Police Force (GPF).

The Demerara January 2022 Criminal Assizes will open on Tuesday 11th January. There are 364 cases listed to be heard. Justice Brassington Reynolds, Madam Justice Priya Sewnarine-Beharry and Madam Justice Simone Morris-Ramlall have been rostered to sit during this Session. While Justice Sandil Kissoon will continue the Berbice October 2021 Assizes in January. The Berbice February 2022 Criminal Assizes will commence on Tuesday 8th February, 2022. And the Essequibo October 2021 will continue in January. The Essequibo February Criminal Assizes will open with Justice Jo-Ann Barlow on Tuesday 15th February, 2022.

Court of Appeal

During 2021, we appeared in **twenty-five (25)** Appeals in the Court of Appeal. In these matters, the State was represented by Director of Public Prosecutions (DPP), Mrs. Shalimar Ali-Hack, SC, Assistant DPP Dionne McCammon, Assistant DPP Diana O'Brien, Assistant DPP Teshana Lake, Assistant DPP Mercedes Glasford and Assistant DPP Natasha Backer.

Of these 25 appeals, 10 were for the offence of *Murder*, **6** for *Sexual Offences*, **2** for the offence of *Fraudulent Conversion* and **one** each for the offences of *Manslaughter*, *Dangerous Driving*, *Obtaining Upon A Forged Document*, *Possession of Explosives*, *Obtaining Money by False Pretense*, *Robbery Under Arms*, *Attempt to Commit Murder with an alternative of Wounding with Intent*.

In **7** of these matters, the CoA affirmed the convictions but varied the sentences. Another **one** appellant was granted his application to appeal and will have a new trial. **3** applications were dismissed, **2** appellants had their convictions and sentences set aside. **7** appellants were granted Extension of Time to file and serve Notices of Appeal. **One** application for bail pending appeal was granted, while **3** appellants withdrew their applications to appeal and **one** applicant decided he will pursue his application to appeal despite a notice of abandonment.

In 2021, the Demerara Full Court sat for 3 matters. One of these cases was for the offence of *Possession of Narcotics for the Purpose of Trafficking*. The Court allowed the appellant's application, quashed the conviction, and set aside the sentence. The other 2 matters were for *Illegal Entry into Guyana*. These appellants had their sentences reduced and were ordered deported.

The Berbice Full Court heard 20 matters for the offences of *Dangerous Driving, Abusive and Threatening Language, Assault Causing Actual Bodily Harm, Felonious Wounding, Threatening Behaviour, Simple Larceny, Indecent Language, Possession of Narcotics for the Purpose of Trafficking, Unlawful Wounding, Injury to Growing Tree and Malicious Damage to Property.*

Four appellants withdrew their applications to appeal. The Court allowed **6** applications; 3 of these in part when it affirmed the convictions and reduced the sentences of the appellants, 2 others were successful in having their convictions and sentences set aside while the other one had his their conviction affirmed but had a \$125.000 fine imposed on him.

The Court dismissed **8** applications; in **one** of these the Court varied the appellants' sentence with a fine of \$50,000, in another 4, it ruled it had no jurisdiction while in the other 3, there were no appearances by legal counsel and these matters were dismissed. **2** appellants were allowed their applications to appeal against magistrates' decisions.

Caribbean Court of Justice

In the months June and October, the State represented by DPP, Mrs. Shalimar Ali-Hack, SC, ADPP Teshana Lake and ADPP Diana O'Brien, appeared in the Caribbean Court of Justice for two matters. One of these is an appeal filed by Murder accused Marcus Bisram against a ruling by the Guyana Court of Appeal that there is sufficient evidence for him to be committed for trial for the offence of murder in the High Court. The CCJ has granted him a stay in the matter pending the Appeal. The other appeal is that of Calvin Ramcharran v. the State for the offence of *Rape and Causing Actual Bodily Harm*. The arguments in this matter have been completed and we are awaiting the decision of the Court. Two other Convicted prisoners Bibi Shareema Gopaul and Jarvis Small have since filed appeals to the CCJ against their convictions and sentences.