

**Possess Imported Cocaine  
Commercial Quantity  
s.307.5 / s.307.8 (Cth) Criminal Code**

Commenced 6.12.2005

**307.5 Possessing commercial quantities border-controlled drug**

**307.8 Possessing commercial quantities border controlled drug reasonably suspected of having been unlawfully imported**

**Commercial Quantity: 2kg**

**Maximum Penalty: Life**

	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
1.	<b>Riddell</b> (2009) 194 A Crim R 524 <a href="#">[2009] NSWCCA 96</a>	Att possess comm qty: s.307.5  Possess comm qty: s.307.5	3.877kg cocaine  8.080kg cocaine	PG (25%)	9y NPP 5y  9y NPP 5y (concurrent)	Crown AA 9y  10y  <u>Total</u> 11y NPP 7y	Minor assault charge in Canada	Canadian national came to Australia on 6m visa – took delivery of cocaine concealed in goods sent from overseas – unaware of exact nature of drugs – stored goods in hired storage facilities – not involved in unpacking – element of duress
2.	<b>FS</b> (2009) 198 A Crim R 383 <a href="#">[2009] NSWCCA 301</a>	Consp to possess comm qty: s.307.5	28.399kg cocaine	PG (50% plea and assist on appeal)	12y NPP 9y	AA 10y NPP 6y 8m	Nil	Mexican - Cocaine concealed in shipping container – high level participation and culpability – not principal but important figure Assistance discount

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
3.	<p><b>Pham</b> (32)</p> <p><b>Nguyen</b> (42)</p> <p>(2010) 205 A Crim R 106 <a href="#">[2010] NSWCCA 238</a></p>	<p>Att possess comm qty: s.307.5</p> <p>Sched: Att possess comm qty</p> <p>Import comm qty: s.307.1</p> <p>Import comm qtys.307.1</p> <p>Sched: 2 x Att possess comm qty</p>	<p>27.1535kg cocaine</p> <p>27.1535kg cocaine</p> <p>13.04kg methamphet</p>	<p>PG (10%)</p> <p>PG (15%)</p>	<p>11y NPP 7y</p> <p>14y NPP 9y</p> <p>FT 7y 6m</p> <p><u>Total:</u> 14y 6m NPP 9y 6m</p>	<p>Crown AA 15y NPP 10y</p> <p>Crown AA 16y</p> <p>16y</p> <p><u>Total:</u> 18y NPP 12y</p>		<p>Cousins – drugs imported from Canada concealed in foot spa units – controlled delivery</p> <p>N – involved in setting up business and subsequently arranging to pick and store spa units, removed drugs from units and helped deliver to third person – not a principal but significant role in organisation – financial reward</p> <p>P – female – significant role liaising with people in Canada and unpacking drugs once they arrived in Australia</p>
4.	<p><b>Wang</b> <a href="#">[2010] NSWCCA 319</a></p> <p>Co-Offender: MA</p>	<p>Attempt possess comm qty: s.307.5</p>	<p>201.2465 kg (72.3-88.2% pure) cocaine</p>	<p>PG (35% plea and assist)</p>	<p>18y NPP 11y 6m</p>	<p>AD</p>		<p>Female – cocaine hidden in boxes asserting to be Chinese tea – controlled delivery - arranged for delivery of goods to flat and attempted to unpack drugs – active participant and no mere accessory – sophisticated scheme – towards upper range of gravity - likely unaware of wholesale value of drugs estimated at up to \$45 million - to contact director of company importing the goods - higher in chain of command than co-offender – required co-offender - trusted member of group involved in illegal importation scheme</p> <p>Prior good character - motive of greed and attempt to reconcile with former husband - low chance of re-offending - medium level of assistance</p>

