

**STATE OF TASMANIA v AHMED IBRAHIM AHMED**  
**COMMENTS ON PASSING SENTENCE**

**3 MARCH 2020**  
**GEASON J**

Mr Ahmed, you have pleaded guilty to trafficking in a controlled substance contrary to s 12(1) of the *Misuse of Drugs Act* 2001. Your crime occurred on 18 October 2018.

At the time of the offence you were 27 years old.

In January 2018 Tasmania Police commenced investigating a suspected large scale importation of illicit drugs, including methylamphetamine, into Tasmania from New South Wales.

On 18 October 2018 two people arrived in Hobart and went to a hotel where they had a booking. Prior to their arrival police had installed a covert camera and listening device in the hotel room, pursuant to a surveillance device warrant.

At approximately 1.50pm that day, you attended the hotel room where you met these two men. You were in the room for about 20 minutes. All of your time there was recorded by the surveillance devices.

You were seen to be carrying a black calico shopping bag when you walked into the room. From it you removed a cryovac package which contained 2 ounces of crystal methylamphetamine. You placed it on a table in the room.

Thereupon one of the other men handed you a large freezer bag containing a number of separately packaged amounts of methylamphetamine.

You then produced a large quantity of cash and proffered \$20,000 to the men; you placed the freezer bag into the calico bag. You then counted a further \$13,000 and handed this cash to one of the men. You told him that they would have a further \$25,000 later that afternoon.

After a discussion, which included a suggestion that there was a shortage of the drug in Melbourne, and about attempts to source the drug in Tasmania, you left the room with the black calico bag containing the drugs. You walked to a car parked in the car park nearby. Another person was in the vehicle.

You then left the scene together, and you were intercepted by police in Moonah at about 2:30pm. You were the front seat passenger in that car.

The following packages of drugs were located in the vehicle:

- 1 A freezer bag containing methylamphetamine – approximate weight 55 grams.
- 2 A freezer bag containing methylamphetamine – approximate weight 53.6 grams.
- 3 A freezer bag containing methylamphetamine – approximate weight 54.7 grams.

As well, in the top of the vehicle console, a further freezer bag containing 54.8 grams of methylamphetamine was located, along with another bag containing 55.8 grams of that drug.

All of these drugs were provided to you by the men at the hotel earlier that day.

It is the Crown case, which you have accepted by your plea, that after entering the motor vehicle, you divided the packages, placing them into locations within the car where they were found by police. Those found in the centre console had been sold by you to the driver of that vehicle. The remaining drugs belonged to you and were intended for sale to another local dealer.

You were arrested and interviewed. You provided no comment to police at that stage, stating only that the motor vehicle was not yours, and that nothing was found on you.

Your mobile phone was seized and it had a number of text messages between you and the driver of the vehicle, including information for a bank account branch number and account number. The driver of the vehicle had deposited \$6,000 cash into that account four days before your arrest. The case against you is that this deposit was a payment for the drugs found in the centre console of the car.

The case against you is that the meeting that day was pre-arranged for the purpose of your providing drugs to that person; drugs you had obtained that day from the men at the hotel.

Methylamphetamine is commonly sold in weights between a point (0.1 gram) which has a street value of \$100, and 1 ounce (28 grams) which has a street value of between \$6,000 and \$10,000.

The potential street value of the drugs seized by police in the vehicle, if sold in ounce quantities, is approximately 9.75 deals at \$6,000 per deal, equalling \$58,500.

If sold in .1 gram quantities, it would equate to 2,739 deals at \$100 per deal, equalling approximately \$273,900.

You are now 28 years of age. You have a partner who is due to give birth to your first child in April.

I am told that you had a good upbringing, completing grade 12 in Hobart and then working in retail and hospitality between 2009 and 2017. Sometimes you worked as many as three different jobs.

You had been a recreational user of cannabis, and in 2016 began using methylamphetamine. First you used it socially and found it boosted your stamina and ability to work long hours. Very quickly you began abusing the drug, and you became erratic and unreliable, culminating in a loss of employment in 2017.

You continued using drugs and you rapidly depleted your savings. You found yourself indebted to drug dealers.

This episode was your attempt to extricate yourself from debt.

This offending is the only instance when you have been in possession of methylamphetamine in connection with its eventual sale. It is put to me that you found your arrest a shocking experience and that you have ceased using methylamphetamine.

Methylamphetamine is a scourge upon society; it imposes a huge cost upon individuals, families, and the wider community. Trafficking is the means by which this insidious drug is spread, and is the means by which others are introduced to it. That is why such conduct must be met with penalties that operate as a deterrent to others.

You have previously displayed industry and dedication to work, and notwithstanding that you appear with some prior convictions which are consistent with drug use, I accept that this level of criminality is significantly greater, than anything you have done before. It is a good illustration of where drug use can lead people.

I accept that this process has had a salutary effect. I accept that you have stopped using the drug, and note that you have, obligations to a partner and in prospect, to a child. That entails a duty to keep drugs out of your life, and out of the life of your family.

In the circumstances, the need for personal deterrence is diminished somewhat, but of course you must be punished for the crime you have committed.

I accept that your plea of guilty amounts to evidence of your remorse.

Your early plea of guilty is relevant to sentencing in that it has saved the expense of a trial. It has been noted previously by judges of this Court that trafficking trials are typically long and impose a significant cost on the administration of justice. Your plea has avoided those costs. The court should signal that those who face up to their crimes early will receive a sentencing discount; in the context of trafficking in drugs the gains to the administration of justice are particularly significant. In the circumstances I have decided that I should discount the sentence I would have otherwise imposed by an amount of 20%.

But, as I have said, it is general deterrence which looms largest in the sentencing exercise and its importance makes a term of imprisonment inevitable.

I note, too, that there is a suspended sentence which you have breached, and which I am asked to activate. It is not put that it would be unjust to do so. I intend to activate that sentence and, in fixing sentence on the trafficking charge, have regard to that and the principle of totality.

In terms of your rehabilitative prospects, my judgment is that your prospects are best served by my imposing the minimum non-parole period.

Mr Ahmed you are convicted.

You were committed to this Court on 4 February 2019. You have been in custody since 23 October 2019. That is approximately 142 days or nearly 5 months.

The sentence of the Court is as follows:

In relation to the suspended sentence of six months, I activate that sentence and backdate its commencement to the date you were taken into custody. You must serve that sentence.

On the indictment, I sentence you to two years' 10 months imprisonment cumulative to the sentence I have just activated. You will be eligible to apply for parole having served half that sentence.

I have determined that I cannot suspend any part of that sentence and fulfil my sentencing obligations.

I note that I have previously made orders forfeiting to the State the property which was seized, and requiring you to meet the cost of drug analysis.

The effect of the sentence is that you will serve the suspended sentence. That sentence was 6 months and is nearly completed. Then you will serve the 2 years and 10 months, but you can apply for parole having served half that sentence. That is after you have served 17 months of that sentence.

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