

Firearms and Commercial Drug Offences

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	FACTS
1.	Aslan (33) [2004] NSWCCA 121	Supply firearms on ongoing basis: s.51B <i>Firearms Act</i> Supply methylamphet on ongoing basis Supply lge comm qty methylamphet Sched: 5 offences	PG (25%)	8y NPP 3y 6m 6y 6m NPP 3y 6m 7y 6m NPP 4y 6m <u>Total:</u> 11y 6m NPP 7y	AD	Nil convictions – on recognisance for s.10 offence	Sold total of 84.7g methylamphetamine to person who supplied to undercover officer – sold self-loading pistols to undercover officer on four occasions – each firearm had serial number obliterated – on two occasions also supplied ammunition and on one occasion sold silencer – sold 1,020g methylamphetamine with purity of 2.5% just prior to arrest – wholesaler supplying to wholesaler – little regard for public safety
2.	Capar [2005] NSWCCA 402	Consp supply lge comm qty heroin Consp supply comm qty cocaine Money laundering Unauth poss proh firearm: s.7(1) <i>Firearms Act</i> Sched: 4 offences	PG (15%)	12y 9m NPP 8y 4m 8y 6m NPP 6y 4m 6y 9m NPP 5y 4y (all concurrent)	AD		Principal of significant drug operation over period in excess of 12 months – engaged in business only for financial profit – multiple supplies of significant quantities – meticulous attention to detail – used violence – elaborate security – laundered over \$500,000 – no detail on firearm offence On appeal: no error in discount for plea

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3.	Walsh (25-30)	Supply lge comm qty methy lampmet 2 x Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Unauth possess proh weapon: s.7(1) <i>Weapons Act</i> Sched: 26 Firearms off Agg BE with intent SMV Sched: 14 offences	PG	32y NPP 24y 15m / 3y 6m 15m 6y 9m NPP 5y FT 2y 2m (all concurrent)	AD		W joined outlaw motorcycle club and took over drug distribution for several years – purchased 50kg pure drug and distributed 450kg mixture – search of house and storage units found drugs and supply indicia and large cache of firearms – indictment offences were possession of Smith and Wesson 6 chamber revolver, .303 calibre Bren machine gun and silencer – also involved in theft and conversion of stolen vehicles and ram raid on ATM L manufactured methylamphetamine and supplied to W over two years – total 19kg On appeal: no error in commencing at life sentence for Walsh or in guilty plea discount for Little
	Little (2006) 168 A Crim R 237 [2006] NSWCCA 406	Manuf lge comm qty methy lampmet Supply lge comm qty methy lampmet Possess shortened firearm: s.62 <i>Firearms Act</i> Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Unauth possess proh weapon: s.7(1) <i>Weapons Act</i> Sched: 26 firearms off	PG(15%)	22y NPP 16y 6m 22y NPP 16y 6m 3y 6m FT 15m FT 15m (all concurrent)	AD		

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4.	S (43) [2008] NSWCCA 186	Supply comm qty methylamphet Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 3 offences	PG (combined 65%)	6y 6m NPP 4y FT 18m <u>Total:</u> 7y NPP 4y	AD	Drug offences	SNPP 10 years (drug) / 3 years (firearm) Supplied amphetamine to undercover operative on four occasions – admitted selling significant amounts of drug over eight months – more than street dealer – at time of arrest found in possession of loaded .22 calibre pen gun Remorse – good prospects of rehabilitation
5.	XX (2009) 195 A Crim R 38 [2009] NSWCCA 115	Supply lge comm qty methylamphet Supply lge comm qty MDMA Unauth possession proh firearm: s.7(1) <i>Firearms Act</i> Unauth possession proh firearm: s.7(1) <i>Firearms Act</i> Sched: 8 offences	PG (combined 60%)	7y NPP 5y 7y NPP 5y FT 15m FT 18m (all concurrent)	Crown AA 7y NPP 5y 8y 9m NPP 6y 7m 2y NPP 1y 6m 2y 5m NPP 1y 8m <u>Total</u> 9y 6m NPP 7y 4m	supply proh drug	SNPP 15 years (drug) / 3 years (firearm) 3.165kg ice and 7.4945kg ecstasy found in offender's garage – mid-range and just above mid-range - Chinese self-loading rifle and Russian Nagant revolver also found with other weapons and drugs and \$160,000 ash– firearms unloaded but in working order with ammunition nearby – silencer attached to revolver added serious connotation – linked to drug dealing - mid-range seriousness On appeal: error in imposing identical sentence for drug offences – firearm offences required NPP – error to make sentences concurrent

