

JUDICIAL MATRIX CASES DRUG OFFENSES SUPREME COURT OF QUEENSLAND

Crimes inherent in the production, processing, use, abuse, realization or preparation of narcotic or psychotropic substances destined for trafficking and that harm young people, adults and even children are considered especially perverse, those who commit these crimes are condemned by the courts and then of judgments and determination of guiltiness when importing materials or equipment and ingredients for the preparation of a product intended for illegal trafficking and that threatens health, and against good principles also attempting against the free development of the personality of young people and which leads them to commit other crimes.

MATRIX AND ANALYSIS
TO EXERCISE
PREVENTION IN DRUGS.
FLUJOGRAM
PRODUCTION AND
CLANDESTINE
PROCESIND DRUGS

JUDICIAL MATRIX CASES DRUGS OFFENSES SUPREME COURT OF QUEENSLAND

Crimes inherent in the production, processing, use, abuse, realization or preparation of narcotic or psychotropic substances destined for trafficking and that harm young people, adults and even children are considered especially perverse, those who commit these crimes are condemned by the courts and then of judgments and determination of guiltiness when importing materials or equipment and ingredients for the preparation of a product intended for illegal trafficking and that threatens health, and against good principles also attempting against the free development of the personality of young people and which leads them to commit other crimes.

We must give great importance to the personal circumstances that lead young people and in general to people to incur drug crimes, which are clearly defined in the Crimes Act of 1914 and in relation to this the authors Dube S. and Rao A. (2014) quoting Foucault expressed the following:

"In the work of Michel Foucault, this does not imply that the theory is privileged; in fact, it is related to the arguments that are at the heart of these essays, which possibly also prove to be important for pedagogical purposes in posterity. This establishes the conditions for us to express historically extensive questions about crime and customs that they revolve around the State and the subject, law and gender and culture and power in precolonial and colonial India, uniting discrete pasts and disparate concerns that often do not engage in dialogue. "(p 604).

When serious crimes that disrupt the cells of societies and pervert the legal order and the natural balance of the intrinsic events of a society and the conditions to attack or counteract those crimes are not enough or the State in its eagerness to repress and punish so that the indolence or lack of punishment or despotic situations that occur in relation to these evils and that people use the importation of controlled substances that should only address special

needs such as health; for example, and instead use the proceeds of crime by bringing controlled substances or by making chemical preparations known as drugs in contravention of the 1995 Penal Code Act.

When those offenses typified in the legal system and that have to do with the production, importation and trafficking of psychotropic and narcotics, the State, despite the existence of some mitigating circumstance, where the defendant was sentenced to ten years ten months, For example, incarceration with a six years, six months' probation period for the drug importation offense and concurrent two years terms for each of the monetary transactions, where the defendant pledged to cooperate, made a statement that implies two co-offenders in the importation of drugs, where s 21E of the Crimes Act of 1914 (Cth), states that a person who cooperates with the law executing agencies should receive a benefit in the sentence.

In this sense, it must be established that despite the inherent action of a convicted person, it leads to the capture or location of other criminals who are signed off on the same drug crime, and due to the seriousness of the consequences that these crimes mean, it should not be given to them so many concessions since this can bring actions or consequences that distort the essence in the application of the law.

In the same way it is declared guilty of importing a marketable product in quantity of a controlled drug at the border, that amount constitutes an offense because of the proportion and effects it has on the central nervous system for what is considered a drug and when the applicant was sentenced to eight years in prison with a probation period of four years and six months, either the sentence the judge did not have enough consideration with comparable decisions of courts in other states and did not give sufficient importance to the personal circumstances of the applicant and the assistance that she offered to

the authorities, whether the sentence is excessive, should not admit mitigating or aggravating situations decreases.

An antecedent with respect to appeals regarding the crimes inherent in the trafficking of narcotic and psychotropic substances is located in:

The conception of Olbrich (1999):

"In the District Court of New South Wales, the defendant was sentenced to eight and a half years in prison and a period without parole of six years was set. He appealed against the judgment of the Criminal Appeals Court of New South Wales, alleging, in effect, that the chief judge had made a mistake in making findings about the nature or extent of his participation in the importation. The Court of Criminal Appeals authorized his appeal, annulled the sentence handed down in the District Court and referred the matter to that Court for his new sentence. With a special license, Crown now appeals to this Court. "(P.270).

