

DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATION MESSAGE FORM

010

PAGE 1A	CLASSIFICATION	PRECEDENCE
DATE 1/3/79	UNCLAS E F T O	PRIORITY
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FM DIRECTOR		
TO FBI SAN FRANCISCO PRIORITY		
BT		
UNCLAS E F T O		
RYMUR.		
BY TELETYPE JANUARY 3, 1979, AMERICAN EMBASSY GEORGETOWN, GUYANA, FURNISHED THE FOLLOWING INFO: (u)		
AT THE BEGINNING OF THE JAN 2 SESSION, DR. CYRIL LESLIE MOOTOO, THE GOVERNMENT OF GUYANA PATHOLOGIST, TESTIFIED. (u)		
MOOTOO RELATED HIS FINDINGS BASED ON POST MORTEM EXAMINATIONS OF CONGRESSMAN RYAN AND THE OTHER FOUR AMERICANS KILLED AT PORT KAITUMA. WHILE MOOTOO WAS DISCUSSING THE AUTOPSY OF DON HARRIS, DEFENSE COUNSEL KAI NARAIN SINGH OBJECTED THAT THE TESTIMONY WAS IRRELEVANT TO THE ONLY CHARGE LAID AGAINST LAYTON SO FAR, I.E., THE MRUDER OF CONGRESSMAN RYAN. (u)		
MAGISTRATE CHINTA OVERRULED SINGH'S OBJECTION, NOTING THAT AT THE BEGINNING OF THE INQUIRY THE PROSECUTOR SAID HE WOULD (u)		
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APPROVED BY M/J	DRAFTED BY JDC:PDH	DATE 1/3/79
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"LEAD" ALL THE EVIDENCE CONCERNING ALL OF THE KILLINGS AND  
ATTEMPTED MURDERS AT PORT KAITUMA ON NOV 18. THE DEFENSE,  
CHINTA CONTINUED, DID NOT OBJECT TO THE PROSECUTOR'S EXPRESSED  
INTENTION AT THAT TIME, AND THUS COULD NOT OBJECT AT THIS  
LATE STAGE. A POLICE DRAUGHTSWOMAN WHO DREW A MAP OF THE PORT  
KAITUMA AIRSTRIP ALSO TESTIFIED. BOTH MOOTOO AND THE POLICE-  
WOMAN WERE CROSS-EXAMINED BY THE DEFENSE. (u)

SINGH, IN MAKING THE DEFENSE'S "NO CASE" SUBMISSION TO  
THE COURT, CONTENDED THAT A PRIMA FACIE CASE HAD NOT BEEN  
MADE ON THE MURDER CHARGE. THERE WAS NO EVIDENCE, ACCORDING  
TO SINGH, TO SHOW THAT LAYTON SHOT RYAN, OR TO SHOW THAT LAYTON  
COMMITTED ANY ACT WHICH CAUSED THE CONGRESSMAN'S DEATH.  
FURTHERMORE, THERE WAS NO EVIDENCE INTRODUCED TO SHOW THAT  
LAYTON WAS PRESENT WHEN RYAN WAS SHOT. IN FACT, THE  
PROSECUTION'S EVIDENCE SHOWED THAT LAYTON WAS IN A PLANE, WITH  
ITS DOORS CLOSED, WHEN THE SHOOTING TOOK PLACE. THIS PLANE,  
ACCORDING TO THE TESTIMONY OF WITNESSES, WAS FROM 200 TO 400  
YARDS FROM THE POINT WHERE RYAN MET HIS DEATH. THERE WAS ALSO  
NO EVIDENCE, SINGH CONTINUED, TO SHOW THAT LAYTON HAD CONSPIRED  
WITH ANY ONE OR ACTED IN CONCERT WITH ANYONE TO KILL RYAN. THE

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(u)

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LAW REQUIRES THE EVIDENCE TO ESTABLISH SUCH A CONSPIRACY MUST  
BE UNEQUIVOCAL. IN THIS CASE, THE UNEQUIVOCAL TEST WAS CLEARLY  
NOT MET. (u)

