

Supply Amphetamines / Methylamphetamines

Large Commercial Quantity

s.25(2) (NSW) Drug Misuse and Trafficking Act

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

Large commercial quantity:

Amphetamines - 1kg / Methylamphetamines – 500g after 1.9.2015

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.	Bera (2001) 119 A Crim R 552 [2001] NSWCCA 205	Supply lge comm qty methylamphet Knowingly take part in supply comm qty methylamphet	1.885kg	VG PG	7y NPP 4y FT 3y (concurrent)	Conviction AD		Drugs found in car driven by appellant - involved in extensive drug manufacture and supply organisation (Kalache)
2.	Wardini [2003] NSWCCA 249	Aid, abet etc supply lge comm qty methylamphet	Not stated	PG	2y NPP 18m (PD)	Crown AD	Nil	Few facts - strong subjective features – pressured into offence to discharge considerable business debts – did not initiate offence Good character evidence – real remorse – inordinate and inexcusable delay

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
3.	Aslan (33) [2004] NSWCCA 121	Supply lge comm qty methylamphet Supply firearms on ongoing basis: <i>s.51B Firearms Act</i> Supply methhylamphet on ongoing basis Sched: 5 offences	1,020g 84.7g	PG (25%)	7y 6m NPP 4y 6m 8y NPP 3y 6m 6y 6m NPP 3y 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
4.	Hejazi (32) [2003] NSWCCA 383	Supply lge comm qty methylamphet Supply comm qty methylamphet Sched: 5 x supply Supply comm. qty	1347.6g 274.9g	PG (15%)	9y NPP 6y FT 4y (concurrent)	AD	Lengthy – breached bond and parole	Supplied to undercover police officers – in business of supply Heroin addict – protection – reasonable prospects of rehabilitation – no parity
5.	Naim [2006] NSWCCA 289	Supply lge comm qty methylamphet Supply less comm qty methylamphet Sched: Supply ketamine	1244.3g	PG	9y NPP 6y FT 2y (concurrent)	AD	Breached bond for drug offence	SNPP 15 years Two discrete transactions on two separate days

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
6.	<p>Walsh (25-30)</p> <p>Little (2006) 168 A Crim R 237 [2006] NSWCCA 406</p>	<p>Supply lge comm qty methylamphet</p> <p>3 x Firearm and weapon offences</p> <p>Agg BE with intent</p> <p>SMV</p> <p>Sched: 26 Firearms off 14 other offences</p> <p>Manuf lge comm qty methylamphet</p> <p>Supply lge comm qty methylamphet</p> <p>3 x Firearm and weapon offences</p> <p>Sched: 26 firearms off</p>	<p>50kg purchased – sold 450kg mixture</p> <p>19kg</p>	<p>PG</p> <p>PG(15%)</p>	<p>32y NPP 24y</p> <p>15m / 3y 6m</p> <p>6y 9m NPP 5y</p> <p>FT 2y 2m</p> <p>(all concurrent)</p> <p>22y NPP 16y 6m</p> <p>22y NPP 16y 6m</p> <p>3y 6m / FT 15m</p> <p>(all concurrent)</p>	<p>AD</p> <p>AD</p>		<p>W joined outlaw motorcycle club and took over drug distribution for several years – purchased 50kg pure drug and distributed 450kg mixture – search of house and storage units found drugs and supply indicia and large cache of firearms – indictment offences were possession of Smith and Wesson 6 chamber revolver, .303 calibre Bren machine gun and silencer – also involved in theft and conversion of stolen vehicles and ram raid on ATM</p> <p>L manufactured methylamphetamine and supplied to W over two years – total 19kg</p> <p>On appeal: no error in commencing at life sentence for Walsh or in guilty plea discount for Little</p>
7.	<p>Hamieh (24) [2007] NSWCCA 277</p>	<p>Supply lge comm qty methylamphet</p> <p>Sched One offence</p>	<p>2.1kg</p>	<p>PG</p>	<p>11y NPP 7y</p>	<p>AA 7y 9m NPP 5y 2m</p>	<p>Breached bond</p>	<p>SNPP 15 years Supplied to co-offender from South Australia – not supplying on own behalf Depression – parity</p>
8.	<p>Ly [2008] NSWCCA 262</p>	<p>Supply lge comm qty methylamphet</p> <p>Sched: 3 offences</p>	<p>1101.22g</p>	<p>PG (25%)</p>	<p>12y NPP 8y</p>	<p>AD</p>	<p>Priors</p>	<p>SNPP 15 years Found in possession of money, many mobile phones, supply paraphernalia and drugs – admitted supplying for money – mid-range seriousness</p>
9.	<p>Vigo [2009] NSWCCA 98</p>	<p>Supply lge comm qty methylamphet</p>	<p>Over 40kg</p>	<p>VG</p>	<p>16y NPP 12y</p>	<p>AD</p>		<p>Purchased drugs over many years for on selling</p> <p>Poor prospects of rehabilitation – effect of incarceration on young child</p>

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.	XX (2009) 195 A Crim R 38 [2009] NSWCCA 115	Supply lge comm qty methylamphet Supply lge comm qty MDMA Unauth possession proh firearm Unauth possession proh firearm Sched: 8 offences	3.165kg 7.4945kg	PG (combined 60%)	7y NPP 5y 7y NPP 5y FT 15m FT 18m (all concurrent)	Crown AA 7y NPP 5y 8y 9m NPP 6y 7m 2y NPP 1y 6m 2y 5m NPP 1y 8m <u>Total</u> 9y 6m NPP 7y 4m	supply proh drug	SNPP 15 years (drug) / 3 years (firearm) Ice and ecstasy found in offender's garage – mid-range and just above mid-range - Chinese self-loading rifle and Russian Nagant revolver also found with other weapons and drugs and \$160,000 ash– firearms unloaded but in working order with ammunition nearby – silencer attached to revolver added serious connotation – linked to drug dealing - mid-range seriousness On appeal: error in imposing identical sentence for drug offences – firearm offences required NPP – error to make sentences concurrent
11.	Efstathiadis (27) [2009] NSWCCA 319	Supply lge comm qty methylamphet	1.980kg	PG (10%)	14y NPP 10y	AD	Drug offence	SNPP 15 years Observed supplying drugs to third person in car park with co-offender – participant in drug network Good prospects of rehabilitation
12.	Hristovski (22) [2010] NSWCCA 129	Supply comm qty MDMA Supply lge comm qty MDMA Supply lge comm qty amphet Unauth possess pistol Sched: 2 offences	495.49g (see facts) 1221g	PG (25%)	FT 10y 14y NPP 10y 14y NPP 10y FT 3y (all concurrent)	AD	nil	SNPP 15 years (drug) / 3 years (firearm) Supplied drugs to undercover operative on two occasions – total of 495.49g MDMA – on third occasion supplied 1,221g 'MDMA' that on analysis proved to be amphetamine – indicated ability to supply greater amounts – mid-range - on arrest found in possession of loaded .22 calibre Phoenix brand pistol with one round in chamber and full magazine – relationship to drug offences – slightly above mid-range Prior good character – good prospects of rehabilitation – drug user with substantial debt

