

STATE OF TASMANIA v BARRIE LINTON ARNOLD
COMMENTS ON PASSING SENTENCE

9 DECEMBER 2022
ESTCOURT J

The defendant, Barrie Arnold, who was 44 years old at the time of the offending and employed as a truck driver, has pleaded guilty to one count of trafficking in a controlled substance between 21 July 2018 and the 27 November 2019. The substances were methyl amphetamine and MDMA

After a search of his home the defendant was interviewed by police and made admissions to selling methyl amphetamine to two to three people a couple of times a week. They would buy a couple of points at a time. He had been selling for either 12 months or two months, depending on the person. He said he would sell for \$50 a point. Based on the defendant's admissions to selling a couple of points per week for the person he had been selling to for the longer period, he would have received some \$5,200.

He was a long time user of, and addicted to, methyl amphetamine and the bulk of his purchases were for his own use. He also gave the drug to his then partner who was also a user.

Further, the State asserts, without demur, that the defendant trafficked in MDMA or "ecstasy" by purchasing and on selling approximately 3,000 – 4,000 ecstasy pills over three to four transactions during the offending period. He would transport the drugs for the purpose of the sale.

An MDMA tablet sells for \$30 at street value, and the defendant thus trafficked in a quantity of ecstasy that had a potential street value of between \$90,000 and \$120,000. He made admissions to selling the pills for less than the street value, and based on those admissions and the evidence contained within his mobile phone, he made 50 cents per tablet, therefore making a profit of approximately \$1,500 to \$2,000.

The State seeks a forfeiture order under s38 of the Misuse of Drugs Act in relation to the items noted in paragraph 5 of the Crown Statement of Facts.

The defendant has some minor/summary drug related prior convictions in 2019 and 2021 in relation to possession of methyl amphetamine and possession of drug paraphernalia.

The defendant suffered a heart attack on 23 June 2020 and since his discharge from hospital he has abstained from taking illicit drugs. He has returned to his employment as a truck driver. He faces regular drug tests in the course of his employment and regular roadside tests undertaken by police. He has taken up better recreational pursuits, including fishing, and in his spare time he assists a friend in a welding business.

Enough has been said about the pernicious effect of the drugs involved in this case and the seriousness of the crime of trafficking in them. Prison is the usual penalty for doing so. In the circumstances of this case however, I propose to impose a suspended prison sentence.

The defendant is convicted and sentenced to a term of 18 months imprisonment which sentence I wholly suspend on condition that he commit no offence punishable by imprisonment for a period of two years.

In addition, I make a Community Correction order for an operational period of two years, as well as the statutory core conditions of that order, I impose a special condition that the defendant complete, within the operational period, 105 hours of community service.

I direct that the defendant report to Community Corrections, which is currently operating, I understand from the Hobart Reception Prison at 29 Liverpool Street, Hobart next to the Magistrates Court, and he should do that before 5.00pm on Monday, 12 December 2022.