

STATE OF TASMANIA v DANIEL NICKY SMITH
COMMENTS ON PASSING SENTENCE

6 AUGUST 2025
CUTHBERTSON J

Daniel Nicky Smith, you have pleaded guilty to a charge of trafficking. This charge brought against you, referred to as a Giretti allegation, is that between 13 September 2018 and 28 December 2018, you engaged in the business of trafficking in a controlled substance, namely methylamphetamine and cocaine. In addition, I have agreed pursuant to s 385A of the *Criminal Code* 1924 to deal with your pleas of guilty on complaint 1933/2019 to the summary offences of possess ammunition when not the holder of an appropriate firearm licence, two counts of fail to take all precautions to ensure safe keeping of a firearm, possess a thing used for the administration of a controlled drug (ice pipe) and possess a controlled drug (methylamphetamine). These summary offences arise from a search of your home on 5 March 2019.

The trafficking charge relates to your interactions with a drug distribution business originating in Sydney. I will refer to it as the Sydney syndicate for the balance of these comments. During 2018, Tasmania Police commenced an investigation into the importation of methylamphetamine and cocaine into Tasmania from New South Wales by a number of people including Alexandra Kobelke, Taha Afyouni and Fahad Al-Dakak. They brought methylamphetamine and cocaine into Tasmania via domestic airlines with the drugs packed in cryovac bags and concealed on their bodies or in their carryon luggage. Once in Tasmania, the drugs were usually distributed in ounce quantities to prearranged purchasers for the purpose of sale. There were a number of regular purchasers of those drugs, including you. Payment for the drugs was ordinarily made in cash. Once the drugs were sold, the members of the Sydney syndicate returned to New South Wales with large amounts of cash concealed on their bodies or in their luggage. When in Tasmania, the members of the Sydney syndicate stayed in hotels around Hobart which served as the base for their drug trade and facilitated the distribution and receipt of payment for the drugs imported into the State.

Throughout the period of the indictment, you were participating in a drug trafficking business based in Hobart which I will refer to for the balance of these comments as the Hobart business. You acted as a conduit between the Hobart business and the Sydney syndicate by collecting drugs, facilitating the sale of those drugs on behalf of the Hobart business and delivering cash to the Sydney syndicate. You also provided vehicles for the delivery and sale of drugs, including to members of the Sydney syndicate. You, in turn, received drugs at a discounted price from the Hobart business, which you would sell on for your own benefit. It is the State's case that you engaged in the business or trade in drugs on a continuous basis throughout this period of the indictment. The State's case is that your role was akin to being a courier for the Hobart business. You assisted the Hobart business in this way on 13 September, 20 September, between 24 September and 26 September, between 10 October and 11 October, 19 October, between 16 and 20 November, and then again between 9 and 28 December. On these occasions, you met with members of the Sydney syndicate and then assisted in distributing drugs and collecting cash for the Hobart business. Your involvement in these drug trafficking activities was detected by a range of investigative methods including intercepted telephone calls, optical, listening and tracking devices together with physical surveillance.

In September 2018, you engaged in the following specific activity. On 13 September 2018, Tasmania police located you in a hotel room at MACq01. The room was searched and police located two small quantities of cocaine and methylamphetamine together with \$5,515 cash in

a bumbag. It is the State's case that you used the hotel room as a base to sell drugs on this occasion.

Between 19 and 21 September 2018, Ms Kobelke was in Hobart. She had arrived by plane on the same flight as Mr Afyouni and checked into the Salamanca Inn. They had brought drugs with them. Afyouni left Hobart by plane on 20 September. Ms Kobelke remained, checking out of the Salamanca Inn early in the morning on 20 September 2018. A search was conducted of the hotel room she occupied. Police located torn cryovac sachets which were later identified as containing traces of methylamphetamine, cocaine, heroin and caffeine.

Ms Kobelke then checked into MACq01. A series of messages were exchanged between Kobelke and Afyouni which related to getting into contact with you. CCTV footage obtained from MACq01 showed you obtaining a key from reception and coming and going from Ms Kobelke's room over the course of that day. Ms Kobelke returned to Sydney on 21 September 2018. X-ray footage of her carry on bag revealed that it contained bundles of cash which were the proceeds of the sale of illicit drugs.

