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No: 201803954/A2

IN THE COURT OF APPEAL
CRIMINAL DIVISION

Royal Courts of Justice
Strand
London, WC2A 2LL

Thursday 8 August 2019

B e f o r e:

LORD JUSTICE HOLROYDE

MR JUSTICE GOSS

MR JUSTICE KNOWLES

R E G I N A

v

LIAM JOSEPH WAUGH

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Mr J Tucker appeared on behalf of the **Applicant**

J U D G M E N T
(As approved)

MR JUSTICE GOSS:

1. This is a renewed application for leave to appeal against a sentence passed on the applicant in the Crown Court at Bristol on 31 August 2018 for two offences of arson and three offences of driving whilst disqualified, to which he had pleaded guilty. The total sentence was three years eight months' imprisonment, comprising consecutive sentences of imprisonment of 19 months on each of the offences of arson and of two months on each of the offences of driving whilst disqualified. He was also disqualified from driving for five years which was extended by three months under section 35A of the Road Traffic Offenders Act 1988 and uplifted by 19 months under section 35B of the same Act.
2. A co-accused Michael Warman was convicted of one of the offences of arson and possessing a disguised firearm and was sentenced to two years and nine months' imprisonment.
3. The offences of arson related to two small commercial premises. On the night of 8/9 August 2017, the applicant, a disqualified driver, having made a reconnaissance trip the previous evening and driven when disqualified on that evening and on the night of the offences to meet up with Warman, travelled to Bath Road in Saltford, a town between Bath and Bristol, in order to start a fire at the premises of Morris the Barber using an accelerant inserted through the letterbox. The emergency services were alerted to the fire at 1.29 am and on arrival discovered an area of fire between the external door and the internal roller shutters.
4. The applicant then travelled to Bath where he committed an identical offence at Just Good Tattoos on Cork Place, again using the letterbox and an accelerant. The emergency services were alerted at 2.58 am and the inner door was on fire when they arrived.
5. The motive for the offences was unknown. As the judge commented, these were serious offences on business premises causing enormous disruption, heartache and financial loss. The damage to Just Good Tattoos was in the region of £39,000. An insurance payment and the generous response to local crowd-funding eased the financial pain. We would add that there was clearly planning and purpose to the offences and the victim personal statements also refer to the anxiety and fear generated by this kind of fire-raising offence. Moreover, in the case of the second arson at Just Good Tattoos, we note that there were residential flats above and in the next door property.
6. The applicant, who is now 30 years of age, had convictions for robbery in 2007 and 2010, and a conviction for the possession of a knife in a public place and dangerous driving in

2010. He was sentenced to five years' detention in 2007 and six years' imprisonment in 2010. On 21 December 2012 he was sentenced to a consecutive term of 14 months' imprisonment for an offence of wounding. The judge treated these offences as an aggravating factor. He was entitled to do so. There was no pre-sentence report. We are satisfied that one was not then and is not now necessary.

7. The ground of appeal now pursued by Mr Tucker is that the overall sentence, by reason of its compilation, was manifestly excessive; it was wrong to make all the sentences consecutive when they formed part of a single series of offences.

8. We have considered with care the helpful submissions of Mr Tucker. However, like the single judge we are satisfied that the sentence in its end result was not arguably manifestly excessive. It afforded the applicant appropriate credit for his guilty pleas and properly reflected the totality of his offending, both in terms of culpability aggravated by his previous offending and the harm caused. Although the offences were part of a series, they were all committed for a purpose - he was driving whilst disqualified to commit the crimes of arson. In their combination, the offences merited a significant custodial sentence and there is no basis for the total sentence being arguably manifestly excessive. Accordingly, this application is refused.

Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof.

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