

You have pleaded guilty to one count of trafficking in a controlled substance contrary to s 12(1) of the *Misuse of Drugs Act* 2001. You were jointly charged with your boyfriend Dylan William Patmore and his mother Kaylene Ruth Howlett.

The offending came to light on 24 May 2023 when Tasmania Police executed a drug related search warrant at an address in Claremont. A mobile phone was seized and a preliminary examination of it revealed messages in the Snapchat application indicative of drug trafficking.

The messages were between the owner of the phone "M" and "fred_hollows21". Police believed "fred_hollows21" to be Patmore, your then boyfriend

The messages on the seized phone indicated that there was to be a delivery to Harbord Road in Claremont by Patmore's mother, Kaylene Howlett, after she had been past the "stash house". The contents of the seized phone were downloaded and revealed the exchanges set out in the Crown Statement of Facts previously read to the Court.

On 24 May 2023 at approximately 3:00pm, Howlett, departed Linda Avenue, Pontville, to travel to Tottenham Road, Gagebrook. After stopping at Tottenham Road, Howlett then travelled to Harbord Road in Claremont. Police intercepted her vehicle, a black Nissan (registration H59HS). Police searched that vehicle and seized the following:

- 1 A Samsung mobile phone on the front passenger seat
- 2 A snap lock bag with a rubber band around it wedged between the driver's seat and the driver's seat door trim containing:
 - a a snap lock bag containing 5.0 grams of methylamphetamine
 - b a snap lock bag containing 22.6 grams of methylamphetamine

Total: 27.6 grams of methylamphetamine

Howlett provided police with the PIN to her Samsung mobile phone. Police examined the phone and took photos of the messages and photos on it, they included:

- 1 A photo of a flower box outside the front door at Tottenham Road in a message from "Riarne Dyl Gf (which the State says is a reference to you, Riarne Sweeney & Dylan Patmore) at 2:43pm on 24 May 2023 saying "In between then flowers (sic)"; and
- 2 A message from Dylan Patmore giving the same address, at Harbord Road on 15 May 2023.

Howlett was arrested and transported to the Hobart Police Station. She admitted collecting and delivering drugs on other occasions for a person she named. She said you and her son were involved. She says she does not get paid but has a bit of petrol put in her car and her son gives her money to put in her account, but she then transfers it to his TAB account. On this occasion she did not know what the packages actually were or their value, she received a photograph from you showing pot-plants, so she knew where to find them at the house.

Police then executed a drug related search warrant at Tottenham Road at approximately 3:15pm. You ordinarily resided at that address at that time with your parents and you arrived home in the middle of the search.

Police located and seized the following in a bedroom at the rear of that house:

- 1 A back pack containing:
 - a 12 snap lock bags containing approximately ounce amounts of methylamphetamine (there was a match to the DNA profile of Patmore on 3 bags and match to your DNA profile on 1 bag), Total weight: 334.40 grams;
 - b snap lock bags containing MDMA (Patmore's fingerprint was detected and there was a match to the DNA profiles of both you and Patmore), Total weight: 273 grams;
 - c A snap lock bag containing 50.3 grams of white powder which contained methylamphetamine and cocaine.
- 2 In a jewellery box, police seized 2 snap lock bags containing methylamphetamine: Total weight: 0.4 grams (it is accepted this was for personal use of Sweeney), and
- 3 Police seized 2 mobile phones located on the bedside table.

Police located and seized the following in a craft room:

- 1 \$1,000 cash
- 2 \$875 cash
- 3 A gravy bucket containing:
 - a unused snap lock bags;
 - b scales;
 - c A small amount of cannabis bud: Total weight: 5.36 grams, and
 - d Coles' shopping bag containing: 10 snap lock bags containing approximately ounce amounts of cannabis: Total weight: 267.99 grams

A trafficable quantity of methylamphetamine is 25 grams. There was 384.7 grams of methylamphetamine seized, that was 15 times the trafficable quantity.

If the 384.7 grams of methylamphetamine was sold by the point (0.1 grams) for \$100 a point, there was potential to make \$384,700.

If the 384.7 grams of methylamphetamine was sold by the ounce (28 grams) for \$7,250 an ounce, as suggested in the messages, there was potential to make \$99,609.81.

