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Chambers

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

4<sup>th</sup> January, 2018

### DPP'S CHAMBERS OCTOBER 2017 PRESS RELEASE

Gaol delivery was done by Justice James Bovell-Drakes on Tuesday 2<sup>nd</sup> January, 2018 bringing to an end the Demerara October 2017 Criminal Assizes. During the October Criminal Assizes Justice James Bovell-Drakes, Justice Brassington Reynolds and Madam Justice Simone Morris-Ramlall sat.

During this Assizes which commenced on Tuesday 3<sup>rd</sup> October, 2017, a total of 218 cases were listed to be heard. Of these 218 cases, twenty-six matters were disposed of.

Of these 26 matters 20 received attention in the High Court of Demerara and six others were *nolle prosequi* by the Director of Public Prosecutions (DPP).

Of these **20** cases that were presented, **2** were for the offence of *Sexual Activity with A Child Family Member*, **3** were for the offence of *Rape of A Child under 16 years of age*, **13** cases for the offence of Murder, **1** for the offence of Murder and *Inflicting Grievous Bodily Harm* and another **1** other for the offence of *Attempt to Commit Murder*.

There were **5** guilty verdicts by jury, **1** formal verdict of not guilty, **8** guilty pleas, **5** not guilty verdicts by jury and **one** hung jury.

Of the 20 cases presented in the High Court, eight of these were prosecuted by State Counsel Nerrisa Leander, State Counsel Seeta Bishundial and State Counsel Abigail Gibbs before Madam Justice Simone Morris-Ramlall. Of these **eight** cases, **two** were for the offence of *Sexual Activity with A Child Family Member*, **four** for the offence of Murder and **two** others for the offence of *Rape of A Child under 16 Years*.

In **one** of the **two** cases for the offence of *Sexual Activity with A Child Family Member* the accused, who was indicted on two counts, was sentenced to life imprisonment after the jury returned a unanimous verdict of guilty. In the **other** matter, the accused was indicted on three counts of the offence and was found guilty on all three counts by the jury. He was sentenced to a total of 65 years imprisonment and will have to serve 50 years before being eligible for parole.

In **two** of the **four** Murder trials, the accused were acquitted after the respective juries returned unanimous verdicts of not guilty of Murder and of the lesser offence of Manslaughter.

While in the other **two** matters, both accused pleaded guilty to the lesser offence of Manslaughter and were respectively sentenced to 45 years imprisonment and 40 years imprisonment. However,

one of these two prisoners will serve 22 years imprisonment after the trial judge deducted a total of 18 years for the guilty plea and for time spent in custody before trial.

In the **one** matter for the offence of *Rape of A Child under 16 Years and Sexual Activity with A Child Family Member* the accused who was indicted on two counts was acquitted by the jury which returned with majority verdicts of 11 to 1 not guilty for *Rape of A Child under 16 Years* and 10 to 2 not guilty for *Sexual Activity with A Child Family Member*.

While in **one** other matter for two counts of Rape of A Child under 16 Years, the accused was sentenced to life imprisonment on each count with a possibility of parole after serving 35 years imprisonment.

Another 7 of these 20 cases were completed by Justice Bovell-Drakes and prosecuted by State Counsel Orinthia Schmidt and State Counsel Mandell Moore. Of these 7 cases, 1 was for the offence of *Rape of A Child Under 16 Years* and the other 6 cases were for the offence of Murder.

The complainant in the **1** matter for the offence of *Rape of A Child Under 16 Years* testified 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 for the accused.

In **3** of the 6 Murder cases the accused all pleaded guilty to the lesser offence of Manslaughter and were respectively sentenced to 23 years imprisonment, 20 years imprisonment and 12 years imprisonment.

In another **1** of these 6 cases, the accused who was indicted for Murder with an alternative count of *Inflicting Grievous Bodily Harm* was found guilty by jury for the lesser offence of Manslaughter. He further pleaded guilty to the alternative count and was sentenced to 21 years imprisonment.

In another **one** of these cases the accused was acquitted after the jury returned a not guilty verdict. While the accused in **one** other murder case was found unanimously guilty by the jury. He will be sentenced on January 15, 2018 when a probation report ordered by the trial judge will be presented.

Meanwhile, Justice Reynolds completed **5** matters that were prosecuted by State Counsel Shawnette Austin, State Counsel Lisa Cave and State Counsel Tiffany Lyken. Of these **5 matters**, **4** were for the offence of Murder and the other **1** was for the offence of *Attempt to Commit Murder and Discharging a Loaded Firearm with Intent*.

