

**Traffic Cocaine**  
**Commercial Quantity**  
**s.302.2 (Cth) Criminal Code**

Commenced 6.12.2005

302.2 Traffic commercial quantities of controlled drug

**Commercial Quantity:** Cocaine – 2kg

**Maximum Penalty:** Life

|    | Case<br>(age if known)  | Offence   | Amount<br>(pure)   | Plea        | Sentence   | Appeal   | Priors                      | Facts   |
|----|---|---|--|-------------|--|--|-----------------------------|---|
| 1. | <b>Maldonado</b><br>(49)<br><a href="#">[2009] NSWCCA 189</a> | Aid and abet<br>manufacture<br>comm qty: s.305.3<br>(Cth) <u>Code</u><br><br>Traffic comm qty<br><br>Proceeds of<br>crime: s.400.4(1)<br>(Cth) <u>Code</u><br><br>Proceeds of<br>crime: s.400.4(1)<br><br>Sched:<br>Possess mkt qty<br>cocaine<br>Proceeds of<br>crime: s.400.5 | approx. 34kg<br><br>6kg<br><br>\$600,000<br><br>\$150,000<br><br>21.6g<br><br>\$50,000 | PG<br>(25%) | 22y<br><br>15y<br><br>10y<br><br>8y<br><br><u>Total:</u><br>36y<br>NPP 22y | AA<br>22y<br><br>15y<br><br>10y<br><br>8y<br><br><u>Total:</u><br>28y<br>NPP 17y | Drug importation<br>offence | Part of group that arranged extraction of cocaine from imported powder – offender arranged premises, transported chemicals and provisioned men conducting extraction – trusted deputy – over several months organised sale of cocaine unrelated to extraction – principal in money laundering<br>On appeal: aggregate sentence manifestly excessive |

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|----|---|--|--------------------------|--|------------------|----------|--|--|
| 2. | <b>Nakash</b><br>(43-44)<br><a href="#">[2017] NSWCCA 196</a> | Traffic comm qty<br><br>Sched:<br>Proceeds of<br>crime: s.400.3(1) | 6kg<br><br>\$1.5 million | PG<br>(combined<br>1/3 <sup>rd</sup> ) | 8y<br>NPP 4y 6m  | Crown AD | Lesser offences<br>expected of drug<br>addicts | Part of sophisticated, well organised and internationally established drug syndicate importing and trafficking very substantial quantities of cocaine – offender committed 8 separate acts over 7 months – money laundered over 15 months – directed and oversaw trafficking – responsible for collection, distribution and transfer of money – role of overseer<br>Horroric childhood in Israel leading to early drug addiction – serious cognitive impairment – after stable marriage relapsed to serious depression then drug use due to treatment for hepatitis – reasonable prospects of rehabilitation – contrition<br>On appeal: sentence lenient but not manifestly inadequate in view of subjective circumstances |
| 3. | <b>Schmidt</b><br>(45)<br><a href="#">[2018] QCA 59</a>       | Consp traffic<br>comm qty  | Agreement for<br>20kg    | VG                                     | 12y<br>NPP 7y 6m |          | Breached bail<br>for serious drug<br>offences  | Met in person with undercover officer to discuss purchase of 50-100kg cocaine each month – subsequently agreed to purchase 20kg – controlled delivery of 1kg 'sample' made – senior role in conspiracy   |

Last Updated: October 2020

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