

## Aggravated Car Jacking

s.154C(2) (NSW) *Crimes Act*

### s 154C(1)

- (a) assaults another person with intent to take a motor vehicle or vessel and, without consent, takes and drives it, or takes it for the purpose of driving,  
or  
(b) without consent takes and drives or takes for the purpose of driving a motor vehicle or vessel, when a person is in or on it

### (2) Commits offence under subsection (1) in circumstances of aggravation

**Maximum Penalty:** 14 years

### (3) Circumstances of aggravation means any one or more of the following:

- (a) alleged offender is in company of another person or persons,  
(b) alleged offender is armed with an offensive weapon or instrument,  
(c) alleged offender intentionally or recklessly inflicts actual bodily harm on any person.

**Commenced 14.12.2001**

	NAME (age if known)	OFFENCE	Aggravating Circumstance	PLEA	SENTENCE	APPEAL	RECORD	SUMMARY
1.	Campbell (30) <a href="#">[2003] NSWCCA 176</a>	Att s.154C(1) s.154C(2) s.154C(2) Sched: 3 offences	inflict ABH  inflict ABH	PG (20%)	FT 1y  4y NPP 18m  FT 18m  (all concurrent)	AD	Lengthy record	Struggled with male victim sitting in car at service station – victim thrown in front of on coming car but not struck – entered second car, grabbed steering wheel and used accelerator from passenger side – collided with another vehicle and hit female driver with elbow – bit female driver of third car on hand, took keys and stole car – suffering drug induced psychosis at offence Brain injuries from previous accident – dysfunctional childhood

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2.	<b>Tuncbilek</b> (25) <a href="#">[2004] NSWCCA 139</a>	s.154C(2)  Assault with intent s.97(1)	In company	PG (25%)	7y NPP 4y 6m  7y  <u>Total:</u> 10y NPP 7y 6m	AA 5y NPP 3y  5y 4m NPP 3y 6m  <u>Total:</u> 7y NPP 5y	Breached parole – lengthy record	<b>SNPP – 5 years</b> Attempted to rob victim with small silver pistol – left when victim indicated no money – 2 weeks later pulled 54y female victim from her car – during struggle for keys punched victim several times in head area Early drug abuse – intellectual disability
3.	<b>Drew</b> (22) <a href="#">[2005] NSWCCA 50</a>	s.154C(2)  4 summary offences	Armed with offensive implement	PG (20% on appeal)	5y NPP 3y	AA 4y NPP 2y	Breached bond – record includes violence	<b>SNPP – 5 years</b> Female – demanded keys from female victim in car while holding scissors – punched victim twice in face during struggle – threw rock breaking back window – victim and passengers fled car – offender drove off crashing car short time later Deprived background – alcohol abuse – intoxicated at time of offence
4.	<b>Pritchard</b> (21) <a href="#">[2006] NSWCCA 2</a>	s.154C(2)  s.97(1)  Escape  Sched: 6 offences	Armed with offensive implement		5y NPP 3y  5y NPP 3y  FT 12m  <u>Total:</u> 6y NPP 4y	AD	Lengthy record	<b>SNPP – 5 years</b> Escaped from Correctional Centre – at large over 2 months – took mobile phone and car from custodial officer
5.	<b>Barker</b> (19)  <b>Gibson</b> (22)  <a href="#">[2006] NSWCCA 20</a>	s.154C(2)  Sched: 2 x carried in conveyance  s.154C(2)  Sched: 2 x carried in conveyance	In company	PG (15%)  PG (15%)	3y 6m NPP 18m  3y 6m NPP 18m	Crown AA Sentences to commence at later date to reduce concurrency with existing sentences	Multiple offences – breached bond  Multiple offences	<b>SNPP – 5 years</b> 2 offenders and juvenile stole car in Dubbo – pursued by police near Orange and abandoned car – second vehicle stolen in Bathurst – police chase to Penrith where car crashed and abandoned – approached victim alighting from car – threatened to kill and pushed over – drove off in car – opportunistic offence – low violence B – aboriginal – low intelligence – early drug abuse G – aboriginal – illiterate – early drug abuse

