

Supply Cocaine
Commercial Quantity
s.25(2) (NSW) Drug Misuse and Trafficking Act

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

Commercial Quantity: 250gm

Large Commercial Quantity: 1 kg

Maximum Penalty: 20 years – s.33(2)

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

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Dursan (43) (2000) 111 A Crim R 460 [2000] NSWCCA 68	Supply comm qty Sched: 3 related offences	990g	PG	5y NPP 2y 6m (37.5% discount for assist)	Crown AA 5y NPP 3y 6m	Importing drug offences	Informed police informant could obtain cocaine through offender's pizza shop – provided several samples – arrested shortly after third person brought cocaine to shop and showed informant Provided some assistance
2.	CN (16) [2001] NSWCCA 100	Supply comm qty Supply comm qty heroin Sched: GIC	400g 629g	PG	3y 6m NPP 18m 3y 6m NPP 18m (concurrent)	AD		Acted as courier for much older offender in organised dealing of drugs – provided some assistance – also found in possession of \$48,000

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3.	Liu [2003] NSWCCA 65	Supply comm qty Sched: 3 offences	Almost 500g	PG	5y NPP 3y	AD	nil	Arrested in course of surveillance operation – cocaine found at house – scales carrying cocaine traces also found Poly drug abuse – sought to challenge plea on appeal
4.	Denholm (37) [2005] NSWCCA 30 Co-offender PURDIE	Supply comm qty	505.5g	VG	6y NPP 4y	AA 6y NPP 3y 7m	nil	Took delivery of drugs on behalf of principal after paying co-offender – courier – travelled interstate for purpose of pick up – criminality less than co-offender Prior good character – appeal allowed to bring proportion of head sentence to NPP in line with co-offender
5.	Purdie (28) [2005] NSWCCA 15 Co-offender: DENHOLM	Knowingly take part in supply comm qty	505.5g	PG (14%)	5y 9m NPP 4y (+ 6m PSC) 6y 3m NPP 4y 6m	AA 5y 9m NPP 3y 3m (+ 6m PSC) 6y 3m NPP 3y 9m	Minor record – no drug offences	Sold drugs on one occasion - role was to find vendor, negotiate financial aspect, receive and pass on money Long history of drug addiction
6.	Dang (24) [2005] NSWCCA 430	Supply comm qty Sched: possess	983g	PG	6y 6m NPP 4y	Crown AA 9y NPP 5y	Breached s.10 bond – no other offences	SNPP 10 years Calls arranging supply of drugs intercepted by police – subsequently found in possession of cocaine and 1.67g methylamphetamine – more than mere courier – 82.5% purity – single instance of supply – below mid-range Drug addiction – remorse – good prospects of rehabilitation
7.	Yassine (26) [2008] NSWCCA 139	Supply comm qty Sched: 6 offences	495.1g	PG	7y NPP 3y 6m	AD		SNPP 10 years Supplied drugs over three months on four occasions – actual supplies totally 383.1g – further agreement to supply 112g Prior good character

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8.	Tapai (56) [2009] NSWCCA 246	Supply comm qty	657.3g	PG (15%)	9y NPP 5y 6m (from JIRS Summary)	AD	Supply in 1995	SNPP 10 years Female offender – found in possession of drugs after being observed liaising with other persons, arranging for someone to sample drug, confirming with supplier that product be tested and that she could proceed with transaction and negotiating with various people – equal participant with partner – mid level offence Poor mental and physical health - remorse
9.	Burns (53) [2010] NSWCCA 279	Supply comm qty Money laundering Money laundering	251.1g	PG (25%)	6y 9m NPP 4y 9m FT 2y FT 6m <u>Total:</u> 8y NPP 6y	AD	Record including drug offences	SNPP 10 years Found in possession of drugs in nine plastic bags – also found in possession of \$2350 and \$15,000 – offences planned and organised and for financial gain – mid range seriousness
10.	Parris [2013] NSWCCA 5	Supply comm qty Sched: 6 offences	707.2g	PG (12.5%)	6y 1m 15d NPP 2y 6m	AD		SNPP 10 years Drugs and cash found in home of offender
11.	Williams (55) [2014] NSWCCA 57	Supply comm qty Sched: Add drug offences	392.7g	PG (40% for plea and assist)	6y NPP 3y 9m	AD	Small record for drug offences	SNPP 10 years Sold to undercover police officer on six occasions over 3.5 months – selling on behalf of friend – rewarded with small amounts of cocaine for personal use – more than street runner History of employment – long term drug and alcohol user – mental and physical health issues

