Recklessly Deal With Proceeds of Crime

s.193B(3) (NSW) *Crimes Act*

s 193B(3) dealing with proceeds of crime being reckless as to whether proceeds of crime

Maximum penalty: **10 years**

Commenced: **28.10.2005**

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	**Butler** (36) [2012] NSWCCA 54	s.193B(3) 18 x Obtain benefit by deception 4 x Computer offence Sched: 294 dishonesty offences	PG (25%)	5y NPP 3y FT 3y 5y NPP 3y Total: 5y 3m NPP 3y 3m	AA to make all sentences concurrent Total 5y NPP 3y	Driving and drug possession	Bank employee with access to client details defrauded clients over two years – bank reimbursed victims $454,290 Abusive childhood – gambling and drug addiction
2.	**Moss** [2016] NSWCCA 242	s.193B(3) s.193B(3) Supply methamphetamine	PG (25%)	Total: 4y 9m NPP 3y 9m 23d	AA 3y NPP 2y 3m 3y NPP 2y 3m 3y 4m NPP 2y 2m Total: 4y 7m NPP 3y 5m	Nil	Money and drugs located at offender's residence - $330,500 and $333,980 – 77.8g drug - activities involved degree of organisation evidenced in ledger kept by offender Good character – supportive family – remorse - rehabilitation

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	SUMMARY
3.	**Lamis** [2016] NSWCCA 274	Att s.193B(3) Possess proh pistol Sched: Possess knife	PG (25%)	2y 6m NPP 18m 3y 9m NPP 2y 3m (concurrent)	AD	Breached bond – history of assaults, sexual offences, robbery, weapons	Accompanied several persons involved in drug deal to collect money– carried loaded 9mm Sig Arms semi-automatic pistol in bag into Casino – would take custody of money from deal - gun not removed from bag and no threats made but prepared to use weapon if required – mid-range Difficult personal history – mental health issues – drug addiction
4.	**Atilgan** [2018] NSWCCA 5	s.193B(3) s.193B(3)	PG	2y 6m NPP 1y 6m 2y 9m NPP 1y 6m Total: 3y NPP 1y 9m	AD	Driving, malicious damage	Met with drug dealer on 2 different occasions – handed over $200,050 and $250,000 in bags. Remorse – supportive family
5.	**Hraiki** [2019] NSWCCA 140	s.193B(3) 2 x s.193B(3) s.192E(1)(b) Sched: offences	PG (total 25%)	1y 5m 1y 9m (each) 2y 3m Total: 2y 9m NPP 1y 5m	AD	nil	Involved in obtaining fraudulent loans from two banks – use of false documents $99,057 $173,340 $303,841 $920,000 offences involved planning Out of character – some assistance
6.	**Humphreys** (47) [2020] NSWCCA 144 Co-offender: KISS	23 x s.193B(3) 5 x Att s.193B(3)	VG	Indicative 5y 4y 6m Aggregate 9y 2m NPP 6y 3m	AA Indicative 5y 4y 6m Aggregate 7y NPP 4y 3m	Very old fraud offence	Involved in sophisticated scheme to defraud Commonwealth Bank through fraudulent loan applications – multiple offenders – multiple fictitious documents – total loss of $4,770,500 – accountant involved in application process and collection and distribution of funds – extent of financial benefit unclear – actual knowledge – offending of high order Lost job and property portfolio – some physical health issues On appeal: parity with co-offender sentenced for more serious offences

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7.	**Kiss** [2021] NSWCCA 158 Co-offender: HUMPHREYS	23 x s.193B(3) 5 x Att s.193B(3)	VG	Indicative: 5y 6m 5y Aggregate: 11y 2m NPP 7y 8m	AA Indicative: 3y 3m 3y Aggregate: 8y 6m NPP 6y 4m		Involved in sophisticated scheme to defraud Commonwealth Bank through fraudulent loan applications – multiple offenders – multiple fictitious documents – total loss of $4.7m – stood at apex of scheme – more culpable than co-offender On appeal: adjustment needed to sentence in view of change to sentence of co-offender on appeal
8.	**Ke** (51) [2021] NSWCCA 177	s.193B(3)	PG (25%)	2y 3m NPP 18m	AA 1y 10m NPP 14m	Nil	Female - with co-offender (partner) purchased baby formula from "rogue suppliers" who had stolen it from various stores - on-sold formula on multiples occasions to persons in China, reckless as to whether it had been stolen. Committed over nine months, significant period of time, considerable planning, conducted for substantial profit – caused $394k to be deposited into partner's account. Good character; caring mother – good rehabilitation prospects – mental illness; extreme depression. CCA: Should have received 25% discount for early plea, not 10% granted by sentencing judge - had offered to plead guilty before being committed for trial but offer not recorded in case conference certificate; Crown had rejected plea and plea was ultimately accepted – special circumstances mental illness.
9.	**Bresnahan** [2022] NSWCCA 288	s.193B(3)	VG [at trial for s.193B(2)]	2y 3m NPP 1y 5m	AA 1y 10m NPP 10m	Nil	Director of company purchased 160 pallets of stolen meat over 14 months from branch manager of meat supplier – aware of possibility meat was stolen – multiple transactions – unsophisticated but degree of planning – offender played essential role – recklessness towards upper level – motivated by greed – just within mid-range Made $1,007,000 reparation – prior good character – remorse – good prospects of rehabilitation – unlikely to re-offend – 10% discount for facilitation of justice On appeal: erred in finding joint criminal enterprise – failure to properly take into account reparation

