

# Luke Brett Moore Acquitted Of Fraud For Withdrawing \$2.18 Million Through His Bank Account

Luke Brett Moore [has been acquitted](#) on appeal of committing bank fraud for withdrawing more than \$2.18 million\* through his bank account in Goulburn, New South Wales, Australia. Goulburn is a city of 23,000 about 120 miles southwest of Sydney.

On March 11, 2010 22-year-old Luke Moore opened a "Complete Freedom" bank account at the St. George Bank in Goulburn. The account permitted Moore to receive funds lent to him in excess of his account balance, by cash withdrawal, periodical payments or direct debit. Moore's initial deposit was \$441.

Moore began withdrawing money. On July 13, 2010 his withdraws exceeded the money in his account. He continued to withdraw money. The bank did not notify him he was doing anything irregular. By December 2010 Moore's account was overdrawn by \$9,000. He kept withdrawing money, lots more. The bank wasn't giving him the money, it was charging him 20% per annum on the amount he had withdrawn in excess of his account balance.

As a young guy interested in fast cars, he used some of the money to buy cars that included: a vintage Aston Martin DB7 Vantage coupe; an Alfa Romeo, and a Maserati sedan. He also bought a Sea Hawk power boat. He invested in expensive paintings,



Luke Brett Moore wearing 'Make Love Not War' t-shirt (Facebook)



Luke Brett Moore (Facebook)

jewelry, and rock memorabilia that included signed photographs of Bob Dylan, Usher, Guns N' Roses, and Led Zeppelin. His sports memorabilia included a signed Michael Jordan jersey.

His account was overdrawn

AUS\$2.189 million from 48 withdrawals when his account was closed by the bank on August 10, 2012. At that time the bank was charging Moore monthly interest on his withdrawals, and the interest for July 2012 was \$36,575.

The bank notified the police of Moore's activity, and his house was raided on December 12, 2012. In August 2012. Property bought with the money was seized, as was AUS\$1.127 million Moore had deposited in two bank accounts -- \$733,000 in a National Australia Bank account, and \$394,000 in a PayPal account.

Moore was charged with one count of dishonestly obtaining a financial advantage by deception, and one count of dealing with the proceeds of crime. He was allowed to remain free on bail pending his trial.

Moore's defense was that he hadn't done anything that wasn't allowed by the terms of his bank account, and the bank did nothing to prevent his withdrawals until it closed his account.

After a three day trial, on February 16, 2015 a jury convicted Moore of both charges. He was allowed to remain free on bond pending his sentencing. On April 17, 2015 Moore was sentenced to a maximum of 4-1/2 years and a minimum of two years and three in prison for his deception conviction, and 3 years in prison for his dealing with proceeds of crime conviction. The sentences were to be served concurrently. Moore was immediately taken into custody.

Moore appealed. He was released on bond in September 2015 after serving almost six months of his sentence.

On December 1, 2016 the New South Wales Court of Appeals unanimously quashed Moore's convictions and ordered his acquittal on the basis his convictions were a mistake: the prosecution failed to prove he did

anything to deceive the bank, or that he received any funds that were the proceeds of a crime. [The Court's ruling in Moore v R](#) [2016] NSWCCA 260 (1 December 2016) states:

17. It is perfectly plain that there was a mistake of some kind within the Bank.
- ...
18. But in the present case, the Bank's mistake lay not in paying Mr. Moore, but in continuing to lend Mr. Moore large amounts of money...
20. But whether his conduct amounted to the crime with which he was charged is quite different from Mr. Moore's undoubted civil liability.
23. ... an element of the offence with which Mr Moore was charged is deception. The unusual aspect of Mr. Moore's conduct was that there was nothing covert about it. The statements issued by St. George recorded each debit, and charged a fee and interest, and stated with complete accuracy Mr. Moore's growing indebtedness.
24. ... Mr. Moore communicated nothing to St. George which was untrue which induced it to continue and indeed increase its lending of money to him.
26. ... St. George at all times knew the truth of the matter, which was that it had lent him large amounts of money none of which had been repaid.



Luke Brett Moore December 1 at 10:21am

**NOT GUILTY.** 😊

Luke Brett Moore's Facebook post after his acquittal (Facebook)

Justice Mark Leming's ruling concluded:

48. The ... Bank continued to lend Mr Moore funds, and the imposition of fees and interest are consistent only with its doing so consensually.
49. It follows that the guilty verdict on count 1 cannot be sustained. Count 2 was wholly dependent upon count 1. If there was no dishonest obtaining of a financial advantage by deception, there was no dealing with the proceeds of crime.
50. ... I propose that there be a grant of leave to appeal, that the appeal be allowed, that the conviction on counts 1 and 2 be quashed, and that the appellant be acquitted in respect of those counts.

After his acquittal, Moore wrote on his Facebook page: "Not guilty," with a smiley face. Moore, now 29, is living with his mother in Goulburn, drives an \$800 car, and is studying to be a criminal lawyer. [He told a reporter](#) for the *The Courier Mail*: "I pull more chicks now with \$20 in my pocket than I did when I was splashing the bank's

**Moore cont. on page 6**

## Moore cont. from page 5

cash. With age comes wisdom and confidence and I've learned money doesn't buy everything. I'm happier this way as I've realised my family and friends are my biggest treasures."