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
17.	Hill (38) [2012] NSWCCA 265	Supply lge comm qty methylamphet		PG (25%)	6y NPP 4y	AA 3y NPP 2y	Nil	SNPP 15 years Acted as “go-between” between supplier and buyer – offences took place at offender’s residence. Strong subjective circumstances – prior good character – employed – strong work ethic – assistance to authorities.
18.	AMZ (24) [2013] NSWCCA 6 [2017] NSWCCA 184	Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty heroin Participate criminal group Sched: 2 offences	6kg 6kg 6kg 10kg 1.05kg	PG (55% plea and assist)	9y NPP 6y 9y NPP 6y 9y NPP 6y 11y NPP 7y 6y NPP 4y FT 2y <u>Total:</u> 13y NPP 9y	Second AA 7y NPP 4y 6m 7y NPP 4y 6m 7y NPP 4y 6m 8y NPP 5y 4y 6m NPP 2y 6m FT 1y <u>Total:</u> 12y NPP 8y		SNPP 15 years Involved in organised criminal syndicate over 6 months Second appeal heard and allowed after application under Part 7 of the <i>Crimes (Appeal and Review) Act</i> 2001 - parity

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
19.	Eckersley [2013] NSWCCA 219	Supply lge comm qty methylamphet Knowingly take part in manufacture lge comm qty methylamphet Knowingly take part in manufacture lge comm qty MDMA Sched: 4 drug offences	See facts	PG	12y NPP 8y 12y NPP 8y 18y NPP 11y <u>Total:</u> 21y NPP 14y	AD		SNPP 15 years 'Very significant and managerial organisational' role in two distinct manufacturing ventures – one laboratory held records relating to sale of \$617,000 drugs and 2.145kg methamphet – second laboratory held raw product for 250,000 tablets – offences extended over 12 months
20.	White (37) [2013] NSWCCA 242	Supply lge comm qty methylamphet Sched: 7 offences	3.33kg (low purity – pure form 195g only)	PG (25%)	9y 9m NPP 3y 6m	AD	minor	SNPP 15 years Involved in supply – street value around \$300k-\$400k – just below mid-range objective seriousness. Substance abuse
21.	Cidan [2014] NSWCCA 66	Supply lge comm qty methylamphet Sched: Supply comm qty heroin Dealing with proceeds of crime Sched Proceeds of crime	2.270.8gm 894.8g	PG (12.5%)	7y NPP 3y 4y 4m NPP 2y <u>Total</u> 8y NPP 4y	Crown AA 9y NPP 4y 4y 4m NPP 2y <u>Total:</u> 9y NPP 6y		SNPP 15 years Drugs found in storage unit – deemed supply – opened account using false identity and deposited \$213,687 - \$348,350 found in storage unit – sole trader with fairly large scale operation Suffered poor treatment as a Kurd in Iran Sentences partially accumulated to sentences imposed for opium offences – total sentence: 15y NPP 10y

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.	Baquiran [2014] NSWCCA 221	Supply lge comm qty methylamphet Supply comm qty methylamphet Sched: Participate in criminal group	1kg 321.3g	PG (25%)	12y NPP 7y 5y 6m NPP 3y 6m <u>Total:</u> 12y NPP 8y	AA 10y NPP 6y 8m 5y 6m NPP 3y 8m <u>Total</u> 10y NPP 6y 8m		SNPP 15 years Involved in drug syndicate operating from business owned by offender and ex-wife – sales made to undercover officer
23.	Li (32) [2014] NSWCCA 327	Knowingly take part in supply lge comm qty methylamphet Conspiracy to supply lge comm qty methylamphet Sched: Proceeds of crime	24.9782kg 5kg	PG (15%)	9y NPP 4y 6m 6y NPP 3y (concurrent)	Crown AA 10y NPP 7y 6m 7y NPP 4y 4m (concurrent)		SNPP 15 years Recruited from Hong Kong to work for criminal organisation – paid \$11,400 per month – courier equivalent – acted on telephone instructions from controller – sought to withdraw

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
24.	J.Toole (27)	Supply lge comm qty methylamphet	6.0488kg	PG (25%)	13y NPP 8m	AD		SNPP 15 years Rolled up charges representing number of transactions over several months - significant drug trafficking – JT in position of supervision and higher role – KT involved in more transactions – people working on their behalf – premeditated and sophisticated offences - proceeds offence represented \$200,000 cash found in deposit box at bank – intimidation offence represented entering land with friends and smashing glass door and windows after earlier altercation with victim
		Knowingly take part in supply comm qty cannabis	95.398kg		FT 3y			
		s.193B(1) Proceeds of crime			FT 3y			
		Sched: minor offences			<u>Total:</u> 14y NPP 9y			
	K.Toole (20)	Supply lge comm qty methylamphet	1.0055kg	PG (25%)	9y 9m NPP 6y		more significant – breached parole	
	[2014] NSWCCA 318	Supply cannabis leaf	17.2kg		FT 2y 6m			
		Enter land with intent to intimidate			FT 3y			
		Sched: damage property by fire			<u>Total:</u> 10y 9m NPP 7y			
25.	Lam Chun Lok (20)	Supply lge comm qty methylamphet	2.2 kg	PG (15%)	6y 9m NPP 4y 6m	AD		SNPP 15 years Brothers - Involved in substantial drug operation with co-offender BJ – drugs found by police at residence leased by CKL CLL not principal but above CKL and BJ – intermediary passing on messages and directing CKL and BJ - drug addiction CKL - took direction from older brother CLL and others and performed menial tasks - lesser culpability - remorseful, at low risk of re-offending, good prospects of rehabilitation - drug addiction
	Lam Chun Kit (19)	Supply lge comm qty methylamphet			5y NPP 3y	AD		
	[2015] NSWCCA 87							

