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Chambers

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

29<sup>th</sup> December, 2023

**DPP'S CHAMBERS PRESS RELEASE – OCTOBER 2023 CRIMINAL ASSIZES/YEAR END 2023  
REPORT**

**Demerara October Assizes**

The Demerara October Criminal Assizes commenced on Tuesday 3<sup>rd</sup> October, 2023, with a total of 277 cases listed to be heard. Justice Navindra Singh, Madam Justice Jo-Ann Barlow and Madam Justice Simone Morris-Ramlall presided over this assizes.

During this assizes, the State disposed of thirty (30) matters: 18 were presented in the High Court. Of these, 12 were for the offence of *Murder* and six (6) for *Sexual Offences*. The remaining twelve (12) were nolle prosequi by the Director of Public Prosecutions (DPP).

There were 3 convictions, 5 formal verdicts of not guilty, 8 not guilty verdicts by jury, 6 guilty pleas, and 1 hung jury. A total of 23 accused persons appeared in these trials.

State Counsel Ms. Nafeeza Baig, Mrs. Joy Willaims, Ms. Praneeta Seeraj and Ms. Padma Dubraj prosecuted 6 matters for the offence of *Murder* before Madam Justice Jo-Ann Barlow.

In one of these cases for which 3 accused persons were indicted together, Trial Judge upheld no case submissions and directed the jury to return formal verdicts of not guilty. In another one with two accused, the jury found one accused not guilty while trial judge up held a no case submission for his co-accused.

In another 2 cases both accused persons pleaded guilty, one pleaded guilty to *Murder* and was sentenced to life imprisonment with possibility of parole after 25 years; while the other pleaded guilty to the lesser offence of *Manslaughter* and will be sentenced on January 8, 2024. In 2 other cases, one accused was found unanimously guilty by jury verdict and he will await sentence on January 9, 2024; the one other was acquitted by jury verdict.

State Counsel Ms. Marissa Edwards, Mr. Mikel Puran, Ms. Abiola Lowe and Ms. Simran Gajraj completed 6 *Sexual Offences* matters before Justice Navindra Singh in the Sexual Offences Court.

In 2 separate cases, the accused were found unanimously guilty by their juries and each was sentenced to life imprisonment; one will become eligible for parole after serving 15 years while the other was sentenced without parole. In the other 4 matters, the accused were all acquitted by jury verdicts.

State Counsel Mrs. Caressa Henry, Ms. Rbina Christmas, Mr. Delon Fraser and Mr. Madana Rampersaud prosecuted 6 matters for the offence of *Murder* before Madam Justice Simone Morris-Ramlall.

In one of these, the accused was found not guilty by jury verdict. In one other for which two accused persons were indicted together, the number one pleaded guilty to *Murder* and was sentenced to 16 years' imprisonment with time deducted for time spent on remand. The jury found his co-accused not guilty of *Murder* and *Manslaughter*.

In another one with two accused persons were indicted together and both pleaded guilty, they were each sentenced respectively to 13 years and 14 years' imprisonment. In one other trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty.

In one of the other two matters, the jury returned hung and the accused was further remanded to await a new trial. The other accused pleaded guilty to the offence and was sentenced to 20 years imprisonment after deductions for time spent on remand.

Of the 12 matters Nolle Prosequi by the DPP, 3 were for the offence of *Attempt to Commit Murder* in which the complainants submitted written statements that they did not wish to proceed with their matter; 2 were for the offence of *Murder*. In one of these the accused died and in the other one the main witness for the prosecution is sick and could not testify and as such there was insufficient evidence. The 7 other matters were for *Sexual Offences* in which the complainants submitted written statements that they did not wish to proceed with the evidence.

### **Berbice October Assizes**

The Berbice October Assizes commenced on Tuesday 17<sup>th</sup> October, 2023. State Counsel Mohamed Muntaz Ali presented 7 matters before Justice Sandil Kissoon; of these, 6 were for the offence of *Murder* and one for the offence of *Rape and Burglary*.

In one of these *Murder* matters there were five accused who were indicted on 4 counts of *Murder while Committing Piracy*, all pleaded guilty to each count; Trial Judge directed the jury to return formal verdicts of guilty on each count. They were each sentenced to death.

In another case for *Murder* Trial Judge up held a no case submission and directed the jury to return a formal verdict of not guilty, The State has indicated its intention to Appeal.

In 3 others, the accused persons all pleaded guilty to the lesser offence of *Manslaughter* and were each sentenced to life imprisonment. They will respectively become eligible for parole after 23 years, 15 years and 20 years. The Judge ordered for them to undergo anger management while in prison.

The other trial for Murder remains in progress.

The accused in the *Rape and Burglary matter* pleaded guilty to both counts; on the first count for the offence of *Rape*, he was sentenced to life imprisonment with eligibility for parole after serving 14 years; the Court ruled that time spent on remand must be deducted. On the second count, he was sentenced to 5 years' imprisonment. Both sentences will run concurrently and the Judge ordered for him to undergo rehabilitation while in prison.

This Assizes continues until February 2024 when the February 2024 Criminal Assizes commences on 6<sup>th</sup> February.

This Assizes continues in January.

### **Essequibo October Assizes**

The Essequibo October Criminal Assizes commenced on Tuesday 24<sup>th</sup> October, 2023. State Counsel Taneisha Saygon completed 4 matters, 2 for the offence of *Murder* and the other 2 for *Sexual Offences* before Madam Justice Priya Sewnarine Beharry.

