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Chambers

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

14<sup>th</sup> October, 2021

## **DPP'S CHAMBERS PRESS RELEASE – DEMERARA JUNE 2021 Criminal Assizes**

### **Demerara Assizes**

Goal Delivery was done by Justice Sandil Kissoon on Friday 15<sup>th</sup> October, 2021 bringing to an end the Demerara June 2021 Criminal Assizes. During the June Criminal Assizes, Justice Brassington Reynolds, Justice Sandil Kissoon and Madam Justice Jo-Ann Barlow sat.

The Assizes commenced on Tuesday 1<sup>st</sup> June, with a total of 331 cases listed to be heard. Of these 331 cases, 25 matters were disposed of.

Of these 25 matters, the Office of the Director of Public Prosecutions (DPP), presented 20 in the High Court of Demerara while 5 were nolle prosequi by the DPP.

Of the 20 cases presented, 8 were for the offence of *Murder* and 12 for *Sexual Offences*. A total of 26 persons appeared in these 20 cases. In 5 of these, there were 2 accused in each who were indicted together

There were 8 convictions, 7 not guilty verdicts, 7 guilty pleas, 1 hung jury and 2 formal verdicts of not guilty.

Senior State Counsel Lisa Cave with State Counsel Tenisha Saygon and State Counsel Muntaz Ali, completed 8 matters for the offence of *Murder* before Justice Sandil Kissoon. In one case in which two accused were indicted together, they were both found unanimously guilty by jury verdicts and sentenced to death. In another 4 cases with a total of 6 accused, each of them pleaded guilty to the lesser offence of *Manslaughter* and was sentence to life imprisonment. Four of these must each serve 15 years before being eligible for parole. The other 2 will respectively serve

20 years and 30 years before parole. In another separate case, the accused also pleaded guilty to the lesser offence of Manslaughter and was sentence to 18 years imprisonment. While Trial Judge in another matter, upheld a no case submission and directed the jury to return a formal verdict of not guilty. And in one other case with two accused, the jury returned hung for the number 1 while the number 2 accused was found not guilty.

Over in the Sexual Offences Court, State Counsel Nafeeza Baig, State Counsel Sarah Martin and State Counsel Cecilia Corbin prosecuted 12 matters. 3 of these cases were completed before Justice Brassington Reynolds while 9 were before Justice Jo-Ann Barlow.

In 2 of the 3 matters before Justice Reynolds, both accused were respectively found guilty by jury verdicts for the offence of *Rape of A Child under 16 years*. In one, the accused who was indicted on 2 counts was sentence to 25 years on each count. The other one was sentenced to 18 years imprisonment. The one other accused was acquitted by jury verdict.

Of the 9 cases before Justice Barlow, the juries in 5 of them returned verdicts of not guilty. In another one, the accused pleaded guilty and was sentence to 7 years imprisonment. In one other case the two accused who were indicted together, were both found guilty by jury verdicts and were each sentenced to 25 years imprisonment. In another matter, the accused who was indicted for *Rape and Assault Causing Actual Bodily Harm* was found guilty for the alternative offence of *Assault Causing Actual Harm*. He is awaiting sentence. There was one other case in which the VC testified that she did not wish to proceed with the evidence and trial judge directed the jury to return a formal verdict of not guilty.

In the five matters nolle prosequi by the DPP, one was for the offence of *Attempt to commit Murder with an alternative count of Discharging of Loaded Firearm with Intent*. The complainant in this matter has since died. The other four matters were for Sexual Offences. These four complainants have submitted written statements that they did not wish to proceed with their matters.

### **Berbice Assizes**

The Berbice Criminal Assizes commenced on Tuesday 15<sup>th</sup> June, 2021 with 102 cases listed to be heard. State Counsel Abigail Gibbs completed 6 matters, 5 were for the offence of *Murder* and one for the offence of *Rape of Child under 16 Years*. Two of these Murders were done before Justice Jo-Ann Barlow. In one of them trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty. The other accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 15 years imprisonment. The other 3 Murder cases and the one sexual offence were prosecuted before Justice Brassington Reynolds. Of the 3 murder matters, one accused pleaded guilty to lesser offence of *Manslaughter* and was sentenced to 10 years imprisonment. Another one was acquitted after trial judge up held a no case submission. While the jury in the one other case, found the accused not guilty for the offence of Murder and then returned hung in proportion of 9 not guilty to 3 guilty on the lesser offence of Manslaughter. This accused was granted bail in the sum of \$500,000. In the sexual offence matter, the complainant testified she did not wish to proceed with the evidence and trial judge then directed the jury to return a formal verdict of not guilty.