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
26.	Plaisted (34) [2015] NSWCCA 287	Knowingly involved in supply lge comm qty methylamphet Knowingly involved in supply lge comm qty heroin	21.807kg 1kg	PG (25%)	14y NPP 9y 4y NPP 2y (concurrent)	AA 11y NPP 7y 4y NPP 2y (concurrent)	Minor – stealing - drive mid-range PCA	SNPP 15 years As employee of transport company arranged transportation of drugs from Sydney to Perth on behalf of a drug syndicate Previous drug and alcohol abuse - very difficult upbringing CCA: limited nature of role – impossible to conclude that offender derived any large profits from participation.
27.	Thomson [2016] NSWCCA 56	Supply lge comm qty methylamphet Possess prohibited weapon Sched: Supply cocaine Consp import comm qty	1.97kg 3.96kg cocaine 1.3kg methamphet 2.25kg MDMA 3.79kg PMMA	PG (25%) PG (10%)	<u>Indicative</u> 8y 2y 6m <u>Aggregate</u> 9y NPP 6y 14y NPP 7y 6m (concurrent)	Crown AA <u>Indicative:</u> 8y 2y 6m <u>Aggregate</u> 9y NPP 6y 14y NPP 7y 6m <u>Total:</u> 17y NPP 10y 6m	Minor	SNPP 15 years (drugs) / 3 years (firearms) Met with co-offenders in NSW and provided ice in suitcase which was taken to Melbourne on a bus by one co-offender – ‘a principal substantially involved in trafficking significant quantities of drugs with significant wholesale and street values’ In unrelated transaction involved in importing drugs from Canada in industrial oven frame – controlled delivery – involved in making arrangements in Australia and supervising others – Taser and 95.4g cocaine found in house Difficult childhood – drug addiction from very early age – family history of mental illness
28.	Hatzisavvas (43) Lopez-Rios (36) [2016] NSWCCA 147	2 x supply lge comm qty methylamphet 2 x supply lge comm qty methylamphet	1kg 13.384kg	PG (33% plea and assist) PG (25%)	8y 3m NPP 5y 9y NPP 5y 6m	Crown AA 11y NPP 7y 11y 9m NPP 7y 6m	Minor limited	SNPP 15 years Sold 1kg of drugs for \$190,000 to undercover – below mid-range - two months later 13.384kg drugs found in shared apartment – mid-range - L slightly higher culpability Both drug users

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
29.	Wang (51) [2016] NSWCCA 161	Supply lge comm qty methylamphet Supply comm qty methylamphet	9968.5g 995.7g	PG (25%)	<u>Indicative:</u> 10y NPP 7y 6y NPP 4y 2m <u>Total:</u> 12y NPP 8y 6m	AA <u>Indicative:</u> 10y NPP 7y 6y NPP 4y 2m <u>Total:</u> 11y 6m NPP 7y 9m	Minor	SNPP 15 years Sold 995.7g drugs to undercover at request of co-offender – subsequently brought 9968.5g for sale to UCO – above mere courier but under directions of co-offender – conducted negotiations, counted money and delivered drugs – financial reward Parity on appeal
30.	Zolfoon (47) [2016] NSWCCA 250 Co-offender: SALEH DASHTI	Supply lge comm methylamphet Supply lge comm heroin Sched: 3 x possess	9kg 3.5kg	PG (25%)	 <u>Total:</u> 10y 9m NPP 4y	Crown AA 15y NPP 8y 6m 10y NPP 6y <u>Total:</u> 15y NPP 10y		SNPP 15 years Supplied drugs in multiple transactions over nearly 2 years – one of several middlemen – below mid-range – personal financial gain Iranian born – 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
31.	Medd (early 40s) [2016] NSWCCA 216 [2018] NSWCCA 36	Supply lge comm qty methylamphet Knowing take part in supply lge comm qty methylamphet	1096.91g 2kg	PG (35% total on 2016 appeal) (20% total on 2016 appeal)	<u>Indicative:</u> 3y 6m NPP 2y 7m 4y 2m NPP 3y 1m <u>Aggregate:</u> 4y 8m NPP 3y 6m	Crown AA <u>Indicative:</u> 5y 4m NPP 4y 8y NPP 6y <u>Aggregate:</u> 9y 4m NPP 7y Crown AA <u>Indicative:</u> 5y 10m 8y 6m <u>Aggregate:</u> 9y 10m NPP 7y 4m	mal wounding and dishonesty offences	SNPP 15 years Sourced and provided drug for co-offender who made deal with under cover operant – arranged for supply to co-offender of 2 kg from different supplier – intermediary organising supply On 2016 appeal – discounts excessive On 2018 appeal - failure to provide assistance.
32.	Dashti (middle aged) [2016] NSWCCA 251 Co-offender ZOLFONOON	Supply lge comm methylamphet Supply lge comm opium Agree to supply lge comm qty heroin Sched: 3 x supply 2 x proceeds	47.56kg 49.85kg 2kg	PG (15%)	<u>Indicative:</u> 20y 15y 15y <u>Aggregate</u> 20y NPP 12y	Crown AA <u>Indicative:</u> 26y 8m NPP 20y 23y 4m NPP 17y 6m 14y NPP 10y 6m <u>Aggregate</u> 28y 8m NPP 21y 6m	Nil	SNPP 15 years A principal in business of supplying drugs – supplied heroin eventually sold by Zolfonoon – used three storage units to store drugs imported from Iran – search found drugs and \$750,000 Iranian born – first time in custody – isolation and language difficulties in custody

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
33.	Baias (58) [2016] NSWCCA 269	Supply lge comm methylamphet Knowingly take part in manufacture comm qty methylamphet Supply lge comm heroin Supply comm qty heroin Sched: Supply drugs	1,094.5g 1,049.98g 613g	VG (20% for trial) VG (25% for offer) PG (25%) PG (25%) (10% for assist)	<u>Indicative</u> 5y 11m NPP 4y FT 1y 7m 5y 6m NPP 3y 9m 5y 10m NPP 4y <u>Aggregate:</u> 11y NPP 7y 6m	AD	Number of supply drugs offences, some relating to heroin.	SNPP 15 years Not at apex of criminal hierarchy but far beyond street dealer, factotum, or other pawn - made arrangements for drug equipment - collected cook from airport - organised premises and lab for drug preparation - assisted in shopping for items and present during preparation – role in sourcing drug albeit believing it to be precursor. Heroin offences - supplied to police undercover for hundreds of thousands of dollars. Committed offences to repay loan.
34.	Saleh (26) [2016] NSWCCA 317	Supply lge comm methylamphet	2kg	PG (10%)	4y 11m NPP 3y 8m	AD	Minor drug possession offences.	SNPP 15 years Involved with co-offenders in supply to undercover operative - sought out supplier – participated in meeting at own home with co-offenders - participated in other meetings - expected some personal benefit from transaction - part of motivation was to assist uncle who had asked offender to find supplier. Commendable employment record - evident employability - support of family – reasonable rehabilitation prospects – remorse

