

Import Heroin
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(cb) conspire to import (*repealed 15.12.2001*)
(d) knowingly concerned in import (*repealed 15.12.2001*)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: 2g

Commercial Quantity: 1.5kg

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s.16G (CTH) Crimes Act was repealed 16.1.2003 (applies to all sentences imposed after that date)

Section s 233B repealed 6.12.2005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	Record	Result	Appeal	Facts
<i>Ghomari</i> NSWCCA 12.4.1991	Possess	345g	PG		MT 8y AT 2y 8m	AD	Courier
<i>Lankreijer</i> NSWCCA 14.6.1991	Import	232.7g	PG		3y 6m NPP 2y 6m	AD	Addict – heroin for own use and for friends and associates. Suffered spasticity in arm.

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	Record	Result	Appeal	Facts
Chebat NSWCCA 25.7.1991	Import	606g	VG	Nil known	10y NPP 8y 6m	AA 10y NPP 6y	Concealed in suitcase – courier
Lam (1991) 53 A Crim R 118 NSWCCA	Possess	1.433kg	PG		MT 7y AT 2y 4m	AD	No role in importation - minding it for someone else - culpability well down the line - to receive reward of \$10,000.
Mai Tran (1992) 60 A Crim R 49 NSWCCA	Possess Attempt possess Possess	50g of 6.9kg importation	VG VG		MT 10y AT 3y FT 5y (concurrent) MT 10y AT 3y	AD	Suitcase arrived in Australia as unaccompanied luggage - intercepted and controlled delivery established - picked up by T - M later apprehended with substituted block - major operators.
Ndubuisi NSWCCA 27.3.1992	Import Possess proh import	378g	PG		FT 5y 6m	AA 6y NPP 4y	Nigerian involved as courier - heroin concealed in his body - towards bottom end of scale.
Gurung NSWCCA 22.5.1992 Co-offender: LAWLESS (1994)	Import	151g (70% pure)	PG	nil	6y 6m NPP 4y 6m	AD	Swallowed condoms filled with heroin – courier Nepalese - background of poverty
Dowe (59) NSWCCA 26.3.1993	Import	80g	VG	nil	6y NPP 4y	AD	Arrested at airport with 17 packets in shoes. No contrition - some co-operation with authorities.
El-Cheikh NSWCCA 26.3.1993	Import	44.5g	PG	gaol for supply heroin in Aust.	6y 6m NPP 4y 4m	AD	Heroin in body – part for own use, part for sale.
Kelly NSWCCA 20.4.1993	Import	41.1g	PG		3y 6m NPP 2y	AA 3y NPP 18m (assistance)	Purchased in Thailand for \$960 - primarily for own use. Heroin addict - unemployed.

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	Record	Result	Appeal	Facts
Clarke NSWCCA 23.4.1993	Import Possess proh imports	94.2g (77.4% pure)	PG	prison in Sweden for importation	6y 6m NPP 4y 4m	AD	Imported heroin in body - heroin imported for sale.
Gedid (50) NSWCCA 23.4.1993	Import	961g	VG	Nil	7y NPP 5y	AD "Well within the discretion."	Lebanese woman, sick - one dependent child and elderly husband in Lebanon.
Zielinski NSWCCA 21.5.1993	Import	667.3g	VG		6y NPP 3y 6m	Crown AA 7y 6m NPP 4y	Female - recruitment of 15y daughter an aggravating factor – drugs carried internally and in daughter's shoes.
Turner NSWCCA 21.5.1993	Import	685.5g	PG	nil	7y 6m NPP 4y 6m	AD	Apprehended at airport with drugs strapped to body - courier Excellent prior character - army service, assistance to police, prospects of rehabilitation.
Sanna (49) NSWCCA 21.5.1993	Import	863g	VG		9y NPP 5y	AD	Drugs in suit-case - did not speak English.
Rachid (63) NSWCCA 13.8.1993	Import	105g	PG	nil	5y 6m NPP 4y	AD	Travelled from Lebanon, to be paid \$5000 – courier - wanted to finance eye surgery. Conditions of detention for non-English speaking foreigner - late plea at arraignment.
Drazkiewicz (43) NSWCCA 23.11.1993	Knowingly concerned in importation	165g	PG	nil	8y NPP 6y	AA 7y NPP 4y 6m	Importation from Thailand with 4 co-offenders - courier. Late plea - good character - discount for absence of remissions
Ayoub (60) NSWCCA 10.3.1994	Possess	295.8g	PG	nil	18mth to be released to recog after 9m	Crown AA 3y to be released to recog after 18m	Female offender from Lebanon - sent heroin in package from Lebanon - intercepted and controlled delivery arranged - accepted delivery and signed - advised male that 'present' had arrived Agreed to co-operate with police against co- accused.

