

**IN THE GRAND COURT OF THE CAYMAN ISLANDS  
CRIMINAL DIVISION**



**Neutral Citation Number: [2025] CIGC (Crim) 36**

**Case Number: IND. 59 of 2025**

**THE KING**

**V**

**ROMELL AUGUSTINE MILLWOOD**

**Appearances:**           **Mr. Ben Brown, Counsel for the Prosecution**  
                                  **Mr. Crister Brady, Counsel for the Defence**

**Before:**                   **Hon. Justice Emma Peters**

**Hearing:**                 **26<sup>th</sup> August 2025**

**Decision:**               **28<sup>th</sup> August 2025**

**VERDICT RULING**

**Background**

1. On Tuesday 26<sup>th</sup> August 2025 sitting alone, I heard the trial of Romell Millwood. Having had the opportunity to carefully consider the case over the past 48 hours, I hereby return my verdict which is that I find the defendant guilty of Count One - Wounding with intent. That being so there is no verdict required to be returned on Count Two, the alternative charge. Let me give my reasons that have led to that verdict.



## **The Indictment**

2. The Indictment in this case contains two counts which are in the alternative.
3. Count One alleges Wounding with Intent to Cause Grievous Bodily Harm, contrary to section 203 of the Penal Code (2022 Revision) in that the defendant on the 19<sup>th</sup> April 2023 on Seven Mile Beach (SMB) is alleged to have unlawfully and maliciously wounded Marco Barrington Green (MBG) with intent to cause him grievous bodily harm (GBH). Count Two (the alternative count) is of Unlawful Wounding, contrary to section 204 of the same Code.

## **The Defendant's Election**

4. The Defendant elected trial by Judge alone pursuant to Section 129 of the Criminal Procedure Code and I satisfied myself at the outset of the trial that the defendant had been advised about his options and had chosen to elect a Judge only trial. I was handed a copy of that election form signed by the defendant and Mr. Brady who confirmed that the defendant had been advised as to his rights in that regard.

## **The law in relation to Judge only trials**

5. The Cayman Islands Court of Appeal (CICA) has given some guidance on the duties of a Judge in a Judge Alone trial. In *Richards v R*, 2001 CILR 496 Rowe JA stated:

*“When a trial judge sitting alone has advised himself to the applicable principles of law, and given himself any necessary warning, he must indicate clearly in his judgment his reasons for acting as he did in order to demonstrate that he has acted with the requisite degree of caution in mind and has therefore heeded his own warning. No specific form of words is necessary for this demonstration, what is necessary is that the Judge’s mind upon the matter should be clearly revealed.”*



6. In *Randy Martin v R*, CICA Crim. Appeal No. 2/2010 (Ind. 27/2009), Mottley JA stated as follows:

*“A judge sitting in a criminal case without a jury, in rendering his decision and giving his reasons for so concluding is not required to review every fact and to detail each argument on which the prosecution and defence rely as if he were summing up to a jury. The judge must set out the conclusion reached and make clear the reasons for arriving at that conclusion. He is required to have regard to any difficult or unusual points of law and to show how those points of law has in any way impacted the conclusion that he has reached.”*

7. Mottley J.A. further adopting *R v. Thompson* and adopting *R v. Thain* where Lowry LCJ said at page 478:

*“Where the trial is conducted and the factual conclusions are reached by the same person, one need not expect every step in the reasoning to be spelled out expressly, nor is the reasoning carried out in sealed compartments with no inter-communication or overlapping, even if the need to arrange a judgment in a logical order may give that impression. It can safely be inferred that, when deliberating on a question of fact with many aspects, even more certainly than when tackling a series of connected legal points, a judge who is himself the tribunal of fact will (a) recognize the issues and (b) view in its entirety a case where one issue is interwoven with another.”*

8. In the case of *Dioncicio Salazar v The Queen* [2019] CCJ 15 the Caribbean Court of Justice (CCJ) also quoted, with approval, from the judgment of the Court of Appeal in Northern Ireland in *R v Thompson* [1977] NI 74, in which it was said of the duty of a judge sitting alone in a bench trial:

*“He has no jury to charge and therefore will not err if he does not state every relevant legal proposition and review every fact and argument on either side. His duty is not as in a jury trial to instruct laymen as to every relevant aspect of the law or to give (perhaps at the end of a long trial) a full and balanced picture of the facts for decision by others. His task is to reach conclusions and give reasons to support his view and, preferably, to notice any difficult or unusual points of law in order that if there is an appeal it can be seen how his view of the law informs his approach to the facts.”*