Another vision of authors who relate aspects of crime in its various facets and analysis is the work of Dr. Wortley and Smallbone (2011) in the Journal of Research in Crime and Delinquency, which in essence with respect to these issues incorporate lights and action:

"The Cambridge Studies in Criminology series aims to publish the highest quality research on criminology and criminal justice topics. Typical volumes report major quantitative, qualitative, and ethnographic research, or make a substantial theoretical contribution. There is a particular emphasis on research monographs, but edited collections may also be published if they make an unusually distinctive offering to the literature. All relevant areas of criminology and criminal justice are included, for example, the causes of offending, juvenile justice, the development of offenders, measurement and analysis of crime, victimization research, policing, crime prevention, sentencing, imprisonment, probation, and parole. The series is global in outlook, with an emphasis on work that is comparative or holds significant implications for theory or policy."(p.10).

DRUG POLICY IN THE INDIA

It is estimated that there are more than one hundred thousand people who inject drugs in Indonesia, a third of whom are living with HIV. Although Indonesia has introduced and supported health focused harm reduction services for people who inject drugs, the response of the National Drug Policy remains focused mainly on the use of law enforcement measures. The new Narcotics Law # 35/2009 introduces mechanisms to divert people who use drugs out of prison and into treatment.

However, important challenges remain in the development of policies and practices that better support people who use drugs, particularly due to mandatory reporting requirements and difficulties in ensuring the availability of drug dependence services based on evidence and services damage reduction.

In India, you can find a document from the US State Department that describes this Asian country as a mere point of transit for drug trafficking. However, the National Anti-Drug Campaign (Granat), a non-governmental organization, said that this description has become insufficient, because Indonesia has not only become one of the main consumers of narcotics, but is now also a producer.

The authorities, who were already alarmed by the growing use of drugs, have been even more restless after a recent police raid in the capital that discovered a laboratory where pills were processed synthetic hallucinogen known as "ecstasy" or MDMA.

In the published document that reveals the analysis of Clandestine drug laboratories (Chiu, Leclerc & Townsley, 2011), it evidences the presence of many types of drugs whose amounts and dose that represent alarm every day more to the authorities and to the government in general, actors and social

networks involved location (address, type of location, type of housing, type of land, vehicles used, owner of the places where the location was seized and specified) Transportation used with a paraphernalia and security measures including firearms of the most diverse calibers is what hinders the combat of this type of scourge.

Despite the growing problem of clandestine drug laboratories, there is currently little evidence of systematic knowledge regarding the crime commission process involved in this crime enterprise. In addition, as mentioned by Levi and Maguire, strategic measures utilized in law enforcement interventions that extend beyond immediate operation goals towards a lasting reduction in organized forms of crime are also lacking.

This study shows how equipment and elements are used in clandestine laboratories for the use and manufacture of narcotics, equipment and people, as they camouflage everyday elements and hide the places where they produce chemicals and mixtures for drug bases, the contacts that they use and the various legal or non-legal forms they use to achieve their objectives, the minimum strategy to achieve success.

In motion filed with the Supreme Court of Queensland file no s: ca no 8 of 2007 in the area of the appellate court before Magistrates Keane JA, White and Atkinson JJ separate trial grounds of each member of the Court, each concurrent to orders placed and with a request for permission to appeal granted and replacement of a sentence of ten years in prison for a fixed period without parole of five years. A fifteen years condemnatory sentence with a period of 7 years without parole was excessive for a courier who imported heroin in Australia: If there should be parity between the States and Australian territories in the sentence in relation to federal crimes.

Conspicuous eloquence should have been presented by the defender to obtain elements of cause that justified the measure that freed a good part of his sentence to the person who committed the aforementioned crime. In the same way a foreign citizen incurred in crime through two import charges and one charge of attempting to possess a commercial amount of a border control substance, when the appellants alleged that the Crown case was put to the jury and summarized by the Judge of doctor judgment the basis that the appellants, together with others, carried out a joint criminal enterprise.

The defendant also argued that the Crown case in the trial was that the appellants were united principal criminals where the joint criminal enterprise was not a form of criminal liability available under the 1995 Penal Code (Cth) as it was then, if the conduct of Appellants amounted to importation in order to make them major criminals: Yes, if based on an unavailable form of criminal liability, the proceedings were fundamentally flawed or lacked the essential requirements of a jury trial if a miscarriage of the justice what transforms the essence of duty and the law in its correct implication and application.

Reasons for separate trial of each member of the Court, when the applicant convicted for the importation of passable amount of drugs, and while the same receives different sentence to the co-offenders: place in the hierarchy of the drug operation difference in cooperation declaration of culpability if the sentence was manifestly excessive and the trial litigants of judges Muir and White JJA and Martin J. separate reasons for trial of each member of the Court, each concurrent regarding the order made and appeal dismissed.

