

**STATE OF TASMANIA v KELLIE ANNE NAVARRO
and PETER LESLIE COVENTRY
COMMENTS ON PASSING SENTENCE**

**GEASON J
29 JUNE 2018**

Kellie Anne Navarro and Peter Leslie Coventry, each of you has pleaded guilty to trafficking in methylamphetamine between 29 February 2016 and 29 August 2017. At the time you were in a relationship with one another.

It was established by police that Ms Navarro was travelling from Launceston to Victoria by plane and on the Spirit of Tasmania from Devonport, to purchase methylamphetamine with a view to selling it in Tasmania. Ms Navarro's conduct included arranging methylamphetamine transactions with a supplier in Victoria; making bookings for travel and accommodation in false names to avoid detection by police; collecting money from others who were willing to purchase drugs in bulk; travelling to Victoria to collect methylamphetamine and bringing it back into the State; and dividing bulk amounts of methylamphetamine into points and providing them to drug users and traffickers to on-sell. Eighteen separate incidents of air and sea travel by Ms Navarro to and from Launceston, Devonport and Melbourne between 14 September 2016 and 29 August 2017, were established.

Mr Coventry, you are connected to nine of the eighteen incidents of air and sea travel by Ms Navarro. You transported her to and from the air or sea terminals on three occasions, and your name, mobile phone number and/or email address, is connected to the travel bookings and the purchase of the pre-paid Visa cards which were used to pay for travel on nine occasions. These nine occasions fell between 21 March 2017 and 16 June 2017.

During the course of the investigation, in excess of 17,000 phone calls and text messages were intercepted, numerous of which were indicative of the arrangement of drug transactions. Conversations and text messages which were intercepted between each of you, demonstrated your mutual involvement in assisting one another with drug-related activities.

On 29 August 2017, a search warrant was executed at the home you were both sharing. Police seized a snap-lock bag containing trace amounts of methylamphetamine, a broken "Ice" pipe, a used smoking device, electronic scales, a cutter, notebooks, a Samsung tablet, Telstra mobile SIM cards, travel documents and Visa cards. Each of you was arrested and taken to the Devonport police station. Ms Navarro, you participated in a record of interview and, under caution, admitted that the methylamphetamine found on your person was yours, but that you were not sure who owned the "Ice" pipe. You said that the cutter belonged to you both. You said the notebooks were yours, and you told police they were not "tick sheets". The tablet and mobile phone was identified as Mr Coventry's.

Ms Navarro, you told police that you use methylamphetamine every couple of days and could not afford to buy it, so you get larger amounts for other people and keep some for yourself. Apparently you used it by smoking it or injecting it. You told police that you would use false names to cover the fact that you are travelling as frequently as you were. Of the 18 trips, you apparently obtained methylamphetamine on about half of them. Sometimes you returned with nothing. You knew the larger amounts which you procured would be on-sold. You made a number of other admissions, and I note you were cooperative with police. Based on your admissions you had involvement in facilitating the sale of 140 grams of ice per fortnight for 18 months. You also admitted to a further six ounces which you obtained in Victoria. The State asserts that the total value of the methylamphetamine was in the vicinity of \$180,000.

I note that you have been in custody since 29 August 2017.

I have regard to the circumstances that led to your descent into serious drug use. They are tragic circumstances. It began with your being a victim of cruel domestic violence, an addiction to pain killers, and a desire to escape from the harshness of your circumstances. Those circumstances demonstrate the destructive effect of drug use, and the downward spiral that inevitably follows. Regrettably, while you were once a victim of crime, you have become an offender likely responsible for creating victims of your own.

Mr Coventry, you participated in a record of interview. and under caution you admitted to being in a relationship with Ms Navarro for five to six years, but you made no comment in relation to whether she travelled to Victoria and whether you assisted her to do so. You said you do not deal in drugs. You said you put in \$200 per month to get methylamphetamine. You told police that you did not think Ms Navarro was selling methylamphetamine. You made no comment as to whether you derived a benefit from Ms Navarro of any money or any methylamphetamine. You have been in custody since the 18 May 2018.