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	Record	Result	Appeal	Facts
Lawless NSWCCA 24.6.1994 Co-offender: GURUNG (1992)	Possess	345g	VG	nil	5y NPP 3y	AD	2 Nepalese couriers made controlled delivery to offender - took possession of only 16g but regarded as part of wider intention - played significant part in intended distribution.
Sukjai-Crawshaw NSWCCA 3.6.1994	Import	130.1g			6y NPP 4y	AA 4y NPP 2y 6m SJ did not have information about mental illness.	Swallowed heroin - courier. Gave some information to police but was of little assistance – suffering serious and chronic paranoid schizophrenia
El-Khoury NSWCCA 30.9.1994	Import	99.9g	PG		6y NPP 3y 6m	AD	Female with drugs concealed by insertion into vagina- failed to discharge onus that it was for her own use. Middle aged woman from Lebanon entering on a 3 month visa - dependent children in Lebanon.
Nguyen NSWCCA 6.10.1994	Import	250g	VG	prior for attempt import	8y NPP 5y	AD	Sentenced as “more than a mere courier” - drug hidden in shoe sole. Heroin addict
Chaaroui NSWCCA 4.11.1994	Import	92.8g	PG		6y NPP 4y	AD	Paid \$20,000 to import drugs.
Kiely NSWCCA 10.11.1994	Knowingly concerned in importation	409.1g	PG		9y NPP 4y	Crown AA Failure to give assistance 9y NPP 5y	Took delivery of drugs in Hong Kong – delivered to couriers
Lama NSWCCA 4.8.1995	Attempt possess	Just under 1.5kg	PG (SI)		8y NPP 5y 2m (assistance)	AD	Collected drugs from courier to hold for principal. Without assistance sentence would have been 10y NPP 6y
Schrei NSWCCA 24.11.1995	Import	18g	PG		FT 5y	AA 5y NPP 3y 6m	Refused to “pass” packages in his anal tract - courier.

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	Record	Result	Appeal	Facts
Elchami (59) NSWCCA 15.12.1995	Import	548g	PG	nil	7y NPP 5y	AD	Lebanese man approached drug dealer to obtain ticket to visit son in Australia.
Shlakht (1995) 82 A Crim R 92 VCA	Possess Possess trafficable cannabis resin	263.8g 4165.4kg	PG		7y NPP 5y 2y (concurrent)	AD	Police intercepted Russian sailor carrying heroin and resin – controlled delivery of small portion of heroin and resin to offender who subsequently met up with K - involvement greater than short period of possession Co-offender KRASNOV dealt with for import commercial qty heroin and trafficable qty resin.
Rostom (32) (1995) 83 A Crim R 58 VCA	Import	128g	VG	nil	6y NPP 4y	AA 4y NPP 2y 6m	Appellant imported heroin secreted in towel Fresh evidence as to assistance
Doan NSWCCA 27.9.1996	Import	170.8g	VG		6y NPP 3y 6m	AD	Female - no higher than courier - wore shoes with heroin concealed - possibly to receive a share of \$10,000.
Zayat NSWCCA 22.11.1996	Import	165g	PG		FT 5y	AD	To be paid \$10,000 to go to Lebanon and bring back drugs.
Le NSWCCA 22.11.1996	Import	570.3g	PG		7y NPP 4y 6m	AD	Female committed offence because of financial difficulties Some assistance to authorities.
Lee (23) Ng (23) NSWCCA 20.12.1996	Import Import	488g 301g	PG PG	nil nil	8y NPP 6y 8y NPP 6y	AA 8y NPP 5y 3m 8y NPP 5y 3m	Couriers arrested at airport - drugs concealed in chocolate bars and shoes. No connections to Australia - assistance to authorities.
Duffy (1996) 85 A Crim R 456 WACCA	Import	328g (78% pure)	PG		12y NPP 5y 3m	AD	Carried drugs in from Thailand secreted in leather folder – travelled with co-offender who was more senior Drug addiction – some 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	Record	Result	Appeal	Facts
Bradley (1997) 137 FLR 314 NSWCCA	Import	140g		Significant record for drug convictions overseas	9y NPP 6y	AD	Imported heroin from Thailand using false passport – discussed possibility of taking heroin to New Zealand
Maman (31) NSWCCA 27.3.1997	Import	461.8g	PG	nil	9y	AA 8y NPP 5y	Apprehended at airport - courier motivated by greed. Israeli with strong family ties in Australia.
Lawson (18)	Import	320g	PG	nil	3y 6m NPP 2y	Crown AA 6y NPP 3y 6m	L and T recruited by W to be couriers – carried drugs internally - W to collect drugs when possible L - US national T - Burmese and British nationality Little that could be said in favour of W
Wu (38)	Knowingly involved in import	666g	PG	serious drug offences	9y NPP 6y	Crown AD	
Thapa (18) (1997) 98 A Crim R 463 NSWCCA	Import	346g	PG	nil	3y 6m NPP 2y	Crown AA 6y NPP 3y 6m	
Mohyuddin (31) VSCA 13.10.1997	Att possess	74.8g	PG		3y 9m NPP 2y 6m	AD	Drug brought into Australia by courier internally – offender took delivery of drugs from courier at hotel - after arrest involved in controlled delivery to co-offender to receive \$10,000 for involvement Assistance – citizen of Hong Kong – wife and child in Hong Kong
Lommahadthai NSWCCA 11.12.1997	3 x Knowingly concerned import	Not stated	PG		13y NPP 9y 6m	AD	Organiser of three importations – “organisational and entrepreneurial basis” - organised drugs, travel and payment and oversight of couriers
Cohen (23) VSCA 11.5.1998	Import	293.27g	PG	nil	4y 6m NPP 2y 6m	AD	Israeli national – brought drugs in from Thailand concealed internally Cultural and religious isolation in custody – remorse – prospects of rehabilitation

