

JERSEY / JUDGMENT

AG v Dewhurst [2007]

JRC 098 (10 May 2007)

[2007] JRC 098

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JUDGMENT

THE DEPUTY BAILIFF: 1. Arson is always a serious offence because of the risk of the fire getting out of control, and that is what happened here. You lit some cardboard boxes outside the fire exit of the Royal Hotel. When the night porter opened the door to investigate the fire spread into the hotel. As a result the 48 residents had to be evacuated in the middle of the night and there was damage to the hotel which is estimated at nearly £100,000. 2. No real explanation has been put before us. It is said that you committed this offence on the spur of the moment when very intoxicated and we sentence you on that basis. However it is not wholly on the spur of the moment in the sense that you tried to light the fire across the road on more than one occasion before moving to the fire door of the hotel where the conditions for lighting it were better. 3. Mr Haines has argued that the consequences of the fire were more serious than would otherwise have been the case because the night porter opened the fire door. But that is exactly why arson is treated as a serious offence. There are so often unexpected and uncertain consequences because fires can so easily get out of control. In our judgment it was foreseeable that somebody might open this door, people might have tried to use the fire door to get out, or as happens someone might have investigated. It was not so unforeseeable as to take this out of the consequences of your actions and therefore we do not think it right to make any reduction for the fact that the fire door was opened and the damage was therefore more serious than might otherwise have been the case. 4. You have a poor record including one previous offence of fire-setting, albeit very minor, when you were 15. 5. Mr Haines has spoken in mitigation. He has emphasised your guilty plea right from the start, which entitles you to a full discount. We also accept that you are remorseful, you phoned 999 at the time and you gave your name to the Fire Service. Significantly we accept that you have made real efforts to turn your life around since you were released from youth custody in October 2005 and we commend you for that and it goes to your credit. We have read all the various reports, the social enquiry report, the drug and alcohol and psychiatric reports, and we have taken note of what is in there, although we do note that there is a high risk of re-offending. We have also taken note of your youth and of the letters from you and from your father; and we have considered the other points made by Mr Haines. 6. Taking all these into account we think the correct sentence is as follows. On Count 1; 1 week's imprisonment, on Count 3; 3 ½ years' imprisonment, consecutive. We hope very much that you will continue to take

full advantage of the help that you are being given in prison and we commend you for the efforts you have been making so far. 7. We would like to also commend Mr Basilico for his very responsible actions that evening in spotting the fire and in alerting the Fire Services. No Authorities Page Last Updated: 10 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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Prepared on 22 October 2026 · Esheria