

STATE OF TASMANIA v TALEAH MAREE McLAUGHLIN 29 NOVEMBER 2023
COMMENTS ON PASSING SENTENCE JAGO J

Taleah Maree McLaughlin, 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: one count of possess thing used for administration of a controlled drug; three counts of possess a controlled drug (relating to methyl amphetamine and diazepam); and two counts of possess controlled plant or its products (relating to cannabis).

The trafficking charge relates to an approximate 14 month period between 1 May 2021 and 7 July 2022. Between those dates, you trafficked in methyl amphetamine by selling the drug on an ongoing and recurring basis. On 6 July 2022, Police executed a search warrant at your residence. They seized a snap lock bag containing 22.33 grams of methyl amphetamine hidden in a fake power point in the wall. Two further snap lock bags containing 6.41 grams of methyl amphetamine and 0.95 grams of cannabis were also located in the bedroom. A used smoking device was located in the bedroom and a used ice pipe was located in a sunglass case in a raised garden bed. A further snap lock bag containing 2.38 grams of methyl amphetamine was found inside clothing you were wearing, together with a quantity of cash. In total, 31.12 grams of methyl amphetamine was found in your possession on 6 July 2022. A mobile phone was seized. It contained messages consistent with you having sold methyl amphetamine throughout May and June 2022.

Police conducted another search of your residence on 7 July 2022. On this occasion, police located a black box, within which was 21 snap lock bags, each containing 1.3 grams of methyl amphetamine. You later admitted to police these drugs were packaged for sale. A set of scales and 28 Diazepam tablets were also located. You produced to police an ice pipe, a Samsung mobile phone, 3.92 grams of cannabis and two separate quantities of cash, being \$400 and \$1,400 respectively. In total then, on 7 July 2022, 28.68 grams of methyl amphetamine was found in your possession.

You were subsequently arrested and interviewed by police. You told police that you had been addicted to methyl amphetamine "on and off" for approximately 11 years and that it was not uncommon for you to use up to a gram per day, or an ounce per week of the drug. You told police you started selling methyl amphetamine in May 2021, essentially to try and cover the costs of your own addiction. You told police you would purchase the drug in ounce amounts, use some yourself and then sell some of it to try to cover costs. You said that between May 2021 and January 2022 you were only selling in small amounts, but progressed to selling larger quantities of methyl amphetamine. In the period May 2021 to January 2022, you agreed that you had made by way of profit approximately \$1,800 by selling methyl amphetamine in point quantities.

In respect to the period between January 2022 and July 2022, you agreed that you had purchased in larger quantities and had also sold in larger quantities. You said you would use anywhere between 8-12 points per day yourself and sell "half weights" of methyl amphetamine for \$350 therefore making approximately \$100 per sale. You said on occasion you would sell up to four half weights a day. You told police your customers would contact you via social media or applications which automatically deleted messages. You admitted to police that the amounts of cash they seized had come from the sale of drugs.

In summary, you regularly sold methyl amphetamine in various quantities between May 2021 and 7 July 2022. Based upon your admissions to police, it is estimated that in May 2021, you sold approximately \$7,000 worth of methyl amphetamine. Between June 2021 and July 2022, you sold somewhere between \$49,875 and \$74,812 worth of methyl amphetamine, depending upon the quantity in which you sold the substance. On 6 and 7 July 2022, you were found in possession of 59.8 grams of methyl amphetamine. Had you sold this quantity of methyl amphetamine in a similar way to that which you had been previously selling, the methyl amphetamine had a value in the range of \$41,860 and \$59,800.

You are 38 years of age. You have a 12 year old daughter. In the past you have had quite a good employment history but you have not worked for many years now because of your drug addiction. This addiction developed in your later teenage years and has characterised most of your adult life. It is reflected in a significant history of drug offending, starting in 2011. You have several prior convictions for possessing a controlled plant or its product; possessing a controlled drug; using a controlled drug; using a controlled plant; supplying a controlled plant; and supplying a controlled drug. Significantly, on 3 July 2019 you were sentenced by Porter AJ for trafficking in a controlled substance. On that occasion, more than one substance was involved. That trafficking occurred between 9 December 2017 and 9 December 2018. You trafficked then in methyl amphetamine, buprenorphine and cannabis.