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
35.	HL [2017] NSWCCA 66	Knowingly take part in supply lge comm qty methylamphet Conspiracy to traffic comm qty methylamphet – s302.2(1) <i>Criminal Code Cth</i>	3.0021kg (68.9% purity) 50.0954kg (37.75kg pure)	PG (17.5%)	6y NPP 3y 6m 12y NPP 6y <u>Total:</u> 15y NPP 9y	AA 6y NPP 3y 6m 12y NPP 6y <u>Total:</u> 14y NPP 8y	Nil	SNPP 15 years Involved in an international drug trafficking organisation – left drugs with co-offender in car park (state offences) - drugs concealed in shipping container from Hong Kong - container transported to warehouse rented by flatmate at direction and instruction of offender (Cth offence) – arranged for arrival and distribution of the drugs; arranged for leasing of warehouse Motivated by greed caused by gambling and business losses On appeal – parity with co-accused who had more senior role
36.	Kijurina (28) [2017] NSWCCA 117	2 x supply lge comm qty methylamphet	1.5l oil 2kg	PG (25%)	2y 15m (Intensive Correction Order)	Crown AD	Nil	SNPP 15 years Controlled operation – offered to supply oil and drugs to undercover operation – rip off – no intention or capacity to supply drugs – supplied two containers of ‘oil’ that was not prohibited drug – isolated incident – bottom of range of seriousness Long-term drug user – good prospects of rehabilitation Appeal dismissed in exercise of discretion in view of lengthy time taken to sentence offender
37.	Shi [2017] NSWCCA 183 [2020] NSWCCA 42	Knowingly take part in supply lge comm qty methylamphet Sched: Participate in criminal group	27.9g 139g 139g 239g 2kg	PG	10y NPP 7y	AD AD	Commercial drug supply – kidnapping – mal wound	SNPP 15 years Middleman – supplied drugs to undercover operatives over several months – sourcing drugs – handled large sums of money – escalating transactions Second appeal after successful inquiry – parity to co-offender
38.	Chong [2017] NSWCCA 185	Supply large comm qty methylamphet	923g	PG (25%)	8y 3m NPP 5y 4m	AA 6y NPP 4y	Nil	SNPP 15 years Chinese national visiting Australia – agreed to take drugs by train to Perth – arrested at station – 78.5% purity - part of planned criminal activity – courier – minor although indispensable role – significantly below mid-range Drug user – cultural isolation in custody

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
39.	Fato [2017] NSWCCA 190	Supply lge comm qty methamphet Supply lge comm qty methamphet Supply cannabis leaf Cultivate lge comm qty cannabis plant Knowingly direct criminal group Sched 6 related offences	1.4kg (10% purity) 9.5kg (13% purity) 23 pds 2750 plants	PG	11y NPP 7y 15y NPP 9y 2y 8y NPP 5y 7y NPP 4y <u>Total:</u> 18y NPP 12	Application for extension of time to appeal refused		SNPP 15 years Principal in criminal drug group – offences above mid-range – supplied to undercover operatives
40.	Wan (43) [2017] NSWCCA 261 Co-offender: KWOK	Manufacture lge comm qty methylamphet Supply lge comm qty methylamphet	144.6kg 15.9kg	PG (25%)	18y NPP 12y 12y NPP 9y <u>Total:</u> 21y NPP 15y	AD	Priors in Hong King – not as serious	SNPP 15 years Methamphetamine imported in wax blocks – flew out from Hong Kong to assist in extraction of drugs from blocks and arranging supply to buyers – significant and trusted role – sole liaison in Hong Kong – offence upper range of seriousness – not isolated – sophisticated system of drug trafficking Isolation in custody
41.	Murray [2017] NSWCCA 262	Supply lge comm qty methylamphet Supply lge comm qty MDMA	4.96kg (79% purity) 9.66kg (21.5% purity)	PG (25% on appeal)	11y NPP 8y 13y NPP 9y <u>Total:</u> 14y NPP 10y	AA 10y 6m NPP 7y 10y 6m NPP 7y <u>Total:</u> 11y 6m NPP 8y	Nil – but admitted being involved on 4-6 previous occasions	SNPP 15 years Father attempted to send drugs to Perth by courier – offender admitted to being involved in well planned and organised operation – go-between – involved 4-6 times previously – involvement just below mid-range History of alcohol and drug abuse – financial debts - remorse

