

Ongoing Supply Ecstasy / MDMA
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

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

Referred to in cases as ecstasy / MDMA

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
1.	Hennock (19) [2002] NSWCCA 229	s.25A MDMA Sched: 3 drug offences		PG	4y NPP 2y	AD	nil	Supplied 10 tablets then 200 tablets to intermediary who supplied them to undercover officer – several weeks later supplied 40 tablets directly to undercover officer – slightly above user/dealer Protective custody – need for lengthy supervised rehabilitation
2.	Burns (23) [2007] NSWCCA 228	s.25A ecstasy Knowingly take part in supply Sched: Supply	22.68g	PG	FT 2y Suspended \$10,000 fine	Crown AD	nil	Supplied one tablet to undercover officer and provided phone number – two months later supplied drugs to same officer on three occasions: 10 tablets, 30 tablets and 47 tablets – admitted to unknown involvement in selling further 800 tablets over six months Prior good character - voluntarily ceased offending prior to arrest

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
3.	Chippendall (18) [2009] NSWCCA 127	s.25A ecstasy Supply ecstasy Supply ecstasy Sched: Supply	201 tablets 50 tablets 50 tablets 3 tablets	PG (40% combined)	4y NPP 2y FT 1y 6m FT 1y 6m <u>Total:</u> 4y 6m NPP 2y 6m	AA 3y NPP 1y 9m FT 1y 6m FT 1y 6m <u>Total:</u> 3y 6m NPP 2y 3m	Traffic offences only	Involved with co-offenders in supplying drugs - sold three tablets to undercover officer and provided phone number – two months later supplied 50 tablets – sold further 50 tablets on four separate occasions over one month – received small reward for transactions – user/dealer at lower end of hierarchy Assistance – prior good character – genuine remorse – favourable prospects of rehabilitation
4.	Singh (28) [2009] NSWCCA 129	s.25A MDMA Supply cannabis Sched: Supply ecstasy GIC Possession	31.81g 319.8g 205.4g 2.25kg 319.8g \$5400 86g cannabis	PG (25%)	7y 6m NPP 5y 7y 6m NPP 5y (concurrent)	AA 7y 6m NPP 5y FT 2y (concurrent)	Driving offences and minor drug related matters	Supplied tablets to undercover officer on three occasions with co-offender – long term drug dealer Heavy drug user – remorse On appeal: fortunate not to have been charged with commercial quantity – sentence for cannabis offence excessive
5.	Button (23) [2010] NSWCCA 264	s.25A ecstasy Supply ecstasy Sched: 3 x supply ecstasy	10 tablets 26 tablets	PG	2y 9m NPP 1y 3m FT 9m <u>Total:</u> 3y NPP 1y 6m	AA 2y 9m NPP 12m FT 9m <u>Total:</u> 2y 9m NPP 12m	PCA	Supplied total of ten tablets to undercover officer over three meetings – on arrest admitted he intended to sell further 26 tablets found in his possession – further admitted supplying to three separate persons – street dealer Favourable prospects rehabilitation On appeal: increased sentence without warning – procedural unfairness

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6.	Bidgood (44 at sentence) [2016] NSWCCA 138	s.25A MDMA Cultivate comm qty cannabis Supply cannabis Sched: 6 offences	1.2g 1.1g 5.1g 13.9g 60.7g cannabis leaf 303 cannabis sativa 3.2kg	PG (25%)	<u>Indicative</u> 3y 6m 1y 6m 1y <u>Aggregate:</u> 4y NPP 2y	AD	Common assault	On four occasions supplied drugs to associates from his residence who on sold them to buyers – additional drugs and plants found at home upon arrest: 3.2kg cannabis – 18g MDMA powder and 6.5g tablets – 5 LSD tablets – 15g cannabis seeds - \$5,630 cash – entire back yard used for growing cannabis plants – above street dealer Prior good character – prospects of rehabilitation good On appeal: error in finding s.25A aggravated by being committed for financial gain – error in failing to give benefit for good character – no lesser sentence should be imposed
7.	Kennedy (20) [2020] NSWCCA 49	s.25A MDMA	0.95g 0.87g 0.97g	PG (25%)	15m ICO 100h CSO	AA s.10A conviction	nil	Female – supplied to undercover officer after her flatmate passed on phone number – only occasions offender supplied drugs - used drugs to relieve stress Good character - University student – difficult childhood exposed to violence and substance abuse – self harm and mental health issues – insight and remorse – ceased offending and taking steps in rehabilitation prior to arrest – subjected to trauma when search warrant exercised On appeal: exceptional and unusual circumstances

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