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6.	Kalemusic (35) [2009] NSWCCA 178	Manufacture lge comm qty MDMA Supply lge comm qty MDMA Supply comm qty methylamphet Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> s.166 Certificate Good in custody Sched: Poss methylamphet Unauth poss ammunition	PG (1/6 th)	15y NPP 11y 3m 10y NPP 7y 6m 10y NPP 7y 6m 5y NPP 15m FT 3m <u>Total:</u> 16y 3m NPP 12y 6m	AD	Manufacture drug	SNPP 15 years (drug) / 3 years (firearm) Involved in manufacture of drug in lab built on rural property – 27.5kg MDMA found in lab with other ingredients and equipment – 1,477.4g MDMA, 764.6g methylamphetamine and .22 calibre pistol found in truck being driven from property by offender and brother – role of real significance – manufacture in mid-range Strong employment history On appeal: no issue of parity
7.	Parkinson (26) [2010] NSWCCA 89	Supply comm qty methylamphet Unauth supply pistol: s.51(1A) <i>Firearms Act</i> Unauth supply proh firearm: s.51(1A) <i>Firearms Act</i> Sched: 2 drug offences 2 weapons offences	PG (25%)	6y NPP 2y 9m FT 3y FT 2y <u>Total:</u> 7y NPP 3y 9m	Crown AA 8y NPP 6y 7y 6m NPP 4y 6m 7y 6m NPP 4y 6m <u>Total:</u> 9y 6m NPP 6y 6m	Significant although no drugs or full time custody – breached conditional liberty	SNPP 10 years (drugs and firearms) Over three months sold total of 563.3g methylamphetamine to undercover operative – low purity – escalating amounts – significant drug enterprise – significant financial gain – towards lower end mid-range - also sold .22 calibre pistol in working order with 96 x .22 calibre rounds – took \$3000 as payment for second firearm – supply to known drug dealer made firearms offences serious On appeal: sentences manifestly inadequate

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8.	Hristovski (22) [2010] NSWCCA 129	Supply comm qty MDMA Supply lge comm qty MDMA Supply lge comm qty amphet Unauth possess pistol: s.7(1) <i>Firearms Act</i> Sched: 2 offences	PG (25%)	FT 10y 14y NPP 10y 14y NPP 10y FT 3y (all concurrent)	AD	nil	SNPP 15 years (drug) / 3 years (firearm) Supplied drugs to undercover operative on two occasions – total of 495.49g MDMA – on third occasion supplied 1,221g 'MDMA' that on analysis proved to be amphetamine – indicated ability to supply greater amounts – mid-range - on arrest found in possession of loaded .22 calibre Phoenix brand pistol with one round in chamber and full magazine – relationship to drug offences – slightly above mid-range Prior good character – good prospects of rehabilitation – drug user with substantial debt
9.	Mahmud (26) [2010] NSWCCA 219	Agg possession firearms: s.51D(2) <i>Firearms Act</i> Supply lge comm qty methylamphet Sched: Firearms offences	PG (17.5% on appeal)	3y 6m NPP 2y 6m 6y 6m NPP 3y 6m <u>Total:</u> 7y 6m NPP 4y 6m	Crown AA 5y NPP 3y 9m 9y NPP 6y 6m <u>Total:</u> 10y NPP 7y 6m	record	SNPP 15 years (drug) / 10 years (firearm) Two single shot bolt firearms and a 25 mm self-loading pistol loaded with five rounds found at house – also found in possession of knives, taser gun and ammunition – 1.78kg methylamphetamines found in freezer – firearm fetish – firearms offences below mid-range
10.	AZ (43) [2011] NSWCCA 43	Supply lge comm qty MDMA Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 2 x supply drug Proceeds crime	PG (50% combined)	5y 6m NPP 2y 9m 2y NPP 12m (concurrent)	Crown AA 8y NPP 5y 2m 1y 9m NPP 1y 1m 2w <u>Total:</u> 8y 8m NPP 5y 10m	Nil	SNPP 15 years (drug) / 3 years (firearm) Drugs and large amount of drug paraphernalia found during search of offender's residence – 1,081g - large amount of money also located - .25 calibre ammunition and small .25 calibre keyring pistol in working order found in safe – drug offence just below mid-range – evidence pointed to substantial involvement in drug supply – firearm offence mid-range in context of drug supply involvement Assistance to authorities. Error in assessment of objective seriousness of both drug and firearm offences – error in concurrent sentences.

