

Our Ref:.....

Your Ref:.....



Chambers

Director of Public Prosecutions,
P.O. Box 1031,
Georgetown,
Guyana

30TH December, 2022

**DPP'S CHAMBERS PRESS RELEASE – OCTOBER 2022 Criminal Assizes/YEAR END
2022**

Demerara October Assizes

The Demerara October Criminal Assizes commenced on Tuesday 4th October, 2022, with a total of 307 cases listed to be heard. Madam Justice Simone Morris-Ramlall, Justice Sandil Kissoon and Justice Brassington Reynolds presided over this assizes.

During this assizes, the State disposed of **25 matters**: **21** were presented in the High Court. Of these, **7** were for the offence of *Murder*, **13** for Sexual Offences and **1** matter for the offence of *Manslaughter*. The remaining 4 were nolle prosequi by the Director of Public Prosequi (DPP).

There were 6 convictions, 8 guilty pleas, 3 not guilty verdicts by jury, 3 formal verdicts of not guilty and one hung jury.

State Counsel Mohamed Muntaz Ali, Taneisha Saygon and Simran Gajraj completed 6 matters of which 5 were for the offence of *Murder and one for the offence of Manslaughter* before Madam Justice Simone Morris-Ramlall and Justice Sandil Kissoon.

In **2** of these cases, the accused were acquitted by jury verdicts of not guilty; in **another 2**, the trial judge upheld no case submissions and directed the juries to return formal verdicts of not guilty; in **one** other, the accused pleaded guilty to the lesser offence of *Manslaughter* and was sentenced to 10 years' imprisonment. And **one** other accused was found guilty on the lesser offence of *Manslaughter* by jury verdict and was sentenced to 30 years' imprisonment.

State Counsel Caressa Henry, Cecilia Corbin and Marissa Edwards prosecuted **13 Sexual Offences** before Justice Sandil Kissoon in the Sexual Offences Court.

In 5 of these, the accused all pleaded guilty as charged. While one of them was sentenced to life imprisonment and becomes eligible for parole after serving 18 years, two others were respectively sentenced to 9 years and 11 years imprisonment. A fourth one who was charged with 2 counts of *Rape of A Child under 16 years* was sentenced to 16 years and 3 months on each count. His sentences will run concurrently. While the other one, who was charged with 3 counts of *Rape of A Child under 16 years* was sentenced to 12 years on Count 1, 13 years and 3 months on Count 2 and 15 years and 3 months imprisonment on Count 3. These sentences are to run concurrently.

In another 5 cases, the juries returned guilty verdicts for each accused. In **one** of these, the accused who was indicted on 3 counts each of *Rape of A Child under 16 years* was sentenced to 15 years on count 1, and 17 years each on counts 2 and 3 after the jury returned a majority guilty verdict in proportioned of 10 guilty to 2 not guilty. His sentences will run concurrently. Another **one** who was also charged with 3 counts of *Rape of A Child under 16 years* was found guilty on count 2 and sentenced to 10 years imprisonment. The other 3 were found unanimously guilty by jury verdicts; while one was given a life sentence and another sentenced to 14 years' imprisonment, the other one will be sentenced in January 2023.

In the 3 other cases, 1 accused was acquitted by jury verdict while one other will face a retrial because his jury was unable to reach a verdict and the Complainant in the one other testified she did not wish to give evidence and trial judge directed the jury to return a formal verdict of not guilty.

State Counsel Ms Latiffa Elliot, Ms Paneeta Persaud and Ms Rbina Christmas presented and completed 2 matters for the offence of *Murder* before Justice Brassington Reynolds. In both cases, the accused pleaded guilty to the lesser offence of Manslaughter and were sentenced respectively to 8 and 6 years' imprisonment.

Of the 4 matters nolle prosequi by the DPP, 2 were for sexual offences in which the complainants, in each, submitted written statements they did not wish to proceed with their matters. The 2 others were for the offence of Manslaughter; in one, the accused was deemed unfit to stand trial while in the other, the witnesses could not be located.

