

**CO-OPERATIVE REPUBLIC OF GUYANA**

**ANNUAL REPORT  
2011**

**CHAMBERS OF THE DIRECTOR  
OF  
PUBLIC PROSECUTIONS**

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## **ANNUAL REPORT- 2011**

### **CHAMBERS OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

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# **Chambers of the Director of Public Prosecutions**

## **1.0 Background Information**

The Chambers of the Director of Public Prosecutions is a part of the executive of the State and is provided for under Article 116 of the Constitution of Guyana.

Article 116 states that there shall be a Director of Public Prosecutions whose office shall be a public office and that the functions of the said office are stated in Article 187 of the Constitution. The Director of Public Prosecutions is appointed by the Judicial Service Commission according to Articles 203 and 199 of the Constitution of Guyana as amended by the Constitution (Amendment) (No. 4) Act 2001. The Director of Public Prosecutions is supported by a Deputy Director of Public Prosecutions, two Assistant Directors of Public Prosecutions, three Senior State Counsel and ten State Counsel as well as a Support staff. The support staff consist of a Administration Officer, two Legal Assistants, an Accountant, an Accounts Clerk, a Confidential Secretary, a Librarian, two Typist Clerks, a Receptionist, an Office Assistant and a Cleaner. The Deputy Director of Public Prosecutions is also appointed by the Judicial Service Commission according to the said Article 199 of the Constitution of Guyana and all other staff of the Chambers of the Director of Public Prosecutions are public officers.

The functions of the Director of Public Prosecutions according to Article 187 are:

- 1) To institute and undertake criminal proceedings against any person before any court, other than a court - martial, in respect of any offence against the laws of Guyana;
- 2) To take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and;
- 3) To discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other person or authority.

According to the said Article 187 the powers conferred on the Director of Public Prosecutions are vested in her to the exclusion of any other person or authority and the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

In carrying out these functions the major activities of the Director of Public Prosecutions (DPP) are to give legal advice and to appear in Court.

Pursuant to Act No. 4 of 2010 which amended the Court of Appeal Act the DPP has now been vested with the authority to appeal against verdicts of acquittal including those as a result of a trial judge upholding a no case submission. The DPP may also appeal against verdicts of a decision by the trial judge to uphold a submission that there is a defect in the depositions or the committal of the accused person for trial or the indictment; a decision by the trial judge to exclude material evidence sought to be adduced by the prosecution; the trial judge's substantial misdirection of the jury in the course of the judge's summation on the law or facts or on a mixed question of law or fact; or a material irregularity in the trial.

Legal advice is given to the Guyana Police Force by the DPP upon receipt of their files. Advice is also given to Customs Anti-Narcotic Unit, Ministry of Labour and Guyana Energy Agency. Advice is also given to other governmental and non-governmental organisations in relation to criminal prosecutions. The Attorney-General is instructed by the DPP in relation to civil suits that arise out of criminal charges instituted by the police or other agencies.

After indictable charges are instituted there is usually a preliminary inquiry or a trial in the magistrate's court. A preliminary inquiry must be conducted for certain offences such as Murder, Manslaughter and Rape. After the preliminary inquiry is completed the DPP receives the depositions. Upon receipt of the depositions the DPP generally either prefers indictments or discontinues the charges depending on the evidence contained in the depositions. Where indictments are preferred they will then be presented to the Judges in the High Court for hearing in all three counties of Demerara, Berbice and Essequibo.

Attorneys-at-Law from the DPP's Chambers appear for the State at the Criminal Assizes in the hearing of these indictments in the High Courts. There are 4 Assizes for the year in the county of Demerara and 3 Assizes in the counties of Berbice and Essequibo. The courts in all three (3) Counties sit simultaneously during these Assizes; hence, the DPP has to provide Attorneys-at-Law to appear exclusively in these Assizes since generally the Courts sit everyday all day. Only one judge sits in the High Court in Berbice and Essequibo but Demerara usually has more than one judge sitting in each Criminal Assizes.

Counsel from the Chambers also appear in the Full Court in appeals of summary charges and in the Court of Appeal in appeals from indictable charges from both the High Court and Magistrate's Court.

In addition Counsel appear in the High Court in applications for bail particularly every Friday. They also appear in applications for permission to leave the Jurisdiction and habeas corpus writs. In instances where the police wishes to keep persons in custody for more than 72 hours, for purposes of investigations, as is permitted according to Article 139 of the Constitution of Guyana, Counsel from the Chambers will draft same and appear before the Chief Justice at the hearing.

Members of the public come into the Chambers to complain in relation to difficulties they are experiencing in criminal cases pertaining to the administration of the Criminal Justice System. The Chambers has a complaint form which they will fill up stating their complaints. These forms contain the necessary information required for taking further actions into matters. Each complaint or observation is addressed and this has served to assist the Director in the performance of her functions under the Constitution. The DPP also receives from Attorneys-at-law letters in relation to issues concerning their clients' case, and the DPP takes appropriate action.

There are instances where relatives of victims /complainants retain Attorneys-at-law to represent their interests by prosecuting their cases. The DPP, at the families' request, would give the necessary permission for the Attorney retained to appear for the prosecution.

The DPP enters Plea Bargaining Agreements with Attorneys at their request and after due consideration of the matter.

The legal staff of the Director of Public Prosecutions Chambers also assist the Guyana Police Force and other law enforcement agencies, such as the Prisons, the National Bureau of Standards, etc with personnel to conduct courses and Seminars in relation to Criminal Law issues. These issues vary from investigations and charges to the laws of procedure and evidence applicable to the hearing in the courts, particularly in the magistrates courts.

At present the Government has undertaken a Justice Improvement Programme. As a part of the Criminal Justice Improvement Programme it has been decided that the Police Prosecutors be assigned to the Chambers of the Director of Public Prosecutions. During the year three Police Prosecutors were assigned to the Chambers of the Director of Public Prosecutions. It is hoped that the number of Police Prosecutors assigned to the Chambers will gradually increase. These Police Prosecutors are responsible for appearing for the prosecutions in all Preliminary Inquiries in the Magistrates Courts to which they are assigned as well as serious summary charges particularly for the offences of Robbery Under Arms, Trafficking in Narcotics involving large quantities, Trafficking in Persons, hijacking and serious complicated fraud charges.

The Julian Laite Consulting Limited did a Report on the Modernization of the Chambers of the Director of Public Prosecutions under the Justice Sector Reform Programme and proposed changes to be made on the present functioning system and staff.

The proposed changes include a revised structure to enable Chambers to implement the Government's stated mandate that the DPP's Chambers should take over the prosecution of all indictable and other serious offences which are heard in the Magistrate's Court. This is a crucial element in the reform of the Criminal Justice System as it will bring better case outcomes and bring prosecutions for all major offences under the Director of Public Prosecutions who has the Constitutional mandate to deal with all criminal matters. It will also free up the police to focus on delivering a higher quality of police investigative work.

These changes are essential to enabling the Chambers to implement a new way of working – namely early case screening – which will involve Prosecutors giving 'real time' advice to the police from the time the Report is made.

This consultancy has implemented a revised structure for the Chambers of the Director of Public Prosecutions. The revised structure has a number of new posts which will increase the number of posts that are in the current establishment.

The current establishment comprised of 32 posts and the revised establishment increased the current establishment by 3 new posts and in one post there was 1 increased authorised officer, bringing the total to 36 posts.