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	Record	Result	Appeal	Facts
Chai	Import	337.909g	PG	Nil	15y NPP 7y	AD	Malaysian married couple – drugs concealed internally or in clothes Second offence for Chai related to wife's offence
Lim 28.5.1998 QCA	Knowingly concerned in import Import	131.038g 131.038g	 VG	 Nil	 12y NPP 6y	 AA 10y NPP 5y	
Carmody (30) (1998) 100 A Crim R 41 VSCA	Knowingly import Trafficking	61.2g 350g	PG	nil	2y <u>Total:</u> 3y NPP 2y	AA 2y <u>Total:</u> 3y NPP 18m	Female – involved in importation with husband – trafficking offence related to heroin imported earlier by husband Hardship on young son – some assistance
Dodd (40) Kavinmethavee NSWCCA 30.6.1998	Conspiracy to import Conspiracy to import	Small trafficable amount	PG PG	minor drugs, on parole nil	12y NPP 9y 6y NPP 4y	AA 10y NPP 6y 6m 4y NPP 2y 6m	
Chu NSWCCA 16.10.1998	Import	851.9g	VG		7y NPP 4y 6m	AA 6y NPP 3y 9m (assistance)	Courier - brought in two bottles of scotch with heroin inside - told police he was aware he was bringing in illegal substance - agreed to a controlled delivery which resulted in arrest of co-accused.
Yu [1999] NSWCCA 6	Attempt possess	A little more than 1kg	PG (after 2 weeks of trial)	conviction for possession drugs in Hong Kong	5y 4m NPP 3y 6m	Crown AD	Heroin imported in carbon paper packed in glass pictures - arrived with co-offender to transport goods to Melbourne - courier.
Huynh (20) [1999] VSCA 47	Possess Attempt possess	431g (63% purity)	VG	Lengthy record – breached periodic detention for drug offence	3y 5y NPP 4y (concurrent)	AD	Drugs brought into Australia by courier internally – appellant and three others collected drugs from courier from hotel room in controlled delivery

