

**Supply Ecstasy / MDMA**  
**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:** 250gm

**Maximum Penalty:** 15 years – s.32(1)

**Drug Misuse and Trafficking Act Schedule 1: 3,4-methylenedioxymethylamphetamine**

Referred to in cases as ecstasy / MDMA

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Sewell</b> (27) <a href="#">[2002] NSWCCA 453</a>	Supply ecstasy  Supply methylamphet  Supply cannabis leaf	42.5g  3.68g  42.6g	VG   PG	4y NPP 2y  FT 2y  FT 18m (all concurrent)	AD		Found in possession of drugs
2.	<b>Chong</b> (55) <a href="#">[2003] NSWCCA 274</a>	Supply ecstasy	27.8g	PG	3y NPP 2y	AA 3y NPP 18m	Possess ecstasy - no previous custody.	92 tablets found in vehicle. Immediate admissions – elderly offender of prior good character - gambling problem.
3.	<b>Phillips</b> (28) <a href="#">[2003] NSWCCA 373</a>	Supply ecstasy	24.74g	PG	3y NPP 2y 3m	AA 3y NPP 15m		Sent 100 tablets by express mail to sister's boyfriend in Queensland. Special circumstances – rehabilitation prospects.

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4.	<b>Tirtabudi</b> <a href="#">[2004] NSWCCA 328</a>	Supply MDMA  Supply ecstasy / methylamphet  Sched: 4 offences	4.56g  4.2g E / 5.42g M	PG (15%)	2y NPP 18m  3y NPP 14m  Total: 3y 8m NPP 22m *	AD	Nil - Second offences occurred on bail	On two occasions over several months sold drugs to friends – funding addiction  * Total sentence stated to be 3y 6m / NPP 20m but dates set sentence at 3y 8m / NPP 22m
5.	<b>Gidaro</b> (25) <a href="#">[2005] NSWCCA 18</a>	Supply ecstasy  Supply amphetamine  Sched: Possess cannabis, heroin, methamphet	2.81g (28 tablets)  4.38g	PG	3y NPP 18m  3y NPP 18m (concurrent)	AD	Steal from person – community service	Found in car in possession of drugs and money from drug supply – user / supplier
6.	<b>Walker</b> (39) <a href="#">[2005] NSWCCA 109</a>	Supply ecstasy  Supply cannabis oil  Sched: Possess drugs, GIC	2.45g  19.6g	PG (20%)	3y 6m NPP 2y  FT 18m (concurrent)	AD	Extensive - drugs, AR, BES	Under police surveillance – drugs found in vehicle Drug abuse.
7.	<b>Baker-Turley</b> (18) <a href="#">[2005] NSWCCA 201</a>	Supply ecstasy	Little under 18g	PG	1y 3m NPP 9m Suspended	AD		Passenger in car stopped for random breath test – admitted to police carrying drugs. Drug addiction.
8.	<b>Braithwaite</b> (21) <a href="#">[2005] NSWCCA 451</a>	Supply ecstasy  Supply amphetamine  Sched: Possess cannabis GIC	17.78g (47 tablets)  20.89g	PG (25%)	3y NPP 12m  2y 7m NPP 9m (concurrent)	AA 2y NPP 8m  18m NPP 6m (concurrent)	Minor driving	Search of backpack – found in possession of drugs and supply apparatus Good prospects of rehabilitation

