

Ongoing Supply Amphetamines / Methylamphetamines

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

s.25A Supply prohibited drug for financial reward on three or more separate occasions during any period of 30 consecutive days

Maximum Penalty: 20 years

Commenced: 7.8.1998

<u>Case</u> (age if known)	<u>Offence</u>	<u>Amount</u>	<u>Plea</u>	<u>Sentence</u>	<u>Appeal</u>	<u>Priors</u>	<u>Facts</u>
Smiroldo (23) (2000) 112 A Crim R 47 [2000] NSWCCA 120	s.25A	.37g .49g .86g 26.7g	PG	MT 2y 6m AT 2y	AD	nil drugs	Engaged in small scale but systematic business of supplying drugs from garage - usually sold small amounts but prepared to sell larger amounts if required. Addicted to drugs and some attempt at rehabilitation. On appeal - factors to consider include quantity supplied and magnitude of business.
Bacon (26) (2000) 120 A Crim R 28 [2000] NSWCCA 549	s.25A	13.53g 27.6g 27.4g	PG	MT 2y AT 1y + 3m PSC (cumulative to 6m sentence for assault)	AA 3y NPP 18m	prior convictions including drugs	Sold amphetamine to undercover police officer on three separate occasions during one month period - very low purity. Ceased involvement voluntarily prior to arrest.
Handley [2001] NSWCCA 311	s.25A		PG	3y 1m NPP 18m	AD	insignificant	Admitted to supplying amphetamines on regular basis over 18months - related offences taken into account on sentence - offence committed partly to support habit and partly for profit. Some rehabilitation - bravery award - hardship to spouse and children
Hofer (47) [2001] NSWCCA 544	s.25A Sched: Possess cannabis	15.5g 62g	PG	5y NPP 3y	AA 4y NPP 2y 4m	prior drug conviction - first imprisonment - on recog at time of offence	Supplied to undercover police officer - cannabis found at home - had been selling drugs from service station he owned for some time - business failing Had voluntarily given up supply prior to arrest

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McArthur [2002] NSWCCA 390	s.25A Sched: Possess cannabis	0.9 - 1g on each occasion	PG (22%)	14m NPP 7m	AA 10m NPP 5m 20d (to expire immediately)	minor record	Female - Sold drugs to undercover police officer on four occasions - assisting ill friend. Contribution - sole responsibility for 4 children - voluntary work - good work record - fresh evidence of hardship to children and custody issues
Fogg (54) [2002] NSWCCA 395	s.25A	26.24g (1.5% purity)	PG (20%)	4y 4m NPP 3y	AA 3y 6m NPP 2y 3m	drugs, property, violence	Sold drugs to undercover police officer on six occasions over three week period. Sentences excessive.
Jolevski [2002] NSWCCA 472	s.25A Sched: Possess drug	8.37g	PG	18m GBB (s.9) Fine \$3,000	Crown AD	nil	Supplied drugs to undercover officer - never supplied to any other person - involved because of pressure from operative Impressive character evidence - genuine remorse - effect on career - immature and impulsive - exceptional case
Connell (50) [2003] NSWCCA 90	s.25A Sched: related offences	3 x 3.5g 55g	PG (25%)	4y NPP 2y 6m	AD	property, dishonesty, drugs (no supply), driving	Supplied drugs to undercover police officer - motivated by greed
Meres [2003] NSWCCA 193	s.25A Sched: 4 related offences		PG (13%)	4y 9m NPP 3y (+6m PSC)	AD	Bad record for possession, violence, driving, dishonesty	Involved in thriving and busy operation from house close to school.
Kamminga (49) [2003] NSWCCA 337	s.25A	8.1g 7.4g 6.6g	PG	6y NPP 3y	AA 3y NPP 2y	Nothing until aged 46 – drug offences	Supplied to undercover police officer – other drug related behaviour observed Suffering chronic affective disorder seriously affecting lifestyle and financial situation
Frazer [2004] NSWCCA 111	s.25A Sched: 6 offences	Ongoing	VG	5y NPP 3y	AD		Joint criminal enterprise to supply methylamphetamine on an ongoing basis.
Grbin (38) [2004] NSWCCA 220	s.25A Sched: 5 drugs offences	1.19g 1.11g 1.70g	PG (25% on appeal)	2y 8m NPP 2y	AA 2y 8m NPP 1y	Old record	Security guard at gate of army barracks supplied to undercover police officer – indicated could provide other drugs Evidence of good character – married with three children – psychological problems suffered by youngest son constitute exceptional circumstances