Ms Kobelke returned to Tasmania on 24 September 2018. On arrival she travelled to your brother's house by taxi. You met her there in a black BMW that had been observed on 31 August 2018 being collected from the airport valet parking by Ms Kobelke and Mr Al-Dakak. Ms Kobelke provided drugs she had imported into the State to you. She then left, driving the BMW to the Hotel Grand Chancellor where she checked in. "Daniel" was named as her guest. CCTV footage of the hotel captured you arriving and entering the lobby lifts with Ms Kobelke during the evening of 24 September 2018. You collected drugs for distribution during that visit.

The next day, you were observed coming and going from the same hotel on at least 13 occasions. On a number of those occasions, you are captured carrying a small black bumbag. Over the course of the day, you used the hotel as a base, collecting drugs from Kobelke on behalf of the Hobart business, and selling them. Any cash obtained was provided to the operators of the Hobart business. The observations of you over the course of the day include seeing a paper envelope being handed to you by another male which you placed into the black bumbag. You were also observed leaving the hotel with Ms Kobelke and placing a white container and other items into the black BMW which had been brought to the front of the hotel by valet staff. Ms Kobelke then travelled to the Tasman Highway where she encountered vehicle problems. She was on her way to meet a purchaser at the Barilla Bay Oyster restaurant. She called you for help. You went and picked her up and are then seen removing a white bag from the boot of the BMW. The State asserts this bag contained drugs. You also met with Ms Kobelke on 26 September 2018.

After Ms Kobelke checked out of the hotel, police executed a search warrant where two snap lock bags and a freezer bag were seized. These bags were analysed and later identified as containing traces of cocaine and caffeine. Your fingerprint was found on one of the snap lock bags. X-rays of Ms Kobelke's luggage when she boarded a flight to Sydney later that day identified four large bundles of cash. The State asserts this cash was payment from the Hobart business for the drugs imported by the Sydney syndicate.

On 10 October 2018, Afyouni arrived in Hobart from Sydney importing a significant quantity of methylamphetamine and cocaine. After checking into a hotel, he met you in a nearby carpark. You then drove Afyouni to the Tolosa Park Reserve in Glenorchy in a Hilux ute. Another car turned up shortly after, parking next to you and staying for about 15 minutes. You

then travelled with Afyouni to Northgate Shopping Centre. You got out of the ute and Afyouni drove away and continued to use the car that evening before returning to his hotel. You met him again that night, getting into the front passenger seat of the ute for 10 minutes before getting out carrying a black bumbag. Afyouni continued to use the ute you provided him to meet with a number of purchasers of drugs in and around Hobart prior to leaving on 12 October 2018. When he left, he had cash concealed in his luggage which was payment from the drugs imported by the Sydney syndicate. The State asserts this cash was from the Hobart business.

After Afyouni checked out of the hotel, a search warrant was executed and a number of items were seized including plastic packaging. This was later analysed and found to have traces of methylamphetamine and caffeine. Fingerprints matching yours were identified on a glass from the room.

On 18 October 2018, Afyouni and Al-Dakak travelled to Hobart bringing a significant quantity of methylamphetamine with them. They checked into a hotel where police had installed an optical and listening device. On arrival, Al-Dakak removed packaging containing methylamphetamine which was taped to his body. Another person entered the room and handed over a quantity of cash before placing a package containing drugs into a black bag. It is apparent from conversations recorded between Afyouni and Al-Dakak that you owed money to the Sydney syndicate. The State asserts this was money you owed for drugs you had purchased on your own account. A text message was sent to Afyouni by you that same day. You told Afyouni that you were going away "because I am sick of this shit and want it done and finished". You travelled to Sydney that day. Afyouni went looking for you at various locations in Hobart on 19 October and attempted to contact you by phone on a number of occasions throughout October and November. The calls went unanswered.

