

Import Cocaine
Trafficable Quantity
s.233B(1) (Cth) Customs Act

- s 233B(1) (b) import
(c) possess prohibited import
(ca) possess reasonably suspected prohibited import
(cb) conspire to import (*repealed 15.12.2001*)
(d) knowingly concerned in import (*repealed 15.12.2001*)

Subsection substituted 28.9.2004

- s 233B(1) (a)(iii) import
(a)(iv) possess prohibited import
(a)(vi) possess reasonably suspected prohibited import

Trafficable Quantity: 2gm

Commercial Quantity: 2kg

Maximum Penalty: 25 years / Life if prior specified drug offence

s.235(2)(d) / s.235(2)(c)(ii)

s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|----|-------------------------------|-------------------------------------|------------------|------|----------|--------|--------|--|
| 1. | Chase NSWCCA 19.10.1990 | Knowingly concerned in import | 762g | VG | FT 8y | AD | nil | More than courier, if not principal - recruited two accomplices. American national – would be deported at end of sentence |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|----|--|---------|--|------|---------------------|--|--|---|
| 2. | Montenegro (26) NSWCCA 15.2.1991 | Import | over 1.5kg | PG | FT 4y 9m | AA 6y 3y 6m | nil | Courier US national - assistance to authorities. |
| 3. | Ferrer-Esis (1991) 55 A Crim R 231 NSWCCA | Possess | 1819.8g | PG | 6y NPP 3y 6m | Crown AA 9y NPP 5y | nil | Cocaine as serious as heroin – courier Venezuelan. |
| 4. | Laurentiu | Possess | 32g of original importation of 1.589 kg | PG | 10y 6m NPP 7y 6m | AD | Prior drug matters, offence committed on bail | Co-offender imported cocaine - apprehended at airport and controlled delivery made to L and B - B regarded as 'back up muscle' - L a few rungs down from principal. |
| | Becheru (1992) 63 A Crim R 402 NSWCCA | Possess | | VG | 7y NPP 4y 6m | | | |
| 5. | Kogelbauer (31) (1992) 65 A Crim R 357 NSWCCA | Import | 269g | PG | 8y 6m NPP 6y | AD "Sentence towards top of the range". | minor | Purchased drugs in Amsterdam intending to sell in Australia - heavily addicted to cocaine - not part of an organisation but working alone. Admitted importation at airport - good subjective features. |
| 6. | Raz NSWCCA 17.12.1992 Co-offender: LEFF | Import | 1.25kg | PG | 7y NPP 5y 4m | AA 4y 9m NPP 3y 6m | | Imported cocaine strapped to body - was to deliver cocaine then wait for money to exchange into \$US - assisted in preparing and packing drugs - regarded as more than a mere courier. Considerable and valuable assistance |
| 7. | Arabi (39) NSWCCA 23.4.1993 | Import | 736g | PG | 8y NPP 6y | AD | nil | Need not greed |
| 8. | Gonzalez (23) NSWCCA 2.9.1993 | Possess | 1002g (77.5% purity) | PG | 7y NPP 4y 6m | AD | nil | Controlled delivery to offender arranged with importer - sought to mislead the police - co-offender greater involvement, but greater assistance. |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|---|----------------------|------|---------------------|---|--------|--|
| 9. | Smith NSWCCA 30.9.1994 | Possess | 711g | PG | 7y NPP 4y 6m | AD | | Drugs mailed to offender so treated as a courier. |
| 10. | Moreno NSWCCA 4.11.1994 | Import | 341g | PG | 10y NPP 6y | AD | | Arrested at airport with drugs internally concealed. No assistance. |
| 11. | Jelks (36) NSWCCA 1.12.1995 | Import | 404g | PG | 8y 6m NPP 5y | AD | nil | Courier from US. |
| 12. | Moreno NSWCCA 26.6.1996 | Import | 294g | PG | 6y NPP 4y | AD (middle of appropriate range) | nil | Arrested at airport importing drugs internally from Colombia Offers of assistance worthless - naive with intelligence at lower range - used by others - genuinely contrite. |
| 13. | Stenovich (24) NSWCCA 27.11.1996 | Import | 390g | PG | 9y NPP 6y | AA 8y NPP 5y | | Arrested at airport – courier - minimal assistance - previously visited Australia on reconnaissance mission. American national – parity |
