

<p>Supply Ecstasy / MDMA</p> <p>Commercial Quantity</p> <p>s.25(2) (NSW) <u>Drug Misuse and Trafficking Act</u></p>
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s.25(2) Supply or knowingly take part in supply of commercial quantity of prohibited drug

Commercial Quantity: 125gm

Large commercial quantity: 500gm

Maximum Penalty: 20 years – s.33(2)

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

Ecstasy / MDMA - 3,4 methylenedioxyamphetamine

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	Chin (25) [2003] NSWCCA 267	Supply comm qty ecstasy Supply cocaine Sched: GIC	478g 4.5g	PG (20%)	6y NPP 3y 6m FT 3y (concurrent)	AD	No significant record	Supplied ecstasy tablets over 4m period – supplied 4.5g cocaine and offered 29g over one month Substantial gambling debts – remorse – prospects of rehabilitation
2.	AMT [2005] NSWCCA 151	Supply comm qty MDMA 2 x GIC	435.7g	PG (60% combined on appeal)	5y NPP 3y FT 3m (concurrent)	AA 3y 4m NPP 2y FT 3m (concurrent)		SNPP 10 years Drugs found in shoulder bag carried by offender – attempting to fly to Perth

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3.	S.Vincent [2006] NSWCCA 78 Co-offender: VINCENT	Knowingly involved in supply comm qty ecstasy Supply comm ecstasy	1000 tabs 1000 tabs	PG (25%)	20m NPP 15m 3y 9m NPP 2y 6m <u>Total</u> 5y NPP 3y 9m	AA 16m NPP 12m 3y 9m NPP 2y 6m <u>Total:</u> 4y 9m NPP 3y 6m		Sat at table while brother made agreement to supply undercover officer – did not participate in negotiations and not present when transfer of drugs took place – one month later supplied to undercover officer in separate transaction.
4.	Smith (18) [2006] NSWCCA 129 Co-offender: BCC	Supply comm qty ecstasy	160g	PG (25%)	2y NPP 1y	Crown AD	Nil significant	SNPP 10 years Involved in supply of ecstasy in car park of MacDonald's – seller for more senior person – not isolated offence Reasonable prospects of rehabilitation – remorse Sentence inadequate but court exercised discretion to dismiss - NPP already expired - New sentence would only be slightly longer by a few months: at [44].
5.	BCC [2006] NSWCCA 130 Co-offender: SMITH	Supply comm qty ecstasy	160g	PG (50% combined)	2y NPP 18m Suspended	Crown AD	Nil	SNPP 10 years Involved in supply of ecstasy in car park of MacDonald's – seller for more senior person Assistance – death threats – good character – prospects of rehabilitation – remorse. Sentence inadequate but court exercised discretion to dismiss – NPP already expired.
6.	Sorbello (38) [2006] NSWCCA 225	Supply comm qty MDMA Sched: Poss meth Poss cocaine	488.8g 2.38g 1.38g	PG (20%)	8y NPP 5y	AA 6y NPP 4y	Nil	SNPP 10 years Picked up drugs for dealer Suffered depression after forced resignation due to skin disease – used drugs to provide pain relief – good prospects of rehabilitation – remorse Appeal allowed on parity ground.

