

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

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
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	Traffic 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

Last Updated: Feb 2024

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.