Supply Ecstasy / MDMA / MDA

Large Commercial Quantity

s.25(2) (NSW) *Drug Misuse and Trafficking Act*

Ecstasy / MDMA - 3,4 methylenedioxymethylamphetamine

MDA – 3,4 methylenedioxyamphetamine

s.25(2) Supply or knowingly take part in supply of commercial quantity of prohibited drug

Large commercial quantity: **500gm**

Maximum Penalty: **Life – s.33(3) (large commercial quantity)**

Standard Non-Parole Period **15 years (offence committed on or after 1.2.2003)**

	Case (age if known)	Offence	Amount	Plea	Result	Appeal	Record	Facts
1.	**Moore** (37) **Wiebe** (35) NSWCCA 1.8.1992	Consp supply lge comm qty Supply lge comm qty	798.8g (633g pure)	PG PG	MT 3y 6m AT 1y 2m MT 3y AT 1y	Crown AD AD	minor nil	M a member of "Orange People" – asked to arrange importation - W to be paid $10,000 – W brought in tablets strapped to back. M – Canadian – married - contrition W – Canadian – courier - assistance – prior good character
2.	**Lao** (52) [2003] NSWCCA 315	Supply lge comm qty ecstasy	1016.6g	PG	5y NPP 3y	AD	Nil	Courier Gambling problem – good character – strong prospects of rehabilitation
3.	**OPA** (39) [2004] NSWCCA 464	Knowingly take part in supply lge comm qty MDMA	3.1kg	PG (50% combined)	8y NPP 6y	AA 5y 8m NPP 4y 3m	Nil	Found in possession of drugs – involved in extensive operation – took orders, supplied drugs and collected money – underling Valuable assistance – special protection

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	Plea	Result	Appeal	Record	Facts
4.	**Nassif** (32) [2005] NSWCCA 38	Attempt to receive for supply lge comm qty	3.2452kg	PG (maximum discount)	6y NPP 3y	AD	Priors including drug supply	Agreed to take delivery of 14,000 tablets from Sukkar (see importation commercial quantity of ecstasy table)
5.	**Thompson** (34) (2005) 156 A Crim R 467 [2005] NSWCCA 340	Supply lge comm qty MDMA Sched: Supply tablet GIC	1.983kg	PG (25%)	16y NPP 12y	AA 13y 4m NPP 10y	Priors including drug supply	**SNPP 15 years** Found in possession of drugs Erroneous consideration of standard non-parole period
6.	**Yildiz** (2006) 160 A Crim R 218 [2006] NSWCCA 97	Supply lge comm qty ecstasy	602g	PG	10y NPP 7y	AD	Nil	**SNPP 15 years** Arrested during agreement to supply – found in possession of drugs.
7.	**Stankovic** [2006] NSWCCA 229 Co-offender: NIKOLIC	Supply lge comm qty MDMA Sched: 4 offences	44kg	PG (35% combined)	7y 9m NPP 5y 2m	Crown AA 11y 8m NPP 8y 9m	Nil - on bail.	**SNPP 15 years** Involved in manufacture of MDMA at residential premises – engaged as labourer in illicit factory – unsupervised – claim of duress - mid-range objective seriousness
8.	**Nikolic** (45) [2007] NSWCCA 232 Co-offender: STANKOVIC	Knowingly take part in supply lge comm qty ecstasy	44kg	PG (15%)	9y NPP 6y	Crown AA 12y 9m NPP 8y 6m	Nil	**SNPP 15 years** Involved in manufacture of MDMA at residential premises – agreed to assist co-offender out of obligation for assistance given to son in Serbia – lesser offender – below mid-range Remorse
9.	**Sukkar** [2007] NSWCCA 298	Supply lge comm qty ecstasy	5.9kg	PG (25%)	11y 6m NPP 7y 6m	AD		**SNPP 15 years** Arrested during transaction - no further facts provided. Assistance to authorities.