On 16 November 2018, another person, Sidawi travelled to Hobart importing illicit drugs. You collected those drugs and distributed them on behalf of the Hobart business. On 20 November 2018, Sidawi returned to Hobart with another associate Musab Chahwan for the purpose of collecting cash derived from those drug sales. They checked into a hotel. You parked in the street near the hotel early that evening. Sidawi left the hotel to meet with you, sitting in the passenger seat and speaking with you briefly. You handed Sidawi a brown paper bag which contained a Coles shopping bag. Inside the Coles shopping bag was payment for the drugs imported by the Sydney syndicate. The State accepts that some of the cash handed over included money owed by you for drugs purchased for your own personal use, together with money for the Hobart business. Sidawi returned to the hotel room and you left. A surveillance device within the room captured Sidawi entering the room carrying the brown paper bag. A red and white Coles bag was pulled out from inside the brown paper bag. The conversations between Sidawi and Chahwan were recorded and included references to you delivering money to them. The relevant extracts are as follows:

UNKNOWN: *What did he say?*

UNKNOWN: *(inaudible) a pick up at half past six.*

CHAWAN: *Who?*

SIDAWI: *There's still more coming tonight from Buzz (inaudible)
Buzz is pretty sure that he gave us 61K (inaudible). What should I tell him?*

CHAWAN: *I don't know.*

SIDAWI: *Tell him I will give you 61 (inaudible) 62 and we are fair, call it even*

Later the surveillance device captures Chahwan looking into the red and white Coles bag and starting to count the money. Sidawi asked "*which one is that?*" to which Chahwan responded "*Buzz*". You are commonly known as "*Buzz*".

Early the next morning, the surveillance device captures Chahwan and Sidawi helping each other strap bundles of cash around their waist with tape. They travelled to the Hobart Airport and flew back to Sydney with the proceeds of the drug sales. Both men were intercepted at the Sydney Airport by members of the New South Wales police. They were searched and \$151,000 in cash was located. Sidawi was in possession of two mobile phones, one of which was an encrypted device of the kind used by organised crime syndicates. The following messages were downloaded from the device which indicated that Sidawi told Afyouni how much money he had collected from you:

SIDAWI: *How much was Berriedale meant to be ... I am going to recount it but we're pretty sure we counted \$64K.*

SIDAWI: *\$57K from Buzz ... ok ... All good \$9K*

AFYOUNI: *Yeah sweet.*

SIDAWI: *So we are only waiting for Buzz tonight should we book the flight or what's the go??*

AFYOUNI: *Yeah book for the morning.*

From this conversation and others, it is clear that at least \$57,000 of the cash located on Sidawi and Chahwan when they were intercepted at the airport was provided by you.

After Chahwan and Sidawi checked out of the Salamanca Inn, a search warrant was executed. A number of items were seized including a red and white Coles plastic bag. Your fingerprint was located on that bag.

On 25 November 2018, you flew to Sydney. The following day you made six telephone calls to Afyouni. The State asserts that you and Afyouni had a meeting or discussed the continued importation into and distribution of illicit drugs within Tasmania on behalf of the Hobart drug business. You returned to Hobart on 27 November 2018.

On 14 December 2018, Kobelke arrived in Hobart from Sydney. You met with her and collected drugs for distribution on behalf of the Hobart business. Kobelke was only in Hobart for approximately five hours before travelling back to Sydney. She returned to Sydney with a large amount of cash.

Kobelke returned to Tasmania on 22 December 2018. After checking into her accommodation, she travelled in an Uber to Pro-Form Tops and Joinery in Montrose which was your workplace at the time. You arrived a short time afterwards. You both then travelled in a black Captiva registered to your next-door neighbour in which an optical listening and tracking device had been installed by police. That device captured you and Kobelke involved in the sale of 10 ounces of cocaine. The two of you travelled from your workplace to the Tolosa Park Dam. You were driving and Kobelke was seated in the front passenger seat. Shortly after arriving, you got

out of the driver's seat and Jordyn Webb lent into the driver's side open window and placed a backpack on the driver's seat. The following conversation was recorded:

