

Supply Heroin

Less Than 50g

s.25(1) (NSW) Drug Misuse and Trafficking Act

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

Maximum Penalty: 15 years – s.32(1)

<u>Case</u> (age if known)	<u>Offence</u>	<u>Amount</u>	<u>Plea</u>	<u>Priors</u>	<u>Sentence</u>	<u>Appeal</u>	<u>Facts</u>
<i>Pham</i> (26) NSWCCA 3.4.1990	Supply	5g	PG		GBB \$500 fine	Crown AD. Manifestly inadequate, but exercised discretion. Factors included late filing of appeal	39 foils of heroin found - had purchased 5g and divided into 55 foils, sold some - in business for 4 months - \$977 cash located. Prior good character – supporting habit
<i>Margaronis</i> NSWCCA 20.12.1990	Supply	0.12g	PG	nil	MT 18m AT 6m	AD	Actively engaged in enterprise of assisting in sale of heroin
<i>Antal</i> NSWCCA 12.2.1991	2 x Supply	0.08g and sales over two months	VG		MT 2y 6m AT 10m	AD	Found in possession of heroin – admitted intended to give drug away to female for sex – admitted selling heroin over preceding 2 months at \$3-400 per day.
<i>Pelosa</i> NSWCCA 12.2.1991	Supply Sched: 3 offences	13g	PG	Light and stale	MT 2y 6m AT 10m	AA MT 1y 9m AT 7m	Found in possession of heroin - sold to long-term users, to fund his habit – used paging device. Impressive evidence of rehabilitation.
<i>Leslie</i> (37) (1991) 55 A Crim R 68	Supply	48.9g	PG	Extensive drug related – breached bail	3y PD	Crown AA MT 18m AT 18m	Found in possession of spoons, syringes and glucodin – intending to sell to junkies Aboriginal – evidence of rehabilitation

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Bianchi NSWCCA 6.3.1991	Supply	1.88g	PG	Breached parole	MT 3y AT 12m	AA MT 2y AT 12m	Found dividing white powder on silver foil - second foil found - \$500 under the bed - female injecting heroin - purchased heroin on behalf of friends. Matter could have been dealt with summarily.
Thompson (34) NSWCCA 4.4.1991	Supply Sched: 3 offences	See facts	PG	Many drug related convictions at Local Court: not serious.	500h CSO 18m GBB	Crown AD Sentence inadequate, but discretion exercised - rehabilitation	Found in possession of 3.69g – involved in supply over preceding month – also found in possession of \$8,755 and paraphernalia
Coulstock (35) NSWCCA 9.4.1991	Supply Sched: GIC	4.9g	PG	Recent drug matters – breached bail	MT 3y AT 1y	AD	Found in possession of heroin and \$800 cash – deemed supply
Eldaghl (35) NSWCCA 11.4.1991	Supply Sched: Supply heroin GIC	9.1g	PG	No priors	18 PD \$5,000 fine	Crown AA MT 9m AT 3m	Supply for profit - 2.7g found in possession with \$300 cash - admitted selling that day - search of premises found 6.4g - systematic dealer in small amounts Assistance
Cioamca (18) Taifalo (26) Vieru (23) NSWCCA 30.5.1991	Supply 3 x Supply 2 x Supply	see facts	PG	on bail for supply minor drugs nil	FT 1y 2y PD 5y recog \$2,500 fine 500h CSO	Crown AA MT 3y AT 1y MT 2y AT 6m MT 15m AT 4m	T arranged to sell \$2,500 worth of Heroin - aborted. T and V - supply of .66g of 35.5% pure heroin T, V & C - supply of 8.7g of glucose. In furtherance of substantial commercial enterprise T - drug addict C - principal, with previous drug convictions.
Hawkins (33) NSWCCA 12.9.1991	Supply	2.6g	PG	Prior conviction for drug possession	MT 12m AT 4m	AD	Admitted purchasing 5g and having sold 2 deals for \$250 – dealing at retail end of trade. Female drug addict with unfortunate background.
Ross NSWCCA 18.10.1991	Supply	27.9g	PG		MT 4y AT 6m	AD	Found in car with heroin – drug dealer. Sentence heavy but not excessive.