The appellant's interpreter pointed out the lawyer, after the verdict of guilt returned, that appellant appeared "unintelligent" and had "A flat effect" - where the psychological evaluation subsequently indicated that the appellant had extremely low intellectual functioning - if the jury, acting in a reasonable manner, he would have absolved the appellant if the new evidence had been available at the trial: if there was a judicial error

When the appellant did not deliver or requested evidence in the trial, where the trial case in the conjunctural trial - when the appellant contained insufficient evidence to reach the conclusion of culpability to the required standard if from full evidence was open to the jury satisfied more beyond reasonable doubt that the appellant was guilty. Penal Code 1995 (Cth), s 5.2.

A commercial quantity of a controlled drug attempting to possess a commercial amount of a drug controlled edge - when the appellants alleged that the verdicts were not reasonable taking into account the evidence - if it was open to a jury duly instructed to find the appellants guilty of the crimes for which they are imputed.

While the appellants argued that the trial judge erred in the ruling as an admissible telephone intercepting recordings and evidence of drug attacks, whether the evidence was admissible, whether the jury was properly addressed with respect to it when the appellants filed that the trial judge made an error in ruling that there was independent corroborative evidence of a witness's testimony and his address the jury as such, if the evidence was capable of being corroborative also requested permission to appeal against their convictions on the basis that the discretion of the sentence had failed, whether the license should be granted.

In the case carried by Jersey CJ, McMurdo P. and Chesterman J. Grounds for separate trial of each member of the Court, each concurrent regarding the orders placed and Appeal allowed. The sentence imposed in first instance is annulled and instead, the defendant is sentenced to imprisonment for eight years with a period without parole of four years. Declare that three hundred forty-five days of preventive detention were served between June 8, 2005 and May 18, 2006 when the facts were presented.

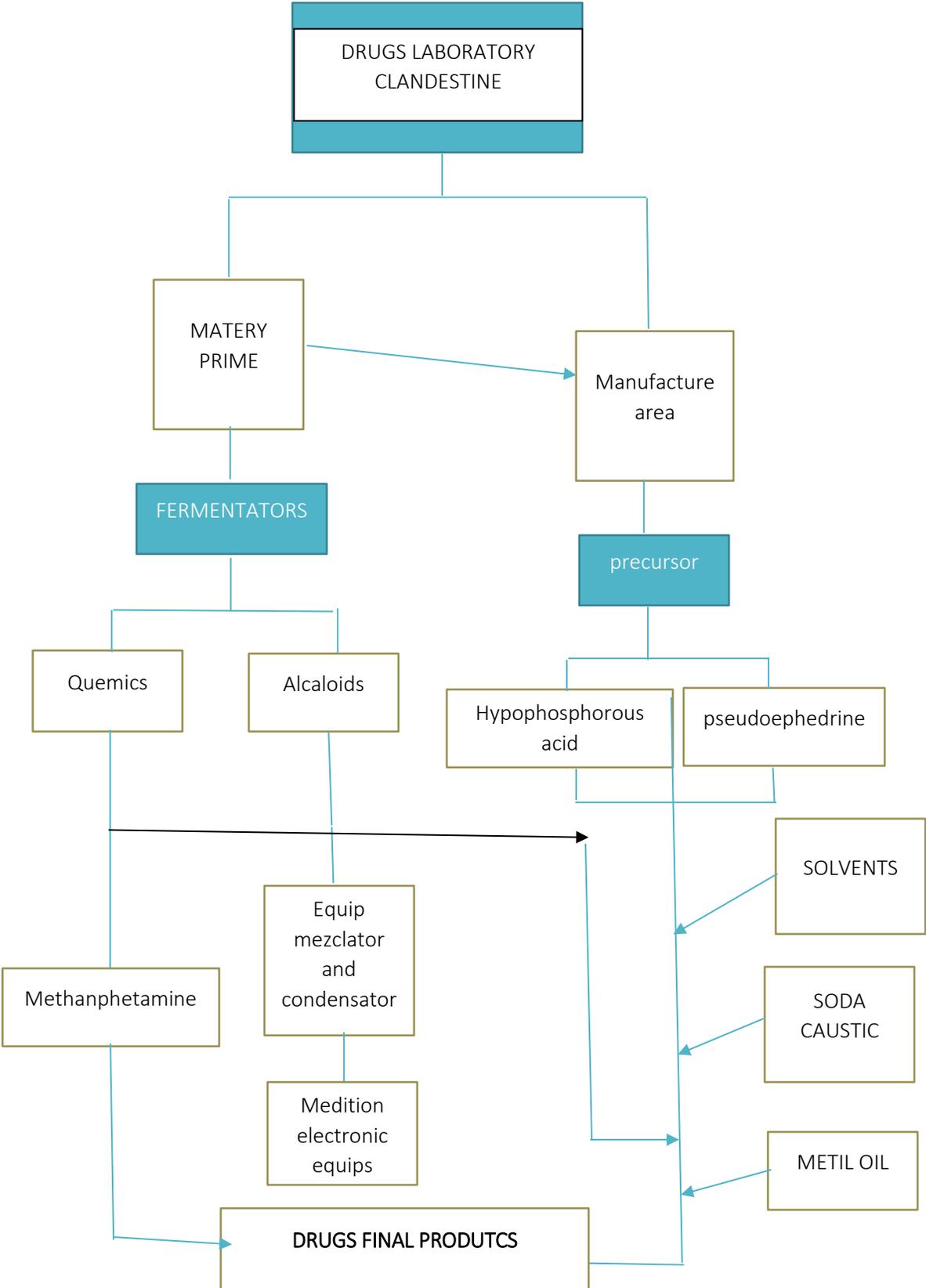
When cases are presented and penal provisions offenses prohibited imports special provisions regarding narcotic goods with possession of prohibited imports reasonably suspected to have been brought to Australia in ACT'S OFFENSE where the defendant and two co-offenders were convicted of importing methylamphetamine, where the respondent was an official petty server on a US warship. US, where the warship traveled to Darwin and then docked in Townsville, where the defendant left the ship with packages of medicines in a transport bag.

