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Chambers

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

28th September, 2018

DPP's CHAMBERS PRESS RELEASE – JUNE CRIMINAL ASSIZES 2018

Gaol delivery was done by Justice Sandil Kissoon on Friday 28th September, 2018 bringing to an end the Demerara June 2018 Criminal Assizes. During the June Criminal Assizes, Justice Sandil Kissoon, Madam Justice Jo-Ann Barlow, Madam Justice Priya Sewnarine Beharry and Justice Brassington Reynolds sat.

During this Assizes which commenced on Tuesday 5th June, 2018, a total of 223 cases were listed to be heard. Of these 223 cases, forty-seven (47) matters were disposed of.

Of these 47 matters the Director of Public Prosecutions (DPP) presented twenty-nine (29) in the High Court of Demerara while 18 were *nolle prosequi* by the DPP.

Of the 29 cases presented, 10 were for the offence of *Murder*, 3 for the offence of *Manslaughter*, 10 for *Sexual offences*, 6 for the offence of *Attempt to Commit Murder*, three of these had alternative counts of *Felonious Wounding*, *Robbery with Violence and Wounding with Intent*.

There were 15 guilty pleas, 9 convictions, 2 not guilty verdicts by jury, 1 formal verdict of not guilty and 1 hung jury. (One case pending before Justice Kissoon).

State Counsel Lisa Cave, Orinthia Schmidt, Abigail Gibbs, Mandel Moore and Narissa Leander presented 9 cases for the offence of *Murder*, 3 for the offence of *Attempt to Commit Murder* and 2 for the offence of *Manslaughter* were presented before Justice Sandil Kissoon.

In 7 of the 9 cases for the offence of *Murder*, the accused all pleaded guilty to the lesser of offence of *Manslaughter*. One accused was sentenced to life

imprisonment, another two accused were each sentenced to 23 years imprisonment and the four others were respectively sentenced to 12 years, 18 years, 28 years and 10 years imprisonment.

In the other 2 matters, both accused were found unanimously guilty by jury verdicts and sentenced respectively to 40 years and 51 years imprisonment.

Of the 2 cases for the offence of *Manslaughter*, one accused pleaded guilty to the offence and was sentenced to 7 years imprisonment. While the other accused was sentenced to 15 years after the jury returned a majority verdict of 10 guilty to 2 not guilty.

Of the 3 matters for the offence of *Attempt to Commit Murder*, one accused was sentenced to life imprisonment after the jury returned a majority verdict of 11 guilty to 1 not guilty. One other accused pleaded guilty and is awaiting sentence on October 11; while Trial Judge is expected to sum up the one other trial on Monday 1st October.

State Counsel Tiffini Lyken, Narissa Leander and Abigail Gibbs prosecuted one matter for the offence of *Rape of A Child Under 16 years* before Madam Justice Jo-Ann Barlow. The accused in this matter was remanded back to prison after the jury failed to reach a verdict.

While State Counsel Orinthia Schmidt and Lisa Cave presented 9 matters for Sexual Offences to Madam Justice Priya Sewnarine-Beharry in the Sexual Offences Court.

Of these 9 matters, 5 were for the offence of *Rape of A Child under 16 years*, 3 for the offence of *Sexual Activity with A Child Family Member* and 1 matter for the offence of *Rape*.

Of the 9 matters, 7 accused were sentenced to life imprisonment while one other accused was sentenced to 18 years imprisonment. The Complainant in another one matter testified 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.

State Counsel Seeta Bishundial, Tiffini Lyken and Narissa Leander presented five cases before Justice Brassington Reynolds.

Of these 5 cases, one was for the offence of *Murder*, 3 for *Attempt to Commit Murder* with alternative counts of *Felonious Wounding* and *Wounding with Intent* and another one matter for the offence of *Manslaughter*.

In the one matter for the offence of *Murder* the accused was acquitted by a unanimous jury verdict.

In one of the 3 trials for *Attempt to Commit Murder*, the accused was also acquitted by a unanimous jury verdict.

In another one case the accused pleaded guilty and was sentenced to 8 years imprisonment. The accused in the one other matter will be sentenced on October 8.

In the one matter for the offence of *Manslaughter* the accused was sentenced to 12 years imprisonment.

Of the 18 matters *nolle prosequi* by the DPP, 17 were for Sexual Offences and one for the offence of *Attempt to Commit Murder*.

Of the 17 matters for Sexual Offences, 11 complainants submitted statements in which they stated their wish not to proceed with the evidence. The other 6 complainants failed to attend Court despite public notices being published for them.

In the one matter for the offence of *Attempt to Commit Murder* the complainant also indicated in a written statement that she did not wish to proceed with the evidence in her matter.

Meanwhile, the Berbice June Criminal Session commenced on Tuesday 19th June, 2018 before Madam Justice Jo-Ann Barlow. A total of 94 cases were listed to be heard.

State Counsel Tuanna Hardy presented 8 cases. Of these 8 cases, 2 were for the offence of *Attempt to Commit Murder* with the alternative count of *Wounding with Intent*, 2 cases for the offence of *Murder*, another 3 for Sexual Offences and 1 other case for the offence of *Manslaughter*.