| 14. | Leff (56) (1996) 86 A Crim R 212 NSWCCA Co-offender: RAZ | 2 x Knowingly concerned in import | 1.25kg 1.25kg | VG | 13y 4m NPP 8y 6m | AD | nil | Involved in America at level close to full principal. Female offender with seriously ill husband in America - no family support in Australia. |
| 15. | De Hesselle NSWCCA 29.8.1997 | Possess | 1.93kg | VG | 8y NPP 5y | AD | nil | Not importer - apprehended after sale to another person. |
| 16. | Stafrace (31) (1997) 96 A Crim R 452 NSWCCA | 2 x Possess | 726g 937g | PG | 12y NPP 9y | 10y NPP 6y | nil | Individually in possession of one box of cocaine and jointly in possession of second box - partly for own use, partly for commercial operation - knew joint possessor involved in supply and assisting him by keeping cocaine - more than mere courier Cocaine addiction. |
| 17. | Lopez-Alonso (1996) 86 A Crim R 270 NSWCCA | Import | 1.6kg | VG | 9y NPP 6y | AD | nil | Courier. Argentinean national |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|---|----------------------|--------------|----------------------------------|--------|--|---|
| 18. | Abdulhadi NSWCCA 3.10.1997 | Import | 964.4g | PG | 5y NPP 3y | AD | | Co-offender brought in cocaine in scuba tank - controlled delivery to appellant - recruited courier to act on behalf of another Assistance to authorities |
| 19. | Tapasa NSWCCA 31.10.1997 | Import | 723.6g | PG | 8y NPP 4y 6m | AD | nil | Accompanied co-offender, both carrying drugs - courier. |
| 20. | Faneite (61) NSWCCA 1.5.1998 Co-accused: BARRIENTOS | Import Knowingly concerned in import | 834g 719g | PG | 6y 6m NPP 4y | AD | nil | With wife imported cocaine in shoes - expected to receive \$10,000 - participated in controlled delivery, and two people arrested. |
| 21. | Selim (26) NSWCCA 19.5.1998 | Attempt possess | 221g | PG | 3y 18m NPP | AD | | Cocaine imported by female - controlled delivery to offender - role was to deliver drugs and would receive some cocaine as payment. Provided assistance - good rehabilitation in gaol - father dying of cancer. |
| 22. | Smith (22) NSWCCA 20.8.1998 | Import | 444.3g | PG | 3y 6m NPP 2y (assistance) | AD | nil | Cocaine found in two bags - financial gain only. Female from America. Issue on appeal was parity only. |
| 23. | Watson (29) NSWCCA 18.9.1998 | Attempt possess | 1.43kg | PG | 9y NPP 6y | AD | minor and unrelated - treated as first offender | Intended to take delivery from courier - controlled delivery - claimed he was to deliver drugs to 'Lebanese', and his reward was one ounce - dealt with as "collector" - same as courier - objective gravity very high. Recreational user. |
| 24. | Kaufusi (24) Moala (35) 7.8.1998 QCA | Import Import | 384.8g 403.7g | PG PG | 8y NPP 3y 8y NPP 3y | AD | Nil Nil | Recruited in Salt Lake City as couriers – drugs strapped to thighs Foreign nationals |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|--|------------------------------------|------------------|------|--------------------|-----------------------------|------------|---|
| 25. | Barrientos [1999] NSWCCA 1 Co-accused: FANEITE | Knowingly concerned in importation | 1553.6g | VG | 8y NPP 4y 8m | AA 7y 6m NPP 4y 8m | nil | Controlled delivery of shoes containing cocaine - just above courier. Venezuelan Failure to give discount for assistance and to take into account prior good character. |
| 26. | Crowdey (39) [1999] NSWCCA 24 | Knowingly concerned in import | See facts | PG | 2y 6m NPP 1y 6m | Crown AA 4y NPP 2y 6m | | Police seized 37.9g cocaine following controlled delivery to offender - principal local distributor to established small network of users - made personal profit - received 10 envelopes over 15 months - total value over \$100,000. Under powerful influence of co-offender - psychiatric condition. |
