

Charges dropped against accused deadly fire starter

Prosecutor cites lack of evidence, including unreliable witness

By Christine Dempsey Hartford Courant

Arson and murder charges against a woman accused of using hand sanitizer to start a fire that killed one and injured dozens in Hartford last year have been dismissed.

The case against Destiny Waite, 29, of Hartford was dismissed June 18 in Superior Court in Hartford. Her charges included felony murder, first-degree arson and four counts of first-degree assault, the latter charge because four people were critically injured in the fire.

“I’m just happy that it’s off my record and I have my life back,” Waite said in a phone interview

“This is a testament to Destiny who, No. 1 maintains her innocence,” Smith said. “And to the system and that [state’s attorney’s] office in Hartford. I can’t give them enough credit for listening to us and then following the evidence to where it led, and ultimately a testament to Vicki for having the temerity and fortitude and insight for saying that she wasn’t going to proceed with the prosecution.”

Tuesday. “I was afraid that I was going to be in prison for the rest of my life for something that I didn’t do.”

The prosecutor, Vicki Melchiorre, said she couldn’t carry on with the case because of a lack of evidence.

“I had to drop the case because the one and only eyewitness was not reliable,” she said. “She changed her story four times. She had drugs in her system.”

The witness was Waite’s girlfriend, who Waite had been dating about seven years. The two had not been getting along at the time of the fire — which

the now-ex-girlfriend told police Waite started with a cigarette lighter and a bottle of hand sanitizer.

Waite said she was no longer living in the apartment building at 39 Charter Oak Place at the time of the fire. Police say Waite admitted to being at the address the day of the fire, but later repeatedly recanted the statement.

No other witness could conclusively identify Waite as being present at the time of the fire. One resident told police he heard a man and woman arguing outside the building right before he saw flames climb up the wall of the building, according to the warrant for her arrest.

Kevin Smith, Waite's defense attorney, said he is glad Melchiorre used prosecutorial discretion to dismiss the charges.

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The fire was reported about 1:15 a.m.

March 8, 2020, days before the coronavirus lockdown. When firefighters arrived, people were hanging out of windows, waiting to be saved. Dozens were injured. Two of the four who were critically injured were children, although their conditions were later upgraded. A few firefighters also were injured.

Resident Jerome Kyser, 50, died of smoke inhalation.

According to the warrant, investigators determined the fire started in Apt. B-11, where Waite had lived with her girlfriend and the girlfriend's mother. That is where the damage was most severe.

The girlfriend, identified as Jane Doe 1 in the warrant, initially told police Waite came to the apartment looking for money, but she wouldn't give it to her. The girlfriend went to the back bedroom, where her mother was sleeping, and Waite followed, lighting hand sanitizer on fire and throwing the flaming container toward her, the warrant said.

"The burning bottle of sanitizer splashed against the wall and flames began to spread," the girlfriend told police, according to the warrant. The girlfriend was burned on her arms.

In another interview, Melchiorre said, the girlfriend told authorities she didn't know

who set the fire.

“I don’t know whether Destiny did it or not, all I know is I can’t prove anything beyond a reasonable doubt,” Melchiorre said. “I can’t put a girl in jail for a large part of her life on the word of someone who keeps changing her story.”

Asked who set the fire, Waite said, “Yeah, that’s my question.”

Waite, who lost her job and spent six months in jail before her bail was lowered and she got out, wants to clear her name.

“I just want people to know I’m innocent, I’m not the person they made me out to be in those articles and stuff,” Waite said. “I think I deserve something for spending six months of my life [in jail] for doing something I didn’t do.”

“I really just want the public to know,” she said. “This is not me. “ ■