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11.	Ayshow (33) [2011] NSWCCA 240	Supply comm qty ecstasy Supply methyamphet Unauth possess pistol: s.7(1) <i>Firearms Act</i> Sched: 7 drug and firearm offences	PG (10%)	12y NPP 6y 4y 6m NPP 2y 4m 6y 9m NPP 4y <u>Total:</u> 14y NPP 8y		Possess drug and unauth firearm – on parole for armed robbery	SNPP 10 years (drug) / 3 years (firearm) On arrest driving to drug supply found in possession of 94.6g methylamphetamine, 194g ecstasy and loaded 9mm pistol – involved in drug dealing at wholesale level – more than mere courier – not isolated offence – mid-range – pistol related to drug activity – well within upper range seriousness Born in Iraq – difficult childhood – drug user
12.	DW [2012] NSWCCA 66	Conspiracy to manufacture lge comm qty amphetamine Unauth possess pistol: s.7(1) <i>Firearms Act</i> Sell prohibited firearm: s.51 <i>Firearms Act</i>	PG (50%)	4y NPP 2y 6m 18m NPP 9m FT 18m <u>Total</u> 4y 8m NPP 3y 2m	Crown AD	Breached parole – similar offences	SNPP 3 years (firearm) Started planning with informer and undercover police officer to manufacture 4kg – possessed and sold .44-40 Winchester calibre six chamber revolving cylinder shortened rifle Significant assistance
13.	Nanai [2012] NSWCCA 141	Supply comm qty proh drug Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 3 offences	PG (25%)	6y NPP 4y 7y NPP 3y <u>Total:</u> 10y NPP 6y	AD	On parole for manslaughter	SNPP 10 years (drug) / 3 years (firearm) Stopped while driving and found in possession \$6,475 – subsequent intercepted telephone conversations recorded arrangement to supply 3000 pills unknown drug – search of home found .22 calibre Bersa pistol, silencer fitting pistol and 44 rounds ammunition – mid-range offence

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14.	Hsu [2012] NSWCCA 248	Supply lge comm qty MDMA Sched: Deemed supply Unauth possess pistol: s.7(1) <i>Firearms Act</i> Sched: Poss unreg firearm Poss ammunition	PG (10%) PG (25%)	13y 6m NPP 10y 4y NPP 3y <u>Total:</u> 14y NPP 10y 6m	AD	Drug offences	SNPP 15 years (drug) / 3 years (firearm) Undercover police operation – separate supplies of 1000 and 2000 tablets (total 732.4g) – role as bottom to middle of range wholesaler /commission agent – lower end of large commercial quantity type case – slightly below mid-range - .45 calibre six shot pistol found in offender's safe Drug addiction.
15.	Cao (32) [2013] NSWCCA 321	Ongoing supply methylamphet Supply comm qty methylamphet 2 x Unauth possess proh weapon: s.7(1) <i>Weapons Act</i> Unauth possess pistol: s.7(1) <i>Firearms Act</i> Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 3 offences	PG	3y NPP 18m 6y NPP 3y 3y NPP 18m 3y NPP 18m <u>Total:</u> 8y 6m NPP 5y 6m	AD	Minor offences	SNPP 10 years (drug) / 3 years (firearm / weapon) Sold total of 127g methylamphetamines to dealer over 39 occasions – admitted supplying daily to dealer who on-sold drugs - search of house on arrest found 749g methylamphetamine, extendable baton, unloaded .22 long calibre rifle Jennings J-22, self-loading pistol with 6 rounds of ammunition and .32 automatic calibre double-barrelled key-ring style firearm with 2 rounds of ammunition – drug dealing for profit – weapons related to drug dealing although did not take guns when drug dealing - second drug offence above mid-range – first drug offence and firearms offences mid-range Born in Vietnam – remorse On appeal: seriousness of firearms offences and relationship to drug offences – sentence not excessive

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16.	Matthews (59-60) [2013] NSWCCA 326	Supply lge comm qty ecstasy Supply firearms on ongoing basis: s.51B <i>Firearms Act</i> Sched: Smaller drug and firearms offences	PG (10%)	12y 9m NPP 7y 9m 7y 3m <u>Total:</u> 16y NPP 11y	AA 12y 9m NPP 7y 9m 7y 3m NPP 5y <u>Total:</u> 16y NPP 11y	'formidable' – serious offences – no drug offences	SNPP 15 years (drug) / 10 years (firearm) Drug supply to undercover officer on two occasions – total 732.4g - co-offender D arranged for drugs to be provided to Matthews who sold to undercover officer – offenders shared \$1000 between them for each supply – financial gain – also sold firearms to undercover officers on three occasions – self-loading pistol with 16 bullets in functional but not perfect working order – 3 rifles in working order Disturbed upbringing – PTSD resulting from prison experience – poor health On appeal: error in not setting NPP for SNPP firearms offence
17.	Tran (41) [2014] NSWCCA 85	Supply comm qty methylamphet 2 x Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 3 Drug offences	PG (42.5% combined)	<u>Indicative:</u> 6y 10m NPP 4y 9m 3y NPP 2y <u>Aggregate:</u> 8y NPP 5y 9m	AD		SNPP 10 years (drug) / 3 years (firearm) Travelled to Sydney to transport drugs to Perth – detained at airport with co-offender carrying total of 977.7g methylamphetamine between them – found in possession of additional drugs dealt with on schedule – mid-range - possession of .38 revolver and single barrel swan off shotgun – possession by drug dealer meant mid-range On appeal: procedural unfairness in finding of objective seriousness – no lesser sentence warranted
18.	IL (No 4) (45) [2014] NSWSC 1801	Manufacture lge comm qty methylamphet 3 x Unauth possess pistol: s.7(1) <i>Firearms Act</i> Unauth possess proh firearm: s.7(1) <i>Firearms Act</i>	VG	<u>Indicative</u> 10y 9m / 12m 6m <u>Aggregate:</u> 11y 6m NPP 7y 6m		nil	SNPP 15 years (drug) / 3 years (firearm) Female permitted associate to use premises to refine over 6kg methamphetamine – some further involvement in process – subordinate position – financial reward – associate killed when bathroom exploded – joint possession of guns belonging to associate found in house and car - 9mm Luger and associated 20 round magazine, .38 calibre Smith & Wesson and .45 calibre Norinco - connection to weapons exacerbates criminality of drug offences Good character

