

Mr Roland, a jury found you guilty of three counts of trafficking. The first count relates to trafficking in a controlled substance, namely N-Ethylpentylone. The second count relates to trafficking in 1, 4-Butanediol and the third count relates to trafficking in MDMA, methylamphetamine and cocaine. The State's case was conducted on the basis that on 2 July 2020, you were in possession of the respective substances with the intention of selling them, or that you had prepared the substances for supply with the intention of selling them, or in the belief that another person intended to sell them, or that you had guarded or concealed the substance with the intention of selling them, or in the belief that another person intended to sell them. It follows from the verdicts that the jury were satisfied beyond reasonable doubt that on 2 July 2020, you were in possession of the relevant controlled substances and held one of the requisite states of mind. To the extent that the facts do not emerge from the verdicts, it is my responsibility to make findings of fact. For the purpose of determining facts for sentencing purposes, I may only make findings adverse to you if satisfied beyond reasonable doubt they have been proved, and I may only make findings of fact in your favour if they are proved on the balance of probabilities.

I am satisfied beyond reasonable doubt that on 2 July 2020 you possessed each of these substances, that you had packaged and concealed the substances in the manner in which they were found, and that in the main, you intended to sell the substances. I accept it is likely, given your drug addiction, that you would have used some of the methylamphetamine yourself.

On 2 July 2020, police executed a search warrant at your residence at [address redacted]. They found 30.1 grams of N-Ethylpentylone; 38 mls of 1, 4-Butanediol; 4.28 grams of methylamphetamine; 4.4 grams of MDMA and 2 grams of cocaine. The drugs were found in various locations throughout your residence. As well as the main residence on the property, there was an outbuilding which contained a tattoo parlour, a workshop, an office area and a separate unit which was predominately occupied by your son. In the backyard of the premises there was a water fountain, which had amongst its features a rock wall.

The premises at [address redacted] were subject to very heavy security. You had a number of security cameras and motion sensors set up. You had various screens set up both within the main residence and within the outbuildings which allowed you to monitor the surveillance being captured by the respective cameras. You had large fences surrounding the property, and gates allowing access were locked with a keypad which required a code. On top of the fences, were bird spikes which prevented anyone climbing over the fences. I am satisfied the premises were fortified in this manner so that you could protect the array of drugs that were in your possession. The security also made it extremely unlikely, in my view, that persons would be on the property without your knowledge.

Within the outbuildings, there was a very large quantity of small snap-lock bags found. The size of the snap lock bags was not consistent with daily household use, but was consistent with drug sales. Electronic scales and two cryvac machines, and accompanying cryvac bags, were also found. Police also located \$11,573 in cash made up predominately of \$50 notes. Whilst the prosecution case did not allege actual sales on 2 July 2020, the presence of the cash was circumstantial evidence relevant to the question of your intent in possessing the drugs.

The N-Ethylpentylone was found in a cryvac bag that had been concealed inside a fake, hollow rock in the water feature. Within the cryvac bag there were a number of separate snap-lock bags. Two of those snap-lock bags contained N-Ethylpentylone. The other snap-lock bags contained MDMA. N-Ethylpentylone is very similar in its characteristics to MDMA and users are unlikely to detect a difference. The fact the N-Ethylpentylone and MDMA were stored together suggests you were going to sell both as MDMA. I am satisfied you were responsible for placing the drugs into the fake rock and then placing that rock into the water feature. DNA consistent with yours was located on two of the snap lock bags located within the fake rock. The cryvac bag, which the drugs were packaged in, was of the same brand, size and style as the cryvac bags and the cryvac machine found in the office of your outbuilding.

I am also satisfied you were intending to sell the drug. You told police in a record of interview that it was very rare for you to use MDMA and the quantities found are not consistent with possession for use by a person who might use that drug rarely. Based on evidence given by Detective Hawkins from Western Drug Services, the estimated value of the N-Ethylpentylone was between \$10,000-15,000. I reject, as the jury must have done, your claim that the substance was put there, unbeknown to you, by another person. The security around the premises, the DNA evidence, the value of the drugs and the sheer improbability of another leaving behind the drugs without you knowing about it, given the number of security cameras and screens you had recording surveillance at the property, leave me with no doubt that you were responsible for the drugs being there, and you possessed them intending to sell them.

Police located the 1, 4-Butanediol in a refrigerator in your workshop. 1, 4-Butanediol is a drug which converts to GBH once ingested. It is a dangerous drug which has potentially disabling and disinhibiting effects upon its users. It is usually sold in 1ml amounts. The workshop area where it was found could only be accessed internally via the office and was not readily accessible to anyone who was in the backyard of the premises, or in any other parts of the outbuilding. Again, I am satisfied you placed the drugs in the refrigerator and had possession of it, intending to sell it. The street value of the 1, 4-Butanediol you possessed was approximately \$1500.