WEBB: *Where are we?*

YOU: *Right there.*

KOBELKE: *All.*

WEBB: *Make it quick.*

Kobelke removed a plastic bag from her purse which contained 10 ounces of cocaine and placed it into the backpack. Webb then asked "*10 there?*" to which Kobelke replied "*uh ha*". Webb then took the backpack and left. You and Kobelke returned to your workplace. One and a half hours later, you both travelled to Tolosa Street. Minutes later you received a phone call from Webb who told you that he was just at the roundabout. You and Kobelke collected him. Webb gave Kobelke a Woolworths white plastic shopping bag with green handles and said "*It's all there*". Kobelke placed the bag on the floor, picked it up and looked inside. While travelling back down Tolosa Street, the following conversation was recorded:

WEBB: *Just at the um close to this roundabout I will jump out if that's all right.*

YOU: *Yeah man of course.*

WEBB: *Yeah that's been triple checked.*

YOU: *Yeah nah beautiful man, you never fucken missing anything man.*

You stopped the car and as Webb got out he said "*get that money and just*". You replied "*we are only just going here bro*". Webb asked you to get rid of the Woollies bag for him.

As you and Kobelke drove off, Kobelke commented:

KOBELKE: *Ok, so I will message T now.*

YOU: *Yep. It is just him at the moment. I am trying to get [inaudible] to see if I can double that."*

"T" is a reference to Afyouni. It is open to infer from this conversation that you introduced Webb to Kobelke and the Sydney syndicate and were trying to find more customers for them. Webb paid \$50,000 for the cocaine he purchased from Kobelke.

You and Kobelke went back to your workplace. Kobelke then took the Woolworths plastic bag with her and left. She returned to Sydney the following day with the cash received from Webb and others.

The State asserts that in the period between 9 and 28 December 2018, you travelled around southern Tasmania delivering drugs and collecting cash from your local customers. You stored the cash and drugs in your bumbag. The value of the sales ranged from small street deals to a large deal valued at \$10,000.

On 5 March 2019, Tasmania police executed search warrants at your house, you were at home at the time of the search. Police located and seized the following items:

- Samsung cipher phone
- Black and white Adidas bum bag containing a glass smoking pipe and a small sachet of crystalline substance (later found to be methamphetamine) which was located in the main bedroom;
- a semi-automatic SKS rifle, a magazine containing ammunition and some loose ammunition;
- a .22 calibre pen gun and \$4,500 cash in \$100 notes in an Adidas sports bag in a car registered to your then wife.

Following the search, you were arrested and taken to the Hobart Police Station. You were interviewed but declined to make any comment. You were subsequently bailed to appear in the Hobart Magistrates Court

The State is unable to quantify the exact quantity of illicit drugs that you were involved in distributing and selling for the Hobart drug business. The State submits, however, that you were involved in the distribution and sale of commercial amounts of illicit drugs with a total value in the hundreds of thousands of dollars.

You have spent 35 days in custody in relation to this matter. A considerable period of time has elapsed since you were charged with these offences. You were committed for trial to the Hobart Supreme Court for a first appearance on 2 September 2019. It was confirmed this matter would be a trial and the file was sent back to police to be completed. In August 2020, a draft Crown statement of facts was sent to your counsel for review. The particulars of the indictment and the date range of the trafficking charge were confirmed. In 2020, lengthy trials were not being listed due to the COVID-19 pandemic. In February 2022, your counsel confirmed the matter would not resolve. An indictment was filed on 28 April 2022 and Crown papers were filed on 19 January 2023.

A trial was ultimately listed in April of this year. There was some delay in that occurring due to the availability of counsel and others involved in the offending being dealt with and sentenced in the Supreme Court, as well as waiting for their appeals in the Court of Criminal Appeal to be decided.

