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4<sup>th</sup> April, 2017

**DPP's CHAMBERS PRESS RELEASE: - January 2017 Criminal Assizes**

Gaol Delivery was done on Monday 3<sup>rd</sup> April, 2017 by Justice Navindra Singh bringing to an end the Demerara January 2017 Criminal Assizes which commenced on Tuesday 10<sup>th</sup> January, 2017. The Demerara January 2017 was presided over by Justice Jo-Ann Barlow and Justice Navindra Singh. While Madam Justice Roxane George, S.C. had continued with one matter from the October 2016 Criminal Assizes. A total of 140 cases were listed to be heard during the Assizes.

Nineteen matters were presented during the Demerara January 2017 Criminal Assizes in the High Court of Demerara. Of these 19 matters that were presented, 8 of them were for the offence of Murder, one for the offence of Manslaughter, 5 of them for Rape of A Child under 16 Years, 2 cases for the offence of Attempt to Commit Murder with alternative counts of Discharging Loaded Firearm with Intent and Felonious Wounding respectively, one case for the offence of Rape and Robbery, one Sexual Activity with A Child Family Member and one for the offence of Carnal Knowledge.

There were **seven** guilty pleas, four convictions, **four** not guilty verdicts, **one** formal verdict of not guilty by judge and **three** hung juries.

**Nine** matters were presented before Justice Jo-Ann Barlow. Of these **nine** matters, **one** was for the offence of murder, **five** for the offence of Rape of A Child under 16 Years, **two** cases for the offence of Attempt to Commit Murder with alternative counts of Discharging Loaded Firearm with Intent and Felonious Wounding and **one** matter for the offence of Carnal Knowledge.

The accused in the one case for the offence of Murder pleaded guilty to the lesser offence of Manslaughter and was sentenced to 25 years imprisonment.

In one of the five trials for the offence of Rape of A Child under 16 Years, the jury returned a majority verdict of 11 to one not guilty for the accused. In another three cases the juries could not reach any verdicts and returned hung. While in the other one matter, the complainant commenced her evidence then indicted to the Court that she no longer wanted to proceed with the evidence. Justice Barlow then directed the jury to return a formal verdict of not guilty for the accused.

In one of the two matters for the offence of Attempt to Commit Murder with an alternative count of Discharging Loaded Firearm with Intent, the jury returned a unanimous verdict of not guilty on the alternative count. While in the other matter, the accused pleaded guilty to the lesser count of Felonious Wounding and was sentenced to 10 years imprisonment.

The jury in the matter for the offence of Carnal Knowledge returned a guilty verdict for the accused; however, Justice Barlow has deferred sentencing to April 24.

Justice Navindra Singh completed **ten** matters. Of these **ten** cases, one was for the offence of Manslaughter, **seven** others were for the offence of Murder, one for the offence of Rape and Robbery and **one** for two counts of Sexual Activity with A Child Family Member.

In the one matter for the offence of Manslaughter, the accused pleaded guilty and was sentenced to eight years imprisonment after the trial judge had deducted five years spent on remand.

In one of the seven Murder trials in which the accused was indicted on two counts, the accused was sentenced to a total of 94 years imprisonment. On the first count, the jury returned with a unanimous guilty verdict on the lesser offence of Manslaughter for which he was sentenced to 32 years imprisonment; and on the second count, the jury was again unanimous with a guilty verdict of Murder for which he was sentenced to 62 years imprisonment. The two sentences are to run concurrently.

In four other Murder cases, the accused all pleaded guilty to the lesser offence of Manslaughter. One of the four accused was sentenced to ten years imprisonment. Two other accused were each sentenced to eleven years respectively. While another one accused was sentenced to nine and a half years imprisonment.

In another one Murder trial where three accused were indicted together, the jury was unanimous in its guilty verdict for all three who were each sentenced to 80 years imprisonment.

In another one matter, the accused was acquitted after the jury was unanimous with a not guilty verdict.

In the one case for the offence of Rape and Robbery, the accused was acquitted after the jury returned a unanimous verdict of not guilty.

While in the one case for the offence of two counts of Sexual Activity with A Child Family Member the jury returned a majority verdict of 11 to 1 guilty on the first count.

Meanwhile Madam Justice Roxane George, S.C. who commenced the Bartica Massacre trial during the October 2016 Criminal Assizes, completed this trial in January 2017. Five accused were each indicted on 12 counts of Murder.

At the commencement of the trial two of these five accused pleaded guilty to the lesser offence of Manslaughter and were respectively sentenced to 35 years and 60 years imprisonment.

In January 2017, another two accused pleaded guilty to the lesser offence of Manslaughter. One of these two was sentenced to death after the jury returned unanimous guilty verdicts on 8 of the 12 counts of Murder; on the remaining 4 counts, the jury was also unanimous with guilty verdicts on the lesser offence of Manslaughter and he was sentenced to life imprisonment. The other accused was also sentenced to death after the jury returned unanimous guilty verdicts on 7 counts of Murder and for the additional 5 counts, the jury was again unanimous with guilty verdicts on the lesser offence of Manslaughter and he too was sentenced to life imprisonment.

