

## Supply Amphetamines / Methylamphetamines Commercial Quantity

**s.25(2) (NSW) Drug Misuse and Trafficking Act**

s.25(2) Supply or knowingly take part in supply of commercial quantity of prohibited drug

**Commercial Quantity:** 250gm

**Large commercial quantity:** Amphetamines - 1kg / Methylamphetamines – 500g after 1.9.2015

**Maximum Penalty:** 20 years – s.33(2)

**Standard Non-Parole Period** 10 years (offence committed on or after 1.2.2003)

|    | NAME<br>(AGE IF KNOWN)                                 | OFFENCE  | AMOUNT | PLEA | SENTENCE             | APPEAL                               | RECORD  | FACTS   |
|----|--|--|--------|------|----------------------|--------------------------------------|---|---|
| 1. | <b>Gudge</b><br>(38)                                   | Supply comm qty<br><br>Sched<br>3 x supply                               | 448g   | PG   | MT 6y<br>AT 2y       | AA<br>MT 4y<br>AT 2y                 | Prior convictions<br>but no gaol  | On arrest found in possession of 448g<br>amphetamine - previously supplied 7.6g, 1g and<br>7.5g to police operative, and entered into<br>negotiations for supply of 450g. |
|    | <b>Brown</b><br>(female)<br>(33)<br>NSWCCA<br>3.4.1995 | Knowingly take<br>part in supply<br>comm qty<br><br>Sched:<br>3 x supply | 448g   | PG   | MT 4y 6m<br>AT 1y 6m | MT 2y 6m<br>AT 2y                    | Possess heroin -<br>no gaol   |   |
| 2. | <b>Atkinson</b><br>(41)<br>NSWCCA<br>9.5.1997          | Supply comm qty<br><br>Sched:<br>Supply comm qty<br>cannabis             |        | PG   | MT 3y<br>AT 12m      | AD<br>no merit in<br>parity argument | Record for<br>serious offences -<br>subject to bail<br>and recog at time<br>of offences | Actual role unclear but not much more than "useful<br>fetcher and carrier"  |

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| 3. | <b>Heard</b><br>(59)<br><a href="#">[2000] NSWCCA 107</a>                                | Supply comm qty amphet   | 583g<br>(6.9% purity)               | PG          | MT 3y<br>AT 4y       | AA<br>(parity)<br>MT 2y 2m<br>AT 2y 10m | Lengthy record including gaol term for AR - no drug offences     | Found in car in possession of two bags of speed - part of extensive organisation<br>Motivated by desperate financial situation - poor health - good support - remorse - age - hardship in custody  |
| 4. | <b>Watt</b><br>(48)<br><a href="#">[2000] NSWCCA 37</a>                                  | Knowingly take part in supply comm qty methylamphet  | 400g                                | VG          | MT 2y 6m<br>AT 1y 6m | AD                                      | Includes supply drug   | Co-offender supplied drugs to undercover police officer on four occasions on behalf of offender - low purity of drug suggesting unsophisticated operation.<br>Father of three children - good work history.  |
| 5. | <b>Virgin</b><br>(44)<br><a href="#">[2000] NSWCCA 307</a>                               | Supply comm qty methylamphet<br><br>Sched:<br>4 x offences   | 376.8g                              | PG          | MT 3y 9m<br>AT 1y 3m | AA<br>3y<br>NPP 2y 3m                   | Appalling criminal record  | Found in possession of methylamphetamines and 14.1g cannabis leaf - stole drugs from supplier - intoxicated at time of offences - objective criminality at lower end of continuum.<br>Assistance to police   |
| 6. | <b>George</b><br>(60)<br><a href="#">[2002] NSWCCA 419</a>                               | Knowingly take part in supply comm qty methylamphet<br><br>Sched:<br>2 x knowingly take part in supply comm qty methylamphet | 850.4g<br><br>2,900 tablets<br>662g | PG<br>(25%) | 4y<br>NPP 3y         | AD                                      | Minor record except for bribe public official                    | Involved in supplying drugs to courier sent from Perth with money - more than mere courier<br>Poor health  |
| 7. | <b>Spicer</b><br>(44)<br>(2003) 139 A<br>Crim R 206<br><a href="#">[2003] NSWCCA 108</a> | Supply comm qty methylamphet   |                                     | VG          | 4y<br>NPP 2y 6m      | AA<br>3y<br>NPP 21m                     | one driving offence  | Car stopped and found in possession of equipment and chemicals and liquid amphetamines - Deemed supply – Conviction for manufacture quashed on appeal<br>Mother, wife and daughter suffering serious medical conditions and unable to cope alone - family in poverty - exceptional circumstances |
| 8. | <b>Kitchener</b><br>(47)<br><a href="#">[2003] NSWCCA 134</a>                            | Supply comm qty methylamphet<br><br>Supply less comm qty methylamphet  | 280g<br><br>224g                    | PG<br>(20%) | 8y<br>NPP 6y         | AA only to adjust starting dates        | Sexual offences and supply amphetamine offence – breached parole | Supplied to undercover operative on two occasions<br>Excellent prison record – wife suffering ill health – 2 teenage boys – financial stress   |