A number of people have already pleaded guilty to offences arising from the investigation of the activities of the Sydney syndicate. The following sentences have been imposed:

Alexandra Kobelke pleaded guilty on 8 November 2019 to a charge of trafficking in methylamphetamine and cocaine between 10 December 2017 and 3 January 2019. She was sentenced on 20 November 2021 to a period of two years and eight months' imprisonment with a non-parole period of 16 months. The State appealed that sentence but it was dismissed on the basis of the residual discretion. The Court of Criminal Appeal, however, stated that an appropriate sentence would have been five years imprisonment. She was sentenced on the basis that she was a worker/courier for the Sydney syndicate and did eight trips to Hobart. Her plea was an early one and she had no significant prior convictions. She had a pre-existing drug habit and was promised money and drugs for her involvement in the Sydney syndicate.

Taha Afyouni pleaded guilty to a charge of trafficking in methylamphetamine and cocaine between 1 April 2017 and 3 January 2019. He was sentenced on 8 September 2021 to a period of five years' imprisonment with a non-parole period of half of that sentence. He was sentenced on the basis that his activity was substantially the same as that of Ms Kobelke's although he had some organisational authority and was involved in or knew about 30 trips. He had an existing drug debt. He indicated a plea of guilty at an early stage and only had prior convictions for offending related to motor vehicles.

Fahad Al-Dakak pleaded guilty on 28 August 2021 to charge of trafficking in methylamphetamine and cocaine between 1 February 2018 and 27 October 2018. He was sentenced on 10 November to four years' imprisonment with a non parole period of two years. He appealed his sentence but that appeal was dismissed. He was sentenced on the basis that his trafficking activity was substantially the same as that of Ms Kobelke and Mr Afyouni. He was involved in nine trips to Hobart. He unilaterally withdrew his involvement before arrest. He used the profits he earned from his activities to pay off a drug debt. He had no prior convictions of significance.

Jordyn Webb pleaded guilty on 19 October 2023 to a charge of trafficking in cocaine on 22 December 2018. He was sentenced to ten months' imprisonment wholly suspended on conditions for two years. He was sentenced on the basis that he acted as an intermediary for his friends who contributed to the \$50,000 cash used to buy 10 ounces of cocaine which was distributed to four other people. He kept some of the cocaine for his own use. He cooperated with police and made significant admissions. He was a recreational user of drugs with no significant prior convictions.

The State accepts that your conduct was not on the same scale as that of Kobelke, Afyouni and Al-Dakak. Your conduct, however, was clearly more serious than that of Mr Webb. The State submits you had an important role and must have been trusted by the Hobart drug business to be responsible for collecting, distributing and selling commercial quantities of cocaine and methylamphetamine as well as delivering large sums of cash.

You have prior convictions although they consist entirely of driving offences and associated matters. In the period between August 2018 and February 2021, you committed seven offences of driving whilst a prescribed illicit drug is present in your blood, namely methylamphetamine. Two of those offences relate to the period of time you were trafficking in methylamphetamine and cocaine. You were sentenced for that offending in March 2021, receiving a suspended period of imprisonment, and in January 2025 when convictions were recorded. You have also been convicted of breaches of bail and interim family violence orders which also attracted suspended periods of imprisonment in 2021 and 2025. In 2021 you were sentenced by this Court to a period of 12 months partially suspended imprisonment on a charge of assault. That offence was committed in January 2019 against a former partner. The last of these offences, a breach of bail, was committed by you in June 2022. You have no prior convictions for firearms offences or for drug trafficking or analogous offending. These offences are not prior convictions. They clearly evidence however the level of your drug use at the relevant time. You also appear to have complied with the conditions of suspended sentences imposed upon you.

You are 45 years old. This offending occurred during a period up to and including your 39th birthday. You had a normal upbringing and had a close relationship with your parents. You have one child from your marriage which ended shortly after you were charged with these offences. You left school at the end of year nine but completed a joinery apprenticeship in your

early 20's. You worked as a joiner for a long period of time, starting and building a successful business prior to this offending.

This offending occurred in the context of your own illicit substance use. Your father died in 2016. Around the first anniversary of his death, you were introduced to cocaine by your brother who was a drug user. You have described that initial use of cocaine quickly developing into an addiction which lead, in turn, to financial instability. You moved to smoking methylamphetamine and were using significant amounts of that substance until early 2021. You have been abstinent since October 2021.