During the year 2011 approvals were given by the Ministry of Public Service to create and fill the following positions:

<b>Memorandum Date</b>	<b>No</b>	<b>Position</b>	<b>Category</b>
13/09/2011	1	Assistant DPP	1: Administrative
13/09/2011	1	Legal Assistant	1: Administrative
13/09/2011	1	Communications and Outreach Officer	1: Administrative
13/09/2011	1	Data and Knowledge Management Officer	1: Administrative
13/09/2011	1	Administrative Assistant	1: Administrative
13/09/2011	3	Legal Clerk	4: Clerical and Office Support

The Chambers of the Director of Public Prosecutions achieves the objectives of its programme by exercising control over all criminal matters in accordance with the provisions of the Constitution of Guyana. The Chambers prides itself in the expeditious manner in which the work is conducted particularly the time within which files are dealt with and returned to the police headquarters to be dispatched to the various police stations through the route established by the Guyana Police Force. This is so especially given the shortage of staff at the Chambers.

To ensure that no person is unjustifiably charged and prosecuted the Chambers advise the police and other law enforcement agencies either before or after charges are instituted. It is better to advise before charges are instituted. The failure of the police to send the files before the charges are instituted sometimes results in charges being instituted which are weak and eventually they are dismissed. It also delays the process in court, in that, the files may have to be returned to the police station for further investigations to clarify or explain pertinent aspects of the original statements or for statements to be taken to complete investigations, during the course of the trial. The majority of files are sent for legal advice after charges are instituted. This system is unsatisfactory. In some instances where the files come after the charges are instituted it is too late for the police to benefit from legal advice as time for certain investigations would have already passed. It is important for investigations to be done timely, that is, immediately after the commission of the offence. When this time passes it is difficult to do the investigations desired for a successful prosecution. The quality of the investigations to a great extent determines how successful the prosecutions in court are.

In addition to the aforementioned this system has other constraints. There was the problem of the police sometimes not forwarding some files to the Chambers for legal advice. All files for indictable charges ought to be sent to have the benefit of the advice of the DPP. There is another constraint where the DPP requests a police file from the Guyana Police Force and it is not always sent on time or at all, sometimes resulting in Magistrates dismissing charges.

The police ought to send files to the DPP immediately after charges are dismissed or an accused is discharged so that the DPP could advise on the way forward and take appropriate action accordingly. The appropriate action may be to file a Notice of Appeal if there was a trial or to give the magistrate directions to take further action in cases of a preliminary inquiry. Where a Notice of Appeal has to be filed this must be done within fourteen days of the dismissal of the charge. And in the case where an accused is discharged the police must also immediately inform the DPP so if the discharge is in question the DPP can write to the magistrate requesting a copy of the depositions. The DPP will then peruse to see if the magistrate acted in accordance with the law and the evidence. If not the DPP writes to the Magistrate to reopen and commit the accused to stand trial or take further evidence depending on the statements in the police file.

Although it is envisaged that charges will be laid promptly upon receipt of the advice this is not always the case. Sometimes advice given is not complied with by the police or the police delay in complying with the advice both in relation to the conduct of investigations as well as in relation to the institution of charges.

The DPP addresses issues with the Commissioner of Police through correspondence and hopes that the constraints existing will be addressed so there can be improved investigations and prosecutions resulting in a high rate of convictions thereby improving the existing criminal justice system.

.....  
SHALIMAR ALI-HACK  
Director of Public Prosecutions.  
2013-07-12.

## **2.0 Mission Statement**

To discharge in accordance with the Constitution of Guyana, the obligation to ensure that all criminal matters are dealt with in a fair, impartial and efficient manner.



### **3.0 Role of the Chambers**

The Chambers of the Director of Public Prosecutions continues to play a vital role in the administration of justice in criminal matters. It is the authority vested with the power and responsibility of exercising control over the prosecutions of all criminal matters except the institution of courts-martial. The Chambers therefore provides professional advice to and representation for all law enforcement and other agencies in relation to the prosecution of criminal cases depending on the availability of legal staff.

The Chambers seeks to ensure that no citizen is unjustifiably charged and prosecuted and that those whose acts or omissions justify the institution of criminal proceedings are charged and prosecuted under the relevant provisions of the law. It also tries to ensure that all persons charged are given a fair hearing within a reasonable time in accordance with their constitutional rights.

## **4.0 Description of Sections of the Chambers and Update of Staffing**

The Chambers comprise of two sections, the Legal and the Support Sections.

### **4.1 The Legal Staff Section**

The professional staff at the Chambers of the Director of Public Prosecutions comprises of the Director, the Deputy Director, two Assistant Directors, three Senior State Counsel and ten State Counsel. On December 31, 2011 there was one Assistant Director, one Senior State Counsel, one Senior State Counsel (ag) and eight State Counsel.

Mrs. Shalimar Ali-Hack who was appointed by the Judicial Service Commission continued in this position.

Ms. Jo-Ann Barlow who was appointed by the Judicial Service Commission as Deputy Director of Public Prosecutions continued in this position.

There was one promotion during 2011.

Ms. Sonia Joseph who was appointed by the Public Service Commission to act as Assistant Director of Public Prosecutions with effect from August 6, 2010, was promoted as Assistant Director of Public Prosecutions with effect from August 6, 2011. Ms. Joseph joined the Chambers with effect from August 6, 2007.

Ms. Dionne Mc Cammon who was appointed as Senior State Counsel by the Public Service Commission with effect from September 1, 2010, continued in this position. Ms. McCammon joined the Chambers with effect from December 10, 2007.

Ms. Zamilla Ally who was appointed to act as Senior State Counsel by the Public Service Commission with effect from September 1, 2010, continued in this position. Ms. Ally joined the Chambers with effect from June 16, 2008.

Ms. Prithima Kissoon who joined the Chambers as a State Counsel with effect from the 9<sup>th</sup> March, 2009, continued in this position.

Ms. Rhondel Weever and Mrs. Judith Gildharie-Mursalin who were appointed as State Counsel in 2009 continued as State Counsel within the Chambers during 2011.

Ms. Teshana James and Ms. Konyo Sandiford who both joined the Chambers as State Counsel with effect from November 1, 2010, continued as State Counsel during 2011.

Two new lawyers who were admitted to the Bar in October 2011, joined the Chambers as State Counsel with effect from October 19, 2011. They are Ms. Renita Singh and Ms. Diana Kaulesar.

During the year 2011, the following Legal Staff resigned:

1. Ms. Shivani Balcharan who joined the Chambers as a State Counsel with effect from July 7, 2009, resigned with effect from January 14, 2011. She left to work at the Guyana Revenue Authority.

2. Ms. Latchmie Rahamat who joined the Chambers as a State Counsel with effect from July 7, 2009, tendered her resignation with effect from 31<sup>st</sup> December, 2011. She left to work as a private practitioner.

## **4.2 The Support Staff Section**

The Support Staff at the Chambers of the Director of Public Prosecutions comprise the Administrative Officer, two Legal Assistants, one Accountant, an Accounts Clerk 11, a Confidential Secretary, two Typist Clerk 11, a Librarian, a Receptionist, one Office Assistant and one Cleaner. These positions were all filled except for one Legal Assistant.

Ms. Merlyne Lall retained her position as the Administrative Officer having joined the Chambers on October 1, 2008.

Ms. Alicia Primo who joined the Chambers as the Legal Assistant with effect from September 15, 2008, continued in this position.

Ms. Candace Welcome who has been the Librarian since May 21, 2007, continued as the Librarian.

Ms. Rochelle Gill, the acting Accountant who joined on May 1, 2006 also continued in this position.

Ms. Deborah Wilson joined the Chambers with effect from April 10, 1992 as Typist Clerk 11. She was then promoted to Confidential Secretary with effect from August 1, 2008 and continued in this position.

Ms. Vanessa Kissoon who joined the Chambers with effect from November 14, 2008 continued as the Accounts Clerk.

Ms. Carolyn Munro who joined as the Receptionist with effect from July 1, 2008, continued in this position during 2010.

Ms. Tenny Mc Calmon continued holding the position of temporary Typist Clerk 11.