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5.	<b>Ma</b> <a href="#">[2010] NSWCCA 320</a>  Co-Offender: WANG	Attempt possess comm qty: s.307.5	201.2465 kg (72.3-88.2% pure) cocaine	PG (35% plea and assist)	15y NPP 9y	AD		Drugs hidden in shipping container of furniture and boxes purporting to contain tea – controlled delivery - upper end of scale based on quantity and quality of drugs, amount of money paid for drugs and profits expected from their sale - initially denied knowledge of drugs and lied at interview - expected payment of \$400,000 for her involvement - role lowest of four participants involved in scheme - not party to importation but aware shipment had to involve large quantity of illicit drugs Under financial pressure - prior good character - significant although limited assistance to authorities - protective custody
6.	<b>Phommalysack</b> (25)  <b>Nguyen</b> (34)  (2011) 31 VR 673 <a href="#">[2011] VSCA 32</a>  Co-offenders: NGUYEN LUONG NGUYEN	Att possess comm qty: s.307.5  Attempt import comm qty: s.307.1  Att possess comm qty: s.307.5	29.1kg cocaine  29.1kg cocaine  21.8kg methamphet  6.3kg ecstasy	PG  PG	12y NPP 9y  10y  7y  <u>Total</u> 12y NPP 8y (14% assistance)	AD	AR as a youth  Nil	Drugs concealed in foot spas – controlled delivery N arranged for lease of factory - liaised with customs brokers to arrange clearance and delivery - liaised with purchasers – signed for delivery of container – present when unpacking commenced. P – recruited and sent from Sydney to pick up drugs – arranged to have drugs concealed in car – drug user – to receive \$10,000 up front then \$40,000 N – female – promised assistance – became involved to repay debt to co-offender – to receive at least \$25,000 towards debt
7.	<b>Arenilla-Cepeda</b> (31) <a href="#">[2012] NSWCCA 267</a>	Consp to possess comm qty: s.307.5	4-5kg (90% pure) cocaine	PG (30% plea and assist)	14y NPP 8y 6m	AA 12y 6m NPP 7y 9m	nil	Colombian national – initiated and conducted numerous discussion over several months planning importation – stated contacts were sending at least 5kg – at top or towards top of hierarchy – would receive significant amount of money Excellent prospects of rehabilitation

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8.	<b>Yung</b> (20)  <b>Lau</b> (34)  <b>Yim</b> (36)  <a href="#">[2012] VSC 325</a> Forrest J	Att possess comm qty: s.307.5  Sched: Proceeds of crime: s.400.9  Import comm qty: s.307.1  Import comm qty: s.307.1	45.6kg cocaine  207.6kg cocaine  207.6kg cocaine	PG (20%)  PG (20%)  PG (20%)	11y NPP 6y 6m  20y NPP 16y  19y NPP 15y		Subsequent proceeds of crime offences  Nil  Nil	Drugs concealed in boxes containing lawn mowers – shipped from Brazil – controlled delivery Yim – involved in practical tasks of storing, repackaging and distributing drugs – to receive \$12,000 Lau - supervised Yim - instructed him as to unpacking and repacking of cocaine, liaised with purchaser/s, kept Hong Kong organisation informed – to receive \$60,000 Yung – collected portion of drugs on behalf of others – second offence unrelated
9.	<b>Nguyen</b> (39) <a href="#">[2012] VSCA 119</a>  Co-offenders: PHUONG PHOMMALYSACK LUONG NGUYEN	Import comm qty: s.307.1  Attempt possess comm qty: s.307.5	55kg mixture of cocaine, ecstasy and methamphet	PG (21% plea and assist)	12y  8y  <u>Total:</u> 15y NPP 11y 6m	AD	nil	Female - drugs imported from USA in foot spas – controlled delivery - promised money, car and a house – recruited and gave directions to several co- offender Voluntarily returned from Vietnam