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| 9.  | <b>Fursey</b><br><a href="#">[2004] NSWCCA 44</a>  | 2 x Supply comm qty methylamphet<br><br>Sched<br>3 x Possess firearm  |                                | PG<br>(20%)    | 4y<br>NPP 3y  | Crown AD                    |                  | Facts not stated  |
| 10. | <b>Shi</b><br>(19)<br><a href="#">[2004] NSWCCA 135</a>                                  | Supply comm qty methylamphet<br><br>Sched:<br>Possess false driver's licence  | 992.2g<br>(pure)               | PG<br>(25%)    | 4y<br>NPP 2y  | Crown AA<br>6y<br>NPP 3y    | Nil              | <b>SNPP 10 years</b><br>Found in possession of drugs – carrying drugs as favour for friend – to receive smaller amount to feed drug addiction and remove of debt<br>Prior good character – remorse – good prospects of rehabilitation |
| 11. | <b>Blair</b><br>(2005) 152 A<br>Crim R 462<br><a href="#">[2005] NSWCCA 78</a>           | Supply comm qty methylamphet  | 371.3g                         | VG             | 13y 4m<br>NPP 10y   | AA<br>7y<br>NPP 5y 3m       | No drug offences | <b>SNPP 10 years</b><br>Drugs in freezer for 3 months but claimed ignorant as to content – claimed kept on behalf of friend – low culpability – low purity of drug in lower part of range.<br>Health issues                           |
| 12. | <b>Barkho</b><br>(26)<br><a href="#">[2005] NSWCCA 211</a>                               | Supply comm qty methylamphet<br><br>Sched:<br>Possess   | 623 g                          | PG<br>(15%)    | 6y<br>NPP 4y<br>(backdated 6½ months)                         | AA<br>5y 3m<br>NPP 3y 6m    | possession       | Sale to undercover operative<br>Assyrian background - some employment – supportive family – heavy marijuana use   |
| 13. | <b>Mendez</b><br>(22)<br>(2005) 155 A<br>Crim R 241<br><a href="#">[2005] NSWCCA 246</a> | Supply comm qty methylamphet  | 478.8g<br>(84% pure)           | VG             | 4y<br>NPP 3y  | Crown AA<br>8y<br>NPP 5y 6m | Nil              | <b>SNPP 10 years</b><br>Found in possession of methylamphetamine – more than courier – involved in number of aspects of drug business<br>Prospects of rehabilitation – drug addiction   |
| 14. | <b>Hockey</b><br><a href="#">[2006] NSWCCA 146</a>                                       | Supply comm qty methylamphet<br><br>Supply less comm qty methylamphet<br><br>Sched:<br>Supply indict qty methylamphet | Approx<br>560g over<br>2 weeks | PG<br>(50-60%) | 2y 6m<br>NPP 1y<br><br>FT 1y<br><br>Total:<br>3y 6m<br>NPP 2y | AD                          |                  | <b>SNPP 10 years</b><br>Female – regular supplier – addiction – some element of commercial dealing<br>Confession of unknown guilt – suffering depression and PTSD   |

