IN THE MAGISTRATES COURT OF THE FALKLAND ISLANDS
MC/CRIM/08/26
Trial date: 13th October 2026

Before

HIS HONOUR JUDGE MALCOLM SIMMONS

BETWEEN:

REX

V

HARRISON CHRISOPHER LAW

MR. STUART WALKER, Senior Crown Counsel, appeared for the Prosecution
MR. PHILLIP AXON appeared for the defendant

JUDGMENT

1. The defendant stood trial on two charges:

Charge 1

That on the 13th day of February 2026, he assaulted Kia Alazia by beating her, an offence under *section 70(1) of the Crimes Ordinance 2014.*

Charge Two

That on the 13th day of February 2026, he assaulted Glynis Newman thereby causing her actual bodily harm, an offence under *section 71 of the Crimes Ordinance 2014* .

Directions

2. I have previously directed myself on how I should approach the evidence and how to approach my findings on the facts.

3. The burden is on the Prosecution to prove that the Defendant is guilty. The Defendant does not need to prove anything. The Defendant does not need to prove that he is innocent. The Prosecution will only succeed in proving that the Defendant is guilty if I am sure of the Defendant's guilt. If I am not sure, then I must return a 'not guilty' verdict.

4. I do not have to decide every point that has been raised in this case. I am entitled to draw inferences, that is, to come to common sense conclusions based on the evidence which I accept, but I may not speculate about what evidence there might have been or otherwise allow myself to be drawn into speculation. I have not made any findings of fact unless I am sure and, although I might not preface each finding of fact with that point, it should be taken that I am sure on the evidence of any factual finding that I have made. If I have made a factual finding it is on the basis that the Prosecution has the burden of proving its case so I am sure.

5. I have not conducted any reading into this case beyond the evidence sought to be and in fact relied on by the prosecution and defence. I have not considered any material that was not placed before the court or referred to in questioning of witnesses. I have not discussed the case or the evidence with anyone. Accordingly, the reasons for my verdict are entirely based on the evidence, my assessment of it and of the witnesses and the conclusions that I have drawn from all the evidence.

6. In deciding whether an account given by a witness is true, I have looked at all the evidence, including inconsistencies. If I am sure the account is true, I have relied upon it. If I am not sure, I have disregarded it.

7. I have considered each count separately.

8. The fact the Defendant is in the dock is not relevant. I have treated the evidence of all witnesses equally. I have decided whether any witness, including the Defendant, has been truthful and accurate or not, by having regard to what they say, whether it is consistent with what they have said on other occasions, how they gave evidence and how it compares to other evidence and to common sense.

9. Glynis Newman was convicted on 17th July 2026 of assaulting Mandy McRae, thereby causing her actual bodily harm. The defendant says that this supports his assertion that Newman was

acting violently and that he was acting in self-defence. Therefore, it goes to the defendants reasonable belief at the time of the alleged offence.

10. The fact that Newman was convicted of assaulting McRae does not mean that Newman must have used unlawful force on the occasion charged. It is something that I may take into account when I am deciding whether or not I am sure that it was the defendant, and not Newman, who started the violence and that the defendant's use of force was unlawful.

11. The defendant has admitted pushing Newman. The defence case is that he was not acting unlawfully but in lawful self-defence. The prosecution has to make me sure of their case. So, it is for the prosecution to make me sure that the defendant was the aggressor and that he was not acting in lawful self-defence.

12. The law of self-defence is really just common sense. If someone is under attack, or believes that they are about to be attacked, they are entitled to defend themselves so long as they use no more than reasonable force. Self-defence includes acting in the defence of another. In this case, when the defendant pushed Newman, he says it was because he believed Newman was about to hit McRae.

13. If, on the evidence, I am sure that the defendant was the aggressor and did not believe there was any threat from Newman, then no question of self-defence arises. This means that, subject to the other elements of the offence being proved, my verdict will be guilty. If, however, I consider it was, or may have been, the case that the defendant believed McRae was about to be attacked, I must go on to consider whether the defendant's response was reasonable on those facts as the defendant believed them to be. If I decide that what the defendant did was, in the heat of the moment when fine judgements are difficult, no more than the defendant genuinely believed was necessary, that would be strong evidence that what the defendant did was reasonable. And if I decide that the defendant did no more than was reasonable, then this means the defendant was acting in lawful self-defence and is not guilty of the charge. It is for me to decide whether the force used was reasonable. I must do that in the light of the circumstances as I find the defendant believed them to be. If I am sure that the defendant used more than reasonable force, even allowing for the difficulties faced in the heat of the moment, then the defendant was not acting in lawful self-defence. And, if the other elements of the offence have been proved, then my verdict will be guilty.

