

STATE OF TASMANIA v MARK ANTHONY BELL
COMMENTS ON PASSING SENTENCE

10 JULY 2026
ESTCOURT J

The defendant, Mark Anthony Bell, has pleaded guilty to one count of trafficking in a controlled substance, contrary to s 12(1) of the *Misuse of Drugs Act* 2001, and I have also agreed to deal with an associated summary offence of breaching bail conditions under s 9 of the *Bail Act* 1994, that being charge 3 on complaint number 7737/2023.

On 15 August 2023, at approximately 09:30, police executed a search warrant at **[address redacted]**, where the defendant was present. The defendant rented the property with his son. During the search, police found 707.25 grams of methylamphetamine in a fridge, digital scales with traces of methylamphetamine, smaller quantities of methylamphetamine in various locations, \$4,450 in cash, and 0.45 grams of cannabis.

The defendant was arrested, taken to the Hobart Police Station, and participated in an interview. He confirmed the search but declined to answer further questions on legal advice.

Forensic analysis confirmed the substances were methylamphetamine, with a total weight of 702.5 grams. The street value was estimated between \$351,250 and \$702,500. DNA evidence linked the defendant to the drugs found in the fridge.

A review of the defendant's Samsung phone revealed messages on Signal and Facebook Messenger, dating back to 1 March 2023, which the State claims indicate the sale of methylamphetamine in various quantities.

Bank statements for the defendant's Commonwealth Bank account showed regular payments from individuals linked to the messages, often with references such as "car parts" or "motorcycle deposit". Examples of payments from individuals like **[name redacted]** and **[name redacted]** are set out in the Crown Statement of Facts.

The State alleges that the defendant was engaged in a drug-dealing business from 1 March 2023 to 15 August 2023, involving the sale of methylamphetamine.

At the time of the offences, the defendant was subject to a Drug Treatment Order imposed on 7 September 2022 for driving, drug, and dishonesty offences. The defendant breached bail conditions by committing the current offences. The defendant was refused bail on 15 August 2023 and remained in custody for 102 days until granted bail on 24 November 2023.

The defendant has prior convictions for drug trafficking, including a conviction in 2007 for trafficking methylamphetamine and another in 2020 for trafficking the same drug. He also has a history of drug-related offences dating back to 1994. However, he has not committed any further offences and has complied with his bail conditions since his release from custody on 22 March 2024 following the cancellation of his Drug Treatment Order due to this offending and his re-sentence on 28 February 2024 to a backdated term of imprisonment.

He now resides at his bail address, where he acts as a carer for a retired pharmacist and assists with maintenance. He has ceased drug use, severed ties with his criminal associates, and spends his time fishing and building a self-contained unit. He has also completed a ground keeping course.

The defendant is now 51 years old, single, and has two children aged 15 and 20. He had a stable early childhood but left his home in his mid-teens due to conflicts with his parents. He was exposed to drugs in a youth shelter, leading to lifelong substance abuse issues. His drug use and associations with other drug users have contributed to his criminal history. Despite his struggles, he has maintained a strong work history, including 14 years as a commercial fisherman and other roles in construction, maintenance, manufacturing, and truck driving.

The defendant pleaded guilty to trafficking methylamphetamine. He was initially compliant with his Drug Treatment Order but relapsed into drug use and faced housing instability. In early 2023, he was effectively coerced into drug trafficking by individuals with a reputation for violence. Although he was initially intimidated, he admits to being partially motivated by financial gain to secure stable housing. He primarily stored drugs for others to sell or collect, with most buyers directed to him by others. Despite attempts to leave the operation, he was assaulted and threatened, which forced him to continue until his arrest on 15 August 2023. He did not sell drugs to support his own use and did not financially benefit significantly from the trafficking, I am told without demure. He did not introduce others to methylamphetamine but was approached by existing users.

The State seeks the forfeiture of items listed in the Property Seizure record, dated 15 August 2023 under s 38 of the *Misuse of Drugs Act*. The State applies for the forfeiture of \$4,450 seized from the defendant on 15 August 2023 under the *Crime (Confiscation of Profits) Act* 1993, on the basis that it is tainted property from drug sales. The State seeks a pecuniary penalty of \$41,669 under s 21 of the *Crime (Confiscation of Profits) Act* 1993. The State applies for an order under s 36B(2) of the *Misuse of Drugs Act* 2001 for the defendant to pay the costs of analysing the seized methylamphetamine. I make those orders.

The defendant's prior similar offending means that he is not entitled to any leniency, and specific deterrence is as a highly relevant sentencing factor, as is general deterrence and protection of the public. As a fellow judge said very recently, the use of and trade in illicit substances, in particular methylamphetamine, causes untold deleterious consequences within our community. Its use and trade generate a great deal of other criminal activity, particularly crimes of dishonesty and violence. Those who seek to profit by causing such harm within the broader community, deserve harsh punishment.

The defendant is a repeat offender, despite the opportunities offered to him to assist with his rehabilitation. Generally speaking, trafficking motivated predominately for profit, is regarded as more serious than trafficking to fund addiction. Taking into account the time the defendant has already spent in custody, he is convicted of the offences to which he has pleaded guilty, and I impose a single sentence four years and nine months' imprisonment, backdated to Monday 16 March 2026 and I order that the defendant not be eligible for parole until after he has served half of that sentence.