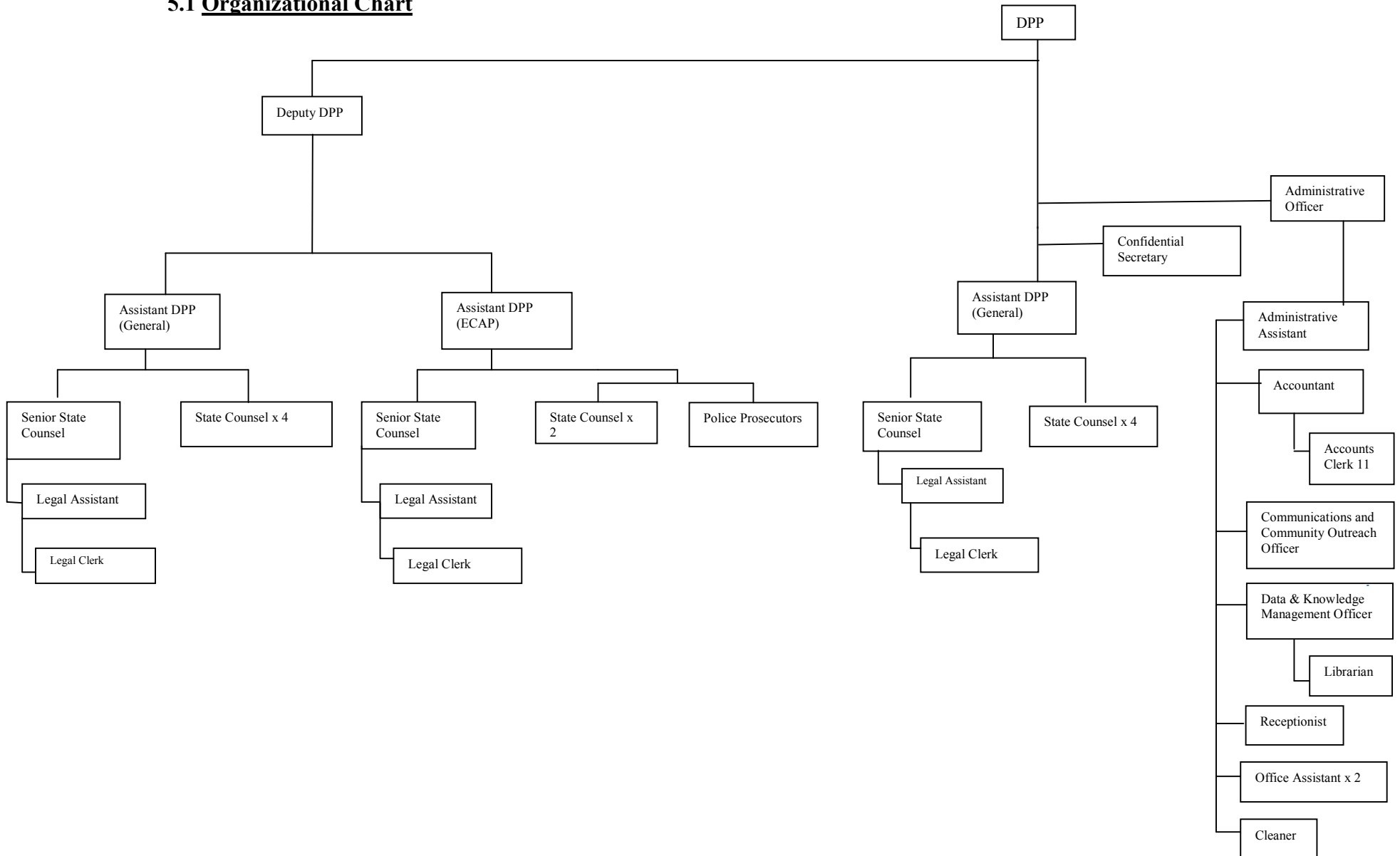
Ms. Bebe Gopaul who joined the Chambers as Typist Clerk with effect from August 5, 2010, continued in this position.

Ms Deborah Williams, the Office Assistant, continued in her respective capacity which she has been holding since September 25, 1995.

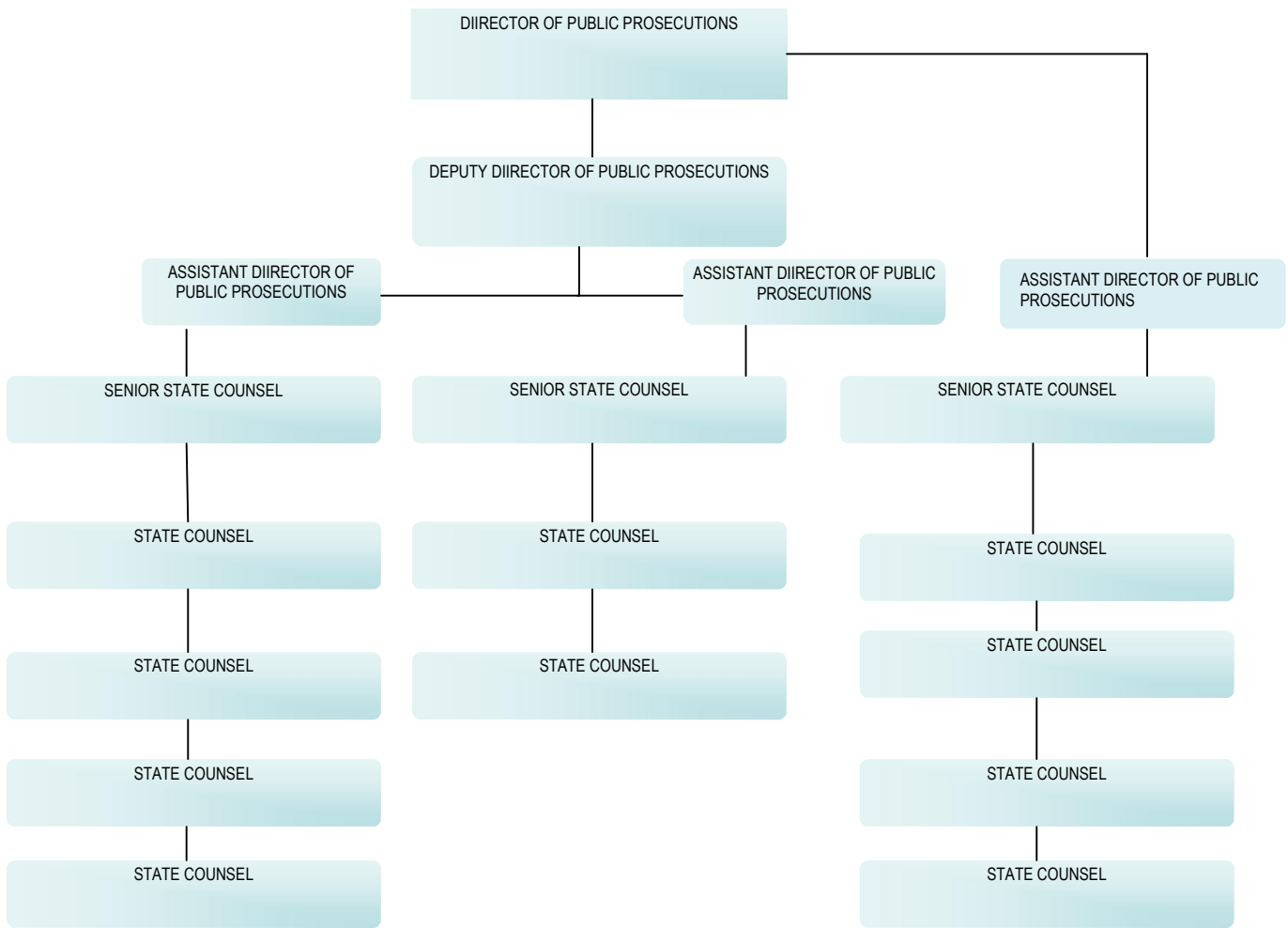
Ms. Lydia Bishop who joined the Chambers with effect from May 6, 1996 as Cleaner retired with effect from December 31, 2009. She continued serving the Chambers as the Cleaner, on contractual terms, with effect from January 5, 2010.