A trafficable quantity of MDMA is 10 grams. There was 27 times the trafficable quantity.

If the 273 grams of MDMA was sold in tablet form, 0.3 grams per tablet, for \$25 a tablet there potential to make \$22,750.

You were then arrested. You were transported to the Hobart Police Station where you were cautioned and participated in a record of interview. Ultimately you made relevant admissions, and the Crown relies on that interview for the purposes of sentencing.

On the same day, 24 May 2023 police searched Patmore's house at Linda Avenue, Pontville. Various drugs and paraphernalia were found. Relevantly, there was a snap lock bag containing 1.7 grams of white powder which contained methylamphetamine and cocaine, and a bag containing 1.5 grams of methylamphetamine was found in the glove box of a silver Holden registered to Howlett. Various small quantities of cannabis were found with a snap lock bag containing an amount of methylamphetamine found in Patmore's room, along with \$1970 cash in a drawer under his bed. Patmore was arrested and interviewed. He agreed he lived at the Pontville address. He admitted that what was found at your address was his and that you were his girlfriend. He would not comment as to whether the methylamphetamine found with his mother was his.

The State assert you are criminally responsible on the basis that you guarded and concealed the illicit drugs that Howlett collected and the one's located at her house on 24 May 2023 in the belief that another person intended to sell them, namely Patmore,

The State assert Howlett was criminally responsible on the basis that she transported the illicit drugs on 24 May 2023 in the belief that another person intended to sell them, namely Patmore to Mayne and/or Mayne to other people. She pleaded guilty in this Court to trafficking in a controlled substance on that basis; that is, the allegation was confined to one instance of possession of methylamphetamine on 24 May 2023, that being when she drove from her house to your house at the request of her son collected two snap lock bags of methylamphetamine with a total weight of 27.6 grams, concealed them beside the driver's side of the vehicle and left intending to take them to a house in Claremont. She was aged 61 at the time of sentence. The sentence was one of imprisonment for four months, wholly suspended for 18 months on conditions.

In contrast the State asserts that Patmore was criminally responsible on the basis that he controlled and directed the activity by both you and Howlett (s 3(2) of the *Misuse of Drugs Act* 2001). Patmore has also pleaded guilty in this Court to one count of trafficking in a controlled substance contrary to s 12(1) of the *Misuse of Drugs Act*. He was sentenced on the basis that he was responsible for directing and controlling the activity that you engaged in, that the offending involved a considerable quantity of drugs, that his offending was not at the lowest rung of distribution and that the benefit he derived from the offending was essentially to fund his own addiction.

Ultimately Patmore was sentenced to 15 months' home detention, including electronic monitoring and a community corrections order for 18 months, with conditions and a requirement of 140 hours of community service. There were also orders for payment of the costs of drug analysis and forfeiture of various items.

In mitigation it was put that your two co-accused, have been sentenced and I was provided with the relevant sentencing remarks. The sentence imposed in this matter should be referable to the dispositions in respect of your co-accused, and I have taken that into account.

It was not asserted that you were part of the high level management of this drug trafficking, but as a person who guarded and concealed this quantity of drugs you played a fundamental role in enabling substantial drug trafficking to occur.

You have no relevant criminal history.

The State say that your plea is not an early plea as the matter was committed in October 2023. It was submitted that the State has had to file papers for trial in respect of this matter given the indication that it was going to be a trial. It was put that you told lies to the police in her interview, which demonstrates an immediate lack of remorse. There were substantial and significant quantities of methylamphetamine and MDMA involved in this matter and these drugs cause significant harm to the community and should attract a weighty factor for general deterrence.

You were in a relationship with Mr Patmore for six years. I was told that you come from an extremely industrious family. Members of the family have worked hard all their lives. You have three sisters and two brothers and a seven-month-old child. All are fully employed and I am told you are very hardworking.

You left school in year 10 and was working throughout by doing part-time jobs. Since then, immediately after leaving school, you obtained employment, and for the past eight or so years you have run your own business as a cleaner. I am told that prior to this you were working in your business as a cleaner and were involved in setting up events with an event organisation.