Berbice October Assizes

The Berbice October Criminal Assizes commenced on Tuesday 18th October, 2022. Seven (7) matters were completed during this Assizes, 4 for the offence of *Murder*, 2 *Sexual Offences* and 1 for the offence of *Manslaughter*.

State Counsel Nafeeza Baig prosecuted 5 of these while Attorney-at-Law Latchmie Rahamat appeared as a Special Prosecutor for the State in 2 of the Murder matters before Justice Navindra Singh.

The complainants in the two Sexual Offences matters testified in Court they did not wish to proceed with the evidence and trial judge directed the juries to return formal verdicts of not guilty.

In 1 of the 4 Murder matters, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to 16 years' imprisonment. One other involved 3 accused who were indicted together and were all acquitted by jury verdicts of not guilty.

The other two separate Murder trials were high profile matters with a combined 7 accused; in one case there were 5 accused indicted together and the other had 2 accused indicted together. All 7 of them were found unanimously guilty by jury verdicts. Their sentences have been deferred to January 2023.

In the one other matter for the offence of *Manslaughter*, the trial judge upheld a no case submission and directed the jury to return a formal verdict of not guilty. This Assizes continues in January.

Essequibo October Assizes

The Essequibo October Criminal Assizes commenced on Tuesday 25th October, 2022. Senior State Counsel Tiffany Lyken completed 6 matters, 2 for Sexual Offences and 4 for the offence of Murder before Madam Justice Jo-Ann Barlow.

In one of the two Sexual Offences matters, the accused was found guilty by jury for 2 counts of *Rape of A Child under 16 Years* and sentenced to 17 years on each count. These sentences will run concurrently. The jury in the other one returned majority verdicts of not guilty in favour of the accused who was charged with 3 counts of *Sexual Activity with A Child Family Member*.

In the 4 separate Murder cases, the accused pleaded guilty. In one of these, the accused who was a juvenile when he committed the offence, pleaded guilty to Murder and was sentenced at the Court's pleasure and ordered to serve a minimum of 8 years in custody. In the 3 other cases the accused pleaded guilty to the lesser offence of *Manslaughter*. They were respectively sentenced to 8 years, 7 years and 7 months and 8 years, 3 months and 28 days imprisonment.

Two matters for Sexual Offences were nolle prosequi by the DPP because the complainants submitted written statements they did not wish to proceed with their matters. This Assizes continues until February 2023.

Year In Review

During 2022, One Hundred and Eighty-eight (188) cases were disposed of. 138 of these cases received attention in the High Courts. Fifty (50) matters were Nolle Prosequi by the DPP.

Of these 138 cases, 93 were presented at the Demerara Assizes, 20 at the Berbice Assizes and 25 at the Essequibo Assizes.

There were 65 cases for the offence of *Murder*, 59 cases for *Sexual Offences*, 9 cases for the offence of *Attempt to Commit Murder*, 4 cases for the offence of *Manslaughter* and 1 case for the offence of *Murder in the Furtherance of A Robbery*.

There were 45 convictions, 53 guilty pleas, 26 formal verdicts of not guilty, 25 not guilty verdicts by jury, 4 Hung Juries, 2 Discontinued matters and 1 Quashed Indictment.

In 2022, the DPP's Office received 237 Committal Documents; 115 of these from the County of Demerara, 45 from the County of Berbice and 77 from the County of Essequibo.

Of these 237 depositions, 141 have been indicted, 23 charges were discontinued, 63 are receiving attention, and 10 were remitted to the Magistrates' Courts.

The DPP's Office proffered legal advice in 7,294 police files received from the Guyana Police Force.