| 27. | Adorjany [1999] NSWCCA 37 | Possess | See facts | PG | 10y NPP 6y 3m | AD | nil | Courier intercepted by police on arrival from Colombia with cocaine in luggage - courier delivered to offender in controlled delivery - 2.796kg (pure) imported |
| 28. | Blanco (22) (1999) 106 A Crim R 303 [1999] NSWCCA 121 | Knowingly concerned in import | 341.2g | PG | 12y NPP 8y | AA 10y 6m NPP 7y | minor | Well above courier - recruited co-offender to bring in drugs from Bolivia. On appeal: delay in charging |
| 29. | Ocampo-Campuzano [1999] NSWCCA 179 | Import | 844.6g | PG | 8y NPP 5y | AD | not stated | Courier - drugs found in bottom of suitcase. Colombian citizen - family overseas threatened by principal |
| 30. | Cajuires (52) [1999] NSWCCA 282 | Import | 712.49g | PG | 8y 6m NPP 6y 6m | AA 7y NPP 4y 6m | nil | Courier - drugs found in lining of backpack. Guatemalan living in USA. |
| 31. | Acosta (55) [1999] NSWCCA 334 | Import | 1.879kg | VG | 8y NPP 6y | AA 8y NPP 5y | nil | Courier - arrived from Argentina with liquor bottle filled with cocaine. Financial troubles - supporting wife and five children - Colombian. |
| 32. | Pulido [1999] NSWCCA 438 | Possess | 296.9g | PG | 6y 6m NPP 4y 6m | AD | | Received package from Colombia. |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|-------------------------------------|-------------------|------|-----------------------------------|--|---|--|
| 33. | J Restrepo (28) A Restrepo (1999) 108 A Crim R 150 QCA | Att possess Possess | 1.5kg 750g | PG | 12y NPP 5y 10y 4y 6m | AA 10y NPP 4y 9y NPP 3y 6m | Lengthy record for less serious offences Lesser record | J Restrepo: Religious statute delivered to estranged wife addressed to infant daughter – wife observed package of cocaine in base – controlled delivery – took possession of statute from wife and hid it – courier – one off importation A Restrepo: drugs secreted in beads sent in package – took delivery of package and placed in cupboard in bedroom of unit shared with J Restrepo |
| 34. | Thomas (22) [1999] VSCA 204 | Import | 1.5663kg | PG | 7y 6m NPP 5y | AD | insignificant | Drugs brought into Australia in pockets of offender's jeans and track pants from Caribbean – arrangements made for offender to fly to Aruba and return with drugs – courier – acted from greed not addiction |
| 35. | Quansah (31) [2000] NSWCCA 64 | Import | 643.7g | PG | 4y 8m NPP 2y 6m | Crown AA 6y NPP 4y | | Drugs found in wooden statue - rejected claim drugs for personal use but accepted drug addiction - dealt with as principal - organised purchase of drugs in South America intending to use some cocaine and sell remainder |
| 36. | Toro-Martinez (2000) 114 A Crim R 533 [2000] NSWCCA 216 | Knowingly concerned in import | 655.2g | PG | 3y 6m NPP 2y | Crown AA 6y NPP 3y | no priors | Became involved late in importation - involved in meetings and assisted chemist employed to extract cocaine - assistance not vital to offence. Co-offender: <i>Romero-Cepeda</i> [2000] NSWCCA 229 (commercial quantity) |
| 37. | Alvarez (28) [2000] QCA 290 | Import | 1.2708kg | PG | 8y NPP 3y 6m | AD | nil | Female - imported drugs in suitcase out of loyalty to husband – gave birth to child after offence |
| 38. | Sando [2000] NSWCCA 301 | Attempt possess | 156g | PG | 6y NPP 3y | AD | | Cocaine imported by courier - controlled delivery made to offender - addict who took opportunity to be involved in drug delivery - marginally more culpable than a courier. Assistance discount. |
| 39. | Contreras-Ortiz [2000] NSWCCA 328 | Knowingly concerned in import | 930g | VG | 15y NPP 11y | AD | | Received cocaine hidden in projector sent from Buenos Aries - relatively senior level of involvement. |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|--|-------------------------------|------------------|-------------------------------------|--|--------------------------------|------------------|---|