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19.	Lowe (37) [2015] NSWCCA 46	Ongoing supply methyldamphet Supply comm qty methyldamphet Supply comm qty methyldamphet Cultivate comm qty cannabis – enhanced indoor Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Possess unreg firearm: s.36 <i>Firearms Act</i> Unauth possess proh weapon: s.7(1) <i>Weapons Act</i> Sched: 5 Firearm offences Supply cannabis GIC	PG	10y NPP 7y 12y NPP 8y 10y NPP 7y FT 3y FT 2y 4m FT 12m FT 3y <u>Total:</u> 14y NPP 10y	AA 10y NPP 7y 10y 6m NPP 7y 10y NPP 7y FT 3y FT 2y 4m FT 12m FT 3y <u>Total:</u> 12y 6m NPP 9y	Not extensive and no drug offences	SNPP 10 years (drug) / 3 years (firearm / weapon) Supplied methylamphetamine to undercover operative on four occasions: 31.8g, 65.7g, 98.5g and 66g – two days later supplied 512.8g – search of house being leased by co-offender found total 479.6g and 18 cannabis plants – also found .22 calibre Phoenix self-loading pistol with ID erased; two magazines in bubble wrap; .22 calibre BSA Sportsman single shot rifle JB31077 and two Taser- like devices Reasonable prospects of rehabilitation On appeal: parity in relation to second offence only
20.	Sponberg (42) [2017] NSWCCA 120	Supply comm qty cocaine Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 4 offences	PG (25%)	6y 6m NPP 3y 10m 2y NPP 15m (concurrent)	AA 5y 3m NPP 3y 6m 2y NPP 15m (concurrent)	Nil	SNPP 10 years (drug) / 3 years (firearm) Supplied to undercover police operative on 5 occasions – total 377.64g - motivated by profit. Stirling .22 calibre semi-automatic rifle found during search of home – rusted and believed not in working order – found at work site – unrelated to drug offence – near bottom of seriousness Good character – remorse - depressive illness - good prospects rehabilitation

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21.	Johnson (30) [2017] NSWCCA 43	Supply lge comm qty proh drug Supply lge comm qty proh drug Sched: 4 x offences Unauth possess pistol: s.7(1) <i>Firearms Act</i> Sched: 4 Firearm offences	PG (25%)	<u>Indicative:</u> 10y NPP 6y 9y NPP 5y 6m 3y 6m NPP 2y <u>Aggregate:</u> 12y NPP 7y 6m	DA	Nil significant	SNPP 15 years (drug) / 3 years (firearm) Supplied quantity of tablets "Nexus" (dimethoxyphenethylamine) to undercover operatives on five occasions between August and September 2013 - search of offender's premises found further 200g of Nexus and home-made pistol containing live round in chamber - indictable quantities of methylamphetamine and ecstasy, cash and ammunition also found – offences below mid- range – user / supplier making some financial gain – firearms connected to drug offences Positive steps in rehabilitation – remorse – strict bail conditions – good prospects of future
22.	James [2017] NSWCCA 287	Manufacture lge comm qty methylamphet Unauth possess pistol: s.7(1) <i>Firearms Act</i> Unauth possess pistol: s.7(1) <i>Firearms Act</i> Poss unath firearm: s.7A <i>Firearms Act</i> Sched: 5 offences	PG (25%)	9y 6m NPP 5y 3m 3y NPP 1y 8m 1y 6m NPP 1y FT 1y <u>Total:</u> 10y NPP 5y 9m	Crown AA 10y 6m NPP 6y 10m 3y NPP 1y 8m 3y NPP 1y 6m FT 1y	Priors for drug possession, larceny and assault	SNPP 15 years (drug) / 4 years (firearm) Manufacturing of methylamphetamine in garage at premises occupied by offender - 12.84kg drugs found of high level purity – 208.36g methylamphetamine found in house – 2.088kg of pseudoephedrine, 30kg of hypophosphorous acid and 20.23kg of iodine also found – sophisticated and large operation - Colt .45 calibre pistol with seven live ammunition rounds found in garage - .22 calibre pistol and 6 millimetre Airsoft calibre KHC repeating rifle found in safe – firearms offences below mid- range Remorse – good prospects of rehabilitation – drug user - involved in drug offences to satisfy drug debt On appeal: calculation error and manifestly inadequate – erred in imposing different sentences for essentially same firearms offences

