

Date: February 2007

AT: Melbourne

Re: Plea

CR-07-00065

Certify Presentment C0605093  
Filed this day.

Presentment No: C0605093

THE COUNTY COURT  
STATE OF VICTORIA  
AT MELBOURNE

2007

At what Court -

Where holden-

When begun-

Before whom-

Plea-

Verdict-

Judgement-

THE QUEEN

-v-

Mr Cooper

PRESENTMENT

STATEMENT OF OFFENCE

Trafficking in a drug of dependence not less than a large commercial quantity (1 count - count 1)

Trafficking in a drug of dependence not less than a commercial quantity (1 count - count 2)

Possessing an unregistered general category handgun (1 count - count 3)

contrary to sections 71 and 71AA of the Drugs, Poisons and Controlled Substances Act 1981 and section 7B(1) of the Firearms Act 1996

WITNESSES

Subject to the exercise of the prosecutor's discretion at the trial, the Crown proposes to call all witnesses except those whose names are marked with an asterisk (\*)

ANGELA CANNON  
Solicitor for Public Prosecutions  
565 Lonsdale Street  
MELBOURNE 3000

Telephone: (03) 9603 7666

Accused arraigned and pleaded guilty to all counts. Allocutus put, priors admitted.

Name: Mr Cooper

Age: years

D.O.B:

Occupation:

Address: Prison

1. Order that the matter be adjourned to February 2007 for further plea

2. Order that the accused Mr Cooper be remanded in custody until the further plea on February 2007.

3. Order pursuant to section 80(1) of the County Court Act 1958 that:

(a) the whole of the proceedings be heard in closed court;

(b) only court security staff, the Judge's associate and tipstaff, counsel and instructing solicitors for the prosecution and defence, the accused and police officers involved in the proceedings be present during the proceedings; and

(c) the publication of a report or transcript of the proceedings, or any part of the proceedings or any information derived from the proceedings is prohibited.

*A Collins*  
ANGELA COLLINS  
Associate to His Honour  
JUDGE [REDACTED]

Coram: His Honour Judge [REDACTED]

At: Melbourne

Date: [REDACTED] February 2007

Re: Further Plea

Ordered that the Prohibition Order in this matter made on [REDACTED] February 2007 be varied to amend paragraph (r) to include Family Member and Family Member as of this date.

Order that the matter be adjourned to [REDACTED] February 2007 for Sentence at 10am.

Order that the accused Mr Cooper be remanded in custody until the Sentence on [REDACTED] February 2007.

*A Collins*  
ANGELA COLLINS  
Associate to His Honour  
JUDGE [REDACTED]

Declare that the period of 563 days during which the prisoner has been held in custody in relation to proceedings for these offences be reckoned as a period of imprisonment already served under the sentence.

Other orders:

Order that it be entered in the records of the court that in respect of counts 2, 3 and 4 the prisoner was sentenced as a serious offender.

Order that it be noted in the records of the court that the prisoner gave an undertaking on 12 February 2007 to give evidence in accordance with 29 statements made by him if he is required to do so.

Order pursuant to s464ZFB(1) of the *Crimes Act 1958* that the forensic sample and any related material and information obtained pursuant to the informed consent given by the prisoner on 22 April 2007 be retained for placement on the database.

Order pursuant to s60(1) of the *Confiscation Act 1997* that the prisoner pay to the State a pecuniary penalty in the sum of \$300,000.


Order pursuant to s86 of the *Sentencing Act 1991* that the prisoner pay to Australian Associated Motor Insurers Limited of PO Box 14180 Melbourne City, Mail Centre, 8062, compensation in the sum of \$56,611.23.

Order pursuant to s33(1) of the *Confiscation Act 1997* that the property referred to in the Schedule (items 1 and 2) be forfeited to the Minister.

Order pursuant to s78(1) of the *Confiscation Act 1997* that the property referred to in the Schedule (items 1-34) be forfeited to the State and direct that it be placed in the custody of the Chief Commissioner of Police and be held by her until 28 days from this date or the conclusion of any appeal proceedings where it may be tested and/or analysed and then destroyed.

Order pursuant to s78(1) of the *Confiscation Act 1997* that the property referred to in the Schedule (items listed in the attached schedule) be forfeited to the State and direct that it be placed in the custody of the Chief Commissioner of Police and be held by her until 28 days from this date or the conclusion of any appeal proceedings where it may be tested and/or analysed and then destroyed.

Order pursuant to s33(1) of the *Confiscation Act 1997* that the property referred to in the Schedule (items 1-15) be forfeited to the Minister

  
ANGELA COLLINS  
Associate to His Honour  
JUDGE [REDACTED]

Coram: His Honour [REDACTED]  
Date: 12 February 2007  
At: Melbourne  
Re: Sentence

Mr Cooper

Presentment Q00322061

**Count 1:**

Convicted and sentenced to a term of imprisonment of 5 years. This is the base sentence.