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Cheikh (25)	4 x s.25A Sched: 5 x s.25A		PG (15% on appeal)	8y NPP 5y	Crown AA 15y NPP 10y 2m	Not serious	C managed drug syndicate supplying over 7 months – H a runner
Hoete (26) [2004] NSWCCA 448	4 x s.25A Sched: 16 supply offences		PG (25%)	6y NPP 3y 6m	Crown AA 8y NPP 5y	No prior custody	
Thorburn (20s) [2005] NSWCCA 71	s.25A	4.8g	PG	12m NPP 3m	Crown AD		6 sales to undercover police office – drug dealing equipment found at premises Acquired brain impairment – ADHD – alcohol and drug abuse – undergone D & A counselling
Nimmo (23) [2005] NSWCCA 295	s.25A	63.48g (85% pure)	PG (33.3%)	3y 4m NPP 2y 6m	AD	Record - breach of bond - no prior custody	11 separate sales worth \$30,000 – no further facts Good work history – strong family and community support – drug problems
Majzoub (24) [2006] NSWCCA 128	s.25A	1.2g	PG (20%)	4y NPP 2y	AD	Priors included drug offences	Supplied to undercover police officer Drug addiction
Murphy (30) [2006] NSWCCA 417	s.25A Sched: 9 offences	Small amounts	PG (20%)	2y NPP 15m (originally suspended – suspension revoked after appeal)	Crown AD AD	Minor	Female – involved in drug dealing with male co-offender – lesser offender Addict as a result of injuries in car accident – remorse – good character evidence – sentence breached by continued use of drugs and failure to report
Reed [2007] NSWCCA 4	s.25A	9.13g	PG	2y NPP 12m PD	AA 18m NPP 6m PD		Female with infant child – 91 days pre-sentence custody – 6 months rehabilitation centre
Shaaban [2007] NSWCCA 115	s.25A Sched: 6 offences		PG	4y NPP 2y	AD		Supplied methylamphetamine and ecstasy Addiction

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Osman (18) [2008] NSWCCA 157	4 x s.25A Sched: Similar matters		PG (10%)	15y NPP 9y	AD	Drug offences – breached bond	Involved in drug syndicate selling methylamphetamines over 7 months – supplied drugs to street dealers Problems with eyes
Lozanovski (23) [2009] NSWCCA 123	s.25A	900 tablets (126.8gm)	PG (25%)	3y 9m NPP 2y 3m	AA 3y NPP 1y 9m	Nil	Supplied to undercover officer during two-week period – mid-level supply – supporting own drug addiction – prepared to supply as a wholesaler to wholesalers as well as a retailer Parity – serious drug addiction.
Gore (2010) 208 A Crim R 353 [2010] NSWCCA 330	s.25A Sched: 11 related offences	0.43g 0.91g 0.47g 0.92g	PG (25% on appeal)	7y 6m NPP 5y 7m 12d	AA 4y 6m NPP 3y 4m	Lengthy record including drug offences	With girlfriend involved in ongoing business of supplying amphetamine from house – one rung up from street supplier - house fortified – readily available to supply drugs Co-offender Hunter sentenced for supply offences
Farkas (44) [2014] NSWCCA 141	s.25A Sched: 3 x supply cannabis and amphetamines Knife offence	38.09g (total)	PG (10%)	4y 6m NPP 2y 6m	AA 3y 7m NPP 2y	Lengthy but no supply drugs and no custody – breached bond	Supplied to undercover police officer – retailer more than courier – received drugs as reward - 9-12% purity Difficult childhood – mental illness and drug use On appeal - error in finding normal street purity was 3-5% - error in finding offence committed to reduce drug debt
Greer (68) [2015] NSWCCA 312	s.25A s.25A heroin	Approx 1- 2g on 9 occasions Approx 23g	VG	Significant - supply drugs	7y NPP 3y 7y NPP 4y <u>Total:</u> 10y NPP 6y	AA 7y NPP 4y 7y NPP 4y <u>Total</u> 8y NPP 5y	Two offences of ongoing supply during same period but of different drugs - heroin charge based upon 23 occasions of supply to two customers and undercover police officer - meth supplied to single customer on 9 occasions - substantially involved in business of drug dealing. Age – health
OGC [2016] NSWCCA 254	s.25A Sched: Supply drugs Possess drugs 2 x Possess unreg firearm	20.9g	PG (25%)	3y NPP 2y 3m	AD		Supplied to undercover police officers – received \$6,900 in payment.