14. I heard speeches from both sides and I may wish to take account of the arguments in the speeches However, I am not bound to accept them. Counsel for each party ask me to look at the case from their respective position. Evidence is what I've heard from the witness box or what was read or the facts that have been agreed.

15. The defendant was convicted in 2017 of driving a motor vehicle while over the prescribed drink-drive limit. He was 19 years of age at the time. Because of the nature and age of the conviction and the defendants age at the time, the defendant is to be regarded as if he were a person of previous good character. This does not mean that he could not have committed the offences with which he is charged, but it should be taken into account in the defendant's favour in two ways: First: the defendant gave evidence and the fact that he is to be treated as someone of good character is something that I should take into account when I am deciding whether I believe his evidence. Secondly, the fact that the defendant is now 28 years old and has not committed any offence for over 9 years may mean that it is less likely that he would have committed the offences with which he is charged. It is for me to decide what importance I attach to this evidence.

16. I take all of these matters into consideration in my assessment of the evidence.

Background

17. There was no dispute that on Friday 13th February 2026, the defendant, Kia Alazia, Glynis Newman and Mandy McRae had attended the 18th birthday party of Alicia Shepherd at the home of Colin Shepherd in Goose Green. The party was attended by between 20 and 30 people.

18. There was no dispute that during the party there had been an altercation between Newman and McRae or that on 17th July 2026 Newman was convicted of assaulting McRae, thereby causing her actual bodily harm. The basis of plea was that (a) when Mandy McRae was on the floor, the defendant assaulted Mandy McRae by kneeling on her chest and kicking her in the face and (b) the defendant was wearing trainers at the time she kicked Mandy McRae to the face.

19. It was agreed that, as a result of the incident, Glynis Newman had suffered a transyndesmotic fracture of the distal fibula and a small posterior malleolar fracture (a broken ankle).

The Evidence

20. The court heard evidence of Kia Alazia, Glynis Newman and the officer in the case, PC Gemma Webb, who were called by the Prosecution and Caitlin Mansilla, called by the defence. The defendant also gave evidence.

Kia Alazia

21. Alazia said that she had been standing away from the main bar area and that at around 10pm she had gone to the toilet. She said that as she passed the bar area she had heard McRae shout "*The*

bitch is back". It was her evidence that McRae had subsequently struck her to the left side of her face before grabbing her by the hair and pulling her to the ground. She described finding herself pinned face down to the floor by McRae. Others intervened and McRae was pulled away.

22. Alazia gave evidence that, a short time later, she was approached by the defendant who proceeded to grab her by the scruff of her neck and push her against a vehicle. She described the defendant being aggressive and shouting at her. She recalled him saying "*you cant kick an old lady in the head*". She denied that this comment had been in response to her saying that McRae deserved to be kicked to the face.

23. Alazia said she saw Newman approaching McRae. She described her mother and the defendant being angry. She said the defendant had then used both hands to push Newman back, causing her to fall to the ground.

Glynis Newman

24. Newman said she knew the defendant fairly well and that, prior to this incident, they "*got on fine*".

25. She arrived at the party after 7pm. She said that she had consumed three cans of cider during the party.

26. Newman described McRae having assaulted Alazia, following which she had then become involved in a physical altercation with McRae. The pair having been separated, Newman said that she had then gone outside for a cigarette.

27. Newman said that as McRae was being escorted to her vehicle by the defendant, she heard McRae shout "*Now your fucking mothers involved*". Presuming this comment had been addressed to Alazia, Newman went to find Alazia.

28. Newman said she saw the defendant, McRae and Mansilla standing by a parked vehicle. Newman admitted that she had then confronted McRae, telling her that if she had something to say, that she could say it to her face. It was her evidence that she had not advanced towards McRae. She said that it was at that point that the defendant had shouted "*just fuck off*" and had pushed her backwards, causing her to fall to the ground. She described the defendant being "*drunk and angry*". It was her evidence that the force the defendant used in pushing her had caused her to twist and land on her face. There was no dispute that Newman had suffered a transsyndesmotic fracture of the distal fibula and a small posterior malleolar fracture (a broken ankle).

Defendant

29. The defendant was interviewed by police on 15th April 2026.

30. The defendant told police that he had consumed a lot of alcohol at the party. In evidence he said that on a scale of 1 to 10, he was a 6.

31. The defendant described Newman and McRae fighting and seeing McRae on the floor with Newman on top of her, Newman kneeling on McRae's neck. The defendant pulled Newman off McRae who was still lying on the floor. The defendant said that, as he was assisting McRae, Newman returned and kicked McRae in the face.