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| 15. | <b>Sauer</b><br><a href="#">[2006] NSWCCA 81</a>  | Supply comm qty methylamphet<br><br>Sched:<br>Supply ecstasy   | 321.4g<br><br>87 tabs | PG<br>(10%) | 6y<br>NPP 4y       | AD                               |                                     | Intermediate step in distribution of drug into community – high grade drug  |
| 16. | <b>Mulato</b><br><a href="#">[2006] NSWCCA 282</a>  | Supply comm qty methylamphet<br><br>Sched:<br>Supply ecstasy   | 520.1g                | PG<br>(20%) | 9y 7m 5d<br>NPP 6y | AA<br>8y<br>NPP 5y               | Minor – not relevant.               | <b>SNPP 10 years</b><br>Drugs discovered by resort staff – police contacted – appellant observed to collect drugs – apprehended and further drugs found in possession – admitted drugs were for supply to club patrons in Western Sydney area.<br>Remorse – good rehabilitation prospects.                      |
| 17. | <b>Do</b><br><a href="#">[2008] NSWCCA 34</a>   | Supply comm qty methylamphet                                   | 497.4g                | PG<br>(20%) | 7y<br>NPP 4y       | AA<br>6y 6m<br>NPP 3y 6m         | Nil relevant                        | <b>SNPP 10 years</b><br>Under surveillance supplied drugs to T who supplied to undercover operative.<br>Appeal allowed on parity ground.  |
| 18. | <b>Martinelli</b><br><a href="#">[2009] NSWCCA 175</a>                                    | Supply comm qty amphetamine<br><br>Sched:<br>Supply<br>Possess |                       | PG<br>(25%) | 10y 6m<br>NPP 7y   | AD                               | Keeper of gaming house; drug supply | <b>SNPP 10 years</b><br>Operated drug supply business with brother Oct 2006 - Sept 2007 - supplied to street users and other suppliers - extremely active, extensive and sophisticated business – use of complex phone arrangements to avoid detection - mid to higher level drug supplier – supply for profit. |
| 19. | <b>Sellars</b><br>(51)<br><a href="#">[2010] NSWCCA 133</a>                               | Supply comm qty amphetamine<br><br>Sched:<br>4 drug offences   |                       | PG<br>(25%) | 6y<br>NPP 3y       | Crown AA<br>8y<br>NPP 5y         | Long history – breached bail        | <b>SNPP 10 years</b><br>Operated drug supply business over four months – sold amphetamines and other drugs – 7 days a week and long hours<br>Dysfunctional childhood – partner with significant mental health problems  |
| 20. | <b>Radi</b><br><a href="#">[2010] NSWCCA 265</a><br><br><a href="#">[2013] NSWCCA 278</a> | Supply comm qty methylamphet                                   | 991g                  | VG          | 10y<br>NPP 7y      | Conviction AD<br><br>Sentence AD | Not indicated                       | <b>SNPP 10 years</b><br>Police surveillance witnessed handing of drugs to offender – police found drugs in offender's car – street value between \$198,200 and \$495,000.   |

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| 21. | <b>Alliston</b><br>(18)<br><a href="#">[2011] NSWCCA 281</a> | Supply comm qty methylamphet  | 1,102.8g           | VG            | 7y<br>NPP 3y 6m  | AD       | Nil                     | <b>SNPP 10 years</b><br>Drugs found in car offender travelling in with partner – limited role and not part of planning – assisted in packaging drugs – significantly below mid-range<br>Difficult and chaotic childhood – mental health issues – good prospects of rehabilitation  |
| 22. | <b>Paredes</b><br><a href="#">[2012] NSWCCA 4</a>            | Knowingly take part in supply comm qty methylamphet   | Approx 1kg         | PG<br>(late)  | 7y 6m<br>NPP 4y 6m                                     | AD       | Record                  | <b>SNPP 10 years</b><br>Involved in arrangements made to supply approximately 1kg to undercover officer – financial problems<br>Good prospects of rehabilitation – drug and alcohol abuse  |
| 23. | <b>Lawson</b><br><a href="#">[2012] NSWCCA 56</a>            | Supply comm qty methylamphet<br><br>Supply comm qty ecstasy<br><br>Sched:<br>Proh weapon<br>Proceeds of crime | 907.5g<br><br>128g | PG            | 9y<br>NPP 5y 6m<br><br>5y<br>NPP 3y 6m<br>(concurrent) | AD       | Breached home detention | <b>SNPP 10 years</b><br>Drugs found in home of offender – 907.5g methamphetamines – 128g ecstasy - drug dealer – mid-level seriousness   |
| 24. | <b>Anderson</b><br><a href="#">[2012] NSWCCA 175</a>         | Supply comm qty methylamphet  | 350-400g           | PG<br>(12.5%) | 3y 4m<br>NPP 9m 15d                                    | Crown AD | nil                     | <b>SNPP 10 years</b><br>Female – part of drug syndicate - role was to sell drugs supplied by DE to others and to act on DE's instructions about further supply - role included washing drug to improve its poor quality and depositing money into bank accounts of DE and others - ongoing course of conduct representing three transactions over 2 month period - knowledgeable role in syndicate - quantity towards bottom of range.<br>Prior good character - drug addiction – rehabilitation |

