Accessory After The Fact to Murder

Maximum Penalty: 25 years (s.349(1) *Crimes Act)*

	NAME (age if known)	CHARGE	PLEA	SENTENCE	APPEAL	SUMMARY OF RECORD	INVOLVEMENT & SUMMARY
1.	**Saunders** (18) NSWSC Maxwell J 2.7.1987	Accessory after fact to murder	VG	5y GBB		nil	Permitted ex-lover and brother to stay at flat for three days after being told wanted for car theft – became aware they were wanted for murder of Anita Coby – became frightened and not sure what to do – provided meal Young impressionable Aboriginal woman – good character
2.	**Paterson** (36) NSWSC Maxwell J 10.8.1987	2 x Accessory after fact to murder	VG	8y NPP 3y		Short record – associate of criminal element	Told by two brothers they had just murdered and mutilated a woman – followed them to area where car used in murder burnt and brought them back – allowed them to stay one night and provided two meals Some assistance – low intelligence
3.	**Vougdis** (31) (1989) 41 A Crim R 125 NSWCCA	Accessory after fact to murder Accessory before fact s.97 Sched: 5 similar offences	PG	18m 10y <u>Total</u>: 11y 6m NPP 7y 6m	Crown AA 18m 14y 6m <u>Total</u>: 16y NPP 10y	nil	As owner of fruit juice delivery provided information regarding premises suitable for robbery – shared proceeds of robbery – during armed robbery of private home female occupant shot dead – made arrangements for shooter to leave and drove to airport
4.	**N Farroukh** (40) **M Farrounkh** (52) NSWCCA 29.3.1996	Accessory after fact murder	VG	MT 6m AT 12m	Crown AA MT 18m AT 6m	nil	Husband and wife of Lebanese background - close relative stabbed 19y daughter following her refusal to take part in arranged marriage - assisted principal offender in removing incriminating evidence - told children to keep silent about killing – lied to police – principal offender escaped to Lebanon and not brought to justice. Prior good character – 6 children Discussion as to sentences for accessory after fact to murder
5.	**Do** (20) NSWCCA 7.5.1997	Accessory after fact murder Receiving	PG	12m PD	Crown AD	Nil	Good friend involved in shooting of shop owner during armed robbery – agreed to provide simple alibi – held $1500 stolen money on behalf of friend for future legal costs (receiving charge) - alibi not provided as friend confessed to police - never intended to provide alibi.

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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6.	**Szkudelski** (40) [1999] NSWSC 178 Barr J	Accessory after fact to murder	PG	3y GBB		Record related to alcohol abuse	Victim bashed and strangled by brothers – offender assisted in disposing of body –acted out of fear – reported offence to police and provided assistance Danger of custodial sentence
7.	**R.A.F.** (14) [1999] NSWSC 615 Sully J	Accessory after fact to murder	PG	4y GBB			Female in relationship with principal offender – both out of control – victim bashed and stabbed in fight - left scene and travelled interstate with primary offender Evidence of rehabilitation – mother to young son
8.	**Waters** (20) [1999] NSWSC 893 Simpson J	2 x Accessory after fact to murder	PG	18m PD (3m 6d PSC)		Minor	Present at time of killing of two females by principal offender – assaulted second victim – provided minor assistance in leaving scene – failed to report offence over 2.5 years Assistance - contrition
9.	**Leung** (19) [2000] NSWSC 824 Barr J	Accessory after fact to murder	PG	2y GBB			Attended service station with primary offender – after swearing at attendant walked outside – primary offender unexpectedly shot attendant– suffering mental illness – provided accommodation for 48 hours – acted out of fear Student from Hong Kong – no family support at time of offence – immaturity – voluntarily surrendered – remorse - rehabilitation
10.	**Faulkner** [2000] NSWSC 944 Wood CJ at CL	2 x Accessory after fact to murder Sched: 4 drug and dishonesty off	PG (20%)	4y 4m NPP 2y 8m		Nil	Victims killed by principal offender in retaliation for drug rip-off – stood guard over first body as instructed – assisted over several days in disposing of cars, bodies and weapons – element of fear – upper range of seriousness Involved in drug dealing with primary offender
11.	**Phan** (18) (2001) 126 A Crim R 257 [2001] NSWSC 1069	Accessory after fact to murder	PG	2y suspended (Pre-sentence custody 1y 10m)			Deceased shot in car three times – present in car – lied to police and doctor in attempt to cover up Undertaking to give evidence against co-offender – Vietnamese

