

**IN THE DISTRICT COURT
AT TIMARU**

**CRI-2015-076-001233
[2017] NZDC 20467**

THE QUEEN

v

MARK ANDREW EDMOND

Hearing: 12 September 2017
Appearances: A McRae for the Crown
S Shamy for the Defendant
Judgment: 12 September 2017

NOTES OF JUDGE J E MAZE ON SENTENCING

[1] Mr Edmond you have pleaded guilty to a representative charge of supplying methamphetamine, possession of methamphetamine for supply, possession of LSD for supply, those all carry the maximum of life imprisonment, possession of ecstasy for supply, possession of amphetamine for supply, possession of hashish for supply, possession of cannabis for supply, cultivation of cannabis, receiving, two charges each carrying a maximum of seven years and possession of utensils for methamphetamine.

[2] You lived on a farm on the outskirts of Timaru. On the execution of a search warrant police found firstly, a hydroponics growing tent with 36 mature cannabis plants ready for harvest. There was a second operation in another tent containing 46 smaller plants. In the house in a bag, police found 3.65 grams of methamphetamine in small bags and they put the value of that at around \$3600. Elsewhere they found

657 tabs of LSD which has a value of nearly \$20,000 on the street. There was more methamphetamine, cannabis, amphetamine which I am told now counsel agree was 4.631 grams, empty point bags, scales, pipes for smoking methamphetamine, tick lists, ecstasy, cannabis head material and large amounts of cash. Police seek forfeiture of the New Zealand dollars seized and you agree to that. Two stolen firearms were found and a large amount of cannabis leaf material. Texts and emails sent by you indicated considerable dealing activity. Police also seized a smoke grenade and a knife.

[3] The pre-sentence report says all of your convictions previously are relatively minor. You are seen as being genuinely remorseful. You do not have a significant problem with alcohol and drugs. Of course the rather unfortunate consequence of that is the conclusion that it was done purely and simply for cash for profit. There is some somewhat naïve suggestion of imprisonment with release on conditions but that will be a matter entirely for the Parole Board.

[4] The Crown points to considerable planning in your activities and of course the extent of harm to the community with several months of dealing and multiple drugs being available, largely Class A and B. The Crown says that if you took each drug charge alone, the starting point on the methamphetamine could easily be four years and for the LSD six years. For the Class B, two to three years could easily be the starting point and for the Class C, three years. The Crown accepts the lead charge is the LSD charge and Mr Shamy accepts that also.

[5] As you know I can have little regard for your personal circumstances. In effect you were running a range of stock over a considerable period of time. The Crown has described it as a supermarket and that is a valid comparison especially when you consider the police found in effect stock on the shelves, a range of stock, evidence that profits had been taken and efforts to ensure security arrangements were in place. This was offending totally different from the subsistence level of offending of the addict in a carpark or sitting on a cellphone trying to get rid of a small amount of methamphetamine which has recently come into his or her possession.

[6] The Crown submits that the starting point if you take into account totality, should be between six and a half and seven and a half years. The Crown accepts there should be a discount for plea but says it should be confined to 10 percent.

[7] Mr Shamy accepts a starting point in the region of six and a half years. He seeks a slightly higher reduction for plea noting that you did not at any time ask for testing, there was considerable discussion and negotiation over the possible outcome over a long period of time and in those circumstances you should not be unduly penalised for what was an outcome which saved the public purse a considerable amount.

[8] The lead charge is indeed the LSD charge. I accept the submissions that given the circumstances a starting point of six years if that stood alone would be appropriate and if the methamphetamine charges stood alone, a starting point of three and a half years would be appropriate. I then have to reflect the presence of weapons, the range of other drugs and I need to adjust for totality. In the end, I see the starting point as seven and a half years. The LSD charge must be worth five years as a starting point adjusted for totality, and the methamphetamine charge is a further two years, which leaves me with a mere six months to reflect all of the other factors. So I adopt a starting point of seven and a half years. I do not consider that a starting point at six and a half years fairly reflects the level of the offending.

[9] There is no basis for an uplift for personal aggravating factors, and the only credit factor is the discount for plea. I bear in mind all both counsel have said, but I accept that the negotiation would have been considerable on this file. There is much at stake and I suspect there may be proceedings in other jurisdictions in relation to this, all of which would have a distracting effect on your resources. So I am prepared to allow a full 12 month discount. The principal reason is, however, the saving to the State from the acceptance of responsibility. So there will be concurrent shorter sentences on the other charges.

[10] You are discharged under s 147 on charges 8 and 9.

[11] On charges 1, 2, 3, 4 and 6, you are convicted and sentenced to imprisonment for six years, six months.

[12] On charges 5, 7, 10, 12 and 13, you are convicted and sentenced to imprisonment for 18 months on each concurrent.

[13] On charge 11 you are convicted and discharged. I order forfeiture of the New Zealand cash. I order destruction of the knife, the cash counting machine and the smoke grenade. Your unpaid fines and enforcement fees of \$612 are remitted forthwith.

J E Maze
District Court Judge