# 5.0 Organization and Management

## 5.1 Organizational Chart



## 5.2 Legal Staff Structure



## **6.0 Summary and Review of the Year's Programme.**

### **6.1 Indictments disposed of at the High Court of Demerara for 2011.**

At the Demerara Assizes there were forty (40) indictments disposed of for the year 2011. For the January, April, June and October sessions there were eight, four, seventeen and eleven matters completed. For eight of the indictments there were more than one offence and for two of the indictments there were more than one count for the particular offences. At the High Court of Demerara a total of thirty five indictments were presented and the remaining five indictments were Nolle Prosequi by the DPP in writing. The matters which were Nolle Prosequi by the DPP were for the offences of Wounding with Intent, Carnal Knowledge, Attempted Murder, Rape and Causing Death by Dangerous Driving. The matter for Wounding with Intent was nolle prosequi because the victim died. In the Carnal Knowledge case the victim migrated. In the Attempted Murder case the accused died and in the other two matters none of the witnesses attended court to testify when the matters were set for trial.

<b>Offences</b>	<b>Presented</b>	<b>Convicted</b>	<b>Acquitted</b>	<b>Nolle Prosequi by DPP by letter.</b>
*Murder	22	8 Accused pleaded guilty to the lesser offence of Manslaughter	9	-
Attempt to commit Murder	2	1	1	1
Rape	2	1	1	1
*Carnal Knowledge	3	-	2	1
Carnal Knowledge of girl under 15 years	5	4	1	-
Carnal Knowledge of girl between 12 and 13 years	1	-	1	-
Causing Death by Dangerous Driving	-	-	-	1
Wounding with Intent	-	-	-	1

\* Murder - Five Murder matters were pending. In one of them the jury returned a verdict that was disproportionate and later stated that the verdict was not guilty. The State then served a

notice of intention to appeal the verdict of acquittal. The accused was placed on bail pending the appeal. In three matters there was a hung jury and the accused was remanded to prison until the next hearing when the matter would be retried. In the third matter the accused was ordered to be committed to the National Psychiatric Hospital for treatment after which he will become fit to stand trial. When the accused is fit to stand trial the state will proceed to present his indictment.

\*Carnal Knowledge – One of the Carnal Knowledge matters was aborted.

Priority is given to prosecuting indictments for Murder because the accused are on remand in prison. Priority is also given to persons who are indicted for other offences and have been granted bail but are unable to post the bail and therefore remain in custody.



## **6.2 Indictments disposed of at the High Court of Berbice for 2011.**

Fifteen (15) indictments were disposed of at the Berbice Assizes for the year 2011. For the October 2010 session which continued in January 2011 there were eight matters completed. For the June and October sessions there were four and three matters completed respectively. For four of the indictments there were more than one offence and for two of the indictments there were more than one count for the particular offences. At the High Court of Berbice a total of fourteen indictments were presented. In one of them which was for the offence of Causing grievous bodily harm, the charge was Nolle Prosequi by the DPP in open court and the victim was compensated by the accused. The other matter which was for the offence of Carnal Knowledge was Nolle Prosequi by the DPP in writing because the victim did not wish to proceed with the prosecution.

<b>Offences</b>	<b>Presented</b>	<b>Convicted</b>	<b>Acquitted</b>	<b>Nolle Prosequi by DPP by letter.</b>
*Murder	6	3 Accused pleaded guilty to the lesser offence of Manslaughter	2	-
Rape	2	1	1	-
Robbery Under Arms	1	1	-	-
*Causing Grievous Bodily Harm	2	1	2	1
*Inflicting Grievous Bodily Harm	1	-	-	-
Carnal Knowledge of girl under fifteen years	1	-	1	-
Carnal Knowledge	-	-	-	1
Buggery	1	-	1	-

\*Murder – One Murder matter was pending. The committal and indictment were quashed because the committal was bad in law. The accused were rearrested and taken before the Magistrate on the original murder information.

\*Causing Grievous Bodily Harm - For the matter of Causing Grievous Bodily Harm, there were three accused persons involved. One of them was found guilty and the other two were found not guilty.

\*Inflicting Grievous Bodily Harm – For the offence of Inflicting Grievous Bodily Harm, the committal was quashed.

Priority is given to prosecuting indictments for Murder because the accused are on remand in prison. Priority is also given to persons who are indicted for other offences and have been granted bail but are unable to post the bail and therefore remain in custody.

### **6.3 Indictments disposed of at the High Court of Essequibo for 2011.**

Seven (7) indictments were disposed of at the Essequibo Assizes for the year 2011. For the February, May and October sessions there were one, four and two matters completed respectively. At the High Court of Essequibo a total of six indictments were presented. One matter which was for the offence of Incest was Nolle Prosequi by the DPP in writing.

<b>Offences</b>	<b>Presented</b>	<b>Convicted</b>	<b>Acquitted</b>	<b>Nolle Prosequi by DPP by letter.</b>
Murder	4	2 Accused pleaded guilty to the lesser offence of Manslaughter and the other 2 Accused were found guilty of Murder	-	-
Manslaughter	2	-	2	-
Incest	-	-	-	1

Priority is given to prosecuting indictments for Murder because the accused are on remand in prison. Priority is also given to persons who are indicted for other offences and have been granted bail but are unable to post the bail and therefore remain in custody.

## **7.0 Indictments listed to be heard for Demerara, Berbice and Essequibo for the year 2011.**

A total of sixty two (62) indictments were completed during 2011. Forty (40) were completed for Demerara, fifteen (15) were completed for Berbice and seven (7) were completed for Essequibo.

At the end of December 2011 there were one hundred and ninety eight (198) indictments listed to be heard. There were one hundred and seventy one (171) indictments for Demerara, twenty (20) indictments for Berbice and seven (7) for Essequibo.

## **8.0 Depositions received for Demerara, Berbice and Essequibo in 2011.**

### **8.1 Depositions that were received for the County of Demerara in 2011.**

In the year 2011 there were one hundred and fourteen (114) depositions received for the County of Demerara. The committals for twelve (12) of these depositions were discontinued by the DPP by letter because there was not sufficient evidence in the depositions for the DPP to prefer charges in an indictment.

Indictments were preferred for one hundred and two of these depositions.

Five of the indictments were presented and tried in the High Court. Three of these indictments were for the offence of Murder, one indictment for Rape and the other indictment for Carnal Knowledge of girl between 15 and 16 years.

In two of the Murder matters, the accused pleaded not guilty to Murder and guilty to the lesser offence of Manslaughter. In the other Murder matter the jury returned a formal verdict of not guilty. In the matter for Rape the jury returned a verdict of not guilty and in the matter for Carnal Knowledge of girl between 15 and 16 years a retrial was ordered.

At the end of the trials, there were two pleas of guilty by the accused, one formal verdict of not guilty, one verdict of not guilty and a retrial ordered by the jury.

The remaining ninety seven (97) indictments remained on the list awaiting trial along with the other indictments awaiting trial prior to 2011. These indictments will now be listed to be heard in 2012.

## **8.2 Depositions that were received for the County of Berbice in 2011.**

In the year 2011 there were forty four (44) depositions which were received for the County of Berbice. The committals for five (5) of these depositions were discontinued by the DPP by letter because there was not sufficient evidence in the depositions for the DPP to prefer charges in an indictment.

Indictments were preferred for thirty nine of these depositions.