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
42.	Kassoua [2017] NSWCCA 307	Supply lge comm qty methylamphet Sched: Supply drug	Nearly 8.8kg	PG (25%)	10y NPP 7y 6m	AD		SNPP 15 years Drugs located in vehicle during undercover police operation - accompanied co-offender who had made arrangements with undercover operative for supply of 1kg (Schedule offence) to be sold for \$200,000. Organised criminal activity – financial gain
43.	Daw (30) [2017] NSWCCA 327	Knowingly take part supply lge comm qty methylamphet Supply comm qty methylamphet Supply methylamphet	6kg 540g 7g	PG (25%)	8y NPP 4y 5y NPP 2y 6m 18m <u>Total:</u> 10y NPP 5y 6m	AD	Obtain financial advantage	SNPP 15 years Female offender - two co-offenders (including husband) brought drugs to premises - significant “hands on” role by offender - active role of offender in dividing up drugs into smaller quantities in readiness for supply – role in permitting premises of which offender was a co-occupant being used for storage and repackaging of drugs.
44.	Wu (27) [2018] NSWCCA 74	Supply lge comm qty methylamphet	5.98kg	PG (25%)	9y NPP 5y 9m	AD	Nil	SNPP 15 years Used falsely-subscribed telephone and code words to arrange to courier drugs - unknown male left drugs in offender’s vehicle pursuant to arrangement - just below mid-range - courier - significant level of involvement in sophisticated trafficking arrangement - motive financial. Remorse – contrition - prospects of rehabilitation - 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
45.	Yiu (28) Yau (22) [2018] NSWCCA 155	Knowingly involved in supply lge comm qty methylamphet Sched: Supply methylamphet Participate in crim group Knowingly involved in supply lge comm qty methylamphet Sched: Participate in crim group	999.1g 20.62g 999.1g	PG (25%) PG (25%)	3y NPP 2y 3y NPP 2y	Crown AA 6y NPP 4y 6y NPP 4y	Nil nil significant	SNPP 15 years Involved in commercial supply to undercover operant – each higher than courier being more akin to broker – involved in introduction of purchaser to supplier and negotiations – other offenders involved – offence at lower than midrange seriousness Yiu – male – student from Hong Kong – addicted to ice – deportation – prospects of rehabilitation Yau – female – from Hong Kong – violent childhood – addicted to ice since 15y – deportation - depression
46.	Kwok (56) [2018] NSWCCA 200 Co-offender WAN	Manufacture lge comm qty methamphet Supply lge comm qty methamphet	144.6kg 15.9kg	PG (25%)	22y NPP 14y 15y NPP 11y 3m <u>Total:</u> 25y NPP 17y	AD	Priors in Hong King – theft, fraud, blackmail, administer stupefying drug	SNPP 15 years Involved with co-offenders - Methamphetamine imported in wax blocks – role of offender was sourcing items required for manufacture, overseeing and supervising cooking process, purchasing sundry items and liaising with others to inform when drug ready for supply – found in taxi cab with co-offender and drugs for supply
47.	Nye (39) [2018] NSWCCA 244	Supply lge comm qty methylamphet Supply lge comm qty amphetamine Supply comm qty methylamphet Sched: 2 drug offences	3.9kg 1.34kg 385g	PG (25%)	7y 6m NPP 5y 2m 6y NPP 4y 3y 9m NPP 2y 7m <u>Total:</u> 8y NPP 5y 8m	AD	not serious – includes a minor drug offence	SNPP 15 years Found in possession of drugs in car driving through the country – further drugs found in house in Sydney – lower range of offending – some duress taken into account Remorse – 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
48.	Grogan [2019] NSWCCA 51	Manufacture lge comm qty methylamphet Supply lge comm qty methylamphet s.193B – Proceeds of crime	see facts	PG	10y NPP 6y 6m 8y NPP 5y 6m 2y 6m <u>Aggregate:</u> 14y NPP 10y	AD		SNPP 15 years Involved in sophisticated drug syndicate – active member – live in caretaker at laboratory site – involved in manufacture – purchased equipment – collected pseudoephedrine – delivered drugs – 27.241kg oil and 4.059kg blocks found on site – liquid waste indicated at least 2.359kg manufactured – police seized \$1,197,980 cash in connection with offences – just below mid-range
49.	Qi (23) [2019] NSWCCA 73	Supply lge comm qty methylamphet Sched: Possess methylamphet	1.9831kg 1.13g	PG (25%)	2y 6m ICO	Crown AA 3y NPP 18m	driving offences	SNPP 15 years Found in possession of drugs when pulled over for random breath test – threw drugs out window attempting to drive away from police – performed minimal but valuable task of transporting drugs – one occasion only – clearing \$30,000 debt – towards lower end Born in China – drug user and gambler – depression – significant progress in rehabilitation by time of appeal
50.	Huang (30) [2019] NSWCCA 144	Supply lge comm qty methylamphet Possess proh firearm: s.7(1) <i>Firearms Act</i> Sched: Proceeds of crime 4 further offences	5,500g	PG (25%)	11y 6m NPP 8y 6m 3y NPP 2y 3m <u>Aggregate</u> 12y 6m NPP 9y 6m 25d	AA 8y 3m NPP 6y 2y 3m NPP 18m <u>Aggregate</u> 10y 6m NPP 7y 10m 14d	Nil	SNPP 15 years Search of offender's premises and motor vehicle uncovered range of drugs including methylamphetamine, over \$1,000,000 in cash, loaded revolver, gambling chips and gift cards to value of \$20,500 - near apex of group engaged in supply Foreign national On appeal found SJ erred in approach to Form 1 offences
51.	Piao (27) [2019] NSWCCA 154	Supply lge comm qty methylamphet Sched: s.93T	1kg	PG (25%)	9y NPP 6y	AD	No significant	SNPP 15 years With two co-offenders, involved in attempt to supply 1kg to undercover police officer – key role - counted money (\$110,000) and retrieved drugs from his nearby 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
52.	Ebrahami (40) [2019] NSWCCA 273	Supply lge comm qty methylamphet s.193B(2) Proceeds of crimes	858.9g \$44,130	PG (20%)	<u>Indicative:</u> 9y 7m NPP 6y 3m 3y 7m <u>Aggregate:</u> 11y 6m NPP 7y 6m	AA <u>Indicative:</u> 7y NPP 4y 2y 6m <u>Aggregate:</u> 8y NPP 5y	minor	SNPP 15 years Found in backyard of his residential unit in possession of drugs and money – no further explanation – seen earlier leaving units visibly distressed and injured – slightly below mid-range Refugee from Iran – isolated life – suffering depression – drug user – reasonable prospects of rehabilitation On appeal: sentence manifestly excessive
53.	Chong (34) [2020] NSWCCA 235	Supply lge comm qty methylamphet Participate in a criminal group by directing – s.93T(4A)	30kg	PG (10%)	15y NPP 10y FT 5y concurrent	AD	Nil	SNPP 15 years Significant role as Sydney coordinator of trans-continental drug movements – part of syndicate importing drugs from Malaysia - 3 deliveries from W.A. - set up and equipped co-offender in Perth for task of packing drugs into spare tyres and co-ordinated reception of deliveries to Sydney; securing leased premises - local oversight of operation - acted at direction of superiors in Malaysia - Participate in criminal group by directing, knowing participation contributed to supply of drugs. Malay national - came to Australia solely for purpose of committing offences. Remorse - endeavours to improve in prison and prospects of rehabilitation. Gambling – drug abuse.
54.	Tiew (32) [2020] NSWCCA 234	Supply lge comm qty methylamphet	67.477kg	PG (10%)	14y 6m NPP 10y 10m	AD	Nil	SNPP 15 years Part of syndicate importing drugs from Malaysia – role of interface between syndicate and customer; safe-keeping of drug until delivery arranged; undertook responsibility and risk of physical handover – came to Australia specifically to take possession of concealed drugs, storing drugs in his accommodation - essential role - significant trust of superiors. Malay national – gambling debt.

