

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 3y NPP 1y 3m 2y NPP 18m <u>Total:</u> 3y 6m NPP 1y 9m	Crown AA 4y NPP 1y 7m 3y NPP 1y 6m <u>Total:</u> 4y 6m NPP 2y 1m 4y NPP 1y 9m 3y NPP 1y 6m <u>Total:</u> 4y 6m NPP 2y 3m		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

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