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2<sup>nd</sup> January, 2015

## **DPP CHAMBERS Press Release**

Gaol delivery was done by Madam Justice Dawn Gregory on Friday 19<sup>th</sup> December, 2014 bringing to an end the Demerara October 2014 Criminal Assizes. During the October Assizes Justice Brassington Reynolds, Madam Justice Dawn Gregory and Justice Navindra Singh sat. A total of 226 cases were listed to be heard during this Assizes.

Twenty-five (25) matters received attention during the Demerara October 2014 Assizes. Of these 25 matters, sixteen (16) were presented in the High Court of Demerara during the Demerara October 2014 Criminal Assizes. Of these 16 cases, seven (7) of them were completed by Justice Reynolds, three(3) matters completed by Madam Justice Gregory and six (6) matters completed by Justice Singh. The Director of Public Prosecutions nolle prosequi nine (9) matters during this time.

Of the seven trials that were presented before Justice Reynolds, six of them were for the offence of Murder and one for the offence of Manslaughter. One Murder accused who had two separate Court appearances before Justice Reynolds was committed to the National Psychiatric Hospital for treatment until such time that he is fit to stand trial.

One other Murder accused was sentenced to death by Justice Reynolds after he was found guilty by the jury while a third Murder accused was acquitted by the jury for the offence of Murder and for the lesser offence of Manslaughter in proportion of 11 not guilty to one guilty.

The jury in one other Murder trial failed to reach a verdict and the accused was sent back to prison to await a new trial. Meanwhile, in two other separate trials, one for the offence of Murder and the other for the lesser offence of Manslaughter, both accused were acquitted after the Trial Judge upheld no case submissions and directed the jury to return formal verdicts of not guilty.

Madam Justice Dawn Gregory completed three matters for the offence of Murder. In two of these cases the accused were acquitted after the jury returned unanimous verdicts of not guilty. The accused in the other matter was also acquitted after the Trial Judge upheld a no case submission and directed the jury to return a formal verdict of not guilty.

Six matters for the offence of Murder were presented before Justice Navindra Singh. Of these six matters, there were five guilty verdicts and one acquittal.

In three of these five cases the accused were respectively sentenced to 83 years imprisonment. .

In the fourth matter there were two accused persons. The number one accused was sentenced to 66 years imprisonment while the number two accused was sentenced to 50 years imprisonment.

In the 5th case the accused was also sentenced to 66 years imprisonment by Justice Singh after the jury returned a guilty verdict while in a 6<sup>th</sup> trial, four Murder accused were all acquitted after the jury returned a unanimous verdict of not guilty.

During this time the Director of Public Prosecutions Nolle Prosequi nine matters. Of these nine matters, one matter was for the offence of Murder and eight matters for the offence of Carnal Knowledge. In the eight matters for the offence of Carnal Knowledge of Girl under 15, one Virtual Complainant (VC) indicated in writing that she no longer wished to proceed with the matter. The whereabouts of four other Virtual Complainants remained unknown while three other VC's failed to attend Court. The accused in the Murder matter died in prison while awaiting his trial.

During this same time, the Berbice Criminal Assizes opened on the 21<sup>st</sup> October before Justice James Bovell-Drakes who commenced three matters, two for the offence of Murder and one for the offence of Carnal Knowledge.

In one Murder charge the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 13 years imprisonment. The other Murder case was aborted by Justice Drakes after the number 3 juror reported to the Court that the daughter and the sister of the two accused had visited her work place and told her that their father and brother were innocent of the charge. As a result, the Defence Counsel indicated that they believed the juror and it was prejudicial to both the Defence and the State. This is the second time this charge is being aborted after allegations of a person speaking to a juror.

The accused in the matter for the offence of Carnal Knowledge did not attend Court after the jury was empanelled and Justice Drakes issued an arrest warrant for the accused before he discharged the jury. The October 2014 Berbice Criminal Assizes continues until 2<sup>nd</sup> February, 2015.

Meanwhile, the Essequibo Criminal Assizes commenced on the 28<sup>th</sup> October with Justice Franklin Holder who completed three cases. Of these three cases, two were for the offence of Murder and one for the offence of Rape of a Child Under 16 years.

In one of these two Murder trials, the accused was acquitted after the jury found him not guilty and in the other, the two accused were each sentenced to 20 years imprisonment after the jury returned a unanimous verdict of guilty. The Virtual Complainant (VC) in the matter for the Offence of Rape of a Child under 16 years testified to the Court that she no longer wished to offer any evidence against the accused as they are now married and Justice Holder directed the jury to return a formal verdict of not guilty. The Essequibo October 2014 Criminal Assizes continues until 16<sup>th</sup> February, 2015.

