

TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

No. 78 of 2003

THE STATE

V

PETER MC DONALD

FOR

ARSON

BEFORE THE HONOURABLE
MR. JUSTICE M. BAIRD

APPEARANCES:

MR. W. RAJBANSIE FOR THE STATE
MR. U. SKERRITT AND MS D. MOHAN FOR
THE ACCUSED

SENTENCE

The prisoner Peter Mc Donald was before the court on an indictment that charged him with arson. Particulars of offence were that on 31st July 2001, at Port of Spain, he set fire to a store. The case for the prosecution was that on the day in question he set fire to Excellent City Store in order to steal from a cash register that was closest to the Chacon Street entrance of that store. The jury having deliberated, returned a unanimous verdict of guilty.

In his plea in mitigation, Mr. Skerritt, attorney for the prisoner, informed the Court that the prisoner was a man of thirty eight years, he had no previous convictions and he had been in custody for three years awaiting trial. The Court is constrained by the authorities to consider these factors in favour of the prisoner as it addresses the question of sentence, and it will so consider them.

It cannot be gainsaid that arson is a crime of odiousness so penetrating and seriousness so extreme that it must be placed in a category of its own. It is a crime that encompasses and carries in its wake, injury, death and destruction. It is a crime that excites the apprehensions of society to the utmost degree.

The Court considers the sentencing principles of retribution and deterrence to be most appropriate to the question of sentence.

Over and above that general description of arson, it must be said that there is something peculiarly pernicious about the setting of fire to a store in downtown Port of Spain.

It is a notorious fact that the various buildings that house the stores in downtown Port of Spain are closely joined together; a fire therefore, started in one store could easily spread to other stores and could eventually envelope an entire block of buildings. This could occasion disaster on an unparalleled scale. Further, with buildings on fire there would always be the potential for injury and loss of life. Fortunately, the fire in the instant case was contained to the one building that was destroyed, and there were no casualties.

Another disquieting consideration is that without notice and with obscene speed, store attendants and other store employees, with family and financial responsibilities would be rendered out of a job and on the bread line.

The setting of fire to a store in downtown Port of Spain is the very zenith of diabolical conduct and society could justifiably be alarmed thereby.

Be it admitted that arson is not as prevalent as certain other offences. But it is a crime that can cause such devastation and calamity that whenever it raises its head the courts must be astute to ensure that the sentence imposed on the arsonist is an exemplary and a significant one.

Displaying perverse ingenuity, the prisoner set fire to the store in order to create a diversion and to rifle the cash register in the ensuing panic and confusion. In this country there are copycats with the deplorable penchant for exclusively copying things negative and unproductive. This Court by its sentence therefore must send a clear and firm message to would-be imitators that they must not go down that road.

Having fully considered all relevant factors, the Court now sentences the prisoner to a term of seventeen years at hard labour. The sentence to begin from today.

Dated this 29th day of July 2004

Melville Baird
Judge