

## Supply Gammabutyrolactone (GBL)

### All Quantities

#### s.25 (NSW) Drug Misuse and Trafficking Act

**s.25(1) Supply or knowingly take part in supply of prohibited drug**

**Commercial Quantity:** 1kg

**Maximum Penalty:** 15 years – s.32(1)

**s.25(2) Supply or knowingly take part in supply of commercial quantity of prohibited drug**

**Commercial Quantity:** 1kg

**Maximum Penalty:** 20 years – s.33(2)

**Standard Non-Parole Period** 10 years (offence committed on or after 1.2.2003)

**Large commercial quantity:** 4kg

**Maximum Penalty:** Life – s.33(3)

**Standard Non-Parole Period** 15 years (offence committed on or after 1.2.2003)

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Bassos</b> <a href="#">[2011] NSWCCA 218</a>	Supply comm quantity GBL  Sched: drug offences	2.118kg	PG (25%)	4y NPP 2y 3m	AD	Minor record	<b>SNPP 10 years</b> Found in possession of drug and drug paraphernalia – appreciably below mid-range Long history of drug abuse – HIV – prospects of rehabilitation

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	RECORD	FACTS
2.	<b>Doumit</b> (48) <a href="#">[2011] NSWCCA 134</a>	s.25A supply cocaine and methamphet  Supply ecstasy  Supply GBL  Sched: 3 offences	5g  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 To change degree of accumulation  <u>Total:</u> 4y 6m NPP 2y 9m	minor	Supplied less than one gram of cocaine and meth to undercover officer on five occasions – ecstasy and GBL found in possession Drug abuse commenced later in life – prospects of rehabilitation
3.	<b>Kokla</b> (43) <a href="#">[2013] NSWDC 209</a> Cogswell SC DCJ	Supply commercial qty bromo / nexus  Possess MDA  Supply GBL  Sched: Drug offences	42.54g  9 tablets  42g	PG (25%)  PG (5%)	4y NPP 2y  FT 18m (concurrent)		Recent drug convictions – breached bail	Found in possession of number of drugs – trading in drugs – towards lower end of commercial supply cases – user / dealer Life spiralling out of control with drug abuse
4.	<b>Cullen</b> (30) <a href="#">[2014] NSWCCA 162</a>	Supply lge comm qty GBL  Supply lge comm qty ecstasy  Supply meth  Supply cocaine  Supply ketamine	11.4kg  991.35g  30.52g  9.29g  181.84g	PG (25%)	<u>Indicative:</u> 9y NPP 6y  9y NPP 6y  2y  2y  2y 6m  <u>Aggregate:</u> 12y NPP 8y	AD	Nil	<b>SNPP 15 years</b> Large scale drug dealer – end supplier – drugs found in apartment

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	RECORD	FACTS
5.	<b>Cahill</b> (33) <a href="#">[2015] NSWCCA 53</a>	Supply comm qty GBL  Supply comm qty GBL  Knowingly take part in supply comm qty GBL  4 x supply GBL  8 x supply Meth  Supply Butanediol  Sched: 4 offences	1.144kg  1.327kg  1.132kg  4.5g 4.7g 115.9g 6.69g  0.17 – 3.5g  9.56g	PG (25%)	<u>Indicative:</u> 2y  2y 6m  2y  6m (each)  6m (each)  6m  <u>Aggregate:</u> 2y ICO	Crown AD (exercise of discretion)	Nil	<b>SNPP 10 years</b> Male involved in supplying drugs to undercover police officers over several months – supplied to fund own drug use – controlled operation – relatively low level seriousness – willing to facilitate supply of larger amounts but no further involvement Drug use masked PTSD resulting from violent rape as young adult – 4m 17d pre-sentence custody – assaulted in custody – 9m residential rehabilitation centre – remarkable rehabilitation On appeal: errors made and sentence inadequate but appeal dismissed in view of progress in rehabilitation and effect return to custody would have
6.	<b>Parente</b> (33) <a href="#">[2017] NSWCCA 284</a>	Supply comm qty GBL  Supply MDA  Supply 1,4 Butanediol  Sched: GIC Supply MDMA Supply Meth	1.3728kg  16.8g  338.8g	PG (25%)	<u>Indicative:</u> 3y 6m  2y  1y 6m  <u>Aggregate</u> 4y NPP 2y	AD	nil	<b>SNPP 10 years</b> Search of car and house found variety of drugs – operating as user / dealer to small circle of drug users – at lower end of scale Criminal lawyer – became drug user to deal with depression – excellent character – remorse – rehabilitation – loss of career On appeal: reconsidered <i>Clark</i> and principle of exceptional circumstances for supply offences

