Knowingly Deal With Proceeds of Crime

s.193B(2) (NSW) *Crimes Act*

s 193B(2) dealing with proceeds of crime knowing it is proceeds of crime

Maximum penalty: **15 years**

Commenced: **28.10.2005**

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	**Ali** [2008] NSWCCA 60	s.193B(2) Sched: 10 offences Knowingly possess false travel doc 3 x False instrument offences Attempt obtain credit by fraud	PG (not stated)	6y NPP 3y 6m FT 2y FT 2y FT 6m (all concurrent)	AD		Used business to create false documents and financial information for bank loans – once loans granted shared between parties involved – heavily involved in system with others - $490,000 found on premises
2.	**Yow** (47) [2010] NSWCCA 251	s.193B(2) Sched: 3 offences 8 x False instrument offences Sched: 30 offences	PG (25%)	3y 6m NPP 2y 7m 15d 3y 4m NPP 2y 4m Total: 3y 10m NPP 2y 11m 15d	AD	Dishonesty offences	Found in possession of 25 counterfeit credit cards – used cards to purchase $41,000 worth of goods – one month later opened bank account in false name and deposited over $6,000 of proceeds from cards Organised syndicate

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.	**Dela Cruz** (34) [2010] NSWCCA 333	s.193B(2) 2 x Obtain financial adv by deception Sched: 2 x Obtain financial adv by deception	PG (not stated)	3y 5m NPP 14m 5y NPP 4y <u>Total</u>: 6y 9m NPP 4y 6m	AA 3y 2m NPP 14m 5y NPP 4y <u>Total</u>: 6y NPP 4y		Senior accounts clerk transferred money to own account - $21,930.22 and $53,740 – withdrew money – stole further $406,725.16 – changed companies and stole further $35,459.22 Element of double punishment
4.	**Burns** (53) [2010] NSWCCA 279	s.193B(2) s.193B(2) Supply comm qty cocaine	PG (25%)	FT 2y FT 6m 6y 9m NPP 4y 9m <u>Total</u>: 8y NPP 6y	AD	Drug and dishonesty offences	Found in possession 251.1g cocaine and $2350 - $15,000 cash found at premises – money at premises related to separate criminal activity
5.	**Smaragdis** (26) [2010] NSWCCA 276	s.193B(2) Supply cocaine Possess taser	PG (25%)	FT 6m 25m NPP 15m FT 10m <u>Total</u>: 2y 10m NPP 2y	AA FT 6m 25m NPP 14m 10m NPP 6m <u>Total</u>: 2y 9m NPP 1y 10m	nil	Found in possession of 25.6g cocaine – taser and $8,032 proceeds of crime in car Genuine remorse – sold to support addiction
6.	**Ryan** [2011] NSWCCA 250	s.193B(2) 6 x Obtain financial adv offences Sched: 34 dishonesty offences	PG (25%)	4y NPP 1y 6m FT 2y <u>Total</u>: 7y 6m NPP 5y	AD	Fraud (NZ)	Specific details of s 193B(2) offence not stated – obtain financial advantage offences comprised of attempting use of stolen credit card and purchasing expensive items by fraudulent transfer of other people's funds using internet banking. Lack of remorse – did not disclose NZ criminal history – drug use.

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7.	**Sills** [2011] NSWCCA 271	s.193B(2) Accessory after fact BES	PG (15%)	2y 9m NPP 1y 3m FT 12m Total: 3y NPP 1 y 6m	AD		Offender's sister broke into RSL Club at which she previously worked stealing $134k from safe – offender present at scene and knew sister was going to commit offence – sister gave some money to offender to assist with his gambling problem – precise amount given not clear. Former police officer – gambling addiction.
8.	**Jeffery** (33) [2012] NSWCCA 36	s.193B(2) Supply comm qty amphetamine s.166 certificate: 2 x driving offences	PG (not stated)	3y NPP 1y 10m 8y NPP 5y FT 6m (all concurrent)	AD	Violence – weapons – breached bond	Drugs found in liquid form in bottle in storage shed – offender observed by police dealing with bottle – $46,700 found at home of offender Member of bikie gang
9.	**Subramaniam** (36-40) [2013] NSWCCA 159	3 x s.193B(2) 23 x s.178BA	PG (25%)	Aggregate 15y NPP 7y	AA Indicative 3y 9m 1y – 3y 9m Aggregate 11y NPP 6y		Female senior financial accountant for financial institution – used position to transfer funds from corporate accounts over five years – purchased property and luxury goods and gave gifts - $45,388,249 Some reparation made although shortfall – personality disorder – sexually abused as a child – prospects of rehabilitation
10.	**Youkhana** [2013] NSWCCA 85	s.193B(2) Att pervert course of justice Give false evidence to Crime Commission Financial Transactions offence	PG (not stated)	3y 9m NPP 2y 3m FT 9m FT 9m FT 9m Total: 4y 6m NPP 3y	AD		Husband involved in importation and distribution of large amounts of cocaine – spent $4,642,135 over 27 months on personal property – laundered money through associate - conspired with associate to give false testimony to Crime Commission – personally gave false evidence to Crime Commission – made 41 cash deposits into bank account under $10,000

