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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 21853143

THE QUEEN

and

KELLY BLOMFIELD

(Sentence)

BLOKLAND J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON MONDAY 16 SEPTEMBER 2019

Transcribed by:
EPIQ

HER HONOUR: On 13 August 2019 Kelly Blomfield pleaded guilty to one count on indictment; namely, supply a commercial quantity of a dangerous drug, methamphetamine, a Schedule 1 drug. The maximum penalty is 25 years imprisonment.

The co-offender is TH. At the time of the offending, Ms Blomfield normally resided in the greater Darwin area.

During 2018 the co-offender, TH, travelled between Brisbane and Darwin in a regular basis. During one of these trips, he was introduced to Kelly Blomfield. On or about 29 November 2018, TH provided Ms Blomfield with an ounce of methamphetamine to on-supply to people in Darwin and Palmerston. As a result, she obtained approximately \$7000 to \$7500, which she returned to TH in exchange for a small profit and methamphetamine for her own use.

Over the course of 27 December 2018 she exchanged text messages with TH relating to the further supply and sale of methamphetamine. At approximately 2:30 pm on 27 December 2018 she arranged to meet TH at the Humpty Doo Shopping Centre. A short time later, the pair met at the shopping centre and arranged to drive to her residence in Noonamah.

Ms Blomfield drove and TH was in the passenger seat. The car was seen and apprehended by police on Weaver Road. As police approached them, the passenger, TH, was seen to be rummaging around in the front passenger footwell of the vehicle. The search of the car revealed a small clip-seal bag of methamphetamine in a clear glasses case located in the passenger footwell of the car.

The search of TH revealed an ice pipe and a package containing a large quantity of methamphetamine concealed in his underwear. Both Ms Blomfield and TH were arrested. The clip-seal bag found in the glasses case was found to contain 0.46 grams of methamphetamine. The package found in TH's underwear was found to be made up of two large clip-seal bags containing a total of 184.15 grams of methamphetamine.

Ms Blomfield took part in a record of interview with police, during which she made admissions to organising the sale of a commercial amount of methamphetamine to other individuals and receiving cash in return in the month prior to her apprehension. She further admitted that she was aware that TH would have a large amount of methamphetamine in his possession when she met up with him, and that they had made a prior arrangement that she would supply up to an ounce for him on this occasion.

Obviously, the charge is serious, as indicated by the penalty prescribed by the legislature, as well as the \$7000 to \$7500 relating to the first sale referred to in the facts. She had agreed again to supply up to an ounce of methamphetamine in the lead-up to her apprehension. As indicated, for the first ounce that she sold, she retained some small profit for herself, including methamphetamine for her own use.

In relation to the ounce she had agreed to sell on the second occasion, she would have retained some money; probably around \$800 to \$1000.

The total amount of methamphetamine attributed to her offending was approximately 56 grams. The co-offender, TH, was found in possession of 184.61 grams, and together, they could have expected a yield of approximately \$45,500 to \$48,700. Ms Blomfield had been engaged in various acts of supply, engaging with an established supply network, which allowed her to assist TH in supplying methamphetamine.

It is understood from submissions made on Ms Blomfield's behalf that at the relevant time, she was a drug addict and sporadically sold methamphetamine for TH, who had been selling drugs to her. I moderate the assessment of the gravity of the offending, noting she was not the principal of the syndicate; however, she did hold a crucial role in the distribution of methamphetamine. Her role is higher than that of a person who has engaged in a one-off or minor supply, and her role is greater than a pure courier. However, it would appear that her own financial gain was not particularly high. She is not in the higher levels of offending when compared with many of the cases of this kind that the Court sees.

The most significant point of mitigation is that she pleaded guilty early. The preliminary examination was on the papers and the plea and its early indication facilitated the course of justice. The submissions on behalf of the Crown acknowledge her participation in a record of interview with police and also that she provided a statement to police, revealing significant information about the methamphetamine trade and her involvement in it. The Crown submits she is entitled to a significant discount due to her plea and the assistance she has provided to authorities.

Ms Blomfield has no relevant previous convictions. She has two breaches of bail on her history which relate to this matter, for which she was fined in the Local Court.

In terms of her personal circumstances, she is 26 years old, born and raised in Western Australia. Her mother passed away when she was 18 years old. Her father lives in Perth. The pre-sentence report reports that she had a close relationship with her mother, but her relationship with her father is strained. He was violent towards her mother and is an alcoholic.

She has two sons; 4 and 7 years old. She moved to Darwin in 2015 with her then-partner, who has family here. Both children live with him in Darwin. Both Ms Blomfield and the children's father are hopeful they can repair their relationship and live together again.

Ms Blomfield was educated in Perth to year 9 and commenced work upon leaving school. She has worked in administration jobs, primarily as a receptionist for various companies in Perth. In late-2017 she was working at the INPEX gas plant, and at that time, had been using methamphetamine sporadically. She started using

the drug socially and to treat pain while recovering from a surgical procedure in 2017.