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7.	J.Vincent [2006] NSWCCA 276 Co-offender: VINCENT	Supply comm qty MDMA Supply comm qty MDMA Sched: Supply MDMA Supply cocaine Poss amphet Poss proh weapon	247.8g 326.3g 275g 80.7g 0.48g	PG (20%)	20m NPP 15m 4y NPP 2y 3m <u>Total:</u> 5y 3m NPP 3y 6m	Crown AA 4y NPP 2y 6y NPP 3y <u>Total:</u> 8y NPP 5y		SNPP 10 years (second offence only) Supplied drugs on three occasions to undercover police officer over 15 months (third supply of 275g on schedule) – part of ongoing distribution - significant business of acting as wholesaler of drugs on substantial scale - business extended to a number of different kinds of drugs - attended by degree of threat of violence generally associated with drug trade - substantial, planned operation in which offender played critical role.
8.	J.R.D. (56) [2007] NSWCCA 55	Supply comm qty ecstasy Receiving Credit card fraud Sched: 2 x Receiving	250g	PG (55% combined on appeal)	2y NPP 18m 2y NPP 18m FT 12m suspended	Crown AA 2y NPP 16m FT 10m FT 2.5m <u>Total:</u> 3y 15d NPP 2y 4m 15d	Extensive but old	SNPP 10 years Supplied drugs – sought to sell crates of stolen vodka – used false documents to obtain loan for motor vehicle Physical and mental health problems – assistance
9.	Hutton (44) [2008] NSWCCA 99	Supply comm qty MDMA	478g	PG (25%)	6y NPP 3y	AD	Minor	SNPP 10 years Flew to Sydney from Queensland to pay for and pick up drugs – courier – lower end of scale of seriousness Remorse – drug addict and had succumbed to temptation to obtain drugs

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10.	Kumar (24)	Knowingly take part in supply comm qty ecstasy	196.34g	PG (25%)	3y NPP 21m	Crown AA - 5y 6m NPP 4y 3m	Nil	SNPP 10 years K's passed drugs to F shortly before F supplied to undercover police officer – F made further supplies to members of public - Both engaged in substantial commercial operation for profit - offences "a little below mid-level" - quantities closer to bottom of ranges for commercial quantities K - good character – drug abuse – good rehabilitation prospects F - drug abuse – good rehabilitation prospects
		Knowingly take part in supply comm qty ecstasy	255.51g		4y NPP 2y	6y NPP 4y 6m		
		Knowingly take part in supply comm qty ecstasy	252.27g		4y NPP 2y	6y NPP 4y 6m		
		Knowingly take part in supply comm qty methamphet	204.7g		4y NPP 2y	6y NPP 3y		
	Feagaiga (27)	Supply comm qty ecstasy	196.34g		3y NPP 2y	5y 6m NPP 4y 3m	Assault, malicious damage	
		[2008] NSWCCA 328 Supply comm qty ecstasy	255.51g		4y 3m NPP 2y 3m	6y NPP 4y 6m		
		Supply comm qty ecstasy	252.27g		4y 3m NPP 2y 3m	6y NPP 4y 6m		
		Supply comm qty methylamph	204.7g		4y 3m NPP 2y 3m	6y NPP 3y		
		3 x Supply cannabis	2oz / 2oz / 3 oz leaf		FT 2m	FT 2m		
		Supply amphet	0.2g		FT 2m	FT 2m		
		2 x Supply ecstasy	3 / 4 tablets		FT 2m	FT 2m		
				<u>Total:</u> 6y NPP 4y	<u>Total:</u> 11y NPP 8y			
				<u>Total:</u> 6y 3m NPP 4y 3m	<u>Total:</u> 11y NPP 8y			

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11.	Barlow (19) (2010) 204 A Crim R 111 [2010] NSWCCA 215	Supply comm qty ecstasy		PG (40% combined)	2y 6m NPP 15m PD	AA 2y 4m NPP 13m 2w PD (44 days PSC)	Nil	SNPP 10 years Parents telephoned police after finding large amount of money in offender's car - no actual detection of drugs - volunteered to police that \$120k was from sale of 10,000 ecstasy tablets – stated that sale of drugs was out of fear due to debt owed from drug deal that did not eventuate – middleman - not for financial gain. Very strong subjective features – youth, naïve, full assistance to police where no drugs actually found – remorse - considerable rehabilitation - very supportive family. SJ erred in imposing sentence partly comprised of backdated period of full-time custody, with balance to be served by way of periodic detention.
12.	NJB (32) [2010] NSWCCA 275	Supply comm qty MDMA Manufacture comm qty MDMA Supply MDMA	416.4g 309.5g	PG (25%)	9y NPP 5y 9y NPP 5y FT 4y (concurrent)	AA 6y NPP 3y 6m 5y NPP 2y 6m FT 4y <u>Total:</u> 6y 6m NPP 4y	Low range PCA and BES	SNPP 10 years Involved in multiple supplies of MDMA with brother – used pill press to convert powder to tablets – lesser offender – brother sentenced for large commercial quantities – bottom of mid-range Commenced substance abuse after significant life events – good prospects of rehabilitation – remorse – high sports achiever – loss of reputation On appeal: failure to differentiate between offences – error in assessment of objective seriousness