NANDRAM KISSOON, IN HIS CONCLUDING STATEMENT, CONCEDED THAT  
THERE WAS NO EVIDENCE THAT LAYTON FIRED ANY SHOT AT RYAN.  
HOWEVER, KISSOON CONTINUED, A PRIMA FACIE CASE AGAINST THE  
ACCUSED COULD BE MADE. LAYTON WENT ON THE TRUCK FROM JONESTOWN  
TO PORT KAITUMA WITH THE OTHERS, AND SHORTLY BEFORE THE SHOOTING  
BEGAN, ACCORDING TO AN EYEWITNESS, RECEIVED A GUN FROM JOE  
WILSON. HE THEREFORE ACTED IN CONCERT WITH WILSON AND OTHERS.  
AFTER THE SHOOTING, LAYTON WAS SEEN APPROXIMATELY FIFTEEN FEET  
AWAY FROM THE FIVE DEAD BODIES. AND, ON NOV 22, THE ACCUSED  
MADE A STATEMENT, AFTER BEING DULY CAUTIONED BY THE POLICE, IN  
WHICH HE TOOK FULL RESPONSIBILITY FOR THE KILLINGS (REF A).  
THIS STATEMENT ALONE, KISSOON CONCLUDED, WAS ENOUGH TO ESTABLISH  
THE PRIMA FACIE CASE. (u)

MAGISTRATE CHINTA THEN STATED THAT BASED UPON ALL THE  
EVIDENCE, A PRIMA FACIE CASE HAD BEEN ESTABLISHED. LAYTON,  
SHE EXPLAINED, MAY NOT HAVE FIRED THE SHOT, BUT ENOUGH EVIDENCE  
HAD BEEN INTRODUCED TO SHOW THAT HE HAD BEEN "WORKING IN CONCERT" (u)

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WITH OTHERS." LAYTON THEN MADE A STATEMENT FROM THE DOCKET,  
DECLARING THAT HE WAS INNOCENT OF THE CHARGE, AND THAT HE DID  
NOT SHOOT AT, OR CONSPIRE WITH ANYONE TO SHOOT AT, CONGRESSMAN  
RYAN OR ANY OTHER PERSON. CHINTA THEN COMMITTED LAYTON TO  
TRIAL BEFORE THE NEXT SESSION OF THE HIGH COURT, WHICH BEGINS  
JAN 9, 1979. (u)

COMMENT: AS NOTED ABOVE, THE ONLY FORMAL CHARGE AGAINST  
LAYTON TO DATE IS FOR THE MURDER OF RYAN. HOWEVER, THE  
DIRECTOR OF PUBLIC PROSECUTIONS (DPP), BASED UPON HIS REVIEW  
OF THE DEPOSITIONS TAKEN DURING THE INQUIRY, HAS THE POWER TO  
FILE ADDITIONAL CHARGES AGAINST LAYTON. CONCEIVABLY, LAYTON  
COULD ALSO BE INDICTED FOR THE MURDERS OF DON HARRIS, GREG  
ROBINSON, BOB BROWN, AND PATRICIA PARKS, AND FOR THE ATTEMPTED  
MURDERS OF VERN GOSNEY, MONICA BAGBY, AND DALE PARKS. AT THE  
SAME TIME, THE DPP HAS THE POWER TO DECIDE NOT TO PROSECUTE  
LAYTON, EVEN ON THE CHARGE OF MURDERING RYAN, IF THE DPP FEELS  
THE EVIDENCE IS NOT STRONG ENOUGH. KISSOON, HOWEVER, INFORMED  
EMBOFF AFTER YESTERDAY'S SESSION THAT THERE IS VIRTUALLY NO  
CHANCE THAT LAYTON WILL HAVE THE CHARGE AGAINST HIM DISMISSED  
BEFORE GOING TO TRIAL. (u)

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THE EXACT DATE THE TRIAL WILL BEGIN IS UNCERTAIN. ONE OF  
THE DEFENSE COUNSELS INFORMED EMBOFF THAT IT IS HIGHLY UNLIKELY  
THAT THE GOG CAN COMPLETE ALL OF THE REQUIRED PAPERWORK BEFORE  
JAN 9. IN ADDITION, THE DATE OF THE TRIAL MUST APPEAR IN THE  
OFFICIAL GAZETTE AT LEAST ONE WEEK IN ADVANCE. THUS THE TRIAL  
WILL PROBABLY BEGIN SEVERAL WEEKS INTO THE SESSION, WHICH  
RUNS UNTIL APRIL 1979. END COMMENT. (u)

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