

Mr Bell has been found guilty by a jury on a charge of trafficking in a controlled substance. The substance was crystal methylamphetamine, often referred to as Ice. On 29 October 2018 Mr Bell was repairing his motorcycle outside Bunnings at Mornington when two police officers happened to see him. They checked to see whether the motorcycle's registration was current. It was not. One thing led to another, and they found two snap lock bags inside his trousers – one containing 28.0 grams of Ice, and another containing 0.8 grams of the substance. Ice is commonly sold by the ounce, which is the equivalent of 28 grams, for \$8,000 or more. In smaller quantities, it is commonly sold at a price of \$100 for a point, which is one tenth of a gram. If the 28.8 grams in Mr Bell's possession had been sold by the point, the proceeds would have been \$28,800. Mr Bell was also found in possession of 4.3 grams of a cutting agent, which could have been used to dilute the drug and generate further profits.

At the trial, the Crown presented evidence of text messages that went to and from Mr Bell's mobile phone in the days before his arrest. The prosecutor argued that some of those messages established that Mr Bell made four sales of Ice – one on 20 October 2018, two on 25 October, and another on 26 October. Mr Bell was found in possession of various items consistent with him routinely making sales of Ice, including scales and snap lock bags. Having regard to the content of the relevant messages and the evidence of him being engaged in sales of the drug, I am satisfied beyond reasonable doubt that he sold and delivered quantities of Ice on the first three occasions as alleged by the Crown. In respect of the fourth, I believe that the messages are equally consistent with him having paid some money and taken delivery of a quantity of Ice on 26 October.

I am unable to make findings as to the scale or duration of Mr Bell's trafficking activities, save that he was already selling Ice nine days before he was arrested. I accept that he was a heavy user of Ice himself, and that a significant proportion of the Ice found in his possession was intended for his personal use. There was no evidence that he had become at all wealthy as a result of his trafficking activities, though there was evidence that he had enough money available to him for him to gamble on poker machines, frequently outlaying hundreds of dollars per session.

Mr Bell also pleaded guilty to two summary charges that I am dealing with under s 385A of the *Criminal Code*. He pleaded guilty to using methylamphetamine on the day before his arrest. He also pleaded guilty to having ecstasy and diazepam in his possession on the day of his arrest.

Mr Bell is 45 years old. He was dealt with by magistrates on drug charges in 1994, 1997 and 2006. On the third occasion, he received a wholly suspended sentence of four months' imprisonment. In 2007 he pleaded guilty to a charge of trafficking in methylamphetamine over a three month period and was sentenced to 18 months' imprisonment, with a non-parole period of 12 months. In 2017 he pleaded guilty to possessing and using a controlled drug, and was sentenced to 56 hour's community service. During 2017 he was charged with two counts of driving with an illicit drug present in his body, several other drug charges, and a charge of unlawful possession of property. He was on bail on those charges at the time when he was arrested for trafficking in October 2018. In November 2018 a magistrate imposed three wholly suspended sentences of imprisonment in respect of those and other offences. He has employment in a fibreglass business, and also helps out in his partner's business. There is no suggestion that he has committed any new offences since his arrest in October 2018. There is

no suggestion that he introduced anyone to methylamphetamine. I accept that the trafficking activities for which he was sentenced in 2007 were more sophisticated than those of 2018. There is no suggestion that his 2018 activities were as profitable as his previous trafficking. I must also take into account the fact that his trial was delayed by months as the result of the COVID-19 pandemic.

Ice is a drug that causes terrible harm to a lot of people in all sorts of ways. It ruins the lives of users. It causes them to commit crimes to fund their addiction. It results in users committing crimes of violence. The only appropriate penalty is a substantial sentence of imprisonment. Because Mr Bell seems to have stayed out of trouble for nearly two years, I will make provision for parole, but I do not regard this as an appropriate case for the shortest possible non-parole period.

Mark Anthony Bell, I convict you and sentence you to two years' imprisonment with effect from 11 August 2020. You will not be eligible for parole until you have served 16 months of this sentence. I order that items 1, 2, 3, 3a, 4, 5, 6, 7 and 9 to 16 inclusive on the Tasmania Police Property Seizure Record Receipts (Exhibit P3) be forfeited to the State of Tasmania. I order that you pay the costs of analysis in the sum of \$840 as part of the costs of the prosecutor.