

## Manufacture Amphetamines / Methylamphetamines

### Commercial Quantity

**s.24(2) (NSW) Drug Misuse and Trafficking Act**

s.24(2) Manufacture or produces, or knowingly take part in manufacture or production of prohibited drug which is not less than commercial quantity

**Commercial Quantity:** 250gm

**Large commercial quantity:** Amphetamines - 1kg / Methylamphetamines – 500g after 1.9.2015

**Maximum Penalty:** 20 years – s.33(2)

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

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
1.	<b>Arikan</b> (41) <a href="#">[1999] NSWCCA 331</a>	Knowingly take part in manufacture comm qty methylamphet		PG	18m PD	Crown AD	nil	Involved in Kalache organisation - assisted in manufacture of two quantities of drugs - motivated by friendship for co-offender and small amount of cannabis - minor role Suffering from depression - strong subjective case
2.	<b>Campbell</b> (39) <a href="#">[1999] NSWCCA 332</a>	Manufacture comm qty methylamphet		PG	MT 18m AT 6m	AD	prior convictions	Involved with Kalache - obtained 13,740 boxes of Sudafed tablets to be used in manufacture of drugs - assisted in opening packets aware Sudafed would be used for manufacture of amphetamines - involvement at lower end of scale.
3.	<b>Elfar</b> (2000) 115 A Crim R 64 <a href="#">[2000] NSWCCA 255</a>	Knowingly take part in manufacture comm qty amphetamine	No established amount	VG	MT 2y 4m AT 2y 6m	AD		Involved in ordering equipment for manufacture - commercial quantity based on quantity of ingredients seized by police.

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
4.	<b>Jaouhar</b> (17) <a href="#">[2003] NSWCCA 266</a>	Knowingly concerned in manufacture comm qty methylamphet  Sched: Supply 3.5g Agree to supply	Street value \$1m	PG (25%)	6y NPP 3y	AD	Breached bond for aggravated robbery	Active participant in production process
5.	<b>Hansel</b> (60) <a href="#">[2004] NSWCCA 436</a>	2 x Knowingly take part in manufacture comm qty methylamphet	No established amount	PG (25%)	12m NPP 9m Wholly suspended	Crown AD	Priors for drug offences, inc supply	Large scale production of amphetamines in house – 3 co-offenders Court dismissed appeal in exercise of discretion - Very poor health – ongoing treatment required.
6.	<b>Diesing</b> (38)  <b>Ackland</b> (38)  <a href="#">[2007] NSWCCA 326</a>	Conspiracy to manufacture comm qty methylamphet  Conspiracy to manufacture comm qty methylamphet	Not stated	PG (20%)  PG (20%)	10y 6m NPP 7y 6m  10y NPP 7y	AA 8y 9m NPP 6y 6m  AA 8y 5m NPP 6y	Drug offences – breached parole  Nil relevant	Involved in large scale operation to manufacture methylamphetamines – interstate operation over 5 months – financial gain D – cook – involved in obtaining ingredients and establishing manufacturing process A – primary link between interstate conspirators
7.	<b>Lin</b> <a href="#">[2007] NSWCCA 368</a>	Knowingly take part in manufacture comm qty methylamphet  Sched: Possess cocaine		PG (25%)	8y NPP 6y	AA 6y NPP 4y	Nil	Role of labourer / aider and abetter – co offenders manufactured drugs from residential premises - assisted with general tasks. Appeal allowed on parity ground.

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
8.	<b>Mammone</b> <a href="#">[2013] NSWCCA 325</a>  Co-offender: MAMMONE	Manufacture comm qty methylamphet  Knowingly take part in supply comm qty methylamphet  s.166 Certificate: Poss pill press Poss unreg firearm Fail to keep firearm safe	Est 995g	PG 25%  20%	9y 8m NPP 5y 9m  FT 4y 6m  FT 1m FT 1m No penalty  <u>Total</u> 9y 8m NPP 6y 5m	AA 9y 1m NPP 5y 5m  6y NPP 4y 6m  <u>Aggregate:</u> 9y 1m NPP 6y 1m		<b>SNPP 10 years</b> Involved in manufacturing at rural property – no drugs seized – discussion as to intention to supply recorded On appeal: increased the discount for manufacture offence – NPP should have been applied to supply offence
9.	<b>Mammone</b> <a href="#">[2013] NSWCCA 95</a>  Co-offender: MAMMONE	Manufacture comm qty methylamphet  Supply comm qty methylamphet  Sched: 8 offences	Est 995g	PG (20%)	10y NPP 6y 2m  FT 4y 6m  <u>Total</u> 10y NPP 6y 8m	AD	Drug and firearm convictions – on bail for firearm and drug convictions	<b>SNPP 10 years</b> Involved in manufacturing at rural property – large and sophisticated clandestine laboratory in isolated area – relatively large workforce – essentially a principal in manufacturing operation playing organisational role which included recruiting others and overseeing manufacture with view to selling end product - mid range seriousness - discussion as to intention to supply recorded
10.	<b>King</b> (51-55) <a href="#">[2018] NSWCCA 273</a>	Knowingly take part in manufacture comm qty methylamphet  Possess precursor  Supply methylamphet  Supply methylamphet  2 x Supply methylamphet  Sched 4 offences	20l  56.9g  Unspec  2.2g / .75g	PG (15%)   PG (10%)	5y  2y  2y 6m  1y 3m  9m  <u>Aggregate</u> 7y 6m NPP 4y	AA (to adjust start date by two days)	includes serious drug offence – later offences committed while on bail for former	<b>SNPP 10 years</b> 2010 – supplied small amounts of methamphetamine – middleman dealing in drugs 2013 – purchased various products for clandestine laboratory for rented premises in suburban area – found in possession of 20l drum of Nitromethane – supplied 56.9g to undercover operant – sophisticated and well planned operation

