

**EXAMPLE THREE****DPP v [OFFENDER'S NAME]****CENTRAL LOCAL COURT – 5 MAY 2020****OUTLINE OF SUBMISSIONS FOR THE OFFENDER****Introduction**

1. *“I would like to apologise to the Australian community and I acknowledge that I have hurt Australia as a whole...after being in gaol, I learnt that cannabis is dangerous. It can destroy the well-being of the community”*: Report of xxxx at [xxx].

**Objective Seriousness of the Offence**

2. Lower end:
  - a. Quantity – just below the commercial quantity
  - b. Sophistication – does not exceed what is ordinarily expected for offences of this type.
  - c. Role – watering and fertilising the plants (see report of xxx at [10])

**Mitigating/Subjective Circumstances**

3. Plea of Guilty: 25%.
4. No Criminal Record & Good character
5. Remorse:
  - a. Plea of guilty
  - b. Letter of apology
  - c. Report of xxx at [10].
6. Good prospects of rehabilitation and low risk of re-offending:
  - a. Co-operation with police at the time of her arrest.
  - b. Remorse and insight into the seriousness of her offending.
  - c. Plea of guilty.
  - d. Good character.
  - e. Family support
  - f. No prison misconduct charges.
  - g. Ms xxx conclusion at [39] that the offender is *“not an inherently anti-social individual and she does not have any significant criminogenic treatment requirements”*.

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**EXAMPLE THREE**7. Hardship in custody:

- a. She is a foreign national; with limited English language skills, and; she has no family in Australia: *R v Huang* (2000) 113 A Crim R 386 per Adams J at [19].
- b. In protective custody.

**Orders/Findings sought**

- 8. Form 1 Offence: the criminality of the Form 1 offence can be reflected in the sentence the court will impose for the principal offence.
- 9. Sentence of Imprisonment
  - a. The only appropriate sentence is one of full-time imprisonment.
  - b. Sentencing statistics **attached**. To be addressed orally.
- 10. Commencement Date: from arrest on 1 July 2019.
- 11. Special Circumstances:
  - a. Likely deportation is irrelevant to the structure of the sentence: *R v Pham* [2005] NSWCCA 94 at [13]-[14].
  - b. First time in custody.
  - c. Hardship in custody.
  - d. Need for supervision in the community to provide the offender with English language and vocational training, and community support: report of xxx at [40].
  - e. If statutory ratio varied, the non-parole period will still reflect all the principles of punishment: *Thach v R* [2018] NSWCCA 252 at [42].

xxxx

Solicitor

5 May 2020

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