

OCT. 2013

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PRESS RELEASE

DPP CHAMBERS: Gaol delivery was done by Justice Navindra Singh on Friday 10th January 2014 bringing to an end the Demerara October 2013 Criminal Assizes. During the October Assizes Madam Justice Diana Insanally, Justice James Bovell-Drakes and Justice Navindra Singh sat. A total of 228 cases were listed to be heard during this Assizes.

Seventeen (17) matters were presented during the Demerara October 2013 Assizes in the High Court of Demerara. Of these 17 cases, seven (7) of them were completed by Madam Justice Diana Insanally and four (4) matters were completed by Justice James Bovell-Drakes. Six (6) matters were presented before Justice Navindra Singh but five matters were completed. The sixth matter for the offence of Murder is still continuing.

The seven trials completed by Justice Insanally were for the offence of Murder. In the first trial, the accused was sentenced to six months at the Sophia Juvenile Holding Centre after the jury returned a unanimous verdict of guilty. This sentence was appealed by the DPP.

In the second matter in which three accused were on trial for the offence of Murder, Justice Insanally ordered that a new Preliminary Inquiry (PI) be done *de novo* within four months after she had ruled on the Preliminary Points and quashed the indictment.

In the other five Murder trials, one accused was found guilty of Murder by the jury and sentenced to death. In three other separate cases, the accused pleaded guilty to the lesser offence of Manslaughter; one accused was sentenced to twenty-four years imprisonment, another accused was sentenced to ten years imprisonment and a third one was sentenced to 17 years imprisonment. In the 5th case the accused was acquitted after the jury returned a unanimous verdict of not guilty.

Four Murder trials were completed by Justice James Bovell-Drakes. In two of these Murder trials the Trial Judge upheld no-case submissions made by the defence and directed the jury to return a formal verdict of not guilty. The State has appealed one of these decisions. The accused in the other two cases were acquitted after the jury returned unanimous verdicts of not guilty.

During this time Justice Navindra Singh commenced six matters, but completed five of these at the time of gaol delivery. The sixth one is on-going. Of the six matters, five of them were for the offence of Murder and one for the offence of Manslaughter.

Two accused were found guilty of Murder by the jury, one was sentenced to 76 years imprisonment while the other was sentenced to 71 years imprisonment. In a third Murder matter the accused was

sentenced to 12 years imprisonment after he changed his plea to guilty of the lesser offence of Manslaughter. The accused in another case, who was charged with two counts of Murder was remanded back to prison to face a retrial after the jury returned with a split verdict of 6 guilty to 6 not guilty on the first count and 4 guilty to 8 not guilty on the second count of Murder. The accused in the Manslaughter case was acquitted after Justice Singh upheld a no-case submission and directed the jury to return a formal verdict of not guilty.

During this same time the Berbice Criminal Assizes commenced on the 15th October before Madam Justice Dawn Gregory who completed seven (7) matters for the offence of Murder. In five of these Murder trials, the accused pleaded guilty to the lesser offence of Manslaughter. One accused was sentenced to twenty years, a second accused received a 12-year prison sentence while a third accused was sentenced to seventeen years imprisonment. In a fourth Murder case, the accused was sentenced to thirteen years, while the accused in the fifth Murder trial was sentenced to 16 years imprisonment. The accused in one matter was sentenced to twenty years after the jury returned a unanimous verdict of guilty. The seventh trial before Justice Gregory was aborted after two defence counsel had recused themselves from the case.

Meanwhile, the Essequibo May 2013 Criminal Assizes which commenced on Tuesday 21st May, started with a high profile Murder trial before Justice Franklin Holder who first sat. The three accused in this case were members of the Guyana Defence Force Coast Guard who had robbed the deceased, murdered him and dumped his body overboard. They were found guilty and sentenced to be hung.

Justice Holder then proceeded on leave since he had continued sitting from the October 2012 Criminal Session and had completed five (5) trials during that time for the offences of Murder, Attempt Murder and Wounding with Intent and Rape.

One Murder accused was sentenced to fourteen (14) years imprisonment after he changed his plea to guilty of the lesser offence of Manslaughter. In another matter the accused was sentenced to ten years imprisonment after the jury found him guilty of wounding with intent. In two separate Murder trials the accused were acquitted after the Trial Judge upheld no case submissions and directed the jury to return a formal verdict of not guilty. The DPP nolle prosequi one Rape matter because the VC indicated that she did not wish to proceed with the matter.

Justice William Ramlall continued the May Assizes from June to September followed by Madam Justice Sandra Kurtzious who sat from October to December 6, 2013. Twenty (20) cases were listed to be heard for the May 2013 Criminal Assizes and of these twenty cases six matters were completed. Three of these matters were for the offence of Murder, one for the offence of Attempt to Commit Murder and two for the offence of Carnal Knowledge of Girl Under 15 years.