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Ejefekaire (31) [2016] NSWCCA 308	s.25A Sched: 4 offences		PG (25%)	1y 10m ICO	Crown AA 2y 4m NPP 1y 9m	Lengthy – breached bail	Substantially involved in supplying ice over several months – large number of street deals – 10-20 regular customers Financial gain – need for substantial supervision
Linden (34) [2017] NSWCCA 321	s.25A s.25A Sched: Supply		PG (25%)	FT 12m 3y NPP 15m <u>Total:</u> 3y 3m NPP 18m	AA 1y 10m 1y 3m <u>Total:</u> 2y 2m NPP 10m 28d	Driving offence	Female engaged in organised distribution of drugs over nearly two months – use of code – found in possession of 27.7g methamphetamines – slightly below mid-range Single mother – subjected to sexual abuse and violence as a child resulting in drug abuse – subsequent violence in relationship caused significant psychological problems – eldest son suffering PTSD – spinal injury – effect of imprisonment on children
Wong (26) [2018] NSWCCA 20	s.25A s.25A s.25(1) s.25(1) s.25(1) (cocaine) Sched: Direct criminal group s.93T(4A) <i>Crimes Act</i>	27.96g - 55.8g 55g-100g 27.97g 55.8g 167.1g	PG (25%)	<u>Indicative:</u> 22m 24m 9m 12m 12m <u>Total:</u> 4y 6m 2y 5m	Crown AA <u>Indicative:</u> 34m 40m 15m 20m 28m <u>Total:</u> 6y NPP 4y		5 occasions of supply to undercover officer of methylamphetamine between May 2016 and June 2016 in public car parks in various locations - 5 occasions of supply of methylamphetamine and cocaine from June 2016 to July 2016 in house and public car park - below mid-range.

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Elliot [2018] NSWCCA 69	s.25A s.25(1) s.166 Cert: s 36Y(1)(a) DMTA	6.125g 7.28g	PG (25%)	2y 8m NPP 1y 8m 18m <u>Total:</u> 3y NPP 2y	AA 2y 6m NPP 12m 18m <u>Total:</u> 2y 10m NPP 1y 10m	Not extensive	Three of five supplies involved 6.125g methamphetamine - two supplies involved 100mg fentanyl patch and buprenorphine strip - telephone intercepts showed regular communication between offender and two other offenders discussing and facilitating supply – 7.28g of methamphetamine located at offender's premises during search Insight into drug offending – remorse - rehabilitation “guarded” given age and duration, albeit intermittent, of drug addiction – supportive relationship On appeal - error in finding s.25A count aggravated because it involved planning and organised criminal activity
Diri [2019] NSWCCA 319	s.25(1) s.25A s.166Cert: Drive disqual Sched: s.25A	4.05g 0.43g 3.57g salts 1.39g 0.51g 1.11g	PG	2y 2y 6m 9m <u>Aggregate:</u> 2y 9m NPP 1y 9m	AA only to adjust commencement date		Supplied dugs (or substituted salts) on three occasions over four months – small dealer supporting drug addiction but also some financial gain – some drugs of high purity and quickly accessed

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