One of these five accused was acquitted by the jury on all 12 counts of Murder.

During this time, the Essequibo October 2016 Criminal Assizes was in progress. Madam Justice Priya Sewnarine-Beharry who first sat at the beginning of this session had seven matters presented before her. Of these seven matters she completed three in the month of February 2017. While Justice Nareshwar Harnanan who sat from January, closed the October Assizes and then opened the February 2017 Assizes on Tuesday 21<sup>st</sup> February, 2017.

Of these three matters completed by Justice Beharry one each was for the offence of Rape of A Child 16 Years, Rape and Murder.

In the case for the offence of Rape of A Child under 16 years on two counts, the jury returned guilty verdicts on both counts and the accused was sentenced to 25 years on each count. The sentences are to run concurrently.

The accused in the trial for the offence of Rape was sentenced to life imprisonment after the 12-member jury returned a majority verdict of 10 guilty.

While the accused in the matter for the offence of Murder pleaded guilty to the lesser offence of Manslaughter. However, in a plea of mitigation, he raised self defence and as a result trial judge indicated that she will change his plea to not guilty; he was ordered to await a new trial.

Ten matters have been presented before Justice Harnanan. Of these ten matters, five were for the offence of Rape of A Child Under 16 Years, three cases were for the offence of Rape, one matter for the offence of Murder and one matter for the offence of Sexuality Activity with a Child under 16 years with the alternative count of Rape of a Child under 16 years.

In four of the five cases for the offence of Rape of A Child Under 16 Years, the complainants went into the witness box and testified they no longer wanted to give evidence in their matters and trial judge directed the juries to return formal verdicts of not guilty.

In the other one matter, Justice Harnanan upheld a no case submission by the defence and directed the jury to return a formal verdict of not guilty for the accused.

In one of the three Rape cases, the complainant indicated to the Court she no longer wished to proceed with the evidence and the jury was directed by the trial judge to return a formal verdict of not guilty. The other two Rape matters were aborted; in one matter a member of the jury was excused after he informed the Court that his father had died. While in the other case, a juror had travelled out of the jurisdiction and trial judge ruled that it would be unfair to the unrepresented accused to proceed with 11 jurors.

The jury in the one matter for the offence of Murder failed to reach a verdict and the accused was ordered to await a new trial.

In the matter for the offence of Sexual Activity with a Child under 16 years with the alternative count of Rape of a Child under 16 years, the complainant gave sworn testimony that she no longer wished to offer any evidence against the accused and Justice Harnanand directed the jury to return a formal verdict of not guilty.

One matter for the offence of Murder was nolle prosequi by the Director of Public Prosecutions because the accused has since died.

This session remains in progress until May.

At the same time Justice James Bovell-Drakes continued the Berbice October 2016 Criminal Assizes and then opened the February 2017 Session. **Eight** matters have been completed so far.

Of these eight matters, four were for the offence of Rape of a Child under 16 years, three for the offence of Murder and **one** for the offence of Abduction.

In all **four** matters for the offence of Rape of a Child under 16 years the VCs went into the witness box and testified they did not wish to proceed with the evidence and trial judge directed the juries to return formal verdicts of not guilty.

In one of the **three** cases for the offence of Murder, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to twelve years imprisonment. In another matter the accused was acquitted by the jury with a not guilty verdict.

The accused in the third Murder trial was sentenced to death after the jury returned a unanimous guilty verdict.

The VC in the Abduction trial, did not wish to proceed with her matter and trial judge directed the jury to return a formal verdict of not guilty.

This session remain in progress.

There are 152 cases listed to be heard during the Demerara April Assizes when it commences on Tuesday 4<sup>th</sup> April, 2017 before Madam Justice Jo-Ann Barlow and Justice Navindra Singh.

The Berbice February Assizes will continue until June 20, 2017 when the June Assizes commences. The Essequibo February Assizes will also continue until the May Assizes start on May 16, 2017.

During the months January and February 2017, five matters were disposed of in the Court of Appeal while six matters were heard in the Demerara Full Court.

The five matters disposed of in the Court of Appeal were Causing Death by Dangerous Driving, Possession of Narcotics for the Purposes of Trafficking and Attempting to Commit Murder.

One Appellant had his appeal allowed and sentence and conviction set aside. Two other Appellants withdrew their applications for bail after the Court ruled it had no jurisdiction to entertain the applications. While one other Appellant had his Application for Bail dismissed and another one Appellant had his application for bail refused.

In the Demerara Full Court matters were for the offences of Threatening Behaviour, Assault Causing Actual Bodily Harm, Assault, Fraudulent Conversion and one case for Causing Death by Dangerous Driving, Failing to Report An Accident, Fail to Render Assistance to An Injured Person and Failing to Stop After An Accident.

Three applicants were granted time to file Grounds within 14 days, one Appellant was granted time to file his Notice of Appeal while two Applicants had their matters dismissed.