	Case (age if known)	Offence	Amount	Plea	Result	Appeal	Record	Facts
	Knight (34)	Supply lge comm qty ecstasy Sched: 4 drug offences	961g	PG (10% on appeal)	10y NPP 6y	Crown AA 14y 4m NPP 10y	Minor	**SNPP 15 years** K (female) head of drug syndicate employing others – B (husband) assisted in menial tasks
10.	**Biuvanua** (34) (2007) 176 A Crim R 338 [2007] NSWCCA 283	Knowingly take part in supply lge comm qty ecstasy		PG (10%)	3y 6m NPP 2y	Crown AD	Nil relevant	
	Lim	Supply lge comm qty ecstasy Sched: 2 x supply drugs		PG (10%)	8y NPP 5y	Crown AA 9y 10m NPP 6y	Agg robbery	**SNPP 15 years** Entered into agreement to supply $5000 worth of tablets (weighing between 1 – 2.5 kg) to undercover police operative – no actual supply.
11.	**Gao** [2007] NSWCCA 343 [2008] NSWCCA 234	Supply lge comm qty ecstasy Supply comm qty ecstasy Sched: 3 x supply drugs		PG (25%)	11y NPP 7y 7y NPP 5y Total: 12y NPP 8y	Crown AD AD		

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12.	**Edwards** (23) [2008] NSWCCA 281	Supply lge comm qty MDMA Supply comm qty amphet Supply comm qty amphet Supply comm qty MDMA Sched: GIC Supply ecstasy Supply methamphet	1680g 381.3g 301.29g 225g 100 tabs 68.35g	PG (25%)	17y NPP 10y FT 7y 6m FT 7y 6m FT 7y 6m (all concurrent)	AD	Nil	**SNPP 15 years** Supplied over three months – sophisticated operation - at least within mid-range although a finding that offence fell above mid-range would have been open True remorse – good prospects of rehabilitation
13.	**Woodgate** (44) (2009) 195 A Crim R 219 [2009] NSWCCA 137	Supply lge comm qty MDMA Sched: GIC	67.79g tabs 42.956kg 10.921kg tabs 12.234kg powder	PG	14y NPP 10y	AD		**SNPP 15 years** Drugs found in apartment, unfurnished house and storage facility – also found in possession of $31,805, pill press and other equipment – senior trusted figure
14.	**XX** (2009) 195 A Crim R 38 [2009] NSWCCA 115	Supply lge comm qty methylamphet Supply lge comm qty MDMA Unauth possession proh firearm Unauth possession proh firearm Sched: 8 offences	3.165kg 7.4945kg	PG (combined 60%)	7y NPP 5y 7y NPP 5y FT 15m FT 18m (all concurrent)	Crown AA 7y NPP 5y 8y 9m NPP 6y 7m 2y NPP 1y 6m 2y 5m NPP 1y 8m <u>Total</u> 9y 6m NPP 7y 4m	supply proh drug	**SNPP 15 years (drug) / 3 years (firearm)** Ice and ecstasy found in offender's garage – mid-range and just above mid-range - Chinese self-loading rifle and Russian Nagant revolver also found with other weapons and drugs and $160,000 ash– firearms unloaded but in working order with ammunition nearby – silencer attached to revolver added serious connotation – linked to drug dealing - mid-range seriousness On appeal: error in imposing identical sentence for drug offences – firearm offences required NPP – error to make sentences concurrent

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15.	**Kalemusic** (35) [2009] NSWCCA 178 Co-offender: CVITAN	Manufacture lge comm qty MDMA Supply lge comm qty MDMA Supply comm qty methylamphet Possess unauth firearm s.166 Certificate Good in custody Sched: Poss methylamphet Unauth poss ammunition	27.5kg 1,477.4g 764.6g $4,465 0.39g	PG (1/6th)	15y NPP 11y 3m 10y NPP 7y 6m 10y NPP 7y 6m 5y NPP 15m FT 3m <u>Total</u>: 16y 3m NPP 12y 6m	AD	Manufacture drug	**SNPP 15 years** Involved in manufacture of drug in lab built on rural property – 27.5kg MDMA found in lab with other ingredients and equipment – other drugs and .22 calibre pistol found in truck being driven from property by offender and brother – role of real significance – manufacture in mid-range Strong employment history On appeal: no issue of parity
16.	**Xue** (37) [2009] NSWCCA 227	Supply lge comm qty MDMA	852.9g	PG (10%)	13y 6m NPP 10y	AD	Not significant.	**SNPP 15 years** Supplied tablets to undercover police operative – mid range offence Drug abuse – gambling
17.	**Wang** [2009] NSWCCA 223 [2017] NSWCCA 61	Supply lge comm qty ecstasy Supply ecstasy Assault police officer	1464.46g	VG PG	20y NPP 15y 3y NPP 2y 3m FT 1y (all concurrent)	AA 16y NPP 12y AA 14y NPP 10y 6m	Driving, dishonesty, firearms – summary offences only.	**SNPP 15 years** Observed with bag later found to contain 5000 ecstasy tablets – struggled with police officer at scene – got away and later observed with another bag found to contain smaller quantity of ecstasy tablets - offence below mid-range Second appeal – *<u>Muldrock</u>* appeal

