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Chambers

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

4th April, 2023

DPP'S CHAMBERS PRESS RELEASE – JANUARY 2023 CRIMINAL ASSIZES

The Demerara January Criminal Assizes commenced on Tuesday 10th January, 2023 with a total of 307 cases listed to be heard. Madam Justice Priya Sewnarine-Beharry, Madam Justice Simone Morris-Ramlall and Madam Justice Jo-Ann Barlow presided over this assizes.

During this assizes, the State disposed of **49** matters; **37** were presented in the High Court. Of these, **19** were for *Sexual Offences*, **15** for the offence of *Murder*, **1** for *Attempt to Commit Murder with an alternate count of Discharging A Loaded Firearm with Intent* and **2** for the offence of *Murder in the Furtherance of A Robbery*.

The remaining 12 matters were nolle prosequi by the Director of Public prosecutions (DPP).

There were 10 guilty pleas, 2 convictions, 17 Formal verdicts of not guilty, 8 verdicts of not guilty, and one hung jury. There were a total of 43 accused in relation to these matters..

State Counsel Latiffa Elliot, State Counsel Rbina Christmas, State Counsel Paneeta Persaud and State Counsel Simran Gajraj presented 19 matters in the Sexual Offences Court before Madam Justice Priya Sewnarine-Beharry.

In 13 of these, the complainants did not wish to proceed with their cases and trial judge directed the jury to return formal verdicts of not guilty. Of the other 6 matters, 5 accused were all acquitted by jury verdicts. While in the one other matter, the accused was found guilty by the jury and is awaiting sentence.

Senior State Counsel Abigail Gibbs together with State Counsel Mohamed Ali, State Counsel Taneisha Saygon, State Counsel Marissa Edwards, and State Counsel Abiola Lowe presented 6 matters before Madam Justice Simone Morris-Ramlall.

Of these 6 matters, 5 were for the offence of Murder and one for the offence of Attempt to Commit Murder with an alternative count of Discharging A Loaded Firearm with Intent.

In 2 of these Murder trials, 3 accused pleaded guilty to the lesser offence of Manslaughter. In one case, the accused who was a juvenile was sentenced to the maximum five years imprisonment in accordance with the Juvenile Justice Act; he had spent 5 years in custody and therefore was discharged. In the other case there were 2 accused who were jointly indicted, the Number 1 accused was sentenced to 22 and a half years imprisonment while his co-accused was sentenced to 18 and a half years imprisonment.

In one other in which 2 accused were indicted together, the trial judge up held a no case submission for the Number 1 and directed the jury to return a formal verdict of not guilty, while the Number 2 accused was acquitted by a jury verdict of not guilty. The State has served Notice of Intention to Appeal.

In another 2 trials, the juries returned not guilty verdicts for both accused persons.

In the one matter for the offence of Attempt to commit Murder with an alternate count of Discharging A Loaded Firearm with Intent, the trial judge upheld no case submissions for the 2 accused and directed the jury to return formal verdicts of not guilty.

State Counsel Caressa Henry, State Counsel Cicelia Corbin and State Counsel Yonika Rowland presented 12 matters; 10 of these for the offence of *Murder* and 2 for the offence of *Murder in the Furtherance of a Robbery* before Madam Justice Jo-Ann Barlow.

In 6 of these Murder matters, a total of 7 accused pleaded guilty to the lesser offence of *Manslaughter*. In 2 of these cases, there were 2 accused in each who were indicted together. In one case, both accused were each sentenced to 7 years and 353 days imprisonment. In the other, while the Number 1 accused pleaded guilty to *Manslaughter* and is awaiting sentencing, the trial for his co-accused was

aborted because the Court ruled it would be prejudicial. He was further remanded to await a new trial before a new jury.

The other accused were respectively sentenced to 4 years, 4 months and 18 days, 4 years, 4 months and 29 days and 5 years, 10 months and 7 days after the Court made deductions in each of their cases. The one other accused is awaiting sentencing.

In another 3 separate Murder trials, one accused was found unanimously guilty by jury verdict and is awaiting sentence. Another one was further remanded to prison after his jury failed to reach a verdict. While in the third case, the trial judge upheld a no case submission because of insufficient evidence and directed the jury to return a formal verdict of not guilty.

In one of the 2 matters for the offence of *Murder in the Furtherance of a Robbery*, one accused was acquitted by jury verdict of not guilty. While in the other, the Court upheld a no case submission and directed the jury to return a formal verdict of not guilty. One matter remains in progress

Of the 11 matters nolle prosequi by the DPP, 10 were for Sexual Offences. In one of these, the accused is now deceased. The complainants in another 3 matters could not be located while 7 other complainants submitted written statements that they do not wish to proceed with their matters.

Berbice Assizes

During this time, the Berbice October 2022 Criminal Assizes had continued with State Counsel Nafeeza Baig who completed 6 matters before Justice Navindra Singh who first sat from the October Assizes, closed it and then opened the February 2023 Assizes.