9. The CCJ continued:

*“Equally, a judge sitting alone and without a jury is under no duty to “instruct”, “direct” or “remind” him or herself concerning every legal*



*principle or the handling of evidence. This is in fact language that belongs to a jury trial (with lay jurors) and not to a bench trial before a professional judge where the procedural dynamics are quite different (although certainly not similar to those of an inquisitorial or continental bench trial)."*

### **Burden and Standard of Proof**

10. As in all criminal trials, the burden is on the Crown to prove beyond a reasonable doubt that the Defendant committed the offence for which he is on trial. Unless I am satisfied so that I am sure of his guilt on a particular charge, I must find the defendant not guilty.
11. There is no burden on the Defendant to prove that he is innocent or to explain the evidence offered by the prosecution.
12. I will address my mind to the important or prominent aspects of the evidence in deciding the critical issues in this case. I will not decide every single point that has been raised, only such matters that will enable me to determine whether the charges on the indictment have been proved.
13. I will have regard to the whole of the evidence that has been presented at trial and form my own judgment about that evidence. The questions of fact at issue in this trial are for me to determine.
14. If having considered all the evidence, I have a reasonable doubt as to whether the Defendant is guilty or not of the charge I am considering, I must resolve that doubt in favour of the Defendant and find him not guilty of the offence for which he is charged.
15. On the other hand, if, having considered the evidence, I am satisfied so that I am sure of the guilt of the Defendant, then it will be equally my duty to find him guilty as charged.

### **The Relevant Law**

16. Section 203 of the Penal Code (2022 Revision) states:

*"A person who, unlawfully and maliciously, by any means, wounds or causes grievous bodily harm to a person with intent to do grievous bodily harm to any*



*person or with intent to resist or prevent the lawful apprehension or detainer of any person, commits an offence and is liable on conviction to imprisonment for life.”*

17. Section 204 of the Penal Code (2022 Revision) (the alternative charge) states:

*“A person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, commits an offence and is liable on conviction to imprisonment for seven years.”*

18. The Crown must satisfy me so that I am sure of the following:

- (i) The Defendant wounded MBG
- (ii) The Defendant did so unlawfully
- (iii) The Defendant did so with the intention of causing MBG grievous bodily harm

19. If I am sure of all three of those elements, then I should convict the defendant of count one. If I am sure of elements one and two but not sure of element three then I should find him not guilty of count one but guilty of count two (the alternative). If I am unsure of either or both of elements one and/or two then I should acquit him on both counts.

20. I note that there is no dispute that MBG was in fact wounded that day. The central issue in this case is therefore one of identification and whether I can be sure that the complainant is correct when he purports to identify the defendant as his attacker. I shall return to that central issue in due course, but I shall have it in mind throughout my consideration of this case.

### **The Prosecution Evidence**

21. The only live witness for the Prosecution was the Complainant, Marco Barrington Green (MBG) who has, since this incident, returned to Jamaica. He gave evidence by live link as had been previously ordered. The link was of very good quality and enabled me to assess the witness fully.



22. His evidence concerned how it was and at whose hands he had suffered wounds to his back, shoulder and face on the 19<sup>th</sup> April 2023. In his evidence on oath, he stated that as at April 2023 he was not working but was “just hustling on the beach... helping a friend to sell refreshments on Seven Mile Beach”. I have extracted parts of his evidence as below. I do not purport to produce a verbatim account, nor have I included my entire note.

23. He stated:

*“I was on the beach on that day. I arrived onto first cabana where the rest rooms are at about 10am. I went there with Sharn Smith who was a friend of mine. I had refreshments with me; sodas and juice and water and I had some jerk chicken. I started to set up and then started to try to sell.”*

24. He explained that he was selling to a tourist who said his money was on his chair. The complainant let the tourist have the soda and said he would come and get the money from him but that as he was going to collect the money he heard someone yelling. He said that “It was Romell”:

*“I didn’t pay him no mind. I heard someone yelling and saying something but I wasn’t paying much attention and I was just focusing on getting my stuff to sell. At that time I couldn’t hear because there was a lot of noise so I went towards the tourist to collect the money and his wife ordered another one – another juice. And there was Romell.”*

25. Of the defendant, Romell Millwood, MBG said:

*“I knew him for a while from the beach. I used to see him when I was living in West Bay so for a couple of years I would see him every day. I didn’t know him well. He wasn’t a friend. He was just someone who would pass by and we would show each other respect.*