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| 25. | <b>Jeffery</b><br>(33)<br><a href="#">[2012] NSWCCA 36</a>                                   | Knowingly take part in supply comm qty methylamphet<br><br>Knowingly deal with proceeds of crime<br><br>s.166 Certificate:<br>2 x Driving off   | 513.9g  | PG   | 8y<br>NPP 5y<br><br>3y<br>NPP 1y 10m<br><br>FT 6m<br>(all concurrent) | AD  | Record – breached bond                   | <b>SNPP 10 years</b><br>Drugs found in liquid form in bottle in storage shed – offender observed by police dealing with bottle – \$46,700 found at home of offender<br>Member of bikie gang   |
| 26. | <b>Boyd</b><br><a href="#">[2013] NSWCCA 52</a>  | Supply comm qty methylamphet  | 893g  | VG   | 7y 6m<br>NPP 4y   | Conviction AD.<br>AA<br>Only to backdate sentence |  | <b>SNPP 10 years</b><br>Supplied drugs to H – under police surveillance   |
| 27. | <b>Abbas</b><br><br><b>Bodiotis</b><br><br><b>Amoun</b><br><a href="#">[2013] NSWCCA 115</a> | 2 x Supply comm qty methylamphet<br><br>Sched:<br>4 offences<br><br>2 x Aid and abet supply comm qty methylamphet<br><br>Sched:<br>3 offences<br><br>2 x Supply comm qty methylamphet<br><br>Sched:<br>3 offences | 500g<br>372g<br>284g<br>182g<br>995g<br>2,5000 tabs E | PG<br>(25%)<br><br>PG<br>(25%)<br><br>PG<br>(35% plea and assist on app) | 8y<br>NPP 5y<br><br>9y 3m<br>NPP 6y 3m<br><br>9y 6m<br>NPP 6y 6m      | AD<br><br>AD<br><br>AA<br>8y 2m<br>NPP 5y 7m      | Minor<br><br>Breached suspended sentence | <b>SNPP 10 years</b><br>Abbas and Amoun involved in drug syndicate run by Amoun's brother from prison – large amounts of drugs sourced and supplied in both NSW and Victoria – Bodiotis purchased drugs from syndicate<br><br>Abbas – independent middleman with significant role – remorse and prospects of rehabilitation – suffering schizophrenia<br><br>Bodiotis – purchased drugs for financial gain, personal use and gambling addiction<br><br>Amoun – element of duress - assistance |

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| 28. | <b>AB</b><br>(52)<br><a href="#">[2013] NSWCCA 160</a>       | Supply comm qty methylamphet<br><br>Supply less comm qty methylamphet<br><br>Sched:<br>6 drug offences  | 296.9g<br>(79%)<br><br>192g<br>(80%) | PG<br>(35% plea and assist) | 7y 6m<br>NPP 5y 5m<br><br>FT 2y<br><br><u>Total:</u><br>8y 3m<br>NPP 6y 2m                         | AA<br>To make minor adjustment for PSC  | Old drug offences         | <b>SNPP 10 years</b><br>In business of supplying drugs over period of time – supplied drugs to police informant – commercial quantity of drugs found in premises – also found in possession of money connected to drug offending <i>Muldrock</i> error but no lesser sentence warranted |
| 29. | <b>Orchard</b><br>(54)<br><a href="#">[2013] NSWCCA 342</a>  | Supply comm qty methylamphet  | 612g                                 | VG                          | 15y 6m<br>NPP 10y 5m   | AD  | yes                       | <b>SNPP 10 years</b><br>Business run by offender to a regular network of clients – sourced drugs from particular persons. Difficult childhood – drug abuse – mental health  |
| 30. | <b>Sinkovich</b><br>(54)<br><a href="#">[2014] NSWCCA 97</a> | Supply comm qty methylamphet<br><br>Knowingly take part in supply less comm qty methylamphet  | 443.8g<br><br>27.2g                  | VG                          | 13y<br>NPP 9y<br><br>4y<br>NPP 2y<br><br><u>Total:</u><br>14y<br>NPP 10y                           | AA<br>10y<br>NPP 7y 6m<br><br>4y<br>NPP 2y<br><br><u>Total:</u><br>11y<br>NPP 8y 6m                     | Nil significant           | <b>SNPP 10 years</b><br>Arranged for supply of drugs to co-offender who sold drugs to undercover officer – slightly above co-offender in hierarchy – business of drug dealing <i>Muldrock</i> error   |
| 31. | <b>Kemp</b><br>(47)<br><a href="#">[2014] NSWCCA 153</a>     | Supply comm qty methylamphet<br><br>Agree supply less comm qty methylamphet<br><br>Supply less comm qty methylamphet<br><br>2 related offences<br><br>Sched:<br>Supply<br>Proceeds of crime | 446.7g<br><br>140g<br><br>3.24g      | PG<br>10%                   | 9y<br>NPP 6y<br><br>2y 8m<br>NPP 18m<br><br>2y 8m<br>NPP 18m<br><br><u>Total:</u><br>11y<br>NPP 8y | AA<br>5y<br>NPP 3y<br><br>2y 8m<br>NPP 18m<br><br>2y 8m<br>NPP 18m<br><br><u>Total:</u><br>7y<br>NPP 5y | Some priors – not serious | <b>SNPP 10 years</b><br>Supplied drugs to co-offender who supplied to undercover police officer – on appeal rejected argument that appellant's role more serious – not linear relationship<br><i>Destitute</i>  |