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18.	**Shen** (64) [2009] NSWCCA 251	Knowingly take part in supply lge comm qty MDMA Traffic MDMA	666g (pure) 7.5kg (pure)	PG (combined 35%)	9y 9m NPP 7y 3m 11y NPP 7y Total: 13y NPP 9y	AA 9y 9m NPP 7y 3m 11y NPP 7y Total: 11y 6m NPP 7y 6m	Nil	**SNPP 15 years** Large quantity of drugs imported from Canada into Queensland – not involved in importation but took possession of small amount of drugs for distribution – maintained relationship with importers and agreed to purchase further drugs from second importation four months later – controlled delivery – second offence less serious and below mid-range – acted for financial gain – principal role in distribution Good character On appeal: overall sentence reduced for parity
19.	**Fitzsimon** (32) [2010] NSWCCA 25	Supply lge comm qty ecstasy Supply methylamphet Sched: 2 x supply methylamphet	1.7kg 54.84g 56g	PG (15%)	9y 4m NPP 6y FT 2y (concurrent)	AD	Significant although older record	**SNPP 15 years** On four occasions took possession of drugs and provided them to co-offender to drive north to third offender – involved in substantial drug organisation but received small financial rewards only Reasonable prospects of rehabilitation – suffering mental condition
20.	**Choi** (20) [2010] NSWCCA 318	Knowingly take part in supply lge comm qty MDMA Sched: 2 offences	About 5.9kg	PG (50% combined)	17m 15d suspended (6.5m PSC)	Crown AA 4y 6m NPP 2y 6m	nil	**SNPP 15 years** Agreed to source 30,000 tablets for supplier although tablets never obtained Good character – good rehabilitation – unlikely to re-offend – remorse - assistance
21.	**DAB** (26) [2010] NSWCCA 275	Manufacture lge comm qty MDMA Supply lge comm qty MDMA Sched: Money laundering offence	2.97kg 8.18kg tablets Almost 1kg powder $62,520	PG (50% combined)	12y NPP 8y 12y NPP 8y (concurrent)	AA 8y NPP 4y 6m 9y NPP 6y Total: 10y NPP 7y	Minor	**SNPP 15 years** Involved in bulk supply of MDMA on 11 occasions – tablets manufacture part of supply offences – instigator - brother sentenced for manufacture and supply of commercial quantity – part of planned and organised criminal activity – committed for financial gain Prior good character – commenced substance abuse after being stabbed – good prospects of rehabilitation – unlikely to re-offend – remorse On appeal: failure to differentiate between offences – accumulation and excessive sentence

