Hinder Investigation

s.315 (NSW) *Crimes Act*

s 315 do anything intending in any way to hinder:

(a) the investigation of a serious indictable offence committed by another person, or

(b) the discovery of evidence concerning a serious indictable offence committed by another person, or

(c) the apprehension of another person who has committed a serious indictable offence,

Maximum Penalty: 7 years.

	Case (age if known)	Offence	Offence Concealed	Plea	Sentence	Appeal	Record	Facts
1.	**Skinner** [2000] NSWSC 303 G.James J	s.315(1)(a)	Murder	PG	3y GBB			Female – attempted to conceal involvement of brother and lover in killing committed during robbery – efforts actually assisted crown Delay – interstate resident
2.	**Richmond** (26) [2000] NSWCCA 173	s.315(1)(a)	Dangerous driving causing death	PG	300h CSO	Crown AD	Minor	Falsely stated he was driver of car involved in fatal accident – attempting to conceal affair with female driver – made false statement which was never accepted by police Depression and suffering after effects of accident – good work circumstances
3.	**Bradley** (28) [2002] NSWSC 1018 Bell J	s.315(1)(b)	Mal wound with intent	VG	2y GBB (8w PSC)		Minor – no gaol	Observed friend shoot male stranger in park – unaware shooting fatal – carried bag containing gun and participated in concealment in bushes – no planning or sophistication – offence committed over less than two hours Delay – low intellect

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4.	**Derbas** (25) [2003] NSWCCA 44	s.315(1)(b)	Murder	PG	5y NPP 3y		'Not minor' – including GIC offences and possess unlicenced firearm	While stopped at traffic lights passenger unexpectedly alighted from car and shot dead strangers arguing on street – upon returning home arranged for car to be hidden and cleaned then moved to second location and reported stolen – deprived police of important evidence - acted out of misguided loyalty to friend – no substantial pre-meditation – towards top end of scale Married with child On appeal: sentence not manifestly excessive in view of seriousness of offence and lack of subjective mitigating factors
5.	**Lawrence** (42) [2004] NSWCCA 404	s.315(1)(a) s.94 Sched: Affray	Assault	PG (25% on appeal)	5y NPP 3y FT 2y (concurrent)	AA 2y 6m NPP 6m FT 2y Total: 4y 6m NPP 2y 6m	Very significant record – breached bail	Female- watched mentally ill de facto bash male neighbour – stole milk and phone – lied to police about injuries to de facto
6.	**Hamze** (28) [2005] NSWSC 136 Howie J	s.315(1)(b) Possess prohibited firearm Sched 3 x firearm offences	Manslaughter	PG (25%)	27m NPP 18m FT 6m Total: 2y 9m NPP 2y PD		Nil	Male shot dead during confrontation between two groups – took and concealed firearm found at scene – turned in weapon to police 6 months later – not weapon used to fire fatal shot – investigation generally hampered by reluctance of witnesses – unplanned Good character - delay
7.	**Ahmad** (30) [2005] NSWSC 848 Howie J	s.315(1)(c)	Manslaughter	PG (20%)	9m suspended		Nil	Female - male shot dead by husband during confrontation between two groups – lied to police about husband's whereabouts – provided needs and advised as to police investigations – premeditated and extended period of offending Sole carer for three children – good character

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8.	**Ibrahim** (37) [2005] NSWSC 1028 Howie J	s.315(1)(a)	Manslaughter	PG (20%)	17m NPP 12m suspended		Priors	Male shot dead during confrontation between two groups – assisted in hiding shooter over 1 month – delay compromised investigation – conduct at lower end of scale
9.	**Mobbs** (21) [2005] NSWCCA 371	s.315(1)(a)	Dangerous driving causing death	PG	15m NPP 12m	AA FT 4m	Record	Passenger in car involved in fatal accident – told police and medical staff he was driver – did not want driver to lose licence – no benefit – acting in state of shock – advised police of circumstances next day *De Simoni* error made
10.	**Mobbs** [2005] NSWCCA 438	s.315(1)(a)	Dangerous driving causing death	PG	15m NPP 12m PD	AA 6m 11d PD		Female – supported cousin's statement that he was driver of car – injured in accident – signed police statement at hospital – quickly recanted Mother to small child – factual errors made on sentence
11.	**Bailey** (33) [2006] NSWSC 49 Buddin J	s.315(1)(c) s.315(1)(a)	Murder	PG (25%)	8m NPP 4m 8d FT 2m (concurrent)		No gaol	Female – acquired accommodation for de facto husband and lied to police on arrest – aware de facto involved in fatal assault on one man and serious assault on second man – awkward position Seven children – remorse – good prospects of rehabilitation
12.	**Grant** (34) [2012] NSWSC 1491 Bellew J	s.315(1)(b)	Murder	PG	12m suspended		nil	Female - aware partner involved in murder – advised partner on disposing of property linking him to murder – did not herself dispose of property – did not hinder police investigation – towards bottom of spectrum Mother to six children
13.	**Weston** (33) [2012] NSWSC 1498 Bellew J	s.315(1)(c)	Murder	PG	12m suspended		nil	Female - aware partner involved in murder – lied to police on one occasion (Christmas Day) about presence in house – spontaneous and isolated occurrence – did not hinder police investigation Sole carer to two children with additional needs – good character – intellectual impairment
14.	**Slacke** (35) [2013] NSWSC 1215 RA Hulme J	s.315(1)(c)	Inflict GBH with intent	PG	2y GBB		lengthy	Boyfriend broke into home of male friend of female offender and bashed occupant causing severe head injuries – offender found body and contacted police - after removal of body offender attended house with boyfriend – delayed police in attempt to enter house allowing boyfriend to evade apprehension for short time – lower level of seriousness Drug problem – in violent relationship with boyfriend

