QUEENSLAND COURTS

QUEENSLAND COURTS AND TRIBUNALS

TRANSCRIPT OF PROCEEDINGS

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SUPREME COURT OF QUEENSLAND

CRIMINAL JURISDICTION

COPLEY J

Indictment No 1260 of 2024

THE KING

v.

BETHANY ROSE MITCHELL **Defendant**

BRISBANE

11.28 AM, MONDAY, 21 JULY 2025

DAY 1

SENTENCE

ISSUED SUBJECT TO CORRECTION

Any rulings in this transcript may be extracted and revised by the presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: Bethany Rose Mitchell, you can remain seated for the moment because these remarks will take a few minutes. On the 18th of June 2025, you pleaded guilty to a count of unlawfully possessing the dangerous drug, methylamphetamine, in a quantity exceeding two grams, to two counts of unlawfully possessing dangerous drugs, one being alprazolam, the other being 1 4 butanediol, and to a count – or charge – of possessing a thing, namely glass pipes, that you had used in connection with the smoking of a dangerous drug.

The sentences that I impose on you today will be reduced by me to take into account the pleas of guilty that you have entered. The pleas of guilty demonstrate cooperation with the administration of justice. The indictment in this matter was presented on the 10th of December 2025, and the matter was listed for sentence on the 13th of February 2025, so there was an early indication of a plea of guilty, and although the original sentence date was the 20th of May 2025, and there have been a number of adjournments since that time, it has never been suggested that your – those adjournments were because you were contemplating departing from the indication that this matter would be a plea of guilty.

The circumstances of the offences were as follows. You lived in Mt Gravatt East, and you lived in a house with your daughter, who is now aged six. On the 27th of September – November 2023, the police went to your house with a search warrant. There was a tradesman there at the time, but he was asked to leave. When the police searched your house they found in the kitchen a handbag, which contained bank cards in your name, and inside the handbag was a white post bag with the label for the addressee, that is, the intended recipient, removed, and inside the post bag the police found a clip seal bag that contained 84.547 grams of pure methylamphetamine.

The police searched your car in the driveway, and they found a fluffy bag that contained four clip seal bags. One bag contained 10.586 grams of methylamphetamine, and the other three bags contained further quantities of methylamphetamine that added up to a little in excess of 10 grams pure in total. So all the figures that I have mentioned so far are a total amount. The police found in a cup holder in the car, a glass jar which contained a substance containing 1,4-butanediol, and in the bedroom of your house they found a number of alprazolam tablets, which are the subject of count 2, and the two glass pipes, the subject of the summary charge, as well as a spoon and a calibration weight, which have been forfeited. And in a cupboard in the bedroom they also found another two bottles of the substance 1,4-butanediol, and there was a set of digital scales in a box in the bedroom.

The police spoke with you when they were searching the house, and you told them that the drugs in the handbag were not yours. You admitted you knew that the glass jar was in the car. You claimed not to know about the drugs in the glove box. You admitted that you owned the utensils I have mentioned, and you said you had previously used them to consume dangerous drugs, and you admitted that you had possession of the alprazolam tablets, and did not have a prescription for them. You told the police that you were a drug user, and that the liquid drugs, and the alprazolam, were for your own use.

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The total quantity of the drugs the subject of counts 2 and 3 must have been quite small, because the police did not bother to submit it for any analysis, so the purity level is not known. At the end of the search you were arrested and taken to the watch house, and you were remanded in custody. You remained in custody from the 27th of November 2023 until the 18th of April 2024, a period of 144 days. You were granted bail by the Supreme Court on the 1st of March 2024, but you were not released on bail that day because your parole – which I am about to refer to – was – had been suspended.

The prosecution asserts, and your counsel does not dispute, that the drugs contained in the handbag were very valuable, as was one of the packets – as were the packets of drugs found in the glove box. The estimated value of the drugs found in the handbag, which was about four ounces, if sold in bulk, was worth somewhere between $12,000 and $60,000, and the estimated value of the total in the glove box, if sold in small quantities of about .1 of a gram at a time, could have fetched between 14 and $42,000.

When you were in possession of these dangerous drugs, you were in the community on parole for supplying dangerous drugs on three occasions, and possessing a schedule one dangerous drug on one occasion. The situation is that on the 10th of May 2023, you appeared in the Supreme Court at Toowoomba and pleaded guilty to supplying three counts – three counts of supplying dangerous drugs, and accounts of possessing dangerous drugs, and Justice Callaghan sentenced you to 18 months' imprisonment for the supply offences, and fixed that date as the date that you would be eligible for release on parole. He convicted you and did not further punish you in relation to various drug utensil possession offences.