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12.	**Huynh** (19) [2001] NSWSC 357 Wood CJ at CL	Accessory after fact to murder s.97(2) Sched: Agg AR Acc after fact AR Possess firearm	PG (25%)	3y 3m NPP 21m FT 3y 3m Total: 5y NPP 3y 6m		drug and violence offences	With co-offender robbed two males at entertainment arcade of various personal property – co-offender held .32 calibre weapon wrapped in towel – shooting by co-offender occurred during second robbery committed five hours later – shot male attempting to aid victim of robbery in chest – accessory to murder consisted of driving shooter from scene and hiding gun at house for short time Drug affected – serving sentence for serious violent offence committed in custody
13.	**Powick** (20) **Wall** (30) [2001] NSWSC 470 Ireland J [2002] NSWCCA 520 (Powick)	Accessory after fact to murder s111(3) Accessory after fact to murder Intent to pervert course of justice	VG VG	FT 3y 10y NPP 6y 6m (concurrent) 12m NPP 6m FT 5m (concurrent)	AA FT 3y 9y NPP 5y 6m (concurrent)	considered a first offender – sentenced for subsequent robbery offence minor	P drove three men to house – co-offenders forced entrance and terrorised occupants inside with baseball bat, revolver and shortened shotgun - victim executed at close range with bullet behind ear – drove co-offenders away from scene – blatantly lied to police - aware of intention to rob using weapons W allowed offenders to use car for home invasion – subsequently planned and provided false alibi to police to cover actions – sought help of two friends – acted under influence of violent co-offenders
14.	**Quach** (22) [2002] NSWSC 1205 Simpson J	Accessory after fact to murder	PG (50% plea and assist)	2y suspended after 3m for 1y 9m (pre-sentence custody 10m)		Nil	Female victim killed while sleeping with primary offender – offender assisted in disposing of body – disposal of body in upper range Vietnamese – remorse – assistance to authorities
15.	**Dileski** (26) [2002] NSWCCA 345	Accessory after fact murder	PG (50% plea and assist)	5y NPP 3y	AA 2y NPP 1y	drugs, dishonesty – on bond	Assisted friend who had murdered employer at factory - cashed $850 cheque at bank drawn on victim's account – waited at factory while friend cashed further cheque – told friend of victim that victim had already left factory Assistance to authorities - special circumstances in drug addiction On appeal - error in taking into account cashing of cheque

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16.	**Galea** (42) [2003] NSWSC 465 Sully J (2004) 148 A Crim R 220 [2004] NSWCCA 227	Accessory after fact murder	VG (third trial)	5y NPP 2y 6m	Conviction AD		Assisted former de facto wife to dismember and dispose of male victim wife had shot dead Prior good character
17.	**Gersteling** (15) [2004] NSWSC 502 Adams J	Accessory after fact murder	PG	3y GBB		Nil	Saw 17y best friend shoot male stranger in street – picked up and hid gun in grass to protect shooter and ensure no further use – assisted police in locating weapon – spontaneous and emotional reaction Strong evidence of remorse and contrition – aberration – good prospects of rehabilitation
18.	**Ward** (37) [2004] NSWSC 420 Hulme J	Accessory after fact to murder	PG (approx. 40% plea and assist)	3y 6m NPP 2y 6m		Nil	Female assisted male friend who had bashed and slit throat of female partner – cleaned up blood – told lies about whereabouts of victim - stored implicating evidence at house – hid principal offender from police – acted in fear History of abusive relationships –assistance – hardship of custodial conditions
19.	**Mirad** (28) [2004] NSWSC 701 Barr J	Accessory after fact to murder	PG	2y 6m NPP 1y 6m		Two previous offences of violence 8 and 9 years ago	Offender and 4 others went to hotel where deceased was at a birthday party – bad blood arising from previous altercation between two groups – offender waited in car while others opened fire, then drove them away Went to police station to turn self in - substantial discount for plea
20.	**Almirol [No.2]** (38) [2007] NSWSC 323 Kirby J	Accessory after fact to murder	PG (15%)	4y 3m NPP 3y 2m		Nil	Present when victim killed in house by close friend – assisted in cutting up body and removing to remote area – assisted in cleaning up house – small man – intoxicated at time of offence – shocked and fearful for safety – felt obligation to close friend Acquitted at trial of murder – from Philippines – remorse – good character
21.	**Scowen** (20) [2007] NSWSC 792 Grove J	Accessory after fact to murder	PG	15m 28d NPP 11m 28d		Record	Female accompanied partner from crime scene into Queensland after fatal stabbing – offender and partner surrendered voluntarily to police two days later – assisted partner in delaying arrest – lower end of range of seriousness

