

Supply Pseudoephedrine
Large Commercial Quantity
s.25(2) (NSW) Drug Misuse and Trafficking Act

s.25 (2) supply, or knowingly takes part in supply of not less than commercial quantity of prohibited drug

Large Commercial Quantity: 5 kg

Maximum penalty: Life

where large commercial quantity s.33(3)

Standard Non-Parole Period 15 years

offence committed on or after 1.2.2003

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Record	Facts
1.	Harris (37) (2001) 125 A Crim R 27 [2001] NSWCCA 322	Supply lge comm qty Supply lge comm qty meth Consp supply comm qty cannabis leaf Sched: 13 firearms offences	60kg 2.39kg 34.166kg	PG	5y NPP 3y 9m 5y NPP 3y 9m 5y NPP 3y 9m (concurrent)	Crown AD (exercise of discretion)	Record	Delivered methamphetamine and cannabis to garage of drugs house – on subsequent occasion removed some of the methamphetamines and cannabis – on two occasions removed pseudoephedrine from same garage

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2.	Pham (37) (2009) 193 A Crim R 190 [2009] NSWCCA 25	Knowingly taking part in supply lge comm qty	300kg (25% pure)	VG	10y NPP 7y 6m	AD	insignificant	SNPP 15 years Drugs imported in bases of statues – removed some of the drugs from storage facilities Vietnamese with difficult background – vulnerable – to receive modest remuneration
3.	Nguyen (32) Phan (25) [2009] NSWDC 181 Williams DCJ Co-offenders: OLIVERI	Knowingly taking part in supply lge comm qty	43.9kg - 9.365kg (pure)	VG	10y 6m NPP 8y 8y NPP 6y		Juvenile	SNPP 15 years Drugs imported from Vietnam mixed with cosmetic chemicals Nguyen lieutenant to principal Phan - courier Additional co-offender dealt with for importation offences <i>Phan</i> [2013] NSWCCA 49
4.	Pham (35) [2010] NSWCCA 208 Co-offender: TRAN	Knowingly take part in supply lge comm qty	10.124kg (30% purity)	PG (25%)	10y NPP 6y	AD	Minimal record	SNPP 15 years Purchased drugs from suppliers in Sydney – co-offender pulled over transporting them to Gold Coast - negotiator, organiser, coordinator, quality controller and financial arranger Vietnamese with difficult childhood
5.	El Helou (24) [2010] NSWCCA 111 [2014] NSWCCA 209	Knowingly taking part in supply lge comm qty	259.22kg (52.34kg pure)	PG (25%)	10y 6m NPP 6y 6m	Crown AA 12y NPP 8y AA 10y NPP 6y 8m		SNPP 15 years Drugs imported from overseas – involved in transporting and warehousing drugs for two days – above mid-range seriousness
6.	Oliveri [2011] NSWCCA 38 Co-offender: NGUYEN PHAN	Knowingly taking part in supply lge comm qty	Greater than 5kg	VG	8y NPP 6y	AD		SNPP 15 years Three cardboard boxes containing 43.9kg (gross) imported from Vietnam – controlled delivery – took delivery of some of the drugs from house of co-offender Additional co-offender dealt with for importation offences <i>Phan</i> [2013] NSWCCA 49

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7.	Standen [2011] NSWSC 1422 James J [2015] NSWCCA 211 Co-offender: JALALATY	Knowingly take part in supply lge comm qty Consp import comm qty Att pervert course of justice	300kg	VG	22y NPP 16y 18y NPP 12y FT 3y 6m (concurrent)	AD	Nil	SNPP 15 years High ranking police officer became involved in attempt to import at least 300kg pseudoephedrine from Pakistan concealed in rice containers – no drugs actually imported - supply offence involved attempt by co-offender to take possession of drugs presumed to have been imported – principal – used knowledge and experience as police officer to provide advice and make inquiries as to investigations Onerous custodial conditions – loss of career – youngest child in foster care On appeal: sentence for supply offence not excessive
8.	Jidah (33) [2014] NSWCCA 270 Co-offenders: DS JIDAH ES WILSON	Supply lge comm qty Attempt possess precursor	125kg (pure)	VG	13y NPP 8y 9m FT 15m (concurrent)	AA 10y NPP 6y		SNPP 15 years Drugs imported from Thailand concealed as juice boxes – controlled delivery – drugs picked up and transported to warehouse owned by Wilson – offending bottom of mid-range – recruited by brother and subordinate to all co-offenders – believed involved in hundreds of kilos of drugs Otherwise good character On appeal found disparity Co-offender ES sentenced for importation: [2014] NSWCCA 268
9.	Jidah (27) [2014] NSWCCA 269 Co-offenders: DS JIDAH ES WILSON	Supply lge comm qt Attempt possess precursor	125kg (pure)	VG	15y 9m NPP 10y 3m FT 18m (concurrent)	AA 12y 6m NPP 8y 6m		SNPP 15 years Drugs imported from Thailand concealed as juice boxes – controlled delivery – drugs picked up and transported to warehouse owned by Wilson – close to top of mid-range – task of safeguarding drugs in transit - aware of scale of operation and quantity of drugs involved Otherwise good character On appeal found disparity Co-offender ES sentenced for importation: [2014] NSWCCA 268

