

Mr Farrow, you have pleaded guilty to one count of perverting justice.

The crime was committed during the course of a police investigation in the days after Shannon Duffy murdered Jarrod Turner. The murder was committed on 14 April 2019. Mr Duffy shot Mr Turner in the head at a remote location near Richmond.

You had nothing to do with the murder. However, it seems that Mr Duffy is a distant relative of yours. Another relative, who was an associate of Mr Duffy, contacted you immediately after the murder to ask that you come to Hobart to collect Mr Duffy and his female partner, and let them stay with you for a few days in your one-bedroom unit at Fingal. You were not told anything about the murder, or indeed why you were being asked to provide them with accommodation. However, as requested, you travelled to Hobart that day, collected Mr Duffy and the female, and brought them back to Fingal. They stayed with you until their arrest on 19 April. You provided them with food and drink, the use of your vehicle and mobile telephone and, on one occasion you drove the female into Launceston where she carried out a few tasks, and this included purchasing hair dye, which she then used in an attempt to disguise her appearance. You have not been charged with the crime of being an accessory after the fact to the murder, nor with any other offence relating to the harbouring of or assistance provided to Mr Duffy. Accordingly, you cannot be punished for any such conduct.

After Mr Duffy and his female partner were arrested by police when they were attempting to leave Fingal on 19 April, police searched your residence and then spoke to you at the police station. They told you that they had arrested Mr Duffy for the murder. You had learned about his commission of the murder in any event, both from inferences you drew from media reporting of that event, and also because on the previous day Mr Duffy had admitted to you that he had committed the murder. While you were at the police station you made a statutory declaration concerning your involvement with Mr Duffy since 14 April. Your purpose in making the statutory declaration was to put a state of affairs to police that described the ambit of your involvement in this case in those days. In that statutory declaration you made a number of false statements including:

- (a) That Mr Duffy had contacted you in order to purchase a vehicle.
- (b) That he and the female travelled to Fingal independently of you. You did not say that you had collected them from Hobart.
- (c) It is unclear to me from the statement whether you are saying that they stayed with you between Sunday and Wednesday. The declaration does say that they stayed with you on the night of Thursday, 18 April. However, clearly they had stayed with you on occasions other than that.
- (d) Finally you did say the female had purchased purple hair dye in Launceston from Kmart. However, you did not give police further detail about that event in that you did not say that you had driven her into Launceston for that purpose, or give them any other information about that visit to Launceston.

However, you did make a number of statements in that declaration which I consider to be incriminating of Duffy in respect of the murder. In particular, there is reference to you overhearing a conversation between Duffy and the female in which you assert he admitted committing the murder.

To commit the crime of perverting justice, you must have committed an act with the intent of obstructing, preventing or perverting the due course of justice. The course of justice includes the administration of justice by a court. It is well established that an act committed during the course of a police investigation for the purpose of deflecting police from commencing a contemplated prosecution amounts to committing the crime of perverting justice. In this case, you believed that there was a possibility that police would prosecute you for the crime of being an accessory after the fact to murder, and you provided false information in your statutory declaration with the intention of deflecting and thereby preventing that prosecution. On 12 October 2019, you engaged in an interview with police, in which you admitted telling the lies. As it turns out, even now that police know what the true situation is, you have not been charged with offences arising from the assistance you provided to Mr Duffy. Accordingly, your lies in the statutory declaration were pointless, but this, of course, does not avoid your criminal responsibility for telling them.

You are 29 years of age. You are single and have three children, although they do not live with you. Your criminal history is not pristine, but the more serious offences were committed when you were a youth. As an adult, you have a conviction for common assault and some dishonesty offences which were committed approximately 10 years ago. Since then, your only offending has related to traffic infringements. You are currently in receipt of a disability support pension relating to problems with literacy and anxiety.

The crime of perverting justice is regarded seriously because it has a tendency to undermine the administration of justice. Having said this, as I have indicated to counsel, I do not regard this as a particularly serious example of the crime. You told some lies in the statutory declaration, and were not completely frank about the assistance you had provided to Duffy, because you were scared of the ramifications for yourself. You had innocently become involved in a state of affairs of great seriousness, and, I infer, your capacity to cope with the anxiety produced by that situation was tested. The prosecution has asserted that the false statutory declaration had a tendency to, and did actually, adversely affect and deflect the police investigation of the murder. In particular, as has been explained to me, the inability of the police to learn at this early opportunity about Duffy's precise movements and the movements and actions of others connected with Duffy concerning the aftermath of the murder and his attempts to avoid apprehension, had the potential to and did actually, inhibit the police from properly pursuing relevant leads concerning those matters. There are two aspects here, I think. Firstly your moral culpability for affecting the police investigation in that way, and secondly, whether it is a relevant consideration, that there was an actual impact on the police investigation which was a foreseeable consequence of the commission of this crime.

In relation to the first, I do not think you should bear moral culpability in respect of matters for which you have not been charged. This would breach the principles set out in the case of *Di Simoni*. You are not charged with perverting justice, and you are not being sentenced on the basis that you perverted justice because you were trying to assist or deflect the prosecution of Duffy or any of the other persons who have been mentioned to me. In relation to Duffy, it would be difficult to see how that could be so, because you provided incriminating information in the statutory declaration. In relation to the other persons, it is perhaps easier to see that it

could be the case that you were trying to help them, but you are not to be sentenced on that basis.

In relation to the second aspect, that is where there is an actual consequence, the impeding of a police investigation or some other adverse effect arising from the police being given false information, I think that is a relevant consideration in respect of the commission of this crime because it is an objectively foreseeable consequence of its commission. In this case, I do not have a lot of information about any actual impact on the police investigation, but I infer there was some. At least it caused some extra delay and extra police work in having to track down things that the police could have been told about at the time. You were not under any obligation to give the police the information, but having entered into, or decided to commit the act of signing this statutory declaration as a description of the extent of your involvement, you have impliedly represented to police that there was no other involvement. I think that this is the point that the prosecution is making in this case. Now, any actual effect was an unintended consequence of you attempting to protect yourself. It is relevant to the consideration of general deterrence, and the vindication of the administration of justice generally, but I accept that you do not bear any considerable or extensive moral culpability in that regard because it was not what you were trying to do. I accept also that you subjectively would not have contemplated that that would have been an effect of what you were doing when you signed that statutory declaration.

In general terms, I accept that you are remorseful. I observe that you did eventually tell the police the truth, although it was many months later. I accept your plea of guilty to this charge as being at a relatively early time and you are entitled to some credit for that. At the very least, it demonstrates a willingness to facilitate the administration of justice.

The need for general deterrence requires the imposition of a sentence of imprisonment. However, because of the mitigating aspects of the case, your personal circumstances and your plea of guilty, I intend to give you the opportunity to avoid actually serving a sentence. Accordingly, my intention is to impose a wholly suspended sentence of imprisonment. This means that, provided that you do not commit any other offences potentially punishable by imprisonment during the period of suspension, you will not have to serve this sentence in prison.

Peter Farrow, you are convicted of the crime of perverting justice and sentenced to 9 months' imprisonment. The whole of that sentence will be suspended for a period of 12 months on condition that you are not to commit an offence punishable by imprisonment during that period.