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| 32. | <b>Hamzy</b><br>(54)<br><a href="#">[2014] NSWCCA 223</a>  | Supply comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Sched:<br>5 related offences | 372g<br><br>995g                | PG<br>(30% plea and assist)             | 6y<br>NPP 4y<br><br>8y 6m<br>NPP 6y<br><br><u>Total</u><br>9y 6m<br>NPP 7y                   | AD                                      | Supply large commercial qty heroin | <b>SNPP 10 years</b><br>Part of criminal organisation run by son who was prisoner in Lithgow Gaol – sourced drugs for supply on two occasions – helped in arranging delivery to Melbourne and recouping money – involved for limited time                               |
| 33. | <b>Sant</b><br><a href="#">[2014] NSWCCA 261</a>           | Supply comm qty methylamphet   | 500g                            | PG                                      | 9y<br>NPP 6y   | AD                                      | Drug offences                      | <b>SNPP 10 years</b><br>Supplied on 9 occasions - undercover police operation - more than 500g supplied to undercover officer for total sum of \$210,500 - purity ranged from 27 to 72 per cent.<br>Ill-health  |
| 34. | <b>Nguyen</b><br>(32)<br><a href="#">[2015] NSWCCA 209</a> | Supply comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Supply pseudoephedrine       | 392.9g<br><br>977g<br><br>89.3g | PG<br>(17.5% plea and assist on appeal) | 7y 6m<br>NPP 5y<br><br>9y<br>NPP 6y<br><br>FT 2y<br><br><u>Aggregate</u><br>11y 4m<br>NPP 8y | AA<br><u>Agg</u><br>10y 9m<br>NPP 7y 7m |                                    | <b>SNPP 10 years</b><br>Involved in supplies of drugs from Perth to Sydney – major drug dealer of reasonably large quantities<br>Female – Vietnamese – mother to three children – remorse – reasonable prospects of rehabilitation<br>Error in discount for guilty plea |
| 35. | <b>B</b><br>(41)<br><a href="#">[2015] NSWCCA 314</a>      | Supply comm qty methylamphet   | 999.6g                          | PG<br>(60% plea and assist)             | 3y 6m<br>NPP 2y  | AD                                      | Fraud, driving                     | <b>SNPP 10 years</b><br>Supply to undercover police officer – essential conduit between purchaser and supplier – motivated by desire to help out person he thought was a friend<br>Remorse  |

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| 36. | <b>Williams</b><br><a href="#">[2016] NSWCCA 68</a>          | Supply comm qty methylamphet<br><br>Offer to supply comm qty methylamphet<br><br>Larceny alcohol<br><br>Sched:<br>Destroy MV by fire | 432.9g<br><br>453g                | PG (25%)<br><br>VG<br><br>PG (25%) | <u>Indicative</u><br>6y<br>NPP 4y<br><br>7y<br>NPP 3y 6m<br><br>3y<br><br><u>Aggregate</u><br>8y 6m<br>NPP 5y       | AD   | Record – no detail     | <b>SNPP 10 years</b><br>Supplied drugs to police source on five separate occasions over several weeks – agreed to supply drugs on later occasions – set fire to car of male acquaintance in retaliation for assistance given to estranged partner  |
| 37. | <b>Kennedy</b><br>(41)<br><a href="#">[2016] NSWCCA 187</a>  | Supply comm qty methylamphet   | 337g                              | PG (25%)                           | 5y<br>NPP 3y 9m   | AA<br>5y<br>NPP 3y 4m  | Driving, possess drugs | <b>SNPP 10 years</b><br>Supplied drugs to undercover police officer – part of controlled operation.<br>CCA – special circumstances - rehabilitation  |
| 38. | <b>Leffley</b><br><a href="#">[2016] NSWCCA 243</a>          | Supply comm qty methylamphet<br><br>Supply comm qty amphetamine<br><br>s.166 Cert:<br>3 x Possess drugs                              | 250g<br><br>922.9g                | PG (25%)                           | 6y<br>NPP 3y<br><br>8y 6m<br>NPP 4y 6m<br><br><u>Total</u><br>8y 6m<br>NPP 4y 6m                                    | AD   | Nil                    | <b>SNPP 10 years</b><br>Drugs located during police search of offender's car – role well above street-level courier - played important role in distribution of significant quantity of drugs - courier motivated by habit and drug debt, rather than purely for profit - offences below mid-range.<br>Rehabilitation - remorse |
| 39. | <b>Kremisis</b><br>(49)<br><a href="#">[2016] NSWCCA 257</a> | Supply comm qty Methylamphet<br><br>Supply comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Sched:<br>7 offences     | 325.45g<br><br>677.7g<br><br>566g | PG (25%)                           | 9y 9m<br>NPP 5y 8m<br><br>12y 6m<br>NPP 7y 5m<br><br>10y 6m<br>NPP 6y 3m<br><br><u>Total</u><br>13y 6m<br>NPP 8y 5m | AA<br>7y 6m<br>NPP 4y 6m<br><br>9y 9m<br>NPP 5y 8m<br><br>8y 5m<br>NPP 5y<br><br><u>Total</u><br>10y 9m<br>NPP 6y 9m | Minor                  | <b>SNPP 10 years</b><br>Involved in business of supplying drugs in NSW and ACT over 7 months – far beyond street level – slightly above mid-range<br>Parity on appeal – poor health – evidence of rehabilitation efforts in gaol   |

