

SENTENCING DRUG OFFENDERS IN N.S.W.

Containing both statistical and summary case data relating to the sentencing of drug offenders in the higher criminal courts of New South Wales.

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Part I

Statistical Analysis of N.S.W. State and Federal
Drug Sentencing Decisions 1979-1981

SENTENCING DRUG OFFENDERS IN NEW SOUTH WALES

In a recent study relating to the sentencing of the federal drug offender, some 250 drug sentencing cases were analysed with the aid of a computer.* The study only concerned itself with s.233B Customs Act offences, and no data relating to State as opposed to Commonwealth offences were considered. Furthermore that study was concerned solely with cases resulting in sentences of imprisonment. It was not intended to be a statistical study. This publication however presents some statistical material together with a list of relevant sentencing decisions that are intended to complement the earlier study by providing some further information on the sentencing practices in the state of New South Wales. That state was selected for two reasons: first because it contains the best statistics and second because it has the largest number of drug offences. Thus the data presented below provide inter alia a comparison between sentences imposed for 'importing and exporting' drug offences (crimes against the Commonwealth Law) and state drug offences, including what, for the sake of consistency, is labelled 'selling' offences (here taken to designate drug offences under the law of New South Wales).

The terms 'importing/exporting' and 'selling' may cause some confusion because offences committed under either jurisdiction may in fact involve similar sets of circumstances. Thus an offence in either jurisdiction may refer to the sale of or trade in an illicit drug. Quite often these cases may be differentiated only by reference to the nature of the prosecution rather than by reference to any intrinsic quality in the commission of the offences themselves. The terms 'importing/exporting' and

* Potas and Walker Sentencing the Federal Drug Offender: An experiment in computer aided sentencing. Australian Institute of Criminology, 1983.

'selling' have been adopted here as indicating whether the offence is a Commonwealth or State offence not because they are deemed to be the most appropriate but because these expressions are used in the official statistics.

The statistics that are presented in the following pages are derived from the annual publications of the Australian Bureau of Statistics (N.S.W. office), and refer to statistics of the higher criminal courts in that state. They are therefore subject to the same explanatory notes or qualifications that are set out in those publications. For example, the data cited relate to distinct persons convicted in the higher criminal courts and the higher courts include :

(1) courts exercising original jurisdiction - the Supreme Court and the District Court as well as (2) courts exercising appellate jurisdiction, particularly the Court of Criminal Appeal which is the Supreme Court exercising appellate jurisdiction in criminal matters in New South Wales.

The last section of this work provides a list of drug sentencing decisions. An attempt has been made to distinguish state from federal cases (the latter are marked with an asterisk) and in each case the citation, certain basic facts relating to the offence and the offender, and the ultimate sentence and specified non-parole period are given.

It should be noted that in New South Wales (as indeed in all Australian jurisdictions) the Crown as well as the defence may challenge the sentence imposed by the trial judge. The Court of Criminal Appeal may vary, increase or decrease the sentence but, in general, the Court will not lightly conclude that a sentence other than that imposed by the trial judge

should be substituted.*

An important distinguishing feature of serious drug offences is that maximum penalties under Commonwealth and New South Wales statutes are different. For example, except in exceptional circumstances the maximum penalty for a s.233B offence (a Commonwealth offence) is 25 years and/or a fine of \$100,000.** This may be compared with the most serious category of offences under the laws of New South Wales, where the maximum penalty is \$200,000 fine or 15 years imprisonment or both.† It should be noted however that the vast majority of drug offences involve small quantities of drugs and are dealt with in the courts of Petty Sessions. There they usually attract small fines even though the maximum penalty for a drug offence in that jurisdiction consists of a fine of \$2,000 and/or two years of imprisonment. The data presented in this publication refer of course to the more serious indictable drug offences. A more detailed summary of the penalties under the Customs Act 1901 (Cth) for the importation or exportation of prohibited drugs is set out in Chapter II of Potas and Walker Sentencing the Federal Drug Offender: An experiment in computer-aided sentencing. For present purposes therefore, it is sufficient if only a summary of the drug offences under state law are discussed here.

The forerunner of the Poisons Act, 1966 which contains the main

* House v R. (1936) 55 C.L.R. 499, Griffiths v R. (1977) 137 C.L.R. 293.

** In some circumstances the penalty may be increased to life, Customs Act 1901 (Cth) s.235 and the maximum amount of a fine may also exceed \$100,000. See Potas and Walker op.cit. pp.20-24. See also the provision for minimum fines Customs Act s.243, and the provisions for the confiscature of property owned by the convicted person: Customs Act s.229A.

† Poisons Act s.45A(3)(a) - Like its legislative counterpart under the Customs Act (see previous footnote) there are also special provisions authorising the forfeiture of certain property used in the commission of drug offence, or proceeds derived from the commission of the offence. Poisons Act s.45AC.

provisions for prosecuting drug offenders under state law, was the Sale and Use of Poisons Act, passed in 1876. The latter had as its aim the restriction of sale of certain poisonous substances including opium. Although the first Poisons Act (so named) was passed in 1902, other Acts were to impinge upon the use of drugs. The Inebriates Act of 1900 and later 1912 went beyond the question of the habitual use of intoxicating liquor to include excessive use of narcotic drugs. The Police Offences (Amendment) Act 1908 gave the Governor power to make regulations to prevent the improper use of drugs. The Pharmacy Act 1897 and as subsequently amended also impinged upon the illegal use of drugs.*

Although, in some instances, offences are triable summarily (initially all offences under the Poisons Act 1966 were triable summarily) the gravity of the drug menace has meant more severe measures. In statistical report 15 (1974) the New South Wales Bureau of Crime Statistics and Research revealed that in 1973 eighteen drug offenders were sentenced in the higher criminal courts of New South Wales. These cases involved three categories of prohibited substances; cannabis (which accounted for approximately two-thirds of the cases) opiates and hallucinogens.**

Further, the data for that year indicate that, but for three cases, all resulted in the imposition of custodial sentences. The figures given are as follows:

* Sections 23, 24 and 25 of the now repealed Summary Offences Act 1970 also provided penalties for ancillary offences in relation to drugs.

** Drug Offences 1973 Analysis of Trends at p 12.

NSW DRUG OFFENCES - HIGHER CRIMINAL COURTS 1973

Sentence imposed	No. of offenders
Recognizance	2
Recognizance and probation	1
Less than 12 months	1
12 months and under 18 months	3
18 months and under 2 years	1
2 years and under 3 years	5
3 years and under 4 years	2
4 years and under 5 years	2
5 years and under 6 years	1
	18
TOTAL	18
	===

There was a similar sentencing pattern in 1972. However, within a decade the frequency of convicted offenders had increased tenfold and long term sentences of imprisonment in respect of drug offences, particularly for heroin cases, are now commonplace. Indeed at any one time 10 per cent of persons in New South Wales penal institutions are there for drug or drug related offences, and the evidence suggests that this proportion is increasing.

The most serious state offences concerning drugs in New South Wales are found in sections 21 and 32 of the Poisons Act 1966, as amended. Sub-section 21(1) is concerned with the manufacture, supply or possession of any prepared opium or Indian hemp,* and includes the offence of being the occupier, owner, lessee, or manager, of premises that are knowingly being used for the smoking or supply of prepared opium or Indian hemp.** That

* s.21(1)(a) and (b). As to the meaning of the prepared opium and Indian hemp see s.4 of the Act.

** s.21(1)(c)(d)(e)

section also includes both the offence of possessing pipes or other utensils used in connection with smoking or preparation of opium or Indian hemp,* and the offence of frequenting 'any place used for the purpose of smoking opium, prepared opium or Indian hemp'.** Sub-sections 21(2) and 21(2A) deal with the offence of possessing or supplying drugs of addiction other than prepared opium or Indian hemp. The term 'supply' is very broadly defined in s.4 of the Act and, as well as meaning the sale and distribution of any proscribed drug, it also includes 'agreeing to supply or offering to supply, or keeping or having in possession for supply or sending, forwarding, delivering or receiving for supply (such drugs), or authorising, directing, causing, suffering, permitting or attempting any of such acts or things'.

Section 32 relates to the manufacture, preparation or supply of any prohibited drug, the possession of such drug and the use of such drug. Any substance which is not a prohibited drug, but which 'for the purpose of its being supplied, is represented ... as being a particular prohibited drug' is deemed to be that particular drug.***

Section 45A of the poisons Act provides that offences arising under sections 21(1), 21(2A), 32(1) and 33A are subject to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 15 years (or both) where the offence does not relate to Indian hemp in leaf form. Where the

* s.21(1)(f)

** s.21(1)(g)

*** s.32(4). Note that s.33A of the Act also deals with the offence of cultivating, supplying, possessing, being the owner etc, or manager, of premises used for the purposes of cultivation or supply, of 'any prohibited plant'.

offence does relate to Indian hemp in leaf form, * the offender is liable to a similar fine but the maximum term of imprisonment is limited to 10 years.

The Australian Bureau of Statistics has classified drug offences under the following four headings :

Use, etc. or possession

Selling

Importing or Exporting

and Making (or other)

Only the third category refers to Commonwealth offences and, as the statistics quite clearly reveal, the most common indictable drug offences in New South Wales fall under the selling (supply) categorisation.

Tables 1, 2 and 3 present data relating to the number of distinct persons convicted by sentence imposed in accordance with the above classification of drug offences for the years 1979, 1980 and 1981 respectively.** These tables are accompanied by Figures 1 to 6 which illustrate the data contained in the table columns marked 'Selling' and 'Importing/ Exporting' only. In this regard, caution should be observed, for these figures exclude from consideration data relating to the other two categories of state offences that are listed in the tables. This also

* By s.45A(3A) Indian hemp in leaf form is a reference to Indian hemp which does not contain more than 3 per cent by weight of tetrahydrocannabinol, or a prohibited plant of the genus Cannabis

** It has been decided to omit earlier statistics as these are now of little relevance since the recent amendment to the statutory penalties. See Potas and Walker op.cit. at p.22.

means that Figures 1 to 6 do not provide a complete state versus federal jurisdiction statistical comparison of sentences imposed upon distinct persons convicted of drug offences in the higher criminal courts of New South Wales. Even so, the data suggest that a significantly greater number of persons are convicted for state drug offences than for federal ones, that bonds or probation (whether in combination with a fine or not) are imposed far more frequently for state offences than for federal offences, and that, while the imposition of short terms of imprisonment are relatively rare for offences under both jurisdictions, proportionately fewer offenders receive very long sentences of imprisonment for state than for federal offences. This result is to be expected in view of the fact that the statutory maximum term of imprisonment under the Customs Act exceeds that of the Poisons Act by 10 years.

