Supply Heroin

Large Commercial Quantity

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

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

Large commercial quantity: **1kg**

Maximum Penalty: **Life – s.33(3)**

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

	NAME (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
1.	**Chan** (43) [1999] NSWCCA 103	Knowingly take part in supply large comm qty Supply Supply Supply Sched: 3 offences	1231.1g 408.06g 55.98g 27.92g	PG	MT 18m AT 2y MT 18m AT 2y FT 2y FT 2y Total: MT 3y 6m AT 2y	Crown AA MT 3y 3m AT 2y 9m MT 3y 3m AT 2y 9m FT 2y 6m FT 2y 6m Total: MT 5y 9m AT 2y 9m	Nil later offences committed on bail	408.6g heroin found in offender's pocket – deemed supply - used post office boxes under different names to receive 1231.1g heroin in envelopes - supplied 55.98g to undercover police - 27.92g found in car - directing party in offences with co-offender Late plea, heavy heroin user, special circumstances.
2.	**Cassar** (33) [1999] NSWCCA 152	Supply large comm qty	3.36kg	VG	MT 8y AT 2y 9m	AA MT 7y 6m AT 2y 6m	drugs, possession	With co-offender seen with bag - police search found heroin and paraphernalia in bag - street value $3.9m - important and necessary role but did not manage or control operation No remorse - good rehabilitation.

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

	NAME (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
3.	**Hameed** (32) (2001) 123 A Crim R 213 [2001] NSWCCA 287	Supply comm qty Supply lge comm qty Supply lge comm qty Sched: 2 x Supply large comm qty	671g 2.746kg 1.359kg 2.6894kg 2.8kg	PG	FT 2y MT 5y 6m AT 1y 10m FT 3y (concurrent)	AD	nil significant	Involved in supply of heroin to undercover police officer - middle man Motivated by greed -assistance to authorities.
4.	**Wan** (female) **Phan** (male) [2001] NSWCCA 501	Supply lge comm qty Supply lge comm qty Supply lge comm qty	350.4g 1.4kg 1.4kg	PG (25% on appeal) PG (25% on appeal)	10y NPP 7y 6m 10y NPP 7y 6m	AA 9y NPP 6y 9m AA 7y 6m NPP 5y 7m		Wan involved in supply of smaller amount to undercover agent - agreed to supply larger amount with assistance of Phan - Phan involved in second offence only Judge failed to give sufficient discount for guilty plea and erred in assessing criminality of offenders as equal.
5.	**Le** (36) [2002] NSWCCA 232 Co-offender: PHAM	Knowingly take part in supply lge comm qty	2,103.5g (893g pure)	VG	9y 6m NPP 5y 4m	AD	nil	Significant role in well-organised operation - isolated incident Female - difficult background in Vietnam - isolated in gaol - powerful mitigating case
6.	**Cheng** (26) [2002] NSWCCA 225	Conspiracy to supply lge comm qty	2kg (73.6% pure)	VG	14y NPP 8y	AA 12y NPP 7y	nil	Upper middle management Female - Malaysian - high prospects of rehabilitation
7.	**Ho** (22) (2002) 133 A Crim R 340 [2002] NSWCCA 379	Knowingly take part in supply lge comm qty	4.05kg	PG (50% plea and assist)	5y NPP 3y 6m	AD	nil	Courier - picked up drugs from car and arrested by police in possession Gave evidence against co-offender - married with young daughter

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8.	**Yaghi** (30) (2002) 133 A Crim R 490 [2002] NSWCCA 396	Conspiracy to supply lge comm qty Sched: Supply offence	1.4kg 450g	PG	10y NPP 6y 6m	AA 7y 6m NPP 5y	nil	Police officer involved in scam to steal money from person by agreeing to supply heroin - no intent to supply - negotiated to supply cocaine - organised and well planned scheme Mental stress at time of offence provides some explanation
9.	**Panagakos** (31) (2003) 138 A Crim R 538 [2003] NSWCCA 81 Co-offenders: EG LAALAA	Supply lge comm qty Sched: Supply comm qty cocaine	Approx 2kg	PG (20% on appeal)	10y NPP 7y 6m	AA 10y NPP 6y 6m	little record	Involved in network supplying drugs from hotel - sold heroin and cocaine from hotel room over 4 month period Long-term drug addiction and gambling problem Parity
10.	**Le** (33) [2003] NSWCCA 197	Supply lge comm qty Sched: GIC	1.4kg	VG	12y NPP 9y	AD	Aid & abet supply heroin	Police surveillance of telephone calls between appellant and other person - intercepted appellant after meeting with other persons - found with $160,000 cash – 28g heroin found on premises – arrangements to supply – sales and delivery man.
11.	**EG** [2003] NSWCCA 246 Co-offender: LAALAA PANAGAKOS	Supply lge comm qty Sched: Supply comm qty cocaine	4kg	PG (22.5%)	11y 3m NPP 8y 6m	AD		Managerial level - supplies over 4 months – supplied drugs to suppliers and supervised Remorse – assistance to authorities
12.	**Do** (25) [2005] NSWCCA 209	Supply lge comm qty Supply lge comm qty cocaine	6kg 1.5kg	VG	Total 12y NPP 9y	AD	Nil	Bought drugs in pure form, mixed with sugar and resold through runners – sought to downplay role in operation Vietnamese – Wife and child in Vietnam – drug use – gambling habit of $3,000 per day – some remorse – good character