| 40. | DLH (52) [2000] NSWCCA 376 | Knowingly concerned in import | 1.153.4g | PG | 4y NPP 12m | Crown AD | nil | Cocaine imported as paste in audio tape reels - package addressed to respondent's business - to receive \$12,000 - low in criminal hierarchy. Full admissions - assisted in subsequent controlled delivery - long standing drug addiction - poor health - suicide attempt - depression |
| 41. | Serrette (53) (2000) 118 A Crim R 204 [2000] WASCA 405 | Import Possess | 924.5g | PG | 10y NPP 6y 10y NPP 6y (concurrent) | AD | nil | Born in Trinidad – brought drugs into Australia concealed in shoes in luggage – handed over one pair in Perth as instructed – prepared to fly to Sydney to deliver remaining shoes – to receive \$10,000 Some assistance |
| 42. | Ceissman (20) (2001) 119 A Crim R 535 [2001] NSWCCA 73 | Knowingly concerned in import | 344.4g | PG | 3y NPP 18m | Crown AA 4y 6m NPP 2y 9m | not unfavourable | Received drugs inside teddy bear posted overseas - paid \$50 to receive and hold on to packages until collection and remit money to US - not isolated offence. Deprived background - remorse - depressive illness - health problems resulting from accident - responsible for younger brother |
| 43. | Szelency [2001] NSWCCA 75 Co-offenders: CERULLO SOUKOULIS | Import | 614.4g | PG | 9y NPP 5y | AD | nil relevant | Travelled overseas and upon return took delivery of parcel containing Bible with cocaine inside - lesser degree of responsibility than co-offenders but greater than mere courier - used false documentation when sending parcel. Psychological and physical ill health - South African - rehabilitation - offences committed for financial gain. |
| 44. | Klein (2001) 120 A Crim R 90 [2001] NSWCCA 120 | Import | 513.7g | PG (37.5% plea and assist) | 3y 9m NPP 2y 6m | Crown AD | nil | Female - when apprehended at airport admitted carrying drugs - believed she was carrying marijuana - courier - motivated by debt Offered assistance to police - contrite - separated from family in South Africa |
| 45. | Chanthaboury (2001) 121 A Crim R 505 [2001] NSWCCA 74 Co-accused: VERGARA (2002) | Import | approx 1kg | PG | 7y 6m NPP 4y 6m | AA 6y NPP 4y | nil | Cocaine found in lining of suitcase - aware of drugs but not how they got there - to receive \$12,000 - involved in controlled delivery - bare or mere courier but greater role than co-offender. Assistance. |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|---|----------------------|-----------------------|---|--|---|--|
| 46. | Chapple [2001] NSWCCA 183 | Knowingly concerned in import Attempt obtain possession of cocaine | 79g | PG (25% on appeal) | 5y NPP 3y 6m FT 12m (concurrent) | AA 4y NPP 2y 6m | appalling record - 3 major drug offences | Opened post office boxes and received drugs through mail - principal on own behalf - most of drug for own use. Tragic life as a result of drug addiction. |
| 47. | Quesada (37) (2001) 122 A Crim R 218 [2001] NSWCCA 216 | Knowingly concerned in importation | 1,306.8g | VG | 10y NPP 7y | AA 10y NPP 6y | first custodial sentence | Female - picked up backpack containing drugs from female who had brought it in on overseas flight - precise nature of involvement not known. Colombian - single mother with 2 children. |
| 48. | Keys (19) [2001] NSWCCA 232 Co-offender: HAMZY | Knowingly concerned import Knowingly concerned import | 772.6g 713.6g | PG | 8y NPP 3y 6m | Crown AA 7y 4y 6m Total 11y 6m NPP 5y | | Drugs imported by two separate couriers concealed in shoes – liaised with couriers and organised importation on behalf of principal Remorse – excellent prospects of rehabilitation - delay |
| 49. | Hendricks (24) (2001) 125 A Crim R 303 [2001] NSWCCA 396 | Import | 162.7g (net) | PG | 6y 6m NPP 4y 3m | AD | nil | Arrived having swallowed drugs - courier with low level trafficable quantity. Financial gain only - South African - signs of depression - contrition |
