

Matthew Upston, you plead guilty to trafficking in methylamphetamine. At about 10.30 am on 23 January 2024 the police arrived at the home in which you lived with your mother and her partner in Youngtown. When you saw them arrive you fled, but they were shown to your bedroom and to where you stored items under the house. In the bedroom the police found three snap lock bags each containing crystalline methylamphetamine, respectively 13.6 grams, 30.1 grams and 0.3 grams, a total of 44 grams, and \$3,300 in cash. Under the house they found six more snap lock bags containing crystalline methylamphetamine, in quantities ranging from 0.1 grams to 1.4 grams.

The State accepts that the methylamphetamine under the house was for your personal use. The plea of guilty to trafficking is accepted by the State on the basis that you admit that you were guarding and concealing the methylamphetamine in your bedroom in the belief that another person intended to sell it. You are not to be sentenced on the basis that you intended to sell it yourself. On your account, you were asked by associates to store the drug for them after they had been threatened over a drug debt. You appreciated that some of it was to be sold. If sold in point form it could have returned up to \$44,000. An ounce of methylamphetamine sells for between \$2,500 and \$4,000.

Your plea of guilty is in your favour. You are now aged 40. The State does not dispute your contention that the cash found by the police was a gift from your mother. You have a long term problem with abuse of illicit drugs which is reflected in your record which includes many drug and firearm offences. In 2015 you were sentenced to a 12 month term of imprisonment all of which was suspended, for offences including selling a controlled drug and unlicensed possession of firearms, ammunition and a silencer. In 2017 you were imprisoned for trafficking in methylamphetamine. The circumstances of that crime were almost identical to this one. An initial term of three years was reduced on appeal to 15 months with nine months suspended. Since then you were sentenced by a magistrate on 24 December 2018 for very serious family violence offences to imprisonment for 16 months and a community correction order. In 2021 you were fined and disqualified from driving for possessing cannabis and driving with methylamphetamine in your body. On 4 March 2024 you were imprisoned for 16 weeks from 11 September 2023 for possession of a shortened 12 gauge shotgun and ammunition for which, of course, you had no licence and when you were subject to a family violence order and attempting to escape.

That sentence was completed on 1 January 2024. That sentence and the other sentences to which I have referred did not deter you. The offence for which I am now to sentence you was committed just over three weeks later. You have already been sentenced by a magistrate for other offences committed on the same day, including serious firearm offences. On 12 November 2024 you were sentenced to imprisonment for 40 weeks commencing 16 April 2024, the balance being suspended for two years. That sentence is relevant to totality but involves separate criminality. In light of all of the matters which were canvassed on your behalf at the time of your trafficking appeal in 2018, you must have been aware of the risk you ran by trafficking again on an almost identical basis. You were helping to facilitate the release of illicit drugs into the market and were part of the distribution network.

Because of your long term addiction I was asked to obtain a report about your suitability for the making of a drug treatment order. The report assessed you as unsuitable for such an order. I am

not bound by the assessment, but I give it considerable weight. The author considers that there is insufficient connection between this crime and your addiction and, on reflection, I agree. On the basis of your plea the trafficking was unrelated to your addiction. Moreover, over time, I do not see that you have demonstrated sufficient resolve to comply with the onerous terms of a drug treatment order. I have concluded that a term of imprisonment is the only appropriate sentence. I see no occasion to suspend any part of it. I will however allow eligibility for parole. You have been in custody since 25 December 2025. Before then there was a period of 18 days between 14 February 2024 and 4 March 2024 which it is agreed should also be taken into account. I also expressly take into account the period of 41 days between 7 February 2025 and 19 March 2025 although that custody may be attributable to other matters and should not be taken into account again. The result is that the sentence should commence on 28 October 2025.

You are convicted on indictment 342/2024. I order that the items on property seizure record 180538-9, items 1-16, 19, 21, 24 and 25 are forfeited to the State. The application for forfeiture of the seized cash is adjourned to a date to be fixed. You are sentenced to a term of imprisonment of 15 months from 28 October 2025. I order that you not be eligible for parole until you have served eight months of that term.