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10.	Pham	Att possess comm qty: s.307.5	71.564kg cocaine	VG	15y	AD		Drugs imported from Canada concealed in spa and pedicure chairs – controlled delivery – role of each offender difficult to ascertain – highly organised and sophisticated business T greater culpability –more intimately involved and gave instructions – came out from Canada to confirm quantity of drugs and deal with discrepancies P – facilitated delivery to warehouse and unpacking of drugs
		Att possess comm qty: s.307.5	9.757kg ecstasy		15y			
		Att possess comm qty: s.307.5	29.285kg methamphet		15y			
	Tang <a href="#">[2012] VSCA 101</a>	Import comm qty: s.307.1	71.564kg cocaine	PG	15y	Total: 19y NPP 14y		
		Import comm qty: s.307.1	9.757kg ecstasy		15y			
		Import comm qty: s.307.1	29.285kg methamphet		15y			
					Total: 19y NPP 14y			

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11.	<b>Barbaro</b> (50)	Consp traffic comm qty: s.302.2	More than 1.4t MDMA	PG	Life	AD	Drug offences	Consp offence – over several months in 2007 planned to take delivery of drugs imported from Italy for purpose of trafficking – controlled delivery meant no drugs received – highest level of offending – sophisticated and bespoke business Traffic offence – for seven months during 2008 sourced drugs from – significant trafficking to repay debt for missing drugs – offence not of highest gravity Cocaine offence – June 2008 drugs arrived from Colombia concealed in bags with coffee beans – controlled delivery Schedule offences – pseudoephedrine imported from India – over \$11.3 million drug money laundered Barbaro – at apex of offending – lived in rural NSW – motivated by greed Zirilli – lesser offender but right-hand man – lived in rural NSW – cousin to B – motivated by greed
		Traffic comm qty: s.302.2	More than 100kg MDMA		23y			
		Att possess comm qty: s.307.5	99.9kg cocaine		20y			
	Sched: Consp import comm qty pseudoeph 2 x Proceeds of crime		<u>Total:</u> Life NPP 30y  (pre discount for guilty plea: Life with no minimum term)					
	<b>Zirilli</b> (55)  <a href="#">[2012] VSC 47</a> King J  <a href="#">[2012] VSCA 288</a>  <a href="#">[2014] HCA 2</a>	Consp traffic comm qty: s.302.2	More than 1.4t MDMA	PG	20y	AD	Nil	
		Traffic comm qty: s.303.2	More than 100kg MDMA		15y			
Att possess comm qty: s.307.5		99.9kg cocaine	13y					
				<u>Total:</u> 26y NPP 18y  (pre discount for guilty plea: 30y NPP 24y)				

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12.	<b>Karan</b> (27) <a href="#">[2013] NSWCCA 53</a>  Co-offender: CONSIDINE	Aid and abet att possess comm qty: s.307.5	3.173kg cocaine	PG (25% for plea and assist reduced to 15%)	3y 9m NPP 2y 6m	Crown AA 6y NPP 4y	Nil relevant	Drugs concealed in knife block and cutting board imported from Canada – controlled delivery – to receive \$5,000 to recruit and supervise consignee and facilitate clearance Drug addiction
13.	<b>C</b> (2013) A Crim R 233 <a href="#">[2013] NSWCCA 81</a>	Att possess comm qty: s.307.8	120kg cocaine	PG (45% plea and assist)	16y 4m NPP 10y 6m	AA 14y 3m NPP 9y		Cocaine imported from Mexico - entered Australia on instructions from cartel to take possession of cocaine - low-level participant or courier Admitted offence when arrested and provided assistance to authorities On appeal - inadequate discount for assistance
14.	<b>Considine</b> (22) <a href="#">[2013] NSWCCA 97</a>  Co-offender: KARAN	Aid and abet att possess comm qty: s.307.5	3.173kg cocaine	PG (33.3% plea and assist)	1y 8m (immediate release to recog)	Crown AD (inadequate but exercised discretion to not allow appeal)	nil	Female - drugs concealed in knife block and cutting board imported from Canada – controlled delivery – to receive \$2,000 to be consignee and pick up package – low involvement Prospects of rehabilitation – difficult background – mother to three young children – emotional vulnerability
15.	<b>Franze</b> (32) <a href="#">[2013] VSC 421</a> Kaye J	Att possess comm qty: s.307.5  Att possess comm qty: s.307.5	14.1kg cocaine  133.3kg methamphet	VG	10y  16y  <u>Total:</u> 17y NPP 13y		Minor	Drugs imported in bottles of beer from Mexico – controlled delivery – significant role - involved in receiving consignment, unloading and moving them-directing disposal when alerted to police surveillance – no knowledge of actual amount – lured by profits Hardship to wife caused by imprisonment