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Bengescu (36) NSWCCA 3.12.1991	Supply Sched: GIC	0.53g		Dishonesty offences – breached parole	MT 2y 6m AT 10m	AA MT 2y AT 8m	Sold one foil on the street for \$150 to undercover police officer – in possession of second foil
Ianculescu NSWCCA 5.12.1991	2 x Supply	20g	PG	nil	MT 12m AT 3m	Crown AD	Found in possession of 36 foils - small time commercial dealer over several months
Taylor (36) NSWCCA 21.4.1992	Supply	6 x \$50 deals per day over 65 days	PG	lengthy but minor drug offence	FT 6m (+1m PSC)	Crown AA FT 15m	Sold approx. 6 x \$50 deals per day over 65 days - police purchased eight deals, 0.04-0.09g. Supporting own habit.
Muller NSWCCA 21.5.1992	Supply	17.4g 2.4g	PG		4y Recog	Crown AD.	Admitting purchasing heroin and proposing to sell. Heroin addict – told by police he would be given immunity from prosecution if he assisted - after giving some information offer withdrawn, putting him in serious jeopardy
Bardo NSWCCA 14.7.1992	Supply	4.9g	VG	no drugs - gaol for stealing	400h CSO \$980 forfeit	Crown AD	Sold for \$980 - supply of relatively small amount on one occasion - isolated incident
Canli (34) NSWCCA 3.8.1992	3 x Supply	2.7g found	VG	On bail and bond - prior drugs	MT 2y 3m AT 9m	AD	26 foils found in water bed and 6 foils found in wallet - admission to selling minor amounts
Greer (50) (1992) 62 A Crim R 442	Supply	9.5g	VG	nil	MT 3y AT 1y	AD	Supply to undercover police officer - sold for \$2,400.
Fabian (1993) 64 A Crim R 365	Supply Sched: 1 offence	33.7g	PG	prior convictions for supply heroin - on recog at time of offence	3y GBB	Crown AD (inadequate but discretion applied)	Heroin found in flat - admitted it would be passed on for \$500 – in business of trafficking - user and supplier. Heroin addiction - evidence of rehabilitation - lengthy delay
Jordan (22) NSWCCA 16.2.1993	Knowingly take part in supply	9.88g	VG	Minor driving offences	MT 3y AT 12m	AD	Co-accused carried drug internally offender was financier - \$1,900 - prospect of resale.
Rofe NSWCCA 18.2.1993	Supply	39-40g	PG	long history	MT 5y AT 1y	AA MT 4y 3m AT 1y 9m	Found by police in caravan, with heroin packaged in bags - found other items consistent with dealing Medical problems.

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Baias NSWCCA 4.3.1993	8 x Supply	not stated	PG	minor	6y 2m NPP 2y 6m	AA to include backdate MT 6y 2m AT 2y 6m	Active supplier in small quantities.
Lupu NSWCCA 22.3.1993	Supply	14.84g	VG		MT 1y 6m AT 6m	Conviction AD	Observed by police removing heroin from laneway.
Cotterill NSWCCA 7.6.1993	Supply	5.57g	VG	Substantial	MT 3y AT 1y	AD	Possession of drugs in foils – selling for financial gain
Tulloh NSWCCA 16.9.1993	2 x Supply	0.5g 2.11g	PG	bad record, included use and possession	MT 1y AT 1y	AD	Sold 5.0g and further 2.11g found at house - supplied to support habit
Banovic NSWCCA 25.10.1993	2 x Supply	13.4g 4.5g	VG	supply H	MT 4y AT 16m	AD	Sold to undercover police officer on separate occasions Sentenced six months earlier for supply heroin
Sande (45) NSWCCA 25.11.1993	Supply	40.9g	VG	minor	MT 3y AT 1y	AD	Deemed supply – supplied for financial gain Married with 5 children – good character evidence.
Ford (26) NSW CCA 15.12.1993	Knowingly take part in supply	27.54g	PG	extensive	MT 10m AT 12m	AD	Acted as middleman for supply. Strong prospects of rehabilitation.
Sandford (48) (1994) 72 A Crim R 160	Supply	2g	VG	nil	MT 5y AT 1y 8m	AA MT 2y 1m 27d AT 10m 3d [time served]	Drugs found in shirt pocket on arrest – intended to hand to female - isolated incident Senior Detective an aggravating feature.
Rus (27) NSWCCA 24.6.1994	Supply	5g	VG	nil	MT 12m AT 4m	AA 10m PD	Heroin found in car when pulled up – deemed supply. Lengthy delay – married with 2 children