	Case (age if known)	Offence	Amount	Plea	Result	Appeal	Record	Facts
22.	**AZ** (43) [2011] NSWCCA 43	Supply lge comm qty MDMA Possess proh firearm Sched: 2 x supply drug Proceeds crime	1,081g	PG (50% combined)	5y 6m NPP 2y 9m 2y NPP 12m (concurrent)	Crown AA 8y NPP 5y 2m 1y 9m NPP 1y 1m 2w Total: 8y 8m NPP 5y 10m	Nil	**SNPP 15 years** Drugs and large amount of drug paraphernalia found during search of offender's residence – large amount of money also located. Just below mid-range objective seriousness: at [62] – evidence pointed to substantial involvement in drug supply. Assistance to authorities. Error in assessment of objective seriousness of both drug and firearm offences – error in concurrent sentences.
23.	**Kwon** [2011] NSWCCA 58	Supply lge comm qty ecstasy Supply lge comm qty ecstasy	1.1422kg - around 6000 tablets Agreement to supply 30,000 tablets	PG (25%)	12y NPP 8y 12y NPP 8y Total: 13y NPP 9y	AD	nil	**SNPP 15 years** Just below mid-range offences - 6 supplies totalling around 6000 tablets to undercover officer and one other person – second supply did not take place as intended recipient was undercover officer – middle man in hierarchy Korean national raised in Australia by mother – rejected by biological father – began to take drugs and associate with persons of bad influence - excellent rehabilitation – substantial family support – unlikely to reoffend
24.	**Chen** (55) [2011] NSWCCA 145	Supply lge comm qty MDMA Supply lge comm qty MDMA Supply MDMA Sched: 2 x possess drug	Agreed to supply 830g Attempted to possess 500g 400 tablets	VG	10y NPP 7y 6m 12y NPP 8y 6m FT 5y Total: 14y NPP 10y 6m	AD		**SNPP 15 years** Offences committed in one month period – offender was stepson - in series of telephone conversations, agreed to supply to various persons 830g of ecstasy – attempted to have in his possession 2000 ecstasy tablets (500g) – found in possession of 400 tablets – mid-range objective seriousness – co-offender aged 18y and under offender's authority – offender dominant partner. Low cognitive functioning – anxiety and depression regarding parents in China

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25.	**Hsu** [2012] NSWCCA 248 Co-offenders: DANG MATTHEWS	Supply lge comm qty MDMA Sched: Deemed supply Unauth possess pistol Sched: 2 offences	732.4g	PG (10%) PG (25%)	13y 6m NPP 10y 4y NPP 3y Total: 14y NPP 10y 6m	AD	Drug offences	**SNPP 15 years** Undercover police operation – separate supplies of 1000 and 2000 tablets (total 732.4g) – role as bottom to middle of range wholesaler /commission agent – lower end of large commercial quantity type case – slightly below mid-range - .45 calibre six shot pistol found in offender's safe Drug addiction.
26.	**Dang** (31) **Matthews** (59-60) [2013] NSWCCA 326 Co-offender: HSU	Supply lge comm qty ecstasy Sched: Smaller drug offences Supply lge comm qty ecstasy Supply firearms on ongoing basis: s.51B Sched: Smaller drug and firearms offences	732.4g 732.4g	PG (10%) PG (10%)	12y 6m NPP 8y 8m 12y 9m NPP 7y 9m 7y 3m Total: 16y NPP 11y	AD AA 12y 9m NPP 7y 9m 7y 3m NPP 5y Total: 16y NPP 11y	Short – no drug offences – most serious offences committed as juvenile 'formidable' – serious offences – no drug offences	**SNPP 15 years** Drug supply to undercover officer on two occasions – drugs sourced from HSU – Dang made arrangements for drugs to be provided to Matthews who sold to undercover officer – offenders shared $1000 between them for each supply – criminality less than HSU – financial gain Matthews also sold firearms to undercover officers on three occasions – self loading pistol with 16 bullets in functional but not perfect working order – 3 rifles in working order Dang – difficult background Matthews - disturbed upbringing – PTSD resulting from prison experience – poor health On appeal: dismissed parity ground for Dang – error in not setting NPP for SNPP firearms offence
27.	**Deakin** (32) [2014] NSWCCA 121	Supply lge comm qty MDMA Participate in criminal group	30.242kg	PG (25% - plea and assist)	10y 6m NPP 7y 6m FT 12m (concurrent)	AA 10y 6m NPP 6y 9m (greater backdate over existing sentence)	Drug offences	**SNPP 15 years** Involved in criminal group carrying out drug related activities over 4 months – directly involved in ecstasy supply – group involved with other drugs – trusted employee – transported drugs Drug addicted parents – difficult childhood – early drug addiction