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11.	**Delaney** (48) [2013] NSWCCA 150	s.193B(2) 2 x s99(2) s.99(1)	VG	2y NPP 10m 2y NPP 10m 18m NPP 10m (all concurrent)	Crown AD	AOABH	Involved in members of Rebels Motorcycle Club threatening owner of tattoo parlour and requiring payment of $200 per week – received initial amount of $200 from victim V – took total of $400 from V Regretted involvement with Club – difficult upbringing – loving father to 2 children – depression Related case – O'Connell
12.	**Connell** (50) [2013] NSWCCA 155	11 x s.193B(2) 13 x s 99(2)	PG (10%)	Indicative 1y 9m NPP 12m 1y 9m NPP 12m Aggregate 3y 3m NPP 1y 9m	Crown AD	Lengthy history for dishonesty. Drugs, assault, AOABH.	Involved in members of Rebels Motorcycle Club threatening owner of tattoo parlour and requiring payment of $200 per week - attended shop on twelve occasions to receive cash arrested in possession of $1,817.30 of which $750 was cash from victim – s.193B offences related to receipt of money on demand - callous behaviour towards victim Difficult upbringing. Related case - Delaney
13.	**Hutchinson** (23) [2014] NSWCCA 317	Supply ecstasy s.193B(2)	PG (50% plea and assist)	5y NPP 2y 6m FT 12m (concurrent)	AD	driving record	Passenger in car found in possession of 497.4g ecstasy and $4,200 cash – drugs secreted in car without knowledge of driver – admitted bringing drugs from Queensland for purpose of sale – admitted cash from drug sales – some degree of planning and sophistication Remorse – good prospects of rehabilitation
14.	**Jadron** [2015] NSWCCA 217	s.193B(2) Supply methamphet Supply cannabis		2y 11m NPP 1y 6m 3y 4m NPP 1y 9m 1y 10m NPP 1y Total: 4y 1m NPP 2y 6m	AA 2y 11m NPP 1y 6m 3y 4m NPP 1y 9m 1y 10m NPP 1y Total: 3y 10m NPP 2y 3m	prior convictions	Supplied drugs with co-offender from residential unit in small amounts on almost daily basis – over 6 months supplied 157.9g methamphetamine and 90g cannabis – cash totalling $5,580 found in residence on arrest Funding addiction

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15.	**Usher** (33) [2016] NSWCCA 276	s.193B(2) s.112(2) Sched: s.113(2)	PG (10%)	FT 2y 6m 5y 10m NPP 3y 3m (concurrent)	AD	Lengthy – dishonesty and driving	Broke into food store using keys and codes supplied by co-offender – left on first occasion when alarms activated – three days later broke in and stole $90,815 – purchased car with his share (s.193B offence) – lower mid-range to below mid-range Drug user – schizophrenia
16.	**Trejos** [2017] NSWCCA 122	s.193B(2) Supply comm qty cocaine (499g) Supply comm qty cocaine (498g) Supply comm qty cocaine (498.67g) Sched: 2 x supply	PG (25%)	FT 4y 7y NPP 4y 7y 6m NPP 4y 8y 6m NPP 4y 6m Total: 11y NPP 7y	AD	Overseas record for drug offences.	Police surveillance - offender received drugs from overseas through the post – communicated with H in Australia who would then find a buyer – was "up-line" supplier to H – would receive payments after supplies completed - intimate knowledge of arrangements H made with others, even if did not know identity of purchaser - mid-range objective seriousness - principal – vital role, supplying to H and also collecting drugs when they arrived in Australia – $104,500 cash found in shoe box in house – admitted at least $80,000 from drug transactions Offences for financial gain.
17.	**Elsaj** (40) [2017] NSWCCA 124	s.193B(2) s.193B(2) Supply comm qty ecstasy Supply comm qty cocaine Supply cocaine Sched: 6 possession offense	PG (25%)	Indicative 5y 6m 2y 6m 9y 9m NPP 6y 6m 10y NPP 6y 9m 3y 6m Aggregate: 16y NPP 11y 9m	AD	priors – no drug offences	Supplied ecstasy tablets to co-offender over two months period – tablets supplied to under-cover operator – 489.49g total – on arrest found in possession of $113,145 cash and 999.5g compressed cocaine buried in back yard – while on bail search of house found 45.8g cocaine and other drugs and $52,000 cash in garage - well up in drug hierarchy – amount of cash suggests additional drug supplies – premeditated offences for financial gain Violent and traumatic childhood in Lebanon