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16.	Ramazanoglu <a href="#">[2013] VSC 724</a> Kaye J  Co-offender: FRANZE	Att possess comm qty: s.307.5  Att possess comm qty: s.307.5  Obstruct Cth officer  Traffick comm qty: s.302.2  Possess unreg longarm  Store firearm in insecure manner	14.1kg cocaine  133.3kg methamphet  3.4-5.6kg methamphet	PG	4y  8y  2m  4y  2m  2m  <u>Total:</u> 8y 6m NPP 4y 6m		minor	Drugs imported from Mexico concealed in beer bottles – not involved in importation but took possession of bottles for purpose of disposal when controlled delivery discovered – no knowledge of precise amount or purity – less significant role than co-offenders – resisted police officer at time of arrest – smaller amount of methamphetamines found in refrigerator – sentenced on basis stored drugs for deemed purpose of supply – Naughton .22 calibre semi-automatic rifle found stored with ammunition in premises – limited role – moral culpability reduced by psychological condition Significant mitigating features - remorse – difficult childhood including sexual assault by teacher resulting in severe psychological issues and substance abuse – impact on custody - good character references – good prospects of rehabilitation

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17.	<p><b>Luong (Hung)</b> (53)</p> <p><b>Nguyen (Minh)</b> (2013) 46 VR 780 <a href="#">[2013] VSCA 296</a></p> <p>Co-offenders: PHUONG PHOMMALYSACK NGUYEN</p>	<p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p>	<p>29.1kg cocaine</p> <p>21.8kg methamphet</p> <p>6.3kg MDMA</p>	VG	<p>10y</p> <p>10y</p> <p>10y</p> <p><u>Total:</u> 15y NPP 11y</p> <p>3y</p> <p>3y</p> <p>3y</p> <p><u>Total:</u> 3y NPP 514d</p>	<p>Sentence AD</p> <p>Conviction Appeal only - dismissed</p>	nil	<p>Drugs concealed in foot spas to be imported to Australia from USA – controlled delivery</p> <p>H – involved in organisation but not a major role and not aware of amount of drugs – low intellectual functioning – hardship to family</p> <p>N – asked to come and work for a few days – only became aware of drugs when first package opened</p>
18.	<p><b>Blackman</b></p> <p><b>Jomaa</b> <a href="#">[2014] NSWCCA 90</a></p>	<p>Att possess comm qty: s.307.5</p> <p>Att possess comm qty: s.307.5</p>	<p>31.92kg cocaine</p>	<p>PG 30% plea and assist)</p> <p>PG (20%)</p>	<p>9y 9m NPP 5y 6m</p> <p>11y 3m NPP 7y</p>	Crown AD	<p>Minor</p> <p>Nil</p>	<p>Drugs imported on ship in bags concealed in legitimate cargo – substantial and continuing involvement – controlled delivery – attempted to take possession of drugs but no indication arranged importation – greater than couriers but not kingpins</p> <p>J – suffering psychological problems</p>