So his Honour dealt with you in such a way that allowed you to go back into the community. He was told that you had taken steps to deal with your drug problem. Whether you had taken steps or not, those steps were not followed through because here you were, in November 2023, in possession of three different types of dangerous drugs, and you were clearly using all three of the types that you were in possession of.

You have subsequent appearances on your criminal history in the months of June, July and – June and July of 2023, but they were for offences that were committed prior to your appearance in the Supreme Court at Toowoomba. One was a stealing, the other was a fraud, and there was a failure to appear in accordance with a bail undertaking. Since September 20 – since May 2023, you have been back before the Magistrates Court once. That was on the 19th of August last year where you were fined $100 for breaching a condition of the bail, which I assume was the bail that you had been on in relation to these matters.

The prosecution position is that they – whilst they accept that the drugs, the subject of counts 2 and 3, were possessed for your own use, the prosecution submission is that your possession of the drugs, the subject of count 1, was for a commercial purpose, a purpose of your own. Although the prosecution accepts that you were a drug user, it submits that having regard to the quantity of the drug, the way it was

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packaged and portioned out in the plastic bags, having regard to the possession of scales in the house, and having regard to your criminal history, the court can be satisfied that you possessed the methylamphetamine for the purpose of distributing it into the community; that there was a commercial aspect to your possession. That is an allegation of fact which is left at large by your plea of guilty. Your plea of guilty did not conclude that matter one way or the other. That allegation of fact is not admitted by you.

Through your solicitor, you challenge that, and you assert the following; that remarkably, coincidently, on the day that you were – the police executed the search warrant at your house, you were asked to go to a shopping centre near a supermarket at Mt Gravatt, and you were told that – you were asked to take possession of a quantity of a substance that was in this car, and to mind it for somebody else, and your recompense was to be the supply of methylamphetamine for your own use. And Mr McMillan, your barrister – your solicitor – says that three of the four packages found in the glove box were effectively the payment that you were to receive for holding this drug on behalf of some male person. Mr McMillan says you are, therefore – you should, therefore, be sentenced on the basis that you – your possession was for admittedly a mixed purpose, but so far as it was not for own use, your possession was to aid another person who asked you to mind the drug.

On the material before me, I am not able to be satisfied on the balance of probabilities that you possessed the very large quantity of drug found in the handbag, and the large quantity found in the glove box, on the basis that you personally were going to sell it into the community. The police – there is no evidence before me contemporaneous with the finding of those drugs to suggest that you were engaged in sales, or to suggest that people were then inquiring from you about whether they could obtain drugs from you.

So I am going to sentence you on the basis that you possessed the methylamphetamine partly for your own use, but also partly on the basis that you were holding it for some other person, but it must have been apparent to you from your background and criminal record, and having regard to the size of it, that you would have known that you were assisting the possession of somebody else who was probably going to exploit the drug for commercial purposes. So your possession of the drug is nevertheless still a very serious matter, but there is a very big difference between criminality involved in possessing the drug for the commercial exploitation engaged in by yourself, and possessing it at the request of somebody else, and the payment being drugs.

You allowed yourself to be taken advantage of because you had an addiction to these drugs, an addiction that you had your barrister tell the Supreme Court in Toowoomba that you had been able to overcome. So that is the basis upon which I am going to sentence you. In those circumstances, the sentence that will be imposed upon you is going to be a period of imprisonment in relation to count 1, but I am going to order that the entirety of that period of imprisonment be wholly suspended for the following reasons, and all of these reasons, together, have militated in favour of that conclusion.

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Under the Penalties and Sentences Act, I have to bear in mind that a term of imprisonment should only be imposed as a last resort if the offence is not an offence of personal violence, or is not a sexual offence, and I have to bear in mind that a sentence that allows you to stay in the community is the preferrable offence. I have to have regard to the maximum penalty prescribed for the offence. It is 25 years for count 1, but because I am satisfied that you were a drug addicted person, the penalty – the maximum penalty is reduced to 20 years. I have to have regard to the extent to which you are to blame for the offences. You are solely to blame, but you allowed yourself to be taken advantage of by somebody else. I have to have regard to your age and intellectual capacity. Nothing about your age or intellectual capacity is remarkable.

