

Receiving / Disposing Stolen Property

(Not Motor Vehicles)

ss.188(1)(b) / 189A (NSW) Crimes Act

s 188(1)(b) Receive, or dispose of, or attempt to dispose of, any property the stealing whereof amounts to a serious indictable offence, knowing property to have been stolen

(b) any other property

Maximum Penalty: 10 years

NOTE: s 188 was amended 14.12.2001 to add subsection (a) separating stolen motor vehicle or motor vehicle parts from other property and increasing the maximum penalty for receiving such property to 12 years. Stolen 'vessel or vessel parts' was added to (a) on 1.9.2006. See separate table

S 189A(1) Receive or dispose of, or attempt to dispose of, or has in his or her possession, any property stolen outside the State of New South Wales, knowing property to have been stolen

Maximum Penalty: 10 years

	NAME (age if known)	OFFENCE	PLEA	SENTENCE AT FIRST INSTANCE	RESULT ON APPEAL	SUMMARY OF RECORD	INVOLVEMENT & SUMMARY
1.	Darwich (24) NSWCCA 16.9.1998	4 x s.188 Sched: 10 x GIC Supply false information	PG	MT 18m AT 18m	AA MT 12m AT 12m	Long history of similar offences	Disposed of stolen bicycles through pawnbrokers shop over 5 week period pursuant to arrangement made with thief Totality with existing sentence
2.	Griggs (1999) 109 A Crim R 484 [1999] NSWCCA 381	s.188	VG	MT 12m AT 12m	AA MT 10m AT 8m		Received gold bracelet worth \$3,000 - acquitted of related break, enter and steal at trial – receiving offence could have been dealt with in Local Court Progress towards rehabilitation

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3.	Duong (33) [1999] NSWCCA 448	10 x s.188 Sched: 25 x GIC	PG	409hrs CSO	Crown AA MT 3y AT 2y 11m	Nil - five offences committed on bail	Stolen goods found in shop, home and de facto's home worth \$200,000 - purchased from shoplifters and drug addicts
4.	Waterman [2000] NSWCCA 29	s.188 (disposing) Escape		FT 18m (concurrent) 2y 6m NPP 18m	AA FT 6m (concurrent) FT 4m		During escape came into possession of considerable quantity of electrical goods, a Medicare card and a Bankcard – arrested seeking to pawn goods using cards for identification Parity
5.	Sutton [2000] NSWCCA 145	s.188 12 x s.188 Obtain benefit by Deception	PG	MT 2y AT 3y MT 12m AT 10m MT 6m AT 2m (concurrent – cumulative to existing sentence)	AD	similar offences	Found in possession of property worth \$15,000 from house thefts – offences varied from \$80 - \$5,225 – attempted to sell some of the stolen property making false claim as to ownership
6.	Murray (68) [2000] NSWCCA 159	2 x s.188 2 x Possess shortened firearm	PG	MT 12m AT 18m FT 2y Total: MT 3y AT 18m	AD	old record – nothing for 25 years	Had given jewellery stolen from private residence in home invasion to female friend – search of offender's premises found property stolen in separate home invasion in pocket of offender's jacket – shortened pump action shotguns also found at offender's premises Very poor physical health
7.	Zanze (32) [2000] NSWCCA 308	4 x s.188 Sched: 5 x GIC	PG	MT 2y AT 8m	AD	lengthy record for similar offences - offences committed on parole for similar offences	Goods included watch, mobile phone, power tools, cameras and radio cassette player
8.	Sinanovic (32) [2000] NSWCCA 394	s.188 5 x s.188 (disposing)	VG	MT 2y AT 12m	AD	dishonesty offences	Received stolen travellers cheques - disposed of cheques valued at \$840,000

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9.	Valkovich (29) [2000] NSWCCA 506	s.188	VG	500 CSO \$5,000 fine	Crown AD	nil	Director of security company - found in possession of \$34,400 cash stolen from employee of company - serious breach of trust Married - good character evidence - out of character – delay on appeal - completed community service and repaying fine
10.	Kessey (24) [2001] NSWCCA 469	s.188 s.112(2)	PG (25%)	FT 4m 18m NPP 8m (concurrent)	Crown AA FT 4m 2y 3m NPP 1y 3m (concurrent)	breached bail – previous convictions for stolen goods	Received property stolen from residential premises including video recorder, play station, video games, wallet, backpack and sunglasses – 15mths later broke into home late at night through kitchen window – stood over female occupant in bed then stole property Prospects of rehabilitation
11.	Jammas (23) [2002] NSWCCA 329	s.188 Sched: 5 x s.188	PG	3y NPP 1y 8m	AD		Received quantity of cigarettes valued at \$89,000 - schedule offences involved \$71,960 cigarettes No parity because of additional offences on schedule
12.	Huang (24) [2002] NSWCCA 499	s.188	PG (20%)	5y NPP 3y	AD	Lengthy record for dishonesty offences - breached home detention and recognisances	Sold 25 stolen laptop computers to undercover police officer Some remorse - gambling - some concurrency with revoked home detention sentence
13.	Karnib [2003] NSWCCA 271 Co-accused: STEPHEN	3 x s.188 Conspiracy s.188 (dispose)	PG (40% - plea and assist)	<u>Total:</u> 3y Periodic Detention	AD	Not relevant	Police investigation of large-scale theft of laptop computers found stolen property at offender's premises – had been purchasing stolen computers and selling on to another party Good work history – retail business suffering and unable to repay loans – contrition
14.	Stephen [2003] NSWCCA 377 Co-accused: KARNIB	s.188 Schedule: Possess cannabis	PG	FT 3y Periodic Detention	AA 3y NPP 2y 3m Periodic Detention	dishonesty	Received number of stolen laptop computers – sold to co-offender who sold to third person Error in sentencing procedure Parity - rehabilitation.
15.	Depoma (25) [2003] NSWCCA 382	2 x s.188(b) (dispose) Sched: 4 offences	PG	2y NPP 1y 4m (concurrent)	AD	similar offences	Pawned video recorder (\$400), jewellery (\$450) and TV receiver (\$300) – made false statements that he owned property – goods stolen from house broken into day before Unfortunate life – early drug use

