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29th September, 2017

DPP's CHAMBERS PRESS RELEASE – JUNE 2017 CRIMINAL ASSIZES

Goal delivery was done by Madam Justice Simone Morris-Ramlall on Friday 29th September, 2017 bringing to an end the Demerara June 2017 Criminal Assizes. This Assizes commenced with Justice Navindra Singh, Justice Nareshwar Harnanan and Justice James Bovell-Drakes. Madam Justice Simone Morris-Ramlall then sat from August and continued until September bringing the Assizes to an end.

During the Assizes which commenced on Tuesday 6th June, 2017, a total of 167 cases were listed to be heard. Of these 167 cases, Twenty-Eight matters were disposed of. Eighteen cases received attention in the High Court of Demerara and ten matters were nolle prosequi by the Director of Public Prosecutions (DPP).

Of these eighteen matters that were presented, there were eight guilty pleas, one guilty verdict by jury, four verdicts of not guilty and five formal verdicts of not guilty.

During the session Justice Navindra Singh completed eight cases. Of these eight cases, six were for the offence of Murder, one for Manslaughter and one other for the offence of Rape of A Child under 16 Years.

In five of these six Murder trials, the accused all pleaded guilty to the lesser offence of Manslaughter and were respectively sentenced to twelve years, fifteen years, twenty years, eight years and eleven years imprisonment.

In the one other Murder case, the accused was sentenced to sixty years imprisonment after the jury returned a unanimous guilty verdict.

The accused in the one matter for the offence of Manslaughter pleaded guilty and was sentenced to eight years imprisonment.

While the accused in the one other matter for the offence of Rape of a Child under 16 Years was acquitted by the jury.

Justice Nareshwar Harnanan disposed of five matters. Three of these five cases were for the offence of Murder, one for the offence of Sexual Activity with a Child Family Member and another one for the offence of Rape of a Child under 16 Years.

In two of the three cases for the offence of Murder, the trial judge upheld no case submissions by the defence and directed the juries to return formal verdicts of not guilty. While in the other one case the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to life imprisonment with the possibility of parole after serving thirty years.

In the two separate matters for the offences of Sexual Activity with a Child Family Member and Rape of a Child under 16 Years, both complainants went into the witness box and informed the Court that they did not wish to proceed with their matters. Justice Harnanan then directed the juries to return formal verdicts of not guilty.

Justice Bovell-Drakes who had also sat during the months February to June in another jurisdiction, completed one matter for the offence of Murder in which a no case submission was upheld. The jury was directed by Trial Judge to return a formal verdict of not guilty.

Meanwhile, Madam Justice Simone Morris-Ramlall completed four cases. Two of these four cases were for the offence of Rape of A Child under 16 Years and the other two were for the offence of Rape.

In the two matters for the offence of Rape of a Child under 16 Years, the juries returned majority verdicts of not guilty.

While in one of the two Rape matters, the accused was acquitted after the jury returned a unanimous verdict of not guilty. In the other matter the accused pleaded guilty and was sentenced to twenty years imprisonment.

During this period ten matters were nolle prosequi by the DPP. Of these ten matters one was for the offence of Attempt to Commit Murder while the other nine matters were for the sexual offences of Rape of A Child under 16 Years, Rape, Carnal Knowledge of Girl under 15 Years and Sexual Activity with A Child Family Member.

In two of these ten matters, one for the offence of Attempt Murder and the other for the offence of Rape, the accused have since died. In three other matters, the complainants indicated in written statements they did not wish to proceed with their matters and in the other five matters, the complainants could not be located despite police searches at their last known addresses and notices were published and aired for them to attend Court.

At the same time the Berbice Criminal Assizes commenced on Tuesday 20th June, 2017 with Ninety-Four cases listed to be heard.

Two matters have been presented before James Bovell-Drakes. Of these two matters, one for the offence of Murder was completed. The accused in this matter pleaded guilty to the lesser offence of Manslaughter and was sentenced to twenty years imprisonment. The other matter continues.

Meanwhile the Essequibo May Criminal Assizes commenced on Tuesday 6th May, 2017 with thirty-seven cases listed to be heard before Justice Brassington Reynolds. Of these thirty-seven cases, four were completed during the months May to September.

Of these four matters, one was for the offence of Rape, two for the offence of Murder and the other one matter for the offence of Rape of A child under 16 Years.

The accused in the one matter for the offence of Rape was acquitted by the jury.

While one of the two cases for the offence of Murder was aborted after it was discovered that the jury foreman had a conviction and had served time in prison for the offence of Trafficking in Persons.

In the other Murder case the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 16 years imprisonment.

The complainant in the one matter for the offence of Rape of A Child under 16 Years testified in Court that she did not wish to proceed with the evidence and Justice Reynolds directed the jury to return a formal verdict of not guilty. This Session continues.

Meanwhile the Demerara October 2017 Criminal Assizes will commence on Tuesday 3rd October, 2017 with 216 cases listed to be heard. Justice James Bovell-Drakes, Justice Brassington Reynolds and Madam Justice Simone Morris-Ramlall will sit during this Assizes.

Madam Justice Jo-Ann Barlow will be sitting in the Berbice Assizes from October and close the June Assizes then open the October Criminal Assizes on Tuesday 17th October, 2017.

While Madam Justice Priya Sewnarine-Beharry will sit in the Essequibo Criminal Assizes from the month of October and will close the May Assizes and open the October Assizes on Tuesday 24th October, 2017.

During the months June to August 2017, we appeared in twenty-five (25) matters in the Court of Appeal.

One matter was struck out for lack of prosecution while two other Applications were deemed abandoned by the Court. While another two appellants were granted their applications for bail pending their appeals.

Seven other Appellants were allowed their Applications to Appeal. Of these seven, two appellants were granted leave to file Notices of Appeal against conviction and sentence. While one other Appellant had his appeal allowed and his conviction set aside.

Another four of these seven appellants had their convictions and sentences varied and substituted with fines. One of these four was fined the sum of \$300,000 for the offence of Sexual Activity with a Child under 16 Years; another one who was convicted for the offence of Inflicting Grievous Bodily Harm was fined the sum of \$200,000, while a third appellant was fined the sum of \$500,000 for Causing Death By Dangerous Driving. The other one appellant was fined the sum of \$100,000 for the offence of Causing Grievous Bodily Harm.

Six other Appellants had their applications to appeal against their convictions and sentences dismissed. While another seven matters were adjourned.

In the Demerara Full Court three matters were heard during the months June and July. In one matter Counsel for the Appellant, who is serving a prison sentence, indicated his intention to withdraw the Appeal. Another Appellant who was convicted and sentence for Possession of Narcotic for the Purpose of Trafficking lost his appeal when the Full Court affirmed the Magistrate's decision.

While in the other one matter the Court granted leave to the Appellant, who was charged with Possession of Firearm and Ammunition to withdraw his application after the State indicated to the Court that it had no jurisdiction to hear the matter as it was an indictable charge heard summarily and should therefore lie with the Court of Appeal.

In the month of July we appeared before the Caribbean Court of Justice (CCJ). We presented Arguments in Answer to two Appellants in the Lusignan Massacre. They had approached the CCJ to appeal the Guyana Court of Appeal's Decision which was for a high court retrial. The CCJ's decision is pending to date.