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28.	**Cullen** (30) [2014] NSWCCA 162	Supply lge comm qty Supply lge comm qty GBL Supply methylamphet Supply cocaine Supply ketamine	991.35g 11.4kg 30.52g 9.29g 181.84g	PG (25%)	Indicative 9y NPP 6y 9y NPP 6y 2y 2y 2y 6m Aggregate 12y NPP 8y	AD	Nil	**SNPP 15 years** Large scale drug dealer – end supplier – drugs found in apartment
29.	**Briouzguine** (22) [2014] NSWCCA 264	Supply MDA Supply lge comm qty MDA Supply comm qty MDMA Supply lge comm qty MDA Sched: 10 offences	100g 2.9kg 275g 882g	PG (18%)	Indicative: 2y 7y 3y 4y Aggregate: 9y NPP 5y	AD	Nil significant	**SNPP 15 years** Supplied drugs over several months – had available 10,000 tablets for supply – initially involved to fund drug addiction – user/dealer - became facilitator and warehouse man acting under some considerable pressure Substance abuse disorder reduced moral culpability – genuine remorse – good prospects of rehabilitation

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30.	**Miles** (25) [2017] NSWCCA 266	Supply lge comm qty MDMA Supply lge comm qty MDMA s.25A ongoing supply MDMA Supply comm qty cocaine Supply methylamphet Sched: 5 drug offences	646.86g 681.6g	PG (25%)	Indicative 3y NPP 18m 4y NPP 2y 2y 6m 3y NPP 18m 2y Aggregate 8y NPP 4y 6m	AA Indicative 3y NPP 18m 3y 6m NPP 2y 6m 2y 6m 2y 6m NPP 15m 18m Aggregate 7y NPP 3y 9m		**SNPP 15 years** Supplied to female known to police – supplies took place on snow fields - received $91K for second supply - high potency – other drug supplies to same female for payment. University graduate – supportive family – special circumstances. On appeal parity with co-offender
31.	**Murray** [2017] NSWCCA 262	Supply lge comm qty methylamphet Supply lge comm qty MDMA	4.96kg (79% purity) 9.66kg (21.5% purity)	PG (25% on appeal)	11y NPP 8y 13y NPP 9y Total: 14y NPP 10y	AA 10y 6m NPP 7y 10y 6m NPP 7y Total: 11y 6m NPP 8y	Nil – but admitted being involved on 4-6 previous occasions	**SNPP 15 years** Father attempted to send drugs to Perth by courier – offender admitted to being involved in well planned and organised operation – go-between – involved 4-6 times previously – involvement just below mid-range History of alcohol and drug abuse – financial debts - remorse
32.	**Grabovac** (25) [2018] NSWCCA 100 [2018] NSWCCA 120	Supply lge comm qty ecstasy Sched: 3 drug offences	816.47g	PG (25%)	12y NPP 7y 6m	10y 6m NPP 6y 9m Start date adjusted	Nil	**SNPP 15 years** Involved in drug hierarchy with 3 co-offenders. Difficult childhood – sound work history – drug and alcohol abuse - brain development to late adolescence CCA: Parity

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33.	**Dayment** (35) [2018] NSWCCA 132	Knowingly take part in supply lge comm qty MDMA Supply cocaine Sched: 2 offences	1366g 85.26g	PG (25%)	Indicative 4y 6m 2y 10m Aggregate: 5y 6m NPP 3y 3m	AD	Not relevant	**SNPP 15 years** Female – in relationship with co-offender – drugs located in offender's home - not involved in joint enterprise but knowingly took part in co-offender 's intended supply by permitting and acquiescing storage of MDMA in suitcase in unit - obvious quantity not insubstantial - knowing participation in context of being involved in business of sourcing and supplying cocaine for financial gain, where knew co-offender involved in similar business - below mid-range – less serious role than co-offender Steady employment history – drug abuse – history of abusive relationships
34.	**Battersby** (30) [2018] NSWCCA 141	Supply lge comm qty MDMA Supply lge comm qty cocaine Proceeds of crime: s.193B	23.85kg 2.23kg	PG (25%)	Indicative: 12y NPP 7y 6m 5y NPP 3y 5y Aggregate 15y 6m NPP 10y	AA Indicative: 10y NPP 6y 6m 5y NPP 3y 3y Aggregate 12y NPP 8y	nil	**SNPP 15 years** Observed giving suitcase containing drugs to co-offender waiting in car - money found in search of house – not involved in financing or organising offence – delivered drugs on behalf of friend – chose to be involved although aware criminal activity – element of fear and obligation after receiving 5mths free rent – limited role but still well above lowest rung in hierarchy – drug offences somewhat below mid-range – proceeds offence mid-range Good character – genuine remorse – evidence of rehabilitation – cannabis drug user

