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Chambers

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9th January, 2017

DPP's Chambers Press Release:

Gaol delivery was done by Madam Justice Roxane George on Monday 9th January, 2017 bringing to an end the Demerara October 2016 Criminal Assizes. During the October Criminal Assizes Madam Justice Roxane George, Justice James Bovell-Drakes and Madam Justice Jo-Ann Barlow sat.

During this Assizes which commenced on Tuesday 4th October, 2016, a total of 141 cases were listed to be heard. Of these 141 cases, twenty-eight matters were disposed of. Fifteen (15) cases received attention in the High Court of Demerara and 13 others were nolle prosequi by the Director of Public Prosecutions (DPP) based on statements from the Virtual Complainants (VC).

Of these **15** cases that were presented, eleven were for the offence of Murder, one for the offence of Carnal Knowledge of a Girl Under 12 Years, another one for the offence of Rape, one other for Sexual Activity with A Child By Abusing A Position of Trust and one for the offence of Attempt to Commit Murder.

There were five (5) not guilty verdicts by jury, one hung jury, four (4) formal verdicts of not guilty, three guilty pleas and two guilty jury verdicts.

During the session Justice Barlow completed six matters. Of these six cases, four were for the offence of Murder, one for the offence of Rape and one other for the offence of Sexual Activity with A Child By Abusing A Position of Trust.

In three of the four Murder cases, the accused were all acquitted by jury verdicts of not guilty.

While in the other one Murder case, the State offered no evidence after the witnesses did not testify in accordance with their depositions and Justice Barlow directed the jury to return a formal verdict of not guilty.

In the one matter for the offence of Rape the VC testified in Court 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.

The accused in the one case for the offence of Sexual Activity with A Child By Abusing A Position of Trust was acquitted by a majority jury verdict of eleven not guilty to one guilty.

Justice George completed three matters for the offence of Murder. In one matter, the jury failed to reach a verdict and the accused was ordered to await a new trial. In another matter, Trial Judge up held a no case submission and directed the jury to return a formal verdict of not guilty.

In the one other matter in which the accused was indicted on eight counts of Murder, he pleaded guilty to the lesser offence of Manslaughter on all eight counts. He was sentenced to 45 years imprisonment on each count. The sentences will run concurrently and the prisoner must serve 40 calendar years before being consider for parole.

In addition to these three cases, Justice George conducted the trial in the case of the Bartica Massacre. There were five accused, two of whom pleaded guilty to the lesser offence of Manslaughter and were sentenced to 35 years imprisonment on each of the 12 counts. The trial proceeded in relation to the other 3 accused and still continues.

Six cases were presented before Justice Bovell-Drakes. Of these six, one was for the offence of Carnal Knowledge of A Girl under 12 Years, four matters were for the offence of Murder and one other for Attempt to Commit Murder.

In the one matter for the offence of Carnal Knowledge of A Girl under 12 Years a formal verdict of not guilty was delivered by the jury upon the direction of the trial judge after the VC went into the witness box and testified that she did not wish to offer any evidence.

In one of the four Murder cases, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 15 years imprisonment. In one other matter, the accused was acquitted after the jury returned a unanimous verdict of not guilty.

In another one Murder case the accused was indicted on two counts of Murder with alternative counts of Attempt to Commit Murder. He pleaded guilty to the lesser offence of Manslaughter and was sentenced to 28 years imprisonment. He also pleaded guilty to the second count of Attempt To Commit Murder and was sentenced to 10 years imprisonment. The prisoner will serve the sentences concurrently. The accused in the fourth Murder trial was sentenced to 15 years imprisonment after the jury returned a unanimous guilty verdict.

In the one case for the offence of Attempt to Commit Murder, the accused was sentenced to 22 years imprisonment after the jury returned a unanimous verdict of guilty.

Of the thirteen matters nolle prosequi by the DPP, four were for the offence of Attempt to Commit Murder, five for the offence of Rape, two were for the offence of Incest, one for Setting Fire To a Dwelling House and one for the offence of Carnal Knowledge of A Girl Under 15 Years.

In four of these matters, the VCs did not appear in Court even though their names were published in the media for them to appear. In one other matter the VC has migrated. And four other cases the VCs indicated in writing that they did not wish to proceed with their matters. Four other VCs could not be located.

During this same time, the Berbice Criminal Assizes opened on Tuesday 18th October, 2016 with Justice William Ramlall who first sat during the month of October and completed the June Assizes and then opened the October Assizes. Four matters were completed by Justice Ramlall.

Of the four matters completed, three were for the offence of Murder and one for the offence of Rape of A Child Under 16 Years.

In one of the three Murder cases, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to seven years imprisonment.

In the other two Murder trials the trial judge up held no case submissions and directed the respective juries to return formal verdicts of not guilty.

While in the one matter for the offence of Rape of A Child Under 16 Years the VC testified in Court that she did not wish to proceed with the matter and Trial Judge directed the jury to return a formal verdict of not guilty for the accused. This Assizes remains in progress.

