

Demand Property With Intent to Steal

s.99(1) (NSW) Crimes Act

s 99(1) With menaces, or by force, demands any property from any person, with intent to steal

Maximum penalty: 10 years

(Amended on 14.12.2001 to add (2) - aggravated offence of demanding property in company: see separate table)

| | Case (age if known) | Offences | Plea | Sentence | Appeal | Record | Facts |
|----|--|---|------|--|----------------------|---------------------------------|---|
| 1. | Christie (37) [1999] NSWCCA 444 | 2 x s.99 | PG | MT 3y AT 1y | AD | sexual offences | Demanded and received money from building society - planned - attempt to disguise - no weapon used but made threat. Long history of alcoholism - contrition |
| 2. | Truong (24) [1999] NSWCCA 272 | s.99 | PG | MT 3y 6m AT 1y 2m | AD | significant including Att AR | Group of men demanded money from brothel |
| 3. | Bulling [1999] NSWCCA 429 | 2 x s.99 | PG | MT 3y AT 1y (each – concurrent) | AA MT 2y AT 2y | | Demanded money from service station – on first occasion gave impression he was armed and took \$355 – on second occasion took \$155 and cigarettes – observed to be intoxicated on second occasion Alcoholism – special circumstances |
| 4. | Nguyen (24) [2000] NSWCCA 44 | s.99 | VG | MT 3y 6m AT 1y 2m | AD | not relevant | With co-offenders visited brothel to demand protection money - two co-offenders outside with guns Refugee |
| 5. | Wong (18) [2003] NSWCCA 247 | 4 x s.99(1) Mal damage window | PG | <u>Total:</u> 2y 6m NPP 1y 6m | AD | | Member of gang who spent 6 weeks preying on Asian shopkeepers and restaurant owners demanding and receiving protection money – offender was part of show of force on several occasions when demands made – at request of leader splashed paint across front window of one establishment in response to resistance |

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| 6. | Smith (20) (2004) 144 A Crim R 577 [2004] NSWCCA 95 | s.99(1) | PG (25%) | 3y NPP 2y | AD | Poor – breached suspended sentence | Seized victim by shirt in street and demanded money – searched bag, shoes and pocket Judge erroneously took into account \$200 stolen but no lesser sentence warranted at law |
| 7. | J Antoun (37) A Antoun (44) [2004] NSWCCA 268 | s.99(1) s.99(1) | VG VG | 6y NPP 4y 6m 3y 6m NPP 2y 6m | AD | Lengthy record No previous gaol – out of character | Threatened nightclub owner for protection money over several months AA less culpable |
| 8. | Wright (32) [2006] NSWCCA 122 | 6 x s.99(1) Sched: 7 x s.99 | PG (40% plea and assist) | 4y NPP 3y | AD | Nil | Offender and victim worked together in store – victim saw offender stealing and told employer - offender lost his employment – on 13 occasions offender forced victim to withdraw money from his bank account threatening to bash and kill victim – extorted almost \$9k - serious threats of violence over period of time. |
| 9. | Cage (21) [2006] NSWCCA 304 | s.99(1) s.99(2) Assault Sched Mal damage Assault | PG (15%) | 12m NPP 9m 15m NPP 6m 7m NPP 5m <u>Total:</u> 2y NPP 15m | Crown AA 2y NPP 1y 2y 6m NPP 18m FT 7m <u>Total:</u> 3y NPP 2y | lengthy – breached bond | All offences committed within short space of time – two groups approached each other on street late at night – demanded wallet from victim and threatened twice to stab – subsequently part of about nine males who approached two males in shopping centre car park – demanded wallet – punched and chased victim – returned and damaged car – approached by first victim and victim’s mother and brother – spat in face of mother and threatened to stab – mid range seriousness Difficult childhood and drug addiction – suffering some mental health issues |

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| 10. | Lenard Fail [2006] NSWCCA 345 | s.99(1) Att influence witness s.99(1) Att influence witness | VG VG | 2y 9m NPP 1y 2m 1y 11m NPP 1y 5m <u>Total:</u> 3y 2m NPP 1y 7m | Crown AA 4y NPP 1y 7m 3y NPP 1y 6m <u>Total:</u> 4y 6m NPP 2y 1m | | Uncle of L involved in home invasion where victim's computer stolen – offenders involved in subsequent extortion campaign seeking \$200,000 for return of computer – 8 phone calls, two letters and two emails – L made 3 phone calls – F sent one letter and arranged two phone calls – offenders arranged meeting to hand over computer – planning – equal culpability L showed slightly more remorse Took into account on appeal imminent release |
| 11. | Marcus (31) [2007] NSWCCA 229 | s.99(1) | PG | 3y 6m NPP 2y | AD | Violence and property | Threatened two men – forced transfer of \$30,000 car – sustained offence over several days |
| 12. | Primmer (34) [2023] NSWCCA 301 | s.99(1) | PG (25%) | 4y NPP 2y 6m | AA (to backdate sentence only) | Assault offence – breached parole for serious domestic violence offence | Co-offender had work dispute with victim – offender phoned victim and made threats of serious violence against victim, wife and two children demanding \$15,000 – left second message – similar threats made to victim's ex-business partner – offence committed over four days – some planning – 'not insubstantial objective seriousness' Genuine remorse – guarded prospects of rehabilitation - proclivity to violence – mental health issues – special circumstances On appeal: erred in setting future commencement date |

Last updated: Dec 2023

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