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12.	Sponberg (42) [2017] NSWCCA 120	Supply comm qty Possess firearm Sched: 4 offences	377.64g	PG (25%)	6y 6m NPP 3y 10m 2y NPP 15m (concurrent)	AA 5y 3m NPP 3y 6m 2y NPP 15m (concurrent)	Nil	SNPP 10 years Supplied to undercover police operative on 5 occasions – motivated by profit. Good character – remorse - depressive illness - good prospects rehabilitation
13.	Trejos [2017] NSWCCA 122	Supply comm qty Supply comm qty Supply comm qty Deal with proceeds of crime Sched: 2 x supply	499g 498g 498.67g	PG (25%)	7y NPP 4y 7y 6m NPP 4y 8y 6m NPP 4y 6m FT 4y <u>Total:</u> 11y NPP 7y	AD	Overseas record for drug offences.	SNPP 10 years Police surveillance - offender received drugs from overseas through the post – communicated with H in Australia who would then find a buyer – was “up-line” supplier to H – would receive payments after supplies completed - intimate knowledge of arrangements H made with others, even if did not know identity of purchaser - mid-range objective seriousness - principal – vital role, supplying to H and also collecting drugs when they arrived in Australia. Offences for financial gain.
14.	Elsaj (40) [2017] NSWCCA 124	s.193B(2) s.193B(2) Supply comm qty ecstasy Supply comm qty cocaine Supply cocaine Sched: 6 possession offense	 489.49g 999.5g 45.8g	PG (25%)	<u>Indicative</u> 5y 6m 2y 6m 9y 9m NPP 6y 6m 10y NPP 6y 9m 3y 6m <u>Aggregate:</u> 16y NPP 11y 9m	AD	priors – no drug offences	SNPP 10 years Supplied ecstasy tablets to co-offender over two months period – tablets supplied to under-cover operator – on arrest found in possession of \$113,145 cash and compressed cocaine buried in back yard – while on bail search of house found 45.8g cocaine and other drugs and \$52,000 cash in garage - well up in drug hierarchy – amount of cash suggests additional drug supplies – premeditated offences for financial gain Violent and traumatic childhood in Lebanon

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15.	Elhassan [2018] NSWCCA 118	Supply comm qty	278g	VG	9y 6m NPP 7y 1m	AA 9y NPP 6y	breached parole for offence of importing comm qty cocaine	SNPP 10 years Observed under surveillance packing cocaine in unit of friend over two days – upon arrest cocaine found in unit – high purity – mid-level organisation – on appeal found no evidence of level of involvement beyond packing two days – low range relatively good subjective features
16.	Thomas (46) [2019] NSWCCA 88	Supply comm qty	987.3g	PG (25%)	5y 6m NPP 3y 6m	AA 5y NPP 3y 2m	nil	SNPP 10 years Delivered bag containing drugs to co-offender – aware drugs in bag – below mid-range Military career – discharged with PTSD – assaulted in custody – good prospects of rehabilitation
17.	Chamoun (44) [2019] NSWCCA 169	Supply comm qty Sched: Proceeds of crime Participate criminal group	250g	PG (10%)	3y NPP 18m	AD		SNPP 10 years Part of criminal group that supplied drugs from offender's business premises - business premises available as a site that became known as centre for supply of cocaine - police located \$17k at offender's residence. Hardship to wife and children – drug addiction – delay (offence committed in 2012) – rehabilitated since commission of offence – special circumstances: first time custody.
18.	Sheather [2020] NSWCCA 162	Supply comm qty Sched: Participate criminal group	308.7g	PG (25%)	4y 10m NPP 3y 2m	AD	Reckless wounding, AOABH, armed robbery, possess restricted substance, possess proh weapon.	SNPP 10 years With co-offender, directed by C to conduct highly organised drug supply to 200 customers – middle role. Remorse – supportive family – drug use.

