

3<sup>rd</sup> October, 2014

**DPP Chambers PRESS RELEASE: June 2014 Criminal Assizes**

Goal delivery was done by Madam Justice Diana Insanally on Wednesday 1<sup>st</sup> October, 2014 bringing to an end the Demerara June 2014 Criminal Assizes. This Assizes commenced with three judges, Justice William Ramlall, Justice Navindra Singh, and Madam Justice Dawn Gregory, sitting during the month of June. Then five judges, Justice Franklyn Holder, Justice James Bovell-Drakes, Madam Justice Diana Insanally, Justice Naresh Harnanan and Justice Rishi Persaud, sat during the month of July. Two of these judges, Justice Franklyn Holder and Madam Justice Diana Insanally, continued during the month of September bringing the Assizes to an end.

During this Assizes which commenced on Tuesday June 3, 2014, a total of 242 cases were listed to be heard. Of these 242 cases, forty-nine matters were disposed of. Thirty-one cases received attention in the High Court of Demerara and 18 matters were nolle prosequi by the Director of Public Prosecutions (DPP).

During the month of June Justice William Ramlall disposed of two (2) cases. One case was for the offence of Rape and Robbery and the other case for the offence of Murder. In the matter for Rape and Robbery the Trial Judge quashed the indictment and ordered that the Preliminary Inquiry (PI) be done De Novo. The accused in the Murder matter was acquitted after the jury returned a unanimous verdict of not guilty.

Justice Navindra Singh completed two cases for the offence of Murder. In one matter the accused was acquitted after the jury returned a verdict of not guilty while in the other matter the jury returned a unanimous guilty verdict and the accused was sentenced to 57 years imprisonment by the Trial Judge.

Madam Justice Dawn Gregory completed three matters for the offence of Murder. In one of these cases, the accused was sentenced to twelve years imprisonment after the jury unanimously found him guilty on the lesser count of Manslaughter. The accused in the other two Murder trials both pleaded guilty to the lesser offence of Manslaughter and were sentenced to twenty years and fifteen years imprisonment respectively.

During the month of July seven matters were presented before Justice James Bovell-Drakes when he sat. Of these seven matters, four were for the offence of Rape, one matter for the offence of Buggery, one matter for the offence of Incest and Carnal Knowledge and another one matter for the offence of Incest. In five of these matters the Virtual Complainants (VCs) testified before the jury that they no longer wished to give any evidence against the accused and Justice Bovell-Drakes directed the jury to return formal verdicts of not guilty. In the matter for the offence of Buggery, evidence was led to prove that the VC had migrated and was no longer interested to proceed with the matter. The accused in the matter for the offence of Incest was acquitted after the jury returned a unanimous verdict of not guilty.

Madam Justice Diana Insanally disposed of four matters for the offence of Murder. The accused in one of these four matters was further remanded to prison to await a retrial after the jury failed to reach a unanimous verdict. In another matter, the Trial Judge up held a no case submission and directed the jury to return a formal verdict of not guilty. The State has since Appeal this decision. In the other two matters the accused were acquitted after the jury returned unanimous verdicts of not guilty.

Justice Rishi Persaud disposed of seven matters for the offences of Rape, Rape and Indecent Assault, Attempt to Commit a Felony and Indecent Assault and Carnal Knowledge of a Girl under Fifteen years. The accused in one of the matters for Rape of a Child under Fifteen years of age, pleaded guilty and was sentenced to thirty years imprisonment. The VCs' in the other six matters testified before the jury that they did not wish to testify and the Trial Judge directed the jury to return formal verdicts of not guilty.

Four matters were presented before Justice Harnanan. Two of these four matters were for the offence of Rape, while a third matter was for the offence of Carnal Knowledge of a Girl under Fifteen years and Buggery. The fourth matter was for the offence of Rape, Buggery and Robbery under Arms. The accused in one Rape case was acquitted after the jury returned a unanimous verdict of not guilty. While in the other Rape matter a retrial was ordered after a hung jury was returned in proportion of 4 guilty and 8 not guilty. The VC in the matter of Carnal Knowledge of a Girl under Fifteen years and Buggery, testified before the jury that she did not wish to offer any evidence and the Trial Judge directed the jury to return a formal verdict of not guilty. In the matter for the offence of Rape, Buggery and Robbery under Arms, the unrepresented accused informed the Court that he will need five years to prepare his own defence. He was further remanded to prison.