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Leung NSWCCA 21.7.1994	Knowingly concerned in supply 2 x Supply Sched: Possess Hemp	27g 27.3g 27.5g	PG	nil	MT 4y AT 3y	AD	Transaction with undercover police over five month period - isolated incidents - runner in two transactions - principal in third
Threadgate NSWCCA 4.8.1994	2 x Supply	2.7g 2.5g	VG	long and serious, cannabis	MT 3y AT 1y	AD	
Weiley NSWCCA 11.8.1994	2 x Supply	approx 1g 25g	PG	nil	MT 18m AT 6m	AA Special circumstances MT 13m AT 11m	Actual supply of 1 gram – found in possession of 25g - admitted dealing over previous six months: 50-100 supplies - motivated by need for money. Mother of heroin addict - distressing medical history - remorse and unlikely to reoffend.
Christiensen (38) Christienson (female) (38) NSWCCA 23.11.1994	Supply Sched: 2 x supply cannabis Knowingly take part in supply Sched: Supply cannabis	26.21g	PG PG	Possess cannabis Minor	MT 2y 6m AT 18m MT 2y AT 18m	AD	Listening device in house captured many sales over one month - total heroin mentioned was 26.21g Addicts, supplying to established users to feed own habit.
Herring (34) NSWCCA 2.12.1994	Supply	6.4g	VG	No goal – possess & dishonesty	MT 2y 6m AT 10m	AA MT 1y 9m AT 7m	Found in car when pulled over Judge incorrectly sentenced on basis money found was related to drug supplying.
Neda NSWCCA 9.12.1994	Supply	32.1g	VG	on bond for supply heroin	MT 3y AT 1y	AD	Drug found on offender
Szczeklik (41) NSWCCA 6.3.1995	Supply	10.79g	PG	Gaol for import drug	MT 5y AT 1y 8m	AA MT 3y AT 2y	Small street dealer supplying to feed own addiction

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McIntyre NSWCCA 18.4.1995	Supply Sched: Related drug offences	1/2g a day	PG	on recog	MT 18m AT 6m	AD	Supply over two months to support own habit.
David NSWCCA 20.4.1995	Supply	4-5g	VG	Nil but on bail for drug offence	MT 18m AT 1y	AD	Supply to woman in answer to pager - observed by police - canister with 20 packets of heroin found on person
Yavuz (50s) NSWCCA 20.4.1995	2 x Supply Sched: Use heroin	15g 3.6g	PG	On parole for conspire to import	MT 6y AT 2y	AA MT 4y 6m AT 1y 6m	Undercover operative involved - supplied 15g - negotiations for 100g commenced but not continued - 3.6g found on person upon arrest - not isolated incident
Tapai (43) NSWCCA 26.6.1995	2 x Supply	36.6g		nil	MT 15m AT 15m	AD	Found in possession of heroin – agreed to supply Female - adult son and two school aged girls.
Griffiths NSWCCA 3.8.1995	Supply	30.42g	VG	poor	MT 4y AT 16m	AD	Observed by nearby occupant retrieving drugs from park.
Cecil NSWCCA 8.11.1995	2 x Supply Sched: 6 offences	0.77g 0.26g	PG		MT 2y 3m AT 9m	AD	Took place in context of small time business
Richards (33) NSWCCA 27.11.1995	4 x Supply	2 oz 5g 4.9g 13.9g	VG PG	previous drug	MT 7y 10.5m AT 2y	AD	First offence involved supply to undercover officer - three later offences committed on bail – supply to undercover police officer – principal in detailed organisation.
McVittie (22) NSWCCA 24.5.1996	2 x Supply	28g	PG	mostly juvenile self-admin	MT 1y 10w AT 2y	AD	Police undercover operation - actual supply of small amount (not stated) and later transaction relating to over 28g - knowledge of drug scene Substantial discount for assistance.
Bekhore NSWCCA 18.11.1996	Supply	4.55g	PG		MT 18m AT 6m	AD	Detected by police telephone surveillance - 64 transactions – supplied to friends to support habit. Wife also convicted but received CSO to care for very sick child.
Packovski NSWCCA 27.3.1997	Supply	3.02g	PG	bond for assault	MT 12m AT 4m	AD	0.42g found in car; 2.6g found in restaurant - orders via mobile phone during police search - obviously heroin dealer. Not a drug user.