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10.	**McRae** (22) [2023] NSWCCA 55	s.193B(3) s.193C(1)	PG	2y 6m 3y 6m Total: 3y 6m NPP 1y 9m	AD	nil	Female – involved in well-established, organised and ongoing criminal group laundering money – offender at relatively low level – s.193C: over one month deposited $883,500 cash into multiple bank accounts – s.193B: several weeks later deposited $188,000 into multiple bank accounts over two days – flew to Gold Coast to commit offences, opened accounts and transferred money to cryptocurrency dealer – degree of planning Pregnant at time of sentence – low risk of re-offending
11.	**Ishaq** (30) [2023] NSWCCA 178	s.193B(3) s.193B(3) Deal with identification information: s.192J Sched: 2 offences	PG (25%)	Indicative 12m 1y 3m 2y 3m Aggregate 3y to be served by ICO	AD	Nil	Sold stolen goods on false eBay and PayPal accounts using stolen identity of another person – sold large volume of property (lighters and SD cards) – transactions totalling $58,234 – value of items $28,446 and less than $10,000 - turned a 'blind eye' as to whether items stolen - - purchased most items on eBay and involved in buying and selling quickly for a profit – committed for financial gain. Lived with and cared for disabled parents – professional - prior good character - extra-curial punishment in loss of employment.
12.	**FF** (49) [2023] NSWCCA 186	s.193B(3) s.193B(3) s.193C(1) Sched: 2 x s.193B(3) s.193C(1)	PG (45% combined)	Indicative 22m 23m 20m Aggregate 2y 6m ICO	Crown AA Indicative 29m 28m 26m Aggregate 4y NPP 2y 6m	minor	Over 8 months involved in depositing more than $8.5m cash in bank accounts – money linked to drug trafficking - on occasions money deposited by other persons collected from airport by offender – serious offences Remorse and low risk of re-offending – born in turkey – hardship on family

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13.	**Maximos** [2026] NSWCCA 22	s.193B(3) 2 x s.193B(3) 2 x s.193B(3) 3 x s.193B(3)	PG (5%)	Indicative: 1y 1y 2m 1y 4m 1y 6m Aggregate 2y 6m NPP 1y 6m	AA Indicative: 1y 1y 2m 1y 4m 1y 6m Aggregate 2y 3m NPP 1y 4m	Dishonesty offences, possess drugs. On conditional liberty.	Sole director and shareholder of company – processing of unauthorised credit card transactions through company merchant terminal (EFTPOS/credit card terminal) - totalling $746,500 - quickly withdrawing and transferring proceeds from company account for personal and third-party benefit. Drug, alcohol abuse – mental health: anxiety, depression – remorse - came as refugee 1999 - Centrelink benefits and working casually in store which part-owned - modest risk reoffending. CCA: Material inadvertently and incorrectly placed before sentencing judge meant that judge fell into error - length of indicative sentences remain but notional accumulation reduced - delay.
14.	**Muldoon** (35-36) [2026] NSWCCA 158	s.193B(3) s.193B(3) s.193B(3) Sched: 4 x s.193B(3)	PG (25%)	Indicative: 6m 9m 12m Aggregate: 2y NPP 18m	AA Aggregate: 2y NPP 1y 1m 5d (immediate release)	Breached conditional liberty – similar offences committed before and after these offences	Internet scam taking money for alleged sale of puppies and kittens – committed over four months – 5 individual persons scammed – amounts: $1,100 $2,200 $2,500 $600 3 x $1,750 motivated by greed – low end of objective seriousness – delay in sentence Bugmy factors reduced moral culpability On appeal: totality error – SJ intended sentence to have no effect on existing sentence – miscalculation increased existing NPP by 7 months

Last Updated: Oct 2026