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11.	<b>Cashel</b> (34) <a href="#">[2018] NSWCCA 292</a>	Knowingly take part in manufacture comm qty methylamphet  Manufacture pseudoephedrine  Supply comm qty buprenorphine  Breach suspended sentence  Sched: Additional offences	320g  89.99g  35.08g	PG (12.5%)	7y 10m NPP 5y 1m  4y 9m NPP 3y 6m  FT 3y  FT 1y 6m  <u>Total:</u> 9y 5m NPP 6y 8m	AA Same sentence imposed (see facts)	lengthy for similar offences – breached bail	<b>SNPP 10 years</b> A primary offender in well organised manufacture of methamphetamine – found in possession of 35.08g buprenorphine – 89.99g extracted pseudoephedrine found at one premises – further extracted pseudoephedrine found at second premises – preparing to use pseudoephedrine to manufacture methamphetamine On appeal substituted conviction for knowingly take part in manufacture of methamphetamine for original conviction of manufacture – where no drug yet produced former offence applies – no lesser sentence imposed Drug user – prospects of rehabilitation
12.	<b>Campbell</b> (416) <a href="#">[2019] NSWCCA 1</a>  Co-offender: SMITH	Manufacture comm qty meth  Possess precursor  Supply meth  Possess precursor  Possess precursor  Sched: 14 offences (including 6 precursor offences)	641g  18.5kg hypophos acid  19.2g  20kg iodine  6.467kg red phosph	PG (25%)	<u>Indicative:</u> 5y 7m NPP 3y 9m  2y 3m  12m  2y 3m  1y 10m  <u>Aggregate:</u> 8y 6m NNP 5y 7m	Crown AA <u>Indicative:</u> 6y 9m NPP 4y 4m  4y  12m  4y 6m  4y  <u>Aggregate:</u> 11y NPP 7y	previous convictions for drug offences	With co-offender involved in manufacture of prohibited drugs in remote property owned by co-offender – large scale and well organised operation - related materials found in other locations – role lower than that of co-offender – manufacture offence just above mid-range Positive steps taken towards rehabilitation – special circumstances – member of motorcycle gang

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	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	ORIGINAL SENTENCE	APPEAL	RECORD	FACTS
13.	Smith (46) <a href="#">[2019] NSWCCA 1</a>	Manufacture comm qty meth	641g	PG (25%)	<u>Indicative:</u> 6y NPP 4y	Crown AA <u>Indicative:</u> 7y NPP 4y 6m	previous convictions for firearms offences	<b>SNPP 10 years</b> With co-offender involved in manufacture of prohibited drugs in remote property owned by offender – large scale and well organised operation - related materials found in other locations – role higher than that of co-offender - had possession of firearms in storage unit as member of bikie gang - also in possession of stolen but licenced firearm – manufacture offence just above mid-range Mental and physical health issues – special circumstances – member of motorcycle gang
		Possess precursor	18.5kg hypophos acid		2y 3m	4y		
		Supply comm qty meth	993g		4y 6m NPP 3y	6y NPP 3y 10m		
		Possess precursor	936.27g pseudoeeph		18m	3y 4m		
		Possess firearm in contravention of order: s.74(1)			3y	6y		
		Agg possess firearms: s.51D(2) <i>Firearms Act</i>			6y NPP 4y	7y 6m NPP 4y 10m		
	Co-offender: CAMPBELL	Sched: 34 offences (including 5 precursor offences)			<u>Aggregate:</u> 11y NPP 7y 4m	<u>Aggregate:</u> 16y NPP 10y 6m		

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