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	Record	Result	Appeal	Facts
Gagliardi (33) (1999) 108 A Crim R 344 WASCA	Possess 3 x proceeds of crime offences	98g	PG	Nil in Australia	8y 15m Total: 8y NPP 4y 6m	AD	Italian – found in possession of heroin for purpose of sale – also found in possession of foreign currency - either imported drug or close to person who imported drug Addiction – HIV positive
Campos [1999] NSWCCA 339	Possess Proceeds of crime	139.9g	VG	nil	6y 8m NPP 4y 8m FT 18m (concurrent)	AA 5y NPP 3y FT 15m (concurrent)	Female - found in possession of \$6,000 in handbag – heroin found in bedroom – over four months transmitted \$347,316.57 overseas in 31 transactions Assistance to authorities – good prospects of rehabilitation
Tu [1999] NSWCCA 357	Possess	670g		prior for deemed possession	9y NPP 6y	AA 6y NPP 4y	2 parcels of heroin found in unit - minder Refugee with unfortunate employment history.
Tamotsu (1999) 109 A Crim R 193 NSWCCA	Conspiracy to import Import	1,481.5g			7y 11y NPP 7y 6m (concurrent)	AA 7y 10y 3m NPP 6y 3m (concurrent)	Drugs found on offender as he came through customs - admitted he had done the same three months earlier. Co-offenders: SUGAHARA / WATANABE - import commercial
Ha (28) [1999] NSWCCA 385	Knowingly involved in import Possess	317.9g 226.72g	PG	nil	12y NPP 8y FT 4y (concurrent)	AA 10y NPP 6y 6m FT 4y (concurrent)	Frequent traveller between Vietnam and Australia - sent heroin by post to Vietnam - more heroin found at house - sole operator or one of principals.
Ngui (24) Tiong (48) (2000) 111 A Crim R 593 VSCA	Import Import	1.25kg	PG PG		5y NPP 4y 3m 5y NPP 4y 3m	AA 5y NPP 3y 4m AA 5y NPP 3y 4m	Drugs carried into country by offenders in tour group – drugs concealed in bottles containing 'cleaning' products and cavities in heels of shoes – participated in controlled delivery - couriers Both received discount for 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	Record	Result	Appeal	Facts
K (24) [2000] NSWCCA 200	Import	720.6g	PG	nil - although previously acted as courier between Thailand and Indonesia	7y NPP 4y (40% discount for assistance)	AA 5y NPP 3y	Arrested at airport with heroin in suitcase - participated in controlled delivery to principal - courier.
Huang (2000) 113 A Crim R 386 NSWCCA	Attempt possess	809.5g	PG	nil	8y NPP 5y	AD	Took delivery of heroin imported by co-offender at Hotel - courier. Family hardship - difficulty in gaol because foreigner.
Olbrich (58) (2000) 117 A Crim R 326 NSWCCA	Import	1184g	PG		8y 6m NPP 6y	AA 8y 6m NPP 5y	Imported heroin in luggage - no evidence of position in drug organisation - paid \$15,000 to import drugs. Cooperation with police. Appeal allowed to take into account effect of long appeal process on conditions of incarceration
Goder (48) [2000] WASCA 315	Consp import	25g (purity unknown)	PG	extensive	6y	AD	Drugs brought in by three couriers on separate occasions from Indonesia concealed in vagina – arranged and paid for by offender
	Consp import	55g (purity unknown)			7y		
	Knowingly concerned import	70g	VG		9y <u>Total:</u> 16y		
X (44) [2000] WASCA 355	Import	224.2g	PG	nil	7y 4m NPP 5y	AA 7y 4m NPP 4y 9m	Imported drugs internally – courier Some assistance
Le (44) [2000] QCA 129	Att possess	800g	PG	nil	12y NPP 4y	AD	Co-offender imported drugs in frozen fish – controlled delivery of portion of drugs imported to offender Good work history

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	Record	Result	Appeal	Facts
Karacic (2001) 121 A Crim R 7 NSWCCA	Attempt possess	453.8g	PG (11% on appeal)	no gaol	10y NPP 7y	AA 8y NPP 5y	Attempted to take delivery of drugs sent from Hong Kong to computer company - used letterheads and postal address of uninvolved company to take delivery of drugs - greater than mere courier.
Nguyen (35) (2001) 118 A Crim R 519 WASCA (2001) 160 FLR 284 WASCA	Attempt poss Possess	136.4g	VG		8y NPP 3y 7m	AA 5y GBB	Drugs sent from China in jewellery box - female offender aware drug had been sent and signed to receive package – importation organised by husband who was a drug addict – offender would receive no profit from importation Effect of imprisonment on children (Case adjourned to second date to finalise sentence after successful appeal)
Bugeja [2001] NSWCCA 196	Possess Supply methyldamphet	139.8g 21.6g	PG	Drug offence	9y NPP 6y 6m FT 3y (concurrent)	AA 8y NPP 5y 3m FT (concurrent)	Drugs found in appellant's house – actively involved in drug supply in community
Radebe (2001) 122 A Crim R 559 WASCA	Import	229.7g	PG (25% on appeal)		10y NPP 5y 6m	AA 9y NPP 4y 9m	Female – courier – imported drugs from South Africa in package hidden in pants
Thom (49) (2001) 126 A Crim R 196 WASCA	Import Possess false passport	225g	PG (35% plea and assist)	Drug offence	8y 6m NPP 5y 6m FT 1y (concurrent)	AA 8y 6m NPP 4y 3m FT 1y (concurrent)	Brought drugs into Australia secreted in suitcase - attempt made at controlled delivery