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23.	Amiri (27) [2017] NSWCCA 157	Att supply lge comm qty Att unauth poss proh firearm: s.7(1) <i>Firearms Act</i> Sched: 4 offences	PG (14%)	6y 6m NPP 4y FT 22m <u>Total:</u> 7y NPP 4y 6m	AD	limited	Persistent attempts to recover bag with 1.894kg 25I-NBOMe, a "potent psychedelic drug" and Mossberg sawn-off pump action shotgun on behalf of criminal gang – associated but not member of gang – no financial gain – offences approach mid-range Hardship as refugee from Afghanistan – remorse – prospects of rehabilitation
24.	Greentree [2018] NSWCCA 227	Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Manufacture lge comm qty amphet Accessory after fact manufacture lge comm qty amphet Sched: 3 offences	PG 15%	<u>Indicative:</u> 3y NPP 1y 2m 7y NPP 5y 2y 6m <u>Aggregate</u> 10y NPP 7y	AA <u>Indicative:</u> 2y 5m NPP 1y 8m 6y 3m NPP 4y 5m 2y 1m <u>Aggregate</u> 8y NPP 5y 6m		SNPP 15 years (drug) / 3 years (firearm) Involved with brother - large amounts of ingredient chemicals for production ("precursors") and equipment found on property - sufficient to manufacture quantity of methylamphetamine greater than 5kg - manufacturing process not underway but manufacture of at least commercial quantity had taken place - arrangements being put in place for manufacture of further large commercial quantity - operation to be embarked upon of substantial size and sophistication - within mid-range objective seriousness - search of property found bolt action rifle with silencer Special circumstances – first time custody – drug rehabilitation On appeal - sentencing judge wrongly assumed commercial quantity was 500g when it was 1kg.
25.	Huynh (41) [2018] NSWCCA 237	Unuath possess pistol: s.7(1) <i>Firearms Act</i> Consp to supply comm qty pseudoephedrine	PG (25%)	<u>Indicative:</u> 2y 6m 7y 6m NPP 4y <u>Aggregate:</u> 8y NPP 5y	AD		SNPP 3 years (firearm) Female – position of seniority in conspiracy offence - organiser and financier of importation - gave direction to others in carrying out agreement to supply drugs – pistol found in search of house – unloaded but found in a sock which was inside another sock which contained four rounds of ammunition suitable for use in pistol – mid range seriousness. Mother to three children.

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26.	Thach (29) [2018] NSWCCA 252	Agg possession firearms: .51D(2) <i>Firearms Act</i> Supply lge comm qty meth Supply comm qty heroin Supply lge comm qty meth Supply lge comm qty heroin 2 x Possess precursor Possess drug manufacture apparatus Sched: 6 offences	PG (25%)	<u>Indicative:</u> 10y NPP 7y 6m 10y NPP 7y 6m 7y 6m NPP 5y 7m 15d 12y NPP 9y 17y NPP 12y 9m 3y / 4y 2y <u>Aggregate:</u> 18y NPP 13y 6m	AD		SNPP 15 years (drugs) / 10 years (firearm) Significant role in drugs offences - warehousing of very significant quantities of illicit substances and firearms for syndicate - ready, willing and able to fetch and carry – not a principal but more than a mere courier Found in trailer attached to car used by offender: <ul style="list-style-type: none"> shortened 5.56 x 45mm calibre Australian Arms self-loading rifle; Colt detachable box magazine capable of holding 30 rounds; silencer; 9mm Parabellum calibre Uzi pistol; Two Uzi detachable box magazines for the Uzi capable of holding 26 rounds; Uzi silencer; shortened 12-gauge shotgun; shortened 12-gauge self-loading firearm; 0.22 calibre self-loading pistol; 0.44 Magnum pistol; 0.32 Smith and Wesson pistol; 9mm Glock pistol