Of these 6 matters, 2 were for the offence of *Murder*, 3 for *Sexual Offences* and 1 for *Attempt to Commit Murder, Felonious Wounding and Robbery under Arms*.

In one of the Murder trials in which 2 accused were indicted together, both accused pleaded guilty as charged and were each sentenced to 25 years imprisonment.

In the other case, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 20 years imprisonment with the eligibility for parole after serving 15 years.

In one of the 3 Sexual Offences matters, the accused who was indicted on 3 counts of *Sexual Activity with A Child Family Member* was found unanimously guilty on all 3 counts by jury verdicts and sentenced to life imprisonment on each count. His sentences will run concurrently.

One other accused who was indicted on 5 counts of *Rape of A Child under 16 Years* was unanimously acquitted by jury verdicts on all 5 counts.

While in the one other matter, trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. The State has served Notice of Intention to Appeal.

In the matter for the offence of *Attempt to Commit Murder, Felonious Wounding and Robbery under Arms*, the 3 complainants testified that they did not wish to proceed with the matter and trial judge directed the jury to return a formal verdict of not guilty.

One matter was Nolle Prosequi by the DPP because the Complainant could not be located.

The Berbice February Criminal Assizes will continue until June 19, 2023.

ESSEQUIBO ASSIZES

Meanwhile, the Essequibo October 2022 Criminal Assizes had continued with Senior State Counsel Tiffini Lyken who completed 12 matters; one before Madam Justice Jo-Ann Barlow and the 11 others before Justice Sandil Kissoon, who sat from January, closed the October Assizes and then opened the February Criminal Assizes.

The accused in the one Murder case before Justice Barlow was found unanimously guilty by jury verdict on the lesser offence of *Manslaughter* and was sentenced to 24 years imprisonment.

Of the 11 other cases, 2 were for *Sexual Offences*, 8 for the offence of *Murder* and one for the offence of *Attempt to Commit Murder and Simple Larceny*.

In one of the 2 Sexual Offences, the complainant testified that she did not wish to proceed with the matter and trial judge directed the jury to return a formal verdict of not guilty. The accused in the other matter, who was a juvenile, pleaded guilty to the offence of *Rape of A Child under 16 Years* and was sentenced to 3 years and 6 months at the New Opportunity Corp (NOC) until he reaches 18 years old . The Court ordered that he must complete serving 2 years and 6 months before he is released from custody.

In 6 of the 8 Murder trials, the accused all pleaded guilty. Two of these accused pleaded guilty as charged; one was sentenced to life imprisonment without the possibility of parole and the other was sentenced to 22 years imprisonment after the Court made deductions for time spent on remand.

The other 4 pleaded guilty to the lesser offence of *Manslaughter*. One of these was also sentenced to life imprisonment with possibility of parole after he would have served 25 years; the 3 others were sentenced respectively to 25 years imprisonment; 6 years, 5 months and 20 days imprisonment, and 20 years imprisonment.

In the 2 other separate Murder cases, both accused were found unanimously guilty by jury verdict; one was sentenced to life imprisonment with possibility of parole after 25 years while the other was sentenced to 25 years imprisonment.

In the one matter for the offence of *Attempt to Commit Murder and Simple Larceny*, the accused was found unanimously guilty by jury verdict and sentenced to 20 years imprisonment.

The February Criminal Assizes is in progress with State Counsel Taneisha Saygon who has presented two matters for the offence *Murder* before Justice Kissoon.

In one case, the accused pleaded guilty as charged and has been sentenced to life imprisonment. He must serve 30 years before becoming eligible for parole. The other accused, who pleaded guilty to the lesser offence of *Manslaughter* will be sentenced on April 18, 2023.

Seven matters were Nolle Prosequi by the DPP because the complainants submitted written statements that they did not wish to proceed with their matter.

The Essequibo February Assizes remains in progress until May 15, 2023.

Court of Appeal

We appeared in 7 appeals in the Court of Appeal for the offences of Murder, Attempt to Commit Murder and Sexual Offences.

In one of these, the appellant was refused his Application for Bail Pending Appeal; the other 6 appeals are in progress.

During this time, we appeared in 2 matters at the Demerara Full Court for the offences of Forgery and Sexual Assault.

The appellant in the Forgery matter had his application dismissed while the Sexual Offence matter is in progress.

The Demerara April 2023 Criminal Assizes commenced on Tuesday 4th April, 2023 with 281 cases listed to be heard. Justice Navindra Singh, Madam Justice Priya Sewnarine-Beharry and Justice Sandil Kissoon are rostered to sit during this session.

Caribbean Court of Justice (CCJ)

We appeared in two matters at the CCJ for the offences of *Murder* and *Rape*. In the one Murder Appeal, the Court affirmed the convictions of the two appellants, but varied their 50-year sentences to life imprisonment with eligibility after 20 years.

The Appeal against conviction and sentence for the offence of *Rape* remains in progress.