

Mr Simpson, you have pleaded guilty to one count of trafficking in a controlled substance. I have also agreed to deal with your pleas of guilty to several related summary charges, being one count of possess a controlled plant, namely cannabis; one count of sell a controlled drug, namely methylamphetamine; and one count of use a controlled plant, namely cannabis.

The trafficking charge relates to a one-month period, between 30 March and 29 April 2022. During that time you had possession of a large quantity of cannabis. The cannabis you had was part of a large quantity of cannabis that was stolen from Extractas Bioscience in Westbury. Some time between 19 March and 18 April 2022, 3,146 cannabis plants were stolen from that location. It is not asserted that you were involved in the theft of the cannabis plants, but you obviously came into possession of some of them. On 30 March 2022, police executed search warrants at three separate addresses, with connections to you. Cannabis belonging to you was found at each of the locations.

At your home address, there was 817.12 grams found in various locations. There was also a significant quantity of cannabis found in a grow tent in the backyard of your premises, but the State do not assert that that cannabis was yours. A large portion of the 817.12 grams in your possession was cannabis bud. The State assert that you possessed this cannabis intending to sell a significant portion of it. They accept, given your history of illicit substance use, that some percentage of it may have been utilised personally.

At another address, belonging to an associate of yours, 4.224 kilograms of cannabis was located. You told police when interviewed, that "probably half" of what was at this address was yours. The State therefore assert that you were in possession of 2.112 kilograms of cannabis at this property, and again, possessed it intending to sell a significant portion of it.

At your girlfriend's property, there was 1.353 kilograms of cannabis located. Again, the State assert that this cannabis was in your possession and that you were intending to sell a significant portion of it. In total then, the search of 30 March 2022 located over 4 kilograms of cannabis that you possessed, intending to sell.

Additionally, on 2 April 2022 you arranged for another person to forfeit to Tasmania Police some additional quantities of cannabis that you had in your possession. A quantity of 5.346 kilograms of cannabis was left, by arrangement, at a location for police to collect. Again, the State assert that you were in possession of this quantity, intending to sell a significant portion of it. Further, on 29 April 2022, police searched another property in Devonport that was connected to you. This property belonged to an associate of yours. At this address they found 269 grams of cannabis. You told police that your associate knew nothing of the cannabis and that it was "probably" yours. Again, the State assert that you were in possession of this 269 grams of cannabis, intending to sell it.

In total then, you had possession of 9.9 kilograms of cannabis. You intended to sell the main of this cannabis, although it is accepted that a portion of it would have been used by you personally and I will sentence you on that basis.

During the search on 30 March 2022, police seized a mobile phone belonging to you. Messages on that mobile phone revealed that you had offered methylamphetamine for sale on 29 March

2022. This constitutes the offence of selling methylamphetamine. When interviewed by police you admitted having used cannabis that morning. The admission constitutes the summary offence of use a controlled plant.

You obviously were in possession of a significant quantity of cannabis. If sold at the same value as non-medicinal cannabis, the cannabis in your possession was valued at between \$54,900 and \$138,150. The State accept, however, that medicinal cannabis has a lower level of THC than non-medicinal cannabis, and therefore the street value of the cannabis may be different. It is impossible to determine with any precision what the value of the cannabis in your possession was, but I will sentence on the basis that it certainly had a value, and drug users would have purchased it. You are a long-term drug user, and it is submitted on your behalf that you were intending to use a quantity of it yourself. I do not consider that the fact it was medicinal cannabis would have made it harder to sell on the streets. I also sentence on the basis that you intended to profit from the sale of the cannabis, although as noted, I also accept that you have been a heavy user of illicit drugs for many years, and it is likely that some of the cannabis would have been used by you personally. You took the time to store this cannabis in various locations, presumably in an endeavour to maximise the potential of it not being discovered by authorities so you could profit from the sale of it. There is no evidence that you had, in fact, sold any of the cannabis as at the point of the various searches.

You are 36 years of age. You are an indigenous man. You have a significant criminal history. In 2007, you were sentenced by this Court for the crime of trafficking in a controlled substance. That related to cannabis. You were sentenced to a period of three months' imprisonment, the whole of which was suspended. A perusal of the sentencing comments made at the time indicate that you told the Court that you had decided to "break away" from the drug scene and return to studies. Unfortunately, it seems that did not eventuate. Your criminal offending continued largely unabated over the next 15 years. In October 2007, you were convicted of selling a controlled plant and various charges of possessing and using controlled plants. These crimes were committed in December 2006, so did not breach the suspended sentence imposed by the Supreme Court.

