

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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