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22.	**AB** (21) [2007] NSWSC 1517 Berman AJ Co-offender: DAVID	Accessory after fact to murder	PG (approx. 50% plea and assist)	2y 6m NPP 1y 7m 18d		Driving offences	Drove shooter and co-offender from scene after witnessing fatal shooting – element of duress – aware shooter holding gun - short journey – lower range of objective gravity Prior good character – assistance and protective custody – remorse - good prospects of rehabilitation.
23.	**Cowen** (32) [2008] NSWSC 104 Buddin J	Accessory after fact to murder Conceal serious offence	PG	9m PD 18m GBB		Minor	Female failed to advise police of involvement of de facto in forcible detainment of two adults – failed to disclose possession of handbag belonging to female victim – bottom range of gravity - acted out of loyalty to partner and emotional dependence Unstable and sexually abusive childhood – alcohol dependency – good character – remorse – good prospects of rehabilitation
24.	**Wells** (29) [2008] NSWSC 206 Grove J	Accessory after fact to murder	PG (1y discount to total sentence)	3y NPP 18m		Nil	Female assisted male partner conceal offence over two weeks – observed Shepherd choking female victim – immediately laid trail for false story – delayed calling ambulance – false statements to police –disposed of incriminating evidence – voluntarily assisted until seriously assaulted by principal offender Mother to young son – good prospects of rehabilitation
25.	**David** (21) [2009] NSWSC 24 Hidden J Co-offender: AB	Accessory after the fact to murder Common assault	PG (15%)	2y 6m NPP 15m FT 6m (concurrent)		Drug offence committed after this offence	Arranged to meet victim at service station to discuss argument – victim fatally shot by principal offender during argument – driven from scene by AB – disposed of mobile phone and shooter's clothes – arranged meeting knowing victim would be forced to apologise by threats or intimidation – no violence anticipated Assyrian – remorse
26.	**Papallo** (25) [2009] NSWSC 1109 Buddin J	Accessory after fact to murder Sched: Affray	PG (15%)	2y NPP 17m 2w 5d (immediate release)		Short record for minor violence	Involved in scuffle in bar with victim and others - victim unexpectedly shot dead by friend of offender with handgun – pulled female off shooter protecting female and allowing shooter to escape – returned to bar to retrieve shooter's bag – spontaneous offence motivated by friendship – at lower end of range Pre-sentence custody – remorse – prospects of rehabilitation

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27.	**HDR** (19) [2009] NSWSC 1323 RA Hulme J	Accessory after fact to murder Agg BES 2 x Obtain money by deception Drive disqual Sched: Take and drive conveyance Firearm offences	PG (15%)	3y 9m NPP 2y 3y 4m NPP 2y 6m FT 3m FT 3m Total 4y 9m NPP 3y		Minor driving offence	With brother broke into property and stole firearms to intimate person who owed money to offender – later in evening fell asleep then awoke to find father shot dead by younger brother – failed to notify police – used victim's card to withdraw money – took victim's car with brother – assisted brother over 14 hours before brother voluntarily attended police station – motivated by loyalty – slightly below mid-range Prior good character – good prospects of rehabilitation
28.	**Urriola** (25) [2010] NSWSC 367 Fullerton J [2012] NSWCCA 95 [2012] NSWSC 1634 Fullerton J Co-offender: POSTLEWAIGHT	Accessory after fact to murder Supply comm qty cocaine Sched: 16 offences	PG (45% plea and assist)	6y NPP 4y 6m 2y 6m Total 6y NPP 5y 6m Total on re-sentence 6y NPP 4y 6m	AA matter remitted to set NPP for supply offence	nil	Assisted male to dispose of body at sea and burn car aware male had fatally shot victim day before – involved in drug dealing with same male over several weeks after murder – victim killed over drug debt - approved of killing – serious offending Assistance to authorities – under influence of principal offender due to drug use
29.	**Ferrett (No.4)** (47) [2010] NSWSC 956 Rothman J	Accessory after fact to murder	PG (12½%)	7y NPP 4y		Breached conditional liberty – record for armed robberies, drug offences and assaults	Victim killed by person unknown – involved with victim and others in drug manufacturing – victim shot dead after talking to police and body never found – helped dispose of body knowing victim murdered to prevent detection of manufacturing – approaching worst case Long-term drug addiction – suffering emphysema – voluntarily enrolled in rehabilitation program

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30.	**Postlewaight** (31) [2010] NSWSC 1272 Fullerton J [2011] NSWCCA 279 Co-offender: URRIOLA	Accessory after fact to murder s.112(2)	PG (25%)	8y 6m NPP 6y 6m 18m Total: 9y 6m NPP 7y 6m		No relevant record at time of first offence - Acc offence breached parole for supply drug offence	2002 - assisted in joint criminal enterprise to break into industrial distribution premises and steal gas for purpose of making drugs – driver for group paid to obtain gas on behalf of others – limited role – no involvement in planning or ongoing use of gas – low range 2008 – male shot dead by associate of offender – contract in relation to drug debt – assisted next day in disposing of body at sea – willingly provided vessel and assistance – serious offending – killer was co-offender in earlier offence
31.	**Jin** (24) [2011] NSWSC 169 McCallum J	4 x Accessory after fact to murder	VG	27m NPP 15m		nil	Provided two men with safe accommodation for 2 weeks after murders – each committed two murders - unplanned offence – somewhat influenced by one of the men Prior good character – good prospects of rehabilitation
32.	**Fennell** [2011] NSWSC 489 Rothman J Co-offender: HAMILTON	Accessory after fact to murder Sched: Accessory after the fact to murder	PG (45% plea and assist)	2y NPP 12m		nil	Female – with male friend assisted de facto husband after male shot dead during robbery – assisted in disposing of gun and moving body – aware stolen money used to pay bills and buy Christmas presents – harboured offender for five months - volatile and fearful relationship with de facto Long history of drug and alcohol abuse – mother of young two children – genuine remorse – good prospects of rehabilitation – valuable assistance
33.	**Anderson** (21) [2011] NSWSC 1689 Adams J	Accessory after fact to murder BES Sched: 5 BES offences	PG (20%)	2y GBB		Minor	Female - became aware of killing by boyfriend day after offence – female victim injured during break in and left to die – accompanied boyfriend for five weeks providing assistance – 7m pregnant – did not destroy or hide evidence –committed number of BES offences with boyfriend Chaotic and difficult childhood – son born in prison on remand – difficulties of seeing son while in remand for murder for 9 months – remorse – relationship with offender marked by domestic violence – assistance

