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Chambers

*Director of Public Prosecutions,
P.O. Box 1031,
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31st December, 2015

DPP CHAMBERS October 2015 Press Release

Gaol Delivery was done by Justice **Navindra Singh** on **Wednesday 16th** December, 2015 bringing to an end the Demerara October 2015 Criminal Assizes. During the October Assizes Madam Justice Jo-Ann Barlow, Madam Justice Priya Sewnarine-Beharry, Justice Navindra Singh and Madam Justice Roxane George sat while Madam Justice Dawn Gregory had continued to sit from the June Criminal Assizes. A total of 218 cases were listed to be heard during this Assizes.

Forty-one (41) matters received attention during the Demerara October 2015 Criminal Assizes. Of these 41 **matters, thirty (30)** were presented in the High Court of Demerara during the Demerara October 2015 Criminal Assizes. Of these 30 **cases, ten (10)** of them were completed by Madam Justice Barlow, eight **(8)** matters heard before by Madam Justice Sewnarine-Beharry, **six(6)** matters completed by Justice Singh, **five (5)** matters completed by Madam Justice George and **one (1)** matter was completed by Madam Justice Dawn Gregory.

During this time eleven matters were nolle prosequi by the Director of Public Prosecutions (DPP) based on statements from the virtual complainants. One matter was presented and nolle prosequi in open Court before the judge.

The **ten** matters presented before Justice Barlow were for the offences of Rape of Child under 16 years, Attempt to Commit Murder and Felonious Wounding, Rape and Carnal Knowledge of Girl between 15 and 16 years, Carnal Knowledge of Girl under 15 years, Manslaughter, Murder, Rape and Assault Causing Actual Bodily Harm, Forgery and Larceny in Dwelling House and Fraudulent Conversion.

In three matters for the offences of Rape of a Child under 16 years, Attempt to Commit Murder and Felonious Wounding and Rape and Carnal Knowledge of Girl Between 15 and 16 years, the complainants went into the witness box and indicated that they no longer wished to give evidence or to proceed with their matters and Justice Barlow directed the jury to return formal verdicts of not guilty for the accused.

In one matter for the offence of Carnal Knowledge of Girl under 15 years, the accused was acquitted after the jury returned a unanimous verdict of not guilty.

In three separate matters for the offences of Manslaughter, Forgery and Larceny in Dwelling House and Fraudulent Conversion, the trial judge up held no case submissions and directed the respective jury to return formal verdicts of not guilty.

In one trial for the offence of Murder, the accused changed his plea to guilty of Manslaughter and was sentenced to 15 years imprisonment. While in one other Murder case the accused was sentenced to 25 years imprisonment after the jury returned a majority verdict in proportion 10 guilty to 2 not guilty.

In one matter for the offence of Rape and Assault Causing Actual Bodily Harm, the accused was sentenced to 23 years imprisonment after the jury returned a majority verdict of 11 guilty to one not guilty.

Eight matters were presented before Madam Justice Sewnarine-Beharry. Of these eight matters, three were for the offence of Carnal Knowledge of Girl under 15 years, two for the offence of Sexual Activity with A Child Family Member, one for the offence of Attempt to Commit Murder and Wounding with Intent, one matter for the offence of Incest and Carnal Knowledge of Girl under 15 years and one matter for the offence of Murder.

In one of the three matters for the offence of Carnal Knowledge of Girl under 15 years, the complainant gave evidence from the witness box that she did not wish to proceed with the matter and the trial judge directed the jury to return a formal verdict of not guilty. In another trial for the same offence the accused was sentenced to 20 years imprisonment after the jury returned a unanimous guilty verdict. While the accused in the third matter was acquitted after the trial judge up held a no case submission and directed the jury to return a formal verdict of not guilty.

In one of the two cases for the offence of Sexual Activity with A Child Family Member, the complainant offered no evidence and the trial judge directed the jury to return a formal verdict of not guilty. ***While in the other matter the accused was found guilty but he will be sentenced in January 2016.***

In another trial for the offence of Attempt to Commit Murder and Wounding with Intent, the complainant again offered no evidence and caused the trial judge to direct the jury to return a formal verdict of not guilty.

