

Matthew Coates, you plead guilty to trafficking in methylamphetamine between 12 and 15 September 2022. I also agreed to deal with your plea of guilty to possessing stolen property, possessing a firearm without a licence, possessing ammunition without a licence, possessing a controlled drug, using a controlled drug and possessing a smoking device, a glass Ice pipe.

On 15 September 2022 the home which you shared with your partner in Launceston was searched. Under the house was a small bag containing \$12,000 in cash, a .22 pistol loaded with a magazine containing eight rounds, a tool box containing four snap lock bags each containing methylamphetamine, a total of 9 grams, and scales and other snap lock bags. The pistol was in a cryovac bag. In the backyard was a stolen motor cycle, and hidden in a drain pipe were 113 x .22 calibre rounds. Concealed behind a live power point in the kitchen was a cryovac bag containing 27.5 grams of methylamphetamine. A cryovac machine and cryovac bags were on the kitchen bench. Your jacket in one of the bedrooms had 17 valium tablets in the pocket.

Although the valium and a small amount of methylamphetamine was for your personal use, you admitted that you intended to sell the rest of the methylamphetamine. The cash, the scales, the cryovac machine and the handgun were the accoutrements of trafficking. You also admitted that you had made \$7,000 in the previous three days, and had made sales on credit. You gave the police the password to your phone which was seized. When examined it contained messages evidencing the sale and proposed sale of methylamphetamine over the indictment period. You have pleaded guilty on the basis that you were, at that time, engaged in the regular and continuous sale of methylamphetamine in the nature of a business. You were procuring, packaging and selling the drug. Sold at \$100 per point the drug you had in your possession could have returned up to \$36,500, although possibly less if sold in larger quantities or at a lower price. The cash in your possession also gave an indication of the scale of your trafficking.

You are now aged 35. You are in a relationship and have one child. Your plea of guilty, admissions and general co-operation with the police are in your favour. You have no prior convictions for trafficking but your record is an important factor in sentencing. You are not to be punished for past offences but they, and your response to previous sentencing orders, are important factors when considering the need for personal deterrence, protection of the public and the prospects of your rehabilitation. You have a long term issue with addiction to illicit drugs. You have three prior convictions for selling a controlled drug, the most recent of which was an offence committed on 15 August 2022, about a month prior to this crime. You have numerous other convictions for possessing and using a controlled drug or a controlled plant. In addition there are many convictions for dishonesty, driving offences and breaches of bail and other court orders also consistent with abuse of illicit drugs. You were made subject to a community correction order in 2014. A drug treatment order with a custodial part of nine months was made on 15 July 2015. The order was cancelled on 26 February 2016 and you were sentenced to imprisonment for six months. On 3 July 2017 you were sentenced to imprisonment for 12 months mostly for dishonesty. You were fined and given a short wholly suspended sentence in 2019 for more dishonesty, drug and driving offences. On 27 May 2020 other drug treatment orders with a total custodial part of 13 months were made for serious driving offences, some violence and more dishonesty. There were some promising signs but you re-offended while subject to that order and again it was cancelled. One of the things you did was to, on 30 June 2020, attempt to provide a false sample for a urinalysis. On 21 August 2020 the order was cancelled and you were sentenced to concurrent terms of 16 and 9 months from 24 July 2020

and a cumulative term of six months. On 18 February 2021 you were sentenced to imprisonment for three months, but wholly suspended, for perverting justice. You breached the terms of that suspended sentence by committing serious driving offences including reckless driving and evading police, as well as drug offences including the selling on 15 August 2022 which I referred to earlier. That offence explains the admission you made to the police on 15 September 2022 that you had not only made \$7,000 from selling drugs in the previous three days but \$15,000 in the last two months. On 27 April 2023 a magistrate activated the suspended sentence and ordered a further four months wholly suspended sentence. Thus, the selling is not a prior conviction and you have already been sentenced for it. It is relevant to totality. However, although this crime is not a breach of the suspended sentence it was committed soon after you were admitted to bail.

I was asked to consider making a third drug treatment order. A drug treatment order is a sentencing order which gives priority to rehabilitation as opposed to punishment and deterrence. I have decided to not seek such an assessment because I do not regard such an order as an appropriate sentence. There are some factors which suggest that you have the capacity to be a valuable member of society. I was informed that following your release on parole following the sentences imposed in 2020 you complied with parole conditions including drug testing. You were close to completion of a diesel mechanic apprenticeship. However when you lost your job through the COVID downturn the financial impact was significant. You again resorted to drugs. You decided to sell drugs to fund your own heavy addiction but also to make money to alleviate the financial difficulties you and your family found itself in.

The firearm offence should not be overlooked. There was no lawful reason for you to have possessed such a handgun. Firearms of that nature in the wrong hands have a strong association with crimes of dishonesty and violence. You should not have been in possession of the motor cycle which you admit you knew was stolen. The evils of drug trafficking have been explained many times. Sale of illicit drugs, Ice especially, causes great harm to the community and to others. The period of your trafficking was not a long one, and the quantity of drugs was not large compared to some cases seen in this Court, but it was not conduct which was isolated or out of character. I accept that prison is not likely to assist your rehabilitation but those who seek financial gain from trade in Ice should expect to be punished. In this case I regard the need for general deterrence and punishment as of such importance that the request that you be given a third opportunity to complete a drug treatment order cannot be accepted. I will allow the opportunity for parole at a relatively early stage. You have been in custody since 21 September 2023 and the sentence I impose will commence then.

Mathew Coates, you are convicted on the indictment and on counts 3, 4, 5, 7, 8 and 9 on complaint 34440/20. The remaining counts on that complaint are subsumed in the indictment. I order that items 1, 5 and 8 on property seizure record 178016 and items 17, 18, 19 and 20 on property seizure record 178017 are forfeited to the State. Pursuant to the *Misuse of Drugs Act*, s 36B, I assess the reasonable expense of and attending the analysis and examination of the controlled substance as \$1,182 and award that sum against you as part of the costs of the prosecutor. I am satisfied that the sum of \$12,000 seized on 15 September 2022 is tainted property as the proceeds of drug sales and that no hardship will result from its forfeiture. I order, pursuant to the *Crime (Confiscation of Profits) Act 1993*, s 16(1) that the money is forfeited to the State. I assess, in accordance with the *Crime (Confiscation of Profits) Act 1993*, s 22, the value of the benefits derived by you from the commission of the offence in the sum of \$3,000 and order that you pay to the State a pecuniary penalty equal to that sum.

On counts 5, 7, 8 and 9, possessing and using a controlled drug and possessing an Ice pipe, in light of the other sentence I will impose I make no further order. On count 3, possessing a stolen motor cycle, you are sentenced to imprisonment for one month from 21 September 2023. On the indictment and on count 4 on the complaint I impose one sentence. You are sentenced to imprisonment for 15 months, also from 21 September 2023. I order that you not be eligible for parole until you have served eight months of that term.