

## 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<br>(age if known)  | Offence     | Offence<br>Concealed            | Plea | Sentence           | Appeal   | Record          | Facts  |
|----|---|-------------|---------------------------------|------|--------------------|----------|-----------------|--|
| 1. | <b>Skinner</b><br><a href="#">[2000] NSWSC 303</a><br>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<br>Delay – interstate resident  |
| 2. | <b>Richmond</b><br>(26)<br><a href="#">[2000] NSWCCA 173</a>          | 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<br>Depression and suffering after effects of accident – good work circumstances |
| 3. | <b>Bradley</b><br>(28)<br><a href="#">[2002] NSWSC 1018</a><br>Bell J | s.315(1)(b) | Mal wound with intent           | VG   | 2y GBB<br>(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<br>Delay – low intellect          |

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| 4. | <b>Derbas</b><br>(25)<br><a href="#">[2003] NSWCCA 44</a>           | s.315(1)(b)  | Murder               | PG                    | 5y<br>NPP 3y   |  | 'Not minor' – including GIC offences and possess unlicensed 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<br>Married with child<br>On appeal: sentence not manifestly excessive in view of seriousness of offence and lack of subjective mitigating factors |
| 5. | <b>Lawrence</b><br>(42)<br><a href="#">[2004] NSWCCA 404</a>        | s.315(1)(a)<br><br>s.94<br><br>Sched:<br>Affray                                    | Assault              | PG<br>(25% on appeal) | 5y<br>NPP 3y<br><br>FT 2y<br>(concurrent)                          | AA<br>2y 6m<br>NPP 6m<br><br>FT 2y<br><br>Total:<br>4y 6m<br>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. | <b>Hamze</b><br>(28)<br><a href="#">[2005] NSWSC 136</a><br>Howie J | s.315(1)(b)<br><br>Possess prohibited firearm<br><br>Sched<br>3 x firearm offences | Manslaughter         | PG<br>(25%)           | 27m<br>NPP 18m<br><br>FT 6m<br><br>Total:<br>2y 9m<br>NPP 2y<br>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<br>Good character - delay  |
| 7. | <b>Ahmad</b><br>(30)<br><a href="#">[2005] NSWSC 848</a><br>Howie J | s.315(1)(c)  | Manslaughter         | PG<br>(20%)           | 9m<br>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<br>Sole carer for three children – good character   |

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| 8.  | <b>Ibrahim</b><br>(37)<br><a href="#">[2005] NSWSC 1028</a><br>Howie J   | s.315(1)(a)                    | Manslaughter                    | PG<br>(20%) | 17m<br>NPP 12m<br>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.  | <b>Mobbs</b><br>(21)<br><a href="#">[2005] NSWCCA 371</a>                | s.315(1)(a)                    | Dangerous driving causing death | PG          | 15m<br>NPP 12m                               | AA<br>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<br><i>De Simoni</i> error made   |
| 10. | <b>Mobbs</b><br><a href="#">[2005] NSWCCA 438</a>                        | s.315(1)(a)                    | Dangerous driving causing death | PG          | 15m<br>NPP 12m<br>PD                         | AA<br>6m 11d PD |         | Female – supported cousin’s statement that he was driver of car – injured in accident – signed police statement at hospital – quickly recanted<br>Mother to small child – factual errors made on sentence   |
| 11. | <b>Bailey</b><br>(33)<br><a href="#">[2006] NSWSC 49</a><br>Buddin J     | s.315(1)(c)<br><br>s.315(1)(a) | Murder                          | PG<br>(25%) | 8m<br>NPP 4m 8d<br><br>FT 2m<br>(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<br>Seven children – remorse – good prospects of rehabilitation   |
| 12. | <b>Grant</b><br>(34)<br><a href="#">[2012] NSWSC 1491</a><br>Bellew J    | s.315(1)(b)                    | Murder                          | PG          | 12m<br>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<br>Mother to six children   |
| 13. | <b>Weston</b><br>(33)<br><a href="#">[2012] NSWSC 1498</a><br>Bellew J   | s.315(1)(c)                    | Murder                          | PG          | 12m<br>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<br>Sole carer to two children with additional needs – good character – intellectual impairment   |
| 14. | <b>Stacke</b><br>(35)<br><a href="#">[2013] NSWSC 1215</a><br>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<br>Drug problem – in violent relationship with boyfriend |

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| 15. | <b>Sampson</b><br>(28)<br><a href="#">[2014] NSWCCA 19</a>               | s.315(1)(b) | Murder               | PG<br>(25%) | 3y<br>NPP 18m  | s.10A<br>(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<br>Female aboriginal – deprived and violent childhood – drug abuse   |
| 16. | <b>Smith</b><br>(30)<br><a href="#">[2017] NSWSC 900</a><br>Button J     | s.315(1)(b) | Murder               | PG<br>(15%) | 1y 3m<br>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 – motivated by love for girlfriend<br>Remorse<br>Sentence partially concurrent with sentence imposed for cannabis plantation discovered by police when investigating burial of knife |
| 17. | <b>Thomas</b><br>(28)<br><a href="#">[2017] NSWSC 1542</a><br>Harrison J | s.315(1)(a) |                      | PG          | Recording of conviction<br>(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 fact to murder – no suggestion involved in incident – lowest level of offending<br>Spent 6m 8d on remand for accessory offence            |
| 18. | <b>King</b><br>(35)<br><a href="#">[2018] NSWSC 643</a><br>N.Adams J     | s.315(1)(a) | Murder               | PG<br>(12%) | 3y 4m<br>NPP 2y 4m<br>(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)<br>Good prospects of rehabilitation - remorse   |
| 19. | <b>Kelecki</b><br>(32)<br><a href="#">[2018] NSWSC 1209</a><br>N.Adams J | s.315(1)(b) | murder               | PG<br>(15%) | 11m<br>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 <i>King</i> [2018] NSWSC 643<br>Assaulted in gaol – genuine contrition – reasonable prospects of rehabilitation  |

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| 20. | Ferris (a<br>pseudonym)<br>(54)<br><a href="#">[2020] NSWCCA<br/>325</a> | s.315(1)(a)<br><br>Access after<br>the fact to<br>manslaughter<br><br>Sched:<br>Steal copper<br>pipes | Accessory<br>after the fact to<br>manslaughter | PG<br>(40%<br>combined) | <u>Indicative:</u><br>1y 6m<br><br>2y 6m<br><br><u>Aggregate:</u><br>2y 10m<br>NPP 1y 6m | AD     | Record –<br>breached bail at<br>time of<br>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<br>Drug user – genuine contrition – assistance |

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