*I interacted with Romell first when he took my bag away.... I had already given the tourist the refreshment to go to his chair. I said Romell give me back my bag, I don’t want no trouble. He took my bag when I was first talking to the tourist right in front of the tourist guy... ..I was walking towards other tourists and he took my bag and said we don’t want no Jamaicans up this side selling and I said I didn’t know that, that’s the first time I have heard that and I don’t normally come this side every day.*

*I told him that I didn’t want no trouble and then he gave me back my bag. Then I walked towards the tourist to collect the money..... Then the wife asked for another juice and there was Romell. He was about 25ft away. He was making*



*noise and I couldn't hear what he was saying because there was a lot of noise. He was shouting and making noise.*

*I was thinking we had just had an altercation so maybe it was me but I didn't think he would come and do what he did because he had already seen I was dealing with peace.*

*After Romell made the noise, whilst I was collecting the money from the tourist guy and his wife ordered another refreshment, he came and took my bag and threw it in the sea. The same bag he had given me back. He said I must get gun shot in my face. I didn't say anything in response to that. As he said that I was just about the peace and selling my goods.*

*When he said that he was very up close right up in my face up to one foot away. After he said that I already give the lady so I was collecting so whilst I was collecting that's when I felt the first stab in my back. I felt that on my middle of my lower back but right side of my back....it was like a sting .....That's when I turned round and got this one on my left arm. When I was first stabbed I was facing the tourist and Romell was behind me.*

*That's when I felt the sting to lower back. It was 10 out of 10 painful. I turned round And I saw Romell had a camouflage knife slashing again. It was a folding pocket knife... the blade was maybe 6 inch and the handle 6 inch. It was very sharp blade.....Then I got another stab as I turned round. As soon as I turned round he slashed on my left shoulder on my muscle. It happened very fast – as I turned after first one I got this one. It was a slash.*

*At that point I tried to grab his arm but I got this one (the witness pointed to the left side of his face). I had a scarf thing on my face so that maybe why the cut stopped here but it went to my ear. That happened after I tried to hold his hand.*

*I was already weak by the amount of blood I was losing and I didn't even know the amount of blood I was losing at that time. So after the injury to the face I headed to the sea. I got there and I dived off and he was chasing me and then he turned back.*

*I was just trying to get him to stop chasing me and if the sea water to help to revive me because I was already feeling weak. I ran on the beach back towards the cabana where I was set up. When I got there I saw my friend and I explained that I got hurt and he took me to the hospital in (my car) and he drove – I couldn't drive.”*

26. The complainant went on to explain the treatment he received at hospital and the impact the incident and his injuries had had on his life. He identified Exhibit A as being the photographs taken at hospital of some of his injuries (not the injury to his back).



27. He then confirmed that he had taken part in an identification procedure on the 24<sup>th</sup> April and that the person he had identified was “A million per cent the person who attacked me”.
28. In cross-examination he accepted that his selling activities on the beach were not legal and that he had previously been formally warned against such activities but that he had returned that day as he had bills to pay.
29. Mr. Brady suggested to MBG that as well as refreshments he (and also Sharn Smith) were also selling ganja on the beach and he denied that suggestion. He denied that there was a turf war and said that he had no “beef” with anyone. He said that he didn’t have a problem with anyone on the beach. He agreed that he knew some of the other sellers on the beach.
30. Whilst he was unsure as to the distance between where he was stabbed and the cabana where he had set up, he agreed that after being stabbed he had returned to that cabana to find Sharn Smith and accepted that he had passed many other people on the way but said they were tourists, and he didn’t notice any locals. He denied knowing someone called Thurston Smith. During the journey to hospital, he said he didn’t know how badly injured he was.

*“I only knew I wanted to get to the hospital at that time. I didn’t even know at the time whether I would live or die. I don’t know how long the journey took. ....I was in and out of consciousness on the way to the hospital. When I saw Sharn Smith he would have asked me what happened, but I got hurt – it wasn’t no explanation apart from go to the hospital. I don’t remember if Sharn asked me who injured me. All I said was I was weak and wanted to go to hospital. I think I told him who injured me.”*

31. Mr. Brady put to MBG that he had not told Sharn Smith who had injured him on the way to hospital. MBG said that he thought that he told him at some point, but he didn’t remember when. Mr. Brady suggested then and again at the end of his cross examination that the reason he hadn’t told Smith who had stabbed him on the way to the hospital is that at that stage MBG didn’t know who had stabbed him to which MBG said:

