

**IN THE DISTRICT COURT  
AT AUCKLAND**

**CRI-2016-004-004856  
[2017] NZDC 12928**

**THE QUEEN**

v

**LIANG WANG**

Hearing: 16 June 2017  
Appearances: G Campbell for the Crown  
C Taylor on behalf of S Wimsett for the Defendant  
Judgment: 16 June 2017

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**NOTES OF JUDGE P A CUNNINGHAM ON SENTENCING**

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[1] Lian Wang appears for sentence today in relation to charge 2 in a Crown charge notice that together with other persons he imported into New Zealand a Class B controlled drug, namely ephedrine.

[2] Mr Wang and others have been charged for importing what appears to be the largest consignment of ephedrine into New Zealand on or about 15 April 2016. The weight of the consignment was 200 kilograms of ephedrine. Ephedrine is used to manufacture methamphetamine.

[3] The consignment details were given as Zhanyu Zhu with a delivery address of [address deleted], Auckland. I understand that Zhanyu Zhu is an identity relating to Mr Wang.

[4] The consignment was identified at the border and there was a controlled delivery in accordance with s 12 Misuse of Drugs Amendment Act 1978, which means that all but 10 grams of the ephedrine was removed and replaced with a placebo, that is a substitute harmless substance, and the delivery took place as planned.

[5] Interception surveillance warrants were obtained and the authorities waited until the consignment underwent its process of delivery to the address in [address deleted], Auckland.

[6] Mr Wang and another person appear to have been very much in charge of the delivery. Their phone calls and text messages were intercepted in accordance with the warrants obtained and eventually the consignment was delivered to [address deleted] on 9 May 2016. At the time that that happened Mr Wang and another person were in another part of the North Island, but they returned to Auckland and on 13 May they arrived at the address and opened the packages and removed the foil wrapped packages of placebo and the 10 grams of ephedrine and placed them in the boot of a car. They were apprehended shortly afterwards.

[7] Other persons involved in this operation have elected trial by jury. Mr Wang entered a guilty plea on 2 May 2017.

[8] The main aggravating feature is clearly the amount of ephedrine and the fact that disguises were used. This was a sophisticated operation which appeared to involve others apart from Mr Wang and the one other person who was with him for most of the time until the delivery took place. It is accepted that Mr Wang played a primary role in the operation.

[9] Mr Wang has a short criminal and traffic history. They are mostly driving charges, the more serious of which is dangerous driving, and he was a repeat offender of driving when he did not have the appropriate licence, but he has never been involved in anything like this.

[10] In the pre-sentence report the writer has identified that Mr Wang was in a position where he had financial difficulties and they were complicated by a gambling addiction that he had at the time. Thus he had a need for money or perhaps he was motivated by the greed, which got Mr Wang involved in this offending.

[11] Mr Wang has expressed remorse for his offending, including not only doing that with the writer of the pre-sentence report, but he has written a letter today which I have read. He appreciates the foolishness of what he did and the harm that it may have caused to the community had the ephedrine been used to manufacture methamphetamine. He has a strong sense of having let his family down. He is the only child in his family and both his parents live in New Zealand. He feels a responsibility to look after his parents as they grow older and he now realises that his ability to do that will be compromised by the prison sentence which must inevitably follow.

[12] Both the Crown and the defence are agreed that the starting point should be 12 years. The maximum term of imprisonment for a Class B controlled drug is 14 years and given the sheer weight of the amount of ephedrine it certainly must be a sentence at that top end of the range. I agree with that starting point.

[13] The next part of the exercise is for me to decide what discounts should be given. The first issue is that Mr Wang has been on EM bail since 14 October last year; some eight months. During that time Mr Wang has undertaken two programmes with the Asian Family Services division of the Problem Gambling Foundation. He completed one last year and a second one in May of this year. It may be that he still needs some further treatment for his gambling problem. That will need to be assessed by the Corrections Service when he is serving a term of imprisonment, but he must be commended for taking steps to address the problem that led him into this serious drug offending.

[14] From 12 years, or 144 months I would deduct four months for the fact that he has been on EM bail. That bring the total down to 140 months and I am going to give him 30 percent discount for his guilty plea and other factors. Thirty percent is

42 months, which leads to an end sentence of 98 months, or eight years and two months' imprisonment.

[15] The Crown seeks the imposition of a minimum period of imprisonment and I acknowledge that there is a trend for the imposition of a minimum period of imprisonment in serious drug offending. That is usually methamphetamine offending.

[16] While I accept that it needs to be a sentence that denounces the conduct and deters the offender and protects the community and holds Mr Wang accountable, I am not persuaded that this is a case where I should impose a minimum period of imprisonment. He appears before the Court for the first occasion and, hopefully, the last occasion on serious drug offending. Some efforts have been made at rehabilitation already and in my view the sentence of eight years and two months does meet the principles and purposes of the Sentencing Act, including those set out in s 86 of the Sentencing Act.

[17] So it will be a sentence of eight years and two months and when you are released from prison is a matter for the Parole Board and not fettered by anything that this Court imposes.

[18] Charge 1 and charge 3 in the Crown charge document are withdrawn on the application of the Crown.

P A Cunningham  
District Court Judge