

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.

	Case (age if known)	Offences	Plea	Sentence	Appeal	Record	Facts
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

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

	Case (age if known)	Offences	Plea	Sentence	Appeal	Record	Facts
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