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19.	<b>Nerbas</b> (27) <a href="#">[2014] QCA 259</a>  Co-offender: HANDLEN	Possess comm qty: s.307.5  Att possess comm qty: s.307.5	Not stated cocaine ecstasy methamphet	PG	15y NPP 10y  15y NPP 10y (concurrent)	AD	Nil	Drugs imported from Canada in cathode ray tubes over several months – maintained infrastructure used for importing – provided additional labour when required Lesser offender – long history of legal proceedings – prior good character
20.	<b>Polimeni</b> <a href="#">[2014] VSCA 72</a>	Consp to possess comm qty: s.307.5	91kg (no stated purity) cocaine	VG	18y NPP 12y	AD		(2008) Conspired with others to import drugs concealed in ship from Colombia – ‘elevated level of criminality’
21.	<b>Handlen</b> (39 at offence – 47 at sentence) <a href="#">[2015] QCA 292</a>  Co-offender: NERBAS	Possess comm qty: s.307.5  Attempt possess comm qty: s.307.5	103kg cocaine  7.6kg ecstasy  1.085kg methamphet	VG	27y NPP 18y	AD	Nil relevant	Drugs imported from Canada in cathode ray tubes – management role – controlled delivery after drugs detected by authorities
22.	<b>PC</b> (20) <a href="#">[2016] NSWCCA 137</a>	Att possess comm qty: s.307.5  Import comm qty: s.307.1  Sched: 3 x Import comm qty Proceeds of crime Possess comm qty	17.314kg cocaine  20.548kg methamphet  at least 21kg methamphet	PG (30% - plea and assist)  PG (25% plea and assist)	19y 6m  16y 6m  <u>Total:</u> 26y 6m NPP 18y	AA 17y 6m  15y  <u>Total:</u> 20y 6m NPP 14y 6m	Lengthy record – breached conditional liberty	Played managerial role in the receipt and distribution of drugs imported over 6 month period from Canada – drugs concealed in equipment – trusted and key member in syndicate – found in possession of \$135,700 proceeds of crime Difficult childhood – drug user – gambling addiction On appeal – degree of accumulation too high

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23.	<b>Phelps</b> (30)  <b>Zapala</b> (33)  <a href="#">[2018] NSWCCA 191</a>	Att possess comm qty: s.307.5  Import comm qty: s.307.1  Proceeds of crime s.400.6(1)  Sched: 2 offences	11.99kg cocaine  11.99kg cocaine	PG (30% combined)  PG (25%)	4y 6m NPP 2y 3m  8y  2y  <u>Aggregate</u> 9y NPP 5y 3m	Crown AD  Crown AD	minor drug  nil	Sophisticated syndicate – cocaine imported in box marked ‘food sausage stuffer’ – controlled delivery and operation – Z senior and trusted member responsible for importation – delivered \$40,000 cash to car according to arrangements made with co-offender – obtained and passed on details of consignment – at least mid-range – P significant but not crucial role – picked up consignment using false identification – not aware of sophistication of operation or amount of drugs – reckless – limited involvement P – relatively good character – drug user – genuine remorse – some mental health problems Z – prior good character but previously involved in criminal activity – excellent prospects of rehabilitation
24.	<b>Hoang</b> (20)  <a href="#">[2018] VSCA 86</a>	Att possess comm qty: s.307.5  Traffic lge comm qty (Vic)	3.3742kg cocaine  2.6033kg cocaine	PG	9y NPP 5y  8y NPP 5y  <u>Total:</u> 10y NPP 6y	AD	Nil	Involved in importation of drugs from Vietnam – attempt to import cocaine concealed in two consignments of printer toner cartridges – cocaine found in car and at residence – principal role – high moral culpability Financial difficulty – onerous custodial conditions due to isolation – youth – good prospects of rehabilitation
25.	<b>Da Silva</b> (39)  <a href="#">[2020] QCA 176</a>	Import comm qty: s.307.1  Att possess comm qty: s.307.5  Dealing proceeds of crime	4.0537kg cocaine	PG	9y  4y  12m  <u>Total:</u> 9y NPP 4y 6m	AD	nil	Involved in importation of drugs from Brazil using courier – tasked with collecting drugs from courier and making payment – limited but planned involvement – more culpable than courier Some contrition – offending out of character – effect of panic disorder on custodial conditions – excellent prospects of rehabilitation