Presentment C0303299

**Count 1:**

Convicted and sentenced to a term of imprisonment of 6 years.

Order that 4 years of the term of imprisonment imposed in respect of this count be served concurrently with the base sentence on Presentment Q00322061.

Presentment C0605093

**Count 1:**

Convicted and sentenced to a term of imprisonment of 6 years.

Order that 4 years of the term of imprisonment imposed in respect of this count be served concurrently with the base sentence on Presentment Q00322061.

**Count 2:**

Convicted and sentenced to a term of imprisonment of 4 years.

Order that 3 years and 6 months of the term of imprisonment imposed in respect of this count be served concurrently with the base sentence on Presentment Q00322061.

**Count 3:**

Convicted and sentenced to a term of imprisonment of 2 years.

Order that 6 months of the term of imprisonment imposed in respect of this count be served cumulatively with the base sentence on Presentment Q00322061.

Presentment C0303299.5

**Count 1:**

Convicted and sentenced to a term of imprisonment of 3 months.

Order that the term of imprisonment imposed in respect of this count be served concurrently with the base sentence on Presentment Q00322061.

**Total effective sentence: 10 years**

Fix the period of 7 years as the period during which the prisoner shall not be eligible for parole.

At: Melbourne

Date: 29<sup>th</sup> June 2007

Mention (in camera).

Application by Crown to vary existing Prohibition order.

*ACollis*  
ANGELA COLLINS  
Associate to His Honour  
JUDGE [REDACTED]

Coram: His Honour Judge [REDACTED]

At: Melbourne

Date: 2<sup>nd</sup> July 2007

The following order was made this day in chambers:

Upon hearing Mr Horgan SC for the Director of Public Prosecutions it is ordered that the Prohibition order in this matter made on [REDACTED] February 2007 and varied on [REDACTED] February 2007 as to closed court and suppression of reporting of these proceedings be varied so as to permit the publication of the edited transcripts (to be marked 'Transcript of Plea and sentence of

Mr Cooper

and [REDACTED]

[REDACTED] edited by the Solicitor for Public Prosecutions') to Counsel for the defence in matters in which

Mr Cooper

and [REDACTED] Mr Cooper

are to be called as witnesses, and that Counsel for the defence be permitted to discuss the contents of the edited transcripts with their instructing solicitors and with the defendants.

Counsel for the defence is not otherwise permitted to publish the edited transcripts in any way.

Dissemination of the edited transcripts to the defence is to be undertaken by the Solicitor for Public Prosecutions.

I reserve liberty to apply.

*ACollis*  
ANGELA COLLINS  
Associate to His Honour

## PARTICULARS OF OFFENCE

THE COUNTY COURT  
STATE OF VICTORIA  
AT MELBOURNE

THE Director of Public Prosecutions presents that

Mr Cooper

Mr [REDACTED] at Strathmore in the said State between the 15<sup>th</sup> day of April 2006 and the 22<sup>nd</sup> day of April 2006 trafficked in a drug of dependence namely methylamphetamine in a quantity that was not less than a large commercial quantity applicable to that drug of dependence.

Mr [REDACTED] Count 2: AND the Director of Public Prosecutions further presents that Mr Cooper Mr Cooper at Strathmore in the said State on the 22<sup>nd</sup> day of April 2006 trafficked in a drug of dependence namely (3,4-Methylenedioxyphenyl)-2-Propanone in a quantity that was not less than the commercial quantity applicable to that drug of dependence.

Mr [REDACTED] Count 3: AND the Director of Public Prosecutions further presents that Mr Cooper Mr at Strathmore in the said State on the 22<sup>nd</sup> day of April 2006 possessed two unregistered general category handguns.

  
Crown Prosecutor

COUNT - And the Director of Public Prosecutions further presents that the said

Admitted ✓

Mr Cooper

Proved

previously appeared at the Magistrates' Court at [redacted] on the [redacted]  
[redacted] on a charge of

Associate

[redacted]

and the charge having been found proven the matter was [redacted]  
[redacted]

COUNT - And the Director of Public Prosecutions further presents that the said

Admitted ✓

Mr Cooper

Proved

was previously convicted at the Magistrates' Court at [redacted] on the [redacted]  
[redacted] of

Associate

[redacted]

and was sentenced to [redacted] and  
he was ordered to [redacted]

COUNT - And the Director of Public Prosecutions further presents that the said

Admitted ✓

Mr Cooper

Proved

was previously convicted at the Magistrates' Court at [redacted] on the [redacted]  
[redacted] of

Associate

[redacted]

and was sentenced to [redacted] on all charges, such sentence to  
[redacted]

COUNT - And the Director of Public Prosecutions further presents that the said

Admitted ✓

Mr Cooper

Proved

was previously convicted at the Magistrates' Court at [REDACTED] on the [REDACTED]  
[REDACTED] of

Associate

[REDACTED]

and was sentenced to [REDACTED]

  
CROWN PROSECUTOR