

THE STATE OF TASMANIA v DANIEL DAVID FLINT
COMMENTS ON PASSING SENTENCE

30 MARCH 2021
ESTCOURT J

The defendant in this matter, Daniel David Flint, aged 39 years has pleaded guilty to one count of trafficking in cannabis and I have agreed pursuant to s 385A to deal with charges of possession of cannabis, use of cannabis and possessing a smoking device to which he has entered pleas of guilty through his counsel.

On 30 August 2020, at approximately 5:50 pm, police executed a search warrant at an address in Shorewell Park.

The defendant was present while police searched the premises. They located over 46 individually packaged snap lock bags containing cannabis bud, a quantity of cannabis resin and cannabis mix and other drug paraphernalia including a smoking device.

The defendant was placed under arrest and transported to the Burnie Police Station. He participated in a record of interview, where he told police he uses cannabis and smokes 1-2 cones per night, except when his children are in his care, he last smoked three days prior. He has smoked cannabis since he was 11 or 12 years old.

He was buying ounce bags for \$350 and dividing the ounce into approximately 18 separate bags to make around \$450 profit. He stated selling in May 2020 where he initially purchased a single ounce to sell. During July he purchased two ounces to sell, and sold all within 2 weeks. He agreed that he sold at least 50 separate deals worth \$1250 since he started selling in May.

The Crown assert that the amount of cannabis sales that the defendant was involved in was escalating, and that the 46 bags found in the search were all to be sold. That is not disputed by the defendant.

The Crown makes application pursuant to s 38 of the *Misuse of Drugs Act* 2001 for an order that items 7 – 11 on Drug Exhibit Sheet 266156-20, be forfeited to the State of Tasmania, and I make that order.

The defendant has prior convictions including in in early 2019 for possessing, using and selling cannabis. All minor offences. The defendant cooperated with police, he has entered relatively early pleas of guilty, he is a single man at the moment living with his 18 year old daughter and her one month old child. His two year old son spends time with them each week, and also a seven year old child who regards him as a father, stays with them on weekends.

The defendant was educated to grade 8, however he became a ward of the State and was so until age 18. He worked for some years but has recently been unemployed. He has applied for many jobs and does volunteer work. He has started a new pressure cleaning business. He has stopped consuming drugs and now finds that he is more active and in better health. He is embarrassed and remorseful.

The defendant is convicted on all counts and I impose a single sentence to 6 months' imprisonment, which sentence I wholly suspend in view of his recent cessation of any

drug use. The sentence is suspended on the condition that he commit no offence punishable by imprisonment for a period of two years.