The Demerara January 2023 Criminal Assizes will open on Tuesday 10th January. There are 307 cases listed to be heard. Madam Justice Jo-Ann Barlow, Madam Justice Priya Sewnarine-Beharry and Madam Justice Simone Morris-Ramlall have been rostered to sit during this Assizes. Justice Navindra Singh will continue the Berbice October 2022 Assizes in January until February 2023 when the February Criminal Assizes will commence on Tuesday 7th February, 2023. And the Essequibo October, 2022 will continue in January 2023 with Justice Sandil Kissoon. The Essequibo February Criminal Assizes will open on Tuesday 21st, February, 2023.

Court of Appeal

During 2022, we appeared in 28 Appeals in the Court of Appeal. In these matters, the State was represented by Director of Public Prosecutions, Mrs. Shalimar Ali-Hack, SC, Assistants Director of Public Prosecutions (ADPP), Ms. Dionne McCammon, Mrs. Teshana Lake, Mrs. Mercedes Glasford, Mrs. Diana O'Brien, Ms. Natasha Backer and Senior State Counsel Lisa Cave.

Of these 28 appeals, **1** was for the offence of *Obtaining Money by False Pretense*, **8** for the offence of *Murder*, **7** for the offence of *Rape*, **7** for *Manslaughter* and one each for *Felonious Wounding*, *Inflicting Grievous Bodily Harm*, *Robbery Under Arms*, *Causing Death by Dangerous Driving* and *Buggery and Indecent Assault*. 30 Appellants appeared in these Appeals.

Six Applications were for bail pending appeal, the COA granted one appellant bail but denied the other 5.

Five matters to appeal against sentences and convictions were heard; the appellants in **3** of these were allowed their applications in part and had their conviction affirmed but sentences varied from 81 years to 50 years, from 70 years to 22 years and from 25 years to 20 years. The **one** other appellant had his sentence and conviction set aside and a retrial ordered within the next practicable sitting of the criminal assizes. The COA dismissed **one** application to appeal.

17 Applications for Leave to File and Serve Notices of Appeal and for Extension of Time to File and serve Notices of Appeal were heard and granted.

In 2022, 15 matters for criminal offences were heard in the Demerara Full Court. Seven (7) of these were for *Possession of Narcotics for the Purpose of Trafficking*, **3** for Trafficking in Narcotics, and **one each for the offences of Unlawful Possession, Murder, Affiliation, Assault Causing Actual Bodily Harm and Operating A Civil Aircraft Without An Airworthiness Certificate**.

Of these 15 matters, the applications for **5** appellants were allowed; one of these will have a new hearing, 2 others had their conviction and sentences set aside and another 2 were granted their applications to appeal and to File for Extension of Time to File Notice of Appeal. Another 5 appellants were granted their

applications in part. The appeals against convictions were dismissed but their sentences were varied. The Full Court dismissed 4 applications while one appellant discontinued his application.

The Berbice Full Court heard one matter for the offence of Possession of Narcotics For the Purpose of Trafficking. The Application to File a Notice of Appeal was granted.

Caribbean Court of Justice (CCJ)

During 2022, we appeared at the CCJ in 4 matters.

One of the cases was in relation to an application by Marcus Bisram who was charged with Murder for the quashing of the Direction by the DPP to the Magistrate pursuant to section 72(2)(ii)(a) of the Criminal Law (Procedure) Act Chapter 10:01. The CCJ found that the section was unconstitutional and granted the application.

The other 3 matters were appeals from the Court of Appeal decisions in relation to the offences of Rape and Murder.

One was for the offence of Rape and Assault Causing Actual Bodily Harm. The appeal against the conviction was dismissed and the appeal against the sentence was allowed. The sentence was reduced from 23 years to 12 years.

The other two cases were for the offence of Murder. In one of them the mother and her lover were charged for the murder of the deceased child. The CCJ allowed the appeal against conviction and sentence for the mother's lover. The appeal against the conviction for the mother was dismissed but the appeal against sentence was allowed. The sentence for the mother was reduced from 106 years to 30 years imprisonment with no eligibility for parole before 15 years.

The other matter is an appeal against the conviction and sentence. The appeal against the conviction was dismissed but the appeal against the sentence was allowed. The court is to give the decision in relation to the sentence.