Supply Heroin

50-250g

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	RECORD	FACTS
1.	**Kelly** NSWCCA 11.6.1992	3 x Supply Knowingly take part in supply	5g 56g 5g	VG	MT 5y AT 20m	AD		Female – principal - 3 actual supplies - knowingly took part over one month - part of large scale operation Female
2.	**Dimovski** (37) NSWCCA 3.8.1992	3 x Supply	14.4g 67.43g	PG	MT 2y AT 18m (concur with existing sentence)	Crown AA MT 3y AT 1y	Third offence committed on bail and serving PD	Nov 1989 and Mch 1991 – part of commercial operation Exceptional hardship on third party
3.	**Edwards** (44) NSWCCA 14.8.1992	Supply	60g	PG	MT 7y AT 2y	AA MT 4y AT 1y 4m	long history of drug offences	Supply over nine months – police found 0.1g in house - admitted purchasing drugs, keeping some and selling to support habit - Judge decided 60g involved Drug addict - serious efforts made at rehabilitation - heroin addict for 20 years
4.	**Attalah** (39) NSWCCA 16.2.1993	2 x Supply	$50 deals 225.6g	VG	MT 4y AT 1y 4m (+ 1y 3m PSC)	AD	Priors for drugs (234g heroin)	Supplied $50 deals to female on 4 occasions – observed purchasing heroin for $40,000 for purpose of re-sale Discount for assistance 1/6.

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5.	**Sarca** (32) NSW CCA 11.5.1993 **Horvat** NSWCCA 9.3.1994	Supply Accessory to supply	222g 222g	PG VG	MT 3y 6m AT 12m (+ 4 1/2m PSC) MT 3y AT 12m	AD AD	nil drugs, primarily driving significant	Actual supply to undercover police officer. AS – facilitator – negotiated and handed over drugs – ill wife – good subjective features DH – involved to significant extent
6.	**Higgins** (40) NSWCCA 15.12.1993	3x Supply	.35g 11.9g 224g	VG	MT 6y 3m AT 2y 1m (+3 1/2m PSC)	AA MT 4y AT 15m	Lengthy	2 actual supplies - third supply was agreement to supply only.
7.	**Davis** NSWCCA 3.2.1994	2 x Supply	114g Small amounts	VG	MT 3y 9m AT 1y 3m	Conviction AD		Supplied to undercover police - small amounts found at house.
8.	**Grace** (31) NSWCCA 22.2.1994	2 x Supply	12.4g 138.6g	PG	MT 4y AT 1y	AD	no drugs but bond for BES	Supplied on two occasions to undercover police officer
9.	**Rahme** NSWCCA 2.3.1994	5 x Supply	4.5 oz (127.35g) 3 oz (84.9g)	PG	MT 2y 6m AT 10m	AD		Agreed to supply 4oz to undercover police officer – additional ½ oz to be supplied - taped phone calls agreeing to supply three separate amounts (totalling 3oz).
10.	**Bulejick** NSWCCA 21.7.1994	Supply	82.66g	VG	MT 3y AT 3y	Conviction AD		Supply to undercover police officer – scales and .85g found in home
11.	**Dibella** NSWCCA 24.8.1994	3 x Supply	4.35g 8.2g 111.4g	PG	MT 2y AT 8m	AA MT 15m AT 9m	minor	Actual supplies to police officer - third supply was agreement to supply but withdrew. On appeal Crown could not prove BRD that offender had not withdrawn from third supply.
12.	**Hamzy** NSWCCA 5.10.1994	2 x Supply	131.7g 9.6g (morphine)	VG	MT 4y AT 16m	AD		Drugs and $42,800 cash found in search of house
13.	**Gerassimou** NSWCCA 14.10.1994	Supply Sched: Supply	2oz (56g)	PG	MT 4y AT 1y 4m	AA exceptional circumstances MT 3y AT 12m	extensive	Arranged sale of heroin to police Delay