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
55.	Hadler (37) [2020] NSWCCA 305	Supply lge comm qty methylamphet Supply lge comm qty cocaine Supply cannabis s.166 Certificate: 4 x possess Sched: s.193B proceeds of crime	996.4g 2.547kg 9.195kg \$34,800	PG (25%)	<u>Indicative</u> 7y 6m 7y 6m 2y 3m s.10A <u>Aggregate:</u> 10y 6m NPP 6y 3m	AD		SNPP 15 years With co-offender (cousin) observed packing drugs into filing cabinet and into ute – further drugs and cash located in premises – misplaced desire to assist cousin with debts and to make some money himself Drug addict – difficult but not deprived childhood – strong prospects of rehabilitation – family On appeal: error in applying discount for plea to aggregate not indicative sentences – no lesser sentence warranted
56.	Tamer (21) [2020] NSWCCA 333	Supply lge comm qty methylamphet Sched: 5 offences	1060g	PG (25%)	7y 10m NPP 4y 9m	AA 7y 6m NPP 4y 6m	Supply drug, proceeds of crime, drive whilst disqualified. On bond.	SNPP 15 years Buyer would contact and meet – 22 separate occasions to predominantly a single purchaser – significant financial benefit \$137k - planned well-organised system of supply in which played pivotal role - intermediary, towards lower end of supply chain - below mid-range. CCA: Error stating applicant aged 23 at time of offending; error finding applicant on bail and regarding that as aggravating factor.
57.	Hoang (62) [2020] NSWCCA 324	Supply lge comm qty methylamphet Deal in proceeds of crime Participate in criminal group Sched: Supply methamphet Deal in proceeds of crime	1.0946kg \$200,000 1 oz \$38,700	PG (15%)	<u>Indicative:</u> 10y 6m NPP 7y 4m 3y 4y <u>Aggregate:</u> 13y NPP 9y	AD		SNPP 15 years Female and head of syndicate supplying drugs in Perth and Sydney – flew to Perth to meet potential customer and supplied 1 ounce – 2 days later phoned to arrange drug importation from Vietnam – had female associates deposit \$38,700 cash in bank accounts – arranged transfer of \$200,000 to own account – three months later took delivery of 1.0946kg drug and prepared it for transportation to Perth by co-offenders Serious health issues – speaks little English On appeal: rejected fresh evidence of medical complaints

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
58.	McLean [2020] NSWCCA 344	Supply lge comm qty methylamphet	18.85kg	PG (10%)	12y 7m NPP 8y 7m	AD	Older record – violence but no drugs	SNPP 15 years Placed under police surveillance after contact with UCO – found in possession of nearly 9kg drugs secreted in car – further amount found in storage unit rented by offender from resident in units – purity of drugs 77-79% - found in possession of additional equipment including multiple communication devices – subordinate but trusted position – not mere courier – responsible for picking up, storing and delivering drugs – slightly above mid-range Drug user – sought financial gain – reasonable prospects of rehabilitation – remorse On appeal: no error in assessment of objective seriousness of offence – sentence not manifestly excessive
59.	Hussein [2020] NSWCCA 342	Supply lge comm qty methylamphet Participate criminal group (s.93T(1))	Various amounts including agreement to supply 1kg - 565.82gms located	PG (not stated)	9y NPP 6y FT 1y 10m (concurrent)	AD	Not indicated.	SNPP 15 years Part of criminal group with four others – central figure but subordinate to B – organised number of supplies to undercover operative – financial gain.
60.	G (23) [2021] NSWCCA 50	Knowingly take part supply lge comm qty methylamphet Conspiracy to supply lge comm qty MDMA Supply MDMA Sched: 2 x Proceeds of crime	1.104kg	PG (20%)	<u>Indicative:</u> 9y 6m NPP 6y 4y <u>Aggregate:</u> 11y NPP 6y 6m FT 12m (concurrent)	AD	Supply drug, proceeds of crime, possess drugs.	SNPP 15 years Participant in enterprise with criminal group – present when purchase money counted – permitted backpack to be used to transport money and drugs – active role in phone conversations. Drug use – struggled with anxiety depression symptoms - remorse and contrition - history of education, training and employment that would be helpful in 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
61.	Boikov (23) [2021] NSWCCA 147	Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply indictable qty methylamphet Sched: 2 x supply drugs	500g 1kg 1.05kg 1.997kg 176g	PG (25%)	<u>Indicative</u> 4y 6y 7y 8y 2y <u>Aggregate</u> 9y NPP 5y 4m	AA <u>Indicative</u> 3y NPP 2y 4y 6m NPP 3y 4y 6m NPP 3y 7y 6m NPP 4y 18m <u>Aggregate</u> 8y NPP 4y 9m		SNPP 15 years With two co-offenders - applicant and co-offender L supplied drugs, mostly to undercover operatives - not a sophisticated operation – role with L as suppliers down the line. CCA: Error not allowing full utilitarian discount of 25% for guilty pleas; error allowing discount for guilty plea on aggregate sentence rather than indicative sentences. Re-sentence: One course of conduct which, overall, is significantly below mid-range in seriousness - special circumstances - age, mental health and maturity - propensity to act impulsively allowing some leniency on account of relative youth- rehabilitation prospects.
62.	Chartres-Abbott (64) [2021] NSWCCA 239	Supply lge comm qty methamphet Supply comm qty heroin Supply comm qty methylamphet Possess shortened firearm Possess shortened firearm Sched: 7 offences	888.79g 368.8g 372.63g	PG (25%)	<u>Indicative</u> 7y 6m NPP 4y 6m 3y 9m NPP 2y 3m 4y 6m NPP 2y 9m 3y 4m 2y 9m <u>Aggregate:</u> 14y NPP 8y 6m	AA <u>Indicative</u> 7y 6m NPP 4y 6m 3y 9m NPP 2y 3m 4y 6m NPP 2y 9m 3y 4m 2y 9m <u>Aggregate:</u> 10y NPP 6y	Lengthy but much largely 'petty' offences	SNPP 15 years Supplied 372.63g methamphetamines to undercover operant over four occasions – remaining drugs and shortened firearms found in house on search – up-line supplier for co-offender – not possible to determine precise role - operation not sophisticated – first offence at lower end of mid-range – other offences at below or at mid-range – firearms both in working order and found near ammunition Long term drug user – traumatic childhood – severe traumatic brain injury resulting in deficits and more onerous custodial conditions On appeal: aggregate sentence outside range

