

Kidnapping

s.90A (NSW) Crimes Act

s 90A lead, take, entice away or detain a person with intent to hold him or her for ransom or for any other advantage to any person

Maximum Penalty: 20 years
14 years (if liberated without substantial injury)

Repealed: 14.12.2001

	Case (age if known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	Angeles (18) [2001] NSWCCA 515 Elhalabi [2001] NSWCCA 516	s.90A [14y] s.90A [14y]	PG PG	3y NPP 15m 3y NPP 15m	AD AD	Nil Nil	With co-offenders planned to kidnap wealthy Chinese student and hold him for \$8 mill ransom. A: involved over several weeks before offence - acted as driver - waited in car while abduction took place - present and assisted when victim bound and moved to another location 6 days later - unaware of amount of ransom demand. E: agreed to participate for \$1000 - drove car to place of abduction - victim placed in boot of car
2.	Francis (24) [2002] NSWCCA 51	s.90A [20y] s.90A [20y]	PG	3y NPP 12m 3y NPP 12m (concurrent)	Crown AA 4y NPP 2y 4y NPP 2y (concurrent)		With 2 co-offenders detained two men over several hours – victims subjected to serious assaults and extreme fear for life
3.	Snowsill [2002] NSWCCA 157	s.90A [14y] Sched: Take and drive 6 offences	PG	4y NPP 2y	AD	criminal record	Caught attempting to steal car and pursued by police - entered car of 72y female - locked car and attempted to force victim to drive - drove 15 metres only - no injury
4.	McGourty (41) [2002] NSWCCA 335	s.90A [20y] Sched: 4 offences	PG	2y (suspended)	Crown AA 3y NPP 2y	nil	Drove vehicle for co-offenders - security guard kidnapped from shopping centre and driven to remote area - threatened with knife - tied up and left Suffering depression at time of offence - good prospects of not re-offending - involved with co-offender - changes since offence

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5.	Drummond (36)	s.90A [14y]	VG	4y 4m NPP 3y 3m	AD	lengthy - assault - breached parole	Sexual worker accused by D of stealing drugs - detained in bedroom over several hours by D and C - assaulted - escaped from room but returned by T - T less culpable - threatened by D with firearm
	Crook (29)	s.90A [14y]	VG	4y NPP 2y	AD	nil	
	Taranto (42) [2002] NSWCCA 413	s.90A [14y]	VG	3y 8m NPP 2y 9m	AA 3y NPP 2y 3m	extensive - breached bail	
6.	Schultz (31) [2002] NSWCCA 462	s.90A [14y] Sched: Rob in Co	PG	5y NPP 2y 6m	AA 4y NPP 2y 3m	old record - no imprisonment	Assisted co-offender to lure male victim to residence – handcuffed at gunpoint – took him to office and demanded money - took wallet and withdrew money Parity only
7.	Hendradinata (20)	s.90A [20y]	VG	4y NPP 1y 6m	Crown AA 5y NPP 3y		In company with other offenders victim lured into unit and detained for four days – severely beaten, kicked, punched and hit with baseball bat – threatened with weapons including gun and sword – money take from bank account – attempt to extort - offenders played significant but not main role Indonesian nationals – good family backgrounds – good prospects of rehabilitation – failure to show remorse or take responsibility for offence
	Rossi (18)	s.90A [20y]	VG	4y NPP 1y 6m	5y NPP 3y		
		s.33		12m NPP 6m	5y NPP 3y		
		<u>Total:</u> 4y 6m NPP 2y		<u>Total:</u> 6y NPP 4y			
	Antaredjo (19) (2003) 142 A Crim R 180 [2003] NSWCCA 161	s.90A [20y] s.33	VG	4y NPP 1y 6m 12m NPP 6m <u>Total:</u> 4y 6m NPP 2y	5y NPP 3y 5y NPP 3y <u>Total:</u> 6y NPP 4y		

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8.	Crawley (19) [2003] NSWCCA 149	s.90A [20y]	PG (20%)	10y NPP 6y 6m	AA 8y 9m NPP 5y 9m (parity only)	Minor	With three co-offenders detained 15y girl for four days – believed she had informed on one offender – victim tied up, tortured, burned and assaulted, sexually assaulted, choked – worst case category Severely disadvantaged childhood with sexual and physical abuse – intellectual disability, limited social skills and behavioural problems - parity
9.	Stott (59) [2005] NSWCCA 36	s.90A [20y]	PG (12%)	13y NPP 9y	AD	Prior convictions for similar offences although treated leniently at time – breached bail	Kept young female victim and her infant son as virtual slave over three years – victim assaulted, burnt and forced to take part in prostitution Ill health
10.	Green [2017] NSWCCA 282	s.90A [14y] s.61D(1) 2 x s.61D(1) Att s.61D(1)	PG	3y 6m 2y 2y 6m 2y 4m <u>Aggregate:</u> 7y 10m NPP 4y 4m	AD	Record but convictions not stated.	(1984) – drove 17y old female away in vehicle - penile-vaginal, cunnilingus, fellatio - charged in 2012 following identification by DNA profile. Juvenile at time of offence - psychiatric conditions

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