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Chambers

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30th September, 2016

DPP Chambers Press Release-June 2016 Criminal Assizes

Gaol delivery was done by Justice James Bovell-Drakes on Friday 30th September, 2016 bringing to an end the Demerara June 2016 Criminal Assizes. This Assizes commenced with Justice Navindra Singh, Madam Justice Jo-Ann Barlow and Madam Justice Priya Sewnarine-Beharry. Then Justice James Bovell-Drakes sat with Justice Navindra Singh and Justice Beharry from the month of July and continued until September bringing the Assizes to an end.

During this Assizes which commenced on Tuesday 7th June, 2016, a total 116 cases were listed to be heard. Of these 116 cases, twenty-nine matters were disposed of. Fifteen cases received attention in the High Court of Demerara and fourteen matters were nolle prosequi by the Director of Public Prosecutions (DPP).

Of these fifteen matters that were presented, there were eight formal verdicts of not guilty, three not guilty verdicts by jury, one guilty plea, two guilty verdicts and one hung jury.

During the session Justice Navindra Singh disposed of five cases. One case each for the offences of Murder, Rape of A Child Under 16 Years, Carnal Knowledge of Girl Under 15 Years and Abduction and two matters for the offence of Rape.

In the one matter for the offence of Murder the trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty. In the one case for the offence of Rape of A Child Under 16 Years, the accused was acquitted after the jury returned a not guilty verdict. While in another one matter for the offence of Carnal Knowledge of Girl Under 15 Years and Abduction, the complainant testified that she did not wish to proceed with the matter and Justice Singh directed the jury to return a formal verdict of not guilty.

Meanwhile, in the two cases for the offence of Rape, both complainants testified in Court they did not wish to proceed with their matters and Justice Singh directed the jury to return formal verdicts of not guilty.

During the month of June, Madam Justice Jo-Ann Barlow completed four cases, one each for the offence of Murder, Carnal Knowledge of Girl Under 15 Years, Buggery and Indecent Assault, and Rape of A Child Under 16 Years.

In the one matter for the offence of Murder, the accused who was indicted on three counts of the offence, pleaded guilty to the lesser count of Manslaughter and was sentenced to life imprisonment. He becomes eligible for parole after serving 30 years.

In the case for the offence of Carnal Knowledge of Girl Under 15 Years, the complainant testified in Court that she did not wish to proceed with the matter and caused the trial judge to direct the jury to return a formal verdict of not guilty.

In the one case for the combined offences of Buggery and Indecent Assault where three accused were indicted together, the jury found the number one accused unanimously guilty of buggery and indecent assault. He was sentenced to a total of 29 years imprisonment, 25 years for the offence of buggery and four years for the offence of Indecent Assault. The Number 2 accused was found guilty by a majority verdict for the offence of indecent assault and was sentenced to four years imprisonment. While the number three accused was acquitted by the jury on all three charges.

In the one case for the offence of two counts of Rape of A Child Under 16 Years, the jury returned a not guilty verdict on both counts.

Madam Justice Beharry disposed of three matters, one each for the offences of Carnal Knowledge of Girl Under 15 Years, Murder and Rape Of A Child Under 16 Years.

In the two separate cases of Carnal Knowledge of A Girl Under 15 Years and Rape of A Child Under 16 Years, both complainants failed to attend court and as a result, the State offered no further evidence and Justice Beharry directed that the juries return formal verdicts of not guilty.

While in the one case for the offence of Murder, the accused who was indicted on two counts and who had two hung juries in previous trials was found unanimously guilty on both counts and sentenced to death.

Justice Bovell-Drakes completed three matters. Of these three matters, one was for the offence of Murder while two matters were for the offence of Rape of A Child Under 16 years.

In the case for the offence of Murder the jury failed to reach a verdict and Trial Judge ordered the accused back to prison to await a new trial.

In one of the two matters for the offence of Rape of A Child Under 16 years, the accused was acquitted after the jury returned a majority verdict of not guilty. While in the other case the complainant failed to attend Court and resulted in the Trial Judge directing the jury to return a formal verdict of not guilty for the accused.

During this period fourteen matters were nolle prosequi by the DPP. Of these 14 matters 10 were for sexual offences, one matter for the offence of Unlawful Wounding, another one matter for Causing Grievous Bodily Harm with Intent and two matters for the offence of Manslaughter.

In nine of the ten sexual offences cases the complainants either testified in Court or indicated by way of writing they did not wish to proceed with their matters while one complainant has since migrated and could not be located. In the four other matters the complainants could not be located despite police searches at their last known addresses and notices were published for them to attend court.