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9.	<b>Lal</b> (25) <a href="#">[2006] NSWCCA 197</a>	Supply ecstasy  Sched: Take part in supply	2.88g	PG	2y 6m NPP 18m	AA 1y 8m NPP 12m		Intercepted telephone conversation - disclosed agreement to supply 10 tablets. Motorbike accident disrupted studies – led to mixing in bad company - special circumstances warranted – rehabilitation prospects.
10.	<b>Heilpern</b> (20) <a href="#">[2006] NSWCCA 311</a>	Supply ecstasy  Supply ecstasy  Sched: Possess cannabis Cultivate cannabis	33.9g  67g	PG	2y NPP 18m  2y NPP 6m  <u>Total</u> 3y NPP 18m	AA 2y NPP 15m 13d  2y 3m 13d  <u>Total</u> 3y NPP 15m 13d (immediate release)	Possess drugs.	Undercover police operation – M observed entering offender's car before supplying 100 tablets to undercover police officer – further 200 tablets found in possession of persons in offender's company.
11.	<b>Nguyen</b> (31) <a href="#">[2008] NSWCCA 163</a>	Supply ecstasy	17.8g	VG	2y NPP 18m	AA 2y NPP 1y	Nil	64 tablets found in offender's possession when entering nightclub Good character – employed – rehabilitation - special circumstances
12.	<b>Santos</b> (25) <a href="#">[2010] NSWCCA 127</a>	Supply MDMA  Supply MDMA  Sched: GIC	4.4g  75.28g	PG	FT 4m  2y 4m NPP 14m  <u>Total:</u> 2y 5m NPP 15m	AD	Nil	Supplied 15 tablets to undercover police officer – more drugs found during search at offender's premises Strong subjective circumstances – tertiary educated – employed – diagnosed with cancer at age 9 – anxiety about cancer returning
13.	<b>Michael</b> <a href="#">[2011] NSWCCA 122</a>	Supply ecstasy	5.87g	VG	4y NPP 2y	AA 2y 6m NPP 1y 3m		Sold 20 tablets at hotel - criminality at lower end of scale – strong subjective case. Judge erred in not considering offence was isolated incident – offender in need of continuing psychological assistance.

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14.	<b>Restuccia</b> (29) <a href="#">[2012] NSWCCA 15</a>	Supply ecstasy  Supply ecstasy  Supply ecstasy  Sched: Related offences	17.83g  2.86g  8.9g	PG (25%)	FT 12m  3y NPP 1y 6m  FT 18m  <u>Total:</u> 3y 6m NPP 2y	AD	Second offences committed on bail for first offence – breached bond	Found in possession of 17.83g at party – supplied 2.86g to undercover officer – found in possession of 8.9g on arrest – involved in substantial drug dealing
15.	<b>Mauger</b> (32) <a href="#">[2012] NSWCCA 51</a>	Supply ecstasy  Sched: Possess cannabis	5.13g (20 tablets)	PG (25%)	Section 10 GBB 2 years	Crown AD	Nil	Arrested at music festival – drugs detected by police sniffer dogs – paid \$800 for drugs for supply to group of friends – had not discussed with friends whether he would be paid for ecstasy - objective seriousness at lowest end of scale Not regular drug user or addict - employed and travelled overseas frequently for work – good character – supportive family - regressed psychological state which impaired his thinking and judgment - remorseful -excellent prospects for rehabilitation - highly unlikely to re-offend
16.	<b>Hutchinson</b> (23) <a href="#">[2014] NSWCCA 317</a>	Supply MDMA  s.193B(2) proceeds of crime	497.4g	PG (50% plea and assist)	5y NPP 2y 6m  FT 12m (concurrent)	AD	driving record	Passenger in car found in possession of drugs and \$4,200 cash – drugs secreted in car without knowledge of driver – admitted bringing drugs from Queensland for purpose of sale – admitted cash from drug sales – some degree of planning and sophistication Remorse – good prospects of rehabilitation
17.	<b>Chiang</b> (25) <a href="#">[2016] NSWCCA 45</a>	Supply ecstasy	7.1g (24 tabs 18.5%)	PG (25%)	18m NPP 9m	AA 9m NPP 6m	Minor – fines and bond – no drugs	University student purchased drugs – no financial motive Genuine contrition – good prospects of rehabilitation

