

## DPP Chambers Press Release-June 2015 Criminal Assizes

Gaol delivery was done by Madam Justice Dawn Gregory on Monday 5<sup>th</sup> October, 2015 bringing to an end the Demerara June 2015 Criminal Assizes. This Assizes commenced with Madam Justice Roxane George, Justice Navindra Singh and Justice Brassington Reynolds sitting during the month of June. Then Madam Justice Jo-Ann Barlow and Madam Justice Dawn Gregory sat with Justice George during July and continued until September bringing the Assizes to an end.

During this Assizes which commenced on Tuesday 2<sup>nd</sup> June, 2015, a total 231 cases were listed to be heard. Of these 231 cases, thirty-three (33) matters were disposed of. Twenty-three cases received attention in the High Court of Demerara and ten were nolle prosequi by the Director of Public Prosecutions (DPP).

During the month of June Justice Navindra Singh disposed of three (3) cases. One case was for the offence of Murder and Setting Fire to Dwelling House and two (2) cases for the offence of Murder.

In the one matter for Murder and two counts of Setting Fire to Dwelling House, the accused was sentenced to 11 years imprisonment after he changed his plea to guilty of the lesser count of Manslaughter. He will also serve 10 years each on the two counts of Setting Fire to Dwelling House. The sentences are to run concurrent.

In one of the two Murder cases the accused was sentenced to 57 years imprisonment after the jury return a unanimous guilty verdict.

The accused in the other Murder trial pleaded guilty to the lesser offence of Manslaughter and was sentenced to 15 years imprisonment.

Justice Brassington Reynolds also completed three (3) matters of which two were for the offence of Murder and one matter for the offence of Manslaughter. In the first Murder case, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 13 years imprisonment by the Trial Judge.

In the other Murder trial, the accused was also sentenced to 13 years imprisonment after the jury found him guilty on the lesser count of Manslaughter. In the one matter for the offence of Manslaughter, the accused was acquitted after the jury returned a unanimous verdict of not guilty.

Justice Dawn Gregory completed five (5) matters. Of these five cases, one was for the offence of Manslaughter and three cases for the offence of Rape of A Child under 16 years and one matter for the offence of Carnal Knowledge of a Girl under 15 years.

In the one matter for the offence of Manslaughter, 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.

In one case for the offence of Rape of A Child under 16 years, the accused who was charged with two counts of the offence was freed after the jury returned unanimous verdicts of not guilty on both counts.

In another matter for the offence of Rape of A Child under 16 years, the accused was sentenced to eight years imprisonment after the jury returned a majority verdict of 11 guilty to 1 not guilty. In the third matter the accused was sentenced to 18 years imprisonment after the jury returned a unanimous guilty verdict.

In the one matter for the offence of Carnal Knowledge of a Girl under 15 years, the accused was acquitted after the complainant went into the witness box and indicated to the Court that she no longer wished to proceed with the matter. The trial judge then directed the jury to return a formal verdict of not guilty for the accused.

Madam Justice Roxane George disposed of four (4) cases. Of these four matters, one was for the offence of Manslaughter, one matter for the offence of Murder, one for the offence of Sexual Activity with A Child Family Member and one for the offence of Rape of A Child under 16 Years.

In the matter for the offence of Manslaughter, the accused was freed after the jury returned a unanimous verdict of not guilty.

In the matter for the offence of Murder three accused were indicted and tried together. The numbers one and two accused were both found guilty by the jury and were respectively sentenced to 55 years and 62 years imprisonment. The number 3 accused was acquitted after the trial judge upheld a no case submission. The State has appeal this decision.

In the third matter, the accused who was indicted on two counts of Sexual Activity with A Child Family Member was sentenced to a total of 45 years imprisonment. On the first count the jury returned a majority verdict in proportion of 10 guilty to 2 not guilty for which he was sentenced to 20 years. On the second count, the jury was unanimous with a guilty verdict and the trial judge imposed a 25 year jail sentence.

In the one matter for the offence of Rape of A Child under 16 years, the accused was acquitted after the jury returned a unanimous verdict of not guilty.

Justice Jo-Ann Barlow completed eight matters. Of these eight matters, one was for the offence of Manslaughter, one for the offence of Carnal Knowledge of Girl under 15 Years, four matters for the offence of Rape of A Child under Sixteen Years, one for Sexual Activity with A Child under 16 Years and one matter for the offence of Attempt to Commit Murder.

In the one matter for the offence of Manslaughter the accused was acquitted after the jury returned a unanimous verdict of not guilty.

In the one matter for the offence of Carnal Knowledge of Girl under 15 years, the three accused who were indicted together were all acquitted after the Complainant went into the witness box and informed the Court that she did not wish to proceed with the matter. The trial judge then directed the jury to return a formal verdict of not guilty.

In one trial for the offence of Rape of a Child under 16 years, the jury could not reach a verdict and a retrial was ordered for the accused.

In another case for the offence of Rape of a Child under 16 years, the complainant gave sworn testimony to the Court that she no longer wished to proceed with the matter. The trial judge then directed the jury to return a formal verdict of not guilty for the accused.