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	Record	Result	Appeal	Facts
Ma (34) (2001) 125 A Crim R 349 WASCA	Att possess Att possess Att possess	Total of 88.5g (70% purity)	PG (38% plea and assist on appeal)		5y NPP 2y 6m 5y NPP 2y 6m 5y NPP 2y 6m (concurrent)	AA 4y NPP 2y 4y NPP 2y 4y NPP 2y (concurrent)	Cards mailed from Hong Kong contained drugs – mailed to different addresses – offender successfully retrieved envelopes from three addresses
Festus (30) [2002] WASCA 25	Possess Currency offence	273.1g	PG (25% plea and assist)	nil	9y 1y <u>Total:</u> 10y	AD	Heroin found in tool box after return from overseas trip – failed to declare \$US69,000 found in luggage upon leaving overseas Childhood of great hardship in Liberia – involved in heroin trade because of debt incurred in leaving Liberia and threats to family – agreed to sell heroin to repay debt – remorse and co-operation – good prospects of rehabilitation
Gooch Pierce [2002] NTCCA 3	Import Knowingly concerned import	254.1g	PG PG	Nil Prior for drug trafficking	6y NPP 4y 6y NPP 4y	AD	De facto couple – P (female) brought in heroin in false bottom in suitcase – both had travelled to Thailand and purchased heroin Heroin users
Nguyen (2002) 131 A Crim R 341 WASCA	Knowingly concerned import Attempt poss	134.8g	VG	nil	12y NPP 7y 12y NPP 7y (concurrent)	AD	Drugs sent by package secreted in bottles of hair conditioner – offender had arranged posting of drugs in Hong Kong and then took delivery of package in Australia – controlled delivery after drugs imported
Auv (23) [2002] NSWCCA 375	Import	242.2g	PG	nil relevant	8y 6m NPP 6y	AA 7y 6m NPP 5y	Male – principal - facts not stated. Assistance to police about importation of heroin into Australia from Cambodia.
Tanudjaja [2002] NSWCCA 467	Import	344g	PG		6y NPP 3y	AD	Female - financially difficult circumstances - remorse - model prisoner - suffering severe depression

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	Record	Result	Appeal	Facts
Besodi (over 50) [2002] NSWCCA 452	Attempt possess	14.6g	VG	nil	8y NPP 5y	AA 6y NPP 3y 9m	Took delivery of package containing heroin - organiser Afghan - well established business - prominent community work
Bousehjin (38) (2003) 140 A Crim R 310 NSWCCA	Possess	720g	PG	nil	8y NPP 5y 4m	AD	Picked up drugs from courier at hotel in controlled delivery- higher than courier Iranian - suffering substantial back injury
Ntsele (2003) 141 A Crim R 33 NSWCCA	Attempt possess heroin Possess cocaine	311.9g 1,307g	PG (20% assist and other on appeal)		6y NPP 3y 2m 6y NPP 3y 2m (concurrent)	Crown AA 6y NPP 4y 8y 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
P (31) [2003] WASCA 180	Import	214.9g	PG (40% plea and assist)	nil	7y 6m NPP 5y	AD	Romanian national – agreed to carry drugs to repay debt – threats against family – drugs secreted in underpants and heels of shoes No addiction – some assistance
Parry (38) [2003] WASCA 222	Knowingly concerned import	224.4g	VG		10y NPP 5y 6m	AD	English national - drugs imported from Thailand by courier – supervised courier in Thailand and made arrangements to meet in Australia Suffering Hept C. – isolation in custody
T H N [2004] VSCA 7	Import	Just under 500g	PG		5y 6m NPP 3y	AA 4y NPP 2y	Female Fresh evidence as to assistance – no further details
Chew [2004] NSWCCA 26	Import	71.8g	PG		6y NPP 4y	AD	Ingested heroin – more than courier
Chew (22) [2004] NSWCCA 132	Import	303.5g	PG (35% plea and assist)	Nil	6y 6m NPP 4y 6m	AA 5y 3m NPP 3y 3m	Courier carrying drugs internally Malaysian – prior good character – assistance - parity

