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Chambers

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

1st October, 2019

DPP'S CHAMBERS PRESS RELEASE – JUNE CRIMINAL ASSIZES

Gaol Delivery was done by Justice Brassington Reynolds on Monday 30th September, 2019 bringing to an end the Demerara June 2019 Criminal Assizes. During the June Criminal Assizes, Justice Navindra Singh, Justice Brassington Reynolds, Justice James Bovell-Drakes and Madam Simone Morris-Ramlall sat.

During this Assizes, which commenced on Tuesday 4th June, 2019, a total of 301 cases were listed to be heard. Of these 301 cases, 30 matters were disposed of.

Of these 30 matters, the Office of the Director of Public Prosecutions (DPP) presented 24 in the High Court of Demerara while 6 were nolle prosequi by the DPP.

Of the **24** cases presented, **11** were for the offence of *Murder* and **13** for Sexual Offences.

There were 12 guilty pleas, 2 formal verdicts of not guilty, 6 convictions, 2 acquittals, and **one** aborted trial. **One matter remains in progress.**

State Counsel Tuanna Hardy, Sarah Martin, Abigail Gibbs and Teriq Mohammed completed 8 cases for the offence of *Murder* before Justice Navindra Singh. In 4 of these Murder cases there were 9 accused who pleaded guilty to the lesser offence of *Manslaughter*.

In **one** case, 2 accused were indicted together and each sentenced to 8 years imprisonment. In another **one**, there were 5 accused indicted together, 3 of them pleaded guilty; one was sentenced to 10 years imprisonment while the other 2 were each sentenced to 12 years imprisonment. The **2** other accused pleaded not guilty and will go to trial. In the other 2 matters, one accused was sentence to 20 years imprisonment and, in the other, judge made a sentence of the time the accused spent on remand.

In another 2 separate Murder trials, the accused were both found guilty by jury verdicts; one was sentenced to 25 years imprisonment and the other was sentenced to life imprisonment and must serve 50 years before being eligible for parole.

In the other 2 cases, there were 2 accused each indicted together. In **one** case, trial judge directed the jury to return formal verdicts of not guilty for both accused. In the other **one** case, trial judge upheld a no case submission for the number one accused and directed the jury to return a formal verdict of not guilty. His co-accused was further remanded back to prison to await a new trial after the jury failed to reach a verdict.

State Counsel Seeta Bishundial, Abigail Gibbs and Lisa Cave presented **7** matters before Justice Brassington Reynolds. Of these 7 matters, 5 were for *Sexual offences* and 2 for the offence of *Murder*.

In **3** of the sexual offence cases, there was one accused who faced separate trials; he pleaded guilty in each one and was sentenced respectively to 15 years, 12 years and 35 years imprisonment.

In the other **2** cases, both accused were convicted by jury verdicts; one accused was sentenced to 16 years imprisonment. The other accused will be **sentenced on Friday 4th October, 2019**.

One of the **two** *Murder* trials was aborted after the Court was informed that family members of the number one accused were seen speaking with a member of the jury. The other murder case is in progress.

State Counsel Tuanna Hardy and Teriq Mohammed prosecuted **one** case for the offence of *Murder* before Justice James Bovell-Drakes. The accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced 30 years imprisonment.

State Counsel Teriq Mohammed, Sarah Martin and Tuanna Hardy completed **8** matters for Sexual Offences before Justice Simone Ramlall in the Sexual Offences Court.

In 4 of these cases, the accused all pleaded guilty. Two of these were each sentenced to 20 years imprisonment and must serve 15 years before being eligible

for parole. While the other 2 who were each indicted on two counts of Sexual Activity with A Child Family Member were respectively sentenced to 43 years and 18 years imprisonment.

Of the other 4 cases, 2 accused were found guilty by jury verdicts; one was sentenced to 23 years imprisonment while the other will be sentenced on Thursday 3rd October, 2019.

The 2 others were acquitted after the juries returned verdicts of not guilty.

In the 6 matters nolle prosequi by the DPP, 4 complainants submitted written statements in which they indicated they did not wish to proceed with the evidence while two accused died.

During this time, the Berbice June Criminal Assizes commenced on Tuesday 18th June, 2019. State Counsel Mandel Moore completed 5 matters in this assizes before Madam Justice Jo-Ann Barlow who first sat from April, closed the February Session and opened the June Assizes. Then Madam Justice Priya Sewnarine-Beharry sat from July.

Of the 5 cases prosecuted before Justice Barlow, 2 were for the offence of *Murder* and 3 for *Sexual Offences*.