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|-----|---|--|-----------------------|-------------|---|--------|--|--|
| 40. | <b>Giang</b><br><a href="#">[2017] NSWCCA 25</a>          | Supply comm qty methylamphet<br><br>Supply less comm qty methylamphet<br><br>Sched:<br>3 x supply                  | 1kg<br><br>139.6g     | PG          | 8y<br>NPP 5y<br><br>FT 2y<br><br><u>Total</u><br>9y<br>NPP 6y   | AD     |  | <b>SNPP 10 years</b><br>Undercover operation over several months – provided three samples of drugs – large quantities sold on two separate occasions – high levels of purity (85% and 81.5%) – mid level drug dealer<br>Involvement in dealing arose out of level of duress  |
| 41. | <b>Owen</b><br>(51)<br><a href="#">[2017] NSWCCA 54</a>   | Supply comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Supply firearm<br><br>Sched:<br>2 offences | 269.1g<br><br>496.1g  | PG<br>(25%) | 7y 10m<br>NPP 5y<br><br>9y<br>NPP 5y 2m<br><br>2y 10m<br>NPP 1y 10m<br><br><u>Total:</u><br>10y 6m<br>NPP 6y 8m | AD     | Lengthy – breached bail – no drug or firearms offences | <b>SNPP 10 years</b><br>Undercover operation investigating drug supplies around Blacktown – mid-high level supply of crystalline methamphetamine – offender receiving regular supplies then on selling in smaller amounts – supplied total of 169.1g over two months – supplied larger amount in bulk to undercover agent – planning exceeded norm – element of financial gain<br>Difficult childhood leading to early drug and alcohol addiction – support of five adult children |
| 42. | <b>Why</b><br><a href="#">[2017] NSWCCA 101</a>           | Supply comm qty methylamphet<br><br>Supply cocaine<br><br>Sched:<br>Recruit person to be involved in supply        | Comm qty<br><br>17.5g | PG<br>(10%) | 8y<br>NPP 5y 6m<br><br>3y<br><br><u>Aggregate</u><br>8y 9m<br>NPP 5y 6m   | AD     | Supply offences – small amounts                        | <b>SNPP 10 years</b><br>Involved in drug distribution as member of motor cycle gang – supply of cocaine below mid-range - regular supplier of amphetamines over several months – mid-range - recruited and trained son to supply drugs – wholesale distributor of drugs<br>Some remorse – prospects of rehabilitation  |
| 43. | <b>Munday</b><br>(41)<br><a href="#">[2017] NSWCCA 95</a> | Supply comm qty methylamphet<br><br>s.166 certificate Possess  | 982.4g<br><br>0.24g   | PG<br>(25%) | 7y 6m<br>NPP 4y 6m<br><br>FT 6m<br>(concurrent)   | AD     | Minor record   | <b>SNPP 10 years</b><br>Found driving hire car with drugs in case on back seat – courier – transporting drugs to discharge debt for son – otherwise uninvolved in drug trade – no financial – reward<br>Remorse – suffering depression   |

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|-----|--|--|--|-------------|---|--------|--|---|
| 44. | <b>Kurniawan</b><br><a href="#">[2017] NSWCCA 171</a>    | Supply comm qty methylamphet<br><br>Supply methylamphet<br><br>Supply 1,4 Butanediol<br><br>Sched:<br>Possess<br>Supply ketamine | 373.5g<br><br>9.75g<br><br>479.8g<br><br>7.57g | PG<br>(25%) | 5y 6m<br>NPP 3y 3m<br><br>FT 1y 6m<br><br>FT 1y<br><br><u>Total:</u><br>6y 3m<br>NPP 4y | AD     | Drug offences –<br>breached Griffith<br>Remand | <b>SNPP 10 years</b><br>Found outside home in possession of 373.5g methylamphetamine and 1,4 Butanediol in bag – intermediate level of dealing – offence just below mid-range   |
| 45. | <b>Yeung</b><br><a href="#">[2018] NSWCCA 52</a>         | Knowingly take part in supply comm qty methylamphet<br><br>Sched:<br>Knowingly take part in supply comm qty methylamphet         | 282g<br><br>279.29g                            | PG<br>(25%) | 5y 6m<br>NPP 3y 9m  | AD     |  | <b>SNPP 10 years</b><br>Involved in the supply of drugs by a Sydney syndicate – sourced drugs that were subsequently supplied on two occasions to female buyer  |
| 46. | <b>Zhang</b><br>(22)<br><a href="#">[2018] NSWCCA 82</a> | Knowingly take part in supply comm qty methylamphet<br><br>Sched:<br>Participate in criminal group                               | 1996.9g  | PG<br>(25%) | 9y<br>NPP 6y 9m   | AD     | breached parole for drug offence               | <b>SNPP 10 years</b><br>Involved in supply of drugs in car park with several co-offenders – significant role giving direction to the operation – at least mid-range<br>Regular drug user<br>On appeal found that sentencing judge had given appropriate discount for plea despite failure to quantify |