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Armstrong NSWCCA 9.5.1997	Supply	19g	VG	includes drugs	MT 18m AT 6m	AA MT 12m AT 12m	Heroin found at flat, with other items consistent with dealing - running profitable drug business of some size for some time.
Zanze Kingbeer NSWCCA 11.6.1997	Supply	6.41g found	PG	Unenviable records	MT 3y 9m AT 1y 3m	AA MT 2y AT 1y	Small time dealing, supporting own habits. SJ sentenced incorrectly on basis of commercial quantity.
Serianni NSWCCA 4.8.1997	Supply	8.62g	PG	significant - bribery and drugs	MT 12m AT 2y	AD	Observed by police supplying to user - heroin found on person wrapped in 26 foils - active dealer in Kings Cross area. Good rehabilitation.
Irving (66) NSWCCA 5.11.1997	Supply	3.3g	VG	long - mostly dishonesty and driving on licence for murder	MT 3y AT 1y	AA MT 2y 6m AT 18m	Heroin found at premises, with items consistent with dealing - supplied to person - engaged in supply on commercial basis Severely disadvantaged background
Emery (46) NSWCCA 7.11.1997	Supply	2.5g	VG	minor drug matters	MT 12m AT 12m	AD	Observed by police at home dividing up heroin - admitted packaged heroin intending to sell – drug trafficker
Khamsao NSWCCA 1.4.1998	2 x Supply	Street value: \$6,600 \$3,000	PG	SJ told no priors - in fact on bond at time of offence.	MT 3y AT 1y	AD	Police search of car found heroin with street value of \$6,600 - admitted he had bought heroin in Cabramatta with intention of selling it in Canberra - previously done this with \$3,000 worth of heroin.
Orrock NSWCCA 22.7.1998	Supply Sched: 2 offences	6g	PG		MT 2y AT 1y	AA (assistance raised 30%) MT 16m AT 8m	Under surveillance over two weeks - cut up heroin with wife to make 36 deals - most heroin used by offender and wife - some supplied to friends.
Kiely NSWCCA 14.10.1998	Supply Sched: 2 offences	11.61g	PG	on bond for drug matters	MT 2y AT 2y	AD	Observed supplying by police - when apprehended seen to throw heroin under car, and more found on person - scales, money and 2.55g (possess charge) found in house - sole trader selling at retail end of market.
Ma (35) (1999) 107 A Crim R 252 NSWCCA	Supply	29.8g 0.03g	PG	supply heroin - custody, on parole	MT 3y 6m AT 1y	AA MT 2y 6m AT 1y 6m	Police found 0.03g heroin on offender as he was entering club - remaining heroin found in car. Co-operated with authorities, contrition, drug counselling.