The difference between state and federal sentences is more readily seen by reference to the specified non-parole periods. Data for non-parole periods specified by the higher courts of New South Wales in respect of drug offences during the three years 1979 to 1981 are presented in Table 4. Figure 7 then illustrates by way of bar graphs the non-parole periods specified in respect of the two categories 'Selling' and 'Importing/Exporting' offences. An examination of Figure 7 clearly reveals that there is a substantial difference between non-parole periods specified for state and federal offences. For example, only a relatively small proportion of selling offences attract non-parole terms of more than two years, with very few (none in 1980) cases resulting in terms of five years or more. This may be contrasted with the length of non-parole periods customarily imposed for importing/exporting offences. The data indicate that these are fairly evenly spread across the whole range of minimum terms, with perhaps half

the cases attracting non-parole terms of three years or more, and certainly with a not insignificant proportion of cases attracting specified non-parole periods of five years or more. It is premature to conclude from this, of course, that the differences between state and federal minimum terms of imprisonment point to the existence of unjustified sentencing disparities for, as indicated previously, the statutory maximum penalties relating to these offences differ so markedly.* Indeed, the apparent disparities in the sentencing and in the specified non-parole periods for these offences lie in the expected direction. Commonwealth legislation simply treats drug offences more severely. Moreover, statistics of this kind alone cannot provide a sufficient basis for concluding that sentencing disparities exist. As has been discussed in the study by Potas and Walker (*supra*) it is necessary to examine the circumstances of each case before an adequate basis exists for making a judgment concerning the fairness (justice) of a particular sentence. A method for doing this has been described in the previous study.

Although the statistics do strongly suggest differential treatment of drug offenders under state and federal laws these may be 'justified' by law in the manner indicated above. However until either statutory penalties under both jurisdictions are brought into step, or alternatively until the present dual (concurrent) system of laws that presently prevails is replaced by a single one, structural disparities are likely to be found. Criticism of this form of disparity should not be levelled at the judges, but at the politicians. It is a kind of disparity that must surely undermine, rather than invoke confidence in, the administration of criminal justice both within and without the boundaries of New South Wales.

* As to the difference between justified and unjustified disparities see Potas and Walker op.cit. Chapter 1.

TABLE 1

DISTINCT PERSONS CONVICTED BY HIGHER CRIMINAL COURTS, N.S.W. 1979*
SENTENCES IMPOSED IN RESPECT OF DRUGS OF ADDICTION ETC.

Sentence	Use, etc. or possession	Selling	Importing/ Exporting	Making
Bond/Probation with or without a fine	2	49	2	9
Fine only	-	-	-	-
Imprisonment -				
Under 1 year	-	4	2	-
1 and under 2 yrs	-	9	3	-
2 and under 3 yrs	-	12	7	2
3 and under 4 yrs	2	17	7	1
4 and under 5 yrs	-	6	2	3
5 and under 10 yrs	-	31	14	1
10 yrs or more	-	3	7	-
Life	-	-	-	-
Periodic detention	-	-	-	-
TOTAL IMPRISONED	2	82	42	7
TOTAL DISTINCT PERSONS CONVICTED	4	131	44	16

* Source: Australian Bureau of Statistics, High Criminal Courts New South Wales 1979, Table 8.

PERSONS CONVICTED FOR SELLING & IMPORTING/EXPORTING DRUGS IN N.S.W. 1979

SUMMARY

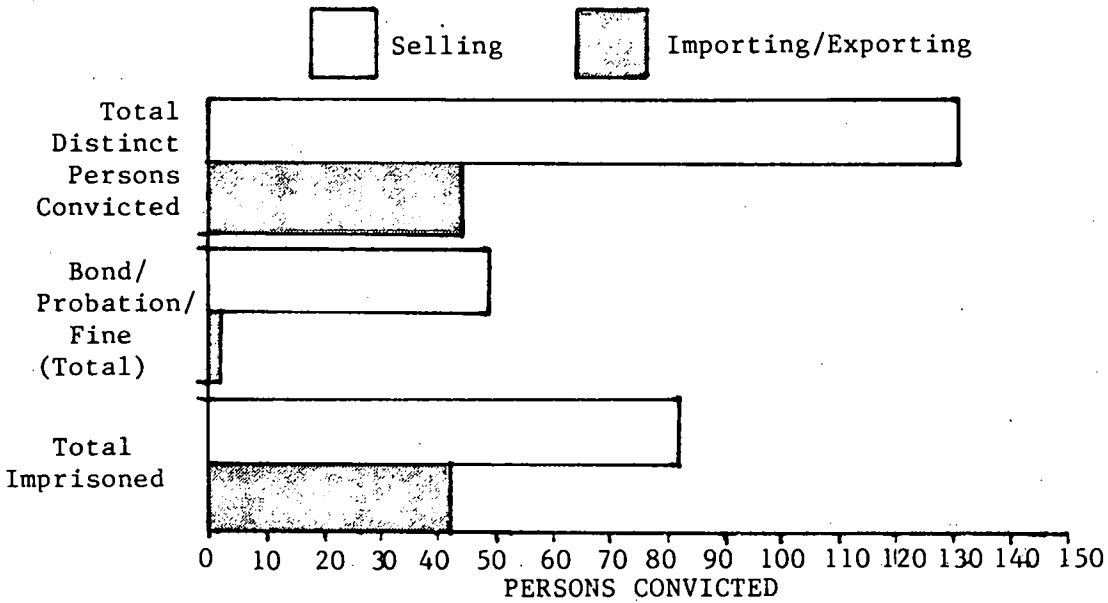


FIGURE 2

BREAKDOWN OF CUSTODIAL SENTENCES

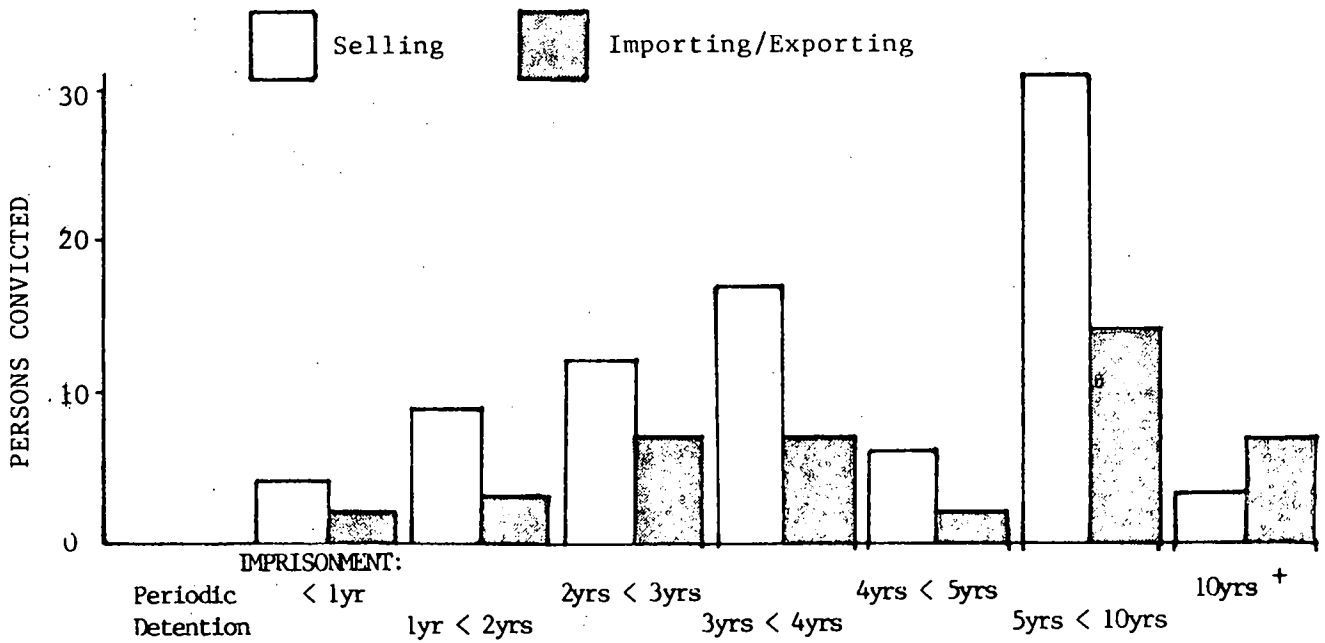


TABLE 2

DISTINCT PERSONS CONVICTED BY HIGHER CRIMINAL COURTS, N.S.W. 1980*
SENTENCES IMPOSED IN RESPECT OF DRUGS OF ADDICTION ETC.

Sentence	Use, etc. or possession	Selling	Importing/ Exporting	Other
Bond/Probation with or without a fine	-	44	5	15
Fine only	-	-	2	-
Imprisonment -				
Under 1 year	-	5	2	-
1 and under 2 yrs	-	9	3	3
2 and under 3 yrs	1	18	-	1
3 and under 4 yrs	-	16	-	1
4 and under 5 yrs	-	7	1	2
5 and under 10 yrs	-	19	16	-
10 yrs or more	-	-	7	-
Life	-	-	-	-
Periodic detention	-	3	-	1
TOTAL IMPRISONED	1	77	29	8
TOTAL DISTINCT PERSONS CONVICTED	1	121	36	23

* Source: Australian Bureau of Statistics, High Criminal Courts New South Wales 1980, Table 9.