She has had a significant health problem, especially for someone who is so young. The surgery she was recovering from was a hysterectomy on 3 August 2017, after she had been diagnosed with cancer, which the Court is told was an epithelioid trophoblastic tumour. She was unable to work for a number of months following that procedure. The pre-sentence report notes she attributes a lot of problems leading to drug-taking due to the stress of that diagnosis. Using drugs enabled her not having to deal with the reality of the diagnosis.

She feels she needs help to deal with trauma she experienced as a child. She was taking Valium from around the age of 14 years to deal with anxiety. She is very sensitive to the possible re-emergence of cancer, and this is dealt with and referred to in the pre-sentence report; noting that she has been taken to hospital since being in custody due to abdominal pains.

She was made redundant in October 2018 and her drug use increased, culminating in the offending.

The Court was told she moved to Perth in March 2019 and moved in with her paternal grandmother. She has been focussing on recovering from drug addiction, and the Court was told she is now drug-free. She has an employment opportunity, working in the Pilbara as a cleaner. She has been waiting to finalise her court matters before taking that up. The pre-sentence report indicates that she needs rehabilitation and she could enter rehabilitation at Banyan House, and then she would most likely be with her children and former partner.

The Court was told and it is accepted that she did need to relocate to Darwin from Western Australia due to fears for her personal safety, relating to information she provided to police about the co-offender. There will need to be some significant adjustment in her favour, both in relation to the head sentence and the time actually served because of that information that she has given, which has been to her detriment as well.

She has now spent 42 days in custody, seven days prior to obtaining bail and 35 days after the plea, when she was remanded in custody. The sentence will commence on 5 August 2019.

The sentence must emphasise general deterrence, given the prevalence of cases of this kind and the serious misery and difficulties that methamphetamine is causing in the community.

The pre-sentence report was ordered to examine various of the issues concerning Ms Blomfield, and also the appropriate options. The report is now available. As indicated, she can directly access Banyan House upon release and then wishes to reside with her former partner and the children. Community Corrections have indicated they need to develop a safety plan for her.

She is aware that she would be under strict conditions upon release. The author of the report indicates that she engaged really well when previously on bail supervision. She kept her curfew and various other conditions. Some matters, there was an inconsistency noted. She needs a significant rehabilitation program and is committed to completing one. The author of the report indicates she also needs to become engaged with more pro-social activities.

If not for the plea and the cooperation, there would be a head sentence in the order of 3 years. With that plea and cooperation the head sentence is reduced to 2 years. There should also be a reduction, in my view, of the time served, due to her cooperation, which may have implications for her safety, and also, the need for rehabilitation, which she can access soon after release, her difficult health and psychological issues and to assist with her children.

The sentence of 2 years will be suspended after serving four months. The sentence will commence on 5 August 2019. There will be supervision in the terms as suggested by Corrections for 12 months after release, and the operational period will be for 2 years after release.

1. She must not during the period of the order, namely, two years from release, commit another offence whether in or outside of the Territory, punishable on conviction by imprisonment.
2. For 12 months after release, she is under the ongoing supervision of a Probation and Parole Officer and must obey all reasonable directions from a Probation and Parole Officer and must report to a Probation and Parole Officer within two clear working days after the order comes into force.
3. She must tell a Probation and Parole Officer of any change of address or employment within two clear working days after the change.
4. She must not leave the Territory except with the permission of a Probation and Parole Officer.
5. She must appear before the Court if directed by a Probation and Parole Officer.
6. She will, at the direction of a Probation and Parole Officer, immediately enter into the Banyan House residential rehabilitation program or any other program assessed as suitable, participate fully in that program and do nothing to cause her early discharge.
7. She will not consume a dangerous drug and will submit to testing as directed by a Probation and Parole Officer for the purpose of detecting the presence of dangerous drugs.

8. She will participate in assessment, counselling and/or treatment as directed by a Probation and Parole Officer.
9. If directed, she will submit to a curfew as directed by a Probation and Parole Officer and not leave the nominated residence without prior permission from a Probation and Parole Officer except in the case of medical or dental emergency.
10. If directed, she must wear or have attached an approved monitoring device in accordance with the directions of a Probation and Parole Officer and allow the placing of or installation in and retrieval from the premises or place specified in the order of such machine, equipment or device necessary for the efficient operation of the monitoring device.
11. While attending a residential rehabilitation program, she must wear or have attached an approved monitoring device in accordance with the directions of a Probation and Parole Officer and allow the placing of or installation in and retrieval from the premises or place specified in the order of such machine, equipment or device necessary for the efficient operation of the monitoring device.
12. She shall comply with the electronic monitoring rules, as stipulated in the rules for electronic monitoring.

Any queries on that?

MS EVERITT: Nothing arising, your Honour.

MR HUBBER: No.

HER HONOUR: Thank you both for your assistance.