You were aware that Mr Patmore had difficulties, but you were quite young when you became involved. Since then you have had a child to Mr Patmore who's now seven months of age. The charges in this matter have put a great deal of pressure on your relationship. I am told you were "very naive as to the situation" but I find that hard to accept given the product of the search of your house and the surrounding circumstances.

I understand that you now appreciate the consequences of your conduct and take full responsibility for your actions. You lied to police but I am told you panicked, that you were quite beside yourself and your family are distraught.

Since your arrest you have felt the effects, you have had a great deal of falling out with friends and found yourself quite isolated. You feel that there's been a great deal of judgment from your family, because it's brought a great deal of shame to the family. I am told you feel that guilt. You have felt the financial impact significantly. You have lost your working with vulnerable people card that enabled you to go to certain events at schools et cetera, to clean and to set up events.

I am told that you have stopped working doing the event organisation because you might bring shame to that organisation. You continue to run your own cleaning business and continue to work as a cleaner three or four days a week. The amount of work you do depends on your child who has a number of health problems which require hospital visits and that has been quite stressful for you.

Your relationship with Mr Patmore has changed, you would not describe yourself as in a relationship anymore. You are still close to Mr Patmore, but at the moment you are waiting to see how he goes on home detention, whether or not he goes back or does revert to any sort of drug taking behaviour because that has placed a great amount of stress on your relationship, and of course these charges that have been in train for some two years.

At the moment you are on some Centrelink payments but you are also working. You are also a full-time mother. Mr Patmore sees his child a few days each week, but you are the primary carer. You were residing with your parents but you have moved out of the area because of the problems and the associates that she had previously been involved with. You now have a house at New Norfolk, where you have been for the past six or so months and things have settled down a great deal.

The work that you do now is mostly at Brighton Football Club where you work three to four days a week.

That you have continued to work whilst managing to raise a baby is to your credit. I am told that you are a very independent young woman and that you are hopeful that you will be able to put this behind you.

Turning to the disposition and sentence in this matter. I note that your Counsel conceded that your plea has come at a late stage, as did both Mr Patmore's and Ms Howlett's. I am told you take full responsibility for your conduct and your plea avoids the necessity of a trial.

I accept the Crown's submission that there were significant quantities of methylamphetamine and MDMA involved in this matter and these drugs cause significant harm to the community and should attract a weighty factor for general deterrence. The charge here is a very serious one and there is a significant and substantial amount of drugs.

You guarded and concealed the drugs and, as I have said that was a fundamental role enabling trafficking in these illicit substances. I am told that you are determined never to come before the justice system again, and you continue to enjoy the support of your parents. That support is significant and has played an important part in the ultimate disposition of this matter.

Riarne Terese Sweeney you are convicted on the indictment. You are hereby sentenced to a term of imprisonment of one year, wholly suspended on the condition that you commit no offence punishable by imprisonment within the next 18 months. It is a further condition of the suspension that you satisfactorily perform community service for a period of 120 hours within 18 months of the date of this order and be supervised by a probation officer. There are a number of conditions I am required to impose:

- You must report on or before 10:00 am on Wednesday 23 April 2025 to a probation officer at the offices of Community Corrections at 75 Liverpool Street, Hobart.
- You must, during the operational period of the order, comply with the reasonable and lawful directions of a probation officer or supervisor.
- You must not, during the operational period of the order, leave, or remain outside Tasmania without the permission of a probation officer.
- You must, during the operational period of the order, give notice to a probation officer of any change of address or employment before, or within two working days, after the change.
- You must, during the operational period of the order, attend educational or other programs as directed by a probation officer, and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

If you breach any of these conditions, you may be brought back to the Court and re-sentenced. In particular, if you commit a further offence punishable by imprisonment, then a court must order that you serve the term of one year imprisonment as well as any additional sentence, unless that is unjust.

I also order that you pay the cost of the drug analysis in the sum of \$7,683. I also order, pursuant to the Crown's application, the forfeiture of the items seized from Tottenham Road Gagebrook, other than the \$1875 cash seized, under s 38 of the *Misuse of Drugs Act 2001* (Tas). In respect of the \$1875 cash seized, I order its forfeiture under ss 11(1)(a) and 16 of the *Crime (Confiscation of Profits) Act 1993* (Tas).