*“What? I know who stabbed me and its Romell Millwood – I know who stabbed me and I had to tell Sharn at some point – I was in and out of consciousness, but I know I told him at some point. It’s wrong that I didn’t tell him until I got out of hospital.”*



32. In response to Mr. Brady suggesting that by the time he left hospital MBG had been given a name the complainant responded:

*“I don’t know what you talking about. Millwood injured me and almost took my life. I know Romell and I see him around and I see him at West Bay and at the beach. I nearly lose my life and you are trying to tell me that I don’t know who hurt me – come on.”*

33. To Mr. Brady’s suggestion that the incident had started with others on the beach MBG again denied the suggestion and in response to the suggestion that the complainant only knew the defendant from that group the complainant said:

*“Romell Millwood is the person who injured me and I know it is Romell Millwood who injured me and I will never forget that day in my entire life.”*

34. The Crown also read (with the agreement of the defence) a number of other statements as follows:

a. Sharn Anthony Smith (SAS)

35. This witness described himself as a friend of MBG who sometimes worked with him selling on the beach. He said there were Caymanians who did this activity too. SAS said that on the day of the incident he had seen a man he knew as Thurston who had said to him that “watch what going to happen I going to make an example today”. SAS said that when Thurston had made that outburst MBG was going out deeper on the beach area. 35 minutes later he saw MBG walking towards him covered in blood.
36. SAS said he asked MBG who had done that to him to which MBG had responded that he felt weak and to take him to hospital. SAS had stayed at hospital waiting for MBG for the next few hours and then took him home at which time, “Marco told me that it was a guy on the beach named Rommel who had used a knife to cut and stabbed him while his back was turned to him”.
37. SAS said that he had seen Romell before and that Romell was always on the beach selling water and beverages. Of Romell he said, “I remember about a week ago he told me he was going to set an example and yesterday Thurston told me to stay on the left side of the beach while they stay the right side but they still come over to where he said we Jamaicans should stay”.



b. PC Newbee

38. Visited MBG in hospital on the day of the attack and observed his injuries but was not permitted to speak to him.

c. DI Oremule

39. Conducted an identification procedure with MBG on the 24<sup>th</sup> April 2023 during which MBG identified the defendant as his assailant.

d. DI Chambers

40. Visited MBG on the 20<sup>th</sup> April 2023 and took a statement from him in which he named his attacker as “Romell” and provided a description. As a result, the officer directed that an identification procedure be conducted in which Romell Millwood be included. The officer then arrested the defendant on 26<sup>th</sup> May 2023 and cautioned him to which the defendant replied that he fully understood. He then interviewed him having previously told the defendant of his right to have an attorney present which right the defendant had declined to exercise.

e. Dr Nicole Knight

41. Dr Knight confirmed that she had examined MBG at the hospital on 19<sup>th</sup> April 2023 and had found him to be suffering from:

- (i) Laceration to the face on the left cheek
- (ii) Laceration to the left scalp temporal region
- (iii) Laceration to the left arm
- (iv) Laceration to the right posterior lower chest

42. The doctor opined the injuries were consistent with infliction by a sharp object.



## **Exhibits**

43. I was also provided with exhibits in the form of:

Ex A – three photographs of the complainant’s injuries taken whilst he was at hospital

Ex B – a photographic sheet used for the purposes of an identification procedure and marked by the complainant

Ex C – a separate copy of Exhibit B showing the names of each individual on the parade

Ex D – a copy of the transcript of defendant’s interview under caution

44. Finally, I was provided with a set of agreed facts concerning Exhibits A and D.

45. The testimony of those witnesses (called or read) and the various exhibits tendered was the extent of the evidence relied on by the prosecution to prove its case against the Defendant.

## **The Defence Case**

46. The Defendant elected to give evidence under oath. I remind myself that if I do not accept the evidence of the Defendant, I must still return to the Crown’s case to consider whether, on the evidence presented, the Crown has proved its case to the requisite standard before I can find the Defendant guilty, there being no onus on the Defendant to prove that he is innocent. If the Crown’s evidence does not make me sure of the Defendant’s guilt, then my verdict must be not guilty.

47. The Defendant denied that he was the man identified by the Complainant as having committed the offence.

48. The Defendant gave evidence that he was born in 1991, works in construction and landscaping and is Caymanian by birth.



