Ongoing Supply Cocaine

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

s.25A Supply prohibited drug for financial reward on three or more separate occasions during any period of 30 consecutive days

Maximum Penalty: 20 years

Commenced: 7.8.1998

	Case (age if known)	Offence	Amount	Plea	Sentence	Appeal	Priors	Facts
1.	**Luong** (20) [2002] NSWCCA 238	s.25A Sched: GIC		PG	5y 6m NPP 3y	AA 4y NPP 2y	driving and drug offence	Arrested in possession of cocaine - admitted selling on regular basis over previous 2 months - total amount unclear Frank interview - drug addiction - rehabilitation - assaulted in custody
2.	**Zarei** (33) [2002] NSWCCA 350	s.25A	0.05g 0.06g 0.04g	PG (15%)	3y NPP 18m	AD	prior conviction for possess prohibited drug	Sold drugs to undercover police officer - small time pedlar - supporting addiction Iran - premature birth of child causing health problems - good character evidence - depression
3.	**Kostecoglou** (23) (2002) 137 A Crim R 257 [2002] NSWCCA 514	2 x s.25A 2 x s.25A heroin Sched: Possess unauth firearm		PG (25%)	FT 12m 3y 2m NPP 12m (concurrent)	Crown AD	nil	Part of large scale syndicate involved in drug distribution - street dealer for 2 months - also involved in other aspects of business Developed major drug problem after mother died - evidence of rehabilitation - stringent bail conditions
4.	**Sakkar** (25) [2003] NSWCCA 26	s.25A Sched: Possess amphet Deemed supply cocaine	Total - 1.86g 3g 17.4g	PG (25%)	4y NPP 18m	AD	poor	Supplied to undercover police officer on 4 occasions - other drugs found at premises - street dealer with relatively sophisticated operation - funding own habit - evidence of rehabilitation
5.	**Hide** (29) [2003] NSWCCA 371	s.25A Sched: GIC	0.82g 0.87g 3.74g	PG (15%)	4y NPP 2y	AD		Supplied to undercover police officer – agreed to supply 1 ounce but pulled out – engaged in business of supply Sole care of 4y daughter - pregnant

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

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6.	**Collins** (19) [2004] NSWCCA 30	s.25A	< 1g supplied 2.6g possession	PG	3y NPP 2y 3m (PD)	Crown AD	Nil	Female - 4 supplies made to undercover police officer – assisted male co-offender by driving him around Dominating relationship with co-offender – good prospects of rehabilitation – exceptional case
7.	**Vu** [2005] NSWCCA 266	s.25A	0.15-0.18g	VG	6y NPP 4y 6m	AA 4y NPP 2y 6m	Nil	Sold to undercover police bought from flat Vietnamese migrant – no personal drug use – no remorse – recently unemployed – young baby and girlfriend pregnant again
8.	**Esquilant** (27) [2005] NSWCCA 421	s.25A	3g	PG	2y 3m NPP 12m	AD	Nil	Supplied to friends and associates Heavy drug user – difficult childhood
9.	**Mirza** (47) [2007] NSWCCA 248	s.25A	29.8g 28.7g 28.4g	PG (40% plea and assist)	6y NPP 3y 6m	AD	Nil	Supplied to undercover officer – motivated by greed – above midrange offence – supplying on behalf of wholesaler – more than courier Assistance - depression
10.	**Pickett** (48) [2010] NSWCCA 273	s.25A Sched: 2 x supply cocaine Car offence	0.71g 2.9g 2.92g 9.82g 10.57g	PG (16.5%)	20m suspended	Crown AD	minor	Supplied to undercover officer over 4 weeks – involved in supplying on behalf of principal because of substantial commercial debt owed to principal – received no financial reward from dealing - voluntarily withdrawn from involvement prior to arrest Charity work – suffering depression at time of offence
11.	**Doumit** (48) [2011] NSWCCA 134	s.25A (cocaine and methamphet) Possess ecstasy Possess GBL Sched: Proceeds of crime 2 x supply	<1 g cocaine 1g meth 72.34g 298.4g	PG (37 – plea and assist)	3y 10m NPP 2y FT 12m FT 12m <u>Total</u> 5y 4m NPP 3y 6m	AA 3y 10m NPP 2y FT 12m FT 12m <u>Total</u>: 4y 7m NPP 2y 9m		Supplied drugs from business as hairdresser – supplied less than one gram of cocaine to undercover officer on four occasions – supply 1g methamphetamine to customer on one occasion – found in possession of 72.34g ecstasy and 298.4g GBL Late drug user – charity work - rehabilitation