**Moore wrote on his** Facebook page, "7 years ago, when this whole epic (mis)adventure started, I never imagined I would end up with a Hollywood agent, talking about turning my story into a movie and a book. It has Certainly been a crazy ride!" He also has a Kurt Cobain quote on is Facebook page: "They laugh at me because I'm different; I laugh at them because they're all the same."

The court's ruling doesn't prevent the bank from suing Moore for money he withdrew that it didn't recover.

Endnote:

\* All amounts are in Australian dollars. The AUSS\$2.189 million Moore withdrew was US\$1,587,813 at the currency exchange rate of AUSS\$0.725360 per \$US on August 10, 2012. See, X-Rates.com at, [www.xrates.com/historical/?from=USD&amount=1&date=2012-08-10](http://www.xrates.com/historical/?from=USD&amount=1&date=2012-08-10).

Sources:

**Moore v R** [2016] NSWCCA 260 (1 December 2016)

**Man cleared of fraud wants to be a criminal lawyer.** By Sol Dolor, *Australasian Lawyer*, Dec. 12, 2016

**Man who withdrew \$2.1 million after bank error wins fraud appeal.** By Patrick Begley, *The Sydney Morning Herald*, December 1, 2016

**Luke Brett Moore.** Facebook



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## 2016 Innocents Database Exoneration Report

The *2016 Innocents Database Exoneration Report* [is online](#) in PDF format at [justicedenied.org](http://justicedenied.org).

The following is in the [Report's Introduction](#):

This is the second yearly report of information recorded in the Innocents Database through the last calendar year – 2016. The Innocents Database is an ongoing independent non-profit project begun in February 1997 that records every documentable exoneration in the United States and every other country. The Innocents Database is online at

[www.justicedenied.org/exonerations.htm](http://www.justicedenied.org/exonerations.htm), and it can be accessed from Justice Denied's website at [www.justicedenied.org](http://www.justicedenied.org). This Report is compiled from information available in the database online.

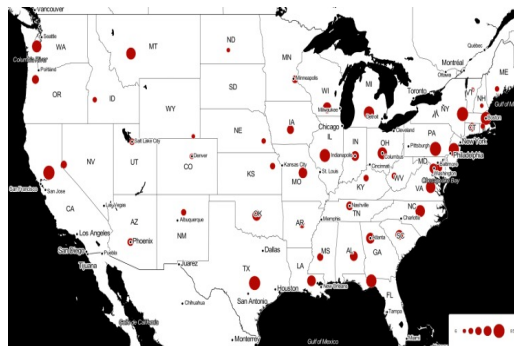
The database includes 8,131 cases concluded through December 31, 2016: 5,224 U.S. cases and 2,907 international cases.

The Report includes 24 tables of data. Most of the 24 tables include information about U.S. cases for both the years 1989 to 2016, and pre-1989, and several include information about international cases. Those tables are:

- Table 1. Known Exonerations By Year (U.S. & Int.)
- Table 2. Number of Exonerated People By State
- Table 3. Number of Exonerated People By Jurisdiction (U.S.)
- Table 4. Number of Exonerated People By Sex/Type (U.S.)
- Table 5. Number of Exonerated People By Type of Crime (U.S.)
- Table 6. Number of Exonerated People by Race/Ethnicity (U.S.)
- Table 7. Number of Exonerated People By Primary Types of Exculpatory Evi-

dence (U.S.)

- Table 8. Number of Exonerated People By Conviction Method (U.S.)
- Table 9. Number of Exonerated People Convicted After More Than One Trial (U.S.)
- Table 10. Number of State Prisoners Exonerated After Federal Habeas Granted (U.S.)
- Table 11. Number of Exonerated People Convicted By Primary Types of Prosecution Evidence (U.S.)
- Table 12. Number of Exonerated People By Method of Exoneration (U.S.)
- Table 13. Number of Exonerated Persons Involved In A Case With A Co-Defendant (U.S.)
- Table 14. Number of Exonerations Involving DNA Evidence By Year (U.S. & Int.)
- Table 15. Number of Exonerated People Aided By Conviction Integrity Unit (U.S.)
- Table 16. Number of Exonerated People By Years In Custody (U.S.)
- Table 17. Average Years Exonerated Person Was In Custody Before Release (U.S. & Int.)
- Table 18. Average Years Exonerated Person Was In Custody Before Release (Homicide or Sexual Assault only) (U.S. & Int.)
- Table 19. Average Years Exonerated Person Was In Custody Before Release (Non-Homicide or Sexual Assault only) (U.S. & Int.)
- Table 20. Number of Exonerated People By County (12 or more) (U.S.)
- Table 21. Number of Exonerated People By Country – International Cases
- Table 22. Number of Exonerated People By Type of Crime (International)
- Table 23. Number of Exonerated People By Method of Exoneration (International)
- Table 24. Number of Exonerated Persons Involved In A Case With A Co-Defendant (International)



Number of U.S. exonerations for each state represented by

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