PERSONS CONVICTED FOR SELLING & IMPORTING/EXPORTING DRUGS IN N.S.W. 1980

SUMMARY

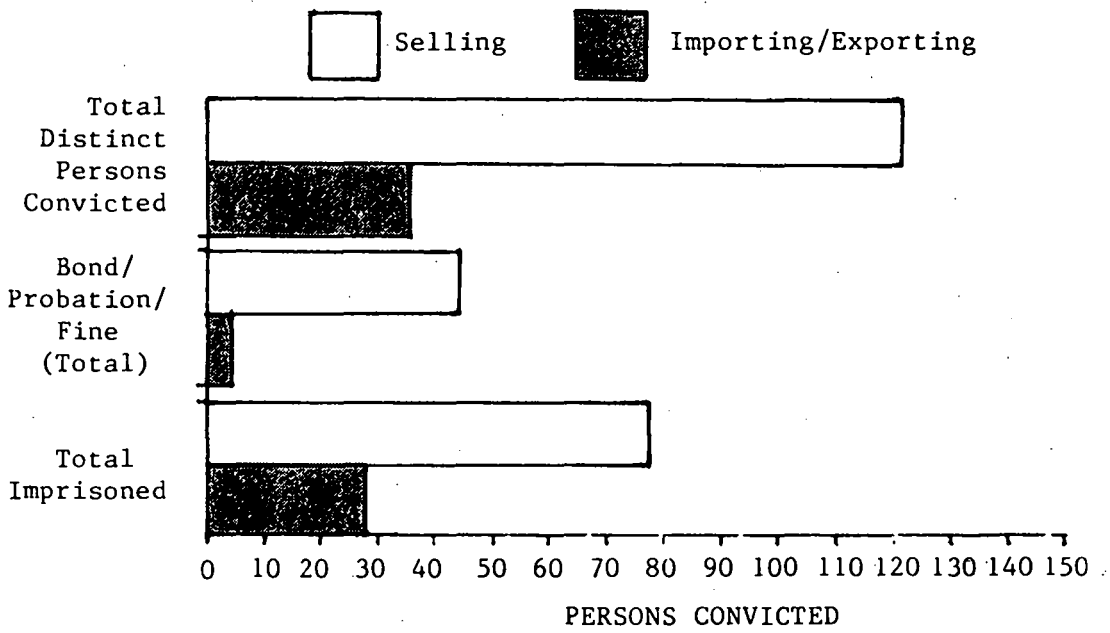


FIGURE 4

BREAKDOWN OF CUSTODIAL SENTENCES

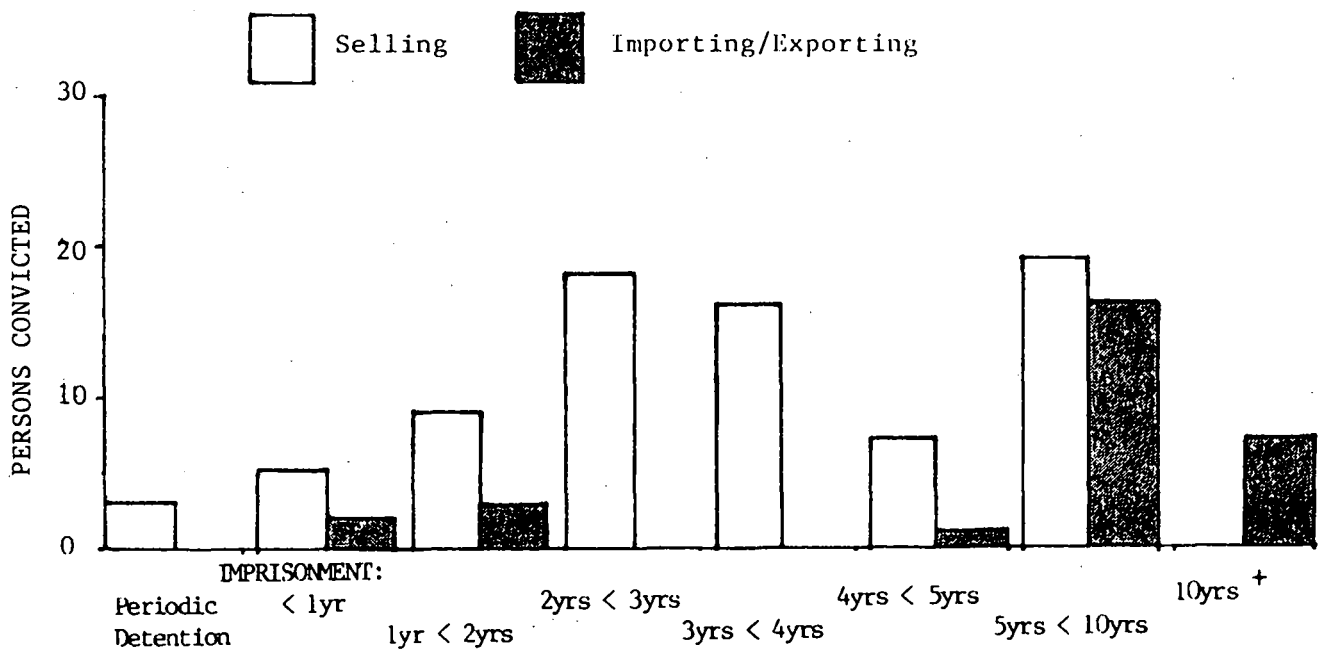


TABLE 3

DISTINCT PERSONS CONVICTED BY HIGHER CRIMINAL COURTS, N.S.W. 1981*
SENTENCES IMPOSED IN RESPECT OF DRUGS OF ADDICTION ETC.

Sentence	Use, etc. or possession	Selling	Importing/ Exporting	Making
Bond/Probation with or without a fine	1	78	3	15
Fine only	-	1	-	1
Imprisonment -				
Under 1 year	-	6	-	-
1 and under 2 yrs	-	9	2	2
2 and under 3 yrs	-	15	3	4
3 and under 4 yrs	-	26	2	8
4 and under 5 yrs	1	13	1	1
5 and under 10 yrs	-	21	14	11
10 yrs or more	-	1	11	-
Life	-	-	-	-
Periodic detention	-	4	-	3
TOTAL IMPRISONED	1	95	33	29
TOTAL DISTINCT PERSONS CONVICTED	2	174	36	45

* Source: Australian Bureau of Statistics, Higher Criminal Courts New South Wales 1981, Table 9.

PERSONS CONVICTED FOR SELLING & IMPORTING/EXPORTING DRUGS IN N.S.W. 1981

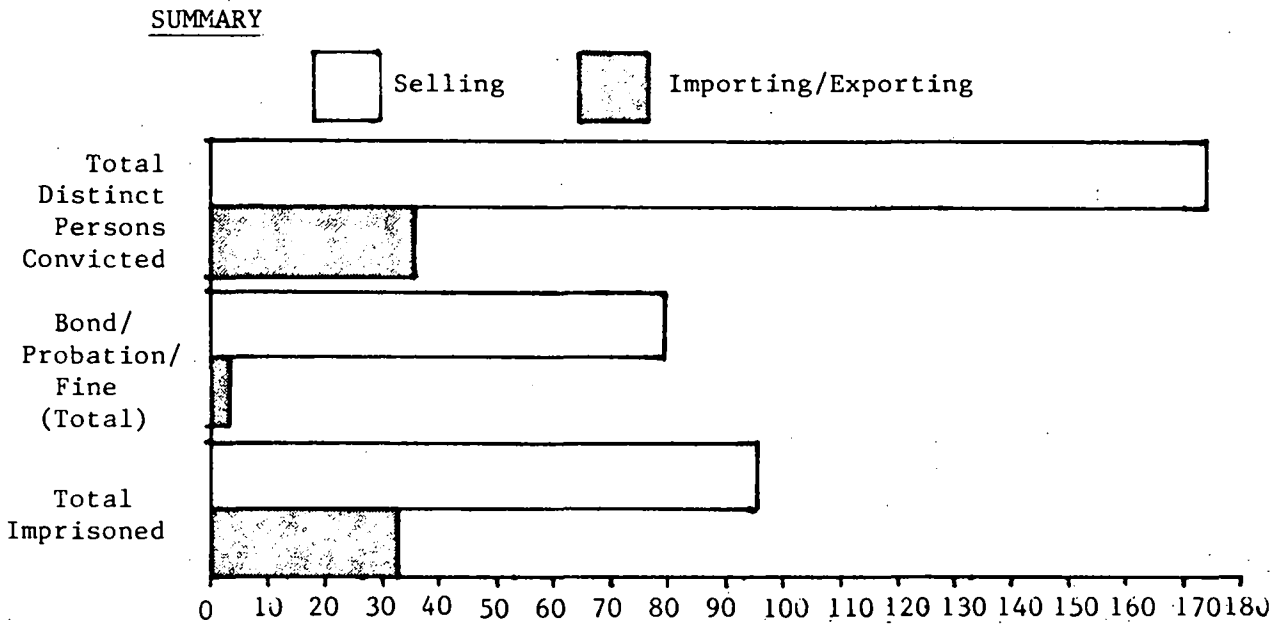


FIGURE 6

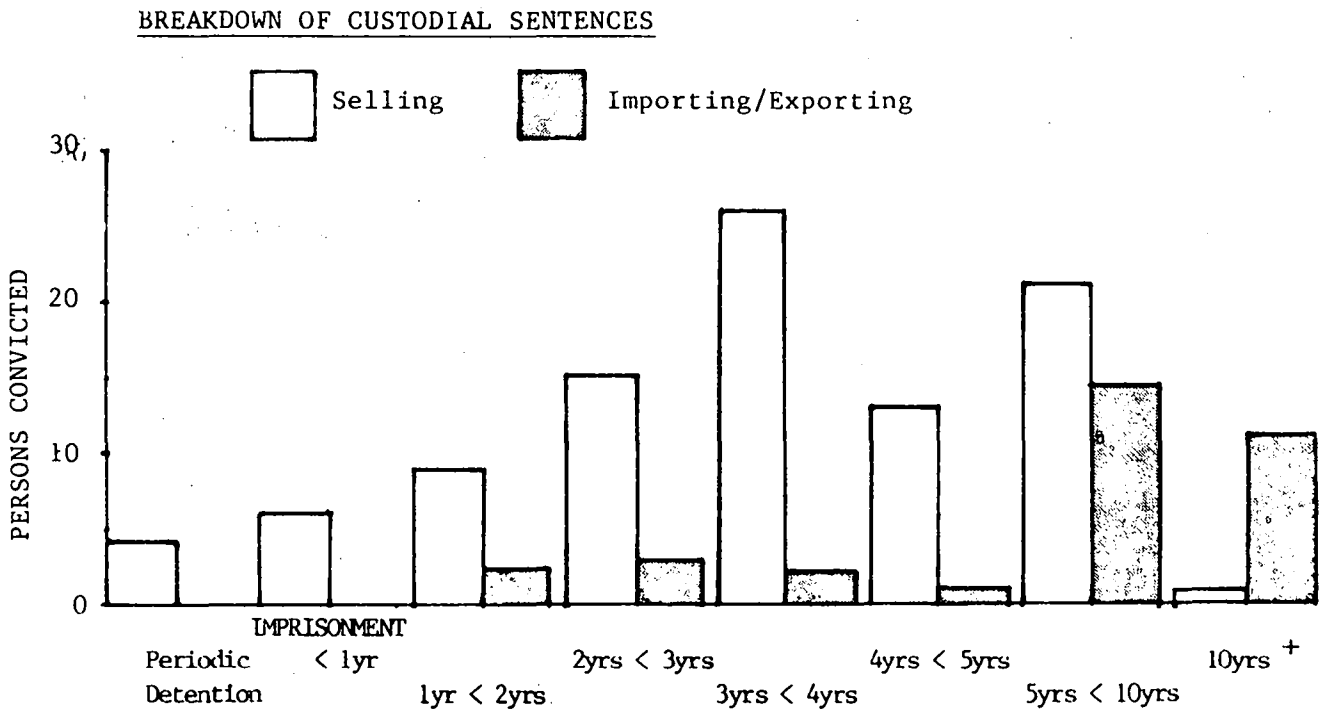


TABLE 4

DISTINCT PERSONS CONVICTED FOR DRUG OFFENCES IN THE HIGHER CRIMINAL COURTS OF NEW SOUTH WALES 1979-1981 BY SPECIFIED NON-PAROLE PERIODS*