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34.	**Bhullar** (23) [2012] NSWSC 93 Harrison J Co-offender: SINGH	Accessory after fact to murder	PG	FT 2y 25d (immediate release)		nil	Female – victim and offender worked as agricultural workers in Griffith area – victim killed by principal offender known for violent and intimidating behaviour toward workers – driving car with principal offender, co-offender and victim – remained in car while passengers, including victim, left - became aware victim killed when principal offender and co-offender returned covered in blood – assisted in cleaning of car - not involved in harbouring or disposing of body - no criminal motivation nor concerned in any criminal enterprise - no appreciation or understanding of what was intended. Assistance to authorities - remorse – young immigrant – otherwise good character – excellent rehabilitation prospects.
35.	**Singh** (25) [2012] NSWSC 135 Harrison J Co-offender: BHULLAR	Accessory after fact to murder	PG	FT 2y 32d (immediate release)		nil	Accompanied principal offender, co-offender and victim in car – victim taken from car by principal offender and killed – remained in car while principal offender washed it – returned in afternoon to clean inside of car – gave false account to police – replaced tyres on car – acted in fear of principal offender Student from poor part of India – good prospects of rehabilitation – good character - assistance
36.	**Mackett** (29) [2012] NSWSC 166 Adams J	Accessory after fact to murder	VG	3y GBB (pre-sentence custody – 4w)		Nil relevant	Female – assisted de facto after he stabbed male in confrontation outside hotel – asked offender's sister not to tell police he was at hotel - agreed with offender to tell police lie although both subsequently declined to be interviewed – no practical assistance or affect – motivated by relationship - bottom of range Difficult childhood and adolescence – long history of depression – exceptional hardship on daughters
37.	**Hogden** (44) [2012] NSWSC 24 Davies J	Accessory after fact to murder Sched: Larceny	PG (35% plea and assist)	FT 18m suspended (pre-sentence custody - 197days)		minimal	Present when boyfriend strangled female drug dealer in his unit – threats made to offender by boyfriend – assisted in cleaning up unit and moving car – made phone calls to victim's phone to deflect suspicion – initially lied to police - made voluntary confession to police after body found two months later Heavy alcohol user
38.	**Iskandar** (48) [2012] NSWSC 149 Davies J	Accessory after fact to murder	VG	2y suspended		nil	Female - husband and son killed offender's lover in street attack – offender attended scene shortly after attack and told police son was in bed asleep – honestly believed this at the time – subsequently provided son with money and contacted travel agent – assisted son leave country Motivated by love for only child – low scale of offending

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39.	**Purtill** (48) [2012] NSWSC 566 Harrison J	Accessory after fact to murder	PG (40% plea and assist)	4y NPP 3y		Sexual assault	Assisted younger brother who murdered male acquaintance by stabbing – knocked on brother's door to find victim killed - cleaned apartment – drove victim's car and left it at another location – assisted brother placed victim's body in canvas bag and drove to place body in shallow grave – used victim's bank cards to withdraw money and pretend victim alive - spontaneous offence – protecting brother – mid-range objective seriousness – did not stand to gain from offence Full immediate confession – assistance against brother - depression due to losing job and poor financial position – emotionally vulnerable – little prospect of reoffending – remorse and contrition.
40.	**Serone** (41) [2012] NSWSC 1232 RA Hulme J	Accessory after fact to murder	VG	5y NPP 3y 6m		Supply drugs, possess firearm	Victim assaulted and killed during planned "drug deal rip-off" by principal offender and others – offender not present during killing - accompanied others to hire car to transport victim's body - proactive in obtaining credit card to hire car - accompanied others to retrieve body; cleaned up at crime scene and conveyed body to principal offender for disposal – principal offender manipulative Employed - good character – rehabilitation prospects – good support - affected by death of mother - drug use led to association with principal offender
41.	**Gall** [2012] NSWSC 1432 Adamson J [2015] NSWCCA 69	Accessory after fact to murder Possess proh firearm Pervert justice	VG PG	FT 2y 3y NPP 18m FT 16m Total: 6y NPP 4y 6m	AD	Nil	Accessory to murder by son – victim shot three times at close range over drug matter - assisted by washing away blood at scene – buried body in bush.