49. So far as the 19<sup>th</sup> April 2023 is concerned he said:

*“I do recall that day. I was home doing some landscaping work and weeding at the owner’s house next to where I was renting in West Bay. I was doing work at the neighbour’s house on that day. My neighbour is Marleno Jackson. I didn’t go to SMB that day.*

*I learned about this incident on social media and the news outlet. I have been to SMB. I last went there prior to 2019, before Covid.*

*I didn’t know MBG. I hadn’t seen him before. I have a sense of what happened on seven mile beach during the days. I have seen selling water and chairs*

*I don’t know why MBG would say that I stabbed him. No one else has said they saw me at the beach that day. I was contacted by my lawyer John Furniss that I was wanted for questioning and he advised me to say no comment. At the time I gave my interview I was already aware of the incident on social media.”*

50. When asked by Mr. Brady why he recalled working at his neighbour’s that date he answered:

*“I usually do work around the yard chopping bushes and removing rubbish and stuff. I didn’t stab MBG that day.”*

51. Mr. Brown explored that same point in cross-examination. He asked how it was that nearly two years and four months after the incident he recalled what he was doing on that day, and he said:

*“Because it’s a regular routine what I do. I do it quite frequently because I was living at the establishment at the time. After the incident and when contacted by my lawyer and he asked me what I was doing that day, and he instructed me to go to the station and talk to the police. I was doing work at Marleno Jackson House. When asked for my whereabouts by police I said no comment. I didn’t say I was doing landscaping work for Marleno Jackson. I accept that if what I say is true it would have been sensible to tell police.”*

52. He denied knowing the complainant and said he had never seen him before. He agreed that he was living in West Bay as at the time of the incident. Mr. Millwood denied ever going to SMB as a vendor although he said he knew some of what went on there of selling from when he had previously been to Seven Mile Beach. He repeated that he had not visited SMB since 2019. He said:

*“I don’t agree that I have been there in last 6 years. I wasn’t there that day. I don’t know MBG from West bay and the beach. I didn’t interact with MBG that*



*day and that was not because I didn't like him selling on the beach. I didn't snatch his bag. He didn't say he didn't want trouble. I didn't threaten him about a gunshot to the face. I didn't stab him in the back whilst he was talking to a tourist. And then I didn't slash him to the arm and face. I didn't have a camo knife with me that day. I didn't use that knife to attack MBG.*

*He is wrong that his attacker is Romell and it is a coincidence that he circled my photo. He is wrong to identify me as his attacker. I didn't attack MBG that day."*

53. The defendant agreed that he has previously been convicted of carrying weapons and of offences of violence variously in 2010, 2016, 2018 and 2023. He agreed that two of those convictions were for weapon offences, one of nun chucks and one of brass knuckles. (Those questions about his character were asked by agreement, the defence conceding that the suggestion that the complainant was a drug dealer amounted to an attack on his character such as to justify such cross examination).
54. So, in examination in chief and in cross-examination, the Defendant repeatedly stated that he was not the person who had attacked MBG that day and that he had not been to the beach in several years. He recalled that he was working at his neighbour's house that day. In essence, he asserts that he has been falsely or wrongly identified (whether deliberately or mistakenly). I remind myself at this stage that it is not for the defence to explain why the complainant is or may be lying or mistaken.
55. Other than the defendant, no other witnesses were called by the defence. I shall treat the defendant's evidence in the same fair way as I treat all the other evidence in this case, remembering that it may be stressful for a defendant to give evidence in his own defence.

### **Legal Principles engaged during the trial**

#### **Character**

56. By virtue of the evidence that was given by the defendant (by agreement) I note that the defendant is not a man of good character and so is not entitled to rely on the propensity or credibility limbs of what would otherwise be a good character direction.
57. However, I considered whether what I had heard of the defendant's character was enough for me to consider whether he was prone to or had a propensity towards such conduct and I concluded that I knew too little about the facts of those convictions for them to have any evidential value adverse to the



defendant. Although he had been previously convicted of two weapon offences, neither was for the possession of a knife. In the absence of more detail, I concluded that they took the prosecution case no further and therefore, save for noting that the defendant was not entitled to the dual benefits relevant if he had been of good character, the evidence of his convictions was otherwise a matter that I had no further regard to.

### **The Defendant's Interview**

58. During Mr. Millwood's interview under caution which took place approximately six weeks after MBG was stabbed, the defendant exercised his right to silence. He explained that he had not wanted an attorney present during the interview as he had already consulted with one (John Furniss). He was then asked a number of questions about the events of the 19<sup>th</sup> April and he made no comment in relation to all of those questions including whether he was at home that day or at work and whether anyone could speak as to his whereabouts that day.