In the two cases for the offence of *Attempt to Commit Murder*, the juries were directed by the trial judge to return formal verdicts of not guilty because in one

case the complainant informed the Court that he did not wish to proceed with the evidence. While the complainant in the other case failed to attend Court despite being warned to do so.

In one of the two matters for the offence of *Murder*, Justice Barlow upheld a no case submission and directed the jury to return a formal verdict of not guilty.

While the accused in the other case, pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 8 years imprisonment.

In one of the three Sexual Offences cases, the accused who was indicted for *Rape* was sentenced to 25 years imprisonment after he was found guilty by jury.

In the other two matters the complainants did not wish to proceed with the evidence in their matters and Justice Barlow directed the juries to return formal verdicts of not guilty.

In the one case for the offence of *Manslaughter* the jury was unanimous with a guilty verdict and trial judge sentenced the accused to 23 years imprisonment.

The DPP *nolle prosequi* three matters of which one was for the offence of *Robbery under Arms* and two were for *Attempt to Commit Murder* because the complainants all testified in Court they did not wish to proceed with the evidence.

Meanwhile, Justice Brassington Reynolds completed one case for the offence of *Rape* which was presented before him in late May by State Counsel Tuanna Hardy.

Of the three accused who were indicted together, the number one accused was sentenced to 20 years while the number 2 accused was sentenced to 15 years imprisonment after the jury returned guilty verdicts for them. The indictment against the number 3 accused was severed before the trial commenced in February.

During this time the Essequibo Criminal Assizes commenced on Tuesday 15th May, 2018. Sixty cases were listed to be heard.

State Counsel Tamika Clarke presented two matters for the offence of *Murder* before Madam Justice Margaret Kurtzious.

In one matter where three accused were indicted together, the jury returned unanimous guilty verdicts for the numbers one and two and they were each

sentenced to 20 years imprisonment. Trial judge up held a no case submission for the number 3 accused.

In the other trial, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 10 years imprisonment.

The DPP *nolle prosequi* 6 matters for Sexual offences. In five of these cases, the accused persons have since died.

The complainant in the other one case submitted a written statement in which she indicated that it was not the accused who had sexual relations with her, but someone else who has died.

The Demerara October Criminal Assizes will commence on Tuesday 2nd October, 2018. Justice James Bovell-Drakes, Justice Sandil Kissoon and Madam Justice Jo-Ann Barlow are rostered to sit. A total of 228 cases are listed to be heard.

The Berbice October Criminal Assizes will start on Tuesday 16th October and 98 cases are listed. Madam Priya Sewnarine-Beharry will sit.

While the Essequibo May Criminal Assizes will continue. Justice Brassington Reynolds will sit.

During the months June and July, we appeared 18 times in the Guyana Court of Appeal.

In these 18 matters, the State was represented by Senior State Counsel Natasha Backer and Stacy Goodings, Assistant DPP Dionne McCammon, Diana O'Brien and Teshana Lake, Deputy DPP (ag) Sonia Joseph and DPP, Mrs. Shalimar Ali-Hack.

Of these 18 matters, one Appellant was grant his Application for Extension of Time to pay an outstanding balance of compensation of \$ 1.5M.

7 Appellants were allowed their Appeals against conviction and sentence. Three of these 7 had their convictions and sentences set aside and the charge for Murder substituted with the lesser offence of *Manslaughter*. Two of these three were each sentenced to 20 years while the one other was sentenced to 30 years imprisonment.

The 4 other appellants must have their matters done *de novo* (retrial).

Another three other applications were dismissed.

Five Appeals were allowed in part. Of these, one appellant who was convicted for the offence of *Manslaughter* had 5 years deducted from his 30 years prison sentence.

While the other four had their convictions for *Murder* affirmed but their death sentences varied; two of them were sentenced to 30 years each and the other two to 25 years and 35 years imprisonment.

In one matter in which the State had appealed against the decision of then Chief Justice, the Court of Appeal allowed the appeal and ordered the respondent to stand trial for the offence of *Rape*. Cost in the sum of \$75,000.00 was awarded to the State.

One matter for decision is pending.

The Demerara Full Court sat 4 times between the months June and July.

State Counsel Shawnette Austin, Senior State Counsel Stacy Goods and Natasha Backer appeared in matters for the offences of *Malicious Damage to Property*, *Assault Causing Actual Bodily Harm* and *Possession of Narcotic and Psychotropic Substance*.

In one case, Counsel for the Appellate filed a Notice of Withdrawal since the appeal was filed to the wrong court.

In another matter, one appeal was allowed in part where the Full Court affirmed the conviction for the charge of *Assault Causing Actual Bodily Harm* but varied the sentence. However, the appellant would not have to serve time given the time that has passed; the Court issued a stern warning to the appellant.

While the appellant in the one other matter was granted his Application for an Extension of time to file a Notice of Appeal against sentence for *Possession of Narcotic and Psychotropic Substance*.

Another one Appellant was allowed his application to retrieve personal items including passport and monies that were seized at the time of his arrest for the offence of *Possession of Narcotic*.

We appeared in one matter in the Berbice Full Court during June. The Application to file for an Extension of Time to file and serve Notice of Appeal for the offence of *Assault* was struck out and the application refused.

During this period, the Caribbean Court of Justice (CCJ) denied Murder accused Marcus Bisram's Application to have an urgent hearing of a challenge to a local judge's refusal to discontinue the charge against him.