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	Record	Result	Appeal	Facts
Le (43) [2004] VSCA 111	Import Trafficking	See facts	PG	trafficking	5y NPP 3y 3y 6m NPP 2y 6m <u>Total:</u> 7y NPP 5y	AD	Arranged for and received shipment of heroin on four occasions concealed in electronic speakers – total weight of mixture was 336g – 52g pure intercepted in fourth delivery – drugs sold to co-offenders for supply to their customers - facilitator
Dang (25) [2004] NSWCCA 265	Attempt possess	92g	PG (25%)	Failure to report excess currency	7y 6m NPP 5y	AD	POST 16G REPEAL Package forwarded to offender from Vietnam intercepted by customs officers - contained four packages of heroin concealed in two hardcover books – street value \$176,400-\$223,440. Offender on expired student visa.
Dang (40) [2004] NSWCCA 269	Import	218.6g	PG (25%)	Nil relevant	6y 6m NPP 4y 4m	AD	Returned to Sydney after a trip to Vietnam - heroin concealed in shoes – courier Vietnamese background
Mas Rivadavia (21) El Akkaoui (22) Aksu (24) (2004) 149 A Crim R 1 NSWCCA Co-offender: KARDOULIAS (2005)	Conspiracy to import Conspiracy to import Att possess	708.5g	PG (15%) PG (15%) PG (15%)	Nil Nil minor	6y 9m NPP 4y 3m 6y 9m NPP 4y 3m 4y 3m NPP 2y 6m	Crown AA 8y 3m NPP 5y 3m 8y 3m NPP 5y 3m Crown AD	POST 16G REPEAL Importation from Hong Kong – controlled delivery – co-offender sentenced for attempt possess RMR – employee of FedEx –responsible for passing messages and advising re progress of packages – after arrest suffered depression with psychotic features – favourable prospects of rehabilitation RA – passed messages and supervised collection of package - favourable prospects of rehabilitation

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	Record	Result	Appeal	Facts
Mirzaee (59) [2004] NSWCCA 315	Import	578g	PG (25%)	Nil	9y NPP 6y	AA 9y NPP 4y 6m	POST 16G REPEAL Imported drugs from Iran – courier Financial hardship – heart problems – isolation from family - erroneously took into account probable importation
Bezan (44) (2004) 147 A Crim R 430 NSWCCA	Import	260g	VG	Nil	5y 6m NPP 3y 3m	Crown AA 8y NPP 5y	POST 16G REPEAL Drugs secreted in chessboard - principal
Ogochukwu [2004] NSWCCA 473	Knowingly concerned in import	217.9g	VG	Nil	7y 4m NPP 5y	AD	POST 16G REPEAL Took delivery of heroin mailed from Thailand – facilitated delivery Prior good character
Kaldor (57) (2004) 150 A Crim R 271 NSWCCA	Import	479.3g	VG	Minor - no prison	3y 4m NPP 2y	Crown AA 7y NPP 4y	POST 16G REPEAL Heroin imported from Vietnam in a guitar
A (42) [2004] NSWCCA 292	Import	316.9g	PG	Irrelevant	7y NPP 4y 6m	AD	POST 16G REPEAL Vietnamese born female imported heroin in shoes for \$20,000 – courier at lowest end of importation Substantial and beneficial assistance – sad and different life – isolation in custody – back condition