59. I reminded myself that section 148 of the Police Law provides that:

(1) Where, in any proceedings against a person for an offence, evidence is given that the accused —

(a) at any time before the accused was charged with the offence, on being questioned by a police officer trying to discover whether or by whom the offence had been committed, failed to mention any fact relied on in the accused's defence in those proceedings; or

being a fact which in the circumstances existing at the time the accused could reasonably have been expected to mention when so questioned, charged or informed, as the case may be, subsection (2) shall apply.

(2)(b) A court or jury, in determining whether the accused is guilty of the offence charged, may draw such inferences from the failure as appear proper.

60. Mr. Millwood was properly cautioned and made aware by the interviewing officers of his legal rights. He said that he had already spoken to his attorney. As part of his defence he has relied upon matters that he did not mention in the police interview in particular that he did not know MBG, he had not visited that beach since 2019 and was in fact that day working at his neighbour's yard. I am entitled therefore to consider whether his failure to mention those facts harms his defence.



61. I have concluded that he did not mention those facts because he did not have an answer at the time of the interview and furthermore I have concluded that he has invented his account to fit the prosecution case, seeking to take advantage of the mention of “Thurston” in SAS’s statement and also the fact that his (Romell’s) name was only mentioned by the complainant after the complainant’s injuries had been stabilised at hospital.
62. I have considered whether it is fair and proper to draw an inference against the defendant for failing to mention those facts and I consider that it is. Not being at the scene of the incident and in fact being somewhere else and working for a named person would have been an obvious thing to have told the police. Otherwise put, if you have an alibi when you are accused of a serious offence would you not scream about it from the rafters?
63. I consider that Mr. Millwood could reasonably have been expected to mention the facts on which he now relies. Further I am satisfied that the only sensible explanation for his failure to mention the facts is that he had no answer at the time or none that would stand up to scrutiny. Thirdly, I note that MBG’s allegation and the fact of the positive identification was such that the case being put to him was so strong that it clearly called for an answer by him.
64. However, I remind myself that it is important for me to ensure that I do not convict Mr. Millwood either wholly or even mainly on the strength of the conclusion I have reached adverse to him in so far as his failure to mention these important facts that he relied on at trial are concerned. I may only consider it to be some additional support for the prosecution’s case and when I come to decide whether Mr. Millwood’s evidence about these facts is true.
65. Mr. Brady observed in his closing address that Mr. Millwood simply followed the advice of his lawyer but accepts that he has an “uphill climb” on his hands given his failure to mention these facts at the time.
66. I accept that the defendant may have been told by Mr. Furniss to exercise his right to silence in a telephone call prior to the interview but ultimately it is just advice, and the defendant had a choice whether to take it. The defendant appeared sufficiently at ease in the detention centre environment not to ask his lawyer to attend and he was well able to answer the preliminary questions and then know when to start saying no comment when the substantive questions began.



67. He is a man born in 1991. I have not heard about any vulnerabilities nor seen any evidence of any reason why I should not conclude that the circumstances in which the defendant failed to mention these facts central to his defence, is such that it should harm his defence and in turn support the prosecution case in the manner in which I have referred to. I am satisfied so that I am sure that Mr. Millwood remained silent because he had no satisfactory answer to give at that time.
68. I should make clear at this stage that, whilst I asked counsel to assist me as to the law in Cayman in relation to alibi notices during closing submissions and was referred to Rule 15 of the Criminal Procedure Rules and section 25 of the Evidence Law (2019 Revision), it is clear following my consideration of that issue that there is no further inference to be drawn against the defendant save for that I have referred to above engaged by s.148 of the Police Law. The issue of alibi notices (or lack thereof) would only have been relevant if the defence had sought to call Morena Jackson (which they did not).