In a third matter for the offence of Rape of a Child under 16 years and Sexual Activity with A Child under 16 years, the accused was indicted on three counts, two counts for the offence of Rape of a Child under 16 years and one count for the offence of Sexual Activity with A Child under 16 Years. On the 1<sup>st</sup> count, the jury returned a majority verdict of 10 guilty to 2 not guilty for which the accused was sentenced to 15 years and on the 2<sup>nd</sup> count he was sentenced to 17 years after the jury returned with a unanimous guilty verdict. On the 3<sup>rd</sup> count for the offence of Sexual Activity with a Child under 16 years, the jury again returned a majority verdict of 10 guilty to 2 not guilty for which the trial judge imposed a sentence of 5 years imprisonment. He will serve a total of 37 years imprisonment.

In the fourth case for the offence of Rape of A Child under Sixteen Years, the accused was acquitted after the complainant, who in addition to giving a written statement, testified in Court that she did not wish to proceed with the matter. The trial judge then directed the jury to return a formal verdict of not guilty in favour of the accused.

In the one matter for the offence of Sexual Activity with A Child under 16 years, the accused was sentenced to seven years imprisonment after the jury returned a unanimous guilty verdict.

In the one matter for the offence of Attempt to Commit Murder the accused was sentenced to 20 years imprisonment after the jury returned a unanimous verdict of guilty.

During this period ten matters for sexual offences were nolle prosequi by the DPP. In two of these seven matters, the Virtual Complainants could not be contacted despite police searches at their last known addresses and notices were published. In another two matters the complainants had migrated. While in the other six matters, the complainants indicated by way of writing that they no longer wished to proceed with their matters.

During the Demerara June 2015 Criminal Session there were 1 change plea, 2 guilty pleas, 9 convictions, 5 not guilty verdicts, 5 formal verdicts of not guilty and 1 hung jury verdict.

The Berbice Criminal Assizes commenced on Tuesday 16<sup>th</sup> June, 2015 with Justice Franklyn Holder who first sat for the period April and May and then opened the June Assizes. Justice Navindra Singh continued the Assizes in July before he proceeded on annual leave in August and September and Justice William Ramlall continued the Assizes.

During this period, Justice Holder completed three matters for the offences of Rape and Causing Grievous Bodily Harm with Intent to Murder and Causing Grievous Bodily Harm with Intent. A third matter was for the offence of Murder.

In the matter for the offence of Rape, the accused was sentenced to six years imprisonment after the State accepted his plea to the alternate offence of Attempt to Commit Rape. The trial judge then directed the jury to return a formal verdict of not guilty of the offence of Rape.

In the Matter for the offence of Causing Grievous Bodily Harm with Intent to Murder with an alternative count of Causing Grievous Bodily Harm with Intent, the first count of Causing Grievous Bodily Harm with Intent to Murder was withdrawn by the State after the accused pleaded guilty to the 2<sup>nd</sup> count. The accused was then fined the sum of \$120,000 after the VC indicted to the Court that he had received monetary compensation from the accused and that he had forgiven the accused and did not want him to serve a custodial sentence.

In the other matter for the offence of Murder in which two accused were indicted the trial judge up held no case submissions for both accused and directed the jury to return formal verdicts of not guilty.

Justice Singh disposed of two matters for the offence of Murder. In one matter the jury returned unanimous verdicts of not guilty for the two accused while in the other case the trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty.

Justice William Ramlall has completed one matter so far for the offence of Murder. The accused in this matter pleaded guilty to the lesser count of Manslaughter and was sentenced to 12 years imprisonment.

At the same time Justice James Bovell-Drakes continued the Essequibo February Assizes early in the month of April and then opened the May Criminal Assizes on Tuesday 19<sup>th</sup> May, 2015. He completed two matters for the offence of Rape of A Child under 16 Years.

In one matter, Government Psychiatrist Dr. Bhiro Harry testified that the accused was not mentally fit to stand trial. In accordance with the Criminal Law (Procedure) Act Section 177, the jury was directed to return a unanimous verdict of Insane and the Court ordered that the accused be conveyed to the Georgetown Prison then to the Georgetown Public Hospital Psychiatric Ward for treatment. Thereafter, he is to return to Court to stand trial when his doctor certifies him competent to stand trial.

In the other matter the accused was acquitted after the jury returned a unanimous verdict of not guilty.

Justice Brassington Reynolds then continued the Essequibo Assizes in July and completed one matter before proceeding on leave.

The one matter presented before Justice Reynolds was for the offence of Attempt to Commit Murder and Wounding with Intent. The trial judge upheld a no case submission on both counts and directed the jury to return formal verdicts of not guilty.

The Demerara October Criminal Assizes commenced on Tuesday 6<sup>th</sup> October, 2015. A total of 218 Cases are listed to be heard before Justice Navindra Singh, Madam Justice Priya Beharry, Madam Justice Roxane George and Madam Justice Jo-Ann Barlow.

The Berbice Criminal Assizes is expected to open on Tuesday 20<sup>th</sup> October, 2015 with fifty three cases listed to be heard before Justice William Ramlall while the Essequibo Criminal Assizes is schedule to start on Tuesday 27<sup>th</sup> October, 2015 before Justice Brassington Reynolds.