

TASMANIA v RALPH KENNETH RILEY
COMMENTS ON PASSING SENTENCE

27 JUNE 2007
TENNENT J

You have pleaded guilty to one count of cultivating a controlled plant for sale and one count of trafficking in a controlled substance.

On 4 February 2005, so over two years ago, police attended your premises at Mowbray. They there found a substantial quantity of loose cannabis drying in a shed, total weight, according to the police facts, was something like 5880 grams, which the Crown have estimated would have had a street value of not less than \$40,000. There were also another seven cannabis plants found growing. You were interviewed by police. You made a number of admissions and it is conceded by the Crown that but for those admissions the current charge, particularly that of trafficking, would probably not have been able to have been brought against you.

You have pleaded guilty as I have indicated. You have one relevant prior matter in your court-based history, that of possession and use of a controlled substance back in 1997. Despite the fact that you have had other matters before the Court, they are of no relevance here and are certainly not drug related.

It is accepted by the Crown in relation to these offences that this was not a case where you had actually on-sold the cannabis. It was based on your future intention to sell, which was entirely based on your admissions.

You are 29 years old. You are to all intents and purposes in full-time employment with Auspine. I have been provided with a reference from Auspine and the writer of that reference clearly thinks well of your skills and thinks highly of you as a person. I am told that he is aware of the charges that have been brought against you.

You are in a relationship. You have two children, who are your step-children, but one child of your own who lives elsewhere whom you see and support. You have relocated to a new area. Clearly you have every reason not now to reoffend given your family commitments and the likelihood of your employment with Auspine being formalised.

Taking into account your plea of guilty and those factors you will be convicted of the charge of cultivating a controlled plant for sale and trafficking in a controlled substance. You will be ordered to serve a period of 5 months' imprisonment, but that will be wholly suspended on condition that for a period of 2 years from today's date you commit no offence under the *Misuse of Drugs Act* and you otherwise be of good behaviour. You will pay a victim of crime compensation levy of \$100 within three months of today's date.