At the same time, The Berbice Criminal Assizes which commenced on Tuesday 21st June, 2016 was in progress with Justice Brassington Reynolds who first sat for the period April and May and then he opened the June Assizes on 21st June. Madam Justice Jo-Ann Barlow then sat from July and continued the Assizes. Seventy-seven (77) cases were listed to be heard. Of these 77 cases, 12 matters have been disposed of; 11 of these matters have been presented while one matter was nolle prosequi by the DPP.

During the month of June, Justice Reynolds completed three matters for the offences of Attempt To Commit Murder, Murder and Inflicting Grievous Bodily Harm With Intent.

In the one matter for the offence of Attempt To Commit Murder, the accused was sentenced to thirteen years imprisonment after the jury returned a guilty verdict. While the accused in the case for the offence of Murder pleaded guilty to the lesser offence of Manslaughter and was sentenced to seven years imprisonment.

And in the third matter for the offence of Inflicting Grievous Bodily Harm With Intent the accused was found unanimously guilty by the jury and was sentenced to eleven years imprisonment by Justice Reynolds.

Justice Barlow has so far completed eight matters. Of these eight matters, three were for the offence of Rape of A Child Under 16 Years, four cases for the offence of Murder and one case for the offence of Attempt To Commit Murder with the alternative count for the offence of Wounding with Intent.

In one of the three cases for the offence of Rape of A Child Under 16 Years, the jury returned a unanimous verdict of guilty and Justice Barlow imposed a custodial sentence of 17 years imprisonment.

In one other matter, the complainant went into the witness box and gave evidence that she did not wish to proceed with the matter and this caused Justice Barlow to direct the jury to return a formal verdict of not guilty for the accused.

The accused in the third matter was acquitted by the jury.

In one of the four matters for the offence of Murder the accused was sentenced to life imprisonment after the jury returned a unanimous verdict of guilty. In another matter the accused was acquitted by the jury which was unanimous in its verdict of not guilty for the offence of Murder and of the lesser offence of Manslaughter.

In a third case for the offence of Murder, the Trial Judge withdrew the case from the jury because the circumstantial evidence from a lone witness was tenuous. The jury was then directed to return a formal verdict of not guilty for the accused. And in one other matter the accused was acquitted after the Trial Judge upheld a no case submission and directed the jury to return a formal verdict of not guilty.

The accused in the one matter for the offence of Attempt To Commit Murder was found guilty on an alternative count of Wounding With Intent and was sentenced to 12 Years imprisonment.

The one matter nolle prosequi by the DPP was for the offence of Rape since the accused has died.

During this period Justice James Bovell-Drakes who had continued the Essequibo February Assizes during the months of March and April, opened the May Criminal Assizes on Tuesday 17th May, 2016.

Justice Bovell-Drakes commenced one trial in May for the offence of Rape and Buggery, but, this trial was aborted because one juror was absent. Justice Bovell-Drakes assignment in Essequibo concluded at the end of the month of June.

Meanwhile the Demerara October 2016 Criminal Assizes will commence on Tuesday 4th October, 2016 with 141 cases listed to be heard. Justice James Bovell-Drakes, Madam Justice Roxane George and Madam Justice Jo-Ann Barlow will sit during this Assizes.

Justice William Ramlall will be sitting in the Berbice Assizes from the month of October and will close the June Assizes which is in progress and open the October Assizes on Tuesday 18th October, 2016. A total of 89 cases are listed to be heard in the October Assizes.

Madam Justice Priya Sewnarine- Beharry will be sitting in the Essequibo Criminal Assizes from the month of October and will close the May Assizes and open the October Assizes on Tuesday 25th October, 2016 with 38 matters listed.

During the months June to August 2016, we appeared in eleven (11) matters in the Court of Appeal. **Four** Appellants had their Applications Withdrawn; of these four, two were for Bail and the other two were for Extension of Time to File Notices of Appeal. **Three** other Applications for Bail were refused while one Application for Bail was granted by the Court.

In **one** other matter, the Appellant who is serving time in prison had his appeal against his conviction and sentence dismissed. While two Appellants were granted their Applications for Extensions of Time to File Grounds of Appeal Within 7 days.

In the Demerara Full Court one matter was heard during the month of September. Counsel for the Appellant who is serving a four year- 2 month prison sentence for the offence of Possession of Narcotics for the Purpose of Trafficking, informed the Court that she had filed a Notice of Withdrawal to Appeal.