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35.	**Assam** (26) [2019] NSWCCA 12	Supply lge comm qty MDMA Supply lge comm qty MDMA Supply comm qty MDMA Supply comm qty MDA Supply amphet Supply cocaine Proceeds of crime Sched: Possess restricted substance	1.039kg 2.515kg 151.95g 221.1g 27.4g 167.6g $83,725	PG (25%)	Indicative 5y NPP 3y 8y NPP 5y 6m 3y 6m NPP 2y 4y NPP 2y 6m 2y 3y 4y 6m Aggregate: 11y NPP 8y	AA Indicative 5y NPP 3y 8y NPP 5y 6m 3y 6m NPP 2y 4y NPP 2y 6m 2y 3y 4y 6m Aggregate: 9y 9m NPP 6y 9m	nil	**SNPP 15 years** Highly trusted member of drug syndicate over several months – transported and stored drugs – mid-range offences Drug user
	Co-offender: MATU ABDUL							
36.	**Matu** (20) [2019] NSWCCA 23	Supply lge comm qty MDMA Supply cocaine	2.417kg 115.8g	PG (25%)	Indicative 6y NPP 4y 3y 6m Aggregate: 7y NPP 4y 6m	AA to change the commencement date of sentence	driving offence	**SNPP 15 years** Involved in supply of drugs over several months – driver or runner of drugs – weekly retainer - highly trusted part of a sophisticated drug distribution network Mental health problems – drug user
	Co-offender: ASSAM ABDUL							

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37.	**Abdul** (20-21) [2019] NSWCCA 18 Co-offender: ASSAM MATU	Knowingly take part in supply lge comm qty MDMA Knowingly take part in supply comm qty cocaine Knowingly take part in supply indictable qty amphet Supply lge comm qty MDA Knowingly direct activities of criminal group	6.234kg 449.82g 27.4g 1.138kg	PG (25%)	Indicative 10y 6m NPP 7y 6m 5y NPP 3y 30m 6y NPP 4y 5y Aggregate: 12y 6m NPP 9y	AD	driving offence	**SNPP 15 years** Senior role in sophisticated drug distribution syndicate over several months Drug user
38.	**Jackson** [2019] NSWCCA 101	Offer to supply lge comm qty MDMA Supply lge comm qty MDMA Proceeds of crime s.193B(2) Sched: 8 offences	1kg 539.6g	PG (25%)	8y NPP 5y 8y NPP 4y 6m 12m Total: 9y NPP 5y 6m	AD		**SNPP 15 years** Offer to supply: offender conducted negotiations – 'up the line supplier' - discussion included supply being first of series of ongoing supplies - no supply in fact occurred. Supply: involvement in discussions leading to supply for cash - cleared drug debt incurred for prescription medication and steroids - retention of $1000 for own benefit - some planning and premeditation. Offences committed as a result of addiction to prescription opioid-based pain killers - dysfunctional family background and personal circumstances – good prospects rehabilitation

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39.	**Mezher** (35) [2019] NSWCCA 76	Supply lge comm qty MDA Supply lge comm qty bromo Supply comm qty cocaine Sched: 2 offences Act with intent to pervert justice	926.4g 212.24g 763.32g 396.98g ecstasy	PG (12%)	Indicative: 7y 5m NPP 4y 11m 6y 7m NPP 4y 4m 4y 4m NPP 2y 10m Aggregate: 12y NPP 8y FT 1y Total: 13y NPP 9y	AA Indicative: 7y 5m NPP 4y 11m 5y 8m NPP 3y 9m 4y 4m NPP 2y 10m Aggregate: 11y 4m NPP 7y 6m FT 1y Total: 12y 4m NPP 8y 6m	Multiple but lesser offences	**SNPP 15 years** Supplied drugs to co-offender for on-selling over months – provided false employment letter for bail application – just below mid-range Difficult childhood – exposed to violence and alcohol abuse – kidnapping and murder of Uncle and Grandmother in Lebanon – mental health issues – prospects of rehabilitation fair On appeal: error in large commercial quantity for bromo offence
40.	**McKinnon** (46) [2020] NSWCCA 106	Supply lge comm qty MDMA Supply lge comm qty MDMA Sched: Poss testosterone Proceeds of crime offence	2440g 2533g	PG (25%)	7y NPP 4y 6m 7y NPP 4y 6m Aggregate: 11y NPP 7y 6m	AA 5y 6m NPP 3y 9m 6y 6m NPP 4y 4m Aggregate: 8y NPP 5y 6m	old offence	**SNPP 15 years** Negotiated two sales of drugs to undercover officer over two months – drugs supplied by co-offender lower in hierarchy - $237,700 cash found in car and house – mid-range offence On appeal – erred in not making sentence of one offence reflect schedule offences Drug addict paying off drug debt – good conduct in custody – good prospects of rehabilitation – remorse – onerous custodial conditions in view of pandemic