| 50. | Boulghourgian (26) (2001) 125 A Crim R 540 [2001] NSWCCA 460 | Knowingly import | 114.5g | VG | 6y NPP 4y | AD | supply drugs | Cocaine concealed in a car radio cassette player sent from United States in parcel intercepted by customs – controlled delivery - offender took delivery from Fed-Ex office - significant role (principal) - sophisticated scheme - potential considerable profit Lack of remorse |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|--|--|-----------------------|-------------|---|--|-----------------------------|---|
| 51. | Hamzy (19) (2001) 127 A Crim R 70 [2001] NSWCCA 539 Co-Offender: KEYS | Knowingly concerned importation Knowingly concerned importation | 772.6g 713.69g | PG (10%) | 9y NPP 5y 6m | Crown AA 9y 4y 6m Total 13y 6m NPP 8y | On bail for supply offences | Initiator and director of two importations while in US – absconded - voluntarily returned to Australia to face charges Disadvantaged background. |
| 52. | Tramontano (2002) 131 A Crim R 1 [2002] NTCCA 4 | Import Import less trafficable qty heroin | 449.4g 1.4g | VG | 7y NPP 3y 9m 2m (concurrent) | AD | Nil | Drugs in condoms in colon and rectum – swallowed drugs in Bali – was to deliver cocaine and use heroin himself – acted to clear drug debt and in response to threat of harm to wife - courier |
| 53. | Speechley (36) (2002) 133 A Crim R 26 [2002] NSWCCA 300 | Possess Sched: Proceeds of crime offence | 208.9g | PG | 4y 6m NPP 2y | Crown AA 7y NPP 4y | nil | Found in possession of cocaine and \$19,900 – admitted to drug dealing over 14-24 months – needed money – role between principal and courier |
| 54. | Vergara [2002] NSWCCA 314 Co-accused: CHANTHABOURY | Import | 1 kg | VG | 8y NPP 5y | AA 6y NPP 4y | | Cocaine found in suitcase - courier - lesser role than co-offender. Parity. |
| 55. | Taru (24) [2002] NSWCCA 391 | Attempt possess | 101.8g | PG (25%) | 4y 9m NPP 3y | AD | minor | Arranged for delivery of package to studio - arrested after picking up package - courier Good subjective evidence - remorse |
| 56. | Gallego [2002] NSWCCA 529 | Import | 1114.9g | PG | 8y 6m NPP 5y 6m | AD | nil known | Imported drugs in golf bag - assume no higher than courier Spanish national |
| 57. | Vasquez [2003] NSWCCA 94 | Knowingly concerned in importation | 649.5g | PG | 9y NPP 6y | AD | | Drugs mailed in suitcase intercepted by police – controlled delivery – significant role in organising, collecting, unpacking and attempted acquisition |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|--|---|------------------------------|--|---|---|----------------|---|
| 58. | Ntsele (2003) 141 A Crim R 33 [2003] NSWCCA 111 | Possess cocaine Attempt possess heroin | 1,307g 311.9g | PG (20% on appeal for assist and other matters) | 6y NPP 3y 2m 6y NPP 3y 2m (concurrent) | Crown AA 8y NPP 4y 6y NPP 4y (concurrent) | | Took possession of heroin from co-offender - cocaine found in police search of premises - higher level of involvement than co-offender Delay in instituting appeal - discount for assistance too high - error to make sentences identical and concurrent |
| 59. | Mbonu (2003) 7 VR 273 [2003] VSCA 52 | Knowingly concerned import | 177.2g | VG | 5y NPP 3y | AD Crown AD | | Courier from South Africa agreed to import drugs internally from Indonesia – met by offender for controlled delivery – involvement similar to that of courier |
| 60. | Karipidis (21) [2003] NSWCCA 168 | Knowingly concerned in importation | See facts | PG | 8y NPP 4y 10m | AA 7y 10m NPP 4y 10m | Significant | Involved in joint enterprise to import drugs from Uruguay – 2 packages picked up and delivered to K – second package contained 175g (pure) - greater involvement than courier Appeal allowed to take into account pre sentence custody on head sentence |