	Use, etc. or possession	Selling	Importing/ Exporting	Making
NON-PAROLE PERIOD - 1979				
6 mths and under	-	13	4	1
9 mths and under 1 year	2	10	9	2
1 and under 2 years	-	32	10	3
2 and under 3 years	-	10	3	1
3 and under 4 years	-	3	8	-
4 and under 5 years	-	7	3	-
5 years or more	-	2	3	-
Total persons convicted**	4	131	44	16
NON-PAROLE PERIOD - 1980				
6 mths and under 9 mths	1	16	3	3
9 mths and under 1 year	-	10	-	1
1 and under 2 years	-	24	4	2
2 and under 3 years	-	13	7	-
3 and under 4 years	-	3	7	-
4 and under 5 years	-	2	2	-
5 years or more	-	-	3	-
Total persons convicted**	1	121	36	22
NON-PAROLE PERIOD - 1981				
6 mths and under 9 mths	1	20	4	6
9 mths and under 1 year	-	14	2	2
1 and under 2 years	-	31	8	6
2 and under 3 years	-	8	3	8
3 and under 4 years	-	8	3	3
4 and under 5 years	-	2	8	-
5 years or more	-	1	5	-
Total persons convicted**	2	174	36	45

* Australian Bureau of Statistics, Higher Criminal Courts of New South Wales Annual Reports 1979, 1980, 1981 - Tables 9, 10 and 10 respectively.

** Includes persons for whom a sentence of imprisonment was not imposed, or otherwise for whom a non-parole period was not specified.

PERSONS CONVICTED FOR SELLING AND IMPORTING/EXPORTING DRUGS IN NSW 1979-1981

BREAKDOWN BY NON-PAROLE PERIOD:

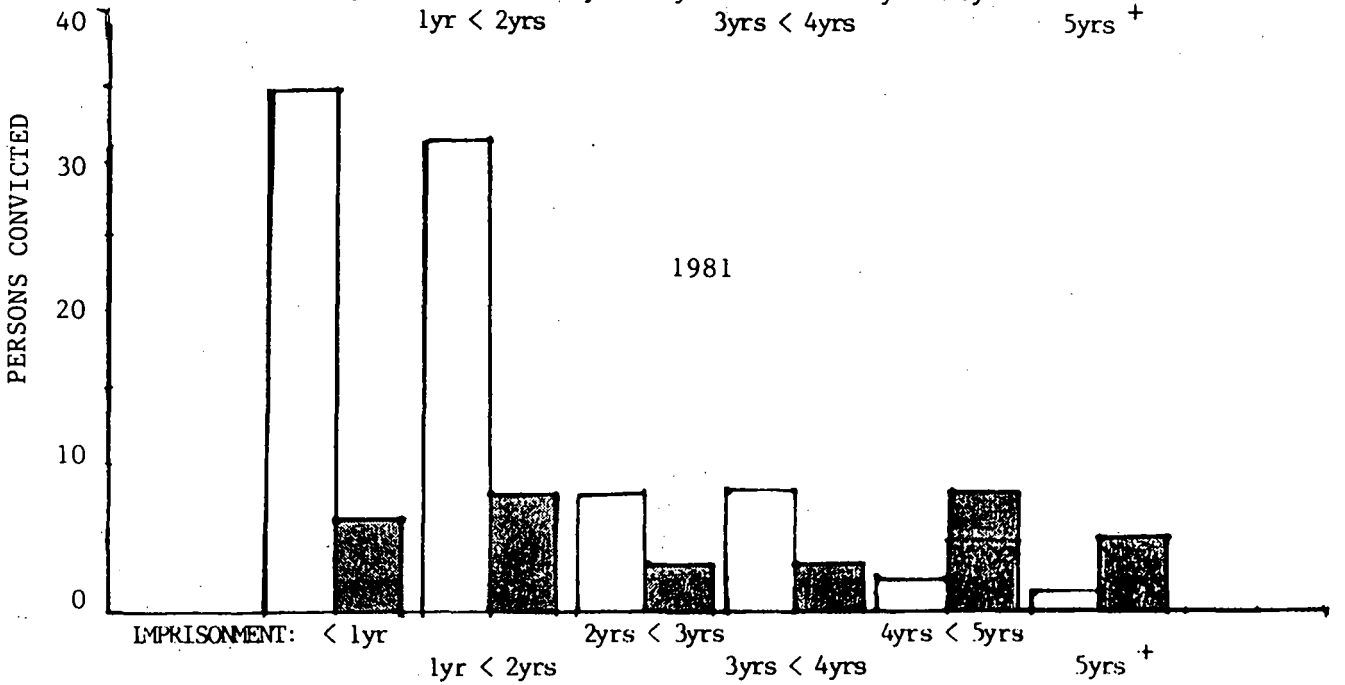
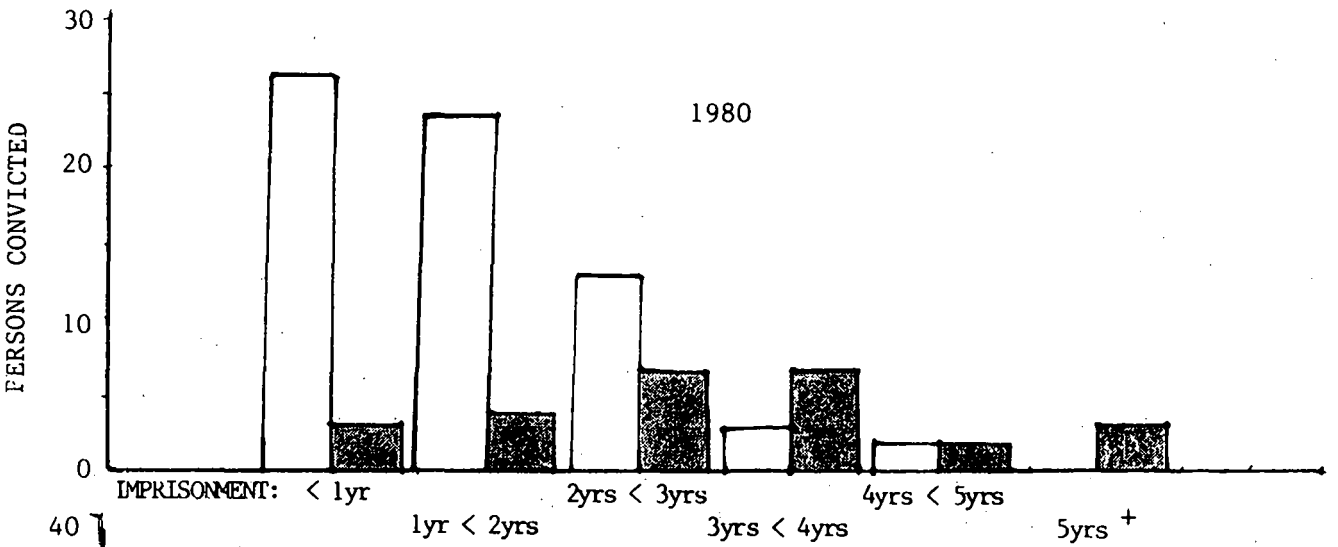
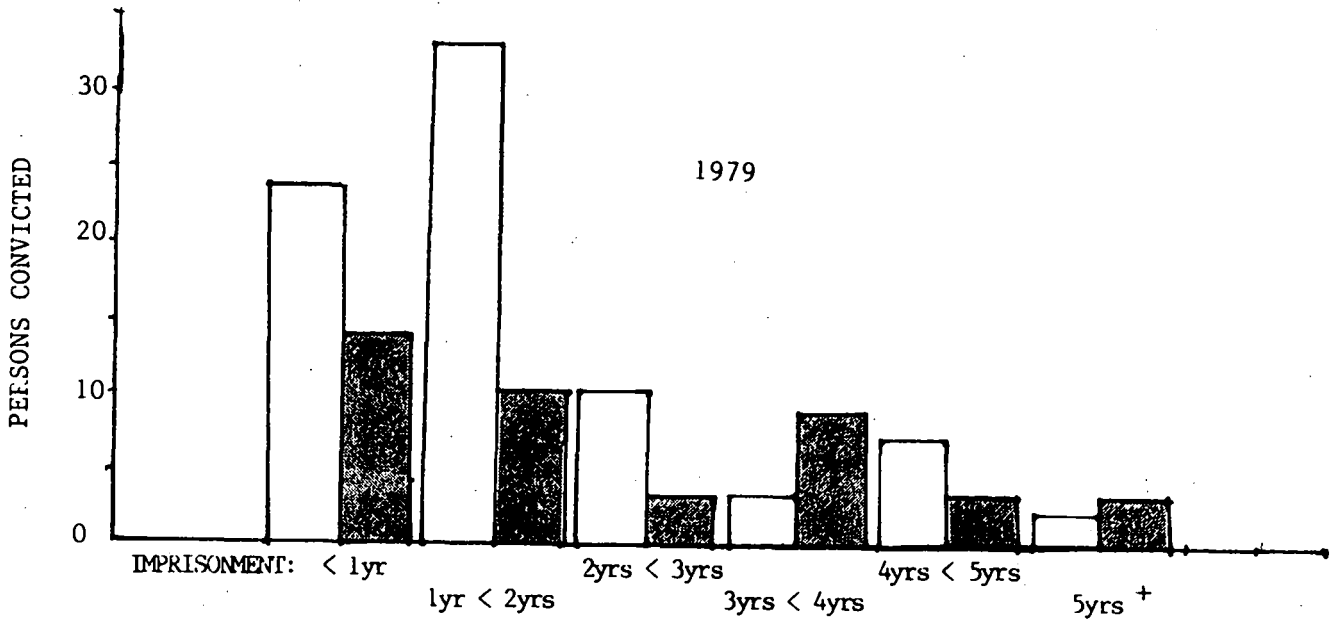
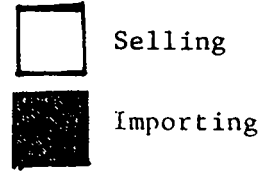


TABLE 5

SUMMARY TABLE
'AVERAGE' DRUG SENTENCES 1979-1981*

Sentence	Use, etc. or possession	Selling	Importing/ Exporting	Making
Bond/Probation with or without a fine	1.0	57.0	3.3	13.0
Fine only	-	0.3	0.7	0.3
Imprisonment -				
Under 1 year	-	5.0	1.3	-
1 and under 2 yrs	0.3	9.0	2.7	1.7
2 and under 3 yrs	0.7	15.0	3.3	2.3
3 and under 4 yrs	0.3	19.7	3.0	3.3
4 and under 5 yrs		8.7	1.3	2.0
5 and under 10 yrs		23.7	14.7	4.0
10 yrs or more		1.3	8.3	-
Life	-	-	-	-
Periodic detention	-	2.3	-	1.3
TOTAL IMPRISONED	1.3	84.7	34.7	14.7
TOTAL DISTINCT PERSONS CONVICTED	2.3	142.0	38.7	28.0

* Source: Compiled from preceding Tables 1, 2 and 3.