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16.	Christou (25) [2003] NSWCCA 415	s.188(b)	PG	2y NPP 1y	AA 15m NPP 7m	Dishonesty offences – breached bond	Attempted to pawn goods stolen by co-offender during earlier break and enter Drug addict – very poor prospects of rehabilitation - parity
17.	Johnson [2004] NSWCCA 341	s.188(b)	PG	4y NPP 2y (concurrent with existing sentence)	AD	Lengthy record, inc dishonesty – breached conditional liberty	Sold stolen goods to finance drug habit Failed to address habit – previous escape from custody – special circumstances
18.	Bala (38) [2004] NSWCCA 345	5 x s.188(b) Accessory after fact to BES Sched: 3 offences	PG (20% on appeal)	2y NPP 15m 2y NPP 15m (concurrent)	AA 18m NPP 10m 18m NPP 10m (concurrent)	nil	Premises in affluent area of Sydney targeted for break and enter offences – employee of insurance company providing information to offender and brother – brother burgled houses – large amount of stolen property found at home of offender and brother Fled conflict in Kosevo
19.	Swan [2005] NSWCCA 252	2 x s.188(b) BES	PG (20%)	21m NPP 16m (concurrent) 30m NPP 22m Total: 2y 9m NPP 2y 4m	AA 21m NPP 10m (concurrent) 30m NPP 22m Total: 2y 9m NPP 2y	bed record for violence and dishonesty	Broke into residence and stole property – stolen goods from break and enters found at house four months later Significant drug problem
20.	Tetley (28) [2006] NSWCCA 22	3 x s.188(b) 3 x s.188(b) (dispose) Sched: 6 x obt benefit by deception	PG	2y 6m NPP 12m	AD	Nil	Cattle breeder and manager received and disposed of 195 head of cattle valued at \$55,350 – planned offence Good prospects of rehabilitation - delay

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21.	Abdallah (52) [2006] NSWCCA 90	2 x s.188(b) s.189A Sched: 2 x s.188(b)	PG (20%)	2y 6m NPP 18m 2y 6m NPP 18m (concurrent)	AD	Irrelevant	Bought large amounts of stolen property - range hoods, Turkish rugs and sets of luggage - isolated offences Strong subjective circumstances - bankrupt as a result of offences - severely depressed.
22.	J.R.D (53) [2007] NSWCCA 55	s.188(b) Supply comm qty ecstasy Obtain credit by fraud Sched: 2 x s.188(b)	PG (55% combined on appeal)	2y NPP 18m 2y NPP 18m FT 12m (all suspended)	Crown AA FT 10m 2y NPP 16m FT 2m 15d <u>Total:</u> 3y NPP 2y 4m 15d	extensive	Observed supplying ecstasy tablets to male after obtaining tablets from co-offender – unsuccessfully attempted to dispose of vodka stolen by co-offender in drug supply – schedule offences involved \$18,000 scissor lift and \$66,000 worth of property – used false document to obtain loan Serious medical problems - assistance
23.	Lukenic (45) [2008] NSWCCA 250	3 x s.188(b) s.188(b) (dispose) s.189A Sched: 3 offences	PG	<u>Total:</u> 2y 11m NPP 1y 9m	AA (to backdate only)	Dishonesty offences	Principal of criminal enterprise dealing in jewellery and other property stolen from burglaries and thefts of retail stores
24.	Tazelaar [2009] NSWCCA 119	5 x s.188(b) s.113(1) s.112(1) 2 x s.112(1) Sched: 16 offences	PG (15% on appeal)	4y NPP 2y FT 1y 5y 3m NPP 3y 3m 4y NPP 2y <u>Total:</u> 6y 3m NPP 4y 3m	AA FT 6m FT 1y 4y 6m NPP 2y 6m 4y NPP 2y <u>Total:</u> 5y 6m NPP 3y 6m	priors include break and enter offences – receiving offences committed while on bail	Broke into medical centre and stole small amount of property from four suites – ten months later found in possession stolen property at home drug user

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25.	Hinchcliffe (35) [2010] NSWCCA 306	s.188b 4 x supply Sched: housebreaking implements	PG	4y 6m NPP 2y 3y NPP 2y <u>Total:</u> 8y 6m NPP 6y	AA to adjust accumulation <u>Total:</u> 6y 6m NPP 4y	lengthy record – breached bail	Pharmacy broken into at night and prescription drugs stolen from safe – found in possession of drugs in safe under bed at home – morphine, dexamphetamine, methylphenidate and buprenorphine Drug addicted

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