

STATE OF TASMANIA v LEAH JEAN WOOLLEY
COMMENTS ON PASSING SENTENCE

23 MARCH 2020
PEARCE J

Leah Woolley, you plead guilty to trafficking in a controlled substance. As part of a broader drug investigation, the police became aware that on 10 September 2013, you were likely to be bringing drugs into Tasmania. You were found outside a hotel at Evandale. In your bra you had two containers of methylamphetamine. One weighed 6.4 grams and the other weighed 53.8 grams. The larger quantity was of 77% purity, and the smaller quantity less so. You admitted to the police that you had brought the drug with you on a flight from Melbourne earlier that day. You knew that it was to be sold. By importing the drug, believing that another person would sell it, you trafficked in it.

You were brought up in Devonport. After your parents separated when you were 17 you began to use alcohol and drugs. This crime was committed in 2013 when you were 19. You had no prior convictions apart from a stealing for which you were put on a good behaviour bond, and an alcohol related driving offence. However, after you moved to Melbourne in mid-2013, you incurred a \$2,000 debt to a drug dealer. You had no means of paying it and you were persuaded to import the methylamphetamine to Tasmania in forgiveness of the debt. You knew what you were doing, but as soon as you were approached by the police, you admitted your role. Depending on how the drugs were sold, they were worth somewhere between \$22,000 and \$66,000. You pleaded guilty on 26 March 2014 before a different judge. However by then you had moved with your then partner to Western Australia with the intention of a new life. When your sentencing was delayed by the need for a report, you returned to Western Australia, and when you found out you were pregnant you decided not to return. You did not return to Tasmania until August 2019, whereupon you notified the authorities and the matter has been dealt with promptly.

The benefit to you of pleading guilty early has been dissipated somewhat by your decision to stay away, but there has never been a need to prepare the matter for a trial. You will be separately punished for breaching bail. No mitigation arises from the delay because it resulted from your decision, but your present circumstances are relevant to the need for protection of the community and the risk that you will re-offend. You are now 26. Your child is now aged 5 and you have sole care of her. You stopped using drugs when you became pregnant and you have not resumed. A sentence of imprisonment is necessary to make clear to you and others the seriousness of trafficking in drugs. However, in all of the circumstances, I will wholly suspend it. That would have been the likely result even in 2014 given your youth, even if probation or community service were also a sentencing option. I do not think either of those things is now necessary. The law imposes a condition on every suspended sentence that, while it is in force, you do not commit another offence punishable by imprisonment. You must understand that, if you re-offend in any serious way, a court must order that you serve the sentence unless it is unjust.

Leah Woolley, you are convicted. You are sentenced to imprisonment for four months, wholly suspended for 18 months from today.