In one of the 2 Murder cases, two accused were indicted together and both were acquitted by the jury. In the other case, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentence to 13 years imprisonment.

Of the 3 *Sexual Offences*, one accused pleaded guilty and was sentenced to 20 years imprisonment. One other accused was acquitted by a jury verdict of not guilty. The VC in the other case testified in Court she did not wish to proceed and trial judge directed the jury to return a formal verdict of not guilty.

Three matters were completed before Justice Sewnarine-Beharry, one for a *Sexual Offence* and 2 for the offence of *Murder*.

In the one sexual offence matter, the jury returned a majority verdict of 11 not guilty to 1 guilty in favour of the accused.

In one of the 2 *Murder* cases, the accused who was indicted on two counts was found guilty by the jury on count one for the lesser offence of *Manslaughter* and sentenced to 6 years imprisonment; he pleaded guilty to the 2nd count of *Wounding with Intent* and was sentenced to 2 years. These sentences will run concurrently.

The other accused was acquitted after trial judge upheld a no case submission.

Four matters were nolle prosequi during this time, 3 for *Sexual offences* and 1 for the offence of *Attempt to commit Murder* because the complainants submitted written statements in which they indicated they did not wish to proceed with their matters.

The Berbice June Criminal Session remains in progress.

Meanwhile, the Essequibo May Criminal Assizes commenced on Tuesday 21st May, 2019 with Justice Narishwar Harnanan who sat from April, closed the February Criminal Assizes and then opened the June Criminal Session. Justice Navindra Singh then sat from July.

State Counsel Shawnette Austin completed 12 matters before Justice Harnanan, 3 for the offence of *Murder* and 9 for *Sexual Offences*.

In one of the 3 *Murder* matters, two accused were indicted together; the jury found the number one accused unanimously guilty on the lesser offence of *Manslaughter* and he was sentenced to 17 years and 1 month imprisonment. His co-accused was acquitted by the jury.

In one other matter, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 4 years and 3 months imprisonment. While the one other *Murder* accused was acquitted after trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty.

The complainants in the Sexual Offence matters testified in Court they did not wish to proceed with their matters and caused Justice Harnanan to direct the juries to return formal verdicts of not guilty.

State Counsel Austin prosecuted 8 other matters before Justice Navindra Singh. Of these 8 matters, 1 was for the offence of *Attempt to commit Murder* with an alternative count of *Wounding with Intent*, 4 matters for the offence of *Murder* and 3 for *Sexual Offences*.

In the one matter for the offence of *Attempt to commit Murder with the alternative count of Wounding with Intent*, the jury returned unanimous verdicts of not guilty on both counts.

In one of the 3 Sexual Offence matters, the jury returned a majority verdict of 11 guilty to 1 not guilty for the accused who was indicted on three counts of Sexual Activity with A Child Family Member. On count one, he was sentenced to 14 years imprisonment; he pleaded guilty to count three and was sentenced to 9 years imprisonment. These sentences will run concurrently. The Trial Judge withdrew the 2nd count.

In the other 2 cases, the offenders were both acquitted; in one case the complainant informed the Court she did not wish to testify and trial judge directed the jury to return a formal verdict of not guilty while the other accused was acquitted by a unanimous verdict of not guilty.

In 3 of the 4 cases for the offence of *Murder*, the accused all pleaded guilty to the lesser offence of *Manslaughter* and were each sentenced to 9 years imprisonment. In the one other case, the jury returned a unanimous verdict of not guilty for the accused.

Two Sexual Offence matters were nolle prosequi by the DPP because the complaints submitted written statements that they did not wish to proceed with their matters.

The Demerara October Criminal Assizes commenced on Tuesday 1st October, 2019. Justice Sandil Kisson, Madam Justice Jo-Ann Barlow and Madam Justice Simone Morris-Ramlall will sit. A total of 322 cases have been listed to be heard.

The Berbice June Criminal Assizes will continue until October 14, 2019. While the Essequibo Assizes will remain in progress until October 22, 2019.

During the months of May and July 2019, we appeared 6 times in the Guyana Court of Appeal. The State was represented by Assistant DPP Diana O'Brien, Assistant DPP Teshana Lake, Senior State Counsel Natasha Backer and State Counsel Orenthia Schmidt.

There were 2 matters for *Sexual Offences* and 1 each for the offences of *Murder, Manslaughter, Causing Death By Dangerous Driving* and *Wounding with Intent*.

2 appellants were allowed their appeals and had their conviction and sentences set aside, they will face new trials. While 1 appellant withdrew his application to appeal and another 1 had his application to appeal dismissed. There were 2 applications for bail pending appeal, while the Court grant one, it refused the other.