In November 2008, you were convicted of further offences under the *Misuse of Drugs Act*. In 2009, you were convicted of selling a controlled plant, cultivating a controlled plant, and various possession charges. In 2011, you were convicted of further offences under the *Misuse of Drugs Act*. In 2015, you were convicted of offences under the *Misuse of Drugs Act*. In 2016, you were convicted of selling a controlled plant and cultivating a controlled plant, together with various possession charges. In 2019, and then again in 2022, you were convicted of further offences under the *Misuse of Drugs Act*.

In addition to the matters I have mentioned, you also have an appalling history for committing offences of dishonesty, driving offences and bail offences. There is a limited history for offences of violence. You are currently serving a sentence of three months' imprisonment imposed upon you by the Magistrates Court in August of this year. Because the sentence I impose will be in addition to that sentence, I bear in mind principles of totality.

You have had a very difficult upbringing. Your parents separated when you were a young child. Your mother re-partnered. Your stepfather was physically and psychologically abusive towards you. Following the separation, your biological father formed a new relationship and wanted nothing more to do with you. Understandably, this rejection was very difficult for you to accept, and the emotions associated with it have had long term adverse impacts upon you.

Because of difficulties within the home, you moved out during your teenage years. You were essentially homeless for periods. You began using drugs during your early adolescence. Initially, it was cannabis use, but from the age of approximately 17, it escalated into the use of methylamphetamine.

You have been involved in criminal activity also from your teenage years. Your extensive criminal record reflects that your life has really been an ongoing cycle of drug use and crime. There have been short periods of employment, but nothing which appears to have broken the cycle. Some years ago, you sustained a very serious and permanent eye injury when an egg was thrown at you and struck you in the eye. You received a victims of crime payout for that incident. You purchased a chainsaw and undertook some wood cutting work. I am told you have the potential for employment upon your ultimate release with a tree clearing and yard services company.

You have been assessed as having a mild intellectual disability and have a history of mental illness, stemming from your long-standing history of illicit substance use. Your drug use has undoubtedly had a chronic impact upon your mental health. I have read and carefully considered a psychological assessment report that was prepared in respect to you in November 2021. At that time, it was noted that a treating psychiatrist described your condition as "psychotic illness with a working diagnosis of drug induced psychosis – differential diagnosis of schizophrenia."

I am told that since the time of that report, your mental health difficulties have continued largely unchanged. You have struggled to obtain any consistent psychiatric assistance. There is very limited opportunity to access appropriate mental health services on the Northwest Coast of Tasmania via the public health system. It is cost prohibitive for you to try and obtain such assistance on a private basis. The result is that your mental health difficulties have continued largely untreated and unabated. You submit that you will be at some disadvantage within the prison environment and will be limited in terms of your capacity to access appropriate mental health support. Whilst I accept that your mental health difficulties present as a challenge, both within the community and within a prison environment, I must proceed on the basis that you will be provided with appropriate assessment and treatment within the prison environment for any medical conditions that arise, whether it be physical or mental. It is simply incumbent upon the Tasmanian Prison Services to do so.

Courts in the past have endeavoured to encourage your rehabilitation through the sentences imposed. You have received the benefit of deferred sentences. You have also been placed on a Drug Treatment Order, which was subsequently cancelled for non-compliance. Very little, in terms of previous sentencing orders, appear to have worked. I accept your mental health difficulties are complex, but they are fundamentally linked to and exacerbated by your ongoing illicit substance use. There is very little before me to suggest that you have, in any genuine way, endeavoured to address that.

I take into account that this was an opportunistic crime. The cannabis was given to you. You took possession of it, intending to benefit from it by using some of it and selling the balance. There is no evidence that you had, in fact, made any financial gain as at the point of the police searches. It is noteworthy that you co-operated with police, made several admissions and, to your credit, made arrangements for a substantial quantity of the cannabis to be returned to police.

It is trite to say that you are not to be re-sentenced for your record of prior offending, but your terrible criminal history clearly indicates that specific deterrence is a weighty consideration in this sentencing exercise. As with all trafficking charges, so too is general deterrence. Any actual or intended commercial dealings with illicit substances must be condemned and viewed as serious crimes, irrespective of the substance involved. Illicit drugs, of whatever nature, cause harm to individuals and the community, both directly and indirectly. Those who choose to traffic in illicit drugs must expect a strong response from the sentencing court.

I make the following orders. You are convicted of all matters. In respect to the summary matters, given the sentence I am about to impose, I make no further order. In respect to the crime of trafficking, you are sentenced to imprisonment for a period of 14 months, cumulative to the period of imprisonment you are currently serving. I order that you not be eligible for parole until you have served one half of that period of imprisonment. I make a Forfeiture Order in respect to the nine items outlined at paragraph 35 of the Crown Statement of Facts.