In the one matter for the offence of Incest and Carnal Knowledge of Girl under 15 years, the accused was acquitted after the jury returned a majority verdict of 11 not guilty to one guilty.

In the one matter for the offence of Murder the jury failed to reach a verdict and the accused was remanded back to prison to await a new trial.

Of the **six** matters that were presented before Justice Navindra Singh five were for the offence of Murder and one for the offence of Attempt to Commit Murder with an alternative count of Wounding With Intent. Of the five matters for the offence of Murder, there was one acquittal and four guilty verdicts.

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

In one other Murder case, the accused was sentenced to 57 years imprisonment by Justice Singh after he was found guilty by the jury. While in one other Murder trial, the jury found that the accused was not guilty of Murder but guilty of the lesser offence of Manslaughter and he was sentenced to 25 years imprisonment.

In a fourth Murder trial in which four accused were indicted together, Justice Singh imposed an 81-year jail sentence on each of them after the jury returned unanimous verdicts of guilty. In one other Murder case the accused was sentenced to 80 years imprisonment after the jury returned a unanimous verdict of guilty.

In the one matter for the offence of Attempt to Commit Murder with an alternative count of Wounding with Intent the accused was remanded to prison after he pleaded guilty to three indictments, two of which he was before the Court to answer. However, during the proceedings, the accused told the trial judge a story and based on that story Justice Singh did not accept his guilty plea and remanded him.

Madam Justice Roxane George completed five matters. Of these five matters **two** were for the offence of Murder, **one** for the offence of Rape of A Child under Sixteen Years, **one** for the offence of Sexual Activity with A Child Family Member and **one** for the offence of Attempt to Commit Murder with an alternative count of Wounding with Intent to Cause Grievous Bodily Harm.

In four separate trials, two for the offence of Murder, one for the offence of Rape of A Child under 16 years and one other matter for the offence of Sexual Activity with A Child Family Member, the accused were acquitted after the respective jury returned unanimous verdicts of not guilty.

Meanwhile the VC in the one matter for the offence of Attempt to Commit Murder with an alternative count of Wounding with Intent to Cause Bodily Harm, went into the witness box and stated that he did not wish to offer any evidence and in accordance with section 114 of the Criminal Law Procedure Act the state entered a nolle prosequi in open Court before the Judge and Jury.

Meanwhile, Madam Justice Dawn Gregory had continued sitting from the June Assizes and completed one matter for the offence of Buggery. The accused in this matter was sentenced to 18 years imprisonment after the jury found him guilty.

Of the eleven matters Nolle Prosequi by the DPP, nine were for Sexual offences in which the virtual complainants (VCs) indicated in writing they did not wish to proceed with their matters. In another one matter for the offence of Trafficking in Narcotics which occurred 19 years ago, only one witness was available to testify for the prosecution when the matter was called up. While in the one other matter for the offence of Break and Enter and Larceny the VC indicated in writing that he no longer wished to pursue the matter.

During the October Demerara Criminal Assizes there were ten (10) formal not guilty verdicts, seven (7) not guilty verdicts by jury, nine (9) guilty verdicts, one change plea to guilty, one hung jury and one remanded to prison.

During this same time, the Berbice Criminal Assizes opened on Tuesday 20th October with Justice William Ramlall who first sat during the period August and September and then opened the October Assizes. One matter for the offence of Murder was completed in which the accused was sentenced to twelve years imprisonment after he pleaded guilty to the lesser count of Manslaughter.

Meanwhile, the Essequibo Criminal Assizes commenced on Tuesday 27th October with Justice Brassington Reynolds who completed two cases, one for the offence of Rape and the other for the offence of Murder.

In the one matter for the offence of Rape the jury was directed by the trial judge to return a formal verdict of not guilty for the accused after the VC went into the witness box and indicated that she no longer wished to give any evidence in the matter.

The accused in the Murder trial was sentenced to twelve years imprisonment after the jury returned a unanimous guilty verdict for the lesser offence of Manslaughter.

During 2015, one hundred and twenty-four (124) cases were disposed of Ninety-four (94) cases received attention in Court and thirty (30) cases were nolle prosequi by the DPP.