| 61. | Cerullo Soukoulis [2003] NSWCCA 201 Co-offender: SZELENCZY | Knowingly concerned in importation | Not stated – see co-offender | VG | 12y NPP 8y | AD | Not stated | Parcel of drugs posted by co-offender in Germany to co-offender – principals Motivated by greed |
| 62. | Minall (34) Watkins (33) [2003] NSWCCA 311 | Import | 437.3g | PG | 7y 6m NPP 5y | AD | Nil Nil | Imported drugs internally from America – well above couriers |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|--|--|--------------------------------|-------------------|---|---|--|---|
| 63. | Gutierrez (36) [2004] NSWCCA 22 | Knowingly concerned import Conspire to import Money laundering | 1.5-1.8kg 3-4kg planned | VG PG | 10y 6y 9m 4y <u>Total:</u> 13y 6m NPP 8y | Crown AD | Imprisoned in Germany for similar offence – these offences committed 10m after release | Cocaine imported in wine carried by co-offender – involved in attempting to separate drugs from wine – some cocaine sold and money used to finance second planned importation – representative of principals in scheme - sought to launder \$96,000 by sending travellers cheques to co-offenders in USA |
| 64. | Maloney [2004] NSWCCA 250 | Attempt obtain possession | Trafficable amount | VG | 8y NPP 5y | AD | Nil | Cocaine hidden in packages sent from Caribbean |
| 65. | Marcus [2004] VSCA 155 | Import Import Trafficking | 33g 2.5oz | PG | 5y 4y 3y <u>Total:</u> 6y NPP 4y | AA 4y 6m 2y 1y <u>Total:</u> 4y 6m NPP 3y | | 33g cocaine sent by post from USA – drugs mailed by brother for personal use and use of friends – voluntarily disclosed guilt as to having received and sold 2.5 ounces of drugs on earlier occasion – purity not stated but assumed to be at low end of trafficable quantity Drug addiction – remorse and rehabilitation |
| 66. | Haidar (28) [2004] NSWCCA 350 | Attempt possess | 391.7g | PG | 7y NPP 4y 6m | AD | Nil | POST 16G REPEAL Cocaine secreted in computer sent from Brazil – controlled delivery – slightly above courier Drug addiction at time of offence |
| 67. | Bartlett (28) [2005] NSWCCA 103 | Import Import heroin | 306.8g 54g | PG (see facts) | 7y NPP 4y 2m 5y 10m (concurrent) | AD | Nil | POST 16G REPEAL Female - accepted money to import powder from South Africa in shoes and on sanitary pad – didn't know what powder was – substantial discount for admissions and early plea Sexually abused as child – daily use of heroin since 2000 – 5y daughter, in care of ex-husband – anxiety and depression – remorse |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|--|----------------------|---|--|--------------------------|--|---|
| 68. | PP [2005] NSWCCA 214 Co-offender: KING JULES | Import | 140.3g | PG (40% assist and plea on appeal) | 6y NPP 4y | AA 5y 7m NPP 3y 4m | | POST 16G REPEAL Concealed 35 tablets internally – courier – some coercion Australian – wife and child overseas – some assistance - parity |
| 69. | Cassar [2005] VSCA 164 Co-offender: MOKBEL | Knowingly concern import | Almost 2kg | VG | 6y NPP 4y | AD | nil | Drugs sent in packages from Mexico through UPS delivery system - second in charge at UPS warehouse – job to retrieve packages before inspected by Customs – trusted employee Forfeited shares in company as result of offence – delay in prosecution – good work record – good prospects of rehabilitation |
| 70. | Okeke [2005] NSWCCA 444 | Attempt possess Attempt possess | 190.3g 195.8g | PG | 9y NPP 6y 9y NPP 6y (concurrent) | AD | Nil – dishonest dealings with Immigration | POST 16G REPEAL Nigerian national – arranged for pick up of two parcels containing cocaine mailed from Brazil – controlled delivery – role of “some substance” |