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13.	**Attallah** (50) [2005] NSWCCA 277	Supply lge comm qty Supply lge comm qty cocaine	Over 3kg Over 8kg	VG	Life Life	24y NPP 18y 24y NPP 18y (concurrent)	Drug offences	Conducted unlicenced brothel – supplied prostitutes with small amount of heroin and cocaine over long period of time – commercial supply
14.	**Capar** [2005] NSWCCA 402	Consp supply lge comm qty Consp supply comm qty cocaine Money laundering Unauth poss proh firearm: s.7(1) *Firearms Act* Sched: 4 offences	No amounts stated	PG (15%)	12y 9m NPP 8y 4m 8y 6m NPP 6y 4m 6y 9m NPP 5y 4y (all concurrent)	AD		Principal of significant drug operation over period in excess of 12 months – engaged in business only for financial profit – multiple supplies of significant quantities – meticulous attention to detail – used violence – elaborate security – laundered over $500,000 – no detail on firearm offence On appeal: no error in discount for plea
15.	**Lo** (2005) 159 A Crim R 71 [2005] NSWCCA 436 Co-Accused: LAM	Supply lge comm qty Supply comm qty	1.4066kg 834.9g	PG (25%)	10y 6m NPP 7y 6y NPP 4y Total: 11y NPP 9y	AA 10y 6m NPP 6y 6m 6y NPP 4y Total: 11y NPP 7y	Nil	**SNPP 15 years** Involved in delivering and collecting two drug packages – low level involvement
16.	**Liu** (29) [2005] NSWCCA 450	Knowingly take part in supply lge comm	2.1kg	PG (25%)	8y NPP 5y	AD	Criminal record for supply	**SNPP 15 years** Assisted main offender in collection and return of drugs – involved to pay off drug debt Good prospects of rehabilitation

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17.	**Lam** (41) [2006] NSWCCA 11 Co-accused: LO	Supply lge comm qty Supply comm qty	1.4067kg 834.7g	PG	13y 1m 2w NPP 8y 1m 2w 9y 4m 2w NPP 6y 8m 2w <u>Total</u> 17y 6m NPP 12y 6m	AA 11y NPP 7y 8y NPP 5y <u>Total</u> 14y NPP 10y		**SNPP 15 years** Vietnamese man came to Australia to commit offences – organiser Parity
18.	**Vu** (27) [2006] NSWCCA 188	Offer to supply lge comm qty Supply comm qty Sched: Supply comm qty	1,575g 729g 792.1g	PG (25%)	12y NPP 9y 9y NPP 6y 9m <u>Total</u>: 14y NPP 11y	AA 12y NPP 7y FT 6y 9m <u>Total</u> 14y NPP 9y	Nil	**SNPP 15 years** Arranged for 729g heroin to be transported to Brisbane by bus – offered to sell 1,575g to police informer – found in possession of 729.1g after arrangement made to sell – offer made in context of on-going supply Married with children – drug and gambling addiction
19.	**CTC** [2006] NSWCCA 263	Supply lge comm qty	2.032kg	PG (40% plea and assist)	8y 6m NPP 5y 6m	AD	Supply drugs	**SNPP 15 years** Offender acted as distributor for group of people – received 2.1kg of heroin being three times amount he wanted – unable to offload amount - arrangements made to return 1.4kg excess – further drugs found at residence. Had served two lengthy prison sentences for similar offences.
20.	**Stojkov** [2007] NSWCCA 205	Supply lge comm qty	1.789kg (1.08kg pure)	VG	7y NPP 5y 3m	AD		**SNPP 15 years** Involved in supply to undercover police officer
21.	**Chow** (2007) 172 A Crim R 582 [2007] NSWCCA 225	Knowingly take part in supply lge comm	3.5kg	VG	11y NPP 8y 3m	AD	Similar offence	**SNPP 15 years** Arranged for payment of money on behalf of principal – between principal and supplier