TABLE 6

SUMMARY TABLE
'AVERAGE' SPECIFIED NON-PAROLE PERIODS 1979-1981*

	Use, etc. or possession	Selling	Importing/ Exporting	Making
6 mths and under 9 mths	0.7	16.3	3.7	3.3
9 mths and under 1 year	0.7	11.3	3.7	2.3
1 and under 2 yrs	-	29.0	7.3	3.7
2 and under 3 yrs	-	10.3	4.3	3.0
3 and under 4 yrs	-	4.7	6.0	1.0
4 and under 5 yrs	-	3.7	4.3	-
5 years or more	-	1.0	3.7	-
TOTAL PERSONS CONVICTED**	2.3	142.0	38.7	27.7

* Source: Compiled from figures presented in Table 4 above.

** Includes persons for whom a sentence of imprisonment was not imposed, or otherwise for whom a non-parole period was not specified.

Part II

Annotated Cases Relating to N.S.W. Court of Criminal Appeal
Drug Sentencing Decisions 1970-1982

Statistics alone cannot provide sentencers with sufficient guidelines for determining whether or not a particular sentence is adequate, excessively severe or excessively lenient. In order to have some notion of where in a range of possible sentences a particular sentence should lie, it is generally necessary to refer to other cases, and preferably other cases that share circumstances of a similar nature. This is because justice demands that like cases should be decided alike and that unlike cases should be decided differently.

One of the principal functions of the Court of Criminal Appeal is to review sentencing decisions and to apply and to enunciate principles of sentencing for application in all sentencing courts. In this way consistency in sentencing decision-making is achieved.

In order to assist those concerned with sentencing the drug offender the following annotated material, consisting of decisions of the New South Wales Court of Criminal Appeal, has been compiled. Indeed the material that follows contains summaries of drug sentencing decisions relating to both state and Commonwealth offences. The summaries have been compiled and published in the belief that the material may be useful to persons seeking information on sentencing practices involving drug offenders.

The cases are presented in a broad chronological (and then alphabetical) order. An attempt has been made to distinguish the Commonwealth offences from the state offences by marking the former with an asterisk. However as the details are extracted from the judgments on sentence of the New South Wales Court of Criminal Appeal, it has not always been possible to determine whether the Court was exercising federal or

state jurisdiction.

Three further caveats should be noted. First, although an attempt has been made to include most cases, the list provided is not exhaustive. Second, users of these data are warned that the circumstances of each offence and the background of offenders as described hereunder are skeletal only and therefore are for many purposes barely adequate. Third, the sentence refers to the net sentence imposed upon the offender and in some cases this may involve an aggregate sentence in respect of more than one charge. Accordingly this information should be used primarily as a reference source. Please consult the actual cases if further details are required.

For ease of making comparisons between and amongst cases, those identified as involving the drug heroin have been underlined. The data presented may also be useful for making comparisons of sentencing trends over time, although once again users should exercise caution in reaching firm conclusions from this selection of drug cases. Details of cases that were not subject to appeal are not listed.

Drug Cases : N.S.W. Court of Criminal Appeal 1982

Case	Details of Offence	Sentence
* BAILEY, Maureen Theresa NSW OCA No. 352 of 1981 20 May 1982	Imported with de facto 344 g of <u>heroin</u> from Bangkok - both addicts	Appeal allowed: by ordering that NPP should commence at same time as sentence Imp. 12 years NPP 4 1/2 years
BELL, John Sidney NSWCCA No. 29 of 1982 10 September 1982	3 charges of supplying <u>heroin</u> , LSD and Indian hemp - 47 g heroin, 862 tiles of LSD and 363.3 g of Indian hemp in his possession in marketable packages - value \$39,000 - 34 years old - good employment record, stable marriage with three children. Criminal record included drug offences	Appeal dismissed: Imp. 9+9+6=9 years NPP 4 years
BRISTOW, Glen Alan NSWCCA No. 327 of 1981 16 April 1982	supply of Indian hemp and <u>cultivation of Indian hemp</u>	Appeal allowed: Substituted 15 months penal servitude - NPP 6 months concurrent
* CHARLESWORTH, Stanley Walter NSWCCA No. 244 of 1981 18 June 1982	conspiracy to use aircraft to fly to Thailand and import 40lb of <u>heroin</u> - principal with creditable background and of mature years	Appeal dismissed: Imp. 15 years NPP 6 years
COLE, Stanley Stewart NSWCCA No. 120 of 1982 13 August 1982	cultivating Indian hemp - 54 plants	Appeal dismissed: Imp. 2 years NPP 9 months
* FAKOURY, Adam ZAINEDDINE Ghazi NSWCCA Nos. 141,143 of 1982 13 October 1982	conspiracy to import 39 kg of cannabis resin from Damascus - wholesale value \$469,000 - use of couriers - bags impounded in Fiji before reaching Australia	Appeal dismissed: Imp: each 6 years NPP 2 years 6 months and 2 years 5 months respectively
* GILL, Jennifer Lee NSWCCA No. 265 of 1982 26 November 1982	conspiracy to import cannabis and conspiracy to import <u>heroin</u> - acted as courier with companion - 4 trips to Cyprus in all - received \$10,500 for her part - at least 2 1/2 kg of cannabis resin and 3 kg of heroin - aged 20 - cooperated with police - medical condition	Appeal by A-G allowed: Imp. 3 years NPP 1 year increased to (aggregate) 7 years NPP 3 years

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1982

Case	Details of Offence	Sentence
* HILTON, Brett NSWCCA No. 59 of 1982 27 August 1982	importing and possessing <u>heroin</u> - 174g imported by air from India - coercion by <u>heroin</u> dealer - addicted to drugs - no prior involvement with crime - satisfactory lifestyle - contrition	Appeal allowed: Imp. 7+2= 7 years NPP 2 1/2 years reduced to Imp. 5 years NPP 2 years
HUTTMAN, Kimble Anthony NSWCCA No. 379 of 1981 2 July 1982	supplying Indian hemp - purchased one pound of drug with intention of splitting and selling for profit	Appeal dismissed: Imp. 5 years NPP 2 years
* JOHNSON, Wayne Eric NSWCCA No. 167 of 1981 11 March 1982	possession of prohibited import - cocaine hidden in crate flown from Bolivia to fictitious name and address	Appeal dismissed: Imp. 10 years NPP 5 years
LANE, Robert James NSWCCA No. 159 of 1981 5 March 1982	purchased 4 lb Indian hemp for resale at profit - no criminal record - domestic and financial difficulties	Appeal dismissed: Imp. 5 years NPP 2 years 3 months
* MASKI, Ibtissam MASRI, Samir NSWCCA Nos. 51, 52 of 1982 12 October 1982	conspiracy to import heroin - husband & wife plus another couple involved - use of couriers from Lebanon to Singapore to Sydney - 386g of <u>heroin</u> - Lebanese origin satisfactory lifestyles - no prior record - husband initiating party	Wife: Imp. 7 years 6 months NPP 3 years 3 months Husband: Imp. 13 years NPP 6 years reduced to Imp. 10 years NPP 5 years
* McCOY, Angela Mary NSWCCA No. 164 of 1982 20 August 1982	importing cannabis resin from India assisted by husband who remained in India - 1909g with street value of \$38,000 - 10 pounds fine in England for possessing cannabis - aged 21 with good references - intended to sell drugs and then return to England	Appeal dismissed: Imp. 5 years NPP 2 years
* PANTECHIS, Chris NSWCCA No. 192 of 1982 4 November 1982	conspiracy to import and attempt to export <u>heroin</u> - one level below principal - several trips to Bangkok - aged 31 no prior offences, contrite	Appeal allowed: Aggregate sentence of 14 years and NPP of 6 years reduced to Imp. 12 years NPP 5 years

Drug Cases : N.S.W. Court of Criminal Appeal 1982

Case	Details of Offence	Sentence
* RAAD, Julal NSWCCA No. 139 of 1981 13 August 1981	importation of heroin - engaged in drug scene recruited cousin to act as courier from Penang	Appeal dismissed: Imp. 10 years NPP 5 years
* RAHME, Salim Hanna NSWCCA No. 263 of 1981 8 April 1982	importing cannabis resin and being in possession of prohibited import - 4,646g of cannabis resin	Appeal allowed: Reduced to 5 1/2 years min. 2 1/2 years
TEDESCO, Nicola NSWCCA No. 279 of 1981 16 April 1982	cultivating Indian hemp and supplying Indian hemp	Appeal by A-G allowed: Increased to penal servitude 2 1/2 years concurrent, NPP 1 year
VANDERLOOS, Terence Mark NSWCCA No. 313 of 1981 19 February 1982	supplying Indian hemp - 4 charges - cultivating Indian hemp (39 plants in backyard) 26 years of age - good work record	Appeal allowed: Imp. 6 years NPP reduced from 3 years to 2 years
* WHALEN, Daniel Ray AMBROSE, David Michael NSWCCA Nos 231, 229 of 1981 10 February 1982	couriers for reward - hired to carry two-thirds of 1 kg of heroin from Bangkok to Fiji via Sydney for \$15,000 each. Both US citizens - A-aged 32 with minor criminal record, W-aged 31 - drug addict	Appeal allowed: 20 years with NPP of 9 1/2 years reduced to Imp. 14 years NPP 6 1/2 years each
WILLIAMS, Daryl Anthony NSWCCA No. 394 of 1981 7 April 1982	supplying Indian hemp - 24 plants grown, two 1 lb parcels sold for \$1200 each - excellent character	Appeal dismissed: Sentence deferred on 3 year bond with \$5000 fine
* YOUNES, Ali Kassan GOOCH, George Alexander NSWCCA Nos. 159, 158 of 1982 13 October 1982	conspiracy to import cannabis resin from Lebanon to Australia - involved other (see Masri) - drug couriers - with clear records and satisfactory lifestyles - Y-aged 34, G-aged 52 involved for financial gain	Appeal dismissed: Imp. 6 years NPP 2 years 6 months each

