

Ongoing Supply Cocaine

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 (age if known)</u>	<u>Offence</u>	<u>Amount</u>	<u>Plea</u>	<u>Sentence</u>	<u>Appeal</u>	<u>Priors</u>	<u>Facts</u>
Luong (20) [2002] NSWCCA 238	s.25A Sched: GIC		PG	5y 6m NPP 3y	AA 4y NPP 2y	driving and drug offence	Arrested in possession of cocaine - admitted selling on regular basis over previous 2 months - total amount unclear Frank interview - drug addiction - rehabilitation - assaulted in custody
Zarei (33) [2002] NSWCCA 350	s.25A	0.05g 0.06g 0.04g	PG (15%)	3y NPP 18m	AD	prior conviction for possess prohibited drug	Sold drugs to undercover police officer - small time pedlar - supporting addiction Iran - premature birth of child causing health problems - good character evidence - depression
Kostecoglou (23) (2002) 137 A Crim R 257 NSWCCA	2 x s.25A 2 x s.25A (heroin) Sched: Possess unauth firearm		PG (25%)	FT 12m 3y 2m NPP 12m (concurrent)	Crown AD	nil	Part of large scale syndicate involved in drug distribution - street dealer for 2 months - also involved in other aspects of business Developed major drug problem after mother died - evidence of rehabilitation - stringent bail conditions
Sakkar (25) [2003] NSWCCA 26	s.25A Sched: Possess amphet Deemed supply cocaine	Total - 1.86g 3g 17.4g	PG (25%)	4y NPP 18m	AD	poor	Supplied to undercover police officer on 4 occasions - other drugs found at premises - street dealer with relatively sophisticated operation - funding own habit - evidence of rehabilitation

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Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
Hide (29) [2003] NSWCCA 371	s.25A Sched: GIC	0.82g 0.87g 3.74g	PG (15%)	4y NPP 2y	AD		Supplied to undercover police officer – agreed to supply 1 ounce but pulled out – engaged in business of supply Sole care of 4y daughter - pregnant
Collins (19) [2004] NSWCCA 30	s.25A	< 1g supplied 2.6g possession	PG	3y NPP 2y 3m (PD)	Crown AD	Nil	Female - 4 supplies made to undercover police officer – assisted male co-offender by driving him around Dominating relationship with co-offender – good prospects of rehabilitation – exceptional case
Vu [2005] NSWCCA 266	s.25A	0.15-0.18g	VG	6y NPP 4y 6m	AA 4y NPP 2y 6m	Nil	Sold to undercover police bought from flat Vietnamese migrant – no personal drug use – no remorse – recently unemployed – young baby and girlfriend pregnant again
Esquilant (27) [2005] NSWCCA 421	s.25A	3g	PG	2y 3m NPP 12m	AD	Nil	Supplied to friends and associates Heavy drug user – difficult childhood
Mirza (47) [2007] NSWCCA 248	s.25A	29.8g 28.7g 28.4g	PG (40% plea and assist)	6y NPP 3y 6m	AD	Nil	Supplied to undercover officer – motivated by greed – above midrange offence – supplying on behalf of wholesaler – more than courier Assistance - depression
Pickett (48) [2010] NSWCCA 273	s.25A Sched: 2 x Supply cocaine Car offence	0.71g 2.9g 2.92g 9.82g 10.57g	PG (16.5%)	20m suspended	Crown AD	minor	Supplied to undercover officer over 4 weeks – involved in supplying on behalf of principal because of substantial commercial debt owed to principal – received no financial reward from dealing - voluntarily withdrawn from involvement prior to arrest Charity work – suffering depression at time of offence

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Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
Doumit (48) [2011] NSWCCA 134	s.25A (cocaine and methamphet) Possess ecstasy Possess GBL Sched: Proceeds of crime 2 x supply	<1 g cocaine 1g meth 72.34g 298.4g	PG (37 – plea and assist)	3y 10m NPP 2y FT 12m FT 12m <u>Total</u> 5y 4m NPP 3y 6m	AA 3y 10m NPP 2y FT 12m FT 12m <u>Total:</u> 4y 7m NPP 2y 9m		Supplied drugs from business as hairdresser – supplied less than one gram of cocaine to undercover officer on four occasions – supply 1g methamphetamine to customer on one occasion – found in possession of 72.34g ecstasy and 298.4g GBL Late drug user – charity work - rehabilitation
Darcy (28) [2019] NSWCCA 159	s.25A s.25(1) Proceeds of crime Sched: 3 x possession offences	Total: just over 5g 15.95g \$34,840	PG (25%)	2y 7m 1y 8m 1y 6m <u>Aggregate</u> 3y 9m NPP 2y	AD	drug offences – breached bail for drug offence	Sold bags of cocaine to police agent on four days pursuant to an agreement – amounts varied from 1.23-1.27g – search of house found equipment for drug supply further drugs and cash Began drug abuse after injury stopped promising sporting career
Kay (29) [2019] NSWCCA 275	s.25A Sched: s.25A	9.34g 17.07g	PG (25%)	4y NPP 1y 8m	AA 2y 5m NPP 12m	driving offence	Runner for drug distribution syndicate – received drugs and money – supplied 9.34g cocaine in 15 transactions in 10 hours – additional cocaine supplied on two different days Difficult childhood – single mother to three children – mental health issues On appeal: error in finding offender played 'significant role'

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Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
Ghalbouni [2020] NSWCCA 21	s.25A s.193C Schedule: 7 offences	1.03g 1.1g 1.33g \$2000	PG (25%)	2y 9m 9m <u>Aggregate:</u> 2y 9m NPP 1y 2m	AA 2y ICO (7 months served prior to appeal)	nil relevant	Supplied drugs to undercover operative on three occasions over four weeks – on arrest found in possession of additional drugs and money Difficult childhood – drug user – mental health issues On appeal: errors made in regard to schedule requiring re-sentence
Prince (32) [2020] NSWCCA 110	s.25A s.93T(4A) - direct criminal group s.166 6 x drive disqualified Sched: s.25A Supply cocaine Proceeds of crime	Total – 250g 47.44g \$44,430	PG	<u>Indicative</u> 4y 6m 2y 6m 6m <u>Agg:</u> 5y 6m NPP 3y 2m	AD	motor vehicle offences	Over two months directed operations in syndicate distributing cocaine in small amounts – well organised – cocaine and money found in house upon arrest Female – difficult childhood with sexual abuse and early drug use – suffering PTSD and depression
Nguyen (24) [2020] NSWCCA 281	s.25A Sched: s.93T criminal group offence	91.2g	PG (25%)	3y NPP 1y 9m	AD	Nil	Co-ordinated drug syndicate supplying small amounts of drugs through runners – 91.2g supplied over five weeks – principal of distribution team – mid-range – motivated by greed On appeal: rejected parity ground

Last updated: Nov 2020

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