I have to have regard, regardless of whether there are any exceptional circumstances, to the probable affect that any sentence imposed on you would have on a person with whom you are in a family relationship, and for whom you are the primary care giver. You have a daughter, who is aged six and a-half. There has been evidence placed before me by the mother – the paternal grandmother of that daughter – in which she says that she is not able to take care of her granddaughter, your daughter, should you receive a term of imprisonment today. She says that she is currently looking after her own mother – so that would be the child's great – paternal great grandmother – and that that mother, and grandmother, is nearing the end of her life, and Mrs Collins is now a widow. So she has lost her husband, and she says looking after her mother requires so much of her time and her attention that she simply cannot take on the full parental responsibility of your daughter whilst you are in custody.

Your father has provided a letter to the court in which he says that he and his wife – and I am not sure whether that is your mother because of the way he expresses that – but he and his wife took your daughter in last – in November 2023 when you were remanded in custody. He said we did it without hesitation because we love you as much – we love her as much as we love you, but we are no longer able to do it again. He says his wife's health has declined, and they have moved to a smaller property, and that they are at the limits – at their limits mentally, physically and financially, and as much as they wish that they could provide care to both of you and your daughter, they simply cannot do it. He says it is a devastating truth for us. He says this little girl deserves stability, and that is what they pray for every day.

So this letter from your father should bring home to you the extent to which you have failed in your duties as a mother to your own daughter when you have got people like Mrs Collins, and your own father, worried so much about what is going to happen to your daughter, and where they both say they are simply not in a position to step in again for you because you failed in your duty as a mother. And by that, I mean your duty as a mother is to bring your daughter up in a proper caring, nurturing environment that does not involve the use of drugs, and it does not involve having people coming around to the house who are associated with drugs.

Unfortunately, it appears that the father of the child is a person with a criminal history too, and he has not had much involvement with the child. That has significance because according to the report of the doctor, who was a consultant paediatrician, who wrote to a general practitioner, Dr Guy, on the 18th of November

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2024, the doctor said that so far as the child is concerned, she may be seven now. Maybe she was six and a-half at the time of this letter. He said that the main issues of concern included toilet training, panic disorder, learning difficulties, including reading, writing and maths, anxiety, screen use, distractibility, focus difficulties, some sensory issues, stereotypical hand movements when anxious. The issues have been worse after her father was incarcerated. The child has severe separation anxiety when she is not with the mother. The mother believes this stems from a period when she was in custody. The child seems to have digressed substantially in the time the mother was gone and she was in the care of her grandparents.

So despite the fact that your father and his wife did their best for the child, her development was set back further. But it is clear to the court from reading what the paediatrician has said that these issues that have arisen with this little girl did not just arise as a result of having to live with her grandfather and mother. They are long term issues because the letter goes on to tell me about the fact that she still has to wear pull-up nappy-type underwear when she goes to school because she has not been properly toilet trained, and that she is a very anxious little girl. Your solicitor has informed me that she has recently moved schools because you feel that she will do better in the state system rather than in the catholic system, but that your daughter has yet to form any friendships at her new school.

So it is clear that your daughter is at a very vulnerable stage in her life, and that is a matter that weighs heavily with the court. But equally significantly, the court has to have regard to what steps have been taken towards your own rehabilitation since you were released from custody, and it appears that whilst you were in custody you pursued the opportunities that were available to you there to undertake some courses. But more significantly, since being released from custody, you have completed all of the steps necessary, I am satisfied, to obtain a job in the real estate industry. It does not seem particularly as a real estate agent, but perhaps as a rental manager in a real estate firm, but you are yet to achieve the necessary licence or accreditation for that because you are in a show cause situation because of your criminal record.

So you will have to show to the real estate regulator that notwithstanding your background, you are a fit and proper person to be working in a real estate industry. But what is significant is that you have devoted yourself to getting that qualification. What is also significant is the fact that you provided a sample of a hair, and that testing has revealed the absence of any dangerous drugs, and the hair was about six months' long – or six months' old, and various urine analysis certificates have been tendered.

So it appears, as Mr McMillan says, that you are currently abstinent from dangerous drugs. Whether you remain so will be dependent upon a number of things. One of them will no doubt be who you choose to consort with as an adult, whether or not you are prepared to take advantage of the help that will be provided to you if you are placed on probation, and whether or not you put the interests of your daughter before any reawakening of a desire to use dangerous drugs.