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14.	**Karam** (1995) 83 A Crim R 416	Supply Knowingly take part in supply	28.2g 211g	VG	MT 5y AT 3y	AD	dishonesty and violence	Co-offender arranged for sale of drugs to police officer on separate occasions - offender source of drugs.
15.	**WHS** NSWCCA 27.3.1995	Supply Sched: Deemed supply 9.54g	168.19g	PG on SI	2y PD	Crown AA MT 18m AT 12m	Long record including drugs. On bail for supply	Supply to undercover police officer Major assistance causing major danger.
16.	**Jocic** NSWCCA 28.4.1995	Supply Sched: Attempt supply 13.9g	109.3g	PG	MT 3y 5m AT 14m	AD		Supply and attempt supply to undercover police officer
17.	**Richards** (33) NSWCCA 27.11.1995	Supply 3 x Supply	2oz (56.6g) 5g 4.9g 13.9g	VG PG	MT 7y 10.5m AT 2y	AD	Including drugs. Later charges committed on bail for first offence.	Dealing with undercover police officer - principal of well organised operation.
18.	**Lam** NSWCCA 21.2.1996	3 x Supply	29.4g 78.3g 2.5 oz	PG	12m PD 3y Bond	Crown AA FT 10m (takes into account 2m PSC and PD already done)	Nil	Actual supply to undercover police and agreement to supply Mitigating subjective features including health problems.
19.	**Mlacic** (32) NSWCCA 25.5.1998	Knowingly take part in supply Sched: 3 offences	40-75g	PG	MT 3y AT 1y	AD	not serious	During one month 230 phone conversations intercepted regarding drugs - amounts small - relatively sophisticated operation involving three people. Heroin addict.
20.	**Duff** NSWCCA 17.9.1998	Supply	57.37g	VG	MT 18m AT 18m	AD		Observed by police and drugs with $17,380 found in car. Fresh evidence of assistance no effect on lenient sentence.
21.	**Yin** NSWCCA 30.11.1998	Supply	196.9g	PG	MT 4y AT 2y	AD		Supply to undercover police officer - above a street dealer but not at the top – distributor. Family breakdown led to heroin addiction - motivation was personal use.

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
22.	**Smith** (46) NSWCCA 9.12.1998	Supply	1.05g 141g	PG	MT 3m AT 9m	Crown AD manifestly inadequate but discretion applied	priors for supply - on bail for supply	Female - supplied heroin over period of time with boyfriend - actual supply of 1.05g - 141g found at house. Delay in sentencing of five years - good rehabilitation - addicted at time of offence - now on methadone.
23.	**Ahmadi** [1999] NSWCCA 161	Supply	180g	VG	MT 2y 8m AT 2y (+4m PSC)	AD	nil	Sold heroin with co-offender to undercover police officers.
24.	**Tulloh** (42) [2000] NSWCCA 179	Supply Knowingly take part in supply Sched: 4 offences	60-90g Half oz	PG	MT 2y 9m AT 11m MT 2y 9m AT 11m (concurrent)	AD sentences are wholly inadequate	Extensive record	Heroin addicts ordered heroin over phone, drove to Sydney to collect heroin and sold from home in Goulburn - made approx 10 sales a day over one month. Second offence involved arrangements to purchase half an ounce on behalf of another person
25.	**Tran** (37) [2000] NSWCCA 409	Supply	147.7g	PG	MT 5y AT 2y	AD	prior convictions for drug dealing	Found in possession of $80,000 - heroin, $109,000 and items associated with distribution found in house. Family background - effect of work injury - rehabilitation.
26.	**Diep** (21) [2000] NSWCCA 472	Supply Supply Sched: 2 offences	56g 28g	PG	FT 2y 6m MT 3y AT 2y (concurrent)	AA FT 18m 3y NPP 18m (concurrent)	nil priors - on bail for affray	Arranged for supply of heroin to undercover police officer on 2 occasions Concurrent to sentence for affray Parity.
27.	**Rotariu** (56) [2000] NSWCCA 546	Supply Sched: GIC	50.1	PG	MT 4y AT 1y 4m	AD	previous drug convictions	Found in possession of heroin and $3,275 – admitted supplying heroin on previous occasions to raise money to send to family in Romania.
28.	**Van-Oostveen** (48) [2001] NSWCCA 288	Supply	74.9g	PG (10%)	5y NPP 2y 6m	AA 4y NPP 2y	prior convictions relating to drug addiction	Female - found by police in possession of heroin - primarily for own use but would supply to brother and possibly friends Long term heroin addict - mother to two young daughters Judge erred in finding drug entirely for supply

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
29.	**Scott** (44) [2001] NSWCCA 418	Supply Sched: 3 traffic off	unstated	PG (20%)	4y 9m NPP 3y 6m	AA 4y 9m NPP 2y 8m	significant - related to drug addiction	Charge originally involved commercial quantity of heroin. Delay of 10 years due to successful conviction appeal.
30.	**Hoang** [2001] NSWCCA 485	Supply	54.8g	VG	5y NPP 2y 6m	AD		Found in possession of heroin at scene of car accident - involved for financial gain - not an addict
31.	**Van** (2002) 129 A Crim R 229 [2002] NSWCCA 148	Supply Supply Sched: GIC	111g 164.9g	PG (20%)	3y NPP 15m 3y 3m NPP 1y 9m <u>Total</u> 6y 3m NPP 3y	AD	prior convictions including AR - Breached parole and bond	Assisted in supply of 111g by co-offender to undercover police officer - found in possession of 164.9g in house
32.	**Vu** (42) [2003] NSWCCA 316	Supply Supply	0.37g 84g	PG (20%)	FT 6m 4y NPP 3y <u>Total</u>: 4y 6m NPP 3y 6m	AA FT 6m 4y NPP 2y 6m <u>Total</u>: 4y NPP 2y 6m	Nil	Supplied to undercover police officer Ill health – Good prospects of rehabilitation
33.	**Boicuic** (42) [2004] NSWCCA 146	Supply Supply Sched: 3 x GIC	0.13g 27.4g 0.45g 3.21g 23.9g	PG (10% on appeal)	4y 6m NPP 2y 9m 4y 6m NPP 2y 9m (concurrent)	AA 4y NPP 2y 4y NPP 2y (concurrent)	Record for supply	Found in possession of drugs on person and in house Failure to give discount for guilty plea – traumatic experience in gaol finding cellmate hanged

