

Steal From Person

s.94(b) (NSW) Crimes Act

s 94 (a) robs or assaults with intent to rob any person,

(b) steals any chattel, money, or valuable security from the person of another

Maximum penalty: 14 years

Amended on 2.7.2018 to distinguish the two offences by letters (a) and (b)

	Case (age if known)	Offences	Plea	Sentence	Appeal	Record	Facts
1.	White (23) NSWCCA 29.5.1998	9 x s.94 Sched: 4 offences	PG	MT 5y AT 2y	AD	poor record - offences committed two months after being released to parole	Bag snatching from mostly elderly women - some victims injured. <i>Ellis</i> discount - protection - some evidence of drug rehabilitation
2.	Ali (21) NSWCCA 9.11.1998	s.94	PG	MT 2y AT 2y	AD	fraud, property offence, violence offence - escapee	Snatched bag containing cash and cheques (employer takings) from young female - caught by bystanders.
3.	Rohrick (32) [1999] NSWCCA 58	s.94	PG	MT 3y AT 2y	AA MT 2y 6m AT 2y 6m	record included robbery	Attempted to take bag from female with four young children having observed her withdrawing money from ATM - aggravated by element of violence and premeditation and involvement of children
4.	Reid (32) [2000] NSWCCA 166	s.94 - Acc after the fact LMV	PG	3y NPP 18m 2y NPP 18m (concurrent)	AD	appalling	With co-offender stole a car – drove car while co-offender leaned out and grabbed handbag from female pedestrian – drove short distance Aboriginal – removed from family at young age – drug addiction

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5.	SLR (16) [2000] NSWCCA 436	s.94 AOABH Steal from dwelling s.94	PG	FT 3m FT 6m FT 3m MT 4m AT 2y Total: MT 10m AT 2y	AA only to allow offender to be transferred to adult prison upon birth of child	breached bail	Female – ran up to 77y female on street and grabbed wallet – entered house of 76y male with Alzheimer’s to steal money – confronted by occupant and struck victim to head with ornament before stealing money – approached 75y male on street from behind – took wallet from back pocket and pushed victim over Living rough – drug and alcohol addictions – pregnant at time of sentencing Fresh evidence on appeal showed no facilities within juvenile detention centre to permit offender to keep baby
6.	Hua (19) [2002] NSWCCA 384	s.94 Demand money with menaces	PG	3y NPP 18m FT 11m (concurrent)	AA 2y NPP 7m FT 11m Total: 2y 11m NPP 18m	drugs, dishonesty and assault – breached parole	Approached and threatened 19y male walking down street – took money, phone and key card – forced victim to disclose PIN – approached Victim two days later – approached different victim next day – made threats – forced victim to sit in food area until victim escaped Vietnamese with little family support in background – early drug addiction
7.	Randall [2002] NSWCCA 239	s.94	PG (25%)	3y 6m NPP 21m	AA 2y 6m NPP 17m	hemp, alcohol	Stole handbag from elderly lady while she loaded shopping into car Aboriginal with intellectual impairment SJ erred in taking into account that offender had pushed victim
8.	Miski (19) [2002] NSWCCA 392	s.94 AOABH	PG (25%)	4y NPP 3y FT 12m (concurrent)	AA 3y 6m NPP 2y 3m FT 12m (concurrent)	dishonesty offences – breached suspended sentence	Approached victim walking down street and grabbed phone – gave phone to second male – demanded money from victim to retrieve phone – grabbed victim in headlock and punched in mouth - victim agreed to pay \$200 to retrieve phone Drug addiction – fresh evidence of protective custody
9.	Young (23) [2003] NSWCCA 276	s.94	PG (25% on appeal)	4y NPP 18m	AA 3y NPP 18m	AR, violence	Stole mobile phone from young male victim camping with friends – threatened with tree branch – intoxicated Remorse

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10.	Wilson (22) Murphy (female) (33) [2004] NSWCCA 94	s.94 Sched: 3 x GIC s.94 Sched: Receiving	PG PG	3y 6m NPP 2y 3y 6m NPP 1y	AD AD	Appalling Appalling	Bag taken from complainant sitting at food stall – no violence Deprived backgrounds - drug addiction – some prospects of rehabilitation SM has marked mental and psychological disadvantages – sentence cumulated to existing sentence
11.	Trindall [2005] NSWCCA	2 x s.94 Assault	PG (25% on appeal)	4y NPP 2y FT 2y (concurrent)	AA 3y NPP 18m FT 18m (concurrent)	extensive record – breached parole	Female – approached female sitting at trial station – hugged her and took wallet from handbag – approached second female and hugged her also – grabbed wallet from bag – in struggle victim pulled to ground and head banged on concrete three times Difficult background
12.	Kumar [2007] NSWCCA 352	s.94	PG	3y NPP 2y	AD	Theft	With co-offender stole mobile phone from male victim – apprehended one month later when recognised by victim Drug addiction
13.	Edwards (32) [2009] NSWCCA 199	s.94	PG	2y NPP 15m Suspended	AD	Priors for dishonesty and stealing from person	Female – grabbed money from male who had just withdrawn it from ATM – squeezed hand of victim Seven children and pregnant at time of sentence – suffering developmental disability Suspension revoked after commission of additional offences - appeal against both original sentence and revocation dismissed

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14.	Ruano [2011] NSWCCA 149	s.94 s.94 s.94	PG (25% - see judgment of Rios)	2y 3m NPP 1y 5m 17d 1y 10m NPP 1y 2m 18d 3y NPP 1y 11m 12d <u>Total</u> 3y 11m NPP 2y 10m 12d	AA 2y 3m NPP 1y 5m 17d 1y 10m NPP 1y 2m 18d 3y NPP 1y 8m <u>Total</u> 3y 11m NPP 2y 7m	Lengthy criminal record	Female - with co-offenders stole substantial amounts of cash while victims distracted - \$3,500 taken from pocket of 79y male in shopping centre – 12m later \$1,600 in envelope in shopping trolley taken – \$21,296 taken from handbag while co-offenders distracting victim – part of syndicate of highly organised thieves
15.	Rios (51) [2012] NSWCCA 8	s.94 s.94 s.94	PG (25%)	2y 7m 15d NPP 1y 11m 19d 2y 3m NPP 1y 8m 7d 3y 4m 15d NPP 2y 6m 11d <u>Total</u> 4y 3m 16d NPP 3y 5m 12d	AA 2y 7m 15d NPP 1y 11m 19d 2y 3m NPP 1y 8m 7d 3y 4m 15d NPP 2y 3m 17d <u>Total</u> 4y 3m 16d NPP 3y 2m 17d	Record – breached bail	With co-offenders stole substantial amounts of cash while victims distracted - \$3,500 taken from pocket of 79y male in shopping centre – 12m later \$1,600 in envelope in shopping trolley taken – \$21,296 taken from handbag while co-offenders distracting victim – part of syndicate of highly organised thieves
16.	Wingco [2018] NSWCCA 187	8 x s.94 Sched: 7 offences	PG (25%)	<u>Aggregate:</u> 3y 4m NPP 1y 10m	AD	Stealing, larceny goods in custody. Previous custody. Subject to ICO at time of offences.	Female - stole wallets / purses from number of victims at shopping centres – wallets containing cash and bank cards – large amount of cash, wallets and other items located at offender's home - well below mid-range of seriousness, approaching bottom of range. Kleptomania.

Last updated: Oct 2018

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