

Supply Cannabis
Less Than Commercial Quantity
s.25(1) (NSW) *Drug Misuse and Trafficking Act*

s.25(1) Supply or knowingly take part in supply of prohibited drug

Commercial Quantity: 25kg

Maximum Penalty: 10 years – s.32(1)

| Case (age if known) | Offence | Amount | Plea | Original | Appeal | Priors | Facts |
|--|--|---------------------------------------|-------------|------------------|--|--|---|
| Vermuelen NSWCCA 30.3.1994 | Supply leaf | 2.4kg (\$16,000) | VG | MT 15m AT 5m | AD | minor matters: no trafficking | Drug found in car when breath tested - also had bags used for distribution. Cannabis user - reasonable prospects of rehabilitation |
| Gillett (21) NSWCCA 8.7.1994 | Supply leaf | 330.5g | PG | MT 6m AT 18m | AA MT 5m AT 12m | Poor - fined for possess 3 weeks prior | Often purchased drug and supplied to friends for no payment. Neurological problems due to car accident and assault - problem with drugs and alcohol. |
| McWilliams (49) NSWCCA 1.8.1994 | Supply leaf Sched: 3 x supply cannabis | Varied - on one occasion 1kg | VG | MT 18 AT 6m | AD | possess cannabis committed on recog | Taped telephone conversation agreeing to supply on various occasions. |
| Edmondson NSW CCA 2.8.1994 | Supply leaf | 1660g | VG | 500hrs CSO | Crown AD Unduly lenient but exercised discretion | cannabis offences on bond for cannabis cultivate | Drug found in house. Extremely heavy user - evidence of rehabilitation, including abstaining from cannabis and purchasing and operating a bakery. |
| Nestoroski (34) NSWCCA 4.10.1994 | 2 x supply leaf Sched: 4 offences | 433g 2.2 kg | PG | 18m PD 3y GBB | Crown AD Unduly lenient but court exercised discretion | nil | Supplied to u/cover police officer - middleman in supply of cannabis. Good subjectives. |
| Iskander NSWCCA 26.10.1994 | Supply leaf | 1516.3g | VG | 250h CSO | Conviction AD | | Plants and leaf found at house. |

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| Ortiz NSWCCA 3.11.1994 | Supply leaf Sched: 2 offences | 3.6424kg | PG | 200h CSO | Crown AD Unduly lenient but court exercised discretion | 4 x summary offences | Drugs found in home wrapped in bags, with other equipment. Severely addicted. |
| Abernethy (47) NSWCCA 6.12.1994 | Knowingly take part in supply leaf | | VG | MT 3y AT 1y | AD | supply | Cannabis and equipment found at offender's house - engaged in large scale commercial operation. |
| Deboer NSWCCA 7.12.1994 | Supply leaf Supply cannabis Sched: Possess unlicensed firearm | not stated | PG | MT 3y AT 1y | AA MT 12m AT 12m | | Little facts. Police Officer - psychiatric evidence of personality disorder |
| Regan NSWCCA 30.3.1995 | 2 x Supply leaf | 421.5g 15kg (offer) | PG | 6m PD 3y GBB | Crown AA FT 6m (+2m PSC) | robberies of good behaviour for several years | Cannabis sold to undercover police for \$4,800 - negotiations for 15kg broke down - not a matter of mitigation even if talk of supplying 15kg was huff and puff |
| Green NSWCCA 4.8.1995 | Supply leaf | 482.9g | VG | MT 9m AT 3m | AD | drugs | Deemed supply. Long term chronic user of heroin. |
| Sokvari NSWCCA 22.5.1996 | Supply leaf | 1018.2g | VG | MT 18m AT 12m | AD | | Observed by police supplying – 5 plastic bags found at house Appeal based on assault in gaol after sentence. |
| Velardi NSWCCA 24.5.1996 | Knowingly take part in supply leaf | | VG | MT 4y 5m 7d AT 18m | AD | | Involved with son in supply to undercover police |
| Pont NSWCCA 29.5.1996 | 2 x Supply leaf | 3.2kg 2.4kg | PG | MT 2y 6m AT 18m | AD upper end of scale | | 3.2 kg found in car - attempting to sell it door to door - 2.4kg found at house - absence of normal indicia of long-term trafficking - not person engaged in long term dealing. |
| Johns NSWCCA 22.8.1996 | Supply leaf Sched: 2 offences | \$48,000- \$100,000 | PG | MT 10m AT 10m (1/3 discount for assist) | AD | drugs, on recog at time of offence | Female - drugs found in house in plastic bags - street level drug trafficker - admitted supplying 8oz per week for last 3-6 months. |

