

## Recklessly Dealing with Property or Money Worth \$100,000 or More

s.400.4(2) (Cth) Criminal Code

s 400.4(2) Dealing with property or money worth \$100,000 or more reckless to the fact that it is a proceed of crime or to the risk that it will become an instrument of crime

**Maximum Penalty:** 10 years

**Commenced:** 1.1.2003

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Du Randt</b> (33) <a href="#">[2008] NSWCCA 121</a>	s.400.4(2)	PG	3y 9m NPP 2y	AA 2y 6m NPP 1y 6m	nil	Female - transported cash on three occasions from Qld to NSW for people involved in importing amphetamines - \$100,000, \$100,000 and \$50,000 Poor mental health at time of offending
2.	<b>Guo</b> (2010) 201 A Crim R 403 <a href="#">[2010] NSWCCA 170</a>	s.400.4(2)	PG (15%)	2y 6m 18d 1y 10m PD released on recognizance	Crown AA 3y 10m NPP 2y 5m		Involved in elaborate and sophisticated scheme using phantom companies - avoidance of tax and exploitation of workers – \$716,394 - significant degree of planning and deceit - pivotal role as sole director, secretary and shareholder of company – high level of criminality Number of significant subjective factors
3.	<b>A.Nguyen</b> (27)  <b>J.Nguyen</b> (26) <a href="#">[2010] NSWCCA 331</a>	s.400.4(2)  Consp traffic mkt qty heroin and methamphet  s.400.4(2)  Consp traffic mkt qty heroin and methamphet	VG	4y  5y NPP 3y (concurrent)  3y  5y NPP 3y (concurrent)	Crown AD  (appeal against drug sentences only)	Lengthy traffic offences	Member of large scale syndicate trafficking drugs – A Nguyen involved in money laundering over 6 months (\$420,000) – J Nguyen over 3 weeks (\$120,000) – each acted on instructions as performers of errands - also couriers for drugs Both developed drug addiction

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

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	FACTS
4.	Ihemeje <a href="#">[2012] NSWCCA 269</a>	2 x s.400.4(2)	VG	5y 7m NPP 3y 7m	AA Only to adjust commencement date of non-parole period.		Proprietor of foreign exchange business - received \$592,908 in fraudulent funds which he converted into US or Euro currency then handed back to the others involved in fraud- filed AUSTRAC reports (in purported compliance with the statutory requirements) in which he provided false details of a non-existent recipient - audited by AUSTRAC Good character
5.	Van Eeden (54) <a href="#">[2012] NSWCCA 18</a>	s.400.4(2)	PG	3y 1m NPP 1y 10m	AD	two custodial sentences in the Netherlands	Found in possession of \$432,268 cash in four currencies in luggage at airport – courier – source of money unclear Isolated from family

Last updated: April 2018