| 71. | Mokbel (40) [2006] VSC 119 Gillard J [2010] VSCA 11 Co-offender: CASSAR | Knowingly concern import | 1.9334kg | VG | 12y NPP 9y | AD | Priors - possess unlicensed pistol – att pervert course of justice – receiving - hinder police | Principal organiser and financier – drugs imported from Mexico through UPS transport system hidden in artefacts Delay in prosecution Absconded from trial and sentenced in absence |
| 72. | King [2006] NSWCCA 110 Co-offender: PP JULES | Import | 215.6g | PG (20%) | 7y NPP 4y 4m | AA 6y 6m NPP 4y | Nil | POST 16G REPEAL Part of importation scheme with four co offenders – imported drugs internally – courier. Offences committed due to financial difficulties. Parity – imported less drugs than co offenders. |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|--|-------------------------------------|--------------------------------|---|--------------|--|--|
| 73. | Paliwala (28) (2006) 153 A Crim R 451 [2006] NSWCCA 221 | Import | 384.9g | PG | 9y NPP 5y 6m | AD | Nil | POST 16G REPEAL Male student travelled to US to obtain cocaine – drugs brought into Australia internally and in backpack – courier to receive \$20,000 Prior good character – suffering depression and financial difficulties |
| 74. | Oui (22) [2006] WASCA 76 | Attempt poss | 192.5g | VG | 9y NPP 4y 6m | AD | Nil | Drugs secreted in door handle package sent from Canada – collected by co-offender and package opened with offender |
| 75. | Viera (40) Teehan (27) [2006] NSWCCA 401 Co-offender: MICHEL (2007) | Conspiracy to import Conspiracy to import Supply cannabis leaf Sched: 4 offences | 380.9g 601.6g 4.519kg | PG (20%) PG (20%) | 6y 11m NPP 4y 6m 10y 9m NPP 6y 6m 2y 4m NPP 1y 9m <u>Total</u> 10y 9m NPP 7y 3m | AD AD | Minor – breached bond Nil | POST 16G REPEAL Cocaine sent from Chile in 131 envelopes to various post office boxes V became involved in last two months – V travelled to Chile V – assistance – good prospects of rehabilitation T – drug user – good prospects of rehabilitation |
| 76. | Jules (31) [2007] NSWCCA 243 Co-offender: PP KING | Import | 520.1g (76% pure) | PG (20%) | 7y NPP 4y 4m | AD | | POST 16G REPEAL Part of importation scheme with four co offenders – imported drugs internally (100 pellets) – courier. Offences committed due to financial difficulties. Parity - foreign national. |
| 77. | Michel [2007] NSWCCA 337 Co-offenders: VIERA TEEHAN | Conspiracy to import | 601.6g | PG (20%) | 14y NPP 8y 9m | AD | Previous drug conviction for same offence – breached parole. | POST 16G REPEAL Principal in 12m conspiracy – co-conspirators described as “errand boys” – street value of \$240k. NB: Previous drug conviction for same offence – s.235(1)(c) increased maximum penalty to life |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Record | Facts |
|-----|---|----------------------|-------------------|-----------------------------------|-----------------|-----------------------|--------|---|
| 78. | Starmer (37) [2008] NSWCCA 27 | Conspiracy to import | 32.4g | PG | 3y NPP 18m | AD | | POST 16G REPEAL Arranged with sister to send cocaine in cards from Great Britain – personal use and sold some to friends |
| 79. | SC (27) [2008] NSWCCA 29 | Attempt possess | 183.9g | PG (50% plea and assist) | 3y 6m NPP 2y | Crown AD | Nil | POST 16G REPEAL Cocaine secreted in parcels – took delivery on behalf of another person – aware drugs involved but probably not aware of weight – to be paid \$3,000 Prior good character – drug user – good prospects of rehabilitation – assistance Appeal dismissed in exercise of discretion of court |
| 80. | Milich [2008] NSWCCA 148 | Attempt possess | 296.9g | VG | 10y NPP 6y | AA 8y NPP 4y 9m | Nil | POST 16G REPEAL Female – took delivery of parcels on behalf of Nigerian man – used false identity and rented flat |
| 81. | Okandeji (28) [2012] NSWCCA 30 | Att possess | 774.3g cocaine | VG | 12y NPP 8y | AD | Nil | POST 16G REPEAL (2003) took delivery of drugs imported in wall painting from Brazil - principal |

Last updated: Aug 2017