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Crombie (39) [1999] NSWCCA 297	Supply Sched: 2 x supply	\$40-50 deals	PG	Dishonesty and drug offences – breached recog	MT 2y AT 1y 6m	AA MT 1y 6m AT 1y	Supplied to undercover operative small quantities on three occasions for \$40-50 a deal - street dealer in Nimbin - supplied addicts On appeal found insufficient allowance made for fact that matter could have been prosecuted in Local Court
Davis (41) [2000] NSWCCA 244	Supply Supply Supply Supply Sched: 8 offences	1.6g 3g 0.2g 3g	PG	extensive - on recognisance and bail at time of offences	MT 2y AT 2y MT 18m AT 18m MT 3y AT 3y MT 3y AT 3y <u>Total</u> MT 3y AT 3y	AA FT 2y 4y NPP 2y FT 6m FT 2y <u>Total</u> 4y NPP 2y	Found in possession of 5.36g heroin and admitted to selling small amounts (\$400) to support habit - 6 months later found again in possession of 5.43g heroin and admitted to selling (\$50) - part of on-going supply Error in not finding only portion of heroin in possession for purpose of supply
Pavlov (50) [2001] NSWCCA 13	Supply	7.05g	PG (25%)	no prior prison - complied with previous recognisance	6y NPP 4y	AA 3y 6m NPP 2y 6m	Supplied heroin to undercover police officer over five occasions - approached by undercover police officer - small amount of heroin involved - drug would not have reached general community Supporting long term addiction - suffering from mental disorder.
Moussa (30) [2001] NSWCCA 28	Supply Sched: Supply heroin	27g (71% pure)	PG	Dishonesty and driving offences	MT 12m AT 12m	AD	Purchased drug for use by self and wife – similar offence committed several weeks earlier – not a dealer.
Nguyen (27) [2001] NSWCCA 132	Supply Sched: 7 unrelated offences	8.26g	PG	prior convictions	3y NPP 18m	AD	Found in possession of heroin when car stopped for driving offences. Rehabilitation from drug addiction.
Giurgis (24) [2001] NSWCCA 129	Supply	5.5g	PG	minor record - no drug offences	16m NPP 12m	AA 16m NPP 8m	Found in possession of drugs in car after being observed selling – not isolated. Sold drugs to support drug addiction - rehabilitation contrition - good prospects of employment.

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Huynh [2001] NSWCCA 269	Deemed supply	6.6g	VG		2y NPP 16m	AA 2y NPP 12m	Female - under police surveillance of offender's son was seen throwing heroin in balloons from her vehicle - assisting son Deprived background - poor physical and mental health CCA found special circumstances.
Mousallem (32) [2001] NSWCCA 536	Supply	14.5g	VG	lengthy record including drug offences - on licence at time offence committed	9y NPP 5y	AD	Found in possession of heroin and selling paraphernalia. Traumatic and disruptive childhood in war ravaged Lebanon - need for extended supervision
Le (19) (2002) 130 A Crim R 44 NSWCCA	Supply	0.5g 0.61g	VG	none for drugs	3y 6m NPP 2y	AD	Drugs found in house
Kostadinovic (21) [2003] NSWCCA 38	Knowingly take part in supply Knowingly take part in supply Knowingly take part in supply Knowingly take part in supply Sched: 7 offences	6.8g (8%) 6.7g (10%) 6.8g (12%) 13.9g (9.5%) 13.4g	PG (25%)	traffic offences	3y NPP 1y 10m 2y 6m (concurrent) 2y 6m (concurrent) 2y 6m (concurrent)	AD	Involved with co-offender (dealt with for s.25A) in multiple supplies of heroin - police intercepted thousands of drug related phone calls in one month - co-offender principal offender Disturbed background - Serbian - sent money to mother suffering breast cancer - remorse - depression
Vo (25) [2003] NSWCCA 124	Knowingly take part Supply Supply	0.03g 0.01g 0.05g	PG (15%)	Breached bond for similar offence	3y NPP 20m FT 18m FT 18m <u>Total</u> 3 y 6m NPP 2y 2m	AD	Sold drugs to undercover operative Vietnamese – drug addiction resulting from breakdown in marriage