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
63.	Mitchell [2021] NSWCCA 306	Manufacture lge comm qty methylamphet Supply lge comm qty methylamphet s.193B(2) Proceeds crime Sched: 1 offence	27kg (23kg oil - 4kg in block form)		<u>Indicative</u> 17y NPP 13y 15y NPP 12y 5y <u>Aggregate</u> 20y NPP 15y	AD	Supply drugs	SNPP 15y Syndicate – at apex of organisation - sophisticated clandestine laboratory at syndicate’s premises - “wholesale” in nature - manufacturing then supplying large quantities of methylamphetamine oil to others to convert to crystal form for distribution - supply offence involved extensive supply of methylamphetamine over several months, generating substantial sums of money. Objective seriousness above mid-range.
64.	MN (a pseudonym) 44 at sentence [2022] NSWCCA 78	Supply lge comm qty methylamphet Sched: 3 x Supply comm qty methylamphet Supply indictable qty methylamphet	2,342.94g 143.6g 166.48g 144.84g 71.9g	PG (total 45%)	5y 6m NPP 3y 8m	AD		SNPP 15 years Supplied MDA on four occasions to undercover operant over six months – drug addict – below mid-range Remorse – mental health issues – difficult childhood
65.	Care (24) [2022] NSWCCA 101	Supply lge comm qty methylamphet Proceeds crime Sched: 3 offences	1102.85g	PG (25%)	6y NPP 4y 1y 6m <u>Aggregate</u> 6y 9m NPP 4y 9m	AA 5y 3m NPP 3y 3m 1y 3m <u>Aggregate</u> 5y 3m NPP 3y 6m	Supply drugs, drive suspended	SNPP 15 years With three co-offenders – drugs and moneys found on four properties - knowingly involved, rather than a principal actually supplying – lower objective gravity than those more directly involved. Deprived background – drug abuse from young age – drug free since taken into custody – special circumstances: youth, first time in custody. CCA: error as to application of <i>Bugmy</i> principles due to non-acceptance of unchallenged evidence regarding deprived background – failure to give benefit for remorse.

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
66.	B (42) [2022] NSWCCA 102	Supply lge comm qty methylamphet Supply lge comm qty methylamphet	1kg 4.324kg	PG (combined 45%)	6y NPP 4y 3m 5y 3m NPP 3y 2m <u>Total:</u> 7y 3m NPP 5y 2m	AA 4y 1m NPP 3y 6m 5y 3m NPP 3y 2m <u>Total:</u> 6y 7m NPP 4y 6m	nil	SNPP 15 years Attempted importation of 70kg of methamphetamine intercepted – offender flew in from USA and purchased 1kg of ‘drug’ from UCO as sample of 70kg – additional drugs found at home address – not involved in importation – aggravated by planning – acting on instructions but not bottom of chain – approaching mid-range seriousness US citizen – unlikely to re-offend and good prospects of rehabilitation – remorse – onerous custodial conditions On appeal: parity with second offender unknown to offender but who also attempted to obtain portion of imported drugs
67.	Ferguson (29) [2022] NSWCCA 147	Supply lge comm qty MDMA Supply lge comm qty methylamphet Ongoing supply cocaine Supply cocaine Supply cocaine Proceeds of crime Sched: 5 offences	11.24kg 782.3g 141.7g 168g \$3100	PG (25%)	<u>Indicative</u> 5y NPP 3y 3y 9m 3y 2y 3m 2y 3m 6m <u>Aggregate:</u> 6y 6m NPP 3y 3m	Crown AA <u>Indicative</u> 7y 6m 7y 6m 6y 3y 9m 3y 9m No penalty s10A CSPA <u>Aggregate:</u> 10y 6m NPP 6y	Very little.	SNPP 15 years Supplying quantities that clearly imply purchasers were themselves drug suppliers - facilitated supply - used relative's apartment as safehouse to store drugs for others – hid drugs in car's secret compartment - degree of organisation and sophistication - not a principal but performed vital function - trusted with large quantities of drugs worth very large sums of money - activity over several months Very supportive family – drug abuse – strong subjective case - special circumstances for need to continue rehabilitation. CCA: sentence manifestly inadequate - sentencing judge erred in finding objective seriousness “well below the midrange” and “even lower”

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
68.	Smith (a pseudonym) (33) [2022] NSWCCA 123	Manufacture lge comm qty methyamphet	9.6kg	PG (25%)	6y 7m NPP 4y 5m	AD	Nil	SNPP 15 years Involvement in criminal group which imported prohibited precursors and manufactured methylamphetamine – drugs and equipment located in applicant’s bedroom at family home - applicant recruited and paid co-offender to assist in manufacture - responsible for “crystallising” and “packaging” - significant role involving use of premises in manufacturing process, obtaining ingredients, recruitment of co-offender and engaging directly in manufacturing process - significant level of planning. Drug abuse to cope with mental health issues. CCA: sole ground of appeal was parity on manufacture methylamph offence - no disparity established
		Manufacture lge comm qty pseudoephedrine	5.6kg	Combined (45%)	4y 4m NPP 2y 10m			
		Import comm qty precursor	1,310kg ephedrine		6y 7m NPP 4y 4m			
		Supply lge comm qty methyamphet	734g		3y 10m NPP 2y 6m			
		Sched: Supply methyamphet Proceeds of crime offence	29.4g		<u>Aggregate:</u> 12y 4m NPP 8y 2m			

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
69.	Garcia (56) [2022] NSWCCA 172	s.400.3(2) money laundering		PG (15%)	9y	AA 8y	Limited – supply and proceeds offences	SNPP 15 years Involved in handover of \$5,889,800 cash on 16 occasions – further \$1.4m cash found in garage – repeated offending – reckless as to risk cash will become instrument of crime – planning and degree of sophistication – well above mid-range Trafficking offence – principal organiser of on-going mid-scale trafficking enterprise transporting methamphetamine from Sydney to Perth – wholesaler – high degree of planning and pre-meditation – seriousness very high Schedule offence: over three months associated with two persons involved in conspiracy to import 25kg heroin from Fiji State offences: arrested in possession of methamphetamine – additional methamphetamine and cocaine found on premises – not principal but essential and significant role – larger offence within mid-range Remorse – isolation in custody – reasonable prospects of rehabilitation – delay On appeal: error in elements of money laundering offence – error in discount for plea – error in setting overall NPP
		s.302.3 trafficking mkt qty methamphet	451.1g (pure)	(25%)	7y 6m	7y 6m		
		Breach conditional release order			7m	7m		
		Sched: s.390.3(1)		(25%)	<u>Total:</u> 9y 11m NPP 6y 8m	<u>Total:</u> 8y 9m NPP 5y 10m		
		Supply comm qty cocaine	558g	(15%)	<u>Indicative:</u> 5y NPP 3y 3m	<u>Indicative:</u> 5y NPP 3y 3m		
		Supply lge comm qty methylamphet	2,947.4g		10y NPP 6y 6m	10y NPP 6y 6m		
					<u>Aggregate:</u> 12y NPP 7y 6m	<u>Aggregate:</u> 12y NPP 7y 6m		
					<u>Total:</u> 15y 6m NPP 11y	<u>Total:</u> 14y 9m NPP 10y 3m		