Fourteen of the indictments were presented and tried in the High Court. Six of these indictments were for the offence of Murder, one indictment for Manslaughter, three indictments for Carnal Knowledge of Girl under fifteen years, one indictment for Buggery and Indecent Assault, one indictment for Abduction, one for Inflicting Grievous Bodily Harm and the other indictment for Sexual Activity with a child by abusing a position of trust.

Of the six Murder matters, the accused pleaded guilty to the lesser offence of Manslaughter for three of them. In one matter the jury returned a unanimous verdict of guilty. In another matter the jury returned a formal verdict of not guilty. In the other matter there was a (11 guilty 1 not guilty) hung jury. In the Manslaughter matter the jury returned a unanimous verdict of not guilty. Of the three matters for Carnal Knowledge of Girl under fifteen years the jury returned a proportionate verdict of not guilty for one of them. In another matter the jury returned a unanimous verdict of not guilty and in the other matter there was a (7 guilty 5 not guilty) hung jury. For the matter of Abduction the jury returned a verdict of guilty. The matter for Inflicting Grievous Bodily Harm was quashed. For the matter which consists of two offences namely, Buggery and Indecent Assault, the jury returned a unanimous verdict of not guilty. The matter of Sexual Activity with a child by abusing a position of trust was not completed because the accused had to face another Preliminary Inquiry.

At the end of the trials, there were three pleas of guilty by the accused, one unanimous verdict of guilty, one verdict of guilty, two hung jury, one formal verdict of not guilty, three unanimous verdicts of not guilty, one proportionate verdict of not guilty and another Preliminary Inquiry ordered by the jury. The other matter was quashed.

The remaining twenty five (25) indictments remained on the list awaiting trial along with the other indictments awaiting trial prior to 2011. These indictments will now be listed to be heard in 2012.

### **8.3 Depositions that were received for the County of Essequibo in 2011.**

In the year 2011 there were fourteen (14) depositions which were received for the County of Essequibo. The committal for one (1) of these depositions was discontinued by the DPP by letter because there was not sufficient evidence in the deposition for the DPP to prefer charges in an indictment.

Indictments were preferred for the other thirteen (13) depositions.

Five of the indictments were presented and tried in the High Court. Three of these indictments were for the offence of Murder, one indictment for Manslaughter and one indictment for Buggery.

In all three of the Murder matters the accused pleaded not guilty to Murder and guilty to the lesser offence of Manslaughter. For the matter of Manslaughter the jury returned a formal verdict of not guilty and for the matter of Buggery the jury returned a unanimous verdict of guilty.

At the end of the trials, there were three pleas of guilty by the accused, one formal verdict of not guilty and one unanimous verdict of guilty by the jury.

The remaining eight (8) indictments remained on the list awaiting trial along with the other indictments awaiting trial prior to 2011. These indictments will now be listed to be heard in 2012.

## **9.0 Matters heard by the Court of Appeal in 2011.**

There were nine (9) applications for an extension of time within which to file a Notice of Appeal. Two of these applications were in relation to convictions of two juveniles in the High Court for the offence of Murder. The other seven (7) were from applicants who were convicted in the Magistrate's Court for the following offences:

Wounding  
Obtaining by False Pretence  
Malicious Damage to Property  
Causing Death by Dangerous Driving  
Causing Grievous Bodily Harm  
Uttering a Forged Document

Two of the nine applications were discontinued. They were for the offences of Wounding and Malicious Damage to Property.

The application for Obtaining by False Pretence was refused while the other six were granted.

There were four applications for bail pending appeal. Two were from the two juveniles who were convicted of Murder and two for Causing Death by Dangerous Driving.

The two applications in the case of Murder and one for Causing Death by Dangerous Driving were refused while the other was allowed.



## **10.0 Matters heard by the Full Court in 2011.**

There were twelve criminal matters that engaged the attention of the Full Court for the year 2011. Ten of these were against conviction and sentence in matters disposed of in the Magistrate's Court while two of the matters were applications for extension of time to file documents relevant to appeals.

The appeals dealt with were for the following offences:

1. Three matters for Trafficking in Narcotics
2. Possession of Firearm and Ammunition
3. Money Laundering
4. Attempt to commit Murder
5. Malicious Damage to Property
6. Assault
7. Corrupt Transaction by Agent
8. Attempt to pervert the Course of Justice

The appeals for Money Laundering, Malicious Damage to Property and one of the Trafficking in Narcotics matters were allowed. One of the remaining Trafficking in Narcotics matters was dismissed while a decision in the third is pending.

The appeal against Conviction for Firearm and Ammunition was allowed only in relation to the ammunition but as regards the firearm there was a dismissal.

The Court declined jurisdiction in the matters connected with the Attempt to commit Murder and struck out the appeal against Attempt to pervert the Course of Justice.

The appellant in the Assault matter died so this appeal was discontinued.

The appeal in relation to Corrupt Transaction by Agent saw the conviction being confirmed but the sentence being reduced.

The two applications for extension of time to file documents relevant to the appeals were for the following offences:

1. Trafficking in Narcotics
2. Wounding.

The Court granted leave for the applicant in the Trafficking in Narcotics matter but refused the application for Wounding.

## **11.0 Police Files that came in the year 2011 for Legal Advice.**

For the year 2011 there were two thousand eight hundred and seventy two (2,872) files which were received at these Chambers of the Director of Public Prosecutions for legal advice. Of these files, two thousand, eight hundred and twenty five (2,825) of them came from the Guyana Police Force, twenty seven (27) files came from the Guyana Energy Agency and twenty (20) files came from the Customs Anti Narcotics Unit.

Of the two thousand, eight hundred and twenty five (2,825) files that came from the Guyana Police Force, there were two hundred and eighteen (218) files for the offences of Murder and Manslaughter and four hundred and nine (409) files for the offences of Carnal Knowledge, Rape and Buggery. These were the major offences that were tried in the High Court in the Assizes in Demerara, Berbice and Essequibo for the year 2011.

The two thousand, eight hundred and twenty five (2,825) police files which came into the Chambers in the year 2011 for legal advice were spread over the year as follows:

January	250
February	229
March	239
April	231
May	233
June	201
July	251
August	429
September	185
October	177
November	219
December	181

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2,825

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<b>Number of files received in the month of January 2011:</b>	250
<b>Number of police files for legal advice</b>	247
<b>Number of committal files</b>	2
<b>Number of files for Fiat</b>	1

**The offences for the files for January 2011 are as follows:**

Murder	17
Manslaughter	1
Alleged murder	1
Attempt murder	2
Rape	14
Alleged rape	14
Carnal knowledge	9
Buggery	4
Alleged sexual act	1
Incest	1
Sexual assault	2
Causing death by dangerous driving	6
Fatal accident	7
Serious accident	2
Alleged death	1
Minor accident	2
Uttering a forged document	6
Unlawful possession of firearm	2
Robbery under arms	13
Incident involving persons	12
Forgery	2
Break and enter and larceny	5
Possession of narcotics	12
Simple larceny	9
Damage accident	6
Inflicting grievous bodily harm	2
Receiving stolen article	1
Robbery with aggravation	3
Obtaining by false pretence	2
Discharge of case	1
Complaint	17
Indecent assault	2
Larceny	5
Forcible entry	1
Escape from lawful custody	1
Felonious wounding	4
Fraudulent conversion	6

Fraudulent misappropriation	2
Attempt to commit a felony	1
Obtaining money by false pretence	2
Trafficking in narcotics	3
Alleged assault	4
Alleged treason	1
Assault	1
Alleged larceny	2
Alleged seizure of cocaine	1
Fire	2
Alleged taking prohibited article into Georgetown Prisons	1
Complaint from Police Complaint authority	1
Alleged breach of security	2
Robbery with violence	1
Alleged drowning	1
Shooting incident	1
Firearm and ammunition found	1
Alleged abduction	2
Inquest	1
Conspiracy to commit a felony	1
Alleged corrupt transaction	1
Alleged suspected poisoning of animal	1
Alleged fraudulent withdrawal	1
Detention of motor vehicle	2
Damage to property	1
Incident involving vehicle	1
Alleged suicide	2
Disputed property	1
Improper conduct of police	1
Motor vehicle with fraudulent identification	1
Missing firearm	1
Unlawful wounding	2
Illegal fishing	1
Seizure of firearm	1
Abduction	1
Incident at US Embassy	2
Bomb threat	1
Alleged indecent assault	1
Alleged fraud	1