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	RECORD	FACTS
7.	<b>Wilson</b> (53) <a href="#">[2018] NSWDC 162</a> Berman SC DCJ	Supply comm qty GBL	just over 1kg	VG	5y NPP 2y 6m			<b>SNPP 10 years</b> Found in possession of two wine bottles containing GBL – role of offender in supply unclear – below mid-range – not part of ongoing enterprise Difficult personal background – mental health issues – co-operated in conduct of trial
8.	<b>Petkos</b> (49) <a href="#">[2020] NSWCCA 55</a>	Supply lge comm qty GBL  Att supply GBL  Sched: Possess proh weapon Possess precursor	5.624kg  584.3g	PG (25%)	6y 4m NPP 4y 1m  4y 6m  <u>Aggregate:</u> 8y NPP 5y	AD	nil relevant	<b>SNPP 15 years</b> Imported drug from China in two consignments – purity of both consignments above 98% - principal but not part of organised supply syndicate – slightly below mid-range and upper end of low range of seriousness – anticipated modest financial reward Reasonable prospects of rehabilitation – suffering long-term depression affecting custodial conditions On appeal considered relevance of modest financial reward for GBL compared to other drugs
9.	<b>Kadwell (a pseudonym)</b> (28) <a href="#">[2021] NSWCCA 42</a>	s.25A   s.25A  Supply comm qty GBL	Heroin: .49g 3.38g 2.74g 6.85g  Methampet: 3.3g  39.54g .76g 27.2g 26.9g  21.8g 1679g Agreement to supply 2000g	PG (25%) (5% assistance	<u>Indicative:</u> 2y 6m   3y  3y 6m NPP 1y 9m  <u>Aggregate:</u> 4y 3m NPP 2y 3m	AD	Limited. Previous drug supply. Possess drugs. On bail. On CCO.	<b>SNPP 10 years</b> Female - with co-offender engaged in joint criminal enterprise supplying drugs for cash to undercover operative. Substance abuse - money obtained from supplying had gone to “upline supplier” to pay off co-offender’s drug debt and to purchase further drugs for their own use.

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	RECORD	FACTS
10.	<b>Bayssari</b> (50) <a href="#">[2021] NSWCCA 235</a>	Supply methamphet  Supply GBL  Sched: 2 x possess Proceeds off	11.59g  74.1g	PG (5%)	<u>Indicative:</u> 2y 6m  1y 11m  <u>Aggregate:</u> 2y 9m NPP 1y 7m	AD	Significant record	Drugs and \$2,175 cash found in search of premises – drugs used by offender and shared with others – towards lower end of range Some disadvantage in background – lengthy history of drug abuse – low intelligence On appeal: sentence not outside range
11.	<b>Ibrahim</b> <a href="#">[2022] NSWCCA 134</a>	Agree to supply comm qty GBL  Supply meth  Supply GBL  s.166 5 offences	3.7kg  49g  313.3g	PG (25%)	5y NPP 3y  18m  2y  (conviction but no penalty)  <u>Aggregate:</u> 6y NPP 3y 7m	AD	record	<b>SNPP 10 years</b> Agreed to supply 3.7kg GBL over multiple and separate occasions – supplied methamphetamine and had in possession for supply additional GBL – middleman – supplying to support drug addiction Anxiety and depression linked to drug use – traumatic childhood in refugee camp and subsequently in Australia – poor health making custodial conditions more difficult On appeal: no error in taking into account difficult childhood
12.	<b>Col</b> <a href="#">[2022] NSWCCA 279</a>	Supply large comm qty GBL  Deal proceeds crime  Supply meth  Supply drug ongoing  Obtain property by deception  Sched: Supply drug	5,437.4g  \$10,000  140.5g  77.5g meth 1.5l GBL	PG	<u>Indicative:</u> 5y 6m  2y  3y 3m  4y 6m  3y 7m  <u>Aggregate:</u> 8y 4m NPP 6y 3m	AD	record	<b>SNPP 15 years</b> Drugs located in applicant's home. Offending related to drug abuse - recidivist offender who had done nothing to deal with drug issues until coming to be sentenced in present matter - rehabilitation prospects low.

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	RECORD	FACTS
13.	Chu (33) <a href="#">[2023] NSWCCA 13</a>	Supply lge comm qty	3,322.50g	PG (25%)	<u>Indicative</u> 6y NPP 4y	AA <u>Indicative:</u> 5y 3m NPP 3y 6m	nil	<b>SNPP 15 years</b> Drugs and related material found in bedroom – storing drugs for suppliers – limited role but large quantities and multiple types of drugs – well below mid-range Good character – good prospects of rehabilitation – link between mental health issues, drug use and offending On appeal: manifestly excessive in view of mental health issues
		Supply lge comm qty meth	7,418.36g		6y NPP 4y	5y 3m NPP 3y 6m		
		Supply ecstasy	19.16g		2y	9m		
		Supply comm qty GBL	2,047g		4y NPP 2y 8m	3y NPP 2y		
		s.166 Cert: 8 offences			1m-6m	s.10A		
		Sched: 6 offences			<u>Aggregate:</u> 9y NPP 6y	<u>Aggregate:</u> 7y 6m NPP 5y		

Last updated – Feb 2023

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