

Supply Ecstasy / MDMA
Less Than Commercial Quantity
s.25(1) (NSW) Drug Misuse and Trafficking Act

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

Commercial Quantity: 250gm

Maximum Penalty: 15 years – s.32(1)

Ecstasy / MDMA - 3,4 methylenedioxymethylamphetamine

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Sewell (27) [2002] NSWCCA 453	Supply ecstasy Supply methylamphet Supply cannabis leaf	42.5g 3.68g 42.6g	VG PG	4y NPP 2y FT 2y FT 18m (all concurrent)	AD		Found in possession of drugs
2.	Chong (55) [2003] NSWCCA 274	Supply ecstasy	27.8g	PG	3y NPP 2y	AA 3y NPP 18m	Possess ecstasy - no previous custody.	92 tablets found in vehicle. Immediate admissions – elderly offender of prior good character - gambling problem.
3.	Phillips (28) [2003] NSWCCA 373	Supply ecstasy	24.74g	PG	3y NPP 2y 3m	AA 3y NPP 15m		Sent 100 tablets by express mail to sister's boyfriend in Queensland. Special circumstances – rehabilitation prospects.

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
4.	Tirtabudi [2004] NSWCCA 328	Supply MDMA Supply ecstasy / methylamphet Sched: 4 offences	4.56g 4.2g E / 5.42g M	PG (15%)	2y NPP 18m 3y NPP 14m Total: 3y 8m NPP 22m *	AD	Nil - Second offences occurred on bail	On two occasions over several months sold drugs to friends – funding addiction * Total sentence stated to be 3y 6m / NPP 20m but dates set sentence at 3y 8m / NPP 22m
5.	Gidaro (25) [2005] NSWCCA 18	Supply ecstasy Supply amphetamine Sched: Possess cannabis, heroin, methamphet	2.81g (28 tablets) 4.38g	PG	3y NPP 18m 3y NPP 18m (concurrent)	AD	Steal from person – community service	Found in car in possession of drugs and money from drug supply – user / supplier
6.	Walker (39) [2005] NSWCCA 109	Supply ecstasy Supply cannabis oil Sched: Possess drugs, GIC	2.45g 19.6g	PG (20%)	3y 6m NPP 2y FT 18m (concurrent)	AD	Extensive - drugs, AR, BES	Under police surveillance – drugs found in vehicle Drug abuse.
7.	Baker-Turley (18) [2005] NSWCCA 201	Supply ecstasy	Little under 18g	PG	1y 3m NPP 9m Suspended	AD		Passenger in car stopped for random breath test – admitted to police carrying drugs. Drug addiction.
8.	Braithwaite (21) [2005] NSWCCA 451	Supply ecstasy Supply amphetamine Sched: Possess cannabis GIC	17.78g (47 tablets) 20.89g	PG (25%)	3y NPP 12m 2y 7m NPP 9m (concurrent)	AA 2y NPP 8m 18m NPP 6m (concurrent)	Minor driving	Search of backpack – found in possession of drugs and supply apparatus Good 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
9.	Lal (25) [2006] NSWCCA 197	Supply ecstasy Sched: Take part in supply	2.88g	PG	2y 6m NPP 18m	AA 1y 8m NPP 12m		Intercepted telephone conversation - disclosed agreement to supply 10 tablets. Motorbike accident disrupted studies – led to mixing in bad company - special circumstances warranted – rehabilitation prospects.
10.	Heilpern (20) [2006] NSWCCA 311	Supply ecstasy Supply ecstasy Sched: Possess cannabis Cultivate cannabis	33.9g 67g	PG	2y NPP 18m 2y NPP 6m <u>Total</u> 3y NPP 18m	AA 2y NPP 15m 13d 2y 3m 13d <u>Total</u> 3y NPP 15m 13d (immediate release)	Possess drugs.	Undercover police operation – M observed entering offender's car before supplying 100 tablets to undercover police officer – further 200 tablets found in possession of persons in offender's company.
11.	Nguyen (31) [2008] NSWCCA 163	Supply ecstasy	17.8g	VG	2y NPP 18m	AA 2y NPP 1y	Nil	64 tablets found in offender's possession when entering nightclub Good character – employed – rehabilitation - special circumstances
12.	Santos (25) [2010] NSWCCA 127	Supply MDMA Supply MDMA Sched: GIC	4.4g 75.28g	PG	FT 4m 2y 4m NPP 14m <u>Total:</u> 2y 5m NPP 15m	AD	Nil	Supplied 15 tablets to undercover police officer – more drugs found during search at offender's premises Strong subjective circumstances – tertiary educated – employed – diagnosed with cancer at age 9 – anxiety about cancer returning
13.	Michael [2011] NSWCCA 122	Supply ecstasy	5.87g	VG	4y NPP 2y	AA 2y 6m NPP 1y 3m		Sold 20 tablets at hotel - criminality at lower end of scale – strong subjective case. Judge erred in not considering offence was isolated incident – offender in need of continuing psychological assistance.

