

THE EASTERN CARIBBEAN SUPREME COURT
ANTIGUA AND BARBUDA

IN THE HIGH COURT OF JUSTICE

CLAIM NO. ANUHCR2025/0057

BEWTEEN:

THE KING
AND
ROCKELL BROWNE

Appearances:

Mr. Curtis Cornelius, Crown Counsel for the Prosecution

Mr. Wendel Alexander, Counsel for the Defendant

2026: July 13th, 14th, 15th

DECISION

Background

- [1] **SPENCER, J.:** Ms. Browne (“the defendant”) has been charged with one count of wounding with intent. The particulars being that on 20th December 2022, at the Antigua and Barbuda Transport Board, she unlawfully and maliciously wounded Zanique Dennie (“the complainant”) with intent to do her grievous bodily harm.
- [2] The trial was a judge alone trial under the jurisdiction of the Criminal Proceedings (Trial by Judge Alone) Act, 2021. The charge on the indictment was mandated for trial before a single judge. As with all such trials, the judge is the finder of all facts and the

finder of the law. Many of the directions used in a jury trial are also used by the judge in a judge alone trial.

Elements of the Offence

[3] Section 20 of the Offences Against Person Act states:

“Whosoever unlawfully and maliciously, by any means whatsoever, wounds, or causes any grievous bodily harm to any person, or shoots at any person, or by drawing wounding with intent a trigger, or in any other manner, attempts to discharge any kind of loaded arms at any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with the intent to resist, or prevent the lawful apprehension, or detainer, of any person, is guilty of felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fifteen years, with or without hard labour.”

[4] The prosecution allege that Ms. Browne intentionally unlawfully wounded Ms. Dennie using a pair of scissors on 20th December 2022 with intent to cause her grievous bodily harm.

[5] A person is guilty of wounding with intent if they intentionally or recklessly use unlawful force upon another person with the intention of causing grievous bodily harm and with the result that they wound the other person.

[6] The prosecution must prove that Ms. Browne used force against Ms. Dennie. If I conclude that she did not, I must find her not guilty.

- [7] If I find that she did use force, the prosecution must make me sure that she used this force intentionally. If I conclude that she did not intend to use force, I must find her not guilty.
- [8] The prosecution must also prove that the use of force was unlawful. The prosecution says that the force was unlawful as the wounding with the scissors was part of an assault by Ms. Browne against Ms. Dennie. The prosecution case is that Ms. Hector simply tried to stop Ms. Browne from assaulting Ms. Dennie, by pulling her away.
- [9] Ms. Browne contends that any force was lawful self-defence to protect herself from attack by Ms. Dennie and Ms. Hector. If I conclude that the force was, or may have been, limited to only reasonable force to protect herself from attack, the force would not be unlawful, and I must find Ms. Browne not guilty.
- [10] The prosecution must also prove that Ms. Browne's force caused a wound to Ms. Dennie. If this element is not proved to the relevant standard, I must find Ms. Browne not guilty.
- [11] The prosecution must then also prove that Ms. Browne intended to cause grievous bodily harm to Ms. Dennie. The prosecution does not have to prove that Ms. Browne had formed that intention in advance of the incident.
- [12] Grievous bodily harm means really serious injury. There is no legal definition for "*really serious injury*". It does not have to be life threatening but must be an injury which I regard as really serious.
- [13] It is accepted that Ms. Dennie's wounds amount to really serious injury, but the prosecution must prove that Ms. Browne intended to cause really serious injury at the time that she inflicted unlawful force upon her.
- [14] If I find that Ms. Browne caused the wounds I would then go on to consider the issue of intention. To decide what Ms. Browne's intention was I can consider what she did

and said before, at the time of and after the incident, and then draw conclusions from my findings. I must then decide, in the light of my findings, what Ms. Browne's intention was when she caused the wounds.

Alternative Verdict

- [15] The prosecution and defence agree that a possible alternative verdict in this matter is one of unlawful wounding, contrary to section 22 of the Offences Against the Person Act.

Burden and Standard of Proof

- [16] The prosecution must prove Ms. Browne is guilty. She does not have to prove anything. She does not have to prove that she is innocent.
- [17] The prosecution will only succeed in proving the allegation if I am sure of Ms. Browne's guilt.
- [18] If, after considering all of the evidence, I am sure that Ms. Browne is guilty, my verdict must be "guilty."
- [19] If I am not sure she is guilty, my verdict must be "not guilty."