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|-----|--|--|--------------------------|--------------|---|---|--|---|
| 47. | <b>Kandemir</b><br>(26)<br><a href="#">[2018] NSWCCA 154</a>                           | Knowingly take part in supply comm qty methylamphet<br><br>Knowingly take part in supply comm qty MDMA   | 4.96kg<br><br>8.66kg     | PG<br>(15%)  | 4y 6m<br>NPP 2y 10m<br><br>4y 6m<br>NPP 2y 10m<br><br><u>Total:</u><br>5y 6m<br>NPP 3y 10m  | AD  | Assault, AOABH, resist police.   | <b>SNPP 10 years</b><br>With co-offenders part of drug operation – lesser role than co-offender - role in travelling to Perth, arranging accommodation and car hire, and maintaining communications to receive consignment and pass it on to another - over 2 week period<br>Drug abuse – gambling - good rehabilitation prospects - re-offending low |
| 48. | <b>Malouf</b><br>(43)<br><a href="#">[2019] NSWCCA 307</a>                             | Supply comm qty methylamphet<br><br>Supply comm qty amphetamine<br><br>Possess proh weapon<br><br>Allow premises to be used as drug premises<br><br>Sched:<br>3 offences | 366.54 g<br><br>305.69 g | PG<br>(25%)  | <u>Indicative</u><br>9y 9m<br>NPP 7y 3m<br><br>7y<br>NPP 5y 3m<br><br>6m<br><br>6m<br><br><u>Aggregate:</u><br>9y 9m<br>NPP 7y 3m 23d | AA<br><u>Indicative</u><br>7y 10m<br>NPP 5y 10m<br><br>6y 9m<br>NPP 5y<br><br>3m<br><br>3m<br><br><u>Aggregate:</u><br>8y 9m<br>NPP 6y 6m | B&E, dishonesty, drug possession, influence witness                              | <b>SNPP 10 years</b><br>Supplied to undercover police operative – over period of 2 months.<br>Drug use<br>CCA: error as to quantity of drugs  |
| 49. | <b>Borg</b><br>(33)<br><br><b>Gray</b><br>(55)<br><br><a href="#">[2020] NSWCCA 67</a> | Supply comm qty methylamphet<br><br>Supply comm qty methylamphet   | 250g<br><br>250g         | VG<br><br>VG | 4y 6m<br>NPP 2y 8m<br><br>5y<br>NPP 3y  | AD<br><br>AD  | Supply drugs, driving illicit drugs<br><br>Possess drugs, supply drugs. On bond. | <b>SNPP 10 years</b><br>Same criminal enterprise – each obtained drugs from co-offender on number of occasions.<br>B: extensive drug use - reasonable prospects of rehabilitation<br>G: Aboriginal background<br>Each: deprived upbringing – powerful <i>Bugmy</i> considerations   |

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| 50. | <b>Bond</b><br>(57)<br><a href="#">[2020] NSWCCA 277</a>                | Supply comm qty methylamphet<br><br>Sched:<br>Agree to supply comm qty<br>Possess  | 361.22g<br><br>481.9g  | PG<br>(25%)          | 5y<br>NPP 2y 9m   | AD     | Drug possession   | <b>SNPP 10 years</b><br>Arranged for supply of drugs to undercover officer on four occasions over five weeks – total of 361.22g supplied – agreed to supply further 17 ounces – contact person not supplier – funding drug use and drug debt – below mid-range<br>Chronic drug user since death of brothers in plane crash – genuine remorse – health problems<br>On appeal: found no disparity with sentence imposed on co-offender for ongoing supply offence   |
| 51. | <b>Dawson (a pseudonym)</b><br>(26)<br><a href="#">[2021] NSWCCA 33</a> | Supply comm qty methylamphet<br><br>Knowingly take part in supply comm qty methylamphet<br><br>Supply methylamphet<br><br>Supply methylamphet<br><br>Possess unauth firearm<br><br>Possess unauth prohib firearm<br><br>Sched:<br>3 x supply<br><br>Breach s.12 bond<br><br>s.166 – Possess ammunition | 284g<br><br>284g<br><br>170.4g<br><br>198.8g<br><br><br><br>142g<br>56.8g<br>14.2g | PG<br>(combined 45%) | <u>Indicative:</u><br>5y 6m<br>NPP 3y 9m<br><br>3y 3m<br>NPP 2y 3m<br><br>2y 2m<br><br>2y 5m<br><br>1y 1m<br><br>2y 2m<br>NPP 1y 6m<br><br><u>Aggregate:</u><br>8y<br>NPP 5y 4m<br><br>18m<br>NPP 1y<br><br>No further action | AD     | Domestic violence – driving – drug supply – breached conditional liberty for drug offence | <b>SNPP 10 years</b><br>Over two weeks purchased total of 864g methamphetamine for purpose of supply – supplied some drugs to undercover agent – firearms found in search of house - 6mm colt air soft self-loading pistol not in working order - .22 automatic calibre keyring pistol – 13 rounds of ammunition not suitable for firearms found – clearly part of significant drug supply operation<br>Drug user – prospects of rehabilitation guarded – mental health issues – importance of personal deterrence and community protection in view of number of drug offences<br>On appeal: sentences not unjust or excessive – no disparity issue |