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12.	**Darcy** (28) [2019] NSWCCA 159	s.25A s.25(1) Proceeds of crime Sched: 3 x possession offences	Total: just over 5g 15.95g $34,840	PG (25%)	2y 7m 1y 8m 1y 6m Aggregate 3y 9m NPP 2y	AD	drug offences – breached bail for drug offence	Sold bags of cocaine to police agent on four days pursuant to an agreement – amounts varied from 1.23-1.27g – search of house found equipment for drug supply further drugs and cash Began drug abuse after injury stopped promising sporting career
13.	**Kay** (29) [2019] NSWCCA 275	s.25A Sched: s.25A	9.34g 17.07g	PG (25%)	4y NPP 1y 8m	AA 2y 5m NPP 12m	driving offence	Runner for drug distribution syndicate – received drugs and money – supplied 9.34g cocaine in 15 transactions in 10 hours – additional cocaine supplied on two different days Difficult childhood – single mother to three children – mental health issues On appeal: error in finding offender played 'significant role'
14.	**Ghalbouni** [2020] NSWCCA 21	s.25A Proceeds of crime: s.193C Schedule: 7 offences	1.03g 1.1g 1.33g $2000	PG (25%)	2y 9m 9m Aggregate: 2y 9m NPP 1y 2m	AA 2y ICO (7 months served prior to appeal)	nil relevant	Supplied drugs to undercover operative on three occasions over four weeks – on arrest found in possession of additional drugs and money Difficult childhood – drug user – mental health issues On appeal: errors made in regard to schedule requiring re-sentence

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15.	**Prince** (32) [2020] NSWCCA 110	s.25A Direct criminal group: s.93T s.166 certificate 6 x drive disqualified Sched: s.25A Supply cocaine Proceeds of crime	Total – 250g 47.44g $44,430	PG	Indicative 4y 6m 2y 6m 6m Aggregate: 5y 6m NPP 3y 2m	AD	motor vehicle offences	Over two months directed operations in syndicate distributing cocaine in small amounts – well organised – cocaine and money found in house upon arrest Female – difficult childhood with sexual abuse and early drug use – suffering PTSD and depression
16.	**Nguyen** (24) [2020] NSWCCA 281	s.25A Sched: Criminal group offence: s.93T	91.2g	PG (25%)	3y NPP 1y 9m	AD	Nil	Co-ordinated drug syndicate supplying small amounts of drugs through runners – 91.2g supplied over five weeks – principal of distribution team – mid-range – motivated by greed On appeal: rejected parity ground
17.	**Li** (30) [2021] NSWCCA 75	s.25A Sched: Supply drugs 2 x possess drugs	55.2g 55.6g 83g	PG (25%)	4y 3m NPP 2y 9m	AD	Low range PCA; drive disqualified.	Controlled police operation – offender obtained drugs - met with undercover operative and received money. With co-offenders, played vital role in well-organised supply operation – trusted with large quantities of money and drugs. Drug use – unemployed; financial pressures - Special circumstances.
18.	**Abousleiman** (31) [2021] NSWCCA 110	s.25A Supply comm qty MDMA Sched: Proceeds crime; supply cocaine	148.53g 193.86g	PG (25%)	Indicative 4y 3y 6m NPP 2y Aggregate 5y 6m NPP 3y	AD	Minor traffic	Supplied drugs to undercover police on eight occasions in exchange for money – role of middle person - not the principal overall but nevertheless a person who had a significant ability to be able to supply drugs. Strong subjective case - good character – rehabilitation prospects – close family support – impact of death of cousins contributed to spiralling into serious drug dealing.

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19.	**La** [2021] NSWCCA 136	s.25A Supply MDMA Supply cocaine Sched: 2 offences	97.9g cocaine 5.5g MDMA 26.68g MDMA 28.3g		Indicative 2y 4m 2y 1y 3m Aggregate 3y 3m NPP 1y 10m	AD	Supply	Supplied on 30 occasions; street level dealer; part of cocaine-supply syndicate; would be supplied with cocaine which would then be on-supplied in small quantities of between 0.5gms and 3.5gms to customers. Paid $850 and supplied 350 capsules of MDMA to woman to carry capsules into music festival on his behalf where they were to be returned to him. Supplied cocaine in carpark up-supplier. Early drug use- quasi custody in residential program.
20.	**Taha** (25) [2022] NSWCCA 46	s.25A 2 x supply small qty cocaine Supply cocaine indictable s.166 Certificate Drive susp Sched: 3 offences	2.92g	PG (25%)	Indicative 3y 18m 22m s.10A conviction Aggregate 5y NPP 2y 6m	AA Indicative 3y 18m 22m s.10A conviction Aggregate 4y NPP 2y 3m	Ongoing supply, drug-related offending. On CCO.	Involved in three supplies within 30 day period – total amount of all supply offences approximately 60g. ADHD – drug abuse – cognitive functioning within borderline range; overall thinking and reasoning abilities exceeded those of only 3% of individuals of his age. CCA: Error as to pre-sentence custody. Below mid-range of objective seriousness - prospects of rehabilitation guarded - medium to high risk of reoffending.

Last updated: March 2022