<b>Number of files received in the month of February 2011:</b>	229
<b>Number of police files for legal advice</b>	215
<b>Number of committal files</b>	14

**The offences for the files for February 2011 are as follows:**

Murder	6
Alleged murder	3
Manslaughter	1
Attempt murder	2
Rape	15
Alleged rape	3
Carnal knowledge	11
Buggery	4
Incest	1
Sexual assault	2
Sexual activity with girl under 16	3
Alleged sexual act	1
Attempt to commit rape	1
Causing death by dangerous driving	6
Fatal accident	8
Serious accident	2
Alleged death	3
Uttering a forged document	1
Unlawful possession of firearm	10
Unlawful possession of ammunition	2
Robbery under arms	8
Incident involving persons	7
Forgery	1
Break and enter and larceny	4
Possession of narcotics	15
Simple larceny	7
Inflicting grievous bodily harm	4
Receiving stolen article	1
Obtaining by false pretence	2
Complaint	12
Indecent assault	5
Larceny	1
Fraudulent conversion	2
Attempt to commit a felony	2
Obtaining money by false pretence	3
Trafficking in narcotics	12
Alleged assault	4
Assault	1

Alleged larceny	2
Alleged seizure of cocaine	1
Damage accident	3
Alleged abduction	1
Conspiracy to commit a felony	3
Alleged corrupt transaction	1
Minor accident	5
Detention of motor vehicle	1
Damage to property	2
Incident involving vehicle	6
Alleged suicide	1
Disputed property	2
Unlawful wounding	5
Alleged fraud	1
Embezzlement	1
River mishap	1
Discharging loaded firearm	1
Alleged threats	3
Hit and run	1
Conspiracy	3
Allegation	2
Cultivating prohibited plant	2
Alleged wounding	2
Impounded animals	1
Disputed vehicle	1
Noise nuisance	1

<b>Number of files received in the month of March 2011:</b>	239
<b>Number of police files for legal advice</b>	230
<b>Number of committal files</b>	7
<b>Number of files for Fiat</b>	2

**The offences for the files for March 2011 are as follows:**

Murder	13
Alleged murder	2
Attempt murder	4
Rape	22
Alleged rape	5
Carnal knowledge	8
Buggery	2
Incest	1
Sexual assault	3
Sexual activity with girl under 16	1
Causing death by dangerous driving	8
Fatal accident	13
Serious accident	3
Unlawful possession of firearm	2
Unlawful possession of ammunition	3
Robbery under arms	15
Incident involving persons	9
Break and enter and larceny	8
Possession of narcotics	12
Simple larceny	6
Inflicting grievous bodily harm	3
Complaint	15
Larceny	7
Felonious wounding	1
Fraudulent conversion	5
Fraudulent misappropriation	1
Attempt to commit a felony	1
Obtaining money by false pretence	2
Trafficking in narcotics	8
Alleged assault	1
Assault	2
Alleged larceny	3
Alleged seizure of cocaine	3
Damage accident	5
Neglect of duty	1
Fire	1
Robbery with violence	5

Shooting incident	2
Conspiracy to commit a felony	2
Alleged corrupt transaction	1
Minor accident	3
Death of	4
Damage to property	2
Incident involving vehicle	2
Alleged kidnapping	1
Unlawful wounding	1
Alleged fraud	1
Embezzlement	2
Discharging loaded firearm	1
Alleged threats	1
Hit and run	2
Conspiracy	1
Allegation	2
Demanding money with menace	4
Escape prisoner	2
Burglary	1



<b>Number of files received in the month of April 2011:</b>	231
<b>Number of police files for legal advice</b>	217
<b>Number of committal files</b>	8
<b>Number of files for Appeal</b>	6

**The offences for the files for April 2011 are as follows:**

Murder	12
Alleged murder	1
Attempt murder	3
Suspected murder	1
Rape	17
Alleged rape	6
Carnal knowledge	7
Sexual assault	4
Sexual activity with girl under 16	4
Causing death by dangerous driving	3
Fatal accident	7
Serious accident	5
Uttering a forged document	2
Unlawful possession of firearm	7
Unlawful possession of ammunition	4
Robbery under arms	18
Incident involving persons	2
Forgery	4
Break and enter and larceny	5
Possession of narcotics	13
Simple larceny	7
Inflicting grievous bodily harm	5
Seizure of cocaine	3
Robbery with aggravation	2
Obtaining by false pretence	6
Complaint	13
Trafficking in persons	3
Firearm found by ranks	1
Larceny	4
Escape from lawful custody	1
Felonious wounding	1
Fraudulent conversion	2
Fraudulent misappropriation	1
Obtaining money by false pretence	1
Trafficking in narcotics	3
Alleged assault	1
Damage accident	4

Criminal matter against police	3
Fire	3
Robbery with violence	2
Fatal river mishap	1
Shooting incident	2
Abduction	3
Alleged injury to growing trees	1
Alleged corrupt transaction	1
Death of	2
Damage to property	3
Disputed property	2
911 operator was unprofessional	1
Unlawful wounding	3
Fraud	3
Embezzlement	3
Discharging loaded firearm	4
Alleged threats	1
Allegation	4
Alleged assault	1
False declaration	1
Taking prohibited article into prison	1
Attempt to commit a felony	1
Harbouring wanted persons	2

<b>Number of files received in the month of May 2011:</b>	233
<b>Number of police files for legal advice</b>	229
<b>Number of committal files</b>	2
<b>Number of files for Appeal</b>	2

**The offences for the files for May 2011 are as follows:**

Murder	34
Alleged murder	5
Manslaughter	1
Attempt murder	8
Rape	10
Alleged rape	20
Carnal knowledge	8
Fatal accident	9
Serious accident	1
Uttering a forged document	1
Unlawful possession of firearm	5
Unlawful possession of ammunition	3
Robbery under arms	11
Causing death by dangerous driving	7
Incident involving persons	1
Forgery	2
Break and enter and larceny	11
Possession of narcotics	5
Simple larceny	7
Inflicting grievous bodily harm	1
Obtaining by false pretence	10
Complaint	17
Larceny	2
Escape from lawful custody	1
Felonious wounding	2
Fraudulent conversion	1
Attempt to commit a felony	3
Alleged assault	1
Alleged seizure of cocaine	2
Damage accident	2
Fire	3
Alleged drowning	1
Shooting incident	2
Alleged corrupt transaction	1
Minor accident	3
Death of	3
Damage to property	2

Incident involving vehicle	4
Disputed property	4
Unlawful wounding	2
Embezzlement	2
Conspiracy	2
Allegation	3
Demanding money with menace	1
Disputed animal	3
Alleged abduction	1
Unnatural death	2
Alleged threatening language	2
Alleged suicide	1

<b>Number of files received in the month of June 2011:</b>	201
<b>Number of police files for legal advice</b>	188
<b>Number of committal files</b>	12
<b>Number of files for Appeal</b>	1