Of these 94 cases, sixty-nine (69) were presented from the Demerara Assizes, eighteen (18) from the Berbice Assizes and seven (7) from the Essequibo Assizes.

There were 42 cases of Murder, 6 cases of Rape, 13 cases of Rape of A Child under 16 years, 5 cases for the offence of Manslaughter, 6 cases for the offence of Carnal Knowledge of Girl Under 15 years, 7 cases of Sexual Activity with A Child Family Member, 8 cases for the offence of Attempt to Commit Murder, 1 case for the offence of Buggery, 2 cases for the offence of Incest, 1 case for the offence of Forgery and Larceny in Dwelling House, 1 case of Fraudulent Conversion and 1 case for the offence of Causing Grievous Bodily Harm with Intent to Murder.

There were twenty-five (25) convictions, nineteen (19) acquittals by the jury, twenty-seven (27) formal verdicts of not guilty, fourteen (14) guilty pleas, three (3) hung jury and one (1) quashed committal. One accused was declared not of sound mind by a psychiatrist and the jury returned a unanimous verdict of insanity. The Court ordered that the accused be conveyed to the Psychiatric Ward of the Georgetown Public Hospital for the appropriate treatment to improve his mental state and thereafter he is to return to Court to stand trial when his doctors certify that he is competent to stand trial.

The January 2016 Criminal Assizes for Demerara will be opened on Tuesday 12th January, 2016. There are 184 cases listed to be heard during the session. Justice Navindra Singh, Madam Justice Priya Sewnarine-Beharry and Madam Justice Jo-Ann Barlow have been rostered to sit during this assizes.

Meanwhile, the February 2016 Berbice Criminal Assizes will commence on Tuesday 16th February, 2016 before Justice Franklyn Holder. The February 2016 Criminal Assizes for Essequibo is expected to open on Tuesday 2nd February, 2016.

During 2015 we appeared in twenty-three (23) matters in the Court of Appeal. Three Appellants had their sentences and convictions set aside and their matters to be done DE Novo. Three Appellants were granted leave to File Notices of Appeals. Three Appellants had their Applications for bail refused while two Appellants had their Appeal Allowed in part in relation to their sentence. Five Applications of Notice to Withdraw and Discontinue were granted; two Applications for Extension of Time to File and Serve Notice of Appeal were refused, while two other Applications for Extension of Time to File Notice of Appeal were granted. The Court of Appeal dismissed one Appeal and affirmed the magistrate's sentence and conviction. Two Appellants had their Applications for bail granted.

In the Demerara Full Court twenty-five (25) matters were heard during 2015 before Chief Justice Ian Chang sitting with Justice Rishi Persaud. Eight (8) matters were struck out.

One Appeal by the State was Allowed and a three year prison sentence substituted in place of a fine while four Applications to Withdraw Notices of Appeal by the State were granted.

In another five matters the Appellants had their Applications to Appeal allowed. In one of these five matters, the Court allowed the appeal but stayed the sentence imposed by the magistrate. In three other matters the Appellants abandoned their Appeals; of these three, the Full Court ordered that arrest warrants be issued for two Appellants to serve their prison time. While the third Appellant had applied for leave to abandon his appeal against conviction and requested reduction in their sentence which was granted.

In one matter before the Full Court the Appellant who was convicted for the offence of Possession of Narcotics for the purpose of Trafficking had his sentence by the magistrate set aside and the Court substituted the three year minimum sentence.

Three Appellants had their Appeal dismissed for non-appearance by the appellant. Their sentences and convictions were affirmed. The police now have to ensure that they are taken to the prison to serve their sentence.

During 2015, the Berbice Full Court heard seven matters before Chief Justice Ian Chang sitting with Justice Navindra Singh. Five Appellants had their Appeals against their sentences allowed. One Appeal was dismissed since the defendant had already served his time. In one other matter, the wife of the accused who was also the VC, was present in Court and begged the Court not to impose a custodial sentence imposed by the magistrate. The sentence was suspended for one year and if the accused breaks the peace within the one year, he will have to serve the sentence initially set by the magistrate.