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Chambers

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8th June, 2018

DPP's CHAMBERS APRIL 2018 CRIMINAL ASSIZES PRESS RELEASE

Gaol Delivery was done by Justice Sandil Kissoon on Monday 4th June, 2018 bringing to an end the Demerara April 2018 Criminal Assizes. During the April Criminal Assizes, Madam Justice Jo-Ann Barlow, Justice James Bovell-Drakes and Justice Sandil Kissoon sat.

During this Assizes which commenced on Tuesday 3rd April, 2018 a total of 242 cases were listed to be heard. Of these 242 cases, Thirty-seven (37) matters were disposed of.

Of these 37 matters the Office of the Director of Public Prosecutions (DPP) presented 23 in the High Court of Demerara while 14 were *nolle prosequi* by the DPP.

Of the 23 cases presented, 11 were for *Sexual Offences*, 10 were for the offence of *Murder* and 2 were for Attempted Murder.

There were 6 convictions, 5 guilty pleas, 3 formal verdicts of not guilty, 5 hung juries and 4 not guilty verdicts by jury.

The 11 sexual offences were presented by State Counsel Narissa Leander, Tiffany Lyken and Abigail Gibbs before Madam Justice Barlow in the Sexual Offences Court.

In 4 of these cases, the accused were found guilty by jury verdicts and sentenced respectively to 52 years imprisonment, life imprisonment, 25 years and 7 years imprisonment.

In another 3 cases, the virtual complainants testified before judge and jury that they did not wish to proceed with their matters; Justice Barlow then directed the juries to return formal verdicts of not guilty.

Of the 4 other cases, one accused was remanded back to prison to await a new trial after his jury failed to reach a verdict. While the accused in the 3 other cases were acquitted by their respective jury.

Ten matters were presented before Justice Sandil Kissoon. Of these 10 matters, 8 were for the offence of *Murder* and were prosecuted by State Counsel Mandel Moore and Lisa Cave.

In 5 of these cases, the accused persons pleaded guilty to the lesser offence of *Manslaughter*; 3 of them were each sentenced to 10 years imprisonment while the other 2 were respectively sentenced to 14 years and 22 years imprisonment.

Of the 3 other cases, one accused was sentenced to 33 years imprisonment after the jury unanimously found him guilty of the lesser offence of *Manslaughter*. Another one accused was acquitted by his jury. While in the one other matter the jury failed to reach a verdict. This hung jury resulted in the indictment being *nolle prosequi* by the DPP because the accused had 3 hung jury verdicts, in April 2014, December 2015 and May 2018.

The other 2 cases presented before Justice Kissoon were for the offence of *Attempted Murder*. In one case presented by State Counsel Lisa Cave and Shawnette Austin the jury returned in proportion of 8 not guilty to 4 guilty. While State Counsel Lisa Cave and Orinthia Schmidt presented the other case, the jury returned hung with 9 guilty and 3 not guilty.

Two cases for the offence of *Murder* were presented before Justice James Bovell-Drakes. One of these cases was presented by State Counsel Seeta Bishundial and Shawnette Austin. The accused in this trial was sentenced to 22 years imprisonment after the jury returned a majority verdict of guilty for the lesser offence of *Manslaughter*.

The other case which was prosecuted by State Counsel Mandel Moore and Seeta Bishundial the jury failed to reach a verdict and returned hung.

Of the 14 matters *nolle prosequi* by the DPP, 13 were for Sexual Offences while one was for the offence of *Manslaughter*. The complainants in the 13 sexual offence matters submitted written statements in which they indicated they did not wish to proceed with their matters. The *Manslaughter* case was *nolle prosequi* because the witnesses failed to attend court despite several advertisements being published for them.

During this time the Berbice February Criminal Assizes which commenced on Tuesday 6th February, 2018 was in progress before Justice Brassington Reynolds who sat from the month of April. 96 cases were listed to be heard.

Five (5) cases have been presented by State Counsel Tuanna Hardy. Of these five cases, one was for Causing Death By Dangerous Driving, two for the offence of Rape and another two for *Manslaughter*.