During 2014, one hundred and forty (140) cases were disposed of. One hundred and three (103) cases received attention in Court and thirty-seven (37) cases were nolle prosequi by the DPP.

Of these 103 cases, 75 were presented from the Demerara Assizes, fifteen (15) from the Berbice Assizes and thirteen (13) from the Essequibo Assizes. There were 69 cases of Murder, 3 cases for the offence of Manslaughter, 14 cases for the offence of Rape, 4 cases for Rape of A Child Under 16 years, 6 cases for Carnal Knowledge of Girl Under 15, 2 cases for the offence of Wounding with Intent, 1 case for the offence of Unlawful Wounding, 3 cases for the offence of Robbery Under Arms, 2 cases for Attempt to Commit Murder, 1 case for Felonious Wounding, 4 cases for Buggery, 1 case of Causing Grievous Bodily Harm, 1 case for the offence of Assault Causing Actual Bodily Harm, 3 cases of Incest, 1 case for the offence of Sexual Activity with a Child Family Member, 2 cases of Indecent Assault and 1 case for the offence of Attempt to Commit a Felony.

There were thirty (30) convictions, fifty-four (54) acquittals, ten (10) hung jury, one (1) quashed committal, two (2) aborted trials, one unrepresented accused was sent back to prison after he indicated that he needed five years to prepare his defence, one accused was ordered to be given a psychiatric evaluation after he was unresponsive to the Court, one accused was committed to the National Psychiatric Hospital for treatment until such time that he is fit to stand trial. While in two other Murder cases, both accused persons were found to be unfit to stand trial and ordered to be given psychiatric treatment after which time they should be reassessed to determine if they are fit to stand trial. In one matter for the offence of Carnal Knowledge, the accused who was out on bail failed to attend Court and the judge issued an arrest warrant and his bail escheated.

The January 2015 Assizes for Demerara will be opened on Tuesday 13<sup>th</sup> January 2015. There are 213 cases listed to be heard during the session. Justice Navindra Singh, Justice Franklin Holder and Justice James Bovell-Drakes have been rostered to sit during this assizes. . Meanwhile, the February 2015 Berbice Criminal Assizes will commence on Tuesday 17<sup>th</sup> February 2015 before Justice Brassington Reynolds who will commence sitting in January 2015. The February 2015 Criminal Assizes for Essequibo will open on Tuesday 3<sup>rd</sup> February, 2015 before Madam Justice Sandra Kurtzious who will commence sitting in January 2015 .

During 2014 we appeared in fifty (50) matters in the Court of Appeal. There are five Applications pending for Notices of Hearing of Appeals. 19 Appeals were dismissed and 6 matters were dismissed. Of these six Appellants, two died while awaiting their appeals to be heard while the four other appellants and their defence counsel made no court appearance. Ten Applications of Notice to Withdraw were granted while three appeals were struck out by the Court. Two Appellants had their Applications for Bail refused and one other Application for Extension of Time to file the Notice of Appeal was granted.

The Court allowed two Appeals. In one of these appeal matters, the Appellant had three separate Court hearings. The first Application was refused while at a second hearing, the Court granted him bail in the sum of \$150,000 with surety in like sum. At the third hearing the Court granted his appeal and ordered a new trial by another Magistrate. The Appellant in the one other matter had his conviction and sentence set aside.

In the Demerara Full Court five (5) matters were heard during 2014 before Chief Justice Ian Chang sitting either with Justice Rishi Persaud and Justice Navindra Singh. In one matter, the Application by the defence to withdraw and discontinue the matter was withdrawn. In two other matters, the Applications for Extension of Time to file the Notice of Appeal were granted while one Application for extension of time was dismissed. One matter was struck out by the Court because there was no appearance by counsel for the appellant

The Berbice Full Court heard three matters before Chief Justice Ian Chang sitting with Justice Navindra Singh. In one matter, the Full Court found that it was the wrong Court to hear the appeal and transferred the matter to the Court of Appeal. Two other Appeals were dismissed.

And in the Caribbean Court of Justice (CCJ), four matters were heard during 2014 before Honourable Justice Denis Bryon, Justice Nelson, Justice Witt, Justice Saundres, Justice Hayton and Justice Anderson. In one matter, the CCJ first granted leave to the defence to file an Appeal Out of Time. The CCJ then set a date for hearing of the said appeal, heard the appeal and dismissed it. In another matter, the Appellant's Application for Bail was refused by the CCJ and referred the Applicant back to the Court of Appeal. In a fourth matter, the Application by the defence for Leave to Appeal Out of Time was dismissed.