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42.	**Smith** (31) [2013] NSWSC 796 Latham J [2014] NSWCCA 316	Manslaughter Accessory after fact to murder	PG (25%)	7y 12y NPP 9y Total: 16y NPP 12y	AD	Relatively minor	Failed to obtain medical treatment for 6y daughter of de facto – victim assaulted by mother – after unsuccessful attempts to revive child offender put her to bed and went to work next day – child died during day – body placed in suitcase for several days then placed in shallow grave in bush and burned – gave false accounts of disappearance and laid false trails for over nine months – aware victim subjected to long term physical abuse at hands of mother – acted out of loyalty to de facto – manslaughter top of range – accessory worst case
43.	**Kaminic** (45) [2013] NSWSC 1097 Latham J [2014] NSWCCA 116 Co-offender: ESTEPHAN	Accessory after fact to murder	PG (50% plea and assist)	4y 6m NPP 2y 6m	AD	Nil	Shooting of businessman outside his home at request of business associate (M) of victim – offender associate and driver for G who had close business association with M – aware murder to be committed but received indemnity – after murder involved in passing messages and money – acted at direction of G Suffering PSTD and other mental illness caused by conflict in native Balkan home – also suffering poor physical health – onerous nature of custody
44.	**Salas-Collard** (19) [2013] NSWSC 1188 Adams J	Accessory after fact to murder Sched: Accessory after fact to Agg BE	VG	2y GBB		minor	Female assisted boyfriend aged 17y – boyfriend and co-offender broke into home of elderly lady at night – victim assaulted with walking stick – two hours later boyfriend and co-offender fatally bashed and stabbed young male stranger on street - stayed with boyfriend over several days aware he had committed serious offence although not murder – took boyfriend to cousin's place then friend's house to evade police Unstable mental health – emotionally fragile and under thrall of boyfriend – mother to two small children – remorse – unlikely to reoffend
45.	**Hamilton** (36) [2013] NSWSC 1209 Rothman J Co-offender: FENNELL	Accessory after fact to murder	PG (25%)	4y 6m NPP 3y		Record for robbery and violence offences	Assisted in disposal of murder weapon and victim's car – friend had shot dead victim in attempted robbery of drug dealer – small degree of planning Acted out of misguided loyalty to female friend

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46.	**Pintabona** (54) [2013] NSWSC 1328 RS Hulme AJ [2015] NSWCCA 201	2 x Accessory after fact to murder	VG	Total 4y NPP 3y	AA 2y 3m NPP 1y 3m (immediate release to parole		Female - husband stabbed former business partner numerous times after victim defrauded him - also stabbed brother of first victim who was home at time of killing – offender drove husband away from scene but did not know about offences - later lied to police to conceal crimes
47.	**Burns** (31) [2013] NSWSC 1851 Hidden J	Accessory after fact to murder	PG (25%)	4y NPP 2y 9m		Minor	Female – offender in relationship with victim – as relationship soured, commenced secret relationship with female principal offender – victim shot so relationship could continue – offender told lies on several occasions to conceal killing - gave various explanations for victim's disappearance Difficult upbringing – mother of two children – major depressive order – remorse
48.	**Estephan** (19) [2014] NSWSC 450 Bellew J [2015] NSWCCA 100 Co-offender: KAMINIC	Accessory after fact to murder 2 x Unauthorised possession of firearm	PG (20%)	6y 5m NPP 4y 10m FT 4m (each) Total: 6y 7m NPP 5y	AD		Shooting of businessman outside his home at request of business associate of victim – drove older friend S to home of victim where victim shot dead in front of 9y son – drove S away from scene – stopped car so weapon could be disposed of – present when clothes and other items destroyed by fire – did not disclose involvement for 12mths – offence aggravated by presence at killing and receipt of cash payments – possession of rifles for short time only to pass on to S – lower end of range
49.	**Johnson** (39) [2014] NSWSC 1254 Hamill J	Accessory after fact to murder	PG (20%)	26m NPP 18m		Minor	Male victim bashed to death by offender's brother – moved body – body not found for 2 years – short period of involvement – confronted with spontaneous offence – fraternal loyalty – brother had been threatened by victim – below mid-range Good character On appeal - at [13] summary of relevant factors for accessory sentences
50.	**Hunt** (18) [2014] NSWSC 1919 Button J	Accessory after fact to murder	PG (33% plea and assist)	2y 8m NPP 1y 4m		Nil adult record	Female – observed male partner stab victim to death outside house after physical fight – washed knife and cleaned up house – planned false story with partner then lied to police – unplanned and spontaneous Remorse – Aboriginal female - deplorable upbringing – prospects of rehabilitation

