

STATE OF TASMANIA v JORDAN ANTHONY JOHNSON-PATTERSON

1 DECEMBER 2022

COMMENTS ON PASSING SENTENCE

BRETT J

Mr Johnson-Patterson, you have pleaded guilty to one count of trafficking in cannabis.

Between January 2020 and April 2021, you carried on business selling cannabis. Your methodology was relatively simple. You purchased cannabis in 1 ounce bags and on sold them, either as the complete bag or broken down into smaller amounts. You started selling on a relatively limited basis to a small group of customers but as time went on, the quantity of sales and the number of customers grew. After a few months, your business had developed to the point where you were selling around a pound of cannabis per week. In order to demonstrate the scale of the business in monetary terms, an analysis of your bank account reveals that in the period between 29 January 2020 and 2 February 2021, you received at least \$80,323.40 in cash payments from 130 different individuals. This, of course, is representative of the gross turnover of the business. You told police that the weekly profit from these sales ranged between \$200 and \$700 depending on the level of business from time to time. Police found a total of \$55,380.00 in cash in your possession, which you accept was derived from drug sales. On a few occasions, you arranged the sale of larger quantities of cannabis. These transactions were between other people but you received a small monetary commission for making the arrangement. However, this was not typical of the trafficking. The primary business involved the sale of relatively small quantities to end users, as already described.

Your motivation for becoming involved in drug trafficking was to make money. You were working at the time in what I infer to be a relatively low paid position in a hotel, but you wanted to supplement your income. However, although you did not start out using drugs yourself, as time went on, you started to use some of the cannabis and this then progressed to the use of MDMA. By the end, you had developed a problem with this drug, and you were using the proceeds from the trafficking business to support this habit. This provides some explanation for the continuation of your trafficking activity, even after you were first apprehended by police. Police interviewed and arrested you for drug offences on 6 November 2020. You were charged and bailed at that time for these offences. There was a further search and you were arrested and charged again in January 2021. Despite the obvious ongoing police interest and the fact that you were on bail for these charges, you continued drug trafficking until the final search, arrest and interview in April 2021. This persistence and defiance aggravates the seriousness of your ongoing offending, and points to a need for personal deterrence in the sentence. However, it is also consistent with your assertion that you had developed a problem with MDMA by this stage, and clearly wanted the profit from the trafficking in order to support this habit.

You were aged between 21 and 23 when you committed this crime, and are now 24. There is little of significance in your criminal history. You have a young child from a prior relationship whom you see regularly, and you are now in a relationship with a partner who does not approve of drugs. Your counsel says that you have given up using drugs. There is some support for the truth of this in that you now have regular employment with a civil construction business and are subject to regular drug tests at work. This employment carries the prospect of a future apprenticeship. You have sought medical assistance for some underlying mental health conditions. Overall, it seems that you have made a commitment to leaving drugs behind and taking your life in a positive direction. Part of the motivation for this is your child, and being a

positive role model and father is of course a very strong and appropriate motivation for you to lead a law-abiding life. The genuine nature of this positive commitment is also supported by the fact that you were cooperative with police and have entered an early plea of guilty.

Clearly, there were some serious features of this criminal conduct. The trafficking was consistent, was on a relatively significant scale and occurred over a lengthy period. It was primarily a commercial operation. On the other hand, it is not suggested that you were involved in manufacturing or importing the drug, and there was no real sophistication to the business, apart from the fact that you seem to have advertised through social media. It seems that you committed this crime alone, not as part of a larger or more organised operation.

The serious aspects of the offending and the need for general and personal deterrence require the imposition of a sentence of imprisonment. However, when I have regard to your personal circumstances, including in particular your age, lack of prior convictions and commitment to rehabilitation, I am satisfied that these sentencing aims can be adequately met by a wholly suspended sentence, combined with a period of community service. This will give you the opportunity to avoid actually serving the sentence in prison, but will also entail some actual punishment through the community service. However, if you do not take advantage of this opportunity and in particular if you commit further offences during the period of suspension, it is highly likely that you will be required to serve the sentence in prison.

The orders I make are as follows:

- a You are convicted of the crime to which you have pleaded guilty;
- b You are sentenced to a term of 15 months imprisonment. The whole sentence will be suspended for a period of 30 months on the following conditions:
 - i that you are not to commit another offence punishable by imprisonment during that period.
 - ii that you will perform community service for a period of 175 hours. The court notes that the sections referred to in s 24(5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - (a) you must report to a probation officer at the office of Community Corrections in Hobart within 3 clear days of today and
 - (b) the operational period of the order is 30 months.
- c I am satisfied that the sum of \$55,380 of the money located in your possession by police is tainted property within the meaning of s 16 of the *Crime (Confiscation of Profits) Act* 1993. I order that that sum of money be forfeited to the State.
- d I make the forfeiture order sought by the prosecution under s 38 of the *Misuse of Drugs Act* 2001.