The accused in both Murder matters pleaded guilty; one pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 12 years' imprisonment. The other pleaded guilty to the offence of *Murder* and was sentenced to 20 years' imprisonment.

In one of the two Sexual Offences matters, the complainant testified that she did not wish to proceed with the trial and Trial Judge directed the jury to return a formal verdict of not guilty for the accused.

The accused in the other matter was found not guilty by a jury verdict.

This Assizes continues until February 2024 when the February 2024 Criminal Assizes commences on 20<sup>th</sup> February.

### **Year In Review**

During 2023, two hundred and twenty-one (221) cases were disposed of. 153 of these cases received attention in the High Courts in Demerara, Berbice and Essequibo. 68 matters were Nolle Prosequi by the DPP.

Of these 153 cases, 98 were presented at the Demerara Assizes, 32 at the Berbice Assizes and 23 at the Essequibo Assizes.

There were 88 cases for the offence of *Murder*, 3 cases for the offence of *Manslaughter*, 51 cases for *Sexual Offences*, 10 cases for the offence of *Attempt to Commit Murder* and 1 case for the offence of *Inflicting Grievous Bodily Harm*.

There were 36 convictions, 45 formal verdicts of not guilty, 33 not guilty verdicts by jury, 63 guilty pleas, 6 hung juries and 1 mistrial. One Hundred and Eighty-Nine (189) accused persons had their trials in the High Courts.

In 2023, the DPP's Office received 174 Committal Documents; 95 of these for the County of Demerara, 31 for the County of Berbice and 48 for the County of Essequibo.

Of these 174 depositions, 81 have been indicted, charges for 8 were discontinued because there was not sufficient evidence for the DPP to prefer an indictment, 69 are receiving attention, 5 were remitted to the Magistrates' Courts, 7 were additional evidence for matters which we had previously received and 4 were discharged matters.

The DPP's Office proffered legal advice in 3,452 police files received from the Guyana Police Force.

The Demerara January 2024 Criminal Assizes will open on Tuesday 9th January. There are 259 cases listed to be heard. Madam Justice Priya Sewnarine-Beharry, Madam Justice Simone Morris-Ramlall and Mr. Justice Sandil Kissoon have been rostered to sit during this Assizes. Justice Navindra Singh will continue the Essequibo October 2023 Assizes in January until February 2024 when the February Criminal Assizes will commence on 6<sup>th</sup> February 2024. And Madam Justice Jo Ann Barlow will continue in January 2024 in the Berbice Assizes.

### **Court of Appeal**

During 2023, we appeared in 19 Appeals in the Court of Appeal. In these matters, the State was represented by Director of Public Prosecutions, Mrs. Shalimar Ali-Hack, SC, Assistant Directors of Public Prosecutions (ADPP), Ms. Dionne McCammon, Mrs. Teshana Lake, Mrs. Mercedes Glasford, Mrs. Diana O'Brien, Ms. Natasha Backer, Ms. Abigail Gibbs, Senior State Counsel Ms. Lisa Cave and State Counsel Ms Cicelia Corbin.

Of these 19 appeals, **1** was for the offence of Attempt to Commit Murder, **8** *Sexual Offences*, **4** *for the offence of Murder*, **2** *for Manslaughter* and **one each for Felonious Wounding, Simple Larceny, Causing Death by Dangerous Driving and Wounding With Intent. 30 Appellants appeared in these Appeals.**

Six Applications were for bail pending appeal; One application was granted; 3 others were denied while 2 appellants withdrew their applications.

Another six appellants appealed against their sentences and convictions. Three of these applications were allowed; one appellant who was convicted for 2 counts of a Sexual Offence appeal against sentence was allowed and he was re-sentenced to 20 years on each count. The two others will have to await new trials. The appeals for the three other appellants were allowed in part; the COA dismissed their appeal against conviction and confirmed same, but allowed the appeal against sentence and their sentences were varied.

Seven appellants withdrew their applications to appeal against their conviction and sentences.

In 2023, 17 matters were heard in the Demerara Full Court. Five (5) of these were for Possession of Narcotics, 2 for Assault Causing Actual Bodily Harm, another 2 for Failure to Comply with Production Order of the Anti-Money Laundering Legislation, and one each for the offences of Forgery, Sexual Assault, Receiving Stolen Property, Simple Larceny, Robbery under Arms, Causing Death by Dangerous Driving, Operating a Civil Aircraft without Airworthiness Certificate and Conspiracy to Defraud.

Six of these applications were dismissed. 3 others were allowed, 2 of these had their convictions and sentences vacated and overturned.

The Full Court granted 4 applications; one for Extension of Time to File an Appeal Out of Time, another one for Extension of Time to File Notice of Appeal and the other 2 to appeal magistrates' decisions. Four applications were withdrawn.

### **Caribbean Court of Justice**

During 2023, we appeared at the CCJ in 3 matters, 2 for the offence of *Murder* and 1 for a *Sexual Offence*.

In one of the Murder matters, the CCJ upheld the conviction but varied the sentence from 50 years to life imprisonment with eligibility after 20 years.

In the other, the two appellants who were each sentenced to life imprisonment by the Guyana Court of Appeal, had their applications dismissed. They had sought special leave to appeal the COA's decision of the dismissal of the conviction and life sentences.