The defendant met with a co-offender, his supervisor on the ship, and gave him the bag, receiving in exchange another bag containing money, where the defendant was sentenced to six years in prison with a period without parole of three years - where the jury reached a special verdict to find the defendant did not knowingly import unlawful narcotics, but recklessly did Then, where the chief judge took this special verdict into account when issuing sentence, when the appellant alleges the judgment is manifestly inadequate and that judge made a mistake in giving an undue weight to the special verdict of the jury, either the judge made him err, if the sentence imposed adequately reflected the importance of deterrence in this offense to the legal statutes of the country and to the implicit and established good customs in the existing legal system.

Laws under which the department is a law enforcement agency The department is a legal compliance agency for certain purposes under the following Acts: the Crimes Act 1914, the Criminal Code Act 1995, the Australian Nuclear and Technology Organization Act 1987 (the ANSTO Act) and the Independent National Security Legislation Monitor Act 2010 (Crimes Act 1914, Criminal Code Act of 1995, Australian Nuclear Science Act and Technological Organization of 1987 (the ANSTO Act) and the Law of Monitoring Legislation Independent of the National Security of 2010)).

While may collect personal information in order to perform its functions and activities in accordance with said Laws. Purpose for which all information inherent to the control and disposition of the aspects related to the identification, tracking, control and location of weapons, crimes concerning the consumption and trafficking of controlled substances in quantities above the allowable ones with respect to the health of the people and those that are tried to enter the country for illicit sale effects and to damage the health of the people looking for a usufruct and economic and personal enjoyment.

FLUJOGRAM LABORATORY FLOWCHART OF PRODUCTION OF DRUGS



MATRIX JUDICIAL CASES DELIT DRUGS COURT SUPERIOR OF QUEENSLAND

CASE N*	ORIGINATING COURT	DELIVERET AT OR UBICATION	CRIME	FILE NO/S	CITATION	DIVISION	JUDGES	APPEAL	PROCEEDING
QC79	Supreme Court of Brisbasne	Brisbane	Trafic drugs	CA N* 179 2009, SC N* 683 2009	Rv Silva J (2010)Aplicant/Apellant	Court of appeal	Chief Justice Muir J.A and Douglas J.	Refused	Appeal against conviction and sentence
QCA 159	Supreme Court of Brisbasne	Brisbane	Trafic controlled sustances and counts of	CA N* 127 of 2010, SC N* 354 2008, SCN N* 355 2008	Rv Dehghani Ex part Direct of public prosecutions	Court of appeal	Margaret Wilson AJA and Lyons and Martin JJ	Allowed	Sentence apped by DD (Cth)
QCA 183	Supreme Court of Brisbasne	Supreme Court of Brisbane	Structuring transactions importing marketable controlled drugs	CA N* 67 of 2009, SC N* 1012 of 2008	Rv Jimson (2009)	Court of appeal	chief Justice Keane J.A and Fraser J.A	Refused	Sentence application