**The offences for the files for June 2011 are as follows:**

Murder	15
Alleged murder	4
Attempt murder	4
Rape	13
Alleged rape	12
Carnal knowledge	6
Incest	1
Sexual assault	3
Sexual activity with a girl under 16	1
Causing death by dangerous driving	11
Fatal accident	7
Serious accident	10
Uttering a forged document	3
Unlawful possession of firearm	5
Unlawful possession of ammunition	3
Robbery under arms	5
Incident involving persons	3
Forgery	1
Break and enter and larceny	1
Possession of narcotics	8
Simple larceny	5
Inflicting grievous bodily harm	1
Obtaining by false pretence	1
Complaint	16
Indecent assault	1
Larceny	5
Felonious wounding	1
Fraudulent conversion	1
Obtaining money by false pretence	1
Trafficking in narcotics	4
Alleged assault	1
Damage accident	5
Minor accident	4
Death of	2
Embezzlement	2
Conspiracy	1
Disputed vehicle	2

Wrongful confinement for ransom	1
River mishap	2
Receiving stolen property	2
Discharging loaded firearm	5
Alleged suicide	1
Incident involving police	2
Attempt aiding and abetted the escape of convicted prisoner	1
Burglary	4
Drowning	1
Disputed property	2
Alleged conspiracy to commit act of terrorism	1
Corrupt transaction	1
Conduct of police	2
Abduction	2
Demanding money with menace	1
Giving false information	1
Child stealing	1
Seizure of raw gold	1
Alleged perjury	1

<b>Number of files received in the month of July 2011:</b>	251
<b>Number of police files for legal advice</b>	224
<b>Number of committal files</b>	24
<b>Number of files for Appeal</b>	2
<b>Number of files for Fiat</b>	1

**The offences for the files for July 2011 are as follows:**

Murder	28
Attempt murder	6
Rape	25
Carnal knowledge	13
Sexual assault	1
Sexual activity	1
Sexual misconduct	1
Causing death by dangerous driving	7
Fatal accident	11
Serious accident	4
Possession of forged currency	2
Uttering forged currency	2
Fraudulent conversion	1
Receiving stolen property	2
Unlawful possession of firearm and ammunition	3
Incident involving	1
Burglary	1
Report	1
Possession of firearm	1
Felonious wounding	3
Alleged fraud	1
Missing firearm and ammunition	1
Obtaining by false pretence	1
Possession of firearm without licence	1
Larceny from person	1
Incident involving police rank	3
Alleged aid and abetted the escape of convicted prisoner	1
Offering forged currency	1
Complaint	1
Alleged assault	2
Unlawful wounding	6
Assault causing actual bodily harm	1
Narcotics found on person	1
Complaint	2

Disputed property	1
Attempt suicide	1
Fire that damage dwelling house	1
Alleged trafficking in narcotics	14
Possession of narcotics	2
Reports of two kilo cocaine	1
Allegation against	5
Narcotics found in bus	1
Possession of smoking utensils	1
Report	1
Natural death	1
Allegation by civilian against civilian	1
Suspected cannabis found	1
Conflict between	1
Damage of property	1
Conspiracy to commit a felony	1
Uttering forged documents	1
Incident resulting in death	1
Violence at dwelling house	1
Embezzlement	1
Forgery at NIS	1
Malicious damage	2
Exposing of pictures	1
Seizure of motor vehicle	2
Incident by male	1
Indecent assault	3
Refusing to permit unauthorised person	1
Bigamy	2
Abduction	1
Dismissal of case	1
Arrest	1
Shooting incident	2
Threatening behaviour	1
Robbery under arms	15
Robbery with aggravation	1
Break and enter and larceny	8
Attempt to commit a felony	1
Obtaining money by false pretence	5
Detention of motor car	1
Detention of motor jeep	1
Detention of motor cycle	1
Simple larceny	4
Dismissal of case	4
Unlawful possession of ammunition	1



Allegation	1
Minor accident	3
Damage accident	6
Incident involving motor car	3
Dispute motor vehicle	1
Motor vehicle found abandoned	1

<b>Number of files received in the month of August 2011:</b>	429
<b>Number of police files for legal advice</b>	391
<b>Number of committal files</b>	38

**The offences for the files for August 2011 are as follows:**

Murder	19
Alleged murder	3
Attempt murder	9
Rape	11
Alleged rape	13
Carnal knowledge	9
Buggery	1
Alleged sexual act	1
Alleged sexual assault	3
Incest	9
Sexual activity with a child family member	3
Sexual activity with girl under 16 years	1
Sexual assault	1
Causing death by dangerous driving	9
Fatal accident	9
Serious accident	3
Abduction	1
Alleged abduction	1
Alleged break and enter and larceny	1
Alleged drowning	1
Alleged fraud	1
Break and enter and larceny	2
Demanding money with menace	9
Detention of motor vehicle	9
Dismissal of case	9
Discharging loaded firearm	9
Obtaining by false pretence	1
Possession of narcotics	7
Receiving stolen article	1
River mishap	1
Simple larceny	4
Trafficking in narcotics	1
Unlawful wounding	3
Alleged incident resulting in death	1
Alleged larceny	2
Alleged larceny from dwelling house	1
Alleged possession of narcotics	1
Alleged suicide	2

Alleged simple larceny	2
Alleged threats	1
Assault	1
Careless driving	9
Complaint	9
Complaint from Police Complaint Authority	9
Conspiracy	9
Conspiracy to commit a felony	9
Criminal conduct	9
Damage accident	9
Damage to property	9
Disputed property	9
Disputed vehicle	9
Embezzlement	9
Escape from lawful custody	9
Felonious wounding	9
Fire	9
Firearm and ammunition found	9
Forcible entry	9
Forgery	9
Fraudulent conversion	9
Fraudulent misappropriation	9
Hit and run	9
Illegal fishing	9
Improper conduct of police	9
Incident at US Embassy	9
Incident involving persons	9
Incident involving vehicle	9
Inflicting grievous bodily harm	4
Larceny	1
Minor accident	2
Robbery under arms	15
Robbery with aggravation	1
Robbery with violence	4
Uttering a forged document	1

<b>Number of files received in the month of September 2011:</b>	185
<b>Number of police files for legal advice</b>	160
<b>Number of committal files</b>	25

**The offences for the files for September 2011 are as follows:**

Murder	11
Alleged murder	4
Rape	11
Alleged rape	14
Carnal knowledge	6
Alleged sexual assault	1
Incest	1
Causing death by dangerous driving	7
Fatal accident	8
Serious accident	4
Bomb threat	1
Break and enter and larceny	5
Complaint	8
Abduction	1
Alleged abduction	1
Alleged assault	1
Alleged drowning	1
Alleged incident resulting in death	2
Escape from lawful custody	1
Felonious wounding	6
Alleged indecent assault	1
Alleged simple larceny	4
Alleged suicide	2
Alleged trafficking in narcotics	1
Assault	2
Attempt to commit a felony	2
Complaint from Police Complaint Authority	1
Conspiracy to commit a felony	1
Damage accident	3
Dismissal of case	5
Discharging loaded firearm	3
Embezzlement	1
Fire	1
Forgery	1
Robbery under arms	15
Robbery with violence	2
Unlawful possession of firearm	1
Unlawful wounding	2

Fraud	1
Fraudulent conversion	1
Hit and run	1
Incident involving persons	6
Incident involving vehicle	1
Inflicting grievous bodily harm	3
Larceny	1
Minor accident	3
Noise nuisance	1
Obtaining by false pretence	1
Obtaining money by false pretence	1
Possession of narcotics	5
Possession of firearm	4
Receiving stolen article	4
River mishap	1
Simple larceny	5
Trafficking in narcotics	1
Uttering a forged document	3

<b>Number of files received in the month of October 2011:</b>	177
<b>Number of police files for legal advice</b>	156
<b>Number of committal files</b>	17
<b>Number of files for Appeal</b>	3
<b>Number of files for Fiat</b>	1