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| 52. | <b>Griffiths</b><br>(23)<br><a href="#">[2021] NSWCCA 226</a> | Supply comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Attempt manuf comm qty methylamphet<br><br>Ongoing supply methylamphet<br><br>Sched:<br>5 offences | 499g<br><br>490g<br><br>490g<br><br>125g | PG<br>(25%) | <u>Indicative</u><br>9y<br>NPP 4y<br><br>6y 9m<br>NPP 4y 3m<br><br>7y 6m<br>NPP 4y 6m<br><br>3y 9m<br>NPP 2y 3m<br><br><u>Aggregate</u><br>11y 9m<br>NPP 6y 9m | AA<br><u>Indicative</u><br>9y<br>NPP 4y 4m<br><br>6y 9m<br>NPP 4y<br><br>7y 6m<br>NPP 4y<br><br>3y 9m<br>NPP 2y 3m<br><br><u>Aggregate:</u><br>10y 8m<br>NPP 5y 8m | Stalking, assault, AOABH, possess drugs, possess explosives, possess proh weapon.     | <b>SNPP 10 years</b><br>With 2 co-offenders – purchased 499g ice from W for \$82K - 490g of ice purchased from upline supplier via third party – offender intended to supply and make money - attempt to have W make or refine 490g of ice supplied because of very low quality – ongoing supply of 16 transactions of ice – offender intended to supply drugs, once acquired, paid \$50K and was to make money.<br>Good prospects rehabilitation – low risk recidivism.<br>CCA: Parity - sentence erroneously determined by reference to co-offender sentenced for more serious offences. |
| 53. | <b>Hitchen</b><br>(47)<br><a href="#">[2021] NSWCCA 293</a>   | Supply comm qty methylamphet<br><br>Possess firearm  | 1386.54g                                 | PG<br>(10%) | <u>Indicative</u><br>5y 10m<br>NPP 3y 9m<br><br>6m<br><br><u>Aggregate</u><br>6y<br>NPP 3y 10m   | AD   | Possession and self-administration of prohibited drug, trafficking drug of dependence | <b>SNPP 10 years</b><br>Junior member of a partnership with his brother to supply drugs – at home, police located two bottles containing methylamphetamine in liquid form; two more bottles containing a further amount of the drug in solid form; and a plastic bag with more solid methylamphetamine.<br>Substance abuse - poor prospects of rehabilitation  |

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|-----|--|---|------------------------|-------------|---|------------------------------------|---|--|
| 54. | <b>Qin</b><br><a href="#">[2022] NSWCCA 137</a>            | Manufacture lge comm qty methylamphet<br><br>Supply comm qty methylamphet<br><br>Sched:<br>Participate criminal group | 11.58kg<br><br>497g    | PG<br>(10%) | <u>Indicative</u><br>14y 4m<br>NPP 9y 7m<br><br>9y<br>NPP 6y<br><br><u>Aggregate</u><br>16y<br>NPP 10y 8m | AA<br>To backdate sentence 3 years | Manufacture drugs, import drugs. In custody serving sentence for drug offences. | <b>SNPP 15 years / 10 years</b><br>Drugs and manufacturing materials found in residential apartment where applicant lived with co-offender – role was not principal but more than mere labourer – had key to unit but did not have possession of key to internally locked door in laboratory unit – participated in manufacture - conducted significant and sophisticated research concerning manufacturing process.<br>CCA: Sentence backdated to commence 3 years earlier - sentencing judge's finding of special circumstances not reflected in sentence – resulted in manifestly excessive sentence – where already serving custodial sentence for other drug matters. |
| 55. | <b>Labban</b><br>(33)<br><a href="#">[2022] NSWCCA 275</a> | Supply comm qty amphetamine<br><br>Supply comm qty cocaine<br><br>Sched:<br>3 offences                                | 284.89g<br><br>366.14g | PG<br>(25%) | <u>Aggregate:</u><br>7y<br>NPP 5y 3m  | AD                                 | Breached ICO for drug offence – other drug offences on record                   | <b>SNPP 10 years</b><br>Involved in supply of drugs to undercover police officer with two co-offenders – drugs supplied in seven transactions over six weeks – dealt directly with officer – equal culpability – mid-range Supporting drug addiction – little insight – poor prospects of rehabilitation<br>On appeal: dismissed parity ground   |

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