

Unauthorised Supply Firearms on Ongoing Basis

s.51B (NSW) Firearms Act

s 51B Unauthorised supply of firearms on 3 or more separate occasions over 12 months

Maximum penalty: 20 years

Standard non-parole period: 10 years (conviction entered or guilty plea taken on or after 1.1.2008)

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	FACTS
1.	Aslan (33) [2004] NSWCCA 121	s.51B Supply methylamphet on ongoing basis Supply lge comm qty methylamphet Sched: 5 offences	PG (25%)	8y NPP 3y 6m 6y 6m NPP 3y 6m 7y 6m NPP 4y 6m <u>Total:</u> 11y 6m NPP 7y	AD	Nil convictions – on recognisance for s.10 offence	Sold total of 84.7g methylamphetamine to person who supplied to undercover officer – sold self-loading pistols to undercover officer on four occasions – each firearm had serial number obliterated – on two occasions also supplied ammunition and on one occasion sold silencer – sold 1,020g methylamphetamine with purity of 2.5% just prior to arrest – wholesaler supplying to wholesaler – little regard for public safety
2.	Dionys (58) [2011] NSWCCA 272 Co-offender: ZARAKAS	s.51B Agg unauth possession of firearms: s.51D(2) Sched: 179 offences including poss 89 firearms	PG (25%)	9y NPP 5y 6m 12y NPP 7y 6m <u>Total:</u> 15y NPP 10y 6m	AA 9y NPP 5y 6m 12y NPP 7y 6m <u>Total:</u> 13y NPP 8y 6m	limited	SNPP 10 years Sold four mauser pistols and Bren machine gun to undercover police operative – large arsenal of firearms found in storage unit – large scale operation dealing with illegal weapons – slightly above mid-range Poor health

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

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	FACTS
3.	Zarakas (44) [2013] NSWCCA 144 Co-offender: DIONYS	s.51B Sched: 39 offences including unlawfully poss firearms and selling ammunition	PG (25%)	9y NPP 5y 6m	AD	Drive while disqualified – poss or use prohibited weapon	SNPP 10 years Supplied firearms on 13 separate occasions to undercover operative - included 2 light machine guns and pistols fitted with silencers – all firearms in good working order – middle man below co-offender Dionys in hierarchy but above second co-offender – slightly above mid-range PTSD as a result of armed robbery and death of father
4.	Matthews (59-60) [2013] NSWCCA 326	Supply lge comm qty ecstasy s.51B Sched: Smaller drug and firearms offences	PG (10%)	12y 9m NPP 7y 9m 7y 3m Total: 16y NPP 11y	AA 12y 9m NPP 7y 9m 7y 3m NPP 5y Total: 16y NPP 11y	'formidable' – serious offences – no drug offences	SNPP 10 years Drug supply to undercover officer on two occasions – total 732.4g - co-offender D arranged for drugs to be provided to Matthews who sold to undercover officer – offenders shared \$1000 between them for each supply – financial gain – also sold firearms to undercover officers on three occasions – self-loading pistol with 16 bullets in functional but not perfect working order – 3 rifles in working order Disturbed upbringing – PTSD resulting from prison experience – poor health On appeal: error in not setting NPP for SNPP firearms offence
5.	Anargiros (54) [2016] NSWCCA 134	s.51B Manufacture prohibited firearms: s.50A(2) Supply ephedrine Sched: 8 firearm parts and ammunition offences	PG (25%)	<u>Indicative:</u> 9y NPP 5y 6y 6m NPP 4y 6m 1y <u>Aggregate:</u> 10y NPP 5y	AD	Unlicenced driving	SNPP 10 years Supplied guns to undercover operative and registered source on four separate occasions - sawn-off .22 calibre rifle, .22 calibre Remington rifle, .22 calibre Winchester rifle and eleven .22 calibre pen guns – manufactured pen guns – all firearms supplied with ammunition and in working order – indicated could supply more – financial reward Good prospects of rehabilitation – poor health – protective custody On appeal: no failure to take into account poor health

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	FACTS
6.	Laspina (50-51) [2016] NSWCCA 181	s.51B Supply cannabis Sched 4 offences	PG (25%)	6y 9m NPP 4y 2m FT 2y <u>Total:</u> 7y 9m NPP 5y 2m	AA 6y NPP 3y 8m FT 2y <u>Total:</u> 7y NPP 4y 8m	Prior convictions for drug and firearm offences	SNPP 10 years Supplied over 13kg cannabis to undercover operatives over 20 occasions – in four transactions supplied 8 firearms for \$13,200 - sawn-off 12 gauge shotgun (not in working order); two .22 calibre rifles; .410 gauge shotgun; .22 calibre bolt action repeating rifle with scope; stolen .223 rifle with scope; .303 rifle; and .228 seven shot revolver – also supplied ammunition and crossbow – discussions as to supply of Glock pistols – mid-range On appeal: erred in finding but failing to reflect causal connection between offending and mental health issues
7.	EI Ali [2021] NSWCCA 207	Consp to possess more than three prohibited firearms: s.51D(2) s.51B 15 x Provide false information in firearm application Consp to import firearms part and magazines: Cth	VG VG PG PG (10%)	<u>Indicative:</u> 15y NPP 11y 4m 9y NPP 6y 9m 1y 4m – 2y <u>Aggregate:</u> 16y 9m NPP 12y 6m 8y NPP 5y 6m <u>Total:</u> 17y 3m NPP 13y	AD		SNPP 10 years Over many months imported firearms parts and magazines from legitimate dealers – provided false information – imported sufficient parts to construct 129 complete Glock pistols and 14 partial pistols – further orders made - found in possession of 22 Glock pistols – after receiving parts pistols were reconstructed and sold

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	FACTS
8.	Rodriego (a pseudonym) [2021] NSWCCA 237	Supply lge comm qty cocaine s.51B Sched: 4 offences	PG (combined 45% - increased on appeal to 50%)	<u>Indicative</u> 6y 6m 5y 5m <u>Aggregate:</u> 10y NPP 7y 6m	AA <u>Indicative</u> 6y 8m NPP 5y 4y NPP 3y <u>Aggregate:</u> 8y NPP 6y	AR; supply; conspiracy to cultivate; dishonesty offences	SNPP 10 years Sold guns on three separate occasions to registered source – semi-automatic rifle, pistol and shotgun – selling on behalf of others but could obtain more firearms – sold drugs to same operative – not source of drugs but integral role – could access more drugs on short notice – drug offence mid- range High quality assistance – financially motivated due to gambling and financial stress On appeal: failed to appreciate and rely upon police report on poor condition of firearms – seriousness of firearms offences reduced

Last updated: May 2023