The accused in the matter of *Causing Death By Dangerous Driving* was indicted on 12 counts of the offence. He was found guilty by a majority jury verdict and sentenced to 9 years on each of the 12 counts. The total sentence of 108 years will run concurrently.

In one of the two Rape cases the accused was acquitted by the jury. While the other accused was found guilty; he will be sentenced on Monday 11th June.

The two other matters presented were for the offence of *Manslaughter*. In one case the accused was acquitted by a unanimous jury verdict of not guilty. The accused in the other trial was found guilty and will be sentenced on Monday 11th June.

The DPP *nolle prosequi* three matters, one for the offence of *Rape of A Child under 16 Years* and two others for *Attempt to Commit Murder*.

The complainants in these matters indicated in writing they did not wish to proceed with their matters.

The Berbice Criminal Assizes continues.

Meanwhile, the Essequibo May Criminal Assizes commenced on Tuesday 15th May, 2018 before Madam Justice Margaret Kurtzious. Sixty cases are listed to be heard.

State Counsel Tamika Clarke has presented one case in which three accused have been indicted for the offence of Murder. This trial is in progress.

The DPP nolle prosequi four matters for sexual offences; in three of these cases the accused have died while the complainant in the other one case has also died.

The Demerara June Criminal Assizes commenced on Tuesday 5th June, 2018 with Madam Justice Jo-Ann Barlow, Justice Sandil Kissoon and Justice James Bovell-Drakes. 223 cases have been listed to be heard.

Meanwhile the Berbice February Session will conclude on June 18, 2018 while the Essequibo Assizes continues.

During the months January to May, we appeared 22 times in the Guyana Court of Appeal.

In these 22 matters, the State was represented by Deputy DPP (ag) Sonia Joseph, Assistant DPP Teshana Lake, Assistant DPP Diana O'Brien, Assistant DPP Dionne McCammon, Senior State Counsel Stacy Goodings, Senior State Counsel Natasha Backer, State Counsel Shawnette Austin and State Counsel Seeta Bishundial.

Of these 22 matters, three Appellants were allowed their appeals and had their convictions and sentences set aside and the charge for Murder were substituted with the lesser offence of Manslaughter. Of these three, two had their sentences varied to 20 years each while the other one had 12 years imprisonment imposed.

Four other Appellants had their appeals allowed in part to appeal against their sentences which varied from 25 years to 18 years, 31 years to 24 years, 24 to 22 years and four years to one year imprisonment.

Four other Appellants had their Applications to Appeal against conviction and sentences dismissed. While one other appellant had his appeal against his sentence for Causing Death by Dangerous Driving dismissed; however based on the aggravating factors, the Court of Appeal substituted the sentence with a \$300,000 fine.

There were six Applications for bail pending Appeal; of these six, three Applications were granted while the other three were denied. One matter was struck out

because the Court of Appeal ruled it was a matter for the Full Court. Two matters were withdrawn.

Meanwhile, in one other matter the Court did not convene because the convict who was sentenced to 76 years imprisonment for the offence of Murder and had appealed against his conviction, committed suicide by hanging. Counsel for the Respondent and Appellant were informed of this by the Registrar of the Court.

The Demerara Full Court sat 11 times during the months February to May.

Deputy DPP Sonia Joseph, Senior State Counsel Stacy Goodings, Senior State Counsel Natasha Backer, Assistant DPP Dionne McCammon, State Counsel Shawnette Austin and State Counsel Orinthia Schmidt appeared in matters for the offences of Causing Death By Death Driving, Possession of Narcotics for the Purpose of Trafficking, Driving A Motor Vehicle under the Influence of Alcohol, Disorderly Behaviour and Driving A Motor Vehicle under the Influence of Alcohol, Assault Causing Actual Bodily Harm and Felonious Wounding.

The Full Court granted five Applications to appeal against convictions and sentences. Four other Appellants had their Applications to Appeal dismissed while two Applications to Appeal were Withdrawn, one of these was by the State.