

Ongoing Supply Heroin

s.25A (NSW) *Drug Misuse and Trafficking Act*

s.25A Supply prohibited drug for financial reward on three or more separate occasions during any period of 30 consecutive days

Maximum Penalty: 20 years

Commenced: 7.8.1998

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
1.	Hoon (18) Pouoa (19) [2000] NSWCCA 137 Co-accused: THOMPSON	s.25A s.25A		PG	MT 8m AT 6m MT 8m AT 6m	Crown AD	drug related matters	Both girls runners for large scale heroin distribution network - provided by middle management with heroin each day and sold on streets - sentenced for three supplies of .25g each but both admitted to regular selling - not involved in administration and received no real profit Both addicted to drugs and vulnerable.
2.	Tipler [2000] NSWCCA 382	s.25A Sched: 7 offences		PG	MT 2y 9m AT 2y 3m	AD No merit in issue of parity.		Involved in ongoing sale of drugs in Tamworth area - higher in hierarchy than female co-offender.
3.	Thompson [2000] NSWCCA 362 Co-accused: HOON POUOA	s.25A Sched: 2 dishonesty offences		PG	MT 8m 3w 4d AT 2y 4m 5d (+ 5w PSC)	AA 14m NPP 5m 2d (to expire day of appeal)	virtually none	Female - runner selling heroin on streets for heroin distribution network. Sold heroin to support addiction. Failure to take into account period at rehabilitation centre
4.	Carter [2000] NSWCCA 490	s.25A Sched: Other drug offences		VG	MT 2y AT 1y	AD	breached recognisance	Female - in business of selling heroin at street level. Long term addiction.

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5.	Huang [2001] NSWCCA 76	s.25A	27.9g (72%) 83.5g (73.5%) 346.9g (70%)	PG	8y NPP 6y	AD		Supplied to undercover police officer. Middle aged man supplying for financial gain - no contrition.
6.	Khaled [2001] NSWCCA 169	s.25A	total – 0.19g	PG	4y NPP 2y	AD	extensive criminal history including drug offences - on parole for drug offence	Supplied to undercover police officer - feeding addiction - street dealer with other sales during this period.
7.	Patek [2001] NSWCCA 315	s.25A	0.40g x 2 0.42g 0.32g	PG (15%)	2y 3m NPP 20m	Crown AD	lengthy	Supplied to undercover police Heroin addict. Sentence “light” but no error shown - some reference to other cases.
8.	Nuth (18) [2001] NSWCCA 318	s.25A Sched: Supply heroin GIC	small amounts	PG	4y NPP 2y	AA 3y NPP 18m	shoplifting - on bond	Supplied small amount of heroin over several weeks - importance of admissions to proving crown case Unemployed – refugee - drug addiction - low intelligence.
9.	Boardman (41) [2001] NSWCCA 431 Co-accused: LENEHAN	s.25A	not stated	PG	3y 9m NPP 2y 10m	AA 3y NPP 2y 3m	long record	Engaged in on going supply with de facto wife - supplied to police officer three times - feeding habit and making profit. Long association with drugs - little prospect of rehabilitation.
10.	Arnott (47) [2001] NSWCCA 497	s.25A Sched: 5 x supply heroin	total of 0.2g	PG (25% on appeal)	4y NPP 2y 6m (from JIRS summary)	AA 2y 8m NPP 2y	Not stated	Female - involved in systematic but small scale dealing over two months to pay debts - desperate financial straits
11.	Le (18) [2002] NSWCCA 26	s.25A		PG	5y NPP 3y	AA 4y NPP 2y	Drugs - GIC	Arrested under police surveillance - supplied heroin from house in Newtown. Youth - refugee background.
12.	Gill (34) [2002] NSWCCA 93	s.25A	0.07g 0.06g 0.16g 0.07g	PG (25%)	3y 6m NPP 2y 8m	AA 3y 6m NPP 2y 6m	extensive - breached bond and bail	Sold to undercover police officer Heroin addiction - accumulation to existing 6m sentence

