

**Traffic Heroin**  
**Commercial Quantity**  
s.302.2 (Cth) Criminal Code

Commenced 6.12.2005

302.2 Traffic commercial quantities of controlled drug

Commercial Quantity:

Heroin – 1.5kg

Maximum Penalty:

Life

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
1.	Nguyen (34) (2010) 204 A Crim R 246 <a href="#">[2010]</a> <a href="#">NSWCCA 226</a>	Consp traffic comm qty  Consp deal in proceeds: s.400.3(1) <u>Cth</u> <u>Code</u>	2 x 2.8kg  \$15m	PG (20%)	12y  10y  <u>Total:</u> 14y NPP 9y 3m	12y  Crown AA 13y  <u>Total:</u> 16y NPP 10y 8m	Nil relevant	After discussion over three weeks supplied 2 consignments of heroin – sentence not challenged on appeal Money laundering an unrelated offence - over 10 months deposited \$15million in accounts for transfer interstate and overseas – could not establish criminal conduct from which funds sourced - managed and directed very big and intricately planned criminal organisation – received commission On appeal: money laundering offence close to worst case

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.	<b>Trandy</b> (40)	Consp traffic comm qty	1.5kg	PG	9y	AA 9y	nil	Aug-Nov 2005 - Trandy and Nugyen conspired to transfer \$2,021,000 in breach of reporting requirements – money was proceeds from commercial trafficking of heroin Dec 2005 – Oct 2006 - conspired to traffic 1.5kg heroin – Ngo joined conspiracy several months later – \$5,374,500 laundered to purchase heroin – attempts made to source heroin over ten months – successful in purchasing at least three marketable quantities T – oldest and most senior offender – born in Vietnam – difficult background – effect of imprisonment on wife Nguyen and Ngo – similar level in hierarchy – part of core group - born in Vietnam On appeal: combination of errors required re-sentence on appeal	
		Consp deal in proceeds: s.400.3(1) (Cth) <u>Code</u>	\$2,021,000		6y	6y			
		Consp deal in proceeds: s.400.3(1) (Cth) <u>Code</u>	\$5,374,500		7y	7y			
	<b>Nguyen</b> (22)	Consp traffic comm qty	1.5kg	PG	8y	8y			
		Consp deal in proceeds: s.400.3(1) (Cth) <u>Code</u>	\$2,021,000		5y	5y			
		Consp deal in proceeds: s.400.3(1) (Cth) <u>Code</u>	\$5,374,500		6y	6y			
	<b>Ngo</b> (28)	Consp traffic comm qty	1.5kg	PG	3y	Crown AA 7y			
		Consp deal in proceeds: s.400.3(1) (Cth) <u>Code</u>	\$5,374,500		4y	6y			
		<a href="#">[2009] VSCA 321</a>			<u>Total:</u> 5y NPP 3y 6m	<u>Total:</u> 8y NPP 5y			

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
3.	Le (26) <a href="#">[2010]</a> <a href="#">NSWCCA 285</a>	Consp traffic comm qty  Consp import traff qty heroin: s.233B(1) <u>Customs Act</u>  Consp deal in proceeds – s.400.3(1) (Cth) <u>Code</u>	3.5kg (bulk) heroin  2.3kg (bulk) methamphet  \$4,700,000	PG (50% combined)	13y 6m NPP 9y  7y  7y (All concurrent)	AA 12y 6m NPP 8y 3m  7y  7y (All concurrent)	nil	Over 13 months involved in drug importing and distribution syndicate – drugs arrived in Sydney and taken to Melbourne – involved in nine incidents – actively involved in supply and transportation – arranged for couriers to take heroin and methamphetamine to Melbourne – total of 3.5kg of heroin and 2.3kg of methamphetamine dealt with by syndicate - arranged for drugs to be imported from Vietnam – involved in general oversight of money remittance business to transfer money for drug dealing – drug purity low – lieutenant to principal offender Drug user – genuine contrition – rehabilitation – unsuccessfully attempted to stop involvement On appeal: parity with co-offender
4.	Ngo (32) <a href="#">[2021] VSCA 21</a>	Consp traffic comm qty  Consp traffic comm qty  Proceeds of crime: s.400.3(1) (Cth) <u>Code</u>  Deal with money suspected to be proceeds of crime: s.400.9(1) (Cth) <u>Code</u>	6kg+ (gross) methamphet  2kg+ (gross) heroin  750g+ (gross) methamphet  700g+ (gross) heroin  \$1,178,610  \$1,999,743.25	PG	15y 10m  15y 6m  5y  2y  <u>Total:</u> 18y 8m NPP 12y 10m  (pre discount for guilty plea: 23y NPP 18y)	Leave to appeal refused	Record includes drug offences, burglary and intentionally cause serious injury	Head of drug syndicate operating in western suburbs of Melbourne – first conspiracy 2.5 months – second conspiracy 1 month – sourced and purchased drugs – transactions for sale of drugs – collection and storage of drugs and cash – setting prices – maintaining records – second conspiracy linked to loaded firearms and 3.2kg pure methamphetamines and 1.37kg pure heroin found in search - prime financial beneficiary s.400.3 offence: proceeds from conspiracy offences - \$1,178,610 proceeds with \$588,612 actually amount deposited s.400.9: proceeds from unknown criminal activity in previous four years - \$1,999,743.25 – 109 separate transactions – top end of spectrum Dysfunctional and difficult upbringing resulting in early drug addiction – prospects of rehabilitation poor – primary motivation was financial On appeal: no error in reducing benefit of plea for contested factual hearing – sentence not excessive

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Priors	Facts
5.	L. Tran (47) <a href="#">[2022] VSCA 45</a>	Traffic comm qty	At least 2,340g	PG	10y 6m NPP 7y  (pre discount for guilty plea: 13y 6m NPP 9y 6m	Leave to appeal refused	Drug related	Female – involved with international drug trafficking syndicate that imported heroin – involved in four transactions over 3 weeks – collected, transported and delivered drugs – trusted and integral role - reasonable degree of planning, sophistication and co-ordination – financial profit Vietnamese born – some remorse - reasonable prospects of rehabilitation

Last Updated: Jan 2023