32. The defendant said that he again pulled Newman away and that someone took Newman outside. He told police that McRae was in shock. She was upset and appeared to be in pain.

33. The defendant had not seen the earlier altercation between McRae and Alazia. He accepted that, having witnessed Newman assaulting McRae, his sympathies were with McRae.

34. The defendant said that he then helped McRae to her feet. He said that as he and Caitlin Mansilla were assisting McRae from the scene, Newman had again approached McRae in an aggressive way, screaming and shouting. He told police Newman got closer and closer to them. He said "*I was worried, she's already knelt on her neck…and then she came and kicked her…I didn't know what she was going to do*". In evidence he said he was worried that Newman would further assault McRae. He said that he told Newman a couple of times to go away but that she persisted, attempting to push past him to get to McRae. That was not something that he had told police.

35. The defendants response had been to push Newman away. He said he took hold of Newman and moved her away from parked vehicles before pushing her away. He said he had not used much force. Having pushed Newman, he said she took a few steps back, stumbled and fell to the ground. He said he told her to "*go away*".

36. The defendant was not asked in interview about the alleged assault on Alazia. In evidence, he said the incident as described by Alazia simply had not taken place; that he had not touched Alazia.

37. The defendant said that, although McRae had reason to be angry with Alazia, he was not angry with Alazia.

Caitlin Mansilla

38. Caitlin Mansilla gave evidence that she had arrived at the party to find her mother distressed and crying. She said that she had asked the defendant assist her in getting her mother to the car.

39. She said that, as they reached the car, Newman had approached them. It was her evidence that Newman had attempted to "*push through*" them, stating "*and don't think you're innocent in all this*", a comment clearly directed at McRae. It was her perception of the situation that Newman would again assault McRae. She described the defendant putting up his hands to block Newman. She said she did not see the defendant push Newman.

Assessment of the Evidence

40. I will deal with each charge in turn.

Charge 1

41. Kia Alazia said that she was approached by the defendant who had proceeded to grab her by the scruff of her neck and push her against a vehicle. She described the defendant being aggressive and shouting that it was not OK to kick someone in the head. She denied that this comment had been in response to a comment that she had made.

42. The only evidence of this alleged assault was from Alazia herself. The defendant denied that he had assaulted Alazia as alleged or, indeed, at all. He said the incident, as described by Alazia, simply did not happen.

43. I have considered the evidence that was put before the court. I watched Alazia and the defendant carefully as they gave their evidence. Both accounts possess elements of inherent plausibility. However, ultimately, the Court was faced with two competing and mutually exclusive accounts of the alleged event. The prosecution has the burden of proof. It is a heavy burden and it must make me sure. Having considered all of the evidence, I am not sure that the defendant assaulted Alazia as alleged or at all. Therefore, I find the defendant Not Guilty on charge 1.

Charge 2

44. The defendant admitted pushing Newman. It was his case that he was acting in lawful self-defence of McRae.

45. I am sure that Newman and McRae had argued and that during a physical altercation both women had ended-up on the floor, with Newman kneeling on McRae's chest. The defendant pulled Newman off McRae and was attempting to assist McRae to her feet when Newman had returned and kicked McRae in the face. The defendant had then, again, pulled Newman away.

46. It was the defendants evidence that, having helped McRae to her feet, he was assisting her from the scene when Newman had returned, advancing towards McRae in an aggressive manner, shouting and screaming.

47. I recognise that Caitlin Mansilla is the daughter of McRae. I have taken that into account in my assessment of her evidence. I watched her carefully as she gave evidence. Her evidence appeared unrehearsed and unembellished. She was, on my finding, an honest witness doing her best to assist the court. She described Newman being aggressive and attempting to push past the defendant and believed that, had she succeeded in doing so, she would have assaulted McRae. She described the defendant attempting to block Newman with his hands.

48. Having considered all of the evidence, the prosecution has not made me sure that the defendant was the aggressor. In fact, I am quite sure that, in respect of this incident, it was Newman who was the aggressor.

49. On the evidence, there can be no doubt that the defendant genuinely believed that Newman would again assault McRae. As Newman advanced towards McRae, the defendant's response was to initially attempt to block her. He then pushed her away with both hands. This resulted in her stumbling backwards and falling to the ground.

50. In the circumstances as the defendant genuinely believed them to be, it is my finding that his response in pushing Newman away was no more than the defendant believed was necessary and was reasonable and proportionate.

51. Therefore, I find the defendant Not Guilty on charge 2.