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| Joseph | Supply leaf Sched: Supply amphet | a few pounds | PG | MT 18m AT 6m | AA MT 15m AT 5m (parity) | Minor and old | Listening devices recorded transactions - difficult to ascertain amounts. |
| Wright (female) NSWCCA 16.12.1996 | Supply leaf Sched: Supply amphet | | | MT 18m AT 6m | AD | Long history, including gaol | |
| Garvie (40) NSWCCA 24.3.1997 | Supply leaf | 14.14kg | PG | 5y GBB | Crown AA MT 12m AT 5m | priors including minor drugs | Drugs found in car ready for supply - admitted taking drug to Sydney to find buyer. Back injury and family in South Australia. On appeal: appropriate sentence would be total two and a half to three years. |
| O'Brien NSWCCA 7.4.1997 | Supply leaf Sched: 4 offences | 6.6g | VG | MT 1y AT 1y | MT 11m AT 12m (parity) | drugs but no prison | Involved in dealing with co-offender - police found heads and seeds at house. |
| Heffernan NSWCCA 8.4.1997 | Supply leaf | 1.8kg | | MT 15m AT 15m | AD | | Supplied undercover police officer |
| Dematre (23) NSWCCA 16.5.1997 | Supply leaf | 946g | VG | FT 6m | AA 12m PD | BES – breached CSO and bond | Found in car after police chase. Good character evidence. On appeal argued parity with co-offender. |
| Bradshaw (35) NSWCCA 4.8.1997 | 3 x Supply cannabis | 1kg 1oz 1oz | VG | MT 12m AT 4m | AD | nil drug | Drugs and equipment found at house – admitted purchasing 3pd and sold two 1oz amounts - committed for financial gain. Heavy user of cannabis for long time. |
| Doctor NSWCCA 20.5.1998 | Supply leaf Sched: GIC (\$15,000) | 12 lbs | PG | 300hrs CSO | Crown AA 18m PD | | Involvement on the periphery - transported drugs from SA to NSW On appeal - CSO completed |
| Warner (53) NSWCCA 2.12.1998 | Supply leaf Sched: 4 offences | 3.493kg - \$90 000 street value | PG | FT 12m | AD | nil | Supplied cannabis only to friends - not for profit. Suffers depression and suicidal tendencies - received death threats in gaol - serving sentence on protection. |

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| Shepherd [1999] NSWCCA 162 | Supply | | PG | MT 9m AT 1y | AD | nil | Amount not stated but could have been dealt with in Local Court - role of 'go-between'. Prior good character - good subjective features - fully employed. |
| Hewitt [1999] NSWCCA 264 | Supply leaf Sched: 3 offences | 445g | PG | MT 12m AT 12m | AD | nil | Drugs found during search of house - total value of drugs - \$22,620. |
| AMD (40) (1999) 107 A Crim R 518 [1999] NSWCCA 171 | 2 x Supply leaf | 446g 9061g | PG | 3y PD | Crown AD | Drugs, firearms | Supplied leaf receiving \$3600 - supplied more after agreeing to sale for \$60,000. Employed - stable domestic relationship with children - ongoing assistance to authorities involving large number of offenders. |
| Taylor [1999] NSWCCA 309 | Supply leaf | 3.15kg | VG | MT 9m AT 18m | Conviction AD | | Arrived from Adelaide with cannabis in luggage. |
| Elomar [2000] NSWCCA 431 | Supply cannabis Sched: 6 offences | 359.3g | PG | MT 9m AT 1y 9m | AA MT 9m AT 1y 3m | 23 prior convictions - some serious. Offence committed on parole | Cannabis found at appellant's home. |
| Lennan (28) [2001] NSWCCA 17 | 2 x Supply cannabis leaf | 5,783g 671.5g | PG | 3y NPP 12m | AD | nil | Sold cannabis more than 70 times over one month period – police found second amount of cannabis in shed during search. |
| Hagopian (29) [2001] NSWCCA 149 | Supply leaf Sched: 2 offences | 657.9g | PG | 2y 8m NPP 2y | AD | prior conviction for similar offence | Observed by police to supply cannabis - found in possession of amphetamines and \$1188 - caller to applicant's mobile phone sought to arrange another supply - not an isolated offence |
| Teuma (27) [2001] NSWCCA 369 | Supply Sched: 2 offences | 10kg | PG (25%) | 3y NPP 1y | AD | treated as first offender | Found in possession of 10kg of cannabis heads - admitted involvement in supply. |
| Saldaneri [2001] NSWCCA 480 | Supply cannabis | 5017.5gm | PG (16%) | 20m NPP 15m | AD | drugs, property | Drugs found during police search of offender's premises. |

