

Demand Property With Intent to Steal in Company

s.99(2) (NSW) Crimes Act

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

(2) Commit offence under subsection (1) in company of another person or persons

Maximum Penalty: 14 years

Aggravated offence commenced 14.12.2001

| | Case (age if known) | Offences | Plea | Sentence | Appeal | Record | Facts |
|----|--|---|-------------|--|--|----------------------------|--|
| 1. | 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 |
| 2. | Han [2009] NSWCCA 300 | s.99(2) s.99(2) | VG | 3y NPP 2y FT 12m (concurrent) | AD | | As owner of restaurant believed employee stole money – manager of restaurant and others brought victim to room and demanded \$15,000 compensation for money stolen – threatened victim and girlfriend – victim signed IOU under threat – no money repaid – threatened again 8 months later when money not repaid – threats made by offender |
| 3. | Vaelia [2010] NSWCCA 113 | s.99(2) | PG (15%) | 4y 3m NPP 2y 1m 15d | AD | Breached bail | Three offenders approached male at train station – demanded money and pushbike – punched and kicked victim |

This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.

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| 4. | King (27) [2010] NSWCCA 202 | s.99(2) s.94 Steal from person Sched: s.94 GIC | PG (15%) | 2y 9m NPP 2y 25d FT 1y 10m 28d (concurrent) | AD | lengthy – includes armed robbery – breached bail | Female – approached victim with group of offenders – demanded phone – victim threatened by co-offender – later that day approached second victim in company of two offenders and took phone from phone pouch – stole money and cigarette holder from third female victim – found in possession of stolen cards – all offences committed on same day while intoxicated Born in New Zealand – sexually abused and exposed to violence in childhood – early drug and alcohol abuse – mother to two young children |
| 5. | Delaney (48) [2013] NSWCCA 150 | 2 x s.99(2) s.99(1) Deal with proceeds of crime | VG | 2y NPP 14m 18m NPP 10m 2y NPP 14m (all concurrent) | Crown AD | AOABH | Victim opened tattoo parlour – offender member of Rebels Motorcycle Club – with other members threatened victim and directed victim pay \$200 per week or "we can run you out of town" - victim met and handed over initial amount of \$200 to offender – took total of \$400 from offender Regretted involvement with Club – difficult upbringing – loving father to 2 children – depression Related case – CONNELL |
| 6. | Connell (50) [2013] NSWCCA 155 | 13 x s.99(2) 11 x Deal with proceeds crime | PG (10%) | <u>Aggregate</u> 3y 3m NPP 1y 9m | Crown AD | Lengthy history for dishonesty. Drugs, assault, AOABH. | Victim opened tattoo parlour - members of Rebels Motorcycle Club threatened victim and directed victim pay \$200 per week - offender participated in joint criminal enterprise to extort protection – attended victim's shop on twelve occasions and received various amounts in cash – \$1,817.30 cash located in car - \$750 from victim - offences of knowingly deal with proceeds of crime related to receipt of monies by offender from victim - callous behaviour Difficult upbringing Related case: DELANEY |

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| 7. | Christian (39) [2021] NSWCCA 300 | 4 x s.99(2) 3 x AOABH (s.59) Intimidation Agg enter dwelling (s.111(2)) s.166 certificate: 2 x drive disqual Receiving Sched: 6 offences | PG (25%) | <u>Aggregate</u> 8y NPP 6y | AA <u>Aggregate</u> 7y 6m NPP 5y | Lengthy. Violence, driving, drug matters. | Over a day demanded \$3,600 from male victim in company with co-offender and assaulted with rubber mallet – with co-offender slapped female victim to face demanding money - caused female victim to hand over the keys to her car after conveying to her father a threat to burn her car - grabbed male victim in a choke hold demanding victim sign over papers for his car. Extensive drug use – remorse - moderate to high risk” of reoffending but indications may rehabilitate. CCA: error in not giving effect to finding of special circumstances. |

Last updated: December 2021