

The defendant has pleaded guilty to one count of trafficking in controlled substances, namely XLR11, methylamphetamine and ethylone, on 4 June 2015. On that day police pulled over a vehicle being driven by the defendant. His partner was also in the car. As a result of the defendant's behaviour, the car was searched. That revealed a green glasses case and a black cigarette case which in turn contained:

- 4 snaplock bags each holding a white crystalline substance which was later shown to be XLR11.
- A plastic snaplock bag containing a brown crystalline substance, later shown to be ethylone.
- 3 snaplock bags containing what proved to be methylamphetamine.

A glass pipe, a mobile phone and \$790 in cash were also seized. Later that day, the defendant's home was searched in the presence of his partner. Some anabolic steroids, a snaplock bag containing traces of a white crystalline substance and other items of interest were taken. When interviewed, the defendant admitted that the drugs found in the car and at his home were his. He said he was an Ice user, and had last used the drug before midday on the day he was intercepted, using a pipe to smoke it. He said he stole the drugs from someone else and sold drugs to a person the day before. XLR11 is a synthetic cannabis-like substance, the trafficable quantity of which is 5 grams. The defendant was in possession of 11.8 grams of the drug. ethylone belongs to the cathenone class of drugs and is similar to MDMA or ecstasy. The bag contained 1.7 grams of the drug. The three bags of methylamphetamine contained a total of 9.2 grams of the drug. That drug is commonly sold for \$100 for .1 of a gram, and on that basis the amount in the defendant's possession would have a value of \$9,200. The Crown's case is that the defendant intended to sell part of what he possessed. There is no evidence about what drug or drugs, and what quantities, were sold the day before.

The defendant is now 23. He has a lengthy record which includes convictions for armed robbery in 2010 and aggravated assault and assault in 2011. He was sent to prison on the last occasion and has served some time in prison since for driving while disqualified. He has also had the benefit of a few suspended terms of imprisonment. There are previous convictions for drug matters. He was dealt with as a youth in late 2009 for selling and possession of a controlled drug. In January 2014 he was convicted of two charges of possessing a controlled drug and one of possessing a controlled plant. On the first and third charges he was sentenced to 1 month's imprisonment, the execution of which was suspended. That was his first recorded drug offending as an adult, and the sentence suggests a degree of seriousness. In August 2015, after the present crime, he was convicted of using a controlled drug and possessing a thing used for the administration of a controlled drug, but those offences were committed before this one. On that and for other matters which included an application to activate suspended sentences, he was again made the subject of a suspended term of imprisonment and made the subject of a 12-month probation order.

I have a pre-sentence report dated 21 January 2016 and a psychological assessment from Mr Minehan dated 10 March 2016. Mr Minehan notes a number of factors of significant concern in the defendant's history and current presentation. He cites poor parental attachment, exposure to violence as a child and disruptive schooling and child protection

intervention have all had a significant impact. The defendant has a longstanding and heavy pattern of substance abuse since the age of 12. This, in combination with a number of other factors, has had a significant impact on his mental health leading to regular episodes of psychosis requiring hospital admission. The history of physical violence is also noted. Mr Minehan says that the defendant requires urgent intervention in relation to his substance abuse, as well as ongoing support and treatment for his mental health. If it is not the case already, ongoing substance abuse, he says, is likely to result in permanent psychotic illness. I am told that the defendant has been addicted to methylamphetamine for some time. It is put that what he told the police is correct; that is, he stole the drugs and sold some, the primary purpose being to obtain drugs for his own use and money to fund his addiction. Since his arrest on this matter he has had several admissions to hospital for mental health issues. He is now receiving antipsychotic medication by way of monthly injection. There is an emerging suggestion that the psychosis is constitutional and not solely drug induced.

The defendant is presently living with his mother. He has been drug-free for a few months and the relationship with his mother has improved. He now spends much less time with his previous criminal associates. He has engaged with psychiatric care, drug counselling and employment assistance. His contact with his probation officer has recently improved. I also take into account the plea of guilty which was entered in November last year, the delay being caused by the obtaining of the reports.

Mr Davey, the commercial dealing in controlled substances and drugs of any nature is to be viewed in a serious light. All have their evils, but of particular concern perhaps is the sale of methylamphetamine. However, in general, what you had sold and what you intended to sell appears to be relatively modest. In the main you were using the methylamphetamine yourself. Your dealings were connected to your addiction – for which there is some explanation in your background. You have recently made significant progress towards your rehabilitation, and I have come to the view that the public interest is better served, at this time at least, by encouraging those attempts at your rehabilitation.

You are convicted of the crime and sentenced to six months' imprisonment to commence on 11 March 2016, the balance from today will be suspended on conditions that you commit no offence punishable by imprisonment for a period of two years, and that you be under the supervision of a probation officer for 12 months. The conditions of that probation order are:

- 1 that you attend educational and other programs.
 - 2 that you undergo assessment and treatment for alcohol and drug dependency.
 - 3 that you submit to testing for alcohol or drug use.
 - 4 that you submit to medical, psychological or psychiatric assessment or treatment,
- all as directed by a probation officer.

You will have to report to a probation officer at 114 Bathurst Street, Hobart, within one clear working day. There is a victims of crime compensation levy of \$50 which will have to be paid within 28. I order the forfeiture of items 4, 5, 6 and 7 Police Property Seizure Record 111881, items 9 and 11 on Record 111882, item 3 on Record 111884, items 1, 2 and 3 on Record 111885 and items 1, 2 and 3 on Record 111886.