So for all of those reasons, I am going to impose, in relation to count 1, a wholly suspended sentence. I am going to declare that the period of time that you served in

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custody, although in relation to that matter, is not to be declared as time served because I am reducing the period of the wholly suspended sentence to take that period which I would broadly regard as it is five months – I will round it up to six months – into account in reducing the sentence imposed in relation to count 1. And in relation to counts 2 and 3, I am going to order that you be placed on probation, and I will only be able to do that if you consent to that.

So would you stand please. In relation to all the counts on the indictment convictions are recorded. On count 1, I order that you are to be imprisoned for a period of two and a-half years. I order that the whole of that term be suspended forthwith, and you must not commit another offence punishable by imprisonment within a period of three years if you are to avoid being dealt with for the suspended sentence of imprisonment. So if you commit another drug offence – drug possession offence again, that will be a sentence – an offence punishable by imprisonment, and you will be brought back to this court to show cause why you should not be required to serve two and a-half years imprisonment. Pursuant to section 159A, it is declared that 144 days was spent in pre-sentence custody between the 27th of November 2023 and the 18th of April 2024. None of that time is taken to be imprisonment already served under the sentence imposed today.

In relation to counts 2 and 3, I propose to impose one order on you for probation – or one probation order – and the requirements of that order will be that you must not commit another offence during the period of the order. The order will be for two years. You will have to report to an authorised Corrective Services officer today, by 4 pm, at an office that I will designate shortly; you must report to and receive visits from an authorised Corrective Services officer as directed by the officer; you must take part in counselling and satisfactorily attend other programs as directed by the authorised Corrective Services officer during the period of the order; you must notify the authorised Corrective Services officer of every change in your place of residence or employment within two business days after the change happens; and you must not leave or stay out of Queensland without the permission of an authorised Corrective Services officer; and you must comply with every reasonable direction of an authorised Corrective Services officer.

So the purpose of this order is to provide you with ongoing supervision in the community, to provide you with people that you can talk to about your circumstances with your daughter and yourself. These people will be able to help you. They will be able to direct you towards programs that might assist you, or services that might assist you and your daughter. They might also impose requirements on you, such as continuing to supply random samples so that they can make sure that you are not using drugs again.

I have to tell you that if you breach any of those requirements of the order, you can be brought back before this court, and the matter of what is to be done with you will be considered afresh. The order may be amended or revoked on the application of yourself, an authorised Corrective Services officer, or the Director of Public Prosecutions. I can only make this order if you agree to it being made, and if you agree to comply with the terms of the order. Are you willing to comply with the terms of probation?

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DEFENDANT: Yes, your Honour.

HIS HONOUR: All right. Now, what office should she be directed - - -

MR McMILLAN: Mt Gravatt - - -

HIS HONOUR: - - - to report to?

MR McMILLAN: - - - please, your Honour.

HIS HONOUR: All right. And one of the conditions will be that you report to the Mt Gravatt office by no later than 4.30 this afternoon. So I suggest to you, you get onto it straight away. So the order of the court is that you are to be released under the supervision of an authorised Correct Services officer for a period of two years, and you must comply with the requirements set out in section 93, subsection (1) of the Penalties and Sentences Act, and report by 4.30 today to the Mt Gravatt office of Probation and Parole. In relation to the summary offence, you are convicted and not further punished. Now, you can be seated for a moment.

DEFENDANT: Thank you.

HIS HONOUR: Mr McMillan, what do you have to say about the serious drug offence certificate?

MR McMILLAN: I hadn't considered it very much before I got here, your Honour, and I tend to agree with my friend that your Honour has made findings that there is a commercial aspect to the matter, so I don't have any opposition to your Honour making the order.

HIS HONOUR: I have signed the serious drug offence certificate. The criterion for doing so is whether the possession was with a commercial purpose. I have made a finding of fact that the drugs were obviously destined for commercial exploitation, and because of the applicant's background and circumstances, it would have been a matter that she knew, although she was not to be the beneficiary of that. So in those circumstances, I have signed the serious drug offence certificate. Now, just in relation to the orders themselves, is there anything either of you say has been overlooked?

MS PARFITT: No, your Honour. Thank you.

HIS HONOUR: All right.

MR McMILLAN: No, your Honour.

HIS HONOUR: Okay. We shall adjourn please.

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