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| IN THE COUNTY COURT OF VICTORIA  AT GEELONG  CRIMINAL JURISDICTION | Court References: CR-ZZ-GAXT |

IN THE MATTER OF Section 182 of the *Criminal Procedure Act* 2009

**THE QUEEN**

**v**

**ARMAND CERNAGOJ**

**PROSECUTION OPENING FOR PLEA HEARING**

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| Date of document: |  |
| Filed on behalf of: | Commonwealth DPP |
| Prepared by:  Office of the Commonwealth DPP  Melbourne Vic 3000 | DX 446  Telephone:  Fax:  Reference: |

**SUMMARY OF OFFENDING**

1. Between about 31 May 2012 and 30 November 2012 Armand Cernagoj trafficked in a drug of dependence in that he sold methamphetamine[[1]](#footnote-1) to Mitjan Kitek (**charge 1**).

2. Between 4 June 2013 and 5 February 2014 Mr Cernagoj imported a marketable quantity of a border controlled drug with respect to the contents of 4 items sent from overseas to his home at Manifold Heights (**charge 2**). The items were intercepted by the authorities. The contents included a total of 4.2g of pure MDMA and 3.4g of pure amphetamine.

3. Between 3 September 2013 and 19 January 2014 Mr Cernagoj imported a marketable quantity of a border controlled drug with respect to the contents of 8 items sent from overseas to an address in Rippleside, 7 of them jointly with Dejan Ciceli~~,~~ (**charge 3**). Six of the items were intercepted by the authorities. These contained a total of 22.9g of pure MDMA and 58.1g of pure methamphetamine. Two items were delivered, and handed to Mr Cernagoj by Mr Ciceli. The contents of these items are not known.

**CHARGE 1 - TRAFFICKING**

4. In about April or May 2012 Mr Cernagoj met Mitjan Kitek. They got to know each other through fishing, as Mr Cernagoj sold fishing gear.

5. About 31 May 2012, while Mr Kitek was visiting Mr Cernagoj’s home, Mr Cernagoj asked Mr Kitek if was interested in buying “ice” (or methamphetamine) from him. Mr Cernagoj sold Mr Kitek a point for $100.

6. Over a period of about 6 months from 31 May 2012 Mr Cernagoj sold Mr Kitek a point of ice on about 10 to 20 separate occasions.

**CHARGE 2 - IMPORT MARKETABLE QUANTITY OF BORDER CONTROLLED DRUG**

7. In about mid-2012 Mr Cernagoj expressed to Mr Kitek an interest in importing illicit drugs from overseas via the post, including using names and addresses other than his own. Mr Cernagoj asked Mr Kitek to assist, but Mr Kitek declined.

8. On the following 4 occasions Mr Cernagoj imported items into Australia in the name of Mitjan Kitek that were sent to his home address, all of which were intercepted by Customs and not delivered:

1. on 4 June 2013 an envelope containing a red tablet, weighing 0.3g, that included 0.1g of MDMA;
2. on 28 December 2013 an envelope containing 4.7g of powder, that included 3.0g of pure amphetamine;
3. on 30 December 2013 a parcel containing a DVD cover with a bag containing 5.5g of crystals, including 4.1g of pure MDMA; and
4. on 5 February 2014 an envelope containing 8.3g of paste in a bag inside papers that included 0.4g of pure amphetamine.

**CHARGE 3 - IMPORT MARKETABLE QUANTITY OF BORDER CONTROLLED DRUG**

9. On about 19 September 2013 Mr Cernagoj told Dejan Ciceli, who he had known for several years, to expect to receive a package at Mr Ciceli’s house at Rippleside. Mr Cernagoj told Mr Ciceli there would be “ice” in the package. Mr Ciceli agreed to tell Mr Cernagoj when the item arrived. The item would be addressed to Gina Wooldridge, from whom Mr Ciceli had purchased his home about 10 years earlier.

10. On that date Mr Cernagoj texted Mr Ciceli “Gina Wooldridge EG9069.” This was the tracking number for an item imported from the USA and addressed to Rippleside. Attempts to deliver the item on 16 September 2013 had been unsuccessful. On 19 September Mr Ciceli signed for the item and handed it over to Mr Cernagoj.

11. Prior to this, on 3 September 2013, Mr Cernagoj imported an article addressed to Gina Wooldridge that was intercepted by the authorities and not delivered. It contained a packet of earphones and 19 green tablets, weighing 7.8g, that included 2.9g of pure MDMA.

12. After speaking with Mr Ciceli, who agreed for items to be sent to him and handed on to Mr Cernagoj, the following items were imported by Mr Cernagoj and sent to Rippleside, but were intercepted by Customs and not delivered:

1. on 4 October 2013 an envelope containing 7g of powder that included 5.3g of pure MDMA (addressed to Gina Wooldridge);
2. on 26 November 2013 an envelope containing 10 tablets, weighing 3.8g, including 1.4g of pure MDMA (addressed to Gina Wooldridge);
3. on 18 January 2014 an EMS mail article containing 73g of crystalline material inside 2 computer desk top hard drives including 58.1g of pure methamphetamine (addressed to Dejan Ciceli); and
4. on 19 January 2014 two envelopes containing a total of 19.5g of powder that included 13.3g of pure MDMA (addressed to Gina Wooldridge).

13. Over this period, one other item was delivered to Mr Ciceli, who handed it over to Mr Cernagoj. While the item is likely to have contained a border controlled drug, the prosecution is unable to say precisely what it contained.

14. Mr Cernagoj gave Mr Ciceli a point of ice, worth about $100, on each of the two occasions he was handed imported items by Mr Ciceli.

**INVESTIGATION**

15. On 3 February 2014 officers from the Australian Federal Police executed a search warrant at the Rippleside address and interviewed Mr Ciceli, who provided a statement implicating Mr Cernagoj.

16. Police seized from Mr Ciceli two mobile telephones. His seized iPhone recorded contact with Mr Cernagoj, including the texts from 19 September 2013 outlined above, and the following:

1. On 30 September 2013 Mr Cernagoj texted asking if there was “any posta”. Mr Ciceli responded “I’ll have a look now”.
2. On 2 October 2013 Mr Cernagoj texted he was “just gonna check post”. In response, Mr Ciceli texted “just had a look and nothing”. Mr Cernagoj texted “oh well maybe tomorrow”.
3. Between 19 and 21 January 2014 Mr Cernagoj texted Mr Ciceli asking if he was “still waiting”, to which Mr Ciceli responded with “Yeah still nothing”. Mr Cernagoj texted “nisto?” to which Mr Ciceli responded “nothing”. Mr Cernagoj texted “something not right, tomorrow we go to ask at the posta.”

17. On 18 February 2014 police executed a search warrant at Mr Cernagoj’s home and seized a number of items, including telephones, electronic devices and $10,100 cash secreted under a shelf in a bedroom.

18. Examination of the seized devices indicated some had been used, with several layers of encryption, to access the Silk Road website, an international internet site on which illicit drugs were at the time sold, and to research importing drugs and using Bitcoin to purchase drugs online. One USB contained files including the tracking number for the item imported on 18 January 2014.

**MAXIMUM PENALTIES**

19. The maximum penalty for charge 1 is imprisonment for 15 years.

20. The maximum penalty applicable to charges 2 and 3 is imprisonment for 25 years and/or a fine of $850,000.

Counsel for the CDPP

1. Or methylamphetamine as the drug is described in the *Drugs, Poisons and Controlled Substances Act 1981* (Vic) [↑](#footnote-ref-1)