

DRAFT PRESS RELEASE

OCTOBER 2012 Criminal Assizes.

Goal Delivery was done by Justice James Bovell-Drakes on Monday 31st December, 2012 bringing to an end the Demerara October 2012 Criminal Assizes. Justice Navindra Singh and Madam Justice Diana Insanally sat from the beginning of the Demerara October 2012 Assizes and they were joined by Justice James Bovell-Drakes during the month of December 2012. 240 cases were listed to be heard during this Assizes.

Eight matters were tried during the Demerara October 2012 Assizes in the High Court of Demerara. Of these eight cases, four of them were completed by Justice Navindra Singh, three by Madam Justice Diana Insanally while one case was done by Justice James Bovell-Drakes in December.

The four trials which were done by Justice Navindra Singh were for the offence of Murder. In the first trial, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to fourteen (14) years imprisonment.

In the second Murder trial, the jury returned a unanimous verdict of guilty against the accused who was sentenced to death.

In the third Murder trial, the accused was acquitted after Justice Singh upheld a no-case submission and ordered the jury to return a formal verdict of not guilty.

And in the fourth Murder trial, Justice Singh intervened and ruled that there was insufficient evidence to proceed. The Judge directed the jury to return a unanimous verdict of not guilty and the accused was discharged.

The three matters which were done by Madam Justice Diana Insanally were for the offences of Murder and Carnally Knowing Girl Under 15 years. There were two Murder cases. In one of the Murder cases, the accused pleaded guilty to the lesser offence of Manslaughter and was sentenced to ten (10) years imprisonment.

In the other Murder trial, a hung jury in proportion of 8 guilty to 4 not guilty was arrived at which caused the Trial Judge to order a retrial for the accused.

In the third matter which was for the offence of Carnally Knowing Girl Under 15 Years, Madam Justice Insanally directed the jury to return a formal verdict of not guilty for the accused after the virtual complainant stated that she did not wish to proceed with the matter.

In the one Murder trial before Justice James Bovell-Drakes, the accused was placed on \$250,000 bail after the judge quashed the indictment subsequent to upholding the defence's submission that there was no evidence to sustain the indictment. The State has appealed the Judge's decision to quash the indictment.

During the year 2012 fourteen (14) matters were nolle prosequi by the DPP for different offences, namely, Murder, Manslaughter, Rape, Carnal Knowledge and Incest of a Girl Under 15 years, Causing Grievous Bodily Harm with Intent to Murder, Robbery under Arms and Possession of Narcotics for the Purpose of Trafficking. These cases were nolle prosequi because they have been pending on the list for in excess of fifteen years and the main witnesses to prove the offences charged are no longer available to testify. In addition in one case for Manslaughter and another for Rape the accused died. In a Rape case and two Carnal knowledge cases the victims did not wish to proceed.

During the same time the Berbice October 2012 Assizes was in progress and Madam Justice Roxane George presided therein and completed four cases from a list of forty-nine (49) cases.

The four matters completed were for the offence of Murder. In the first murder case the jury returned a unanimous verdict of guilty for the accused who was sentenced to death by Justice George.

In the second murder trial, the accused was found guilty and sentenced at the Court's pleasure for a term to be reviewed by the High Court every two years on the anniversary of his sentencing on November 15, 2012. The accused was 15 years old at the time he committed the offence.

In the third Murder case, the accused had pleaded guilty to the lesser offence of Manslaughter and was sentenced to 13-years imprisonment by Justice George.

In the fourth Murder trial in which two accused were jointly charged with the capital offence, Madam Justice Roxane George upheld a no-case submission and directed the jury to return a formal verdict of not guilty for both of the accused.

There was no Essequibo October 2012 Criminal Assizes because no judge was assigned to preside in that county.

During the year 2012, 60 cases were disposed of. 46 cases received attention in court and fourteen (14) cases were nolle prosequi by the DPP. Of these, twenty-five (25) were from the Demerara Assizes, sixteen (16) from the Berbice Assizes and five (5) matters from the Essequibo Sessions.

There were thirty nine (39) cases for the offence of Murder, five (5) cases for Manslaughter, four (4) cases for Rape, six (6) for Carnal Knowledge, one (1) for Abduction, two (2) for Robbery under Arms, one (1) Break and Enter and Larceny, one (1) for Buggery and one (1) for Sexual Activity with a Child by Abusing a Position of Trust.

During 2012, there were nineteen (19) convictions, nineteen (19) acquittals, five (5) hung jury and two (2) quashed committals. In the case for the offence of Sexual Activity with a child by abusing a position of trust, a charge under the new Sexual Offences Act 2010, the Judge ruled that the Preliminary Inquiry and everything that flowed was a nullity and ordered that the accused face a new Preliminary Inquiry. An amendment is being tabled in Parliament to amend the Act to address this issue.

The January 2013 Assizes for Demerara will be opened on the 8th January 2013. There are 235 cases listed to be heard during the Session before Madam Justice Roxane George, Madam Justice Dawn Gregory and Justice Navindra Singh. The February Assizes for Berbice will be opened on the 5th February 2013 before Justice Bassington Reynolds but in the meanwhile Justice Reynolds will continue hearing cases from the October 2012 list. The February Essequibo Assizes is expected to commence on the 19th February 2013 before Justice Franklyn Holder.

During the year 2012, nineteen (19) matters were considered by the Court of Appeal before Chancellor Carl Singh, Madam Justice Yonette Cummings-Edwards, Justice James Bovell-Drakes, Justice Rishi Persaud and Justice B. S. Roy.

Four of these matters were appeals of convictions after trial by judge and jury in the High Court. In one case the appeal was dismissed and in the other three cases the appeals were allowed and the sentence and conviction set aside.

One matter was a Reference by the DPP in relation to the upholding of a no case submission by a trial judge in a High Court trial. The Court ruled in favour of the State and allowed the Reference.

The other fourteen matters were in relation to summary trials for indictable offences. Ten of these fourteen matters were applications for extension of time within which to file appeals because the applicants failed to file the notice of appeal within the statutory period. The other four matters were appeals against convictions by magistrate and they were all allowed.

And in the Full Court, ten (10) matters were heard during 2012 before Chief Justice Ian Chang sitting either with Justice William Ramlall, Justice Rishi Persaud, Justice Brassington Reynolds and Madam Justice Roxane George. In 5 of these cases the appeal was allowed and in one case the appeal was dismissed. One appeal was withdrawn. The other three cases were for extension of time to appeal. The application was granted for 2 of these cases and refused for the third.