

Supply Cocaine
Less Than Commercial Quantity
s.25(1) (NSW) Drug Misuse and Trafficking Act

s.25(1) Supply or knowingly take part in supply of prohibited drug

Commercial Quantity: 250gm

Maximum Penalty: 15 years – s.32(1)

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
1.	Colin (35) [2000] NSWCCA 236	Supply		PG	2y bond	Crown AA 12m PD		Involved in regular supply of small amounts of cocaine - came into contact with cocaine working at restaurant – supplied on behalf of patron who had provided accommodation – drug addiction
2.	Armstrong (23) [2001] NSWCCA 77	Supply		VG	3y NPP 18m	AD		Female - runner in drug organisation – regularly sold 0.02g cocaine over 2 months – high level of criminality for street supply Overcome addiction
3.	Ayoub (29) [2001] NSWCCA 241	Supply cocaine Supply methyl Knowingly take part part manufacture methylamphet Sched: Possess ammo		PG	4y NPP 3y 4y NPP 3y 4y NPP 3y (all concurrent)	AD		Laboratory found in backyard shed – methylamphetamine, cocaine and ammunition also found

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4.	Poulsen (20) [2002] NSWCCA 108	Knowingly take part in supply	6.1g	PG (20%)	4y NPP 2y	AA 3y NPP 12m	Minor	Found in car with 30 balloons containing 6.1g cocaine – involved for profit Remorse
5.	Depalo (30) [2003] NSWCCA 80	Supply	6.25g	PG (20%)	2y 6m NPP 1y 10m 12d PD	AA \$3,000 fine (6m of PD served)	nil	Observed supplying 6.25g cocaine to co-offender – middleman delivering drug from one supplier to another Delay – isolated offence – good character
6.	Salazar (54) [2004] NSWCCA 13	Deemed supply Sched: Deemed supply	50.8g 17.9g	PG (10%)	2y 8m NPP 2y	AD	Old record	17.9g of cocaine found in plastic bags in car – 50.8g cocaine of 75% purity found in house Colombian – health problems
7.	Harmouche (19) (2005) 158 A Crim R 357 [2005] NSWCCA 398	Supply	200g	PG (25%)	2y 6m NPP 1y 3m PD	Crown AA 3y 4m 11d NPP 2y 4m 11d	Offence committed while on bail – minor traffic offence	With co-offender sold cocaine through third persons – over one month offered to sell about 200g some of which was supplied Remorse and rehabilitation
8.	Postlewaight (28) [2007] NSWCCA 230	Knowingly take part in supply Sched: 2 x cocaine supply offences	85.2g 28.4g 28.4g	PG (25%)	4y NPP 3y	AA 3y NPP 1y	Drink driving	Cocaine addict – on three occasions delivered cocaine on behalf of co-offender Genuine remorse – difficult childhood leading to early drug abuse – linked to offending On appeal: assessment of offence as mid-range excessive
9.	Mitchell (25) [2008] NSWCCA 192	Supply Supply methyl	14.36g 26.9g	PG	3y 4m NPP 2y 6m 3y 4m NPP 2y 6m (concurrent)	AA 2y NPP 1y 6m 2y NPP 1y 6m (concurrent)	Priors for drug offences	Found in possession of cocaine and methylamphetamine – purchased drugs with friends for buck's night Parity
10.	Youssef (25) [2014] NSWCCA 285	Supply	29.86g	PG (25%)	2y 6m NPP 1y	AA 12m NPP 7m	Nil	Found in possession of drugs when pulled over for traffic infringement – purchased for use at birthday party Commenced drug use after serious work injury – ineligible for community service part of ISO – SJ erred in finding substantial involvement in supply

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11.	Valenti (28) [2016] NSWCCA 16	Supply	7.68g	VG	20m ICO	AD	2 x PCA Possess	Male found in pub in possession of drugs in 12 sealed bags – some drug for personal use Low risk of re-offending
12.	West (36) [2017] NSWCCA 271	Supply Sched: Dealing proceeds crime	35.76g	PG (25%)	2y 6m NPP 1y 4m	AA 1y 6m NPP 8m	Minor	Police search of offender's vehicle located drugs – street value \$10,728. Drug addiction – operated own business – highly-regarded.
13.	Trimarchi (41) [2019] NSWCCA 189	Supply cocaine Supply methorphan Supply ecstasy Supply cocaine Possess unauth pistol Sched: 4 x drug offences Possess ammo	1.75g 15.64g 48.84g 33.98g	PG	6m 18m 2y 6m 2y 3m <u>Aggregate:</u> 3y NPP 2y	AD	minor – no drugs	Supplied 1.75g cocaine – remaining drugs, firearm and ammunition found in unit – serious degree of involvement in drug supply – smorgasbord of drugs Good prospects of rehabilitation – early guilty plea
14.	Rizk (25) [2020] NSWCCA 291	Knowingly take part in supply cocaine Knowingly take part in supply cannabis Sched: 2 drug offences	112g 1,362g	PG (25%)	<u>Indicative:</u> 3y 3m 2y 6m <u>Aggregate:</u> 3y 6m NPP 2y 7m	AD	Driving and drug offences – offences committed while serving ICO	Principal in drug syndicate directing runners selling small amounts of drugs over several months – organised and reasonably sophisticated syndicate – around mid-range Prospects of rehabilitation fair

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15.	<p>DG (No 1) [2023] NSWCCA 292</p> <p>DG (No 2) [2023] NSWCCA 294</p>	<p>Supply cocaine</p> <p>2 x s.7(1) Unauth possess pistol</p> <p>Possess proh weapon</p> <p>Acquire ammunition</p> <p>Sched: 2 offences</p>	29.5g cocaine	PG (45% combined)	<p><u>Indicative</u> 12m</p> <p>Each - 1y 11m NPP 15m</p> <p>10m NPP 6m</p> <p>9m</p> <p><u>Aggregate:</u> 3y 6m NPP 2y 4m</p>	AD		<p>SNPP 4 years (possess firearm) Drug supply committed under duress to repay debts to criminal associates – used mobile phone to take orders and cause delivery drivers to act at his direction - assaulted by associates after communicating he no longer wished to distribute drugs resulting in hospitalisation - items located during search of residence for drug supply offence – instructed by criminal associates to store weapons. Assistance.</p>
16.	Bojlevski [2024] NSWCCA 208	<p>Supply cocaine</p> <p>Direct criminal group</p> <p>Proceeds of crime</p>	116g	PG (25%)	<p><u>Indicative</u> 3y 3m</p> <p>1y 1m</p> <p>1y 1m</p> <p><u>Aggregate:</u> 3y 9m NPP 1y 11m</p>	AD		<p>Supplied four quantities of cocaine - surveillance of communications with co-offender showed appellant discussed supply. Strong subjective case of reform - favourable subjective circumstances including prospects for future good conduct.</p>

Last updated: November 2024

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