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26.	<b>O'Shaughnessy</b> <a href="#">[2020] NSWCCA 124</a>	Att possess comm qty: s.307.5	5.39kg cocaine	PG (25%)	6y 9m NPP 4y	AA 4y NPP 3y	Nil	Drugs imported concealed in two drive shafts – controlled deliver of package to co-offender via Golf Club – assisted co-offender remove drugs from drive shafts – minimal involvement – motivated by misguided loyalty to friend – bottom of range Prior good character – out of character – remorse – excellent prospects of rehabilitation – low risk of re-offending On appeal – manifestly excessive in view of low involvement
27.	<b>Taumoepeau</b> (30)  <b>Siaki</b> (26)  <a href="#">[2020] NSWCCA 200</a>	Att possess comm qty: s.307.5  Att possess comm qty: s.307.5	47.587kg cocaine	PG (25% on appeal)	12y 6m NPP 7y 6m  12y 6m NPP 7y 6m	AA 10y 6m NPP 6y 6m  10y 6m NPP 6y 6m	Driving and some violence  Minor violence	Drugs imported from Panama concealed in hydraulic press – controlled delivery to premises of business run by offenders – offenders agreed to take delivery of press – after delivery agreed to remove packages – financial benefit and some threats – unaware of drug amount – important and equal role T – violent childhood and bullying at school – depression and financial pressure at time of offence – remorse and good prospects of rehabilitation S – financial pressure – remorse – generally good prospects of rehabilitation CCA: <i>Xiao</i> error established.
28.	<b>Abreu</b> (34 at offences; 41 at sentence) <a href="#">[2020] NSWCCA 286</a>	Possess comm qty: s.307.8  Proceeds of crime: s.400.4(1)	7.283kg cocaine	PG (10%)	11y 3m NPP 6y 6m  1y 8m  <u>Total</u> 11y 9m NPP 7y	AA 10y 2m  1y 6m  <u>Total</u> 10y 7m NPP 6y 2m	US record - theft, receiving stolen property, forgery, conspiracy to commit access device fraud.	Flew in from US – with co-offender purchased bags for storage of drugs – left drugs for collection - drugs and large amount of cash found in hotel room. Traumatic background - history of heavy substance abuse and gambling - post-traumatic stress disorder, depressive disorder, pathological gambling disorder-rehabilitation. CCA: <i>Xiao</i> error established.

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29.	Martellotta <a href="#">[2021] NSWCCA 168</a>	Att possess comm qty: s.307.5	4.34kg cocaine	PG (25%)	6y NPP 4y	AD	No	With co-offenders arranged importation – role as more than mere warehouseman although not possible to define role with certainty: recruiting co-offenders to take delivery of consignment; directing their actions; overseeing collection and removal of consignment when unexpectedly delivered; taking receipt of consignment at his residential premises; acting as point of contact with Peruvian end of operation. Family and financial stress - remorse - prior good character - good prospects of rehabilitation.
30.	Salazar (27) <a href="#">[2021] VSCA 125</a>  Co-offender: PALMISANO MUNOZ CARMONA	Att possess comm qty: s.307.5  Possess mkt qty: s.307.9	5.766kg / 4.072kg cocaine  15.5g cocaine	PG	7y  9m  <u>Total:</u> 7y 3m NPP 5y 6m	AA 5y  9m  <u>Total:</u> 5y 3m NPP 3y 6m  (pre discount for guilty plea: 6y 10m NPP 4y 8m)	Nil	Cocaine shipped in two consignments from Chile and Panama – took delivery of Chile consignment and transported to apartment – present when co-offender brought second consignment to apartment – attempted to open one consignment and offered advice on second – role of courier only – small amount of cocaine found in wardrobe on arrest Colombian student – recreational drug user – financial gain – good prospects of rehabilitation – delay – onerous custodial conditions On appeal: allowed due to parity with Palmisano