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51.	**Batcheldor** [2015] NSWSC 1688 Bellew J	s.86(2)(b) Accessory after fact to murder	PG (10%)	5y 4y 6m NPP 3y 4m Total: 6y 6m NPP 5y 4m		Minor drug offences	Female - met with victim and male co-offender at park to discuss stolen property – victim taken to home of third person and detained in garage – period of offender's involvement only one hour - victim later killed by co- offender in absence of offender – in series of acts over several days assisted in arrangements to move body – no direct involvement in moving body and unaware body was incinerated – motivated by loyalty Genuine remorse – good prospects of rehabilitation
52.	**Wran** (26) [2015] NSWSC 1015 Harrison J	Rob in Co Accessory after fact to murder	PG (20%) (25%)	4y NPP 2y FT 1y (concurrent)		Minor	Female attended unit with two male co-offenders – spontaneous agreement to use threat of force to purchase more drugs than could afford – anticipated possible use of some physical force – waited in lounge room while co-offender forced occupants to bedroom and stabbed them – one died – unaware of presence of knife until entered unit – money and drugs stolen by co-offenders – low objective seriousness - stayed with principal offender – boyfriend – for three days failed to report to police – suffering ill health, mental illness and drug addiction – no active concealment or assistance in attempt to escape – aggravated by involvement in robbery – low objective seriousness Lengthy history of mental illness and drug addiction – good character – genuine remorse – prospects of rehabilitation – continued need for supervision – good support – extra curial punishment from adverse and erroneous publicity – onerous conditions of custody
53.	**Stanford** (25) [2016] NSWSC 1174	Accessory after fact to murder	PG (25%)	FT 1y 3m		Nil	Brother principal offender who abducted and murdered school teacher – sent victim's jewellery rings and driver's licence – sold rings and burnt licence - lower end of range – extent of knowledge not clear – knew victim had been abducted and murdered but not how, why or in what circumstances Misplaced loyalty to brother - good prospects rehabilitation - offence committed in highly specific and unusual context - not otherwise demonstrated tendency to criminal offending.
54.	**Manevski (No 2)** (20) [2016] NSWSC 1465	Accessory after fact to murder	VG (at murder trial - 10% for offer to plead)	4y 6m NPP 3y		Nil	Female - partner stabbed young male - spontaneously washed and hid murder weapon - over extended period told many lies to police to protect partner Special circumstances – youth – psychological problems.

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55.	**Jamieson** (26) [2016] NSWSC 1867 Rothman J	Accessory after fact to murder	VG	4y NPP 2y		Violence, assault officer	Female – victim killed by partner and co-offender over drug debt – killing took place in offender's apartment in her presence - cleaned apartment with bleach – sought to protect partner and herself - slightly above mid-range objective seriousness. Difficult background – drug abuse – no remorse – rehabilitation prospects
56.	**MG** [2016] NSWCCA 304	Accessory after fact to murder Accessory after fact to shooting with intent	PG (50% plea and assist)	18m NPP 6m FT 9m Total 1y 10m 2w NPP 10m 2w	Crown AA Ordered to return to custody to serve 6 weeks		Drove gang member to mother's house – passenger pulled out gun and instructed offender to pull up next to parked car – shots fired killing driver and injuring passenger of parked car – drove away from scene as instructed Agreed to give evidence – failure to give evidence in accordance with undertaking – allowed shooter to claim excessive self-defence – 6 weeks attributable to failure
57.	**Wilkinson** (67) [2016] NSWSC 1342	Accessory after fact to murder Take part cultivation lge comm qty cannabis	PG (35% plea and assist)	1y 6m NPP 1y 10m 2y 5m NPP1y 10m Total: 2y 5m NPP 1y 11m		Minor	Worker at hydroponic cannabis planation in shed at rear of property – victim stabbed in front of offender in shed in order to conceal operation – unaware of plan to kill victim – faced with difficult choice when asked to assist with disposal of body – accompanied co-offenders to grave site Planation involved 664 plants – highly organised and high volume commercial planation – involved some supply – worker only Poor health
58.	**B. Allouche** (22) **E. Allouche** (28) [2017] NSWSC 975 Fullerton J	Accessory after fact to murder Accessory after fact to murder	PG (25%) PG (25%)	FT 6m (time served) FT 4m (time served)		2 x drive disqualified Driving offences	Agreed to meet in victim in park to discuss belief of principal offender that victim was a standover man threatened safety of family and principal offender – during meeting principal offender shot victim – all left in cars inadvertently taking victim's phone which was later disposed of – no evidence actions delayed arrest of co-offender – low range Both have family support – genuine remorse – strict bail conditions after originally being charged with murder E of low intelligence

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59.	**Lawrence** (31 at offence) [2017] NSWSC 1734 Harrison J	Accessory after fact to murder	PG (12.5%)	2y 6m NPP 1y 6m 5d		Nil	Murder committed 1982 - female found stabbed to death in car in bushland area – offender had been drinking and fallen asleep in car – woken by father in law to assist in moving body of victim – intoxicated and threatened by father in law with knife – spontaneous offence – short period of assistance although failed to reveal involvement for twenty years – conflicted by family loyalty – threatened and coerced – below mid-range Spent 18m 5d on remand charged with murder Drinking resulted in mental and physical health issues – good character – no risk of re-offending
60.	**Dimarelis** (33) [2017] NSWSC 1616 Harrison J	Accessory after fact to murder s.50B *Firearms Act*	PG (25%)	2y NPP 1y 6m FT 12m Total: 2y 3m NPP 1y 9m		Rob in company	Witnessed shooting of male victim by F – F and victim both associates of offender – delivered gun to F - did not anticipate what occurred and no evidence should have foreseen event - brazen act of extreme aggression by F for no apparent logical reasons – failed to report to police, retrieved incriminating items and lied to police - F of irrational temperament with violent tendencies – offender terrified of also being shot because he witnessed what occurred - continued to be fearful afterwards - well below middle range of objective seriousness. Supportive family.
61.	**Haouchar** (26 at offence, 31 at sentence) [2018] NSWSC 885 Hidden AJ	Accessory after fact to murder Accessory after fact of shoot with intent to murder	PG (15-20%)	2y GBB NB: 3y 6m pre-sentence custody		Manslaughter – AOABH - agg BE – AR – robbery	Two victims shot by two unknown masked men - circumstances of shootings or motive unknown - shortly after shootings offender met with person/s involved and understood both shot with intent to kill, one seriously injured and second victim killed - assisted by taking clothes worn by gunmen and disposing of them - not aware of any planned murder or shooting - no evidence of any threat or fear operating on mind - objective gravity in lower range. Evidence of insight into behaviour.
62.	**Woods** (42) [2018] NSWSC 1700 Wilson J	Accessory after fact to murder	VG	8y NPP 6y		Limited – illegal car racing	Principal Fantakis killed male neighbour under delusion victim had killed his brother – offender assisted in disposing of body in undisclosed location – sent messages from victim's mobile phone to give impression victim still alive – lies told to police. Mental illness – delusional