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18.	<b>Forti</b> (18-19) <a href="#">[2016] NSWCCA 127</a>	Supply MDMA  Supply MDMA  Deemed supply MDMA  Sched: Possess drugs	4 tabs (0.88g)  'some' tablets  2.3g	PG (25%)	<u>Indicative</u> 16m  12m  12m  <u>Aggregate</u> 1y 10m NPP 12m	AA <u>Indicative</u> 12m  8m  12m  <u>Aggregate</u> 18m NPP 9m	Nil	Sold 4 tablets to young female - 2 tablets passed on to friend who died – further drugs found at offender's home – wide media coverage of case - low level dealer mainly to friends – continued to supply even after he heard about the death Supplied drugs to fund own drug use and pay for living expenses – rehabilitation – family support – special circumstances
19.	<b>Robertson</b> (19) <a href="#">[2017] NSWCCA 205</a>	Supply MDMA  Supply psilocin  Supply psilocin  Supply psilocin  Sched: 2 x offences	23.36g  19.9g  7g  5g	PG (25%)	<u>Indicative</u> 9m  10m  8m  8m  <u>Aggregate</u> 1y 8m NPP 10m	AA FT 12m suspended upon entering GBB	Nil	Drugs found in offender's car – possession deemed to be for purpose of supply - text messages on phone in which offender agreed to supply small quantities Remorse - ceased using drugs - good prospects rehabilitation. CCA: error in not considering ICO – consideration of principle in <i>Clark</i> (NSWCCA, 15.3.1990)
20.	<b>Gordon</b> (29) <a href="#">[2017] NSWCCA 199</a>	Supply MDMA  Supply methylamphet (ice)  Sched: Proceeds of crime	39.7g  3.47g	PG (10%)	2y 6m NPP 1y 8m  FT 7m  <u>Total:</u> 2y 8m NPP 1y 10m	AD	Lengthy - robbery, and property damage, affray, resist police, AOABH - on bail committed further offences	Pulled over for random breath test – found in possession \$490 and \$1,175, various resealable plastic bags and 3.47g ice, four foils containing 133 brown diamond-shaped pills (ecstasy) - street seller supplying illicit drugs to partly support own dependency and partly for profit – low end range Intellectual function in "extremely low range"
21.	<b>Veith</b> <a href="#">[2018] NSWCCA 284</a>	Supply MDMA	2.5g – 31 capsules		12m suspended	AD		Found in possession of drugs at music festival Remorse – out of character – prior good character

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22.	<b>Trimarchi</b> (41) <a href="#">[2019] NSWCCA 189</a>	Supply cocaine Supply methorphan Supply MDMA Supply cocaine Possess unauth pistol Sched: 4 x drug offences Possess ammo	1.75g 15.64g 48.84g 33.98g	PG	6m 18m 2y 6m 2y 3m <u>Aggregate</u> 3y NPP 2y	AD	minor – no drugs	Supplied 1.75g cocaine – remaining drugs, firearm and ammunition found in unit – serious degree of involvement in drug supply – smorgasbord of drugs Good prospects of rehabilitation – early guilty plea
23.	<b>Noufl</b> (24) <a href="#">[2020] NSWCCA 10</a>	Supply crystal methylamphet Supply MDMA Sched: Supply ice	27.8g 27.5g 6.8g	PG (25%)	22m 15d NPP 11m 9d 22m 14d NPP 11m 9d <u>Total:</u> 2y 1m 14d NPP 1y 2m 9d	AA 1y 8m 1y 6m <u>Total:</u> 2y ICO	Nil	Assisted housemate in supply of drugs – supplied drugs in one transaction to undercover operative outside offender's house – not satisfied of financial gain – low level seriousness Good employment record and community involvement – used drugs at time of offending – depression On appeal: parity
24.	<b>Chamon</b> (25) <a href="#">[2020] NSWCCA 112</a>	s.193B(2) Participate in criminal group Supply MDMA Sched: Supply ketamine Supply ecstasy	28.3g 28.1g 17g	PG (25%)	<u>Indicative:</u> 3y 9m 2y 2y 3m <u>Aggregate:</u> 5y NPP 3y	AD	Nil	Involved in Sydney drug syndicate distributing drugs over several months – \$163,235.90 found in car and apartment – important role – above runner Good character – unlikely to re-offend – good prospects of rehabilitation – nature of France – drug user On appeal: question of parity raised

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