Self-defence

- [20] Once an issue of self-defence is raised, it is for the prosecution to disprove.
- [21] It is for the prosecution to make me sure that Ms. Browne was the aggressor and was not acting in lawful self-defence.
- [22] If Ms. Browne was, or may have been, acting in lawful self-defence she is not guilty.

- [23] I have reminded myself of the law relating to **self-defence** and in particular refreshed my memory as to the classic pronouncement made by the Privy Council in [*Palmer v R.* \[1971\] A.C. 814.](#)
- [24] There are two aspects of the defence:
- i. A belief that there is a need to use force; and
 - ii. The use of no more than reasonable force in the circumstances as Ms. Browne believed them to be.
- [25] The law of self-defence is really just common sense. If someone is or believes they are under attack or believes they are about to be attacked, they are entitled to defend themselves. The Privy Council in the case of Palmer stated, “... *it will be recognised that a person defending himself cannot weigh to a nicety the exact measure of his defensive action. If the jury thought that in a moment of unexpected anguish a person attacked had only done what he honestly and instinctively thought necessary, that would be the most potent evidence that only reasonable defensive action had been taken. ...*”
- [26] I also take into account the following text that has been obtained from Archbold 2026 at paragraph 19-47:
- “There is no rule of law that a man must wait until he is struck before striking in **self-defence**. If another strikes at him he is entitled to get his blow in first if it is reasonably necessary so to do in **self-defence**: [*Deana \(1909\) 2 Cr. App. R. 75, CCA.*](#) Similarly, the mere fact that the defendant was the initial aggressor does not of itself render **self-defence** unavailable as a **defence** to what he does in any ensuing violence: [*Harvey \[2009\] EWCA Crim 469.*](#)”*
- [27] The defence case is that Ms. Browne struck Ms. Dennie because she was being attacked by Ms. Dennie and Ms. Hector and therefore believed that she needed to defend herself. Ms. Browne does not accept using the scissors to cause the wounds,

but Mr. Alexander submitted that if I find against her on this issue, I should consider if the force that I found was used, amounted to reasonable self-defence.

[28] If I am sure that Ms. Brown was the aggressor and did not believe that she was under attack, or threat of attack, then self-defence does not arise. This means that, subject to the other elements of the offence being proved, my verdict will be guilty.

[29] If, however, I decide that Ms. Browne believed, or may have believed, that she was under attack or about to be attacked, and I decide that the force she used was reasonable on the facts as she believed them to be, then the prosecution will not have proved that Ms. Browne was acting unlawfully and my verdict must be not guilty.

Facts that are agreed between the Prosecution and Ms. Browne

[30] It is agreed that both the defendant and the complainant were employees at the Transport Board. They were both working on 20th December 2022 and were involved in an incident together on that date.

Facts that are disputed between the Prosecution and Ms. Browne

[31] The prosecution's case is that Ms. Browne assaulted Ms. Dennie and Ms. Dennie attempted to defend herself. Ms. Hector (who was also an employee at the Transport Board) witnessed this and attempted to defend Ms. Dennie by pulling Ms. Browne away. During her assault on Ms. Dennie, Ms. Browne picked up a pair of scissors from a nearby desk and used these to wound Ms. Dennie. She caused three wounds to Ms. Dennie, one to her left wrist, one to her left forearm and another to her left arm in front of the elbow.

[32] Ms. Browne's case is that she was assaulted by Ms. Dennie and Ms. Hector. As she was being attacked by two people, she defended herself. She did not pick up the scissors and is unaware as to how Ms. Dennie sustained the wounds. Ms. Browne sustained injuries as a result of being assaulted, which consisted of a swollen eye, a broken nail and scratches to her arm and neck.