In **3** of these **4** Murder cases the accused all pleaded guilty to the lesser offence of Manslaughter. In **one** of these 3 cases, the accused who was indicted on two counts of murder was sentenced to 30 years imprisonment on each count. His sentences are to run concurrently. The other **two** accused were respectively sentenced to 30 years imprisonment and 12 years imprisonment.

While another **one** accused was acquitted by the jury with a unanimous verdict of not guilty.

The jury in the **one** matter for the offence of *Attempt to Commit Murder and Discharging a Loaded Firearm with Intent* failed to reach a verdict and returned hung. The accused was remanded to prison and ordered to await a new trial.

The **6** matters *nolle prosequi* by the DPP were for sexual offences; **2** for the offence of *Sexual Activity with a Child Family Member*, **3** for the offence of *Rape of A Child under 16 Years* and **1** for the offence of Rape. In all of these matters the complainants by way of written statements indicated that they did not wish to proceed with their matters.

During this time the Berbice Criminal Assizes opened on Tuesday 17<sup>th</sup> October, 2017. State Prosecutor Tuanna Hardy prosecuted **8** matters before Madam Justice Jo-Ann Barlow, who first sat during the month of October and completed the June Assizes and then opened the October Assizes.

Of the **8** matters completed, **2** were for the offence of *Attempt to Commit Murder* with an alternative count of *Wounding with Intent*, **4** cases for the offence of Murder, and another **2** matters, one each for the offences of *Rape of A Child under 16 Years* and Rape.

In **one of the two** cases for the offence of *Attempt to Commit Murder* with the alternative count of *Wounding with Intent*, the accused pleaded guilty to the alternative count of *Wounding with Intent* and was sentenced to 10 years imprisonment. In the other case the accused was sentenced to nine years imprisonment after the jury returned a unanimous verdict of guilty for the alternative count.

In **1 of the 4** murder cases the trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. In another 1 of these cases, the jury found the accused unanimously guilty of the lesser offence of Manslaughter and he was sentenced to 25 years imprisonment.

**One** Murder case was aborted because the jury forewoman was arrested and placed on remand for allegedly being involved in a criminal offence. While the accused in one other trial was acquitted by the jury.

The accused in the matter of *Rape of A Child under 16 Years* was sentenced to life imprisonment after being found unanimously guilty by the jury. The accused for the offence of Rape was also found unanimously guilty by the jury and was sentenced to 24 years imprisonment. This Assizes remains in progress.

Meanwhile, the Essequibo Criminal Assizes commenced on Tuesday 24<sup>th</sup> October, 2017 with Justice Priya Sewnarine-Beharry, who first sat in the month of October and completed the May Session and then opened the October Assizes. Fifty-nine cases are listed to be heard. **6 matters** have been completed. State Counsel Tamika Clarke is Prosecuting in this Assizes.

Of the 6 cases that have been completed, **4** of them were for the offence of Murder and the other **2** cases for sexual offences.

In 2 of these 4 Murder cases, the accused persons were all acquitted by the jury for the offence of Murder and for the lesser offence of Manslaughter. In one of these two cases, there were four accused indicted together.

In another one of these four matters the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 36 years imprisonment. However, the prisoner will serve five years since the trial judge made deductions on merciful grounds.

While in the one other murder trial the accused was sentenced to 41 years imprisonment after the jury returned a majority verdict of 10 guilty to 2 not guilty for the lesser offence of Manslaughter.

In **one** of the **two** sexual offence matters, the accused was sentenced to 25 years after the jury found him unanimously guilty of *Rape of A Child under 16 years*. And in the other case for the offence of *Sexual Activity with a Child Family Member*, the complainant testified that she did not wish to proceed with her evidence and trial judge directed the jury to return a formal verdict of not guilty.

The DPP *nolle prosequi* **four** matters for sexual offences. In **two** of these matters the complainants gave written statement in which they indicated they did not wish to proceed with their matters. The complainant in another **one** matter has since died. While another **one** complainant has migrated.

During 2017, one hundred and fifty (150) cases were disposed of. One hundred and twenty (122) cases received attention in the Court while twenty-eight (28) cases were *nolle prosequi* by the DPP.