Meanwhile, The Essequibo Criminal Assizes commenced on Tuesday 25th October, 2016 with Madam Justice Priya Sewnarine Beharry who completed four cases, one for the offence of Rape, one for the offence of Murder and two matters for the offence of Attempt To Commit Murder.

In the matter for the offence of Rape the jury returned hung and the accused was ordered to face a retrial. He was however granted bail in the sum of \$300,000 on condition that he reports weekly to the Charity Police Station.

The accused in the case for the offence of Murder pleaded guilty to the lesser offence of Manslaughter and was sentenced to eleven years imprisonment.

In one of the two cases for the offence of Attempt To Commit Murder, the accused pleaded guilty to the alternate count of Wounding With Intent and was sentenced to seven years imprisonment. In the other case, the accused pleaded guilty to the offence and was sentenced to 18 years imprisonment.

The DPP nolle prosequi one matter for the offence of Rape of A Child Under 16 Years because the VC in a statement indicated that she did not wish to proceed with the matter.

During 2016, one hundred and ninety-two (192) cases were disposed of. One hundred and twenty-nine (129) cases received attention in Court while sixty-three (63) cases were nolle prosequi by the DPP.

Of these 129 cases, ninety-four (94) were presented from the Demerara Assizes, twenty-six (26) from the Berbice Assizes and nine (9) from the Essequibo Assizes.

There were 48 cases of Murder, 11 cases of Rape, 12 cases of Carnal Knowledge of Girl Under 15 Years, 19 cases of Rape of A Child under 16 years, 8 cases of Manslaughter, 20 cases for Attempt to Commit Murder, 6 cases of Sexual Activity with a Child Family Member, one case of Causing Grievous Bodily Harm with Intent, one case of Wounding with Intent, one case of Sexual Activity with A Child by Abusing A Position Of Trust, one case of Buggery, Rape and Indecent Assault and one case of Inflicting Grievous Bodily Harm With Intent.

There were twenty-four (24) guilty plea, twenty-five (25) convictions, forty-six (46) formal verdicts of not guilty, thirty-one(31) not guilty verdicts by jury, seven hung jury, three (3) aborted trials and one accused remanded to prison because he was in breach of his bail.

From these 129 cases there were 137 accused persons. 24 of these persons pleaded guilty, 25 of them were convicted. Formal verdicts of not guilty were delivered in relation to 46 of these. There were 31 not guilty verdicts by jury, 7 hung verdicts and 4 aborted trials against 3 accused persons.

The January 2017 Criminal Assizes for Demerara will open tomorrow Tuesday 10th January, 2017. There are 140 cases listed to be heard during the session. Justice Navindra Singh and Madam Justice Jo-Ann Barlow have been rostered to sit during this assizes.

The February 2017 Berbice Criminal Assizes will commence on Tuesday 14th February, 2017 before Justice James Bovell Drakes. While the Essequibo Criminal Assizes is expected to open on Tuesday 7th February, 2017 before Justice Nareshwar Harnanan. In the meantime Justice Nareshwar Harnanan continues the October Assizes.

During 2016 we appeared in thirty-three (33) matters in the Court of Appeal. Of these 33, six Appellants were granted leave for Extension of Time to file and serve Notices of Appeal. Five other Appellants withdrew their applications for bail pending appeal. While four other Appellants had their Applications for Bail pending Appeal dismissed. Two other Appellants were granted their Applications for bail. One Applicant had his petition granted to have the Registrar of the Supreme Court return his passport to him granting him leave to be out of the jurisdiction on condition that he is present at the hearing of his appeal. Five Appellants had their appeals allowed and their matters to be done De Novo. One Application to Appeal the sentence and Conviction was withdrawn by both the State and the Appellant. Four Appellants withdrew their Applications for Extension of Time to Appeal. Another four Appellants had their Appeals dismissed and sentences and convictions affirmed by the Court of Appeal. One other Appellant had his Appeal against his sentence and conviction allowed in part in relation to his 10-year prison sentence which was substituted with a six-year sentence.

In the Demerara Full Court ten matters were heard during 2016 before Justice Dawn Gregory, Justice Priya Sewnare-Beharry Justice Roxane George, Justice Margaret Kurtzious , Justice B.S. Roy and Justice James Bovell-Drakes.

Of these 10 matters, one was referred to the Court of Appeal since the Full Court ruled it had no jurisdiction to hear the matter. Two other matters were struck out. In three other matters, the Appellants made Applications to Withdrawn their matters. There were two Applications for Extension of Time to Appeal and both Applications were dismissed. In one other case the Appellant had his custodial sentence set aside and substituted with a fine in the sum of \$100,000. One matter was dismissed for want of prosecution.

During 2016, the Berbice Full Court heard nineteen (19) matters before Madam Chief Justice Yonette Cummings-Edwards, Justice Roxane George, Justice Franklyn Holder, Justice William Ramlall and Justice Navindra Singh.

In six of these 19 matters the Court ruled it had no jurisdiction and these matters were referred to the Court of Appeal. Another six Appellants had their Applications to Appeal Allowed. Seven matters were adjourned.