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18.	**Watkins** [2018] NSWCCA 24	Supply methamphet Supply cannabis Possess unauth pistol s.25A supply methamphet Supply methamphet s.193B(2) Sched: 7 offences s.166 Certificate 10 offences	PG (10-15%) PG (25%)	<u>Indicative</u> 3y 2y 2y NPP 15m 4y 6m 4y 6m 4y <u>Aggregate</u> 8y NPP 5y FT 6m (concurrent)	AD	supply offences – second offences committed on bail	Drug dealing from rented premises – found in possession of 30.73g methamphetamine, 360g cannabis and pistol – after release to bail continued drug dealing – found in possession of 29.59g methamphetamine and $35,000 Mental health issues impacting custodial conditions
19.	**He** (49) [2018] NSWCCA 123	3 x s.193B(2) Sched: 3 offences	PG (17%)	<u>Aggregate:</u> 5y NPP 3y	AD	Goods in custody	Female - offences involved taking commissions of monies following dealing with co-offenders – sums of $100k-$200k of which offender took commissions of around $9000 – discussed ongoing deliveries of large sums of cash of $200k and offender to make transfers - moderately serious offences. Drug abuse - genuinely remorseful - low risk of reoffending

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20.	**Battersby** (30) [2018] NSWCCA 141	Supply lge comm qty ecstasy Supply lge comm qty cocaine s.193B(2)	PG (25%)	Indicative: 12y NPP 7y 6m 5y NPP 3y 5y Aggregate 15y 6m NPP 10y	AA Indicative: 10y NPP 6y 6m 5y NPP 3y 3y Aggregate 12y NPP 8y	nil	Observed giving suitcase containing drugs to co-offender waiting in car - money found in search of house – not involved in financing or organising offence – delivered drugs on behalf of friend – chose to be involved although aware criminal activity – element of fear and obligation after receiving 5mths free rent – limited role but still well above lowest rung in hierarchy – drug offences somewhat below mid-range – proceeds offence mid-range Good character – genuine remorse – evidence of rehabilitation – cannabis drug user
21.	**Ramos** (36) [2018] NSWCCA 206	s.193B(2) Possess comm qty ecstasy	PG (25%)	3y NPP 19m 6y NPP 4y Total: 7y 7m NPP 5y 7m	AA 13m NPP 9m 6y NPP 4y Total 6y 9m NPP 4y 9m		Arranged for wine bottles containing ecstasy to be delivered to local store – one bottle accidently drunk by owner of store revealing presence of drugs – offender found in possession of remaining bottles and $12,900 – 2.538kg drugs Dutch national - good prospects of rehabilitation Appeal against proceeds offence only – error in assessment of seriousness of offence
22.	**Chamon** (25) [2020] NSWCCA 112	s.193B(2) Participate in criminal group Supply ecstasy Sched: Supply ketamine Supply ecstasy	PG (25%)	Indicative: 3y 9m 2y 2y 3m Aggregate: 5y NPP 3y	AD	Nil	Involved in Sydney drug syndicate distributing drugs over several months – $163,235.90 found in car and apartment – involved in supply of 28.3g ecstasy – important role – above runner Good character – unlikely to re-offend – good prospects of rehabilitation – nature of France – drug user On appeal: question of parity raised

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23.	**Lou** [2021] NSWCCA 120	s.193B(2) Deal proceeds crime: s.193C(2) 2 x Obtain benefit by deception s.192E(2)(b) Obtain benefit by deception s.192E(2)(b) Obtain benefit by deception s.192E(2)(b) Deal with identification information s.192J 16 x possess identification information s.192K Sched: 6 offences	PG (10%) PG (25%)	Indicative 3y 7m 15m 1y 9m 18m 2y 9m 2y 4m 18m Aggregate: 4y 6m NPP 2y 3m	AD	Nil	Female - $1.3 million cash located by police in storeroom of convenience store where offender worked; store owned by husband and co-offender – store ATM installed with card “skimming” device – police also located laptop containing data from more than 1,300 individual credit cards - skimming data cloned onto gift cards used to make, or attempt to make, fraudulent withdrawals from ATMs - series of sophisticated and well-planned deceptions On conditional liberty after being charged with first round of offences Good character - good prospects of rehabilitation - special circumstances reflected finding of exceptional hardship regarding offender’s children.

Last Updated: June 2021