

## Manufacture Amphetamines / Methylamphetamines

### Commercial Quantity

**s.24(2) (NSW) Drug Misuse and Trafficking Act**

s.24(2) Manufacture or produces, or knowingly take part in manufacture or production of prohibited drug which is not less than commercial quantity

**Commercial Quantity:** 250gm

**Large commercial quantity:** Amphetamines - 1kg / Methylamphetamines – 500g after 1.9.2015

**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	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Arikan</b> (41) <a href="#">[1999] NSWCCA 331</a>	Knowingly take part in manufacture comm qty methylamphet		PG	18m PD	Crown AD	nil	Involved in Kalache organisation - assisted in manufacture of two quantities of drugs - motivated by friendship for co-offender and small amount of cannabis - minor role Suffering from depression - strong subjective case
2.	<b>Campbell</b> (39) <a href="#">[1999] NSWCCA 332</a>	Manufacture comm qty methylamphet		PG	MT 18m AT 6m	AD	prior convictions	Involved with Kalache - obtained 13,740 boxes of Sudafed tablets to be used in manufacture of drugs - assisted in opening packets aware Sudafed would be used for manufacture of amphetamines - involvement at lower end of scale.
3.	<b>Elfar</b> (2000) 115 A Crim R 64 <a href="#">[2000] NSWCCA 255</a>	Knowingly take part in manufacture comm qty amphetamine	No established amount	VG	MT 2y 4m AT 2y 6m	AD		Involved in ordering equipment for manufacture - commercial quantity based on quantity of ingredients seized by police.

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	<b>Jaouhar</b> (17) <a href="#">[2003] NSWCCA 266</a>	Knowingly concerned in manufacture comm qty methylamphet  Sched: Supply 3.5g Agree to supply	Street value \$1m	PG (25%)	6y NPP 3y	AD	Breached bond for aggravated robbery	Active participant in production process
5.	<b>Hansel</b> (60) <a href="#">[2004] NSWCCA 436</a>	2 x Knowingly take part in manufacture comm qty methylamphet	No established amount	PG (25%)	12m NPP 9m Wholly suspended	Crown AD	Priors for drug offences, inc supply	Large scale production of amphetamines in house – 3 co-offenders Court dismissed appeal in exercise of discretion - Very poor health – ongoing treatment required.
6.	<b>Diesing</b> (38)  <b>Ackland</b> (38)  <a href="#">[2007] NSWCCA 326</a>	Conspiracy to manufacture comm qty methylamphet  Conspiracy to manufacture comm qty methylamphet	Not stated	PG (20%)  PG (20%)	10y 6m NPP 7y 6m  10y NPP 7y	AA 8y 9m NPP 6y 6m  AA 8y 5m NPP 6y	Drug offences – breached parole  Nil relevant	Involved in large scale operation to manufacture methylamphetamines – interstate operation over 5 months – financial gain D – cook – involved in obtaining ingredients and establishing manufacturing process A – primary link between interstate conspirators
7.	<b>Lin</b> <a href="#">[2007] NSWCCA 368</a>	Knowingly take part in manufacture comm qty methylamphet  Sched: Possess cocaine		PG (25%)	8y NPP 6y	AA 6y NPP 4y	Nil	Role of labourer / aider and abetter – co offenders manufactured drugs from residential premises - assisted with general tasks. Appeal allowed on parity ground.

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
8.	<b>Mammone</b> <a href="#">[2013] NSWCCA 325</a>  Co-offender: MAMMONE	Manufacture comm qty methylamphet  Knowingly take part in supply comm qty methylamphet  s.166 Certificate: Poss pill press Poss unreg firearm Fail to keep firearm safe	Est 995g	PG 25%  20%	9y 8m NPP 5y 9m  FT 4y 6m  FT 1m FT 1m No penalty  <u>Total</u> 9y 8m NPP 6y 5m	AA 9y 1m NPP 5y 5m  6y NPP 4y 6m  <u>Aggregate:</u> 9y 1m NPP 6y 1m		<b>SNPP 10 years</b> Involved in manufacturing at rural property – no drugs seized – discussion as to intention to supply recorded On appeal: increased the discount for manufacture offence – NPP should have been applied to supply offence
9.	<b>Mammone</b> <a href="#">[2013] NSWCCA 95</a>  Co-offender: MAMMONE	Manufacture comm qty methylamphet  Supply comm qty methylamphet  Sched: 8 offences	Est 995g	PG (20%)	10y NPP 6y 2m  FT 4y 6m  <u>Total</u> 10y NPP 6y 8m	AD	Drug and firearm convictions – on bail for firearm and drug convictions	<b>SNPP 10 years</b> Involved in manufacturing at rural property – large and sophisticated clandestine laboratory in isolated area – relatively large workforce – essentially a principal in manufacturing operation playing organisational role which included recruiting others and overseeing manufacture with view to selling end product - mid range seriousness - discussion as to intention to supply recorded
10.	<b>King</b> (51-55) <a href="#">[2018] NSWCCA 273</a>	Knowingly take part in manufacture comm qty methylamphet  Possess precursor  Supply methylamphet  Supply methylamphet  2 x Supply methylamphet  Sched 4 offences	20l  56.9g  Unspec  2.2g / .75g	PG (15%)  PG (10%)	5y  2y  2y 6m  1y 3m  9m  <u>Aggregate</u> 7y 6m NPP 4y	AA (to adjust start date by two days)	includes serious drug offence – later offences committed while on bail for former	<b>SNPP 10 years</b> 2010 – supplied small amounts of methamphetamine – middleman dealing in drugs 2013 – purchased various products for clandestine laboratory for rented premises in suburban area – found in possession of 20l drum of Nitromethane – supplied 56.9g to undercover operant – sophisticated and well planned operation

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
11.	Cashel (34) <a href="#">[2018] NSWCCA 292</a>	Knowingly take part in manufacture comm qty methylamphet  Manufacture pseudoephedrine  Supply comm qty buprenorphine  Breach suspended sentence  Sched: Additional offences	320g  89.99g  35.08g	PG (12.5%)	7y 10m NPP 5y 1m  4y 9m NPP 3y 6m  FT 3y  FT 1y 6m  <u>Total:</u> 9y 5m NPP 6y 8m	AA Same sentence imposed (see facts)	lengthy for similar offences – breached bail	<b>SNPP 10 years</b> A primary offender in well organised manufacture of methamphetamine – found in possession of 35.08g buprenorphine – 89.99g extracted pseudoephedrine found at one premises – further extracted pseudoephedrine found at second premises – preparing to use pseudoephedrine to manufacture methamphetamine On appeal substituted conviction for knowingly take part in manufacture of methamphetamine for original conviction of manufacture – where no drug yet produced former offence applies – no lesser sentence imposed Drug user – prospects of rehabilitation

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