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13.	O'Brien (19-20) [2010] NSWCCA 297 Co-offender: ELLIS LOCKE MCKELLAR	Supply comm qty MDMA Supply comm qty MDMA Supply comm qty MDMA Supply less comm qty MDMA	170.75g 282.42g 296.1g 53.72g	PG (25%)	6y 6m NPP 3y 6m 8y 6m NPP 4y 6m 8y 6m NPP 4y 6m FT 3y <u>Total</u> 12y 6m NPP 8y 6m	AA 6y NPP 3y 6m 8y NPP 4y 6m 8y NPP 4y 6m FT 3y <u>Total</u> 9y 6m NPP 6y	minor	SNPP 10 years Involved in drug distribution network - 2 co-offenders involved in street dealing – sourced drugs from offender and another co-offender – number of supplies to dealers and undercover operatives over several months – found in possession of smallest amount of drug on arrest – senior role in drug distribution – high end range of middle of range Drug addiction
14.	McKellar (20) [2010] NSWCCA 295 Co-offender: ELLIS LOCKE O'BRIEN	Supply comm qty MDMA Supply less comm qty MDMA Sched: Proceeds of crime	190.25g 19.01g	PG (25%)	5y NPP 3y FT 18m <u>Total:</u> 6y NPP 4y	AA 5y NPP 3y FT 18m <u>Total:</u> 5y 3m NPP 3y 3m	nil	SNPP 10 years Involved in drug distribution network – sourced drugs for street dealer – supplied drugs in 35 transactions over 6 months – found in possession of smaller amount and \$6,000 on arrest Father to young son – remorse – good prospects of rehabilitation – unlikely to re-offend – drug user
15.	Locke (19) (2010) 207 A Crim R 34 [2010] NSWCCA 296 Co-offender: ELLIS MCKELLAR O'BRIEN	Supply comm qty MDMA Supply comm qty MDMA s.25A MDMA Supply less comm qty MDMA	296.1g 360.28g 20.62g 83g	PG (25%)	7y 6m NPP 4y 8y 6m NPP 4y 6m FT 3y FT 4y <u>Total:</u> 11y 6m NPP 7y 6m	AA 6y NPP 4y 7y 6m NPP 4y FT 3y FT 4y <u>Total:</u> 9y NPP 5y 6m	minor	SNPP 10 years Involved in drug distribution network –street dealer – multiple transactions over several months – offences at high end of mid-range Drug and alcohol problem

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19.	Ayshow (33) [2011] NSWCCA 240	Supply comm qty ecstasy Supply methylamphet Unauth possess pistol Sched: 7 drug and firearm offences	194g 94.6g	PG (10%)	12y NPP 6y 4y 6m NPP 2y 4m 6y 9m NPP 4y <u>Total:</u> 14y NPP 8y		Possess drug and unauth firearm – on parole for armed robbery	SNPP 10 years (drug) / 3 years (firearm) On arrest driving to drug supply found in possession of methylamphetamine, ecstasy and loaded 9mm pistol – involved in drug dealing at wholesale level – more than mere courier – not isolated offence – mid-range – pistol related to drug activity – well within upper range seriousness Born in Iraq – difficult childhood – drug user
20.	LMN [2012] NSWCCA 52	Supply comm qty ecstasy Supply comm qty ecstasy		PG (25%)	FT 3y 8y NPP 4y <u>Total</u> 8y 6m NPP 4y 6m	AD		SNPP 10 years Facts not provided. Issue on appeal related to assistance to authorities.
21.	Farrell (26) [2012] NSWCCA 245	Supply comm qty ecstasy	229.44g	VG	9y NPP 6y 9m	AA 6y 6m NPP 4y	Minor dishonesty offence	SNPP 10 years Source of drugs supplied by co-offender to undercover police officer on four occasions Financial profit - Parity