Summary of evidence

- [33] I include a brief summary of the evidence provided by the witnesses. The court transcript should be obtained if a more complete version of the witness' account is required.
- [34] The prosecution first adduced the CCTV that shows many employees clocking off for work and Ms. Dennie and Ms. Brown meeting each other in the doorway to the office. Ms. Browne was exiting the office and Ms. Dennie was entering. It does not show the main part of the incident as the defendant and the complainant both move out of shot after they meet in the doorway to the office.
- [35] The first live witness was Ms. Dennie. She alleged that Ms. Browne had purposely brushed into her on three previous occasions to the day in question. She did not know why she had done this and did not report this behaviour to anybody. She clocked out at 4:30pm on the 20th December 2022 and then went into her supervisor's (Ms. Payne's) office to obtain her bag. As she approached the office, she shouted out to her friend and when she turned around to go into the office she met Ms. Browne who was exiting the room. Ms. Dennie then alleges that she slanted to the side so they could both fit through the doorway, but she was bumped into by Ms. Browne. Ms. Browne then stated words along the lines of "Wa ar you go do look me ya ar you go gang bang me in ya," Ms. Browne then pushed her into the cabinet and her back hit the light switch, which turned off the light. They were then both pulling each other's hair and they moved towards Ms. Payne's desk. Ms. Browne then picked up a pair of scissors and started to swing her hands towards her. Other colleagues then tried to take the scissors away from her and pull her out of the room.
- [36] As Ms. Browne was taken out of the room she was threatening to kill Ms. Dennie, Ms. Hector and Ms. Benjamin. As a result of the assault, she sustained three wounds to her left arm. She accepted that upon returning to work she was involved in a meeting with HR, the manager Mr. Jarvis and Assistant Police Commissioner Cuffy and was subsequently suspended. She stated that Ms. Hector was her best friend and they were involved in an intimate relationship.
- [37] Ms. Hector provided evidence that was mainly consistent with Ms. Dennie apart from she did not accept that they were in an intimate relationship. She denied that she

assaulted Ms. Browne and stated she was only pulling her off Ms. Dennie. She also saw Ms. Browne pick up the scissors and swing her hands. Ms. Hector sustained an injury to her hand and her uniform was torn a result of the incident. Ms. Hector accepted that she was angry after the incident but denied assaulting Ms. Browne in any way.

[38] Dr. Naffouj examined Ms. Dennie the same day and identified 3 wounds to her left arm. Two required stiches but the one in the middle only required steri-strips.

[39] The incident occurred in Ms. Payne's office, who also provided oral evidence. She described the layout of the room and explained that the scissors were on the ground after the incident and she handed these to Corporal Henry the next day. She did not wear gloves when she passed them to the officer. Ms. Payne stated that Ms. Browne had not previously complained to her about Ms. Dennie.

[40] Mrs. Rose-Brown then provided evidence and explained that both Ms. Dennie and Ms. Browne are co-workers, but she is not friends with either of them. Although she explained that Ms. Dennie and Ms. Browne used to be friends, this ceased and Ms. Browne would make derogatory comments about Ms. Dennie, which others could hear. Mrs. Rose-Brown witnessed part of the incident, and saw Ms. Browne grab the scissors and swing them back and forth. She also witnessed Ms. Hector trying to part them but stated Ms. Hector was not fighting. Mrs. Rose-Brown heard Ms. Browne shouting threats towards others after the incident. Ms. Hector was outside cursing after the incident, but she could not hear what she said.

[41] Sergeant Brown provided evidence. He witnessed Ms. Browne's interview and was not aware of any involvement by Assistant Police Commissioner Coffey.

[42] Corporal Henry was the investigating officer. He attended at the scene on the day of the incident and saw blood on the floor, he asked the accused what she used to inflict the wound on Ms. Dennie, to which she replied, "The scissors, and must have got kicked under the table during the fight."

- [43] He looked for the scissors but could not locate them and his colleague, Corporal Lewis, took photos of the scene. Corporal Henry seized the scissors from Mrs. Rose-Brown the following day, which by that time, were in the pen container on her desk. He accepted that many statements were taken after Ms. Browne was charged on 16th April 2023 and explained that this was as the investigation was still ongoing. He was promoted after the incident but continued to investigate the case. He made several unsuccessful attempts to contact Ms. Browne, and this added to the delay in completing the investigation.
- [44] In cross-examination he stated that he did make notes when he attended at the scene, but these were not in his pocket notebook. He also accepted that he knew where Ms. Browne worked but did not go there to speak to her in order to continue the investigation. He denied that he had “beef” with Ms. Browne and stated that Corporal Lewis took photos of the office and Ms. Browne’s face.
- [45] Sergeant Simmons attended at the Transport Board on the 20th December 2022 with Corporal Henry. He heard Corporal Henry caution Ms. Browne and then heard Ms. Browne state that she stabbed Ms. Dennie with the scissors when she and Lakisha were beating her. He did not make a note of this in his pocket notebook but could remember her saying this when he prepared his statement on 11th August 2023.
- [46] Ms. Benjamin saw the fight but did not get involved as she had just had her hair braided and her nails done. She did hear Ms. Browne shout after “e’nar don so dem gang me and blood a go shed cause e’nar go dong so”. She understands that “gang me” means jumps me. She was not aware of any allegation of a missing watch and did not hear Ms. Browne shouting “they took my watch, they took my watch”
- [47] Ms Browne opted to provide sworn evidence. She stated that when she was transferred to the position of cashier some people started having a problem with her at work. Ms. Dennie had previously barged into her and she had reported this to three separate people, one of which was Ms. Payne. She explained that although she slanted to the side as she walked through the doorway so Ms. Dennie could also fit through, Ms. Dennie did not and they became stuck. She then asked her what her problem was and Ms. Dennie became aggressive and slapped her. She then hit her

