

***R v Adamson* [2018] SASCFC 114 (11 November 2018) – South Australia Supreme Court (Full Court)**

‘Arson’ – ‘Damaging property’ – ‘Evidence’

Charges: Arson x 1.

Appeal type: Appeal against conviction.

Facts: The appellant was found guilty of arson following jury trial. It was alleged that he deliberately lit a fire inside a townhouse in which he and his partner lived until their separation three weeks prior to the fire. His alibi was that he was at a lacrosse club at the time that the fire was lit. The prosecution relied upon a number of items of circumstantial evidence which it argued cumulatively showed the appellant’s guilt beyond a reasonable doubt.

Issues: The appellant appealed his conviction on the basis that the guilty verdict was unreasonable and cannot be supported having regard to the evidence, and in particular in consideration of his alibi. He contended that no reasonable jury could have rejected his alibi as a reasonable possibility.

Decision and reasoning: In considering the grounds of appeal, the Court applied the principle set out *M v The Queen* [1994] HCA 63, namely, whether, on the totality of the evidence, it would be open to the jury to be satisfied beyond reasonable doubt that the accused was guilty. On a thorough analysis of all the evidence, the Court dismissed the appeal on the basis that:

- > The evidence established that the fire in the townhouse had been deliberately lit. It also established that a few hours prior to the fire being lit, the appellant spoke of burning it down.
- > The strength of the evidence that supported the appellant’s alibi was a matter for the jury, to be considered in light of the other evidence presented in the trial.
- > There was a sufficient basis in the evidence for the jury to reject the appellant’s alibi as a reasonable possibility, and to find beyond reasonable doubt that he deliberately lit the fire.