Porter AJ made a Drug Treatment Order with a custodial component of 12 months. You were not able to complete the Drug Treatment Order and it was cancelled in March 2020. An order was made that you serve the custodial component. I am told that after you were sentenced onto the CMD programme you had difficulty disassociating yourself from your past lifestyle and associates and, despite some short periods where you were able to stop using drugs, you were not able to successfully come to terms with your addiction. Upon your release, little had changed and you immediately resumed a lifestyle of fairly constant substance abuse and within a short period of time, these crimes occurred. In January 2023 however, you enrolled yourself in the Salvation Army Bridge Treatment Programme. Apparently you were endeavouring to attend that programme earlier but simply could not get in. That is something which I am regularly told on the North West coast. Unfortunately, drug rehabilitation services are limited. You were an in-patient in the residential programme for 10 weeks and successfully completed that programme. Since that time you have been abstinent from drug use. I am told that you have not used illicit substances since your release from that programme in April 2023.

I have been provided with a urinalysis report from November of this year indicating you returned negative results for the illicit substances tested. 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 in sentencing. They must be balanced, however, against the fact that this is a serious crime and it is not the first time that you have committed a crime of this nature. I take into account that your addiction was the catalyst for your offending, as opposed to financial gain. I also take into account your plea of guilty and the admissions you made to police. But for those admissions, it is unlikely that you would have been charged for the full time frame which is particularised.

As has been stated by courts on many occasions, conduct which involves the dissemination of drugs into the community is to be deplored. Illicit drugs, as you should well appreciate, cause great harm to individuals and to the community at large. Those who chose to engage in the trafficking of illicit drugs must understand that apprehension and conviction will result in harsh penalties. It seems this is a message which was not well understood by you when sentenced in

July 2019. Both general and specific deterrence are important sentencing factors here. When Porter AJ sentenced you in July 2019, your rehabilitation was given some priority in the sentencing exercise. I have really grappled with the question of whether you should be extended the same consideration again. I appreciate drug addiction is a complex issue and often cannot be readily addressed or easily resolved. But of course, you have moved beyond personal use to trafficking in illicit substances on two occasions and that is a matter of significant concern. Viewed in isolation there is no question the offending warrants imprisonment. There is, however, evidence to suggest that you may have finally come to the realisation that your future depends on you being able to address your drug addiction in the long term and you have taken a number of steps to achieve abstinence from drugs. With some hesitation, I have determined that it is in the public interest, and of course your interest, to continue to encourage you with your rehabilitation, rather than send you to gaol immediately. I am satisfied that the catalyst for your trafficking was your addiction, thus if that can be successfully addressed in the longer term, the risk of reoccurrence of a crime of this nature is minimised. You should be under no illusion, however, that this is the last opportunity that will be extended to you. If you were to re-offend in any serious way into the future, particularly if it involves the selling of illicit substances, a lengthy period of imprisonment would be almost inevitable.

I make the following orders. You are convicted of all crimes and offences. In respect to the count of possess a thing used for the 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 three years you are not to commit any offence punishable by imprisonment.

Further, I make a Community Correction Order for an operational period of two years, with all statutory core conditions and the following special conditions, which will operate for the whole of the operational period:

- 1 You must, during the two year period, submit to the supervision of a probation officer as required by that probation officer.
- 2 You must attend educational and other programs as directed by your probation officer.
- 3 You must undergo assessment and treatment for drug dependency as directed by a probation officer. You must attend participate in and complete the EQUIPS addiction program if directed to do so by your probation officer.
- 4 You must submit to medical or psychological or psychiatric assessment or treatment or psychological counselling, or indeed any of those, if directed to do so by your probation officer.
- 5 You must complete 98 hours of community service.

I direct you are to report to Community Corrections Devonport by close of business tomorrow.

I make an order pursuant to s 11 of the *Crime (Confiscation of Profits) Act* that the sums of \$1,400 and \$400, seized by Tasmania Police, be forfeited to the State of Tasmania as tainted property.

I make an order that the items listed in paragraph 29 of the Crown Statement of Facts be forfeited to the State of Tasmania.

I order that the Accused pay to the State of Tasmania the sum of \$49,875 by way of pecuniary penalty.

Ms McLaughlin, I need to explain to you that if you do commit an offence punishable by imprisonment, or if you fail to satisfactorily complete the Community Corrections Order, you can be brought back to this Court and an application made that you serve the suspended term of imprisonment. The law is that a judge has to activate that sentence unless it is unjust to do so.