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| Canino (40) [2002] NSWCCA 76 | Knowingly take part in supply | 17.3kg | PG | 2y suspended | Crown AA 2y NPP 9m | | Involved in bring drugs from SA to NSW to fill order - significant role |
| Sparos (18) [2002] NSWCCA 52 | Supply cannabis leaf Sched: 2 offences | 13 x 1oz | PG (25%) | 12m suspended \$3,500 fine | Crown AA FT 1y \$3,500 fine | recognisance for AOABH | Received drugs from supplier and on-selling them. 39days PSC - rehabilitation |
| Lyberopoulos [2002] NSWCCA 280 | Supply leaf | 4.930kg | VG | 2y NPP 12m | AD | fraud and dishonesty | Drugs found in car - commercial venture. |
| Ramaz (22) [2003] NSWCCA 91 | 13 x supply leaf Sched: 3 offences | 1-12: small amounts 1.723kg | PG (25%) | 18m NPP 8m 17d | Crown AA 2y 2m NPP 14m | on bail for similar offence | Over 3 months sold small amounts of cannabis to 80 customers per day - major drug dealing business Previous good character - difficult childhood - prospects of rehabilitation - importance of personal deterrence |
| A Girard T Girard [2004] NSWCCA 170 | Supply cannabis | Approx 8kg | PG (25%) | 3y NPP 18m | AD | Insignificant Nil | Husband and wife heavily involved in large scale supply of cannabis leaf to users and suppliers – equal liability Evidence of good character – three young daughters |
| Livas [2006] NSWCCA 54 | Supply cannabis | 2.26kg | PG | FT 6m | AA 6m – suspended | | Agreed to collect drugs for \$500 payment – one off supply – deemed supply – lower end of scale Carer for parents |
| Peachey [2011] NSWCCA 30 | Knowingly take part in supply cannabis leaf | 15-16kg | PG (25%) | 5y 3m NPP 3y 11m 7d | AD | | Female – involved in cannabis distribution over 13 months – sophisticated and substantial network – at the apex of the network and the organising and controlling mind – greed |

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| Haule (38) [2015] NSWCCA 253 | Supply cannabis | 25kg | PG (25%) | 5y 6m NPP 3y 6m | AA 4y 9m NPP 2y 6m | minor | Found in possession of 8.7kg cannabis, cocaine and two wads of cash \$15,000 and \$6,400 – admitted to drug dealing over previous 8 months Remorse – admissions to dealing |
| | Supply cocaine | 74.6g | | FT 2y | FT 2y | | |
| | s.193B(2) proceeds of crime | | | FT 12m | FT 12m | | |
| | Sched: 3 drug offences | | | | <u>Total:</u> 5y 1m NPP 2y 10m | | |
| Batty (49) [2016] NSWCCA 121 | Supply cannabis | 5.47kg | PG (25%) | 4y NPP 2y | AD | Supply drugs, steal from dwelling, larceny | Drugs located at offender's residence - covert operation into the distribution of illegal drugs on the Central Coast. History of drug abuse. |

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