### **Court's Reasoning and Conclusions**

69. The facts as accepted by the court regarding the offence, and which were not challenged by the defence in cross examination of the complainant, show that he suffered a number of wounds to his face, head and body on that day. Having seen the photographs of the injuries and heard the evidence of the complainant and the Doctor, I am sure those wounds are such as to properly be described as such for the purposes of sections 203 and 204 of the Penal Code.
70. It is not disputed that MBG was attacked. There was no suggestion whatsoever that the attack was not unlawful and Mr. Brady agreed that there was no evidence upon which the issue of self-defence required to be addressed by me in this ruling whatsoever. I heard nothing that causes me to conclude that the wounds were caused in anything other than an unlawful manner and I am sure that is the case.
71. From this evidence, which I accept, the Crown has satisfied me so that I am sure that the complainant was caused to suffer an unlawful wounding on SMB on the 19<sup>th</sup> April 2023.
72. The main issue that remains therefore for the court's determination is that of identification, whether the prosecution has satisfied the court so that I can be sure that it was this Defendant who caused those



wounds to the complainant or whether it is or may be the case that they were caused by another person and/or in fact the defendant was not at the beach at all that day.

73. Mr. Green told the court that he saw the defendant at the beach that day and that he recognised him as someone he knew from the beach and from West Bay. Sharm Smith said he knew Romell from the beach. Mr. Millwood said he was not there that day and in fact had not been to that beach since 2019.
74. I am sure that Mr. Green is telling the truth about Romell's presence at the beach that day and in turn I am satisfied so that I am sure that Mr. Millwood is not telling the truth.
75. I reach those conclusions centrally from my own assessment of the evidence, but I also have considered the fact that Mr. Millwood did not tell the police when questioned that he was elsewhere as being some additional support for that conclusion.

### **Identification**

76. I accept the complainant's evidence that he knew the defendant both from West Bay and from the beach. Even though I am satisfied that Mr. Millwood was at the beach that day, I must still nonetheless consider whether the complainant has or may have made a mistake in identifying the defendant as his attacker.
77. I am mindful of the directions in *R v Turnbull* [1977] QB 224 regarding disputed identification evidence including the need for caution when relying on such evidence.
78. In every case a tribunal of fact must be cautious when considering identification evidence because experience has shown that any witness who has identified a person can be mistaken, even when the witness is honest and sure that they are right. Such a witness may seem convincing but may be wrong. This is true, even where a witness knows a person well and says that they have recognised that person. The witness could still be mistaken.
79. I therefore remind myself that I can only rely on the identification evidence if I am sure that it is accurate. I need to consider carefully all the circumstances in which Mr. Green identified and recognised Mr. Millwood thus leading to this identification which is central to the issues in this case.



80. I have considered the facts as I find them to be and am satisfied so that I am sure that:

- (i) MBG saw RM on SMB that day in the middle of the afternoon on a clear day
- (ii) MBG had known RM for some time – *“I knew him for a while from the beach. I used to see him when I was living in West Bay so for a couple of years I would see him every day”*.
- (iii) That day they interacted and spoke about beach vending
- (iv) The defendant took the complainant’s bag
- (v) Just prior to being stabbed the complainant said that the defendant had been just one foot away from him
- (vi) Although his back was turned at the moment that he was stabbed for the first time MBG then turned and was effectively face to face with his attacker at the time the other wounds were inflicted
- (vii) Although there were many others on the beach, mainly tourists, the nature of the interactions between the two men means they were face to face for sufficient time for the complainant reliably to recognise the defendant without his view being obstructed or any other impediment
- (viii) Having recognised Mr. Millwood, MBG named him that day as his attacker (to SAS) and then told the police the next day that it was Romell and then 5 days later at an identification procedure correctly identified him

81. I have considered whether there are any weaknesses in the identification evidence, or if there is any evidence which, if I were to accept it, might undermine the identification evidence. I recognise that it is likely that someone being attacked may have their attention impacted by the pain being inflicted upon them but I am satisfied that the nature and extent of the interactions between the two men that afternoon is such that there was more than ample opportunity prior to the attack beginning for MBG to form his clear view as to the fact that he was interacting with Romell.

82. I accept that the complainant did not identify the defendant to SAS as his attacker immediately. From the balance of the evidence, it would appear that the defendant’s name was not given by the complainant until after he had been treated at hospital for his injuries. I have considered that point carefully. The complainant explained that he felt weak from the loss of blood in the immediate aftermath of the attack, and as SAS said, he had asked MBG who had done that to him to which MBG had responded that he



felt weak and to take him to hospital. That the defendant's name was not mentioned in the course of that journey to hospital is a factor I have considered but I have concluded that it is understandable that the complainant would have been overwhelmed by his injuries such that he only gave the name of his attacker once those injuries had been treated. In my assessment of the evidence, it does not undermine his identification that he did not give the name at that stage.

83. I have reminded myself that simply because I have formed the view that Mr. Millwood was not telling the truth when he said that he was not at the beach that day that does not in itself prove that MBG's identification of him as the attacker must be right.