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
70.	Chu (33) [2023] NSWCCA 13	Supply lge comm qty methylamphet Supply lge comm qty cocaine Supply MDMA Supply comm qty GBL s.166 Cert: 8 offences Sched: 6 offences	7,418.36g 3,322.50g 19.16g 2,047g	PG (25%)	<u>Indicative</u> 6y NPP 4y 6y NPP 4y 2y 4y NPP 2y 8m 1m-6m <u>Aggregate:</u> 9y NPP 6y	AA <u>Indicative:</u> 5y 3m NPP 3y 6m 5y 3m NPP 3y 6m 9m 3y NPP 2y s.10A <u>Aggregate:</u> 7y 6m NPP 5y	nil	SNPP 15 years 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
71.	XY (pseudonym) (38) [2023] NSWCCA 50	Supply lge comm qty methylamphet Supply comm qty methylamphet Possess shortened firearm Possess prohibited pistol Proceeds of crime Sched: 6 offences	991.4g 288.6g \$288,470	PG (50% combined)	<u>Indicative</u> 6y NPP 4y 2y 3m NPP 18m 1y 9m 1y 6m NPP 1y 1y 3m <u>Aggregate:</u> 7y 6m NPP 5y	AD	Significant – offending breached parole	SNPP 15 years Principal in one man operation supplying wholesale drugs – sold 288.6g drugs – concealed 991.4g drugs, firearms and cash in drum buried in bushland – instructions for manufacture of drugs, steroids and silver knuckledusters found in bedroom – took possession of truck in lieu of drug debt – commercial quantity offence below mid-range – large commercial quantity offence mid-range Difficult childhood – back injury On appeal: reference to sentencing principles for aggregate sentence – sentence not manifestly excessive

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
72.	Hung (62) [2023] NSWCCA 172	Supply lge comm qty methylamphet Sched: Proceeds of crime 3 x Possess proh drug	722g \$4,750 5g meth 5g heroin 5ml GBL	PG (25%)	6y 6m NPP 3y 6m	AD	Lengthy imprisonment for possessing imported drugs	SNPP 15 years On four occasions drugs purchased from undercover operative and stored with offender until another co-offender picked them up, leaving money for next purchase – towards bottom of range Born in Vietnam – remorse – serious medical condition – reasonable prospects of rehabilitation On appeal: rejected ground of disparity
73.	Kiraz [2023] NSWCCA 177	Supply lge comm qty methylamphet Possess proh weapon Sched: 2 x Supply, Proceeds of crime, Possess proh weapon	740.8g	PG (25%)	<u>Indicative</u> 6y NPP 4y 3y NPP 2y <u>Aggregate</u> 8y NPP 5y 4m	AD	'Extensive and serious' (no details)	SNPP 15 years Acquired drugs on 10 occasions from a "dial-a- dealer" supply syndicate – obtained drugs by attending a location or having delivered to him - no involvement or interest in drug supply enterprise from which he acquired drugs, and participants in that enterprise had no interest or involvement in his drug supply activities – further drugs found at offender's home. Drug use at young age - symptoms of post- traumatic stress disorder and substance dependence disorder - special circumstances - strong need for intensive rehabilitation – guarded rehabilitation prospects – remorse.
74.	Wang (30-31) [2023] NSWCCA 208	Supply methylamphet Supply lge comm qty methylamphet Supply lge comm qty methylamphet Sched: 3 offences	31.46g 1497.16g 1996.9g	PG (5%) (25%) (25%)	<u>Indicative</u> 2y 6m 10y NPP 7y 6m 12y NPP 9y <u>Aggregate</u> 13y 6m NPP 10y	AA <u>Indicative</u> 2y 3m 8y 3m NPP 6y 2.5m 9y NPP 6y 9m <u>Aggregate</u> 11y NPP 8y 3m	Proceeds of crime offence	SNPP 15 years Found in possession in unit of 31.46g methylamphet and \$94,120 cash – below mid- range - 6 months later involved in multiple supplies to undercover operative – above mid- range - involved with co-offenders in supply of 1996.9g to undercover operative – reduced to mid-range on appeal – later offences committed while on bail – received financial benefit Born in China – drug addiction – difficult custodial conditions On appeal: disparity and error in assessment of role in third offence

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
75.	Chiarlini [2023] NSWCCA 227	Supply lge comm qty methylamphet Sched: Proceeds of crime	1.978kg (purity 74-76%)	PG (25%)	5y 3m NPP 3y 2m	AD	Nil	SNPP 15 years Sent drugs by Australia Post on behalf of others – intercepted by police – street value \$360k – important role, degree of planning and organisation but no evidence involved in any further planning beyond posting parcel – unsophisticated offence, no attempt to disguise from CCTV at post office – for financial gain. Strong subjective case - background of violence, psychological abuse - mental health - substance abuse - impairment in judgment - became involved with anti-social people. Good character - positive prospects rehabilitation.
76.	Burton [2023] NSWCCA 299	Supply lge comm qty methylamphet 2 x supply large comm qty GBL and butanediol Supply commercial amphet Sched: Proceeds of crime	5.95kg	PG (25%; 10%)	<u>Aggregate</u> 5y NPP 3y	Crown AA <u>Aggregate</u> 8y NPP 4y 8m	Long record of persistent offending; Numerous counts of possessing prohibited drugs	SNPP 15 years Collected drugs from post office – drugs located during search of garage / warehousing Offences committed to reduce pre-existing drug debts and to continue to fund drug addiction – <i>Bugmy</i> - dysfunctional upbringing and mental condition. CCA: significance of sentences previously imposed for separate supplies of large commercial quantities and for separate Cth offences.

Last updated: December 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.