In addition to the MDMA that was found in the fake hollow rock, there was also MDMA found in a package that was wrapped in black tape and hidden away within the water feature. Additionally, there was a plastic cryvac bag found in the backyard behind the water feature. That cryvac bag contained a number of individual snap-lock bags, which had MDMA, methylamphetamine and cocaine within them. Again, DNA consistent with yours was located on some of those bags. Methylamphetamine was also found in your office drawer and in the tattoo parlour desk. The street value of the various drugs you possessed at the relevant time, which of course was during the Covid pandemic when the value was higher, was as follows - MDMA approximately \$2,200, cocaine approximately \$2,000 and the methylamphetamine approximately \$10,700, although as I have already noted, I accept it is likely you would have used some of that methylamphetamine yourself and sold the balance.

Following your arrest, you participated in a record of interview. Whilst you admitted to being a long term drug user of predominately methylamphetamine, you denied any knowledge of any of the drugs relevant to these trafficking charges. You claimed that your house was regularly visited by persons who used drugs and, in essence, suggested that one of them must have been responsible for leaving the drugs found by police in the various locations. The jury obviously did not believe you, nor did your explanations lead them to hold a reasonable doubt about your guilt.

You are 55 years of age. You have a number of children, all of whom are now adults. You and your wife continue to live in the same residence although are separated. You have formed a new relationship with Ms McNaulty, who suffers from multiple sclerosis. Until your remand in custody, you were acting as her carer. You are a long time drug user. You began using illicit drugs in your late teens following your involvement with a motor cycle club. During this time you used cocaine, amphetamine, methyl amphetamine and MDMA regularly and heavily. In more recent years, your use has been limited to methylamphetamine. Your addiction to that drug saw you using approximately 2 grams per day, although you say that prior to your incarceration you had begun to decrease this amount because of health issues.

I note these crimes occurred in July 2020. It has, for a number of reasons, taken a considerable time to come on for trial. Since February 2023 at least, you have been bailed on very strict conditions, including conditions that allow Tasmania Police to enter your premises. There is nothing before me to suggest that you have offended against the *Misuse of Drugs Act* whilst subject to that bail order. You do, however, have a poor criminal history involving drug offences. You have prior convictions for drug related driving offences and several convictions for possession of various illicit drugs. You also have a number of convictions under the *Firearms Act*. Most significantly, on 25 August 2015 you were sentenced by this Court for three counts of the crime of trafficking. You trafficked in amphetamine and methylamphetamine; cannabis and Alprazolam. You were sentenced to three years imprisonment, with a non-parole period of 18 months. You were released on parole in May 2017, but subsequently returned to custody following the commission of an offence. You completed that sentence on 18 June 2018. These crimes occurred approximately two years later. Specific deterrence then is obviously a weighty sentencing consideration.

I have had the benefit of a pre-sentence report, dated 17 November 2023. You told the author of that report that you are hopeful of engaging with alcohol and drug services into the future to assist you in ceasing your methylamphetamine use. You have already done some work with alcohol and drug services between May and October 2023, and your engagement then was described as positive.

You, however, have very little insight into the seriousness of your offending. You continue to maintain that the illicit substances found at your residence did not belong to you. You have displayed no remorse, you have not accepted responsibility and you have demonstrated no insight into the grave consequences of your criminal conduct. You are, it seems, willing to profit from the misery drug trafficking causes for others. Many of the drugs found in your possession were not drugs which were used by you personally. The only conclusion is that predominantly the catalyst for your trafficking was the desire to profit.

Judges of this Court have commented on many occasions about the great harm illicit drugs and methylamphetamine, in particular, causes within our community. It is a drug which is highly addictive and damaging to health. It causes harm to those who become addicted to it and to the community at large. Its use and trade generates a great deal of other criminal activity, especially crimes of violence and dishonesty. Here, of course, you intended to sell more than methyl amphetamine. The range of drugs you intended to sell would have caused a lot of harm to many people. Deterrence, both personal and general, and punishment are significant sentencing considerations.

Mark Raymond Roland, you are convicted on the three counts of trafficking. The State seek an order pursuant to s 11 of the *Crime Confiscation of Profits Act* that the sum of \$11,573.35, seized by Tasmania Police, be forfeited to the State of Tasmania as tainted property. I propose to adjourn that application to a date to be fixed.

I make an order that items 2, 8, 9, 12, 13, 15, 18, 20, 29, 35, 42, 44, 50, 51, 60, 74 and 75 listed in Property Seizure Record 190311-190314, and item 1 in Property Seizure Record 179073 be forfeited to the State of Tasmania.

On the three counts of trafficking I impose one sentence. You are sentenced to 2 years imprisonment, backdated to commence on 30 June 2023 to reflect time spent in custody on the this matter. Because there is some suggestion that with age you are reflecting upon your drug use and endeavouring to minimise it, which in turn, might change your attitude towards trafficking in drugs, I will allow for parole. I order that you are not eligible for parole until you have served one-half of that period of imprisonment.