

STATE OF TASMANIA v JASON WAYNE SAVAGE
COMMENTS ON PASSING SENTENCE

6 APRIL 2023
JAGO J

Jason Wayne Savage, you have pleaded guilty to one count of trafficking in a controlled substance contrary to s 12(1) of the *Misuse of Drugs Act*.

The trafficking charge relates to a four month period between 6 July 2018 and 2 November 2018. Between those dates you trafficked in methylamphetamine and heroin, both in your own right and also by assisting another person to traffick in drugs. Between 6 July 2018 and 18 August 2018 police intercepted a number of mobile telephone exchanges between you and another drug trafficker, Ms McLaughlin. Those exchanges indicate the arrangement of drug sales between the two of you to others. Further forensic analysis of mobile phones messages found on your phone during the period 21 September 2018 and 3 October 2018 are of a similar vein and reveal you arranging to sell drugs to a number of people. On 7 October 2018 police searched you and found you in possession of \$1,608.00 in cash, 52 grams of methylamphetamine and 15.2 grams of heroin. A tick book was also found in your bedroom, which indicated the names of at least 20 people who had purchased drugs from you, together with a running tally of the amount they owed to you, which was approximately \$7,640.00.

Following this search, you were arrested and remained in custody until 22 October 2018, at which point you were granted Supreme Court bail. Phone calls between you and Ms McLaughlin examined by police during the time you were in custody, indicate you continued to liaise with her about ongoing drug sales. You were subject to the Supreme Court bail order when you were again found by police in possession of methylamphetamine and cash on 2 November 2018.

On this occasion you were present at Ms McLaughlin's home when it was searched. You were personally in possession of \$2,596.90 in cash, 2.2 grams of methylamphetamine, 1.66 grams of heroin, 5.53 grams of cannabis, and 40 grams of buprenorphine in the form of suboxone films.

You were interviewed on 18 December 2018. You told police you were addicted to methylamphetamine and that you used it on a daily basis. You also told police that for the past six months, you had been transporting methylamphetamine for other people and that you were given drugs, or sold drugs at a discounted rate, in exchange for your assistance. You declined to identify for whom you were transporting the drugs. I am satisfied that in addition to your involvement in transporting drugs for others, you were also directly involved in the sale of drugs to others on a relatively frequent basis during the period stated in the indictment. I am satisfied you were selling predominately small, individual quantities to end users. There is no suggestion on the evidence that is available for my consideration that you were operating at any higher level within the trafficking hierarchy. I also accept that whilst you made some money, your illegal dealings in drugs was not purely a profit exercise, but was also directed at funding your addiction to, and heavy use of, methylamphetamine.

You are 41 years of age. You have a relatively significant criminal history. In terms of drug related offending; in 2003 you pleaded guilty to possessing a controlled plant, cultivating a controlled plant and using a controlled plant. In 2007 you pleaded guilty to cultivating and selling a controlled plant. In 2011 you pleaded guilty to cultivating, possessing and using a controlled plant. In 2017 you pleaded guilty to possessing and using a controlled plant. You also have prior convictions for dishonesty, violence, driving offences, bail offences and

offences against police. Your record is far from a good one. You have been sent to gaol in the past, particularly in respect to driving offences.

I am told that you were raised in a supportive family and completed high school through to the end of Year 9. You moved interstate in pursuit of employment and it was there that your difficulties with illicit drugs commenced. I am told that since the age of 17 you have struggled with addiction and that is reflected in your prior criminal history. You have, over the years, used a myriad of drugs and your addiction has led to both family division and health issues.

I am told that around the time this offending occurred, your addiction was chronic. You were prepared to do anything to source drugs. To your credit you have taken significant steps in more recent times to address your drug addiction. You enrolled as an inpatient at the Bridge Programme for a period of three months. Whilst you have experienced the occasional relapse, you have utilised what you learnt there, to address it and bring it under control. You no longer use methylamphetamine. You have been able to obtain employment. For the past two and a half years you have been employed as a painter. You are well regarded within your employment. It is the first time you have held employment in a long time. You have not offended in any manner since 2020.

I accept that you have made a number of positive changes since the commission of this crime and your efforts are an important factor to take into account in the sentencing process. They must be balanced, however, against the fact that this is a serious crime. Your conduct involves the dissemination of drugs into the community. The destruction that causes is well understood. The harm caused is not only that directly associated with drug use, but also the associated criminal activity that frequently results from drug use when those who are addicted to drugs engage in criminal activity. You are a prime example of that. It follows that a sentence which places significant weight on general deterrence and denunciation must be imposed. The evil of drug trafficking has been stated many times by various judges of this Court. The message must be clearly conveyed that those who engage in the activity of trafficking illegal drugs, at whatever level, should expect harsh punishment.

I take into account your plea of guilty. You are entitled to credit and some reduction in your sentence for that, as even though it was a late plea, it does appear as though the matter has been the subject of lengthy negotiations. I also note you have spent a limited period of time remanded in custody as a consequence of this offending. The only appropriate sentencing option in my view is a period of imprisonment. Because, however, of your recently obtained employment and the steps you have taken towards rehabilitation, I am satisfied it is not necessary to immediately activate that period of imprisonment. I intend to impose a period of suspended imprisonment and order that you perform community service.

I make the following orders. You are convicted of the crime of trafficking and sentenced to 12 months' imprisonment. The execution of that period of imprisonment is suspended on condition that for a period of two years, you are not to commit an offence punishable by imprisonment. Further, I make a Community Correction Order for an operational period of 2 years with all statutory core conditions and a special condition that you must satisfactorily perform and complete 98 hours of community service during that two year period. I direct you are to report to Community Corrections, Devonport by close of business Wednesday, 12 April 2023.

I make an order pursuant to s 11 of the *Crime Confiscation of Profits Act* that the sums of \$1,608.00 and \$2,596.90 seized by Tasmania Police be forfeited to the State of Tasmania as tainted property.