	CASE (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
34.	**Lilley** (52) (2004) 150 A Crim R 591 [2004] NSWCCA 424	Supply Sched: 2 offences	Approx 200g	PG (25%)	2y 6m NPP 1y 9m	Crown AA 6y NPP 3y 9m	Lengthy, inc BES, supply etc	Found in possession of seven 1oz bags of approx 40% purity – selling to support habit Heroin addict – had recently resumed habit – remorse
35.	**Gip** **Ly** (2006) 161 A Crim R 173 [2006] NSWCCA 115	Supply Supply	51g	PG	2y NPP 1y suspended 2y NPP 15m	Crown AD	 On bond for driving offence	Husband and wife – facts of offence not provided. SJ took into consideration hardship to young children.
36.	**Truong** (28) [2006] NSWCCA 318	Supply	55.9g	PG (10-15%)	2y 6m NPP 1y 10m	AD	Record including custody	Involved in supply – carried drugs for friend Vietnamese
37.	**Nguyen** (57) [2006] NSWCCA 367	Supply	96.9g	PG (50% plea and assist)	2y NPP 12m	Crown AD	Priors for drug offences – breached bond	Female carried drugs internally from Melbourne to Sydney – courier Personal hardships – Vietnamese – gambling addiction – remorse – good prospects of rehabilitation - assistance
38.	**Phillips** (34) [2007] NSWCCA 211	Supply Sched: Driving under influence of drug; Possess drugs	84.61g	VG	5y NPP 3y 9m	AD	Lengthy. On conditional liberty.	Drugs found by police in bag in appellant's vehicle – street value $60k – offender (driver) and passenger both under influence of drugs.
39.	**Ha** [2008] NSWCCA 141	Supply Supply	27.1g Qty of second charge not known	PG (15%)	2y 2m NPP 12m 7y NPP 4y Total: 7y 6m NPP 4y 6m	AD	Nil	Police surveillance - sold heroin to D who was arrested leaving offender's premises – police search of offender 's premises found drug paraphernalia and large sums of money – part of commercial operation.

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40.	**Dieguez** [30] [2008] NSWCCA 147	Supply	69.2g	VG	6y 6m NPP 4y	AD	On bail - first custodial sentence.	Drugs found in bag on offender's lap whilst sitting in vehicle – seated with another male who was injecting drugs - not engaged in supply on more than one occasion - but substantially involved in act of supply on that occasion.
41.	**Melikian** (46) [2008] NSWCCA 156	Supply	27.2g	PG (25%)	5y NPP 3y 9m	AA 4y 6m NPP 3y	Drug offences - on parole.	Police surveillance – arranged for purchase of drugs by third person – acted as facilitator / conduit – street value between $6900 - $12k. Appeal allowed on parity ground.
42.	**Yang** [2012] NSWCCA 49	Supply Sched: Proceeds of crime 2 x supply	135.1g	PG (25%)	2y NPP 2y	AD		Chinese female involved in supply of drugs to support habit and under pressure from mother to provide money – observed dealing – found in possession at home of heroin, 12.64g ketamine, 3.81g methylamphetamine and $14,820 Drug user – difficult childhood – mental and physical health issues
43.	**Vu** (45) [2016] NSWCCA 136	Supply	(see facts)	See facts	7y NPP 4y 9m (see facts)	AA 4y 6m NPP 3y 5m	Not significant	Found in possession of 325.2g heroin in chip packet having travelled from Melbourne to collect from person in Sydney – convicted at trial – more than mere courier On appeal Crown conceded failure to direct jury had to be satisfied accused aware amount of drug greater than commercial quantity – at suggestion of appellant CCA substituted verdict for lesser amount – sentenced by CCA for lesser amount Largely good character
44.	**Small** [2018] NSWCCA 290	Supply	160g	PG	4y NPP 2y	AD	local court matters	Involved in heroin distribution operation in country area – travelled to Sydney to purchase drugs with co-offender – drugs sold by third co-offender Sad and challenging background – completed residential drug rehabilitation program
45.	**Neal** (52) [2019] NSWCCA 104	Supply	160g 28g	PG (25%)	5y NPP 3y	AD	Extensive. Subject to ICO.	Part of joint criminal enterprise to supply heroin - over four months, 292 separate transactions whereby offender and his partner jointly supplied a total of 160g to co-offender for on-supply - also supplied 28g and agreed to repeat that transaction later - main driver of drug operation – motive to fund drug addiction and to make money Could not find good prospects of rehabilitation – drug addict for 38 years - difficult upbringing

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