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27.	Smith (46) [2019] NSWCCA 1	Agg possession firearms: .51D(2) <i>Firearms Act</i> Manufacture comm qty meth Possess precursor Supply comm qty meth Possess precursor Possess firearm in contravention of order: s.74(1) Sched: 34 offences	PG (25%)	<u>Indicative:</u> 6y NPP 4y 6y NPP 4y 2y 3m 4y 6m NPP 3y 18m 3y <u>Aggregate:</u> 11y NPP 7y 4m	Crown AA <u>Indicative:</u> 7y 6m NPP 4y 10m 7y NPP 4y 6m 4y 6y NPP 3y 10m 3y 4m 6y <u>Aggregate:</u> 16y NPP 10y 6m	previous convictions for firearms offences	SNPP 10 years (drugs) / 10 years (firearms) With co-offender involved in manufacture of prohibited drugs in remote property owned by offender – related materials found in other locations – had possession of firearms in storage unit as member of bikie gang: <ul style="list-style-type: none"> • Colt AR15 .223 calibre semi-automatic rifle together with attachable scope and bipod stand • .38 calibre "pen gun" firearm. • Ruger Mini 14 .223 calibre semi-automatic rifle and five empty magazines (three of which could hold 10 rounds). • 12 gauge pump action shotgun. • Remington Savage brand .223 calibre rifle with scope. (This is not a "prohibited" firearm. [15]) • 12 gauge shortened single barrel shot gun. • homemade .22 calibre "pen gun" firearm. • number of magazines for ammunition, some filled with ammunition and some not. • large quantity of ammunition suitable for multiple calibres of firearms Also in possession of stolen but licenced firearm s.51D(2) offence well above mid-range
28.	Huang (30) [2019] NSWCCA 144	Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Supply lge comm qty methyldamphet Sched: Proceeds of crime 4 further offences	PG (25%)	3y NPP 2y 3m 11y 6m NPP 8y 6m <u>Total</u> 12y 6m NPP 9y 6m 25d	AA 2y 3m NPP 18m 8y 3m NPP 6y <u>Total</u> 10y 6m NPP 7y 10m 14d	Nil	SNPP 15 years (drugs) / 4 years (firearm) Search of offender's premises and motor vehicle uncovered range of drugs including 5.5kg methyldamphetamine, over \$1,000,000 in cash, loaded revolver, gambling chips and gift cards to value of \$20,500 - near apex of group engaged in supply Foreign national On appeal found SJ erred in approach to Form 1 offences

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29.	Bridge (34) [2020] NSWCCA 233	Supply comm qty GBL Supply lge comm qty methyldamphet Sched: 4 offences Unauth possess pistol: s.7(1) <i>Firearms Act</i> Supply cocaine Proceeds of crime: s.193B(1) <i>Crimes Act</i> Ongoing supply Make counterfeit money s.166 Certificate: 11 offences	PG (25%)	<u>Indicative:</u> 2y 3m NPP 1y 5m 7y 6m NPP 4y 8m 2y NPP 1y 3m 8m 6m 2y 3m <u>Aggregate:</u> 10y NPP 6y FT 9m <u>Aggregate:</u> 10y 4m NPP 6y 4m		limited	SNPP 15 years (drug) / 4 years (firearm) Principal in running extensive and large scale drug operation – significant financial reward – mid range – no detail on firearms offence Good prospects of rehabilitation – unlikely to re- offend – remorse On appeal: rejected parity argument

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30.	Oncu [2020] NSWCCA 260	Manufacture lge comm qty methylamphet Unath possess pistol: s.7(1) <i>Firearms Act</i> Sched: Possess ammunition	PG (20%)	<u>Indicative:</u> 8y NPP 5y 6m 4y NPP 2y <u>Aggregate:</u> 9y 6m NPP 6y 6m	AA 8y NPP 5y 3y NPP 1y 6m <u>Total:</u> 9y NPP 6y	Minor including driving offence and common assault	SNPP 15 years (drugs) / 3 years (firearm) Involved in manufacture of drugs in large shed built in outer suburb of Sydney – 30.5kg drugs manufactured over 6 weeks – substantial operation stopped by arrest – not principal but important role – mid-bottom half of objective seriousness - .357 Magnum calibre Ruger SPIOIO revolver with obliterated serial number found at property with ammunition – mid-range Gambling and depressive disorder – sought to repay financial debts – out of character - hardship to family relevant but not exceptional – good prospects of rehabilitation – remorse On appeal: error made in relation to SNPP for firearm offence – took into account good conduct in custody and on bail for two years
31.	Cutajar [2020] NSWCCA 273	Manufacture lge comm qty methamphet Unuath possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: 2 firearm offences	PG (25%)	11y NPP 7y 12m (concurrent)	AD	Nil	SNPP 15 years (drugs) / 3 years (firearm) Manufacture at premises with co-offender – 15.98kg - more than mere “unskilled storeman” - involved in negotiating prices - committed offence to clear debt Search of property found .22 calibre self-loading rifle, silencer and detachable magazine Good rehabilitation prospects – supportive family.

