

Traffic Cocaine
Commercial Quantity
s.302.2 (Cth) Criminal Code

Commenced 6.12.2005

302.2 Traffic commercial quantities of controlled drug

Commercial Quantity: Cocaine – 2kg

Maximum Penalty: Life

| | Case (age if known) | Offence | Amount (pure) | Plea | Sentence | Appeal | Priors | Facts |
|----|---|---|--|-------------|--|--|-----------------------------|---|
| 1. | Maldonado (49) [2009] NSWCCA 189 | Aid and abet manufacture comm qty: s.305.3 (Cth) <u>Code</u> Traffic comm qty Proceeds of crime: s.400.4(1) (Cth) <u>Code</u> Proceeds of crime: s.400.4(1) Sched: Possess mkt qty cocaine Proceeds of crime: s.400.5 | approx. 34kg 6kg \$600,000 \$150,000 21.6g \$50,000 | PG (25%) | 22y 15y 10y 8y <u>Total:</u> 36y NPP 22y | AA 22y 15y 10y 8y <u>Total:</u> 28y NPP 17y | Drug importation offence | Part of group that arranged extraction of cocaine from imported powder – offender arranged premises, transported chemicals and provisioned men conducting extraction – trusted deputy – over several months organised sale of cocaine unrelated to extraction – principal in money laundering On appeal: aggregate sentence manifestly excessive |

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|----|---|--|---|--|------------------|------------------------|--|--|
| 2. | Nakash (43-44) [2017] NSWCCA 196 | Traffic comm qty Sched: Proceeds of crime: s.400.3(1) | 6kg \$1.5 million | PG (combined 1/3 rd) | 8y NPP 4y 6m | Crown AD | Lesser offences expected of drug addicts | Part of sophisticated, well organised and internationally established drug syndicate importing and trafficking very substantial quantities of cocaine – offender committed 8 separate acts over 7 months – money laundered over 15 months – directed and oversaw trafficking – responsible for collection, distribution and transfer of money – role of overseer Horroric childhood in Israel leading to early drug addiction – serious cognitive impairment – after stable marriage relapsed to serious depression then drug use due to treatment for hepatitis – reasonable prospects of rehabilitation – contrition On appeal: sentence lenient but not manifestly inadequate in view of subjective circumstances |
| 3. | Schmidt (45) [2018] QCA 59 | Consp traffic comm qty | Agreement for 20kg | VG | 12y NPP 7y 6m | | Breached bail for serious drug offences | Met in person with undercover officer to discuss purchase of 50-100kg cocaine each month – subsequently agreed to purchase 20kg – controlled delivery of 1kg 'sample' made – senior role in conspiracy |
| 4. | Vujinovic (52) [2024] NSWCCA 10 | Traffick comm qty Sched: s.400.9(1) Proceeds of crime | 649g (86.6%) 1.612g (78.6-82.5%) | PG (25%) | 6y NPP 3y 8m | AA 4y 10m NPP 3y | Nil significant | Three offenders part of criminal syndicate – multiple imports picked up by co-offenders as delivery drivers and delivered to offender – found in possession of 649.3g at arrest - \$7,300 cash found in car – 1612g found at house with empty packets from additional consignments – below mid-range to bottom of range although greater role than co-offenders Remorse – physical health issues lead to increased drug use and mental health issues – onerous custodial conditions due to Covid On appeal: established disparity |

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