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1981

Case	Details of Offence	Sentence
* ABBREDERIS, Heinrich NSW OCA No. 208 of 1980 (1981) 36 ALR 109 26 June 1981	possessing <u>heroin</u> 606 g in briefcase - 420 g in box - value up to \$1.5m. No criminal record.	Appeal dismissed: Imp. 15 years NPP 6 years
ADHAMI, Sam NSW OCA No. 222 of 1981 8 October 1981	supplying <u>heroin</u> for \$2800 - intended profit being \$200 as middle man - Aged 21 - subject to bond at time of offence	Appeal dismissed. Imp. 3 years NPP 15 months
AKEKJIC & ORS NSW OCA Nos. 276,277,282,283, 284,289,297,310,311 of 1981 17 December 1981	9 appellants helping to cultivate Indian hemp crop for large reward. Only Akeljic with criminal record.	Appeals dismissed. Imp. 6 years NPP 3 years 7 appellants Imp. 5 years NPP 2 1/2 years One appellant Imp. 5 years NPP 2 years
BROWN, Thomas NSW OCA No. 131 of 1981 14 August 1981	two charges of supplying <u>heroin</u> - 6.2 g of 39.1% (in flat)	Appeal dismissed: Imp. 5 + 5 = 5 years NPP 2 years
* CAKO, Stjepan NSW OCA No. 53 of 1981 21 May 1981	supplying <u>heroin</u> - 1 lb brought back from Hong Kong - aged 47 - no criminal record heroin addict	Sentenced to 8 years with NPP 4 years, so in view of closeness of remission date and NPP date, held that NPP should be reduced to 3 years
* DAHER, Nemer Magid NSW OCA No. 145 of 1981 10 December 1981	importing cannabis resin - 6.156 kg - street value \$184,000 (Mascot - in luggage)	Appeal dismissed: Imp. 7 years NPP 3 years
* EUSTACE, Anthony NSW OCA No. 264 of 1979 18 June 1981	importing <u>heroin</u> - appellant apprehended in home with small parcel taped in underpants	Appeal dismissed: Imp. 1 year NPP 6 months
FINCHER, Trevor Ronald NSW OCA No. 261 of 1981 9 December 1981	selling Indian hemp some capsules of hashish oil and money found in appellant's home - no prior record	Appeal dismissed: Imp. 3 years NPP 1 year

Drug Cases : N.S.W. Court of Criminal Appeal 1981

Case	Details of Offence	Sentence
FONTE, Michael; VEOCHIE, Pasquale NSW CCA No. 219, 220 of 1980 7 May 1981	cultivating cannabis - 1,210 plants - good antecedents - respondents fined \$4000 and \$3000 and placed on 3 year good behaviour bond	inadequate penalties - sentenced to Imp. 4 years NPP 15 months
* HALL, Lynette Caroline NSW CCA No. 64 of 1981 21 May 1981	importing heroin and possession heroin - recruited as courier - heroin addict - long record of minor offence	Appeal allowed - sentence of 8+ 4 = 8years minimum term 3 1/2 years reduced to aggregate 5 years - minimum term 2 years
* HANNAN, John Daniel NSW CCA No. 29 of 1980 19 September 1981	importing cannabis resin - 61 kg - went overseas, purchased motor vehicle and concealed drug within it - Appellant physically ill, with good character and reputation	Appeal dismissed: Imp. 7 years NPP 3 1/2 years
KRON, Gerald; YONG, Nyen Vui NSW CCA No. 167, 198, 175 and 197 of 1980 19 February 1981	supplying heroin - arranged ten lb heroin to be landed in Perth by Chinese seamen	Appeal dismissed Kron - 3 years 1 year NPP Yong - 9 years 4 years NPP
MILLARD, Michelle Marie; GRAHAM, Terry Edward NSW CCA No. 292, 293 of 1980 11 March 1981	Armed robbery and supplying heroin - heroin addicts - stealing from chemist shops	Appeal by A-G allowed - Millard increased to 3 + 4 = 7 years with NPP 3 years from 3 + 4 = 4, NPP 1 1/2 years - Graham increased to 4 + 4 = 8 years with NPP 3 1/2 years from 4 + 5 = 5, NPP 2 years
McGUINNESS, Stephen NSW CCA No. 26 of 1981 26 June 1981	supplying heroin - 3.22 g (in home)	Appeal dismissed: Imp. 6 years NPP 1 year 10 months
* PALISE, Grant Grahame EMERY, Raymond Alex McEVILLY Richard John NSW CCA Nos. 173,174,219 of 1981 5 November 1981	conspiracies to import heroin from Penang - 550g of heroin imported in three separate trips. P. sentenced on one charge, E. sentenced on two charges, M. sentenced on 3 charges. M. a medical practitioner with psychiatric problems - prior drug involvements	Appeal dismissed P Imp. 8 years NPP 4 years E Imp. 10 years NPP 5 years Appeal allowed re M. Imp. 10+6+6=16 years NPP 8 years reduced to Imp. 12+10+10=12 years NPP 6 years

Drug Cases : N.S.W. Court of Criminal Appeal 1981

Case	Details of Offence	Sentence
RUSTEN, Lindsay Charles NSW CCA No. 217 of 1980 20 March 1981	supplying benzedrine - 1 1/2 lb manufactured by appellant 29 years - qualified engineer good employment record - on 5yr g/b bond at time of sentence.	Appeal dismissed: Imp. 5 + 4 = 9 years NPP 4 years
SALLIS, Stephen William NSW CCA No. 267 of 1980 30 April 1981	supplying Indian hemp, demanding money with menaces - 834 g in home - remaining four offences whilst on bail	Appeal dismissed: Imp. 2 + 4 x 6 = 8 years NPP 3 years
TESTA, Emanuele Gino Stephen NSW CCA No. 171 of 1981 23 October 1981	supplying Indian hemp - regular business of buying, repacking and selling - 20 years - Crown appeal against 5 year bond and \$2,000 fine	Appeal by A-G allowed - Imp. 2 years with NPP 6 months - fine reduced to \$450 (being instalments paid to date)
TUNCOK, Gultekin NSW CCA No. 263 of 1980 11 June, 1981	supplying 427 buddha sticks when apprehended by police produced knife - good reputation no criminal record	Appeal dismissed: Imp. 5 + 1 = 6 years NPP 3 years
WEAVER, Allan NSW CCA No. 138 of 1980 25 June 1981	supplying Indian hemp - 33 kg \$31,800 in cash forfeited - appeal confined to fine of \$15,000	Appeal allowed - fine quashed Imp. 3 1/2 years NPP 1 1/2 years
* WILSON, Keith Arnold NSW CCA No. 67 of 1981	importing <u>heroin</u> - 9,893 g 45% purity - street value \$5,935,800 - three men involved (in suitcase at airport - see <u>Kennedy</u> below 1979)	Appeal dismissed: Imp. 14 years min. term 7 years
* ZAKI El-Kobaili NSW CCA No. 186 of 81 20 November 1981	3 counts of supplying - one count of importing <u>heroin</u> from Lebanon <u>approx</u> 100g. 41 years of age - praiseworthy background	Appeal dismissed: Imp. 12 years 9 months NPP 7 years 9 months

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1980

Case	Details of Offence	Sentence
* DE LUCA, Concetta CASAROLA, Shahina NSW OCA No. 256, 257 of 1980 28 March 1980	co-offenders swallowed condoms containing cannabis oil before flying to Australia - importing for purpose of sale - no criminal records - both well educated	Appeal dismissed: Imp. 7 years NPP 3 years
DUNBAR, Patrick Francis NSW OCA No. 122 of 1980 29 October 1980	cultivate marihuana - 1300 plants - good antecedents	Appeal dismissed: Imp. 18 months NPP 9 months
DUX, Robert Edward NSW OCA No. 212 of 1979 14 March 1980	selling <u>heroin</u> - 36.8 g found in flat	Appeal dismissed: Imp. 6 1/2 years NPP 3 years
IRELAND, Glen Thomas NSW OCA No. 73 of 1980 19 September 1980	supplying prohibited drug contention that 8 months pre-sentence custody not taken into account	Appeal dismissed: Imp. 6 years NPP 3 years
KARAAGAC, Cemal NSW OCA No. 72 of 1980 13 November 1980	supplying Indian hemp substantial quantity in garage	Appeal dismissed: Imp. 5 years NPP 2 years
KANOWSKI, David Anton NSW OCA No. 98 of 1979 6 March 1980	two charges supplying <u>heroin</u> bought for \$900 with intention of selling for \$1300 - admitted addict with drug offence record	Appeal dismissed: Imp. 8 + 5 = 8 years NPP 4 1/2 years
* LAWRENCE, Frank Christopher NSW OCA No. 481 of 1979 21 October 1980	importing prohibited drug barrister conspiring to use couriers	Appeal dismissed: (see below under 1979 cases)
* LAWRENCE, J and ORS NSW OCA Nos. 142,143,160 171,172, 186 of 1979 17 April 1980	conspiring to import cannabis (4.7 tons) use of two ships 14 persons charged with Lawrence playing a significant role	Imp. 10 years NPP 5 years
* LICHAH, Southeik Toufic NSW OCA No. 82 of 1980 28 November 1980 (1981) 3A.Crim.R.355	possessing cannabis resin 35,500 g - collected from wharf crates	Appeal dismissed: Imp. 12 1/2 years NPP 6 years

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Drug Cases : N.S.W. Court of Criminal Appeal 1980-1979

