

Harley Sturzaker, you plead guilty to trafficking in a controlled substance and possessing a thing for use in manufacture of a controlled substance for sale. I also agreed to deal with your plea of guilty to possessing a controlled drug, possessing a controlled plant, possessing a smoking device and possessing ammunition without a licence.

At about 9.30 am on 28 April 2023 the police searched your home in Norwood. They found a duffle bag under your bed containing a mechanical pill press, pill press stamps, compounding powder and other powder. Later analysis of the residue on the press disclosed the presence of methylamphetamine. In the wardrobe in the same room were snaplock bags respectively containing 10.5 grams of cocaine and lidocaine, 14.9 grams of methylamphetamine, 1.4 grams of methylamphetamine, 17 methylamphetamine tablets with a mark matching the stamp loaded into the pill press, 8 buprenorphine strips, 9 tablets containing methylamphetamine and benzodiazepines, two sets of digital scales, more snaplock bags, 16 shotgun shells and seven .22 calibre rounds. In the garage the police found five snaplock bags containing a total of 71.79 grams of cannabis, a bowl of cannabis mix and a smoking device.

You plead guilty to trafficking on the basis that you possessed the methylamphetamine, cocaine and cannabis with the intention of selling those drugs. The methylamphetamine, sold in point form, would have returned about \$15,600. The cocaine, sold in gram quantities, would have returned \$3,150. Your possession of the press is to be considered in the context that it was in fact used for the manufacture of the methylamphetamine tablets, although you are not charged with that crime.

You are now aged 26. You experienced some disadvantages as a young person. You held stable employment after leaving school but, in about 2017, some personal and relationship problems contributed to you developing a serious addiction to methylamphetamine. In turn, that addiction contributed to your only prior conviction of any real relevance, which is for a targeted violent home invasion committed by you in 2019 when you were 21. You were sentenced to imprisonment for four years and three months from 24 October 2019 with eligibility for parole after half the sentence. You were released on parole on 20 December 2021. Initially you did well. You undertook drug and alcohol counselling and were not using drugs. You were in a stable relationship and full time employment. However, when you became unwell, you lost that job and fell into financial difficulty. You turned to sale of illicit drugs. As a result of this crime your parole was revoked. You have not been on bail for these crimes at any time since your arrest on 28 April 2023 and there has been no other offending. By operation of the *Sentencing Act* 1997, s 16(1), I am required to take into account any period of time during which you have been held in custody for these crimes, and I may order that the sentence I impose commence on an earlier date. You have been in pre-sentence custody both because of the revocation of parole and because you were refused bail in relation to this new offending. You will be now be required to serve the 16 month period of your release which means, taking into account the balance of your sentence, you will not be released until next year.

However, it is an aggravating factor that these crimes were committed while you were on parole. In light of your own personal experience, even though the scale of your trafficking was not as large as seen in some cases, you ought to have realised the evils of drug trafficking and the damage to the community it causes. Your crime was for financial reasons. You went to some trouble and expense to acquire the materials for manufacture. The sentence I impose must

provide sufficient punishment, denunciation and deterrence. No explanation has been offered for possession of ammunition. There is often a connection between firearm offences and drug trafficking, but no weapons were found, you do not have a record for offending of that type and it is not an offence punishable by imprisonment. I think that hope for your rehabilitation is not lost and, to allow for that, I will suspend part of the term.

Harley Sturzaker, you are convicted on both counts on the indictment and on complaint 31888/23, counts 3, 4, 5 and 7. Counts 1 and 2 are subsumed in the indictment. Count 6 has already been dismissed. On counts 4 and 5 I make no other order. On count 7, concerning the ammunition, you are fined \$300. Pursuant to the *Misuse of Drugs Act*, s 36B, I assess the reasonable expense of and attending the analysis and examination of the controlled substances as \$3,349 and award that sum against you as part of the costs of the prosecutor. I allow 28 days from your release to pay those sums but you may enter into a repayment arrangement. I order that the items at 11 and 12 of the drugs exhibit sheets number 273959 are forfeited to the State of Tasmania. I also order that the items listed at 1, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23 and 24 of the miscellaneous property receipt number 315284 are forfeited to the State of Tasmania. On the indictment and on count 3 on the complaint I impose one sentence. You are sentenced to imprisonment for 15 months cumulative to the term you are presently serving. I suspend nine months of that term for two years from your release. It will be a condition of that order that, while it is in force, you commit no offence, which means no offence of any type, punishable by imprisonment. If you breach that condition then the suspended term must be activated unless that is unjust. I order that you not be eligible for parole in respect of the part of the term you are required to serve. The result is that you will be required to serve an additional six months but on your release you will be subject to the nine month suspended term.