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41.	**See** (35) [2020] NSWCCA 272	Knowingly take part in supply lge comm qty MDMA Supply methylamphet Knowingly deal in proceeds of crime: s.193B(2) Knowingly take part in supply comm qty methylamphet s.166 certificate: 3 x possess weapon Possess drug Sched: 3 supply offences	1,004.4g 231.4g $27,850 499.8g 0.53g cannabis 5.5g MDMA 5.62g heroin 42.88g cocaine	PG (10%)	Indicative: 5y 3y 1y 4y 6m (each) Aggregate: 8y NPP 5y	AD	Nil relevant	**SNPP 15 years** Assisted brother-in-law in drug dealing – 231.4g methamphetamines found in bedroom of house shared with mother, sister and brother-in-law – cash and schedule drugs also found in bedroom - weapons found in bedroom were extendable baton, slingshot and knuckledusters – larger amounts of drugs found in car outside premises – offender observed by CCTV placing drugs or retrieving drugs from car on behalf of co-offender Born in Laos – difficult childhood – drug user since 13y
42.	**Connell** [2020] NSWCCA 352	Supply lge comm qty MDA Unauth possess pistol: s.7(1) *Firearms Act* Possess shortened firearm: s.62(1)(b) *Firearms Act* Sched: 4 offences	6.5245kg	PG (25%)	Aggregate: 8y 6m NPP 5y 6m	AA Indicative: 6y 6m 1y 2m 2y 3m Aggregate: 8y NPP 5y 2m	No custody – drink driving, possess prohibited drug, assault - possess knife	**SNPP 15 years (drugs) / 4 years (firearm)** Observed handling guns in presence of 12y son of co-offender – next day observed packaging drugs – on execution of search warrant found small amounts of drugs and other paraphernalia – guns found in car – significant role in drug distribution hierarchy at least above street level – mid range – guns to be used for criminal defence purposes – just below mid-range Remorse and reasonable prospects of rehabilitation On appeal: error in application of guilty plea

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43.	**Naberezhnov** (28) [2021] NSWCCA 142	Ongoing supply cocaine: s.25A Offer to supply lge comm qty MDMA Supply MDMA Sched: 2 x supply cocaine	193.8g 2.2835kg 95.5g 28g 85g	PG (25%)	Indicative 4y 6m 9y NPP 6y 6m 4y 10m Aggregate: 12y NPP 8y	AD	Mostly old offences	**SNPP 15 years** Supplied cocaine to undercover officer on three occasions – indispensable role in group engaged in organised and systematic drug supply – mid-range – offered to supply same UCO ecstasy – genuine offer - mid-range – found entering music festival with drugs and arrangements to supply to numerous buyers – well planned – above mid-range Born in Russia – drug user – genuine remorse – guarded prospects of rehabilitation On appeal: errors made in assessment of seriousness of offence – no lesser sentence
44.	**Faraj** [2022] NSWCCA 31	Supply lge comm qty MDMA Supply comm qty MDMA Supply lge comm qty MDMA Supply MDMA Supply ice Possess proceeds of crime	1.1kg 220g 620g 72.2g 4.82g	VG	Indicative: 9y NPP 6y 7y NPP 5y 9y NPP 6y 3y 18m 2y 6m Aggregate: 13y NPP 9y	AD		**SNPP 15 years** Conducting business of drug dealing for apartment Slim prospects of rehabilitation On appeal: no error
45.	**MN (a pseudonym)** (44) [2022] NSWCCA 78	Supply lge comm qty MDA Sched: 3 x supply comm qty MDA Supply MDA	2.342kg 143.6g 166.48g 71.9g 144.84g	PG (45% combined)	5y 6m NPP 3y 8m	AD		**SNPP 15 years** Supplied drugs to undercover operative on four separate occasions over 6 months – below mid-range Seeking to reduce drug debt – mental health issues – difficult childhood - remorse