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22.	Perdija (21) [2012] NSWCCA 244	Supply comm qty MDMA Supply comm qty MDMA Supply comm qty MDMA Supply comm qty MDMA Sched: 13 offences	277.6g 294.9g 214.9g 2000 tablets	PG (25%)	5y 6m NPP 2y 9m 5y 6m NPP 2y 9m 5y 6m NPP 2y 9m 7y 6m NPP 3y 9m <u>Total</u> 9y 9m NPP 6y	AA 5y 6m NPP 2y 9m 5y 6m NPP 2y 9m 5y 6m NPP 2y 9m 5y 6m NPP 2y 9m <u>Total:</u> 7y NPP 4y 3m	Nil	SNPP 10 years Sold drugs to undercover police officer on three occasions – on final occasion offered to sell 2000 tablets- facilitator – middle of low range Drug use caused by stressful events – good rehabilitation – genuine contrition – good character
23.	Robinson (59) [2012] NSWCCA 26	Supply comm qty MDMA Supply less comm qty methylamphet	125.42g 115.5g	VG	9y NPP 4y 6m 6y NPP 3y <u>Total:</u> 9y NPP 6y	AA 9y NPP 4y 6m 6y NPP 3y <u>Total:</u> 9y NPP 5y	Fraud and drug offences	SNPP 10 years Female – drugs found in house belonging to offender's absent son - \$15,000 found with drugs – warehouse for commercial gain – low purity – beneath mid-range
24.	Allen [2014] NSWCCA 193	Supply comm qty ecstasy	1000 tablets - 304.7g (purity 14%)	PG (25%)	2y 9m NPP 1y 8m	AD		SNPP 10 years Drove R to Sydney to purchase drugs – hid drugs in car – stopped by police – showed police where drugs hidden – knew that he was driving R for an illegal purpose – to be paid \$500 – courier. Good character – supportive family.
25.	Kassis (29) [2013] NSWCCA 298	Supply comm qty ecstasy Supply cocaine Sched: 2 offences	997.5g 24.6g	PG (25%)	8y 6m NPP 5y FT 15m <u>Total:</u> 9y NPP 5y 6m	AD	Nil	SNPP 10 years Drugs and \$8,000 found in unit – 82.5% purity – role was to at least store drugs that would be made into ecstasy pills – part of drug distribution

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26.	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
27.	Zuffo (22) [2017] NSWCCA 187	Supply comm qty MDMA s.25A MDMA Sched: Supply MDMA	260g 167.5g 100g	PG (10%)	5y NPP 2y 6m FT 18m <u>Total:</u> 5y 3m NPP 2y 9m	AD	Minor drug and driving offences	SNPP 10 years Dealt in drugs to support habit – agreed to sell 1,040 pills and 400 pills to two separate persons – supplied 670 pills to multiple persons on four occasions over three weeks Difficult childhood – bullied at school leading to low self-esteem – drug abuse started at 18y – evidence of rehabilitation – unlikely to reoffend
28.	Kandemir (26) [2018] NSWCCA 154	Knowingly take part in supply comm qty MDMA Knowingly take part in supply comm qty methylamphet	8.66kg 4.96kg	PG (15%)	4y 6m NPP 2y 10m 4y 6m NPP 2y 10m <u>Total:</u> 5y 6m NPP 3y 10m	AD	Assault, AOABH, resist police.	SNPP 10 years With co-offenders part of drug operation – lesser role than co-offender - role in travelling to Perth, arranging accommodation and car hire, and maintaining communications to receive consignment and pass it on to another - over 2 week period Drug abuse – gambling - good rehabilitation prospects - re-offending low

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29.	Christie-Gilbert [2019] NSWCCA 9	Knowingly take part in supply comm qty MDMA Sched: Poss restricted substance Supply cannabis	218.5g	PG (25%)	5y 6m NPP 3y 6m	AD	offences in Queensland	SNPP 10 years Found driving car containing 10.4994kg cannabis, 32 diazepam tablets and ecstasy – drove co-offender to Adelaide to collect drugs Drug user

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