

STATE OF TASMANIA v JACK ANDREW COLE
COMMENTS ON PASSING SENTENCE

20 AUGUST 2021
ESTCOURT J

The defendant, Jack Cole has pleaded guilty to one count of trafficking in MDMA. At the time of the offending he was 25 years old.

At approximately 10.25pm on Monday 16 September 2019, members of Tasmania Police were asked to attend the Kingston Hub at Kingston after receiving information that an unconscious male was seated in a vehicle parked in the car park.

An ambulance arrived and the defendant was moved and assessed. The ambulance officer observed a plastic bag protruding above the waist band of the defendant's underwear and informed police. The bag was seized and inside were found zip lock bags containing an unknown substance and tablets.

On 16 December 2019, the seized bags were analysed and confirmed to be the following:

- 6 round tablets of etizolam.
- gram of dimethyl-3,4-(methylenedioxy) phenylethylamine (MDMA) inside a small zip lock bag.
- gram of MDMA inside a second small zip lock bag.
- 13.9 grams of MDMA inside a third clip lock bag.

On 17 December 2019, the defendant's mobile phone was forensically examined and text messages revealed the sale of MDMA between the defendant and various individuals.

The defendant trafficked a total of 15.9 grams of MDMA and based on the amount of MDMA found on the defendant, the total sales yielded would equate to \$4,770 had the drug been sold.

The Crown makes application pursuant to s 36B(2) of the *Misuse of Drugs Act* 2001 that the defendant pay the costs of analysis of the MDMA seized on 16 September 2019, that being \$1,611. I make that order

The defendant was born 15 April 1994 in Hobart. He lives at Leslie Road, Kingston with his parents. He is an only child. He is a builder and carpenter by trade. He has a good industrial record. He had previously been diagnosed with ADHD for which he was prescribed medication

Later in life finding himself with anxiety and feelings of depression, a friend, gave him some Xanax and he found that alleviated his symptoms, but found that he suffered side effects. In 2019 he was introduced to MDMA at parties that he attended. He found himself consuming a gram a week of this drug in powder form taking it alleviated his anxiety symptoms and provided him with feelings of euphoria and an enhanced sense of wellbeing. His consumption rate remained constant at a gram a week although he was troubled by the cost of the drug. A gram would cost \$250.00 - \$300.00. He learnt, through friends, that it was cheaper to acquire the drug in bulk in 14 gram lots at a cost of \$110.00 per gram. He then started purchasing in bulk and selling some of his purchases.

I am told his actions on the day in question were as a result of overconsumption of the drug. He has no memory of how much of the drug he used to produce such a state.

I am told the defendant has since taken positive steps to address his drug use issues; he states that he no longer attends social gatherings, that he has ceased contact with friends who use illicit drugs and stays home of an evening.

He states that he has been abstinent for the past six months. He has referred back to his GP Dr Bhalero at the Long Beach Medical Centre for treatment to assist with his abstinence and has been referred to a psychiatrist practising from the Archer Street Medical Centre with an appointment booked for October.

Once these proceedings are completed, I am told the defendant intends to travel to Byron Bay to work. He has been offered work in the construction industry by a family friend who lives there. He is going to take up this offer and believes this will put a further buffer between him and his former friends who still use illicit drugs.

His prior convictions comprise mostly traffic offences although one of those did involve driving with an illicit drug in his body. He has no relevant prior convictions.

The defendant is convicted and sentence to 9 months' imprisonment, which sentence I wholly suspend on condition that he commit no offence punishable by imprisonment for a period of 2 years.