Your progress from having a successful business and family life to becoming involved in drug trafficking which resulted in your marriage breaking up, financial difficulties and the loss of your business, are all attributable to this drug use. While you were initially able to support your habit with the income from your business, your work and ability to earn that income were ultimately affected. You incurred debts to maintain your habit. Your participation in drug trafficking was a way of dealing with those debts and maintaining your habit. This is very commonly the case for those who become involved in such activities.

You have since repartnered. Your partner does not tolerate drug use and has supported you to remain abstinent. You live together in a rural area. You have occupied yourself by renovating the house you live in and participating in local community activities including obtaining grants for the local community hall and working on installing a new kitchen there. You are keen to utilise your joinery qualifications again and rebuild your career.

Your counsel submits that you are to be sentenced on the basis that you were not part of the Sydney syndicate but acted as a form of conduit between that drug trafficking business and the one operating in Hobart. It is acknowledged that you were making sales of your own to support your habit. In assessing your level of culpability, counsel submits that you were not engaged at the same level as Ms Kobelke, Mr Afyouni or Mr Al-Dakak.

While it may be accepted that you were not engaged in trafficking for the same length of time or at the same volumes as Ms Kobelke, Mr Afyouni and Mr Al-Dakak, your offending was significant. It is clear that you were involved in collecting drugs from the Sydney syndicate and passing them on to the Hobart business. Your involvement in the business of trafficking did not stop there. I am satisfied that you accompanied Ms Kobelke and Mr Afyouni on separate occasions while they engaged in an exchange of drugs with other parties. In relation to the exchange of drugs with Mr Webb, the evidence supports the inference that you had introduced Mr Webb to Ms Kobelke. It was you who Mr Webb called to advise of his location when arranging to pay money for the drugs that had earlier been provided to him in your presence. Your subsequent conversation with Ms Kobelke directly refers to finding other customers. That activity, together with the provision of vehicles on a number of occasions, suggests that your involvement was not limited to merely acting as a conduit between the Hobart drug business and the Sydney syndicate. You were engaged at times in assisting the Sydney syndicate in their activities of distributing the drugs they had imported into the State. I accept, however, that the Sydney syndicate was doing business with others apart from yourself and the Hobart drug business over the period of time referred to in the indictment.

It is understandably impossible for the State to quantify precisely the amount of drugs that you were involved in assisting to distribute within the Tasmanian market. I am, however, satisfied that a significant commercial quantity of drugs was involved. So much is evident from the

discussions concerning the amounts of money you owed to the Sydney syndicate and also from the evidence of the amounts of money you actually delivered to them. I am satisfied that in the period covered by the indictment, the quantity of methylamphetamine and cocaine you received from the Sydney syndicate to sell yourself or to provide to others to sell was valued well in excess of \$100,000. It is evident that the Sydney syndicate was transporting large amounts of cash back to Sydney on the occasions outlined in these comments. I recognise that not all of that cash was delivered to them by you but significant amounts of it were. I am satisfied you had an important role in the distribution of a significant quantity of the illicit drugs that were being brought into Tasmania by the Sydney syndicate during the period covered by the indictment. I am not able to conclude that you derived any financial benefit beyond being able to support your own drug habit through your drug trafficking. There is no evidence of unexplained wealth to support such a conclusion. Your counsel also submitted that you voluntarily desisted offending. It is difficult to assess this claim. As I understand the evidence, after December 2018, Kobelke, Afyouni and Al-Dakak did not return to the State with drugs for distribution.

The summary offences for which you are to be sentenced include firearms matters which are objectively serious. The semi-automatic rifle was found in a cupboard in the rumpus room of your home wrapped in a blanket. It was loaded with three rounds in the breech. There was also a magazine containing 7.62 calibre rounds and two speed loaders containing 10 rounds each, as well as 5 loose rounds of ammunition. These were not secured in any way. The only mechanism keeping the cupboard door closed was a piece of grey duct tape. The .22 calibre pen gun was located in the centre console of the car. Your DNA was located on the outer surfaces of the magazine, outer surfaces of the boxes of ammunition and on the trigger guard and fore-end of the rifle. By your pleas of guilty you are taken to have admitted possession of these items and, in the case of the rifle and pen gun, to have failed to take precautions for their safekeeping.