This Assizes continues up to the 18<sup>th</sup> October, 2021.

### **Essequibo Assizes**

During this time the Essequibo Criminal Assizes commenced on Tuesday 18<sup>th</sup> May, 2021 with 72 cases listed. State Counsel Tiffany Lyken completed 8 cases for the offences of *Murder, Manslaughter, Attempt to Commit Murder and Rape* before Justice Navindra Singh, Justice Simone Morris-Ramlall and Justice Priya Sewnarine-Beharry. Five of these 8 matters were before Justice Singh. Of these five, 3 were for the offence of *Murder* and 2 for *Manslaughter*. In one of the Manslaughter cases the trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty. The other case had two accused indicted together and while one of them pleaded guilty and was sentence to 10 years imprisonment, the other went to trial and was found guilty by the jury. He was sentenced to life imprisonment. In 2 of the 3 Murder trials, the accused all pleaded guilty to the lesser offence of Manslaughter. One of these cases had 2 accused. They were

respectively sentenced to 20 years, 17 years and 15 years imprisonment. The other case had another 2 accused indicted together and they were both acquitted by jury verdicts. Justice Simone Morris-Ramlall presided over 2 matters, one of which involved 2 accused who were indicted on 10 counts for the offence of *Manslaughter*. They were both acquitted by jury verdicts. The other case was for the offence of *Attempt to Commit Murder* with an alternative of count of *Felonious Wounding* for which the jury found that the accused was guilty. He is awaiting sentence on Tuesday 26<sup>th</sup> October. Ms. Lyken has completed one matter for the offence of *Rape* before Justice Beharry. The jury in this matter returned a majority verdict of 10 guilty to 2 not guilty for the accused who was sentenced to 18 years imprisonment. This session remains in progress up to the 25<sup>th</sup> October, 2021.

The Demerara October 2021 Criminal Assizes commenced on Tuesday 5<sup>th</sup> October, 2021 with 341 cases listed for trial. Justice Brassington Reynolds and Madam Justice Jo-Ann Barlow are rostered to sit. The Berbice October Criminal Assizes with 104 cases listed to be heard will commence on Tuesday 19<sup>th</sup> October before Justice Sandil Kissoon. While the Essequibo Criminal Assizes will commence on Tuesday 26<sup>th</sup> October before Justice Priya Sewnarine-Beharry and 84 cases are listed to be heard.

## **COURT OF APPEAL**

During the months June, July and August, 2021, we appeared in 14 matters in Guyana Court of Appeal for the offences of *Murder, Sexual Offences, Fraudulent Conversions and Robbery under Arms*. The State was represented by the DPP, Mrs. Shalimar Ali-Hack, SC, Assistant DPP, Ms. Dionne McCammon, ADPP Teshana Lake, ADPP Mercedes Glasford, ADPP Diana O'Brien, and ADPP Natasha Backer. Of these 14 matters, 3 appellants were allowed their appeals in part. The COA affirmed their convictions but varied their prison sentence. Another 6 appellants were allowed their applications; 2 of these were granted leave to file for Extension of Time to Appeal while 4 others were allowed to file and serve Notices of Appeal. Another 2 appellants withdrew their applications to appeal. One application to appeal against conviction and sentence will be proceed with. One appeal in which three convicts were sentenced to death and have appealed their sentences, remains in progress. In another one matter, the State had appealed against an Order by a High Court

Judge to release a Murder accused from prison. In June, the COA overturned that order and ruled that the accused surrender himself to the prison authority.

During this time, the Demerara Full Court sat three times to hear matters for the offences of Possession of Narcotics for the Purpose of Trafficking and Illegal Arrival and Crossing a Land Frontier. One appellant was allowed his application to appeal against conviction and sentence. The full court quashed and set aside his conviction. The other two appellants, a foreign couple were allowed their applications to appeal their sentences that were reduced to time served and were order deported.

While the Berbice Full Court sat six times to hear matters for the offences of *Abusive Language, Threatening Language, Assault Causing Bodily Harm, Dangerous Driving and Possession of Narcotics for the Purpose of Trafficking*. The Court allowed two applications. Of these two, one appellant had his conviction affirmed but his sentence varied. The other appellant had his conviction and sentence set aside. While the Court dismissed two other applications because it had no jurisdiction to hear them. And another two appellants withdrew their applications to appeal against their sentences.

### **Caribbean Court of Justice (CCJ)**

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 the two matters. One of these is an appeal filed by Murder accused Marcus Bislam against a ruling by the Guyana Court of Appeal to surrender himself to prison authority. 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*. This matter remains in progress.