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10.	DS (33) [2014] NSWCCA 267 Co-offenders: JIDAH JIDAH ES WILSON	Supply lge comm qty Attempt possess precursor	125kg (pure)	VG	15y 11m 1w NPP 10y 4m 1w FT 20m (concurrent)	AA 14y 6m NPP 9y 6m	minor	SNPP 15 years Drugs imported from Thailand concealed as juice boxes – controlled delivery – drugs picked up and transported to warehouse owned by Wilson - role was to facilitate delivery of container to warehouse, supervise unpacking of container supervise resealing of boxes after they had been examined to locate any listening devices – important role – financial gain – aware of approximate amount of drugs – subordinate to ES and Wilson but above Jidah and Jidah On appeal found disparity Co-offender ES sentenced for importation: [2014] NSWCCA 268
11.	Wilson [2014] NSWCCA 266 Co-offenders: JIDAH JIDAH DS ES	Knowingly take part in supply lge comm qty	125kg (pure)	VG	16y 2m NPP 10y 6m	AD	Nil	SNPP 15 years Drugs imported from Thailand concealed as juice boxes – controlled delivery – drugs picked up and transported to warehouse owned by offender – deliberately in Thailand to distance self from offence – very senior role in offence requiring substantial planning and co-operation Otherwise good character – unlikely to re-offend Co-offender ES sentenced for importation: [2014] NSWCCA 268
12.	Soames (31) [2014] NSWCCA 158 [2017] NSWCCA 158 Co-offenders: GROVER GROVER	Knowingly take part in supply lge comm qty Supply lge comm qty	24kg 22.6kg	PG	6y NPP 3y 9y NPP 5y <u>Total</u> 10y NPP 6y	AD AA 6y NPP 3y 6y NPP 3y 6m <u>Total</u> 7y NPP 4y 6m		SNPP 15 years Arranged for father to pick up and transport drugs on behalf of associates – on separate occasion drove with co-offender to pick up drugs from storage container Seeking to raise money for brother's legal fees

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13.	D. Grover (35) B. Grover (31) [2014] NSWCCA 315 Co-offender: SOAMES	3 x supply lge comm qty Possess precursor	24kg 22kg 24kg 95 packets	PG (20%)	14y NPP 8y (each) FT 2y 6m <u>Total</u> 17y NPP 11y	AA 9y 6m NPP 5y (each) FT 2y 6m <u>Total</u> 12y 6m NPP 8y	Supply offences committed while on bail for possess offence – prior record included drug offence	SNPP 15 years – supply offences Brothers - Purchased cold and flu tablets from chemists over many months using both genuine and false driving licences – supply offences related to tablets stolen from pharmaceutical company – on first occasion drugs transported by father of co-offender to cousin of offenders – second occasion tablets taken by co-offender but stopped by police – third occasion offenders arrested upon delivery of drugs – above mid-range seriousness – well planned – financial gain
14.	Tran (33) [2014] NSWCCA 32 Co-offender: PHAM	Knowingly take part in supply lge comm qty	10.124kg	PG (15%)	10y NPP 6y	AD	limited	SNPP 15 years No facts given in judgment – see Pham above Negotiator, organiser and co-coordinator - role of significance but not as great a co-offender

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15.	Jones (44) [2016] NSWCCA 230	Supply lge comm qty Dealing with proceeds of crime Possess proh weapon Sched: 2 offences	Over 27kg	PG (25%)	<u>Indicative</u> 9y NPP 5y 10m 4y NPP 2y 7m 12m NPP 8m <u>Aggregate</u> 11y NPP 7y	AD	minor	SNPP 15 years Transported drugs from Perth to Sydney by train in plastic containers – took delivery of containers and transported to garage – methylamphetamines and \$885 found in garage – search of house found knuckledusters and cash over \$160,000 – drug dealer involved for financial gain

Last Updated: Oct 2018

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