Case	Details of Offence	Sentence
OLIVER, Paul James NSW OCA No. 255 of 1979 20 March 1980	cultivating managing premises and supplying Indian hemp - 9 ha with approx. 3000 plants 980kg drying in shed - aged 29 years - no prior record and good reputation	Appeal by A-G upheld - increased to 7 + 7 + 7 = 7 years with NPP 3 years from 3 + 3 + 3 = 3 years with NPP 1 year
* PATHARE, Nitin Manohar NSW OCA No. 25 of 1980	possession cannabis resin 11,459 g at Mascot in box supposedly containing silver for wedding present	Appeal dismissed:
* REBHAN, Werner NSW OCA No. 57 of 1980 7 August 1980	importing <u>heroin</u> - 277 g 18% in clothing at Mascot - good antecedents	Appeal dismissed: Imp. 8 + 8 = 8 years NPP 3 years
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BOWYER, John NSW OCA No. 102 of 1979 7 September 1979	selling and supplying Indian hemp - engaged in trading in drugs - large sums of money involved	Appeal dismissed: Imp. 4 years NPP 2 years
CAPELLO, Aldo; CAPELLO, Nello NSW OCA No. 241, 242 of 1978 2 March 1979	growing Indian Hemp	Appeal dismissed: Imp. 6 years NPP 3 years
* CARNGHAM, John Alex. NSW OCA No. 139 of 1977 8 February 1979 (1977-78) 16 ALR 1 (1978-79) 22 ALR 183	importing <u>heroin</u>	Appeal by A-G upheld - Sentenced to two years but to be released after six months on entering into 18 months good behaviour bond - sentence held inadequate and incr. to five years but previous release permitted to stand and bond extended for balance of five year term
COLLEY, Richard Edward NSW OCA No. 239 of 1978 8 February 1979	supply of <u>heroin</u> - drug addict - supplying small circle on moderate scale - earlier criminal record but not involving drugs	Appeal allowed 10 years' Imp. with NPP 5 years - reduced to Imp. for 7 years, NPP 3 yrs
* DAVIS, Leon John NSW OCA No. 139 of 1979 11 October 1979	possession 12,836 g cannabis in locked suitcase on board ship	Appeal dismissed: Imp. 7 years NPP 4 years

Drug Cases : N.S.W. Court of Criminal Appeal 1979

Case	Details of Offence	Sentence
* DEMOS, Stephen NSW CCA No. 80 of 1979 27 September 1979	possession of 11 g cocaine See also below re earlier offence of supply of Indian hemp	Appeal allowed - fine and sentence quashed, in lieu sentence of six years with specified minimum period reduced by one year to be effective extension of two years and nine months
FAZZARI, Cosimo NSW CCA No. 55 of 1979 1 November 1979	selling 9 kg Indian hemp	Appeal dismissed: Imp. 4 1/2 years NPP 2 years
FENFECK, Paul Leonard NSW CCA No. 107 of 1979 4 October 1979	supplying heroin - drug addict - on parole for drug offence at time of this offence	Appeal dismissed: Imp. 5 years NPP 2 1/2 years
* GARSIDE, Susan Carol NSW CCA No. 294 of 1978 17 May 1979	importing 77,000 g cannabis in suitcase - employee of another passenger on plane - prior good character	Appeal dismissed: Imp. 4 years NPP 21 months
HADDON, Jonathan Leslie Mark; THOMAS, Simon, NSW CCA No. 174, 193 of 1979 29 November 1979	Haddon - break, enter and steal and accessory after fact b, e & s sentenced to 3 + 1 = 4 years, NPP 14 months. Thomas - break, enter and steal, larceny of motor vehicle with ten matters on schedule sentenced to 3 1/2 + 1 = 4 1/2 year, NPP fifteen months. (break, enter and steal by Haddon involved stealing of safe containing drugs from chemist shop)	Appeals dismissed
HENLEY, Colin Jeffrey NSW CCA No. 245 of 1978 23 February 1979	supply Indian hemp plants and buddha sticks - 450 plants being taken to be planted out	Appeal dismissed: Imp. 4 1/2 years NPP 2 years
HEWITT, Ellen Ruth NSW CCA No. 198 of 1979 17 December 1979	supplying Indian Hemp - sold one ounce cannabis oil and 21 cannabis cigarettes - marihuana user - sales to obtain cash to meet own requirements - no criminal record	Sentenced to 3 1/2 years with NPP 1 year - appellant held entitled to unusual leniency in NPP period - reduced to six months

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1979

Case	Details of Offence	Sentence
HILL, Allan Thomas NSW OCA No. 190 of 1979 1 November 1979	supplying Indian hemp - grown six plants and had used 1 3/4 lb of produce and sold 3 lb - drug trafficking	Appeal dismissed: Imp. 4 years NPP 2 years
* HUGHES, Frank Douglas NSW OCA No. 60 of 1979 10 August 1979	possession of <u>heroin</u> 1/2 kg substantial value - suitcase abandoned in lavatory at Sydney airport	Appeal dismissed: Imp. 14 years NPP 7 years
* KAYAL, Albert NSW OCA No. 266 of 1978 17 May 1979	possession cannabis resin 3 1/2 kg in concealed compartment in box cutlery collected from airport	Appeal dismissed: Imp. 10 years NPP 5 years
* KAYROUZ Terry; KAYROUZ, Lichah Bachera; KEIROUZ Youssef Fahd NSW OCA, No. 240, 250, 251 of 1978 6 July 1979	possession cannabis - imported crate by sea with drugs hidden within. (See also Lichah 1980)	Appeal allowed Sentenced to 7 years Imp. with NPP 3 years conviction quashed, new trial ordered
* KENNEDY, Richard NSW OCA No. 293 of 1978 19 July 1979 (1979) 25 ALR 365	possession 9.893 g <u>heroin</u> street value \$5,193,825 - suitcase on plane	Appeal dismissed: Imp. 20 years NPP 10 years
KLISSAROV, Eugene NSW OCA No. 223 of 1979 14 February 1979	possessing cannabis resin in two suitcases with false bottoms - favourable subjective circumstances	Appeal allowed: Imp. 12 years with NPP 4 years reduced to Imp. 9 years NPP 3 years and 9 months
* LAWRENCE, Frank Chris. NSW OCA No. 195 of 1978 19 April 1979	importing cannabis (buddha sticks) 10 kg \$84,000 in specially altered suitcase	Sentenced to 8 years Imp. with NPP 2 years Appeal allowed and new trial ordered
NIBLETT, Roger Vernon; LOCKMAN, Robert Shane NSW OCA No. 41, 31 of 1979 28 September 1979	possession <u>heroin</u> 1/2 lb in locked glove box of car	Appeal dismissed: Imp. of 9 years & 7 years NPP 4 years

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Drug Cases : N.S.W. Court of Criminal Appeal 1979-1978

Case	Details of Offence	Sentence
* OASTLER, Wayne Ross NSW CCA No. 264 of 1978 16 March 1979	supplying amphetamine (5 years) Poss. morphine & cannabis resin (11 months) - poss. cannabis resin (8 years) - poss. heroin, cannabis resin & LSD (10 years) - heroin addict - total value excess \$140,000 trafficking on major scale	Appeal dismissed: aggregate nominal term 20 1/2 years effective <u>NPP 10 years</u>
RIX, Peter Michael NSW CCA No. 145 of 1979 12 Oct 1979	supply Indian hemp (300 g) 3 years Imp. - supply Indian hemp (110 g) 1 year Imp. - favourable antecedents - persuaded to outlay \$2300 for profit	Appeal dismissed: Imp. 3 + 1 years NPP 1 year
* STAFFORD, Gerald Ian NSW CCA No. 61 of 1979 30 November 1979	supplying Indian hemp picked up parcel at Mascot	conviction quashed Imp. 2 years NPP seven months
SUKKAR, Metanios NSW CCA No. 83 of 1979 10 December 1979	supplying marihuana 26 lb kept in brother's home	Appeal dismissed: Imp. 4 years NPP 1 year, 9 months
WILLIAMSON, Walter Barry NSW CCA No. 27 of 1979 5 July 1979	supplying heroin - regular trafficker and addict	Appeal allowed: Sentenced to 8 year Imp. with no specified NPP - <u>held</u> that appellant should have benefit of specified NPP so that he could be assessed by Parole Board so NPP of 4 1/2 years specified
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ALEXIOU, Chris Peter NSW CCA No. 155 of 1978 6 October 1978	supplying a drug of addiction (Indian hemp) - two charges street value approx. half million dollars	Appeal dismissed: Imp. 7 + 3 year concurrently NPP 3 years
BLUNDELL, Daniel Grahame NSW CCA No. 214 of 1977 3 February 1978	possession Indian hemp 500 g in van - prior good character	Appeal dismissed: Imp. 2 years NPP 6 months

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Drug Cases : N.S.W. Court of Criminal Appeal 1978

Case	Details of Offence	Sentence
* BROADHURST, Frederick Francis, NSW OCA No. 119 of 1978 16 November 1978	importing and possessing cannabis appellant offered \$2000 to bring back suitcases-Bangkok to Sydney- appeal against severity	Appeal dismissed: Imp. 7 + 1 years NPP 3 1/2 years
* CAMPBELL, Douglas John NSW OCA No. 9 of 1978 15 June 1978	importing cannabis resin street value \$300,000	Appeal dismissed: Imp. 8 years NPP 3 1/2 years
CASCIO, Bortolo NSW OCA No. 194 of 1977 3 March 1978	selling Indian hemp Farmer of Indian hemp no prior record and good reputation	Appeal by AG Sentence and NPP held inadequate, increased to 7 years and 3 1/2 years respectively from 5 1/2 years and 18 months
* COOTER, William Burns NSW OCA No. 245 of 1977 24 August 1978	possession 253 g <u>heroin</u> - received from courier in hotel room	Appeal dismissed: Imp. 8 years NPP 4 years deportation recommended
* DEMOS, Stephen NSW OCA No. 234 of 1978 1 December 1978	supplying Indian hemp	Appeal dismissed: Imp. 3 years NPP 15 months
DUNPHY, John Ross NSW OCA No. 165 of 1978 1 December 1978	false imprisonment - drinking and taking drugs	Appeal dismissed: Imp. 4 years NPP 2 years
* FARRELL, Patricia Therese - NSW OCA No. 210 of 1977 9 February 1978	appellant agreed to be paid \$500 to travel to Bangkok to bring back drugs concealed in suitcases - 10 kg buddha sticks - aged 23 - hitherto blameless life	Appeal dismissed: Imp. 5 years NPP 2 years
FILIPPETTI, Edward Paul NSW OCA No. 164 of 1978 9 November 1978	supplying buddha sticks 800 g found in lounge room occupied by six people	Appeal allowed and conviction quashed (Imp. 5 years, NPP 2 years previously)
* FREARSON, Noeline Glennie NSW OCA No. 45 of 1978 26 May 1978	possession <u>heroin</u> uncut \$3,960 cut \$19,800 - trafficking	Appeal dismissed: Imp. 10 years NPP 5 years