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31.	<b>Palmisano</b> (23) <a href="#">[2021] VSCA 124</a>  Co-offender: SALAZAR MUNOZ CARMONA	Att possess comm qty: s.307.5  Proceeds of crime: s.400.7(1)  Possess controlled drug: s.308.1	5.766kg / 4.072kg cocaine  \$6,150  See facts	PG	5y  18m  2m  <u>Total:</u> 5y 6m NPP 3y 9m	AA 5y  3m  2m  <u>Total:</u> 5y 1m NPP 3y 5m  (pre discount for guilty plea: 6y 8m NPP 4y 7m)		Cocaine shipped in two consignments from Chile and Panama – took delivery of Panamanian consignment and transported to apartment – role of courier only – found in possession of cash and drugs – 1.54g MDMA – 2.86g ketamine – small amount cocaine Italian student – recreational drug user – paying off drug debt – remorse - good prospects of rehabilitation On appeal: allowed due to parity on proceeds of crime sentence to co-offender Carmona
32.	<b>Awraham</b> (24) <a href="#">[2021] NSWCCA 241</a>	Att possess comm qty: s.307.5  Possess unauthorised pistol  Supply drug  Possess unregistered firearm	2.152kg cocaine	PG (25%)	7y 6m NPP 5y 15d  3y NPP 1y 11m  2y 3m  18m  <u>Total:</u> 9y NPP 6y 6m	AD	Driving – not relevant.	Closely involved in an attempt to import drugs - role “at least that of a courier” and above that of “mere recruit” - aware of when and where consignment would be delivered - arrived at delivery address to oversee what occurred after package delivered - expected to gain significantly to discharge drug debt of \$40,000 to \$50,000 - .22 calibre Ruger pistol and a magazine containing eight rounds of ammunition found on premises Special circumstances – good rehabilitation.

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
35.	JRE (28) <a href="#">[2023] WASCA 100</a>	Procure att possess comm qty: s.307.5  Att possess ketamine with intent to sell: s.6(1)(a) <i>Misuse of Drugs Act</i> (WA)	2.87kg cocaine  4.877kg ketamine (gross)	PG (25%)	7y  6y  <u>Total:</u> 10y NPP 7y	AA 6y  6y  <u>Total:</u> 8y NPP 5y 6m	Nil	Ketamine imported from Spain – controlled delivery – arranged for collection and delivery of package by co-offender – two weeks later cocaine imported in purses – controlled delivery – arranged for delivery to co-offender – organised collection through Wickr app – significant and trusted role in well organised drug importation syndicate – expected significant financial benefit Born in NZ – became involved in drugs after period of unemployment - remorse – good prospects of rehabilitation – unlikely to re-offend – co-operation On appeal: individual sentences appropriate – totality only
36.	La Bianca (41) <a href="#">[2023] WASCA 172</a>	Att possess comm qty: s.307.5	2.365kg cocaine	VG	9y NPP 5y 3m	AA 7y NPP 3y 3m	Nil relevant	Drugs imported in electrical cable and delivered to café – offender and co-offender transported package to second premises and unwrapped and removed drugs – controlled delivery – aware substantial risk of drugs – essential role – relatively short period Some contrition – good prospects of rehabilitation – onerous custodial conditions due to cystic fibrosis On appeal: disparity
37.	Hurkmans <a href="#">[2024] NSWCCA 126</a>	Possess comm qty: s.307.5  Proceeds of crime: s.400.4(2A)	155.1kg cocaine	PG (25%)	<u>Indicative</u> 10y  3y  <u>Aggregate</u> 11y NPP 6y 6m	AA <u>Indicative</u> 9y  3y  <u>Aggregate</u> 10y NPP 6y	Nil	Acted under duress - purchased boat in 2020 registered in offender's name - boat paid for by unknown persons making cash deposits into bank account of vendor - rented hire car and leased storage unit - drove hire car, towing boat out to water - unknown persons threw 11 buoyant containers into waters collected by offender and loaded onto boat – intercepted by police - cocaine located in containers - suitcase containing \$520,000 located in storage unit - motivated initially for money, but when sought to withdraw, primary motivation was threats and concerns for family and himself. Extreme contrition and remorse - extremely good prospects rehabilitation - low risk of reoffending – strong family support - mental health. CCA: failure to make finding whether mental condition reduced moral culpability