	NAME (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
22.	**Laalaa** (34) [2009] NSWCCA 250 Co-offender: EG PANAGAKOS	Supply lge comm qty Sched: Supply cocaine		PG (13%)	20y NPP 15y	AD	Rob in co - use firearm – GIC	**SNPP 15 years** Principal of drug operation involving selling heroin and cocaine out of hotel room in Kings Cross over three month period – arrested with thirteen others.
23.	**Collier** (45-46) [2012] NSWCCA 213	Supply lge comm qty Supply lge comm qty meth Sched: Supply H	At least 1kg of each	PG (25%)	FT 15y 15y NPP 10y Total 20y NPP 15y	AA 15y NPP 10 6m 12y NPP 9y Total 18y NPP 13y 6m	Nil significant	**SNPP 15 years** Female - part of highly organised syndicate – very significant role – organised own distribution and sales network – financial gain – known to have supplied 615.3g heroin and 224g meth – admitted selling more
24.	**AMZ** (24) [2013] NSWCCA 6 [2017] NSWCCA 184	3 x Supply lge comm qty methylamphet Supply lge comm qty methylamphet Supply lge comm qty heroin Participate criminal group Sched: 2 offences	6kg (each) 10kg 1.05kg	PG (55% plea and assist)	9y NPP 6y 11y NPP 7y 6y NPP 4y FT 2y Total: 13y NPP 9y	Second AA 7y NPP 4y 6m 8y NPP 5y 4y 6m NPP 2y 6m FT 1y Total: 12y NPP 8y		**SNPP 15 years** Involved in organised criminal syndicate over 6 months Second appeal heard and allowed after application under Part 7 of the *Crimes (Appeal and Review) Act* 2001 - parity

	NAME (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
25.	**AYIK** (34) [2013] NSWCCA 119	Knowingly concerned in supply lge comm Sched: GIC	28.75kg	PG (25%)	9y NPP 5y 6m	AD	Nil	**SNPP 15 years** Stored drugs at premises for three days – relatively limited role
26.	**Loh** [2013] NSWCCA 339 Co-offender: TAN	Supply lge comm qty Sched: Proceeds of crime	13.999kg	PG (12.5%)	14y NPP (not stated)	AD	Nil	**SNPP 15 years** Came to Australia to be involved in delivering drugs as instructed – financial gain Married with three young children – remorse – good prospects of rehabilitation
27.	**Tan** (21) [2014] NSWCCA 96	Supply lge comm qty	13.999kg	VG	15y 3m 18d NPP 10y	AD	Nil	**SNPP 15 years** Malaysian – delivered drugs in suitcase to co-offender – more than courier – mid-range offence Married with two children in Malaysia
28.	**Vo** [2014] NSWCCA 146	Supply large comm qty Supply comm qty Proceeds of crime Sched: 2 x possess	1.9kg 754g	PG (14%)	12y NPP 8y 8y 6y (concurrent)	AD		**SNPP 15 years** 1.9kg heroin supplied over four months and over 71 occasions – 754g heroin found in three separate locations – deemed supply – found in possession of $217,109 – involved in supplying to two persons who supplied to users and street dealers
29.	**Zolfonoon** (47) [2016] NSWCCA 250 Co-offender: DASHTI	Supply lge comm qty Supply lge comm qty meth Sched: 3 x possess	3.5kg 9kg	PG (25%)	<u>Total</u> 10y 9m NPP 4y	Crown AA 10y NPP 6y 15y NPP 8y 6m <u>Total</u>: 15y NPP 10y		**SNPP 15 years** Supplied drugs in multiple transactions over nearly 2 years – one of several; middlemen – below mid-range – personal financial gain Iranian born – good prospects of rehabilitation