84. I have concluded that I am satisfied so that I am sure that:

- (i) MBG had ample opportunity correctly and reliably to recognise the defendant that day prior to the attack beginning.
- (ii) When the attack began it is right that MBG was facing away from his attacker, but he turned round, and I am sure that MBG's view was not impeded in any way as he was stabbed a further three times.
- (iii) I make those findings having concluded, as I have outlined already, that Mr. Millwood is not telling the truth when he says that he was elsewhere that day and had not been to the beach in years.

85. I am satisfied so that I am sure not only that Mr. Green was demonstrably telling the truth but that he was also being reliable and accurate and correct when he said (at various stages of his evidence):

*"I know who stabbed me and its Romell Millwood – I know who stabbed me.....Millwood injured me and almost took my life. I know Romell and I see him around and I see him at West Bay and at the beach. I nearly lose my life and you are trying to tell me that I don't know who hurt me – come on.....Romel Millwood is the person who injured me and I know it is Romell Millwood who injured me and I will never forget that day in my entire life. A million per cent (he is) the person who attacked me."*

### **Intention to cause grievous bodily harm**

86. Having concluded that I am sure to the criminal standard that Mr. Millwood unlawfully wounded Mr. Green, I must now consider the issue of intention in order to decide whether I can be sure of guilt on count one or whether, if I cannot, I should convict Mr. Millwood on count two in the alternative.



87. Mr. Green gave evidence as to the separate stabs and slashes that caused him injuries. I accept that evidence and am sure of it. It is confirmed and bolstered by the medical evidence which I have also considered on this issue. I have also found the photographic evidence to be of particular use in this regard.
88. In order for me to convict the defendant on count one, the prosecution have to prove so that I am sure of it that Mr. Millwood intended to cause really serious injury at the time that he stabbed Mr. Green with that knife. They do not have to prove that Millwood had formed that intention in advance.
89. In deciding on this issue, I have in particular considered:
1. The interactions that Millwood and Green had that afternoon, initiated by Millwood as to Millwood's views about Green being on the beach and selling.
  2. What the defendant said just before he stabbed Green – "*He said I must get gun shot in my face*".
  3. Millwood's anger as demonstrated by the grabbing and throwing of the bag.
  4. The fact that once he began the attack Millwood stabbed Green four times with a knife: once in the back and then slashes to the shoulder, face and head.
90. I conclude that for a person to inflict four separate stab wounds on a complainant of such an extensive nature as is demonstrated by the medical and photographic evidence it is clear and obvious that such a person could only have intended to cause really serious harm. The defendant of course denies being there at all.
91. I am satisfied so that I am sure that when Mr. Millwood stabbed Green over that short period of time on the beach that afternoon that he must have and did intend to cause MBG really serious harm.

## **Conclusions**

92. I heard from two witnesses live during the trial. Mr. Green was a straightforward witness who gave clear and consistent evidence which I was able to assess fully. I found him to be an impressive witness.

He did not seek to embellish his account. He was not shaken in cross examination. He conceded that his activities on the beach that day were unlawful and he had been warned against them, but I am sure that he was not selling ganja, he was simply seeking to make a small living for himself, albeit in a manner that was not permitted. I believe what Mr. Green told the court – I am sure that he is telling the truth about the events of that day and in particular about who it was that caused his injuries.

93. Conversely, I found Mr. Millwood's denial to have been even at the beach that day in particular in the context of remembering over two years later where he was and what he was (he says) doing but having failed to tell the police that in interview, entirely unconvincing and frankly incredible.
94. I have considered the circumstances of the identification and considered whether, despite being honest, Mr. Green may be wrong. I am satisfied that not only was Mr. Green honest, but he was also demonstrably reliable and correct in his evidence as to who had attacked him.
95. Having concluded that I am sure that Mr. Millwood unlawfully wounded Mr. Green, I have also concluded that I am satisfied so that I am sure that the circumstances and facts of the attack and the injuries caused with a knife are clearly and unequivocally such that I am sure that the defendant intended no less than really serious and grievous bodily harm to Mr. Green.
96. That being so I find Mr. Millwood guilty of Count 1 - Wounding with Intent, contrary to section 203 of the Penal Code. Since Count 2 is an alternative charge, I return no verdict on that count.

**Dated the 28<sup>th</sup> day of August 2025**



**The Hon. Justice Emma Peters  
Judge of the Grand Court**