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
38.	<b>Butler</b> <a href="#">[2024] NSWCCA 133</a>  Co-offenders: BARKL DUMBRELL THEOBALD KEEN	Aid and abet attempted poss comm qty: s.307.5	149.3kg cocaine	PG	3y Released to recog after 6m for 18m  (effective time in custody 2d due to backdate)	Crown AD	nil	Five co-offenders imported cocaine from Mexico concealed in silver ingots – offender agreed to allow workshop to be used to store ingots – initially believed legal but became suspicious and continued involvement – unaware of precise amount but believed significant – present on several occasions when attempt made to extract drugs – controlled delivery – agreement to receive rent Personal circumstances contributing to poor mental health and substance abuse impaired judgment – prior good character – remorse – good prospects of rehabilitation – unlikely to re-offend – facilitated course of justice – degree of extra curial punishment due to impact on business – delay in arrest On appeal: error to treat bail conditions as quasi-custodial – exercised discretion
39.	<b>Keen</b> (50) <a href="#">[2024] NSWCCA 157</a>  Co-offenders: BARKL DUMBRELL THEOBALD BUTLER	Aid and abet att possess comm qty: s.307.5  Knowingly take part in supply comm qty pseudoeph	149.3kg cocaine	PG (25%)	9y NPP 5y  5y NPP 3y 9m  <u>Total:</u> 10y NPP 6y	AA 7y NPP 3y 6m  5y NPP 3y 9m  <u>Total:</u> 8y NPP 4y 6m	Manufacture lge comm qty prohibited drug - breached conditional liberty	Assisted co-offenders who imported drugs from Mexico concealed in aluminium ingots – controlled delivery – actively engaged but not principal – took delivery of ingots delivered to warehouse and moved them around on several occasions – 19m later pseudoephedrine delivered to warehouse concealed in motor vehicle side steps – controlled delivery – assisted in removing drugs from several side steps and found in possession of one package on arrest – original consignment contained 2.6kg in each of ten side steps Remorse – prospects of rehabilitation On appeal: allowed parity ground in relation to two of four co-accused
40.	<b>Govender</b> (75) <a href="#">[2024] NSWCCA 179</a>  Co-offender: NARAYAN	Att possess comm qty: s.307.5	198.kg cocaine 80.1kg methamphet	VG	20y NPP 11y	AD	Nil	Drugs imported from South Africa concealed in machinery – offender travelled from South Africa on multiple occasions over 6 months – mid-range role (not principal) – aware illicit drugs and significant quantity South African national – age and poor health – prior good character

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	Case (age if known)	Offence	Amount (pure)	Plea	Sentence	Appeal	Record	Facts
41.	<b>Waters</b> (40) <a href="#">[2025] NSWCCA 226</a>	Consp possess comm qty: s.307.5	1.28 tonnes cocaine (72.6-82.5% purity)	PG (10%)	20y NPP 12y	AD		Joined conspiracy at very late stage – role was to attempt to recover drugs from in Belgrade over 8 day period on behalf of syndicate – not a principal Serious physical and mental health issues causing hardship in custody – onerous conditions of custody in Serbia – impact on family On appeal: despite errors in relation to discount no lesser sentence appropriate
42.	<b>Sadik</b> (19)  <b>Al-Asadi</b> (22)  <a href="#">[2025] SASCA 46</a>	Att possess comm qty  Att possess comm qty	114.76kg cocaine  114.76kg cocaine	PG (25%)  PG (25%)	3y 1d NPP 18m  3y 1d NPP 18m	Crown AA 6y 9m NPP 4y  6y 9m NPP 4y	Nil  Nil	Drugs imported in 139 brick shaped packages concealed on buses – controlled delivery – offenders travelled interstate, purchased equipment and removed 43 packages from buses – recruited as repayment for drug debts – unaware of nature or extent of criminality until time of removal – low level participants Both had difficult childhoods leading to early substance abuse and reduction in moral culpability – remorse and prospects of rehabilitation On appeal: sentences manifestly inadequate

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