	Case (age if known)	Offence	Amount	Plea	Result	Appeal	Record	Facts
46.	**Boyd** (38) [2022] NSWCCA 120	Supply lge comm qty MDMA Supply lge comm qty methylamphet Supply comm qty amphetamine Knowingly take part supply lge comm qty methylamphet Supply lge comm qty ephedrine AOABH in company Sched: Proceeds of crime	4108.5g 787.2g 873.2g 999.9g 5981.7g	PG (25%)	Indicative 5y NPP 3y 2m 3y 10m NPP 2y 5m 3yrs NPP 1y 10m 4y 6m NPP 2y 10m 3y 10m NPP 2y 5m 3y 3m Aggregate 9y NPP 5y 9m	Crown AD	Supply drugs, possess drugs	**SNPP 15 years** Controlled operation – police undercover operatives contacted respondent and bought drugs on 11 separate occasions - total amount purchased was 12.46kg of three different types of drugs – mid-level drug dealer. Difficult background – drug use. CCA: sentence manifestly inadequate but Court declined to intervene given subjective circumstances - significant and sincere attempts to rehabilitate
47.	**Rosenberg** (32) [2022] NSWCCA 295	Supply lge comm qty MDMA Supply cocaine	924.6g 146.19g	PG (25%)	Indicative: 4y 6m NPP 2y 8m 3y Aggregate: 5y 5m NPP 3y 4m	AA Indicative: 4y 1m NPP 2y 5m 2y 7m Aggregate: 4y 10m NPP 2y 10m	nil	**SNPP 15 years** Involved with co-offender in supplying drugs to undercover operative – some drugs personally supplied by offender – did not source drugs or have authority to set price – moderately below mid-range – cocaine offence mid-range Prior good character – remorse – financing drug habit – quasi-custody in residential rehabilitation centre – special circumstances On appeal: parity argument upheld

	Case (age if known)	Offence	Amount	Plea	Result	Appeal	Record	Facts
48.	**Ferguson** (29) [2022] NSWCCA 147	Supply lge comm qty MDMA Supply lge comm qty methylamphet Ongoing supply cocaine Supply cocaine Supply cocaine Proceeds of crime Sched: 5 offences	11.24kg 782.3g 141.7g 168g $3100	PG (25%)	Indicative 5y NPP 3y 3y 9m 3y 2y 3m 2y 3m 6m Aggregate: 6y 6m NPP 3y 3m	Crown AA Indicative 7y 6m 7y 6m 6y 3y 9m 3y 9m No penalty s10A Aggregate: 10y 6m NPP 6y	Very little	**SNPP 15 years** Supplying quantities that clearly imply purchasers were themselves drug suppliers - facilitated supply - used relative's apartment as safehouse to store drugs for others – hid drugs in car's secret compartment - degree of organisation and sophistication - not a principal but performed vital function - trusted with large quantities of drugs worth very large sums of money - activity over several months Very supportive family – drug abuse – strong subjective case - special circumstances for need to continue rehabilitation. CCA: Sentence manifestly inadequate - sentencing judge erred in finding objective seriousness "well below the midrange" and "even lower"
49.	**Nair** (34) [2025] NSWCCA 136	Supply lge comm qty MDMA Supply lge comm qty heroin Supply comm qty cocaine Proceeds crime Sched: 3 offences	17.644kg 11.8126kg 720.35g $1,027,708	PG (25%)	8y NPP 4y 10m 7y 6m NPP 4y 6m 4y NPP 2y 5m 2y 6m Aggregate: 10y NPP 6y	AD	Nil	**SNPP 15 years** Involved in offending after becoming addicted to gambling and cocaine and indebted to his suppliers - agreed to lease an apartment knowing that large quantities of drugs would be stored there over period of three months – over 3 year period dealt with proceeds of crime exceeding $1 million. Raised in impoverished background environment – substance abuse disorder - reasonable to good prospects rehabilitation -unlikely to re-offend - special circumstances. CCA: Sentence not manifestly excessive.

Last updated: September 2025