

Journal IV – Arson

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As a judge, I would not grant the motion to dismiss the criminal case filed against John Aficionado. The insurance company had just reason for pursuing a criminal case against Mr. Aficionado. What Mr. Aficionado, along with his friends did, was intentional and criminal. The fact that Mr. Aficionado was awarded money from the insurance company to begin with is ridiculous and an unpleasant representation of our legal system. Mr. Aficionado should be charged with insurance fraud and be held responsible for his actions and choices.

The case of John Aficionado is about insurance fraud by the use of arson. The fact that the defendant was awarded money from the insurance company because of the decision in the civil trial; is a misuse of the law. Mr. Aficionado's representation simply used legal loopholes in the civil trial and the outcome was in the defendant's benefit. Mr. Aficionado along with his friends committed arson. Mr. Aficionado committed insurance fraud and was unfortunately successful in the civil trial. The insurance was in place for the loss of his monetary investment in the cigars. By definition alone, the cigars were indeed destroyed by fire. Aside from definition alone, the intentional lighting and smoking of the cigar, for the purpose of receiving a monetary claim afterwards; is criminal and holds up to the definition of arson.

By definition, Arson is the malicious burning of the dwelling or structure of another. The crime of arson has four distinct elements. It is malicious; it involves burning, of the dwelling or structure, of another (Wallace & Roberson, 2008, p.257). The cigars were intentionally and knowingly lit, and smoked. The fact that they were destroyed by fire is redundant, it is a cigar. In order to smoke a cigar, there must be fire. The intent of smoking the cigar and then filing a claim proves there was an existence of a motive and intent for fraud. Mr. Aficionado and his friends committed arson within one of the six categories of arson. The six categories for arson

are vandalism arson, profit-motivated arson, crime concealment arson, sabotage arson, revenge arson, and excitement arson (Wallace & Roberson, 2008). Profit motivated arson was the purpose of Mr. Aficionado's actions. To reward him with a way out of a criminal case, in which he should be tried in; is only being irresponsible to the justice system, the law, and citizens.

The cost of insurance fraud and profit-motivated arson is a huge financial cost to society. Insurance fraud simply increases the rates of insurance for everyone who pays for insurance. Insurance fraud often makes it very difficult to receive benefits for those that are legitimately and legally seeking benefits for justifiable cases and situations. It is a drain on our economy and its citizens. I feel as a judge, I would be ill repute and unjustified in granting a motion to dismiss Mr. Aficionado's case. He should be charged with the act of arson and tried in a criminal court.

References

Wallace, H, & Roberson, C. (2008). *Principles of criminal law* (4th ed.). Boston, MA: Pearson.