Your use of methylamphetamine began after your own personal tragedy following the unexpected death of your son in 2014. At the time of offending, I am told that you would use approximately one point of Ice per day. I have also been told that, since being charged with this offence, you have gained employment, engaged in counselling, and prior to being remanded in custody, had found stable accommodation.

In fixing sentence for each of you, I have regard to the time spent in custody. In your case Mr Coventry, about a month, and in your case Ms Navarro, as I have noted, about 10 months.

I must also give weight to the need for general deterrence, and the toll exacted upon the community by drugs, and your contribution to that toll. I take account of prior convictions. Ms Navarro, your record is a poor one. Mr Coventry, yours is poor, but in this category of drug related offending, that is not so.

I am satisfied, however, that this is a case where it is appropriate to place emphasis on your rehabilitation. That is your own interests and the interests of the community. Mr Coventry, I note you have taken efforts of your own directed towards your rehabilitation. Ms Navarro, I give weight to your participation in the EQUIPS program, which has the same objective for your rehabilitation.

You have both been assessed for the Court Mandated Diversion Program. You have been assessed as suitable candidates for a drug treatment order. You are both considered eligible, and I find that the requirements of s 27B of the *Sentencing Act* 1997 are met. I consider that the aims of a drug treatment order appearing in s 27C of the *Sentencing Act* are applicable and met in this case.

I have considered the individual management plan accompanying the reports, and I am satisfied that they set out an appropriate way of dealing with you both. I am satisfied of the matters about which I am required to be satisfied under s 27B(3) of the *Sentencing Act*.

I have regard to your pleas of guilty and I have discounted your sentences by 20% in recognition of those pleas.

Ms Navarro, on the indictment I make a drug treatment order pursuant to s 27B of the *Sentencing Act 1997*. I sentence you to a term of imprisonment of 24 months backdated to the day you were taken into custody on 29 August 2017. I will suspend the remainder of that sentence and you will not be required to serve it unless ordered to by a Court to do so. During the period the order is in force you are required to comply with the conditions of the Drug Treatment Order and the supervision parts of that order.

Mr Coventry, on the indictment I make a drug treatment order pursuant to s 27B of the *Sentencing Act 1997*. There is a proper basis for differentiating your sentence to be found in the extent of your involvement and antecedents. I sentence you to 14 months' imprisonment backdated to the day you were taken into custody. I will suspend the remainder of the sentence and you will not be required to serve it unless ordered to by a Court to do so. During the period the order is in force you are required to comply with the conditions of the treatment and supervision parts of the order.

Ms Navarro the conditions that are attached to your drug treatment order I will summarise:

1. you must not, in Tasmania or elsewhere, commit another imprisonable offence.
2. you must attend the Magistrates Court at Devonport on 26 July 2018 at 11:30 am and at any other time and place as directed.
3. you must report to a case manager or court diversion officer at 8 Griffiths Street in Devonport within two clear working days after the order I have just made.
4. you must undergo such treatment for your illicit drug problem as is specified in the individual management plan
5. you must, unless there are special circumstances, give your case manager at least two clear working days' notice before you make any change of address. Unless you must reside at [address] and be present between the hours of 10pm and 7am and report to the officers of Tasmania Police as required.
6. you must not leave Tasmania without the permission of the court.
7. you must comply with all lawful directions of the Court given pursuant to this order.

Mr Coventry:

1. you must not, in Tasmania or elsewhere, commit another imprisonable offence.
2. you must attend the Magistrates Court at Devonport on 26 July 2018 at 11:30 am and at any other time and place as directed.
3. you must report to a case manager or court diversion officer at 8 Griffiths Street in Devonport within two clear working days of your release.
4. you must undergo such treatment for your illicit drug use problem as is specified in the individual management plan.
5. You must reside at [address] and be present at this address between the hours of 10pm and 7am and report to officers of Tasmania Police as required.