

Manufacture Amphetamines / Methylamphetamines

Commercial Quantity

s.305.3 (Cth) Criminal Code

Commenced 6.12.2005

305.3 Manufacture commercial quantity of controlled drug for a commercial purpose

Commercial Quantity: 750gm

Maximum Penalty: Life

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	Nastoski [2010] NSWCCA 187	Consp to manufacture amphetamine	See facts	PG (15%)	11y 6m NPP 7y 8m	AD	Drug offences	Drugs being manufactured in basement on remote country property – 1422.8g pure amphetamines – liquid with potential to produce 2.5-3kg amphetamines – involvement in conspiracy increased over time
2.	Cheung (34) Choi (31) (2010) 203 A Crim R 398 [2010] NSWCCA 244	Manufacture amphetamine	6.5888kg (pure)	PG (25%)	6y NPP 4y	Crown AD	Nil Minor record in Hong Kong	Both offenders flew into Australia and used hotel and storage units in Hurstville to convert liquid to crystalline amphetamines in accordance with instructions by telephone – not clear where drugs originated from – offence in lower range – equivalent roles Cheung – citizen of Hong Kong – gambling addiction – became involved because of gambling debts Choi – citizen of Hong Kong – involved to pay off gambling debts

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	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
3.	Estrada Yuan Byun [2015] VSCA 22	Consp to manufacture methamphet	Potential of 25kg	PG PG PG	5y NPP 3y 5y NPP 3y 5y NPP 3y	Crown AA 8y NPP 5y 8y NPP 5y 8y NPP 5y		Each offender became involved in conspiracy shortly after coming out from Canada – involved in setting up clandestine laboratory – rented premises – purchased, transported and stored chemicals and equipment – equal culpability - sufficient chemicals to produce 25kg drugs Isolation in custody

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