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Nguyen (26) [2004] NSWCCA 438	Supply	\$50 deal	PG (10% / 25%)	Minor – third offences committed on bail	2y	AD	Observed selling \$50 deal – on arrest found in possession of foils and rock – while on bail found in possession of heroin
	Supply	8.3g			2y		
	Supply	14.56g			4y NPP 2y 6m		
	Sched: 5 offences				<u>Total</u> 5y NPP 3y 6m		
Ly (47)	Supply	28.21g	VG	Nil	5y NPP 3y 6m	AD	Husband (L) and wife (N) involved in commercial dealings selling heroin – not isolated sale
Nguyen (45) [2005] NSWCCA 57	Supply			Nil	5y NPP 3y 6m	AD	
	Receiving				(concurrent sentences)		
	GIC						
Orban (56) [2005] NSWCCA 312	Supply	Not stated – less than 16g	PG (20%)	Drug related but nothing since 1991	4y NPP 2y 6m	AA 4y NPP 2y	Hairdresser and supplied heroin from business to 3 co-offenders, who on-sold – co-offenders pleaded to s 25A – controlled operation Unlikely to re-offend – good prospects – drug addiction – remorse – health problems and carer for elderly mother Parity
	Supply				FT 2y (concurrent)	FT 2y (concurrent)	
	Sched: GIC						
Kdouh (28) [2006] NSWCCA 140	Supply	0.1g	VG (see facts)	Breached parole – significant record for supply	3y NPP 2y	AD	On trial for s.25A offence – jury convicted in relation to only two transactions admitted by offender – runner and user
	Supply	0.3g			3y NPP 2y (concurrent)		

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Hourigan (37) [2006] NSWCCA 183	Supply	1.91g	PG (25%)	Record for possession and violence	3y NPP 1y 9m	AD	Low level dealer – part of larger organisation – supplied to undercover police officer Significant drug addiction
	Supply	1.93g			3y NPP 1y 9m		
	Supply	6.2g			3y NPP 1y 9m		
	Supply	6.21g			3y NPP 1y 9m (concurrent)		
Lu (32) [2007] NSWCCA 74	Supply	24.07g	PG (20%)	Lengthy – typical drug addict – breached conditional liberty	4y 8m NPP 3y 7m	AD	Deemed supply – found at house – dealing in drugs
	Sched: GIC						
Kentwell (36) [2007] NSWCCA 93	Supply	10-15g	PG	Minor	2y 6m NPP 16m	AD	Runner for highly organised Kings Cross business – 10-15g over 21 days Difficult childhood – addiction - rehabilitation
Jaskierski [2007] NSWCCA 168	Supply	25.6g	VG		5y 6m NPP 3y 6m	AD	Involved in supplying drugs to female offender who sold them from house
Meager [2009] NSWCCA 215	Supply	3g	PG (10%)	Possess drugs – DUI – breached bond.	4y NPP 2y 6m	AD	Police surveillance revealed offender purchased drugs from co-offender then supplied to other persons – 14 separate supplies in one month. Drug addiction.
Llavallo (40) [2012] NSWCCA 29	Supply	3.21g	PG (25% on appeal)	Driving offences	2y NPP 1y 3m	AA 18m NPP 13m	Found in possession of drugs packaged for sale – street dealer Offence could have been dealt with in Local Court – rehabilitation – history of addiction – genuine remorse
Lam (43) [2014] NSWCCA 50	Supply	3.39g	VG	Nil relevant	2y NPP 18m	AD	Female – transported drugs from third person to co-offender for supply to undercover officer – not isolated incidents - trafficking in substantial degree Vietnamese
	Supply	3.41g			2y NPP 18m (concurrent)		

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Pleasance (31) [2016] NSWCCA 113 Co-offender: VOSSOS	Supply Sched: 2 offences	28.8g	PG (25%)	Lengthy – including drugs	3y 9m NPP 2y 9m	AD	Female – part of a group supplying – personally involved in 75 transactions over 5 weeks – below mid-range – financing heroin addiction – more than a runner Difficult childhood – early drug use
Vossos (47) [2016] NSWCCA 262 Co-offender: PLEASANCE	Supply Supply Sched: 2 offences	12.60g	PG (25%)	Supply drugs – other lesser offences – breached bail	<u>Agg Sentence</u> 5y NPP 3y 9m	AD	Part of group supplying heroin to large client base – delivered drugs as well as negotiating orders – on one occasion supplied to a female inmate of a correctional centre – supplied on 50 separate occasions – below mid-range Drug user – also financial gain
Parker (No.3) (52) [2018] NSWSC 1132 Adamson J	Supply	approx. 0.3g	PG	lengthy drug related record – breached parole	s.10A (15m bail refused for related manslaughter offence)		Supplied heroin to victim who died from overdose – acquitted of manslaughter at trial – spent 15m bail refused – supply offence would have been dealt with in Local Court Some evidence of rehabilitation

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