Of these 122 cases, seventy-three (73) were presented from the Demerara Assizes, twenty-four (24) from the Berbice Assizes and twenty-five (25) from the Essequibo Assizes.

There were 64 cases for Murder, 2 cases for the offence of Manslaughter, 29 cases for *Rape of A Child under 16 Years*, 8 cases of *Attempt to commit Murder*, 9 cases of Rape, 7 cases of *Sexual Activity with a Child Family Member*, and 1 case each for the offences of *Carnal Knowledge of Girl under 15 Years*, *Setting Fire to Public Building* and Abduction.

There were forty (48) guilty pleas, twenty-three (23) not guilty verdicts by jury, six (6) hung juries, twenty-five (25) convictions, twenty-seven (27) formal verdicts of not guilty and four (4) Aborted Trials.

From these 122 cases there were one hundred and forty-five (145) accused persons. 48 of these persons pleaded guilty, 25 of them were convicted; formal verdicts of not guilty were delivered in relation to 27 of these. There were 23 not guilty verdicts by jury, 6 hung verdicts and 4 aborted trials.

The January 2018 Criminal Assizes for Demerara will open on **Tuesday 9<sup>th</sup> January, 2018**. There are 229 cases listed to be heard during the session. Justice Navindra Singh, Justice James Bovell-Drakes and Madam Justice Simone Morris-Ramlall have been rostered to sit during this assizes.

The February 2018 Berbice Criminal Assizes will commence on **Tuesday 13<sup>th</sup> February, 2018**. In the meanwhile, the October 2017 criminal session continues before Madam Justice Jo-Ann Barlow.

The Essequibo Criminal Assizes is expected to open on **Tuesday 6<sup>th</sup> February, 2018**. In the meantime, Justice Priya Sewnarine-Beharry continues the October Assizes.

During 2017 we appeared in sixty-six (66) matters in the Court of Appeal. In these 66 matters, the State was represented Acting Deputy Director of Public Prosecutions(DDPP) Sonia Joseph, Assistant DPP Dionne McCammon, Assistant DPP Diana Kaulesar-O'Brien, Assistant DPP

Teshana Lake, Senior State Counsel Mercedes Glasford, Senior State Counsel Natasha Backer, Senior State Counsel Stacy Goodings and State Counsel Shawnette Austin.

Of these 66, 4 Appellants were allowed their appeals and had their conviction and sentences set aside. Another 4 Appellants withdrew their applications for bail pending their Appeal. While 4 other Appellants were refused their Applications for bail, another 5 Appellants were granted their Applications for bail pending their Appeal.

One Appellant withdrew his Application for Extension of Time to file his Notice of Appeal. 8 matters were struck out by the Court of Appeal. While one matter was deemed abandoned because no grounds appeal were filed. 5 appellants were grant leave to file and serve their Notices of Appeal. 14 appellants were allowed in part to appeal against their conviction and sentences; their convictions were affirmed but their sentences were substituted with fines.

Another one appellant had his charge for the offence of Murder substituted with the lesser offence of Manslaughter and 16 years sentence imposed. While one other appellant had his prison sentence of 25 years reduced to 24 years. 8 matters were adjourned. Another 5 matters were withdrawn by the appellants, three of these were by the State. Two matters were referred to the Court of Appeal for its opinion. While one application to appeal against conviction and sentence was denied, another one appellant was allowed his Application to file Notice for Extension of Time to Appeal and his case will be done de novo. One other applicant was refused his application for Extension of Time to file and serve Notice of Appeal against his conviction.

In the Demerara Full Court 11 matters were heard during 2017. Appearing for the State in these matters were Assistant DPP Teshana Lake, Senior State Counsel Natasha Backer, Senior State Counsel Mercedes Glasford and Senior State Counsel Stacy Goodings.

Of these 11 matters, three applications Appellants s were granted to file grounds of Appeal, 2 matters were dismissed, one appellant was granted his application to file Notice of Appeal, two other appellants withdrew their applications to appeal, while another two appellants had their applications to appeal against their sentence dismissed and one application for bail pending appeal was dismissed.

**State Counsel Tuanna Hardy** appeared before The Berbice Full Court where three matters were heard during 2017. One appellant was allowed his Appeal in part while another one Appellant was allowed his application to appeal against his conviction and sentence because the Court found he was charged under the wrong section for the offence of *Threatening Behaviour*. One other application to appeal against conviction and sentence was struck out and the conviction and sentence affirmed.