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32.	SY (31) [2020] NSWCCA 320	Unauth possess proh firearm: s.7(1) <i>Firearms Act</i> Unauth possess pistol: s.7(1) <i>Firearms Act</i> Manufacture lge comm qty PMMA Supply large commercial PMMA Sched: 3 offences	PG (Combined – 20%)	<u>Indicative:</u> 3y 10m NPP 2y 6m 3y 10m NPP 2y 6m 10y NPP 6y 6y 10m NPP 4y <u>Aggregate:</u> 14y NPP 9y 6m	AA <u>Indicative:</u> 3y 7m NPP 2y 4m 3y 5m NPP 2y 4m 9y 2m NPP 5y 8m 6y 2m NPP 3y 10m <u>Aggregate:</u> 13y 2m NPP 8y 10m	Obtain money by deception, resist police, enter enclosed lands, destroying property, Possess stolen goods, agg B&E, possess firearms.	SNPP 15 years (drugs) / 3 years (firearm) Manufacture of para-methoxy methyl amphetamine (PMMA) in laboratory with co-offender – amount not ascertainable but very significantly in excess of large commercial qty – principal in operating laboratory and holding product for supply - significant planning – homemade 9mm Parabellum calibre submachine gun found in laboratory - .25 Automatic Lorcin Model L25 self-loading pistol found in storage unit – no ammunition Drug abuse - some prospects of rehabilitation - assistance to police via voluntary surrender of additional firearms CCA: Sentencing judge failed to allow discount for assistance for voluntary surrender of firearms – erred in finding firearm offences aggravated drug offences
33.	Connell [2020] NSWCCA 352	Unauth possess pistol: s.7(1) <i>Firearms Act</i> Possess shortened firearm: s.62(1)(b) <i>Firearms Act</i> Supply lge comm qty MDA Sched: 4 offences	PG (25%)	 <u>Aggregate:</u> 8y 6m NPP 5y 6m	AA <u>Indicative:</u> 1y 2m 2y 3m 6y 6m <u>Aggregate:</u> 8y NPP 5y 2m	No custody – drink driving, possess prohibited drug, assault - possess knife	SNPP 15 years (drugs) / 4 years (firearm) Observed handling guns in presence of 12y son of co-offender – next day observed packaging drugs – on execution of search warrant found small amounts of drugs and other paraphernalia – guns found in car – significant role in drug distribution hierarchy at least above street level – mid range – guns to be used for criminal defence purposes – just below mid-range Remorse and reasonable prospects of rehabilitation On appeal: error in application of guilty plea

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34.	Chandab [2021] NSWCCA 186	Unauth possess pistol: s.7(1) <i>Firearms Act</i> Knowingly take part in supply comm qty cocaine Sched: 3 offences	PG (10%)	6y NPP 4y 3y 9m NPP 2y 3m <u>Total:</u> 6y 3m NPP 4y 2m	AD	History of violence and dishonesty offences	SNPP 4 years (firearm) Fully loaded and defaced .357 magnum calibre Smith and Wesson and 634.7g cocaine (83.5% purity) found concealed in offender's motor vehicle - drugs held in safe keeping for someone else - member of motor cycle gang – firearm unconnected to drugs – firearm held in breach of FPO – four months later cash found in house – assaulted inmate while in custody – firearm offence above mid-range Remorse – good prospects of rehabilitation
35.	Rodriego (a pseudonym) [2021] NSWCCA 237	Supply lge comm qty cocaine Supply firearms on ongoing basis: s.51B <i>Firearms Act</i> Sched: 4 offences	PG (combined 45% - increased on appeal to 50%)	<u>Indicative</u> 6y 6m 5y 5m <u>Aggregate:</u> 10y NPP 7y 6m	AA <u>Indicative</u> 6y 8m NPP 5y 4y NPP 3y <u>Aggregate:</u> 8y NPP 6y	AR; supply; conspiracy to cultivate; dishonesty offences	SNPP 15 years (drugs) / 10 years (firearm) Sold guns on three separate occasions to registered source – semi-automatic rifle, pistol and shotgun – selling on behalf of others but could obtain more firearms – sold drugs to same operative – not source of drugs but integral role – could access more drugs on short notice – drug offence mid-range High quality assistance – financially motivated due to gambling and financial stress On appeal: failed to appreciate and rely upon police report on poor condition of firearms – seriousness of firearms offences reduced