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15.	**Sampson** (28) [2014] NSWCCA 19	s.315(1)(b)	Murder	PG (25%)	3y NPP 18m	s.10A (would have imposed 12m suspended sentence but already served 11m custody)	record	Driving with de facto (S) of male charged with murder of police officer – when S advised police were intending to execute crime scene warrant at house instructed son of S by telephone to hide bullets – acting on behalf of S – police intercepted call and not actually hindered in investigation Aboriginal woman – deprived and violent childhood – drug abuse
16.	**Smith** (30) [2017] NSWSC 900 Button J	s.315(1)(b)	Murder	PG (15%)	1y 3m NPP 8m		Lengthy – Local Court – breached bail for deriving disqual	Approached by girlfriend who indicated she had stabbed someone – buried knife and other items and assisted girlfriend wash herself of blood – lied to police – when learned victim had died told truth – spontaneous – offence extended over one day – motived by love for girlfriend Remorse Sentence partially concurrent with sentence imposed for cannabis plantation discovered by police when investigating burial of knife
17.	**Thomas** (28) [2017] NSWSC 1542 Harrison J	s.315(1)(a)	Murder	PG	Recording of conviction (6m PSC)		traffic offences	Several men seen on CCTV alighting from offender's car and chasing male into house – neither car nor male seen since incident - offender lied to police at request of friends advising car had been stolen – plea accepted in satisfaction of indictment which also charged accessory after the facto to murder – no suggestion involved in incident – lowest level of offending Spent 6m 8d on remand for accessory offence
18.	**King** (35) [2018] NSWSC 643 N.Adams J	s.315(1)(a)	Murder	PG (12%)	3y 4m NPP 2y 4m (immediate eligibility for parole)		minor traffic offences	Female – involved in planning to clean up scene of killing in hotel room over several days – retrieved revolver and extended booking of room – not spontaneous offence – limited hindrance to investigation – lied to police – acted to protect boyfriend (not shooter) Good prospects of rehabilitation - remorse
19.	**Kelecki** (32) [2018] NSWSC 1209 N.Adams J	s.315(1)(b)	murder	PG (15%)	11m NPP 7y		short – driving and breach AVO – awaiting sentence for drug offences	Advised by friend male he had shot victim in leg – assisted shooter by disposing of jumper in nearby bin several days later – low degree of planning – motivated by desire to distance self from situation – lower end of scale – less serious than involvement of *King* [2018] NSWSC 643 Assaulted in gaol – genuine contrition – reasonable prospects of rehabilitation

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20.	**Ferris (a pseudonym)** (54) [2020] NSWCCA 325	s.315(1)(a) Access after the fact to manslaughter Sched: Steal copper pipes	Accessory after the fact to manslaughter	PG (40% combined)	Indicative: 1y 6m 2y 6m Aggregate: 2y 10m NPP 1y 6m	AD	Record – breached bail at time of offending	Present in industrial area with two men preparing to steal copper piping – heard one male strike other male to head causing fracture and immediate unconsciousness – left area with assailant after unsuccessful attempt to revive victim – returned to pick up tools and again left victim – assailant returned to conceal body – took steps to conceal involvement – lied to police – 8 months after arrest wrote to partner to dissuade her from making statement to police Drug user – genuine contrition – assistance
21.	**Zahed** (34 - 40 at sentence) [2024] NSWSC 231 Button J [2024] NSWCCA 171	s.315	Murder	PG (5%)	3y 6m NPP 2y 4m	AD	Maliciously cause dog to inflict ABH, maliciously inflict GBH, discharge firearm intent GBH. On parole.	No persons convicted of homicide of deceased - deceased assaulted in his motor vehicle and shot at close range – offender's brother charged with minor offence - offender and A took possession of deceased's motor vehicle, cleaned blood - offender directed A to dispose permanently of vehicle – motivated by desire to protect brother - vehicle failed to be destroyed by fire - police examination rendered less effective because of damage to vehicle - actions and orders of offender made police investigation difficult- leading role - organising mind - member of well-known motorcycle gang. Fatal shooting of brother - near fatal shooting of offender a few months prior to offence – suffered significant physical injuries - psychological conditions - extremely restricted conditions of custody - prospects of rehabilitation unclear - special circumstances. On appeal: dismissed parity argument
22.	**Fitton** (29) [2026] NSWSC 482 Chen J	s.315(1)(c) – Hinder apprehension s.315(1)(a) Hinder investigation	Murder / unlawful killing	PG (5%)	Indicative: 11m 11d 11m 11d Aggregate: 1y 3m NPP 11m 7d		Breached bail - record	Drove principal offender away from home of victim after fatal stabbing – subsequently arranged another person to clean car – first offence spur of the moment and brief arising from association with principal offender - later offence calculated, deliberate and involved degree of planning motivated by concern to protect partner – hindering in both offences limited and practically ineffectual – lower end of spectrum of seriousness Criminal record linked to drug use – early offer to plead guilty facilitated justice – prospects of rehabilitation guarded – strict conditions of bail

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