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63.	**Hagan** (19 at offence, 21 at sentence) [2019] NSWSC 128 Button J Co-offender: KING	Accessory after fact to murder	PG (25%. 40% combined)	4y 9m NPP 3y		Yes – not indicated	Female fatally shot in isolated bush area – offender worked for and obtained drugs from shooter - not present at shooting – helped to hide body which has not been found - ordered to dig grave for body and to burn vehicle which transported body – motivated by shock and fear but also desire to oblige a dominant person Young offender – damaged dysfunctional background and deprivation – assistance.
64.	**King** (26) [2019] NSWSC 1742 Wright J Co-offender: HAGAN	Accessory after fact to murder	PG (25%)	2y 3m NPP 1y 3m		Old possession offence	Female -became aware partner shot dead female victim in isolated bush area – lied to police over several months to assist partner avoid detection and prosecution – took person to forest believing she was assisting partner – multiple acts over 10 months – little hindrance of investigation – motivated by concern for partner's interests and element of fear for self and children – limited knowledge of killing – low end of subjective seriousness Difficult and abusive childhood and adult relationships characterised by violence – PTSD – genuine remorse – good prospects of rehabilitation – ***Bugmy*** factors taken into account – offence of co-offender more serious and delayed investigation
65.	**Doudar** (37) [2020] NSWSC 1262 R A Hulme J [2021] NSWCCA 37	Accessory after fact to murder	PG (10%)	4y 6m NPP 3y 4m	AD	Inflict GBH, assault, supply drug, fire firearm in public place, resist police, BES	Offender loaded principal offender's getaway vehicle onto tow truck - knew vehicle had been used by principal as getaway car following murder / public execution-shooting of victim - knew vehicle had been stored to conceal whereabouts - intended to assist in disposing of vehicle in order to assist principal to evade detection for involvement in murder - moderate objective seriousness.
66.	**McCloskey** (38 at offence – 45 at sentence) [2020] NSWSC 1087 Davies J Co-offender: HAMALAINEN	Accessory after fact to murder	VG (at murder trial – combined 40% offer and assistance)	18m NPP 13m		No leniency – serving custody for firing at dwelling at time of sentence	Member of motorcycle gang travelled to South Coast to help deal with problem of victim giving away addresses – anticipated assault – drove three men armed with bat and knuckledusters to home of victim – drove men from scene after hearing gunshots and being told victim shot dead – swapped cars and drove men home – below mid-range – unaware killing took place until driving away – killing sudden and unexpected Since killing suffered depression and fear – left gang – made some admissions to police – assistance resulting in protective custody – some doubts as to rehabilitation – some risk of re-offending

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67.	**Hamalainen** [2020] NSWSC 1705 Davies J Co-offender: MCCLOSKEY	Recruit to assist in criminal activity (intimidation) – s.341A *Crimes Act* Accessory after fact to murder	PG (25%)	1y 10m NPP 1y 4m 1y 10m NPP 1y 4m Total: 2y 8m NPP 2y		Mostly minor offences	Recruited co-offender to travel to home of victim for purpose of intimation – unaware of planned details but aware co-offender would be accompanied by others – arranged purchase and provision of car – upon learning victim shot dead arranged and participated in disposal of car – both offences below mid-range Difficult childhood as adopted child resulting in joining motorcycle club, offending and substance abuse – remorse – did not intend death – reasonable prospects of rehabilitation – low risk re-offending
68.	**Ah Keni** (39) [2020] NSWSC 1848 RA Hulme J [2021] NSWCCA 263	Accessory after fact to murder	PG (25%)	2y 7m NPP 1y 6m	AA 2y 1m NPP 1y 3m	Nil	Female - provided assistance to two men (one of them her husband) convicted of murder over “execution"-style shooting – helped drive away - organised matters to escape from jurisdiction – knew of murder - lied to police - just below mid-range Six children - good character - limited remorse - "severe" range for both depressive and anxiety symptoms - special circumstances - good prospects of rehabilitation - unlikely to reoffend Discussion of sentencing principles for this type of offence. On appeal: erred in taking into account failure to go to police
69.	**SW** (23 at offence) [2021] NSWSC 478 Hidden AJ	Accessory after fact to murder	PG	CCO 2y (4.5 mths PSC)		nil	(2010) assisted husband by collecting wood and placing on body of victim to be burned – spontaneous involvement – subsequent failure to report to police – offence committed in context of abusive and dominating relationship – left home to live with husband when 13y – continued to fear husband after he was imprisoned for sexual offences – also concerned about consequences of her involvement Genuine remorse – assistance – prospects of rehabilitation – good character – settled with new partner and children - pre-sentence custody and onerous bail conditions

