

Mr Moeakiola has pleaded guilty to a charge of trafficking in a controlled substance. The substance was methylamphetamine. He committed this crime by buying and selling the drug as a dealer over a period of about 8 months, from about 14 October 2018 until about 12 June 2019.

Mr Moeakiola pleaded guilty to the charge five months ago, on 6 July. However sentencing was delayed because there was a dispute as to the quantity and value of what he sold. In October it was agreed between the parties that I should sentence him on the basis that his sales during the relevant period were in the range from \$50,000 to \$85,000.

There was uncertainty as to the scale of Mr Moeakiola's trafficking because of the nature of the evidence that the police were able to assemble. They obtained some evidence of trafficking from intercepted phone calls during the period from October 2018 to June 2019. They obtained more evidence from Snapchat messages in respect of the period from 1 April 2019 to 7 May 2019. They searched Mr Moeakiola's home on 12 June 2019 and found a snaplock bag containing 28.36 grams of the drug, 50 "deal" bags of the drug, packaging, scales and \$1295 in cash. It is on the basis of that evidence that the scale of his trafficking has been estimated.

Mr Moeakiola was 34 years old during the period to which the charge relates. He now 39. He has a lot of prior convictions, many of them for drug-related offending. He received the benefit of a drug treatment order in April 2011, but breached its conditions after about 6 months, and went to prison at the end of that year. He spent a short period in prison, mainly for driving offences, in late 2014 and early 2015. In 2017 he received a wholly suspended sentence of 6 months' imprisonment in relation to drug charges, including a charge of selling a controlled drug. He has been a long-term drug user. He became involved in selling drugs in order to finance his own use of them.

This case has been pending for a long time. Mr Moeakiola's first appearance in this Court was in September 2019. Initially he was jointly charged with some offenders involved in a much larger trafficking operation, but the matter resolved after the Crown accepted that he was not a member of their syndicate. His plea of guilty saved the cost and inconvenience of a jury trial and his concession as to the possible scale of his offending avoided the need for a complicated disputed facts hearing.

Mr Moeakiola lives with a de facto partner and has two children, aged 7 and 11. He has worked as a painter and as a plasterer. His wife has recently been seriously unwell. The only appropriate sentence in this case is a sentence of imprisonment. I accept that this is a case where I should take into account the impact that Mr Moeakiola's imprisonment will have on his family because of the state of his wife's health. Because of that situation I will impose the shortest possible non-parole period. I will backdate his sentence by 28 days because he spent 28 days in custody in relation to this matter in 2019.

Joe Robert Moeakiola, I convict you and sentence you to 2 years' imprisonment with effect from 9 November 2023. You will not be eligible for parole until you have served 12 months of this sentence. I order that the sum of \$1295, the digital scales and the packaging seized by police on 12 June 2019 be forfeited to the State of Tasmania.