Your counsel submits that delay is a relevant consideration in the sentencing exercise. You have pleaded guilty to the charge of trafficking, however, that plea was entered at a very late stage. Your matter had been set for trial for three to four weeks. You pleaded not guilty to the indictment, a jury was empanelled and the trial proceeded. Your plea came during the course of the second week of the trial. The charge to which you pleaded guilty was the same one you were originally indicted on. Following an amendment, the period of the offending set out in the indictment was reduced by about two weeks when compared with the period set out in the original indictment.

I do take into account that you ceased drug use in 2021. It is also relevant that you have not committed further offences apart from breaches of bail since this time. [Redacted].

On your counsel's urging I had you assessed for suitability for a home detention order. Community Corrections have assessed you as unsuitable for such an order due to your family violence history. It is not necessary to canvass their assessment in any detail as I have ultimately concluded that the imposition of such an order would not adequately reflect your level of criminal responsibility. While your rehabilitation is a relevant consideration, it is not the only or most important one. Your offending was objectively serious. You were involved in the distribution of commercial quantities of insidious and destructive drugs in the Tasmanian community. The harm those drugs cause to those who consume them and the community in general are well-understood. I accept that your life has been put on hold to some extent while this matter resolved, however, this is not a case where the delay is of such a nature that it should

be the dominant consideration in determining the sentence to impose. Further, it is delay which is attributable in considerable part to your conduct in delaying the plea you ultimately entered in the face of a strong circumstantial case.

General deterrence and denunciation are the predominant sentencing considerations in your case. Those minded to engage in the distribution and sale of commercial quantities of such drugs should realise that significant punishment will flow from such conduct. You personally benefited by sourcing drugs for your own use and addressing the debts you incurred as a result of your habit.

Your offending warrants a period of imprisonment. The period of imprisonment will be backdated to take into account the time you have already spent in custody. I intend to suspend a portion of that sentence to provide you a further incentive to continue your rehabilitation.

You are convicted of the charge of trafficking and on counts 17 and 20-23 on complaint 1933/2019. On the two charges of fail to take all precautions to ensure the safekeeping of a firearm (counts 20 and 21 on complaint), I impose a sentence of three months' imprisonment backdated to 2 July 2025 to take into account the time you have already spent in custody. In relation to the trafficking charge, you are sentenced to 2 years imprisonment cumulative to the sentence imposed on the firearms charges. The execution of 6 months of that sentence of imprisonment is suspended on condition that you commit no further offence punishable by imprisonment for a period of three years. I order that you not be eligible for parole until you have served one half of the sentence imposed on the trafficking charge. I make no further order in relation to the remaining charges on complaint

For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:

- (i) the total term of imprisonment which you are liable to serve in respect of all of the above sentences is two years and three months;
- (ii) the execution of six months of that term is suspended;
- (iii) the total period you must serve before you become eligible for parole is the aggregate of the sentence imposed on the firearm offences and the non-parole period imposed for trafficking which is a total period of 12 months commencing on 2 July 2025.

I order pursuant to s 38 of the *Misuse of Drugs Act* that the following items be forfeited to the Crown:

- Black Samsung phone (property receipt 286478)
- Three straws (property receipt 286702)
- Items 4, 7, 8, 14 and 15 recorded on property seizure record receipt 179926 and 179929

I further order pursuant to s 149 of the *Firearms Act* that items 16, 17, 18, 20 and the Adidas sports bag recorded on property seizure record (receipt 179926 to 179929) be forfeited to the Crown.

I decline to order the forfeiture of the \$4,550 cash seized and recorded as item 21 on the seizure record receipt 179926 to 179929 as I am not satisfied the property is tainted property in relation to the offence of trafficking or any other offence of which you have been convicted given the lapse of time between the end date of the trafficking charge and the location of that cash.

I note the other applications for forfeiture made by the State which I will adjourn sine die pending further submissions.