

**209.20 Reckless arson Relationship offences**

*Att-Gen's Ref 2017 Re Hill 2017 EWCA Crim 2239* D pleaded to reckless arson. D lived with his partner and their daughter in the family home. Their relationship broke down and D's partner moved out of the house taking their daughter with her. That evening, D started a fire in the living room by burning some of his wife's books and set the bed alight in a bedroom. When the fires took hold, D fled the property and alerted those nearby. A fire crew arrived and put out the fire. Had they not, there was a real danger that the fire could have spread to adjoining properties and to the flat below. The damage caused cost the Housing Association £4,500 to repair. In interview D said he had become distressed when his partner took their daughter. He had also been told earlier in the day that his benefits had been suspended. D also had an argument with his mother and had thrown and broken his mobile phone. D said that he had become so angry he wanted to destroy something belonging to his former partner and so started to burn her books. D was aged 22 and had no previous convictions. He had a caution for threatening behaviour in 2013. The author of the pre-sentence report suggested that D's immaturity had contributed to the offence. He expressed remorse but also said he had "dark images" in his mind. A psychiatric report suggested that D suffered from 'an adjustment disorder' which, when combined with stress, would have affected his ability to think rationally. D had tried committing suicide in the past but since being in prison, he was taking antidepressants and appeared more positive about his future. The psychiatrist recommended an 'intense' community order. The Judge started at 3 years and moved to 2 years with the guilty plea, suspended. Held. This is the kind of case where the dividing line between the worst cases of reckless arson and the least serious cases of arson with intent to endanger life is a fine one. D set two fires in a residential property, with people living next door and beneath him. He may not have used accelerant and he may have raised the alarm, but many lives were put at risk and his actions were entirely unjustified. We start at 4 years and think a 20% discount for the guilty plea was appropriate. With that discount and the 56 hours of unpaid work completed, **3 years** not 2 years suspended.