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19.	Khaler [2021] NSWCCA 40	Supply comm qty Sched: Knowingly take part in criminal group: s.93T(1) Import mkt qty cocaine	Less than 1kg 808.6g	PG (25%)	5y 4m NPP 3y 4m 7y 9m NPP 5y <u>Total:</u> 8y 9m NPP 6y	AD	Nil relevant	SNPP 10 years Observed supplying drugs to member of syndicate and being paid large amount of cash – several weeks later detained at airport having ingested 111 hard pellets of cocaine before flying from Thailand – not management role but more than mere mule – financial reward – aware of wider criminal activities of group – aware of weight of drugs – element of planning Mental health issues – drug user with mounting drug debt – good character – good prospects of rehabilitation – remorse – medium risk of re-offending
20.	Chandab [2021] NSWCCA 186	Knowingly take part in supply comm qty cocaine Unauth possess pistol Sched: 3 offences	634.7g	PG (10%)	3y 9m NPP 2y 3m 6y NPP 4y <u>Total:</u> 6y 3m NPP 4y 2m	AD	History of violence and dishonesty offences	SNPP 10 years (drugs) / 4 years (firearm) Fully loaded and defaced .357 magnum calibre Smith and Wesson and cocaine (83.5% purity) found concealed in offender's motor vehicle - drugs held in safe keeping for someone else - member of motor cycle gang – firearm unconnected to drugs – firearm held in breach of FPO – four months later cash found in house – assaulted inmate while in custody – firearm offence above mid-range Remorse – good prospects of rehabilitation
21.	Labban (33) [2022] NSWCCA 275	Supply comm qty amphet Supply comm qty cocaine Sched: 3 offences	284.89g 366.14g	PG (25%)	<u>Aggregate:</u> 7y NPP 5y 3m	AD	Breached ICO for drug offence – other drug offences on record	SNPP 10 years Involved in supply of drugs to undercover police officer with two co-offenders – drugs supplied in seven transactions over six weeks – dealt directly with officer – equal culpability – mid-range Supporting drug addiction – little insight – poor prospects of rehabilitation On appeal: dismissed parity ground

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22.	Dyson (26) [2023] NSWCCA 132	Supply comm qty cocaine Direct criminal group s.93T Sched: Supply drugs	486g	PG (25%)	<u>Indicative</u> 2y 7m 3y 9m <u>Aggregate:</u> 3y 9m NPP 2y 3m	Crown AD	Driving while disqualified offences. Subject to ICO.	SNPP 10 years Collected drugs for purpose of supply - running cocaine supply syndicate with co-offenders – member of outlaw motorcycle gang – offender retained all their business money - owned and controlled two cars used in supply enterprise - mid-level supplier operating supply business involving as many as seven people beneath him. Trauma from childhood – drug use – special circumstances. CCA: Error in application of parity principle and sentence manifestly inadequate – however, appeal dismissed because Respondent released from custody on day of sentence and progressing well in rehabilitation; Court decided to not intervene and resentence and return to custody.
23.	Emanuele [2023] NSWCCA 316	Supply comm qty cocaine Sched: 2 x possess drugs	Over 250g	PG (25%)	5y NPP 3y	AA 4y NPP 2y 4m	Not relevant.	SNPP 10 years Cocaine transported to applicant's premises by co-offender – drugs concealed within fire extinguishers – intended for distribution - committed for financial gain - involved in drug milieu due to drug use. Prior good character - employed – well-established in life – stable background - remorse - good prospects rehabilitation - unlikely to reoffend. CCA: Error parity – co-offender pleaded guilty to more serious offence.

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24.	Robertson [2024] NSWCCA 22	Supply comm qty cocaine Sched: 2 x supply cocaine Possess cocaine	532.01g 1g 2g 9.96g	PG (25%)	6y NPP 3y 6m	AA 4y 6m NPP 2y 11m	Drug possession, driving offences, common assault	SNPP 10 years Supplied to undercover operant on nine occasions over three months – funding drug addiction and drug debt – supplied smaller amounts as street dealer and found in possession of 9.96g cocaine Difficult background including neglect, exposure to substance abuse and criminal activity, homelessness – mental health issues – genuine remorse – reasonable prospects of rehabilitation On appeal: erred in assessment of seriousness of offence – failed to apply <i>Bugmy</i> principles

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