Drug Cases : N.S.W. Court of Criminal Appeal 1978

Case	Details of Offence	Sentence
KARAGIANNIS, Chris (or Christos) NSW OCA No. 6 of 1978 14 April 1978	two charges of supplying <u>heroin</u> - quantity concealed in socks, another (one ounce) in bedroom	Appeal dismissed: Imp. 5 years No NPP
* MALAS, Hafez NSW OCA No. 209 of 1977 27 July 1978 (1978) 21 ALR 225	possession cannabis resin 282 kg with six children 13 years and under - hitherto reputable lifestyle	Appeal dismissed: Imp. 8 years NPP 3 1/2 years
McMAHON, Gary Keith NSW OCA No. 29 of 1977 23 June 1978	two charges possessing <u>heroin</u> 35 g in jars Sentenced to Imp. 7 years, NPP 3 1/2 years on one charge and 8 years, NPP 4 years on second	Appeal allowed - new trial ordered
PALIN, Anthony Richard NSW OCA 6 October 1978	supply Indian hemp - ten lots hashish about an ounce each profit only \$100 - aged 24 and of good character - in financial difficulties	Appeal dismissed: Imp. 3 years NPP 15 months
PICKERING, Larry Edward, NSW OCA No. 218 of 1978 14 December 1978	supplying <u>heroin</u> - 4 caps admitting selling at local hotel and also by phone - no prior drug convictions - aged 26	Appeal dismissed: Imp. 6 years NPP 3 years
* RAHME, Kais NSW OCA No. 94 of 1978 25 August 1978	importing 12 kg cannabis resin concealed in luggage - Lebanese immigrant - no prior record	Appeal dismissed: Imp. 12 years NPP 6 years
STAFFORD, Gerald Ian NSW OCA No. 162 of 1978 3 November 1978	conspiracy to supply Indian hemp - marijuana plantation - record of dishonesty - appellant ringleader - aged 31	Appeal dismissed: Imp. 10 years NPP 6 years
WARMAN, Peter Raymond NSW OCA No. 16 of 1978 2 June 1978	supplying <u>heroin</u> 119 g - claimed for personal use worth \$100,000 - no prior criminal history - addicted to heroin	Appeal dismissed: Imp. 7 years NPP 3 1/2 years

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1978-1977-1976

Case	Details of Offence	Sentence
WHITEHOUSE, David Richard NSW CCA No. 78 of 1978 21 July 1978	supplying Indian hemp no evidence of commercial dealings - evidence of improved lifestyle	Sentence and NPP reduced to correspond with fellow offender ie, 2 years imp. with NPP 1 year
WILLMOTT, Billie June NSW CCA No. 49 of 1978 28 September 1978	supplying heroin 1035 mls. claim that drug for personal use. Appellant and husband both addicts - tragic family background - aged 25 years	Appeal dismissed: Imp. 3 years NPP 14 months
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RAWCLIFFE, John Trevor NSW CCA No. 315 of 1975 1 April 1977 (1977) 1 NSWLR 219	possessing cannabis resin	Appeal dismissed: Imp. 5 1/2 years NPP 2 1/2 years
* RICHE, Pierre Alain NSW CCA No. 82 of 1977 21 October 1977 (1977-8) 17 ALR 227	importing opium 3,413 g break-up value \$34,000 wholesale \$17,000	previously no NPP was specified as appellant was alien - NPP of 2 1/2 years specified 5 years Imp. upheld
HINTON NSW CCA No. 166 of 1975 19 March 1976	Supplying morphine	Appeal dismissed: Imp. 5 years NPP 2 1/2 years
* KEYS, John Charles NSW CCA No. 153 of 1976 2 December 1976	imp. heroin 100 g worth \$26,000	Appeal dismissed: Imp. 8 years NPP 4 years
SERGI NSW CCA of 1975 13 February 1976	Selling Indian hemp (4000 plants growing among corn. Est. value of finished product at one million dollars believed to be over-estimated)	Appeal dismissed: Imp. 6 years NPP 3 years

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1975-1974

Case	Details of Offence	Sentence
* BUSH NSWCCA No. 288 of 1975 (1974-5) 5 ALR 387 (1975) 1 NSWLR 298	in possession of cannabis Parcel, 1 1/2 kg. (2 other parcels intercepted at PMG posted from Bangkok) total amount 2.95 kg.	Appeal dismissed: Imp. 2 years NPP 12 months
CONSTANTINOU NSW OCA No. 251 of 1975 19 December 1975	selling Indian hemp (growing 2000 plants on private property, for which he was promised \$10,000)	Appeal dismissed: Imp. 6 years NPP 2 years 2 months
JONES NSW OCA No. 192 of 1975 6 November 1975	selling Indian hemp (clearly a single ill-advised and foolish venture)	Appeal by A-G dismissed: Imp. 12 months NPP 6 months
SHIN NAN YONG NSW OCA No. 84 of 1975 29 Aug 1975	knowingly concerned in importing morphine (hydrochloride and Diacetyl) (large quantity found in suitcase)	Appeal dismissed: Imp. 7 1/2 years NPP 3 years
ZACHILOV NSW OCA No. 128 of 1975 17 October 1975	supplying heroin - 29 g value approx \$4,000	Appeal dismissed: Imp. 5 years NPP 20 months
ANDERSON NSW OCA No. 123 of 1974 29 November 1974	supplying and possession of LSD. 5,033 tablets - 654 mg	Application dismissed: Imp. 5 years NPP 21 months
KLAVERSTYN and SIVILL NSW OCA No. 118, 119 of 1974 23 August 1974	selling Indian hemp and LSD. (two charges)	Appeal dismissed: Imp. 3 years (concurrent (both offenders) NPP 18 months each
LAWLER (female) NSW OCA No. 280 of 1974	importing cannabis resin 3 1/2 lb (2 charges) (concealed in bases of two lamps. Discovered at Sydney Mail Exchange)	Appeal dismissed: Imp. 2 years on each charge (concurrent) NPP 6 months
* MARSHALL NSW OCA No. 278 of 1974 20 December 1974	importing cannabis 267 sticks - value \$4,000	Appeal dismissed: Imp. 3 years NPP 12 months

Drug Cases : N.S.W. Court of Criminal Appeal 1974-1973

Case	Details of Offence	Sentence
* PITHERS NSW CCA No.321 of 1973 18 December 1974	acted as courier 4120 g (9-10 lb) hashish	Appeal dismissed: Imp. 3 1/2 years NPP 15 months
SAW and LOH PAK CHING NSW CCA No. 199, 200 of 1974 20 December 1974	importing and sale of heroin Loh acted as courier in importing \$100,000 worth of heroin and Saw was the contact in Sydney	Appeals dismissed - each 8 years imp. - LOH no NPP. Illegal immigrant - SAW deportation recommended, but if disregarded NPP 4 1/2 yrs
SEARLE and LEE NSW CCA No.124, 137 of 1974	selling heroin 22 packets - value \$1,760	Application dismissed: Imp. 8 1/2 years NPP 3 yrs (both offenders)
SPEECH NSW CCA No.206 of 1974 11 December 1974	selling (possession) Indian hemp (leaf and seeds) Hashish (liquid and block form) and other drugs of addiction total weight of hemp 46 lb	Appeal dismissed Imp. 8 years on each of 3 charges (concurrent) NPP 3 years
STEIN NSW CCA 14 June 1974	selling heroin - in possession of heroin	Application refused Imp. 2 1/2 years NPP 9 months
AQUAD NSW CCA 27 April 1973 (1977) 1 NSWLR 248	selling Indian hemp - 34 1/2 lb. value \$35,000 (having been paid to bring hemp from Melbourne in a suitcase)	Appeal dismissed: Imp. 5 years NPP 2 1/2 years
* BOYLE NSW CCA No.357 of 1972 19 April 1973	being knowingly concerned in the importation of morphine - 1 lb value \$20,000 to \$30,000	Appeal by A-G upheld: Imp. 2 1/2 years NPP 6 months substitute for recognizance to be of good behaviour
* CHU CHIN LAU NSW CCA No.377 of 1972 11 May 1973	importing marihuana (member of gang prepared to import large quantity of drugs into Australia)	Appeal dismissed: Imp. 5 years NPP 2 years
KDW NSW CCA 27 April 1973	selling Indian hemp and LSD. 1725.6 g (resin not extracted) 48 1/2 tablets LSD.	Imp. 4 years on each count (concurrent) NPP reduced from 2 years to 1 year

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1973-1972-1970

Case	Details of Offence	Sentence
ROCK NSW CCA 17 November 1973	selling (possession) <u>heroin</u> 500 mg	Appeal dismissed Imp. 5 years NPP not specified
ROUKEL NSW CCA No. 382 of 1972 12 June 1973	selling <u>heroin</u> 23 ounces - value \$400 per ounce	Appeal dismissed: Imp. 7 years on each of 3 charges (concurrent) (offender may be deported so no NPP specified)
SUMEGI NSW CCA No.369 of 1972 1 June 1973	selling Indian hemp 30 lb, \$300 per lb, value \$9,000	Appeal dismissed: Imp. 4 1/2 years NPP 15 months
* AUSSERLADSCHEIDER NSW CCA No.333 of 1971 24 February 1972	in possession of prohibited imports - 28 lb value \$28,000	Appeal dismissed: Imp. 5 years NPP 2 1/2 years
* McCAFFERTY NSW CCA 8 December 1972	importing and possession of cannabis (two charges) - value \$16,000 to \$17,000 (conspiracy to bring in drugs by a person holding a diplomatic passport)	Appeal dismissed: Imp. 5 years (concurrent) on each charge NPP 2 years
* CHAPMAN NSW CCA No.544 of 1971 (1971) NSWLR 544	importing L.S.D. (offender an alien from USA involved in a large scale operation)	NPP deleted from sentence of 5 years Imp. Otherwise appeal dismissed.
* HOBBS NSW CCA No. 210 of 1971 19 November 1971	in possession of prohibited imports, viz. 21 lb of cannabis	Imp. 5 years NPP 2 1/2 years
* PEEL NSW CCA No.247 of 1971 (see also (1971) 125 CLR 447 (HC))	importing a quantity of cannabis value \$7000-\$9000 (imported solely for financial gain) (total weight of hashish 15.4 lb.)	Appeal by A-G upheld - Imp. 3 years NPP 9 months substituted for fine of \$400 with 6 months to pay

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)

Drug Cases : N.S.W. Court of Criminal Appeal 1972 1970

Case	Details of Offence	Sentence
* LANHAM (1970) 2 NSW 217	importing opium - 160 pellets value \$400-450 profit (member of US Forces who concealed pellets in soap and heel of shoes whilst entering country on R & R leave)	Appeal allowed: Imp. 5 years reduced to 2 years imp.
STUBBS (1970) 92 WN NSW 768	in possession of cannabis (no further information)	Appeal dismissed: Imp. 2 years

Cases marked with an asterisk indicate prosecutions under the Customs Act 1901(Cth)