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70.	**Howlett** [2021] NSWSC 959 RA Hulme J	Accessory after fact to murder	PG (40% combined plea and assistance)	2y 1m NPP 1y 3m		Minor assault matters	Female – living in home of victim with partner – partner accused offender of infidelity and stabbed her in stomach – then confronted victim and stabbed him multiple times – offender dissuaded from calling ambulance by partner – lied to number of people who came to unit then left body in unit and sought drugs with partner – laid false trail and assisted principal offender evade police for 12 days – did not provide formal truthful statement to police for six months – acted under degree of duress – below mid-range *Bugmy* factors - removed from care when aged 1y due to violence – foster placements – sexual and physical abuse – multiple school placements – first child at 16y – abusive partners – drug and alcohol abuse – severe trauma and mental health issues – significant assistance to authorities
71.	**Dilosa** [2023] NSWSC 1515 Sweeney J	Accessory after fact to murder	VG (murder trial – 25% for offer)	6y NPP 4y		Nil	Became aware female victim killed by close female friend of offender – blunt force injury to head and stabbing to back – disposed of knife and hammer believed to be murder weapons – disposed of body placing it in cupboard then back of van for a week then into creek – told friends he had done killing to protect co-offender – offence committed over 2 weeks - initial acts spontaneous then some planning – callous act but under influence of drugs and acting out of misguided loyalty – disposed of but did not hide or bury body so could not be found – above mid-range Remorse – delay – good progress in rehabilitation
72.	**Struik** [2023] NSWSC 1548 Yehia J	Accessory after fact to murder Possess shortened firearm Possess shortened firearm Schedule: 5 x possess firearms	PG (10%) PG (25%)	Indicative 3y 6m 4y 3m 2y 9m Aggregate 5y 3m NPP 3y 5m		Yes – offences not stated	Stored and concealed firearms offender knew were used in murder committed by five principals - stored in shipping container at storage facility shed for 17 days – did not initially know firearms connected with murder but later acquired knowledge of murder – intention of assisting principals to evade justice - motivation of misguided loyalty – principals were members of bikie motorcycle club. Background of disadvantage and childhood attachment issues - long-standing substance abuse - explanation for gravitating to anti-social group - PTSD and significant underlying trauma – remorse – special circumstances.

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73.	**Zahed** [2024] NSWSC 695 Button J [2025] NSWCCA 24	Accessory after fact to murder	PG (5%)	3y 9m NPP 2y 6m	AD	Extensive. Dishonesty, violence, agg robbery, armed BE possess firearm, supply drug. On parole.	(2014) Deceased detained and violently assaulted inside own motor vehicle, shot and wounded - where no persons convicted of homicide of deceased – offender not present at murder when committed, but was close by and aware of it very soon after it had happened - knew identity of perpetrators - unidentified male drove deceased and offender in deceased's car to a location close to a Sydney suburban hospital – staff called ambulance – gave false version of events to police - objectively less serious example of a serious offence. Remorse not established – deprived background – history of illicit substance abuse – some evidence towards rehabilitation - post-traumatic stress disorder; depression and anxiety.
74.	**Lambroglou** [2024] NSWSC 829 Davies J	Accessory after fact to murder s.93T Participate in criminal group s.193C(1) Proceeds of crime Sched: Possess drug	PG (25%) (10%) (10%)	Indicative 2y 7m 1y 9m 2y 8m Aggregate 4y 6m NPP 3y		Limited.	Links to Comanchero Outlaw Motorcycle Gang (OMCG) – murder connected to feud between OMCG and a family Organised Crime Network – two unknown persons shot male deceased multiple times – offender provided access to underground carpark to hide getaway car until it was subsequently removed and destroyed – offender knew shooters had murdered deceased – shooters not yet apprehended – low end of mid-range - offender earlier responsible for affixing cloned number plates and positioning three getaway cars, murder unknown to him at that time - over $500,000 found in offender's possession – offender collecting and counting cash for OMCG. Childhood characterised by domestic and sexual violence – PTSD, persistent depressive disorder, drug use disorder – remorse – good prospects rehabilitation - low risk reoffending – special circumstances given offender's pre-custody drug addiction.
75.	**Huang** (32) [2025] NSWSC 120 Walton J	Accessory after fact to murder s.192E(1): Obtain financial benefit by deception Sched: s.193B – proceeds of crime Cultivate comm qty cannabis	PG (combined 35%)	Indicative 1y 9m 3y 6m Aggregate: 4y 6m NPP 3y 4m		nil	Member of group involved in cultivation of cannabis on remote farm directed by victim and L – victim fatally choked by L in bedroom on farm – offender called to room and ordered to assist in disposal of body – used excavator to dig hole and transported body by tractor – non-exculpatory duress – six months later responded to victim's family seeking information on social media – after several months obtained $50,000 on promise of information – money never recovered Born in China – assistance to authorities in relation to primary offender

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