Justice Holder completed two matters for the offence of Murder. In the first matter Justice Holder withdrew the case from the jury; consequently, the jury was directed to return a formal verdict of not guilty. The accused in the other Murder matter was acquitted after the jury returned a unanimous verdict of not guilty.

During this period eighteen matters were nolle prosequi by the DPP because the Virtual Complainants (VC) did not wish to proceed with the prosecution; seventeen were for sexual offences and the other was for the offence of Attempt to Commit Murder and alternatively Causing Grievous Bodily Harm with Intent.

During the Demerara June 2014 Criminal Assizes there were five convictions, seven not guilty verdicts, fifteen formal verdicts of not guilty, one case was quashed and PI ordered to be done de novo, one retrial and two hung jury verdicts.

During the period May to June Justice Franklyn Holder sat at the Essequibo Criminal Assizes. Justice Franklyn Holder continued the February Assizes early in the month of May and then opened the May Criminal Assizes on Tuesday 20<sup>th</sup> May, 2014. Four matters received attention before Justice Franklyn Holder. These four matters were for the offences of Manslaughter, Incest and Rape, Attempt to Commit Murder and Wounding with Intent and Buggery.

In two separate matters for the offences of Manslaughter and Buggery, there was a trial. In the matter for the offence of Manslaughter, the jury returned a not guilty verdict while the jury in the matter for Buggery returned a guilty verdict and the accused was sentenced to nine years imprisonment. In the other two matters the judge directed the jury to return formal verdicts because the complainants did not attend court to testify.

During this time three other matters for the offences of Murder, Manslaughter and Indecent Assault were nolle prosequi by the DPP. The murder case was nolle prosequi by the DPP because the accused had died. In the other two the VCs did not wish to proceed.

The Berbice Criminal Assizes commenced on Tuesday 17<sup>th</sup> June, 2014 with Justice Brassington Reynolds who first sat for the month of June while Justice Navindra Singh continued the Assizes from July to September except for the month of August when he was on leave.

During this period, six matters were disposed of by the Judges; one by Justice Reynolds during the month of June and the other five by Justice Navindra Singh. Justice Reynolds commenced a trial for the offence Murder; however, this trial was aborted after the defence alleged that a juror was seen speaking with and a witness.

Justice Navindra Singh disposed of five matters. Of these five matters, three were for the offence of Murder, one for the offence of Carnal Knowledge of Girl Under 15 years and one other for the offence of Sexual Activity With A Child Family Member.

In two of the three Murder cases, retrials were ordered for the accused because the jury failed to reach a verdict. In the third Murder matter the accused was found guilty and was sentenced to fifty-five and a half years imprisonment after the jury returned with a unanimous guilty verdict. In the matter for the offence of Carnal Knowledge of A Girl Under 15 years, the accused was sentenced to 25 years imprisonment after the jury returned with a unanimous guilty verdict. The accused in the matter for the offence of Sexual Activity With A Child Family Member was acquitted after the VC testified before the jury that she did not wish to proceed with the matter and Justice Singh directed the jury to return a formal verdict of not guilty.

During this period one matter for the offence of Carnal Knowledge of A Girl Between 15 and 16 years was nolle prosequi by the DPP because the VC indicated that she no longer wanted to proceed with the matter.

The Demerara October Criminal Assizes will commence on Tuesday 7<sup>th</sup> October, 2014. A total of 226 cases are listed to be heard before Justice Navindra Singh, Justice Brassington Reynolds and Madam Justice Dawn Gregory.

The Berbice Criminal Assizes is expected to open on Tuesday 21<sup>st</sup> October, 2014 with fifty-two cases listed to be heard before Justice James Bovell-Drakes. While the Essequibo Criminal Assizes is schedule to start on Tuesday 28<sup>th</sup> October with nineteen cases to be heard before Justice Franklyn Holder.