**The offences for the files for October 2011 are as follows:**

Murder	10
Alleged murder	5
Manslaughter	2
Attempt murder	1
Rape	11
Alleged rape	10
Carnal knowledge	8
Sexual activity with a child family member	1
Sexual activity with girl under 16 years	1
Sexual assault	1
Causing death by dangerous driving	4
Fatal accident	4
Serious accident	5
Abduction	1
Alleged abduction	1
Alleged assault	1
Alleged indecent assault	4
Alleged larceny	1
Alleged larceny from dwelling house	1
Break and enter and larceny	8
Obtaining by false pretence	1
Possession of narcotics	9
Alleged simple larceny	1
Alleged suicide	1
Alleged trafficking in narcotics	2
Assault	1
Attempt to commit a felony	1
Complaint	2
Conspiracy	1
Conspiracy to commit a felony	7
Escape from lawful custody	2
Felonious wounding	1
Fire	2
Hit and run	1
Damage accident	5
Demanding money with menace	1

Dismissal of case	6
Incident involving persons	2
Indecent assault	1
Inflicting grievous bodily harm	2
Larceny	1
Minor accident	5
Receiving stolen article	15
River mishap	1
Robbery under arms	9
Robbery with violence	1
Simple larceny	10
Unlawful possession of firearm	3
Unlawful wounding	2
Uttering a forged document	1

<b>Number of files received in the month of November 2011:</b>	219
<b>Number of police files for legal advice</b>	183
<b>Number of committal files</b>	30
<b>Number of files for Appeal</b>	4
<b>Number of files for Fiat</b>	2

**The offences for the files for November 2011 are as follows:**

Murder	9
Alleged murder	1
Manslaughter	2
Attempt murder	2
Rape	13
Alleged rape	17
Carnal knowledge	8
Sexual activity with a child family member	3
Causing death by dangerous driving	6
Fatal accident	11
Serious accident	4
Minor accident	5
Alleged abduction	1
Alleged assault	2
Alleged corrupt transaction	1
Damage to property	1
Demanding money with menace	1
Obtaining by false pretence	1
Possession of narcotics	3
Robbery with violence	2
Alleged fraudulent conversion	2
Alleged simple larceny	3
Alleged trafficking in narcotics	4
Assault	1
Attempt to commit a felony	2
Bomb threat	1
Break and enter and larceny	6
Complaint	10
Conspiracy to commit a felony	4
Damage accident	5
Dismissal of case	5
Discharging loaded firearm	3
Disputed property	1
Escape from lawful custody	1
Alleged indecent assault	3
Alleged larceny	1



Felonious wounding	3
Firearm and ammunition found	3
Fraudulent conversion	1
Larceny	2
Receiving stolen article	1
River mishap	1
Robbery under arms	13
Robbery with aggravation	16
Simple larceny	10
Trafficking in narcotics	1
Unlawful possession of firearm	5
Unlawful wounding	5
Uttering a forged document	2
Incident involving persons	7
Indecent assault	1
Inflicting grievous bodily harm	3

<b>Number of files received in the month of December 2011:</b>	181
<b>Number of police files for legal advice</b>	162
<b>Number of committal files</b>	15
<b>Number of files for Appeal</b>	3
<b>Number of files for Fiat</b>	1

**The offences for the files for December 2011 are as follows:**

Murder	6
Alleged murder	2
Attempt murder	4
Rape	12
Alleged rape	13
Carnal knowledge	4
Sexual activity with a child family member	1
Alleged sexual assault	2
Causing death by dangerous driving	9
Fatal accident	8
Serious accident	3
Larceny	3
Minor accident	1
Obtaining by false pretence	2
Abduction	2
Alleged assault	1
Alleged indecent assault	1
Alleged larceny	1
Damage accident	4
Damage to property	1
Dismissal of case	1
Disputed vehicle	1
Alleged possession of narcotics	1
Alleged trafficking in narcotics	2
Assault	2
Attempt to commit a felony	2
Bomb threat	1
Complaint	6
Conspiracy to commit a felony	1
Uttering a forged document	1
Alleged simple larceny	2
Alleged suicide	3
Alleged corrupt transaction	1
Alleged incident resulting in death	1
Embezzlement	1

Felonious wounding	2
Firearm and ammunition found	2
Fraud	1
Possession of firearm	7
Break and enter and larceny	8
Possession of narcotics	2
Robbery with violence	2
Fraudulent conversion	2
Incident involving persons	2
Incident involving vehicle	1
Indecent assault	1
Seizure of firearm	1
Shooting incident	1
Simple larceny	14
Trafficking in narcotics	2
Robbery under arms	18
Robbery with aggravation	2
Unlawful possession of firearm	3
Unlawful wounding	4

## **12.0 Appearance in Bail Application for 2011.**

The total amount of bail applications which came into the Director of Public Prosecutions Chambers from 1<sup>st</sup> January to 31<sup>st</sup> December, 2011 amounted to six hundred and twenty eight (628). Of this, the total amount of applications that were granted by the Honorable Chief Justice Ian Chang amounted to four hundred and fifty three (453). The total amount of applications that was refused, dismissed and withdrawn amounted to one hundred and seventy five (175).

<b><u>Type of applications</u></b>	<b><u>Total amount of bail applications granted</u></b>
Unlawful Possession of Narcotics	165
Sexual Offences	7
Firearm Possession	51
Robbery Under Arms	46
Miscellaneous	184
Total bail applications	453

<b><u>Type of applications</u></b>	<b><u>Total amount of bail applications</u></b>
Refused	117
Withdrawn	45
Dismissed	13
Total bail applications	175

## **13.0 Miscellaneous**

### **Number of Appeals filed for the year 2011**

The Director of Public Prosecutions filed twelve (12) appeals from charges that were heard in the Magistrate's Court by the Magistrates for the year 2011. None of these appeals was heard during the year.

### **Number of Inquest documents received for the year 2011.**

Upon the completion of Inquests by the Magistrates, the police files and evidence from the Inquests are forwarded to the Director of Public Prosecutions for the Director of Public Prosecutions to advise on the way forward.

Fifty (50) Inquest documents were received for the year 2011. In all the cases the Director of Public Prosecutions advised no further police action. In twenty one (21) of these cases there was insufficient evidence or no evidence at all presented by witnesses to recommend a charge. In two (2) cases the Coroner found there was criminal responsibility; however, this was not disclosed by the evidence taken at the Inquest, and as such no charge can properly be preferred. In thirteen (13) cases the Coroner found that no person was criminally responsible for the death of the deceased. The other fourteen (14) cases were unknown.

### **Number of Applications for Extension of time for the year 2011.**

For the year 2011 there was one (1) application for the extension of time. It was prepared by Counsel from the Chambers of the Director of Public Prosecutions and Counsel from these Chambers appeared before the Chief Justice in the hearing of the application.

### **Number of Appeals filed by the State for the year 2011**

During the Demerara January 2011 Criminal Session there were three appeals filed by the State. The decisions for these matters were made by Justice Winston Patterson and Madam Justice Dawn Gregory.

### **Number of Committals Discontinued in the Magistrate's Court for the year 2011.**

One committal was Nolle Prosequi in the Magistrate's Court for the year 2011. It was done at the Magisterial District of Demerara.

## **14.0 Finance**

The Budget proposals for the year 2011 were prepared in accordance with the estimated financial needs of the Chambers. They mainly provided for wages and salaries, travelling, telephone, rent, office equipment and other services purchased.

The following items were purchased from under Capital Account:

1. One (1) 24,000 BTU air conditioning unit
2. One (1) 12,000 BTU air conditioning unit
3. One (1) surveillance camera
4. Three (3) stabilizers
5. Eight (8) fire extinguishers
6. Two (2) 4-drawer metal filing cabinets
7. Thirteen (13) 2-drawer metal filing cabinets
8. One (1) suite
9. Three (3) note book computers
10. One (1) printer
11. Three (3) note book bags
12. Three (3) UPS batteries
13. One (1) paper shredder