

STATE OF TASMANIA v JOSHUA GEOFFREY PEDDER
COMMENTS ON PASSING SENTENCE

19 JULY 2023
JAGO J

Joshua Geoffrey Pedder, you have pleaded guilty to one count of trafficking in a controlled substance, contrary to s 12(1) of the *Misuse of Drugs Act*. I have also agreed to deal with your pleas of guilty to a number of related summary charges; namely two counts of possessing a thing used for administration of controlled drug, two counts of using a controlled plant or its product, one count of using a controlled drug (methylamphetamine), and one count of cultivating a controlled plant.

The trafficking charge relates to an approximate 18 month period between 3 February 2019 and 21 September 2020. Between those dates you trafficked in methylamphetamine and cannabis. On 3 February 2020, police executed a search warrant at your residence. They seized eight cannabis plants, which were growing in the backyard. A number of other items consistent with the sale of cannabis were also located and seized. More than 312 grams of usable cannabis product was seized from the property, including 176.02 grams of cannabis bud, 136.87 grams of exposed cannabis bud, 194.55 grams of cannabis product and 5.38 grams of mixed tobacco and cannabis bud. Cannabis seed, some cannabis joints and a quantity of used snaplock bags were also found. The cannabis located had a street value of approximately \$3,000.00.

You told police the cannabis plants in the backyard were yours and that you had been growing cannabis for "four or five years". You also said you occasionally sold to a couple of people but "nothing major". You told police you last sold cannabis "a couple of weeks ago" and that you would usually sell it to one or two people, weekly or fortnightly, in \$30.00 deals. You told police you had been selling it in that manner for the previous 12 months, and that you had used the proceeds from the sale of cannabis to purchase more cannabis to support your own habit. You also told police you had been a cannabis user since you were 14 years of age.

On 21 September 2020, you were intercepted by police on the Bass Highway. Your motor vehicle was searched and police located 7.27 grams of methylamphetamine and \$800.00 in cash. The methylamphetamine had a street value of approximately \$3,600.00. Later that same day your home was searched. Police located 759.82 grams of cannabis bud, 7.32 grams of exposed cannabis bud, various snaplock bags containing residual amounts of cannabis seed and cannabis resin, four used smoking devices and \$3,000.00 in cash. In total, more than 771.51 grams of cannabis product was seized from the property during the search. This cannabis had a street value of approximately \$7,000.00. You were subsequently interviewed by police. You told police that the methylamphetamine and cash found in your vehicle belonged to you. You also admitted the cannabis and other drug paraphernalia and cash found at your residence belonged to you. You told police that you had been selling cannabis for "a little over a period of a year". You said you had sold cannabis for \$250.00 per 28 grams to three or four close friends and family. You estimated you sold approximately \$1,000.00 worth of cannabis a fortnight and that you had sold approximately 16 ounces of cannabis in the preceding 12 months. You also told police that you had possession of the methylamphetamine for personal use but admitted selling some of the methylamphetamine to "just a couple of people" who were family and friends. You said you sold the methylamphetamine in single gram quantities for between \$500 & \$600 per gram. You estimated you had sold one to two grams for approximately \$1,200.00 over the preceding month. You told police you intended on both using and selling the methylamphetamine that you had in your possession.

It is the State's case that you sold methylamphetamine for approximately 12 months and cannabis for approximately 18 months on a continuous and regular basis. Understandably it is impossible for the State to particularise with specificity the amounts sold. Based, however, on your admissions to police it seems you sold approximately \$26,000.00 worth of methylamphetamine and cannabis over the indictment period.

You are 38 years of age. You have a relatively significant criminal history. You have prior convictions for matters of dishonesty, driving offences, bail offences and offences against good order. In terms of drug related offending, in 2015 you were convicted of selling a controlled plant, cultivating a controlled plant and using and possessing a controlled plant. In 2016, you were again convicted of selling a controlled plant, cultivating a controlled plant and using and possessing a controlled plant. In 2017, you were convicted and sent to gaol for offences of cultivating and selling a controlled plant, and using and possessing a controlled plant.

In December 2021, after the commission of this crime, you were sentenced in the Magistrates Court for various driving offences, offences contrary to the *Firearms Act*, and some minor drug offences, to two separate periods of suspended imprisonment. In total, you were sentenced to eight months' imprisonment, the execution of which was wholly suspended on condition for a period of 18 months, you commit no offence punishable by imprisonment. That suspended sentence has now expired, seemingly without breach. I am told the imposition of that period of suspended imprisonment was a turning point for you, and since its imposition, you have worked very hard on rehabilitating yourself. You have sought assistance for your long term addiction to cannabis. You have now been granted a prescription for medicinal cannabis because of the severity of your addiction. I am told you are consuming that substance only in accordance with the prescription and medical advice and are not otherwise using illicit substances. You now recognise that your use of illicit substances has negatively impacted your life and are determined to maintain abstinence and live a more rewarding life. You are currently endeavouring to set up a pressure cleaning business in order to support your family. Importantly, you have not offended in any manner since the end of 2020.

There has been a considerable delay in the disposition of this matter. It seems much of the delay was associated with the matter receiving the allocation of a preliminary proceedings date. It is not really clear to me why such proceedings were required given your significant admissions. Nevertheless I will sentence on the basis that your plea of guilty retains a utilitarian value that entitles you to some credit. It does appear as though you have made a number of positive changes since the commission of this crime and your efforts towards rehabilitation are an important factor to be taken into account. They must be balanced, however, against the fact that this is a serious crime.

You have a number of relevant prior convictions for drug related offending. Your conduct obviously involved the dissemination of drugs into the community. The destruction that causes is well understood. As has been stated by courts on many occasions, those who choose to traffic in drugs must expect punishment. Illicit drugs cause great harm to individuals and the community, both directly and indirectly. Those who may be inclined to engage in the sale of illicit drugs for profit must balance the monetary returns with the knowledge that apprehension and conviction will result in harsh penalties. It follows that a sentence which places significant weight on general deterrence and denunciation must be imposed. The only appropriate sentencing option in my view is a period of imprisonment. Because, however, of the steps you have taken towards rehabilitation, your engagement with medical professionals to address your long term drug addiction, and your prospects of employment, I am satisfied it is not necessary

to immediately activate that period of imprisonment and I intend to suspend the imprisonment imposed.

I make the following orders. You are convicted of all matters. In respect to the two counts of possess thing used for administration of a controlled drug, I make no further order. In respect to all other crimes and offences, I impose one sentence. You are sentenced to 16 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 any offence punishable by imprisonment. I make a forfeiture order in respect of the following items as outlined in the Crown statement of facts:

- Two fertiliser containers
- Two quantities of unused snap lock bags
- An orange glass smoking device, and
- A set of digital scales.

Pursuant to s 11(1)(b) of the *Crimes Confiscation of Profits Act* 1993, I make an order that the accused pay the State of Tasmania a pecuniary penalty in the sum of \$26,000.00.