back, and they began to scuffle by pushing and pulling at each other. Ms. Hector, who is Ms. Dennie's spouse, then pulled her by the weave that she was wearing and they were then all fighting and struggling with the object that Ms. Dennie had in her hand. As it was dark she could not see what this item was. She did not use any scissors to purposely cause the wounds. After the incident Ms. Hector went to the car park and then tried to re-enter the building but was stopped by co-workers. Ms. Browne lost her watch during the incident, and she was informed that this had been returned to HR but she has not retrieved this. She waited for the police to arrive and showed them her injuries.

[48] Ms. Browne denied saying to Corporal Henry that she used the scissors on Ms. Dennie but did say they gang me to the police. She was not deliberately avoiding the police and attended when she was asked. There was a delay in the doctor completing her medical injuries form as he went on vacation and she had to wait for a scan.

[49] Ms. Browne stated that the witnesses are lying when they say she caused the wounds by using the scissors, the police are lying about her stating that she used the scissors to them and she did inform Ms. Payne about Ms. Dennie barging into her on previous occasions.

[50] Ms. Joseph was called for the defence. She was working at the Transport Board and saw some of the incident but stated that she cannot fully remember everything. She heard shouting and looked into the office through the peep hole. The light was off in the office, and she could see somebody braced up against the wall and Ms. Browne was looking down with her hands behind her. As it was dark she could not see clearly. She shouted to get Ms. Browne out of there as she is not like in the office. In cross-examination she confirmed that she did not see how Ms. Dennie sustained the wounds.

Findings of Fact and Reasons

[51] I find that I can rely upon Ms. Dennie's account in this matter. I find that she provided credible and reliable evidence that was also supported by the CCTV, Ms. Hector and Mrs. Rose-Brown. I find that Ms. Dennie's, Ms. Hector's and Ms. Rose-Brown's

evidence in relation to the defendant grabbing the scissors is also supported by the police officers accounts, when they stated that Ms. Browne informed Corporal Henry that she used the scissors during the fight.

[52] The police officers did not make a note of this comment by Ms. Browne in their pocket notebooks, which slightly affects the reliability of their evidence. They both however independently stated that Ms. Browne stated this and I have no reason to believe that they have corroborated together in an attempt to bolster the prosecution case. Neither of them knew Ms. Browne prior to this incident and I find that I can rely upon their sworn evidence. The officers prepared their statements on 10th June 2023 and 11th August 2023, but I note that this was put to Ms. Browne at question 32 of the interview, which was conducted on 16th April 2023, which is obviously a lot closer to the day of the incident.

[53] I find that I can also rely upon Ms. Hector's evidence. I find that the fact that she did not accept that she was involved in an intimate relationship with Ms. Dennie is contradictory to Ms. Dennie's evidence. I find however that this is not a material inconsistency. She stated that they were best friends, and when considering the issues in this case I find that it makes very little difference if they were simply best friends or involved in an intimate relationship. There are many reasons why a person may not accept the full extent of a relationship and despite her doing this whilst providing sworn evidence, I find that I can still rely upon her account in relation to the actual incident.

[54] I find that Mrs. Rose-Brown was an independent witness in this case. She was not friends with either the complainant or the defendant and I find that I can fully rely upon her evidence. I accept that she saw Ms. Browne grab the scissors and swing them back and forth during the altercation with Ms. Dennie.

[55] I find that Ms. Browne provided a broadly consistent account in her police statement, her interview and oral testimony. However, her account of the doorway meeting is contradicted by the CCTV and this seriously undermines her credibility. I find that the

CCTV shows that she did not slant her body when she exited the office in an attempt to enable Ms. Dennie to enter whilst she was exiting.

[56] I also find that Ms. Browne's account was contradicted by Mrs. Rose-Brown even though she accepted that Mrs. Rose-Brown had no issues with her. Mrs. Rose-Brown clearly saw Ms. Browne grab the scissors and swing them back and forth during the altercation, which is contrary to Ms. Browne's account.