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30.	**Dashti** (middle aged) [2016] NSWCCA 251 Co-offender ZOLFONOON	Supply lge comm qty methylamphet Supply lge comm qty opium Agree to supply lge comm qty heroin Sched: 3 x supply 2 x proceeds	47.56kg 49.85kg 2kg	PG (15%)	Indicative: 20y 15y 15y Aggregate 20y NPP 12y	Crown AA Indicative: 26y 8m NPP 20y 23y 4m NPP 17y 6m 14y NPP 10y 6m Aggregate 28y 8m NPP 21y 6m	Nil	**SNPP 15 years** A principal in business of supplying drugs – supplied heroin eventually sold by Zolfonoon – used three storage units to store drugs imported from Iran – search found drugs and $750,000 Iranian born – first time in custody – isolation and language difficulties in custody
31.	**Baias** (58) [2016] NSWCCA 269	Supply lge comm qty heroin Supply comm qty heroin Supply lge comm qty methylamphet Knowingly take part in manufacture comm qty methylamphet Sched: Supply drugs	1,049.98g 613g 1,094.5g	PG (25%) PG (25%) VG (20% for trial) VG (25% for offer) (10% for assist)	Indicative 5y 6m NPP 3y 9m 5y 10m NPP 4y 5y 11m NPP 4y FT 1y 7m Aggregate: 11y NPP 7y 6m	AD	Number of supply drugs offences, some relating to heroin.	**SNPP 15 years** Not at apex of criminal hierarchy but far beyond street dealer, factotum, or other pawn - made arrangements for drug equipment - collected cook from airport - organised premises and lab for drug preparation - assisted in shopping for items and present during preparation – role in sourcing drug albeit believing it to be precursor. Heroin offences - supplied to police undercover for hundreds of thousands of dollars. Committed offences to repay loan.

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32.	**Prelipceanu** (53) [2016] NSWCCA 280	Knowingly take part in supply lge comm qty Knowingly take part in supply comm qty Sched: 2 x supply	1049.8g 336.4g	PG (25%)	Indicative 7y 6m NPP 5y 6y NPP 4y Aggregate 9y 6m NPP 6y 6m	AD	Limited	**SNPP 15 years** Assisted co-offender who supplied drugs to police source on large number of occasions – sub-ordinate role but more than runner or courier Remorse – gambling addiction
33.	**Thach** (29) [2018] NSWCCA 252	Supply lge comm qty heroin Supply lge comm qty meth Supply lge comm qty meth Agg possess firearms Supply comm qty heroin 2 x Poss precursor Poss drug manufacture apparatus Sched: 6 offences		PG (25%)	Indicative: 17y NPP 12y 9m 12y NPP 9y 10y NPP 7y 6m 10y NPP 7y 6m 7y 6m NPP 5y 7m 15d 3y / 4y 2y Aggregate: 18y NPP 13y 6m	AD		**SNPP 15 years (drugs) / 10 years (firearm)** Significant role in drugs offences - warehousing of very significant quantities of illicit substances and firearms for syndicate - ready, willing and able to fetch and carry – not a principal but more than a mere courier – multiple firearms found in trailer attached to car used by offender

	NAME (AGE IF KNOWN)	OFFENCE	AMOUNT	PLEA	SENTENCE	APPEAL	RECORD	FACTS
34.	**Kha** (41) [2019] NSWCCA 215	Supply lge comm qty 2 x supply indictable qty methamphet Sched: 3 x supply drugs	1.038kg 84g 83.6g	PG (25%)	Indicative 9y 4y (each) Aggregate 11y NPP 8y 3m	AA Indicative 7y 6m 3y (each) Aggregate 9y NPP 6y	Priors in 1996	**SNPP 15 years** Controlled operation - police operative induced supply of prohibited drugs by co-offender – heroin located at offender's premises - role in enterprise of storing, weighing, packaging and delivering drugs - received $3500 for supply methamphetamine - no significant financial gain - towards bottom of range of seriousness. Prospects of rehabilitation – special circumstances - father of four children, some family hardship.
35.	**Nguyen** (45) [2024] NSWCCA 231	Supply lge comm qty 2 x Supply lge comm qty Supply comm qty pseudoeph Manufacture indictable qty methylamph Sched: 3 offences	1.4077 kg 1.4053 kg	PG (25%)	Indicative 10y 6m NPP 6y 6m 9y NPP 5y 10m 7y NPP 4y 6m 4y 6m Aggregate 11y 6m NPP 7y 6m	AD	Drug supply. On parole.	**SNPP 15 years** Trusted participant in drug manufacture and supply -"middleman" – drugs located by police in vehicle and at clandestine drug laboratory. Heroin abuse at young age – death of spouse led to escalation in use of drugs and engagement with reckless behaviour – some remorse - risk of institutionalisation – special circumstances. CCA: Sentence not manifestly excessive.

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36.	**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.

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