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	Record	Result	Appeal	Facts
Zaydan (40) Bava (40) [2004] VSCA 245	Knowingly concerned import	208.9g	VG	Drug offences	7y	AD	Heroin imported from China hidden in two packages in books – controlled delivery – merchants or principals who arranged for heroin to be sent and awaited arrival of packages intending to be involved in distribution – equal roles When heroin did not arrive involved in trafficking of ephedrine for purpose of making amphetamines – Z involved in arranging for drugs to be sent in 4 packages – one package intercepted and contained 1.596kg pure ephedrine – another package probably contained the 404g (pure) found in possession of Z – B had lesser role in trafficking trying to find buyers Z – Lebanese – mental problems resulting from torture as a 16y in Lebanon – suffering PTSD – drug abuse
	Knowingly concerned import	449.2g	PG		8y		
	Traff ephedrine	3y					
	<u>Total:</u> 11y NPP 9y						
	Knowingly concerned import	208.9g	VG	Armed robbery	7y	AA 7y	
	Knowingly concerned import	449.2g	PG		8y	8y	
	Traff ephedrine	1y			1y		
	<u>Total:</u> 10y 6m NPP 8y 6m				<u>Total:</u> 10y NPP 8y		
Kardoulis (35) (2005) 159 A Crim R 252 NSWCCA Co-offenders: MAS RIVADAVIA (2004) EL AKKAOUI (2004)	Consp to import	708.5g	VG	Drug offences	13y 6m NPP 8y 6m	AD Crown AD	POST 16G REPEAL Involved in conspiracy where heroin sent in packages from Hong Kong - principal

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	Record	Result	Appeal	Facts
Do (49) [2005] NSWCCA 258	Import	478.4g	VG	Nil	8y NPP 5y	AD	POST 16G REPEAL Vietnamese female brought drugs secreted in shoes – paying off gambling debt Tragic childhood - Retrial
Pham (27) [2005] NSWCCA 314	Import	244.6g	PG (25%)	Record	9y NPP 5y 6m	AA 8y NPP 4y 6m	POST 16G REPEAL Brought in heroin from Bangkok – low level importer Suffering psychological condition resulting from car accident – reasonable prospects of rehabilitation
Thi Thai Phenny Thai (29) [2005] VSCA 283	Att possess Import	221.7g	VG PG	Nil Nil	3y 1d NPP 1y 5y 6m NPP 4y	AA 2y 6m NPP 271d (immediate release) AA 5y 3m NPP 3y 6m	P.Thai mailed drugs in parcel to wife (T.Thai) – drug secreted into photo albums – controlled delivery P.Thai – organiser and principal – commercial motive – Cambodian national although Australian citizen T.Thai – Courier – under domination of husband - Cambodian national – good prospects of rehabilitation – nil drug use – impact on children
De Campos (44) [2006] NSWCCA 51	Import	280.2g	PG (25% plea and assist on appeal)		8y NPP 5y	AA 7y 6m NPP 4y 6m	POST 16G REPEAL South African woman imported drugs internally – seeking money to support mother Discount should be given for offer to assist
Sandford (65) [2006] VSCA 110	Import	396.7g	VG		6y NPP 3y 6m	AD	Counselled and procured – recruited courier on behalf of others – drugs imported from Vietnam Health problems
Vo Tran [2006] NSWCCA 165	Conspiracy to import	678.4g	PG		9y NPP 6y 6y NPP 2y 6m	Crown AA (failure to fulfil undertaking) 10y NPP 6y 6m 6y 8m NPP 2y 10m	POST 16G REPEAL Vo was principal in organisation involved in importing heroin from Vietnam – employed persons to recruit drug couriers. Tran was Vo's partner – acted as assistant.

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	Record	Result	Appeal	Facts
Le (40) [2006] NSWCCA 136	Import	117.6g	PG (25%)	Nil	7y 6m NPP 5y	AD	POST 16G REPEAL Female imported drugs internally from Singapore Deprived background – hardship to children
Mohlasedi (33) [2006] WASCA 267	Import	1.4618kg	VG		18y NPP 10y	AD	Flight attendant from South Africa imported drugs on body and sewn into clothing in luggage – commercial gain Effect of imprisonment on family
Okafor [2007] NSWCCA 147	Attempt possess	108g	VG	Good character	6y NPP 4y	AD	POST 16G REPEAL Attempted to collect package containing drugs from post box
Mirza (35) [2007] NSWCCA 257	Import	313.7g	PG (25%)	Nil	9y NPP 5y	AD	POST 16G REPEAL Heroin found in packaged taped to feet – left Australia for purpose of importing drugs Financial difficulty
Perrier Pop Tilley [2008] VSCA 97	Consp import Consp import Consp import	208.4g	VG VG VG	 Significant prior conviction	(Life) 7y 6m NPP 5y 6m 7y NPP 5y	(AD - died) AD AD	Imported by courier from Nepal – importation organised by Perrier – Perrier died from cancer before appeal completed

Last updated: 14/9/2017

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