

## Manufacture Amphetamines / Methylamphetamines

### Less Than Commercial Quantity

s.24(1) (NSW) Drug Misuse and Trafficking Act

s.24(1) Manufacture or produces, or knowingly take part in manufacture or production of prohibited drug

**Commercial Quantity:** 250gm

**Maximum Penalty:** 15 years – s.33(1)

	CASE	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Ayoub</b> <a href="#">[2001] NSWCCA 241</a>	Knowingly take part in manufacture methylamphet  Supply methylamphet  Supply cocaine  Shed: Unlawful possession of ammunition	189g  14g	PG	4y NPP 3y  4y  4y (concurrent)	AD		Laboratory found in shed at premises – contained chemicals used in manufacture of drugs including 13,000 Sudafed tablets – methylamphetamine and cocaine and hollow-point revolver ammunition also in shed
2.	<b>Karabatsos</b> (32) <a href="#">[2002] NSWCCA 526</a>	Knowingly take part in manufacture methylamphet		PG (25%)	5y NPP 3y 9m	AA 3y NPP 2y	minor	Found in possession of material for manufacture of methylamphetamine including pseudoephedrine – pseudoephedrine had capacity to produce 117g pure methylamphetamine – manufacturer and principal – financial profit only
3.	<b>Tolley</b> (36) <a href="#">[2004] NSWCCA 165</a>	Knowingly take part in manufacture methylamphet  Sched: Knowingly take part in manufacture Possess unregistered firearms		PG	2y (suspended)	Crown AA 2y NPP 1y	Minor matters	Found in laboratory in shed on parent's property – 246 pseudoephedrine tablets – 2 years earlier found in possession of 77g methylamphetamine and two rifles – permitted premises to be used

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	CASE	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	<b>Williams</b> (39) (2005) 156 A Crim R 225 <a href="#">[2005] NSWCCA 355</a>	Manufacture methylamphet  Possess precursor  Supply methylamphet  Possess prohibited weapon  Sched: Supply methylamphet		PG (25%)	8y NPP 4y (global sentence)	AA 6y NPP 3y 3m  FT 2y  6y NPP 3y 3m  FT 18m  (concurrent)	Lengthy record	Manufactured dug from home laboratory – found in possession of 84.9g low purity methylamphetamine, Sudafed tablets and replica pistol – telephone transcripts show agreed to supply 75.3g methylamphetamine  Extremely disturbed childhood with psychiatric problems and sexual abuse – continues to suffer psychiatric symptoms – effect of imprisonment on psychiatrically disturbed son
5.	<b>Langham</b> (48) <a href="#">[2006] NSWCCA 306</a>	Manufacture methylamphet  Supply methylamphetamine  Sched: Incite possess precursor		PG	3y 4m NPP 2y 6m  2y NPP 18m  <u>Total:</u> 4y NPP 3y 6m	AD	Drug related offences	Partially dismantled laboratory with 1541g mixture containing pseudoephedrine and methylamphetamine found at premises – 9mths later involved in supply of methylamphetamine – empty decongestant packets found at premises – expected manufacturing process to produce 75g pure methylamphetamine  Drug addicted
6.	<b>Salafia</b> (39) <a href="#">[2015] NSWCCA 141</a>	Manufacture methylamphet	31.6g	PG (10%)	3y 6m NPP 2y 2m	AD	Affray	Significant role – upper management – police surveillance recorded conversations related to manufacture of drug – police search of site revealed numerous items related to manufacture of drug - manufactured drug found in four items in liquid form – 31.6g purity 100%.  Supportive family – employed.

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7.	<b>Meis</b> (43) <a href="#">[2022] NSWCCA 118</a>	Supply methylamphet  Manufacture methylamphet  s.166 2 x s.24A(1)(a) possess precursor	24.58g  1g	PG (25%)  PG (5%)	<u>Indicative</u> 2y 7m  2y  11m  <u>Aggregate:</u> 3y 3m NPP 1y 8m	AA <u>Indicative</u> 2y 6m  21m  9m  <u>Aggregate:</u> 3y NPP 1y 6m	Drug supply offence in 2008 – bond	With co-offenders conducted manufacturing in garage of offender's home over 12 months – found in possession of drug after agreement to supply to UCO – below range offences - 4kg iodine and 10kg hypophosphorus acid found in search of offender's home – mid range offences Born in Argentina – strong subjective case – became involved in drugs after series of family tragedies – ongoing back pain from accident – genuine remorse – reasonable prospects of rehabilitation On appeal: error in treating record as aggravating factor
8.	<b>Chen</b> <a href="#">[2026] NSWCCA 11</a>	Take part in manufacture  Sched: Take part in manufacture  Att poss comm qty prohibited drug: s.307.5  Dispose proceeds of crime: s.400.9(1)  Identity fraud: s.372.1(1)  Traff mkt qty prohibited drug: s.302.3(1)  Traff mkt qty prohibited drug: s.302.3(1)	175g  125g  3,576.27g methylamph 2,352.02g heroin  \$137,436.65  688.04g methylamph  8.8g ketamine	PG (25%)	<u>State Offence:</u> 8y NPP 5y  <u>Cth Offences – Aggregate Sentence:</u> 13y NPP 8y  <u>Total:</u> 15y NPP 10y	AA 6y NPP 9y  (appeal against state sentence only)  <u>Total:</u> 14y NPP 9y	Nil	Clandestine laboratory found in home of offender – manufacturing took place over 6 weeks – involved to 'high degree' for financial gain - not isolated offence – committed in context of commonwealth offending over period of years Born in China – no genuine insight or remorse – prospects of rehabilitation guarded On appeal: appeal against state sentence only – discussion of assessment of manifest excessive by considering comparative cases – 'markedly inconsistent'

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