Justice Ramlall completed three matters. Two matters were for the offence of Murder. One accused was sentenced to five years imprisonment after he pleaded guilty to the lesser offence of Manslaughter and the accused in the other matter was acquitted after the jury returned a unanimous verdict of not guilty. The accused in the third case for the offence of Attempt to Commit Murder was discharged by the Trial Judge after the victim informed the Court that he was compensated by the accused for his

medical expenses. Justice Sandra Kurtzious completed two matters for the offence of Carnal Knowledge of Girl Under 15 years. One accused was sentenced to twenty (20) years imprisonment after the jury returned a unanimous verdict of guilty. The accused in the other trial was acquitted after the jury returned a verdict of not guilty.

During 2013, one hundred and nine (109) cases were disposed of. Ninety-five (95) cases received attention in court and fourteen (14) cases were nolle prosequi by the DPP.

Of these 95 cases, 71 were presented from the Demerara Assizes, fourteen (14) from the Berbice Assizes and ten (10) from the Essequibo Session. There were eighty-three (83) cases for the offence of Murder, three (3) cases for Manslaughter, two (2) cases for Rape, four (4) cases for Carnal Knowledge of Girl Under 15, two (2) cases for the offence of Attempt to Commit Murder and one (1) case for incest.

There were thirty-six (36) convictions, forty-five (45) acquittals, ten (10) hung jury, one (1) quashed committal, two (2) aborted trials, one (1) accused committed to the NPH for treatment. In another case the accused was found to be fit to plea and was remanded back to prison to await trial. One matter is continuing during the January 2014 Assizes.

Fourteen (14) matters were nolle prosequi by the Director of Public Prosecutions (DPP) for different reasons. Of the 14 matters, one matter was nolle prosequi because the accused died while awaiting his trial, another one because the witnesses could not be found and the other 12 cases were nolle prosequi because the VC's indicated that they no longer wished to proceed with their matters. In one separate matter for the offence of Murder in which six persons were on trial, the DPP had nolle prosequi the matter against the number 3 accused because there was no evidence against him.

The January 2014 Assizes for Demerara will be opened on Wednesday the 15th January, 2014. There are 233 cases listed to be heard during the Session before Justice Navindra Singh, Justice William Ramlall and Justice Franklin Holder.

The February Assizes for Berbice will be opened on the 4th February, 2014 before Madam Justice Diana Insanally who is presently sitting as the October 2013 Session continues.

The February Essequibo Assizes is expected to commence on the 18th February, 2014 before Justice Nareshwar Harnanan who is presently sitting as the October 2013 Session continues.

During 2013 we appeared in fifteen (15) matters in the Court of Appeal. There was one appeal against the guilty verdict for the offence of Murder. The appeal was allowed and the offence of Murder was reduced to Manslaughter and the accused sentenced to ten (10) years imprisonment. In a second matter for the Application for Bail for the offence of Attempted Murder, the Application was refused. There were three matters of appeal for the offence of Causing Death By Dangerous Driving. In one matter the appeal was granted, but the Court found that there was sufficient evidence to establish the offence of Dangerous Driving. In the second appeal, the conviction for Causing Death By Dangerous was confirmed and the accused sentenced to three years imprisonment. The Appellant in the third appeal against the conviction for Causing Death By Dangerous Driving, withdrew his application.

There were two appeals by the State. In one matter there was an Application by the State to amend the appeal from a verdict of acquittal from a High Court Murder trial and this was granted. In the other matter where the State appealed against an Order made by a single judge in chambers in the Court of Appeal to prevent a magistrate from carrying out the directions of the DPP for a PI to be reopened, the appeal was allowed.

The other eight (8) matters were in relation to summary trials for indictable offences. Five of these 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. In a sixth matter, an Application was granted for the Appellant to lodge security. Another application was granted for the petitioner to lodge his passport within 48 hours of his return to the country. One application to appeal a matter for the offence of Possession of Narcotics For the Purpose of Trafficking was refused.

And in the Full Court, twelve (12) matters were heard during 2013 before Chief Justice Ian Chang sitting either with Justice William Ramlall, Justice Rishi Persaud, Justice James Bovell-Drakes, Justice Navindra Singh and Justice Brassington Reynolds. In five (5) of these cases the appeals were dismissed. In four other cases, the appeals were allowed. One applicant was granted leave to lodge security for cost within seven days while one other application for extension of time was granted. One appeal was abandoned since the prisoner had served his sentenced.