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36.	Chartres-Abbott (64) [2021] NSWCCA 239	Possess shortened firearm: s.62 <i>Firearms Act</i> Possess shortened firearm: s.62 <i>Firearms Act</i> Supply lge comm qty methamphet Supply comm qty heroin Supply comm qty methylamphet Sched: 7 offences	PG (25%)	<u>Indicative</u> 3y 4m 2y 9m 7y 6m NPP 4y 6m 3y 9m NPP 2y 3m 4y 6m NPP 2y 9m <u>Aggregate:</u> 14y NPP 8y 6m	AA <u>Indicative</u> 3y 4m 2y 9m 7y 6m NPP 4y 6m 3y 9m NPP 2y 3m 4y 6m NPP 2y 9m <u>Aggregate:</u> 10y NPP 6y	Lengthy but much largely 'petty' offences	SNPP 15 years (drugs) Supplied 372.63g methamphetamines to undercover operant over four occasions – 888.79g methylamphetamine, 368.8g heroin, Sportco .22 rifle with magazine and Sterling .22 firearm found in house on search – up-line supplier for co-offender – not possible to determine precise role - operation not sophisticated – first supply at lower end of mid-range – other offences at below or at mid-range – firearms both in working order and found near ammunition Long term drug user – traumatic childhood – severe traumatic brain injury resulting in deficits and more onerous custodial conditions On appeal: aggregate sentence outside range
37.	Awraham (24) [2021] NSWCCA 241	Possess unreg firearm: s.36 <i>Firearms Act</i> Unauth possess pistol: s.7(1) <i>Firearms Act</i> Attempt poss comm qty cocaine (Cth) Supply drug	PG (25%)	18m 3y NPP 1y 11m 7y 6m NPP 5y 15d 2y 3m <u>Total:</u> 9y NPP 6y 6m	AD	Driving – not relevant	SNPP 4 years (firearms) Closely involved in an attempt to import 2,152.27g cocaine drugs - role "at least that of a courier" and above that of "mere recruit" - aware of when and where consignment would be delivered - arrived at delivery address to oversee what occurred after package delivered - expected to gain significantly to discharge drug debt of \$40,000 to \$50,000 - .22 calibre Ruger pistol and a magazine containing eight rounds of ammunition found on premises Special circumstances – good rehabilitation.

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38.	XY (pseudonym) (38) [2023] NSWCCA 50	Supply lge comm qty methyldamphet Supply comm qty methyldamphet Poss shortened firearm: s.62 <i>Firearms Act</i> Unauth possess pistol: s.7(1) <i>Firearms Act</i> Proceeds of crime: s.193B(1) <i>Crimes Act</i> Sched: 6 offences	PG (50% combined)	<u>Indicative</u> 6y NPP 4y 2y 3m NPP 18m 1y 9m 1y 6m NPP 1y 1y 3m <u>Aggregate:</u> 7y 6m NPP 5y	AD	Significant – offending breached parole	SNPP 15 years (drugs) / 4 years (firearms) Principal in one man operation supplying wholesale drugs – sold 288.6g drugs – concealed 991.4g drugs, firearms and \$288,470 cash in drum buried in bushland – .42 calibre sawn-off Beretta Monoblock double barrel shotgun and F5 automatic machine pistol - instructions for manufacture of drugs, steroids and silver knuckledusters found in bedroom – took possession of truck in lieu of drug debt – commercial quantity offence below mid-range – large commercial quantity offence mid-range – firearm offences below mid-range Difficult childhood – back injury On appeal: reference to sentencing principles for aggregate sentence – sentence not manifestly excessive
39.	Walker (61) [2023] NSWCCA 219	Manufacture lge comm qty MDMA Supply lge comm qty MDMA Unauth possess pistol: s.7(1) <i>Firearms Act</i> Possess precursor Sched: 3 offences	PG (25%)	<u>Indicative:</u> 7y 6m NPP 4y 6m 5y 6m NPP 3y 6m 3y NPP 1y 10m 2y 6m <u>Aggregate:</u> 9y NPP 6y	Crown AD	Relatively minor	SNPP 15 years (drugs) / 4 years (firearms) Manufacture operation with two co-accused - role as cook, not principal - essential role in providing his property as venue for manufacture – 6.433kg pure - found in caravan drawer loaded .38 Smith & Wesson revolver and ammunition – firearm offence more serious because connected to manufacture offence – within mid-range Financial motivation, lost employment due to covid pandemic - likely mild intellectual disability - opioid use disorder – remorse - respondent's wife significantly disabled – special circumstances – CCA: Sentence imposed by SJ lenient, but not unduly given applicant's subjective case - reasonable prospects rehabilitation - entitled to some leniency due to insignificant criminal history.

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