**ANONYMISED AND ADAPTED FOR EDUCATIONAL PURPOSES**

IN THE COUNTY COURT OF VICTORIA

AT MELBOURNE

**DIRECTOR OF PUBLIC PROSECUTIONS**

**v.**

**XUAN TUAN**

# SUMMARY OF PROSECUTION OPENING

# Overview of Offending

1. Xuan TUAN (the offender) is pleading guilty to one charge of Cultivating a narcotic plant in not less than a commercial quantity. His role in the offending was as a crop sitter. He was 20 years of age at the time of the offence and will turn 21 shortly.
2. Mr TUAN falls to be sentenced as a young offender within the meaning of s 3 of the

*Sentencing Act 1991.*

1. At the time of the offence he resided in Kilmore. He is a Vietnamese national.

***Investigation into 19 and 19A Spray Street Seaford***

1. In August 2016, Victoria Police commenced an investigation in relation to a suspected cannabis crop being grown at adjoining residential addresses located at 19 and 19A Spray Street Seaford.
2. Both houses located were purchased by Tran Trung in 2014.
3. The electricity account was registered in a false name.
4. In August 2016 a representative from an electricity company attended the address and discovered that both properties were receiving electricity from an unmetered power source.
5. Police members conducted surveillance of the Spray Street properties and observed the offender’s vehicle parked in the garage of 19 Spray Street. Enquiries revealed that the vehicle was registered to Mr Tuan.

# Execution of search warrants

1. In December 2016 police executed a *Drugs, Poisons and Controlled Substances Act 1981* search warrant at the residential addresses of 19 and 19ASpray Street, Seaford.
2. Mr TUAN attempted to avoid police by climbing onto the roof of 19A Spray Street.Police members saw Mr TUAN running across the rood and demanded that he stop. The offender jumped onto the roof of a neighbouring house and then into the rear yard. He was chased by police over a neighbour’s fence and was eventually ~~arrested.~~

# The cannabis crop

1. Police located a sophisticated hydroponic cannabis crop inside 19 and 19A Spray Street. Both houses had been modified for the specific purpose of cultivating cannabis. In addition, the internal walls separating the two houses had been removed and additional walls and plaster boards had been constructed throughout both houses.
2. There were a total of seven rooms within the 19 Spray Street house containing cannabis plants at varying stages of growth. Each room contained hydroponic equipment used to grow the cannabis plants, including light shades, ballasts and a reticulated watering system. A total of 353 cannabis plants were seized from 19 Spray Street, weighing 234.86 kilograms.
3. Police located two rooms within number 19A Spray Street, which had been set up to cultivate cannabis, with light shades, ballasts and a reticulated watering system. A total of 41 cannabis plants at various stages of growth were located in the 19A Spray Street house. The weight of those plants was 40.06 kilograms.
4. The system was powered by an illegal electrical bypass.
5. Photographs of the crop demonstrate the sophistication of the set-­‐up. A total of 133 light shades were seized as well as numerous light globes and electrical transformers.

# Subsequent Investigation

1. Crime Scene Officers identified a latent fingerprint from a bong located inside the lounge room of 19 Spray Street, matched Mr TUAN’s fingerprint.
2. A wallet containing cards in the name of Mr TUAN was located in the upper loft of 19 Spray Street.
3. The cannabis plants were examined at the crime and found to be Cannabis L. The total number of cannabis plants seized was 394, weighing 274.92 kilograms. (**Charge 1 – Cultivate a Narcotic Plant in not less that a Commercial Quantity)**

# Record of Interview

1. The accused was interviewed by Police with the assistance of a Vietnamese interpreter. He exercised his right to answer no comment to the allegations that were put to him by police.

# Maximum penalty

1. The maximum penalty for Cultivating a narcotic plant in not less than a commercial quantity is 25 years imprisonment.

# Plea of Guilty

1. Mr TUAN entered his plea of guilty at the first committal mention hearing in March 2017. It is conceded that the plea was entered at the earliest opportunity.

# Pre-­‐Sentence Detention

1. Mr TUAN will have served 127 days in custody up to but not including the date of the plea hearing.

**Counsel for the Prosecution**