[57] Ms. Browne stated on oath that her and Ms. Payne were friends, however her comment about complaining to Ms. Payne about Ms. Dennie's behaviour before the day in question was contradicted by Ms. Payne.

[58] I therefore find that Ms. Browne's account is severely contradicted by other reliable evidence to the extent that I am unable to attach any weight to her evidence.

[59] Ms. Joseph accepted that she cannot fully remember the incident and it is clear from her account that she only saw the latter part of the altercation. Due to her positioning and the fact that the lights were off in the office she was unable to see clearly. She also accepted that she did not see how Ms. Dennie sustained the wounds. She did state that Ms. Browne is not well liked by others at that branch of the Transport Board but did not add any further information in relation to this. I therefore find that her evidence adds very little in relation to the issues in dispute.

[60] I find that Ms. Dennie, Ms. Hector and Ms. Browne were all suspended by the Transport Board after the incident, but this does not assist me in determining the facts of the case. I find that it is sometimes normal practice for people that are involved in a disciplinary matter to be suspended whilst the case is investigated. I am in no way bound by this course of action.

[61] I find that Assistant Police Commissioner Coffey was present in some meetings after the incident but again this does not assist me in determining this case. The disciplinary investigation, and any involvement by Assistant Police Commissioner Coffey, have

not affected the reliability or credibility of the prosecution witnesses. I find that I am able to rely upon Corporal Henry's evidence and I am sure that he was not contacted by the Assistant Commissioner in relation to this case.

[62] I also find that although the case may not have been investigated in the most efficient manner possible, this does not affect the reliability of the prosecution witnesses or create any unfairness towards Ms. Browne.

[63] Unfortunately, no photograph exhibits were adduced by the prosecution during the trial despite Corporal Lewis attending at the Transport Board and taking photos on the day of the incident. Photographs would have been helpful in this case but again the fact that they were not adduced, does not affect the reliability of the prosecution witnesses or create any unfairness towards Ms. Browne. I note that Corporal Lewis took photographs of Ms. Browne's face, which indicates that she sustained some injury to that area. However, I find that she could have sustained such an injury on both the prosecution and defence version of events. This therefore does not assist me in determining the facts in this matter.

[64] I am therefore able to rely upon the evidence of Ms. Dennie, Ms. Hector, Mrs. Rose-Brown, Ms. Payne, Sergeant Simmons and Corporal Henry. There is no reliable evidence that undermines their accounts in relation to the actual incident.

[65] I find that the prosecution has proved, so that I am sure, that Ms. Browne used force against Ms. Dennie and that she did this intentionally. I am sure that this force was unlawful. Ms. Browne was not acting in self-defence at any point during the altercation. I find that she was the aggressor throughout the entire incident.

[66] I find that part of this unlawful force included Ms. Browne grabbing the scissors off the desk and causing the wounds to Ms. Dennie's left arm. Although none of the witnesses actually saw the wounds caused to Ms. Browne, I am able to infer that it was her that caused them. She was the only person holding onto the scissors. She was swinging them back and forth during the incident in an aggressive manner and immediately after the altercation, Ms. Dennie noticed the wounds.

[67] I find that Ms. Browne was aggressive towards Ms. Dennie in the doorway, initially by deliberately barging into her, and then by saying an aggressive comment towards her.

I then find that she followed this comment up by assaulting Ms. Dennie. She pushed her hard against the filing cabinet and into the wall so that the lights were switched off. Ms. Browne then acted very aggressively during the assault and after grabbing the scissors, swung them in the direction of Ms. Dennie. She then also made aggressive threats when she was pulled off the complainant. The oral evidence and the CCTV substantiate, to the necessary standard, that the defendant had to be physically restrained by other colleagues after the altercation, as she attempted (on at least two occasions) to return to where Ms. Dennie and Ms. Hector were. As a result of these findings, I find that the prosecution has proved, so that I am sure, that Ms. Browne intended to cause Ms. Dennie grievous bodily harm when she stabbed her on at least three separate occasions.

[68] Mr. Alexander invited me to consider that even if I did find against Ms. Browne as to who actually caused the wounds, to consider whether Ms. Browne was acting in self-defence at the time. As I have stated above, I do not find that Ms. Browne was acting in self-defence at any point during this incident. I find that she was the aggressor throughout the entire incident. She did not believe at any point that she was under attack and in no way had to defend herself.

[69] I therefore find Ms. Browne guilty of the offence of wounding with intent.

John Spencer
High Court Judge

By the Court

Registrar