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13.	Lenehan [2002] NSWCCA 158 Co-Accused: BOARDMAN	s.25A		PG	3y NPP 12m	AA 2y 4½m NPP 8½m		Female - no facts supplied - see Boardman
14.	Bruppacher [2002] NSWCCA 182	s.25A	1.9g 0.11g 0.06g	PG	5y 6m NPP 3y 3m	AD	priors for drug dealing	Evidence of dealing to a considerable extent User
15.	Carter (41) [2003] NSWCCA 243	s.25A	\$50 amounts	VG	3y 8m NPP 2y 9m	AD	Record for supply drugs	Female - supplied to 3 separate persons on separate occasions Lengthy history of drug abuse
16.	Truong (late middle age) [2003] NSWCCA 314	s.25A	\$50 amounts	PG (25%)	3y 6m NPP 2y	AD	Nil	Supplied to undercover police officer
17.	Bentley (35) [2003] NSWCCA 360	s.25A	0.25g 0.27g 0.38g	VG	3y NPP 27m	AD	Limited	Supplied 0.9g over three days to undercover police officer for \$360 Drug addiction – protective custody
18.	Le (30) [2005] NSWCCA 162	s.25A	4.9g 4.9g 5g	PG (15%)	4y 8m NPP 2y 8m	AD	Nil	Sold to undercover police officer – part of more extensive dealing Drug addict
19.	Magtoto (40) [2005] NSWCCA 180	s.25A		PG	2y 8m NPP 2y	AD	Substantial – no supplies – breached bonds and suspended sentence	Sold to undercover police officer Addict
20.	Sama (31) [2005] NSWCCA 191	s.25A	0.05g 0.029g 18.6g methadone	PG	30m NPP 15m	AD	Priors for drug possession	Sold to undercover police operatives – part of planned activity
21.	Huang [2005] NSWCCA 244	s.25A	0.45g 0.10g	PG (15%)	5y NPP 3y 6m	AD	Breached bond	Involved with mother in highly organised and ongoing heroin distribution from residence – supplied to undercover police officer Long-term drug addiction

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22.	Ellaz (30) [2005] NSWCCA 350	s.25A Sched: GIC	0.69g	PG (15%)	2y 10m NPP 1y 10m	AD	Breached bond – record for driving offences	Sold drugs to undercover police officer – part of sophisticated heroin dealing operation – commercial gain Assistance – mental health issues
23.	Giang (23) [2005] NSWCCA 387	s.25A Sched: GIC Possess	Small foils	PG (25%)	3y 3m NPP 1y 9m	AD	Minor	Engaged in business of selling heroin – “arvo shift” – sold small foils for \$50 Some prospects of rehabilitation – drug addiction
24.	Mizzi (20) [2006] NSWCCA 194	s.25A Sched: Knowingly supply heroin	0.2g 0.21g 0.09g 0.19g	PG (25%)	3y NPP 18m PD	AD	Nil	With boyfriend engaged in heroin dealing - boyfriend supplied to undercover police – coercion Difficult childhood – sexual abuse – physical and emotional abuse by co-offender – 2 weeks PSC – mother to four children
25.	Hanza (2008) 191 A Crim R 435 [2008] NSWCCA 288	s.25A s.25A Sched: Supply	27.94g 167.46g	PG	FT 2y 5y NPP 3y <u>Total</u> 6y NPP 4y	AD		Controlled operations - female
26.	Ritter (39) [2012] NSWCCA 121	s.25A s.25A Sched: Deemed supply	80g 80g	PG 25%	6y 6m NPP 3y 6y NPP 4y <u>Total</u> 9y 6m NPP 6y	AD	minor	Thriving drug trade selling small amounts to users – low in hierarchy – charges cover over 160 supplies over two months Dysfunctional childhood – heroin addiction – remorse – good prospects of rehabilitation

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27.	Greer (68) [2015] NSWCCA 312	s.25A s.25A methamphet	Approx 23g Approx 1-2g on 9 occasions	VG	7y NPP 4y 7y NPP 3y <u>Total:</u> 10y NPP 6y	AA 7y NPP 4y 7y NPP 4y <u>Total</u> 8y NPP 5y	Significant - supply drugs	Two offences of ongoing supply during same period but of different drugs - heroin charge based upon 23 occasions of supply to two customers and undercover police officer - meth supplied to single customer on 9 occasions - substantially involved in business of drug dealing. Age – health
28.	Le (56) [2018] NSWCCA 199	s.25A s.25A Sched: Supply drugs, Possess drugs	16.28g heroin 14.69 heroin 306.99 methylamphet	PG (25%)	7y 6y NPP 5y 3m <u>Total</u> 7y NPP 5y 3m	AA 6y NPP 4y 6m 6y 6m NPP 4y 9m <u>Total</u> 6y 10m NPP 5y 1m	Number of prior convictions – firearms – breached parole	Offending spanned over a continuous period of around 2 months - pivotal role in organised and well-established network of drug supply – regular and only point of contact for operative - role extended to attempt to recruit operative as a distributor of illicit drug - role not peripheral Some remorse.
29.	Kadwell (a pseudonym) (28) [2021] NSWCCA 42	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.	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.

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30.	Nunez (32) [2023] NSWCCA 136	2 x s.25A Supply comm qty GBL s.25A GBL Sched: 3 drug offences Proceeds of crime offence	195.97g / 140.02g 1093g 3034.3g	PG (25%)	<u>Indicative</u> 3y 9m 2y 9m NPP 1y 8m 3y 9m <u>Aggregate:</u> 7y 9m NPP 4y 8m	AA <u>Indicative</u> 3y 9m 2y 9m NPP 1y 8m 3y 9m <u>Aggregate:</u> 7y 9m NPP 4y	Drive while suspended	SNPP 10 years Over 3 months supplied drugs to undercover operative on nine occasions – offences linked to personal substance abuse Difficult childhood due to father's mental illness On appeal: SJ failed to take into account custodial conditions due to Covid – appeal allowed to reduce aggregate NPP

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