QCA 184	Supreme Court of Brisbane	Brisbane	Possess a marketable controlled drug	CA N* 271 of 2008, SC N* 577 of 2008	Rv Oprea (2009)	Court of appeal	Mc Murdo P Keane J A and Chesterman J A	Refused	Sentence application
QCA 221	Supreme Court of Brisbane	Brisbane	Drug traffic imported and delivery	CA N* 8 of 2007, SC N*1034 of 2006	Rv Tran (2007)	Court of appeal	Kean J A White and Atkinson J J	Allowed	Sentence application
QCA 371	Supreme Court of Brisbane	Brisbane	Importing possessing attempting to possess marketable substance controlled	CA N* 30 of 2009, CA N* 154 of 2009, CA N* 12 of 2009, CA N* 158 of 2009, CA N* 1320 of 2008,	Rv Handlen & Paddison (2010)	Court of appeal	Holmes, Fraser and White J J A	Case 30 Dismissed Case 154 Refused Case 12 Dismissed Case 1320 Sentence	Appeal against conviction and sentence
QCA 423	Supreme Court of Brisbane	Brisbane	Importation of trafficable drugs	CA N* 36 of 2006, CA N* 130 of	Rv Tsay (2006)	Court of appeal	Jerrard, Keane and Holmes J J A	Appeal against sentence	appeal against

				2006, SC N* 115 of 2006					conviction dismissed
QCA 275	supreme Court at Townsville	Brisbane	Guilty veredict returnet for reasonable doubt	CA N* 366 of 2011, SC N* 431 of 2009	Rv Nwabueze (2012)	Court of appeal	Muir and White J J A and Martin J.	Dismissed	Appeal against conviction
QCA 306	Supreme Court of Brisbasne	Brisbane	Imported and Traffic drugs	CA N* 253 2010, CA N* 254 2010, CA N* 288 2010, CA N* 306 2010, CA N* 310 2010, CA N* 311 2010, CA N* 312 2010, CA N* 313 2010, CA N* 314 2010, SC	Rv Hill, Bakir Gray and Brord ex part Cth DPP (2006)	Court of appeal	Muiran White J J A and Atkinson J.	Appeal against conviction prosecution dismissed prosecution	Dismissed Dismissed Dismissed Refused

				N* 815 2010.					
QCA 529	Supreme Court of Townsville	Brisbane	Imported Metilamphetamine controlled sustance	CA N* 157 of 2006, CA N* 27 of 2006	Rv Labanon ex part Cth DPP (2006)	Court of appeal	De Jersey C J. Mc Murdo P. and Chesterman J.	Case N* 157 Appeal Allowed Case N* 27 Sentence Imposed 8 years	Sentence appeal by Cth DPP.

AUTOR: WILMER ANTONIO VELÁSQUEZ

REFERENCES

Australian Nuclear and Technology Organisation Act 1987 (the ANSTO Act) y la Independent National Security Legislation Monitor Act 2010. Available: <https://www.homeaffairs.gov.au/Forms/Documents/1442ispa.pdf>

Chiu, Y. N., Leclerc, B., & Townsley, M. (2011). Crime Script Analysis of Drug Manufacturing in Clandestine Laboratories Implications for Prevention. *British Journal of Criminology*, 51(2), 355–374.

Dube S. Rao A. 2013. Criminal issues: Law and legalities in precolonial and colonial India. *Crime, history, law, colonialism in South Asia*. Available at: file:/// C: /Users/Js/Downloads/2078-2077-1-PB.pdf

Forst, B., Greene, J., y Lynch, J. (Eds). (2011). *Criminologists on Terrorism and Homeland Security (Estudios de Cambridge en criminología)*. Cambridge: Cambridge University Press. doi:10. 1017/ CBO9780511976384.

The Queen v Olbrich (1999) 199 CLR 270; [1999] HCA 54.

Wortley y Smallbone (2011) en el *Journal of Research in Crime and Delinquency*

Wortley Richard. 2002. Situational control of the prisión. *Crime prevention and correctional institutions*. Griffith University, Queensland. *Cambridge studies and criminology*.

<http://www.cambridge.org/ve/academic/subjects/sociology/criminology/situational-prison-control-crime-prevention-correctional-institutions?format=HB&isbn=9780521804189>.