

## Deal With Proceeds of Crime Intending to Conceal

s.193B(1) (NSW) *Crimes Act*

s 193B(1) dealing with proceeds of crime knowing it is proceeds of crime and intending to conceal that it is proceeds of crime

**Maximum penalty:** 20 years

**Commenced:** 28.10.2005

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	<b>Herod</b> <a href="#">[2010] NSWCCA 17</a>	s.193B(1)  Knowingly take part supply methylamphet  Possess more than 3 unregistered firearms  Sched: Firearms offences	PG (25%)	FT 18m  4y NPP 2y  FT 6m  <u>Total:</u> 4y 3m NPP 2y 3m	AD		Search of house found 57.15g methylamphetamine, \$26,000, rifles and ammunition – provided some assistance to girlfriend in drug supply business
2.	<b>Yeonata</b> (29) <a href="#">[2012] NSWCCA 211</a>  <a href="#">[2013] NSWCCA 59</a>	37 x s. 193B(1)  3 x Open account in false name  Sched: Additional dishonesty offences	PG (25%)	<u>Indicative</u> 2y – 4y 4m  6m – 2y  <u>Aggregate</u> 9y NPP 6y 9m	AA <u>Total</u> 6y 8m NPP 5y  FT 9m (concurrent)	nil	Offences committed as part of large fraudulent scheme involving a number of persons - intercepted and stole posted cheques, fraudulently altered or counterfeited cheques and deposited them into fraudulent bank accounts - once cheques cleared cash withdrawn – offender's role was to go to banks with false documents to open bank accounts and to deposit stolen cheques – offender did not steal or alter cheques – opened 20 bank accounts and deposited 29 cheques worth \$1,340,863.90 over several months - withdrew \$45k commission – mere courier

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

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3.	<b>Vo</b> <a href="#">[2014] NSWCCA 146</a>	s.193B(1)  Supply large comm heroin  Supply comm heroin  Sched: 2 offences	PG (14%)	6y NPP 4y  12y NPP 8y  8y NPP (all concurrent)	AD		1.9kg heroin supplied over four months and over 71 occasions – 754g heroin found in three separate locations – deemed supply – found in possession of \$217,109 cash – involved in supplying to two persons who supplied to users and street dealers
4.	<b>Kerr</b> (46) <a href="#">[2014] NSWCCA 235</a>	26 x s.193B(1)  2 x s.300(2)  11 x s.178BA(1)	VG	6m – 4y  5y  9m – 2y 6m (concurrent)  <u>Total:</u> 6y NPP 4y (s.193B sentences increased total sentence by 12m)	AD	nil	Company director opened two private accounts and arranged for company payments into first account (false instrument and obtain benefit by deception offences) - \$1.3m paid in over four months although some money paid back – transferred \$508,709.44 into second account over six months (money laundering offences) – planned and protracted criminal activity – use of false instruments treated as most serious element of criminality On appeal – no error in adding discrete 12 months for money laundering offences – additional criminality
5.	<b>Jones</b> (44) <a href="#">[2016] NSWCCA 230</a>	s.193B(1)  Supply lge comm pseudoephedrine  Possess proh weapon  Sched: 2 offences	PG (25%)	<u>Indicative</u> 4y NPP 2y 7m  9y NPP 5y 10m  12m NPP 8m  <u>Aggregate</u> 11y NPP 7y	AD	minor	Transported over 27kgs pseudoephedrine from Perth to Sydney by train in plastic containers – took delivery of containers and transported to garage – methylamphetamines and \$885 found in garage – search of house found knuckledusters and cash over \$160,000 – drug dealer involved for financial gain

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6.	<b>Musgrove</b> (41) <a href="#">[2019] NSWCCA 245</a>	s.193B(1)  s.193B(1)  s.93T(1) Knowingly participate in criminal group	PG (25%)	<u>Indicative:</u> 3y 9m  4y  2y 4m  <u>Aggregate:</u> 4y 6m NPP 2y 9m	AD	largely irrelevant – some minor drug matters	Involved in drug syndicate – on two occasions handed over cash to member of money laundering syndicate - \$60,000 - \$200,000 – below mid-range – motivated by financial difficulties Voluntarily left syndicate prior to arrest – remorse – good prospects of rehabilitation – low to medium risk of re- offending On appeal – aggregate sentence well within range given element of accumulation

Last Updated: Oct 2019