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
14.	Restuccia (29) [2012] NSWCCA 15	Supply ecstasy Supply ecstasy Supply ecstasy Sched: Related offences	17.83g 2.86g 8.9g	PG (25%)	FT 12m 3y NPP 1y 6m FT 18m <u>Total:</u> 3y 6m NPP 2y	AD	Second offences committed on bail for first offence – breached bond	Found in possession of 17.83g at party – supplied 2.86g to undercover officer – found in possession of 8.9g on arrest – involved in substantial drug dealing
15.	Mauger (32) [2012] NSWCCA 51	Supply ecstasy Sched: Possess cannabis	5.13g (20 tablets)	PG (25%)	Section 10 GBB 2 years	Crown AD	Nil	Arrested at music festival – drugs detected by police sniffer dogs – paid \$800 for drugs for supply to group of friends – had not discussed with friends whether he would be paid for ecstasy - objective seriousness at lowest end of scale Not regular drug user or addict - employed and travelled overseas frequently for work – good character – supportive family - regressed psychological state which impaired his thinking and judgment - remorseful -excellent prospects for rehabilitation - highly unlikely to re-offend
16.	Hutchinson (23) [2014] NSWCCA 317	Supply MDMA s.193B(2) proceeds of crime	497.4g	PG (50% plea and assist)	5y NPP 2y 6m FT 12m (concurrent)	AD	driving record	Passenger in car found in possession of drugs and \$4,200 cash – drugs secreted in car without knowledge of driver – admitted bringing drugs from Queensland for purpose of sale – admitted cash from drug sales – some degree of planning and sophistication Remorse – good prospects of rehabilitation
17.	Chiang (25) [2016] NSWCCA 45	Supply ecstasy	7.1g (24 tabs 18.5%)	PG (25%)	18m NPP 9m	AA 9m NPP 6m	Minor – fines and bond – no drugs	University student purchased drugs – no financial motive Genuine contrition – good 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
18.	Forti (18-19) [2016] NSWCCA 127	Supply MDMA Supply MDMA Deemed supply MDMA Sched: Possess drugs	4 tabs (0.88g) 'some' tablets 2.3g	PG (25%)	<u>Indicative</u> 16m 12m 12m <u>Aggregate</u> 1y 10m NPP 12m	AA <u>Indicative</u> 12m 8m 12m <u>Aggregate</u> 18m NPP 9m	Nil	Sold 4 tablets to young female - 2 tablets passed on to friend who died – further drugs found at offender's home – wide media coverage of case - low level dealer mainly to friends – continued to supply even after he heard about the death Supplied drugs to fund own drug use and pay for living expenses – rehabilitation – family support – special circumstances
19.	Robertson (19) [2017] NSWCCA 205	Supply MDMA Supply psilocin Supply psilocin Supply psilocin Sched: 2 x offences	23.36g 19.9g 7g 5g	PG (25%)	<u>Indicative</u> 9m 10m 8m 8m <u>Aggregate</u> 1y 8m NPP 10m	AA FT 12m suspended upon entering GBB	Nil	Drugs found in offender's car – possession deemed to be for purpose of supply - text messages on phone in which offender agreed to supply small quantities Remorse - ceased using drugs - good prospects rehabilitation. CCA: error in not considering ICO – consideration of principle in <i>Clark</i> (NSWCCA, 15.3.1990)
20.	Gordon (29) [2017] NSWCCA 199	Supply MDMA Supply methylamphet (ice) Sched: Proceeds of crime	39.7g 3.47g	PG (10%)	2y 6m NPP 1y 8m FT 7m <u>Total:</u> 2y 8m NPP 1y 10m	AD	Lengthy - robbery, and property damage, affray, resist police, AOABH - on bail committed further offences	Pulled over for random breath test – found in possession \$490 and \$1,175, various resealable plastic bags and 3.47g ice, four foils containing 133 brown diamond-shaped pills (ecstasy) - street seller supplying illicit drugs to partly support own dependency and partly for profit – low end range Intellectual function in "extremely low range"
21.	Veith [2018] NSWCCA 284	Supply MDMA	2.5g – 31 capsules		12m suspended	AD		Found in possession of drugs at music festival Remorse – out of character – prior good character

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
22.	Trimarchi (41) [2019] NSWCCA 189	Supply cocaine Supply methorphan Supply MDMA Supply cocaine Possess unauth pistol Sched: 4 x drug offences Possess ammo	1.75g 15.64g 48.84g 33.98g	PG	6m 18m 2y 6m 2y 3m <u>Aggregate</u> 3y NPP 2y	AD	minor – no drugs	Supplied 1.75g cocaine – remaining drugs, firearm and ammunition found in unit – serious degree of involvement in drug supply – smorgasbord of drugs Good prospects of rehabilitation – early guilty plea
23.	Noufl (24) [2020] NSWCCA 10	Supply crystal methylamphet Supply MDMA Sched: Supply ice	27.8g 27.5g 6.8g	PG (25%)	22m 15d NPP 11m 9d 22m 14d NPP 11m 9d <u>Total:</u> 2y 1m 14d NPP 1y 2m 9d	AA 1y 8m 1y 6m <u>Total:</u> 2y ICO	Nil	Assisted housemate in supply of drugs – supplied drugs in one transaction to undercover operative outside offender's house – not satisfied of financial gain – low level seriousness Good employment record and community involvement – used drugs at time of offending – depression On appeal: parity
24.	Chamon (25) [2020] NSWCCA 112	s.193B(2) Participate in criminal group Supply MDMA Sched: Supply ketamine Supply ecstasy	28.3g 28.1g 17g	PG (25%)	<u>Indicative:</u> 3y 9m 2y 2y 3m <u>Aggregate:</u> 5y NPP 3y	AD	Nil	Involved in Sydney drug syndicate distributing drugs over several months – \$163,235.90 found in car and apartment – important role – above runner Good character – unlikely to re-offend – good prospects of rehabilitation – nature of France – drug user On appeal: question of parity raised

Last updated: June 2020

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