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10.	<b>Trad</b> (20) (2009) 194 A Crim R 20 <a href="#">[2009] NSWCCA 56</a>	s.154C(2)  2 x Rob in Co  Dishonestly interfere with a unique identifier – s.154H  Dispose stolen property  Sched: One offence	In company	VG  VG  PG  VG	5y NPP 3y  FT 2y  FT 11m  FT 2y  <u>Total:</u> 8y 3m NPP 5y 3m	AD	Breached conditional liberty – record for relatively minor offences	<b>SNPP – 5 years</b> Arranged to meet victim to discuss sale of car – attended with four co-offenders – co-offender produced what appeared to be firearm – stole personal items from victim and brother-in-law – threatened victims with firearm and drove off in car – changed engine identifiers – sold vehicle, stole vehicle from purchaser and burnt it out – car jacking carefully planned – mid range offence
11.	<b>Assaad</b> (20) <a href="#">[2009] NSWCCA 182</a>	s.154C(2)  Rob in Co  AR  Sched: Assault w/i rob	In company – armed with offensive weapon	PG	2y 6m NPP 1y 3m  2y 6m NPP 1y 3m  2y 6m NPP 1y 3m  <u>Total:</u> 3y NPP 1y 9m (Periodic Det)	Crown AD  Sentences inadequate - discretion exercised due to rehabilitation	Serving sentence of periodic detention	<b>SNPP – 5 years</b> Robbed jewellery store with co-offenders – victims tied up and watched over by offender with knife – on separate occasion robbed taxi driver at knifepoint with co-offender – driver forced out of taxi and vehicle driven off Drug addiction and mental illness due to traumatic life events – significant rehabilitation
12.	<b>Graham</b> (31) <a href="#">[2009] NSWCCA 212</a>	Assault with intent s.154C(2)  Sched: Larceny	In company	PG (50% plea and assist)	4y NPP 2y	AD	Breached conditional liberty – substantial record	<b>SNPP – 5 years</b> Female prostitute – in car with victim for purposes of providing sexual services – co-offender threatened victim with knife and demanded car keys – stole car and \$400 from wallet – planned offence committed for money – no prior knowledge co-offender would use knife Remorse - sexually and physically abused as a child – early drug abuse – addicted to ice – mental health issues requiring intensive treatment

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13.	<b>Aguirre</b> (19) <a href="#">[2010] NSWCCA 115</a>	s.154C(2)  s.97(2)  s.97(2)  Sched: Aid and abet s.154C(2)	Armed with offensive weapon	PG (25%)	FT 4y  FT 6y  6y NPP 2y  <u>Total:</u> 12y NPP 8y	AA 6y NPP 4y  FT 6y  6y NPP 2y  <u>Total:</u> 12y NPP 8y	Breached bail – prior record but no priors for driving of robbery offences	<b>SNPP – 5 years</b> With co-offender approached driver of car in driveway of victim's house – threatened with knives, dragged driver out of car to ground – drove off with car valued at \$147,000 - used car in robbery of armoured truck – 4 co-offenders armed with handguns – placed guard in headlock and pushed gun against neck – on separate occasions inspected car for sale – co-offender pushed driver out and drove off in car – used car to rob second armoured truck - substantial degree of planning to all offences – all above mid-range Extensive drug use prior to offences – limited prospects of rehabilitation Error in failing to set NPP for aggravated car jacking where SNPP applied
14.	<b>Foster</b> <a href="#">[2011] NSWCCA 285</a>	s.154C(2)  Use weapon to avoid arrest  Receiving  s.166 Certificate 5 driving offences	Armed with offensive weapon	VG	8y NPP 6y  6y NPP 3y  FT 18m  <u>Total:</u> 11y NPP 8y	AA 7y NPP 5y  5y NPP 2y  FT 18m  <u>Total:</u> 9y NPP 6y	includes violence and resisting police	<b>SNPP – 5 years</b> Threatened female with scissors and demanded car – demanded victim accompany him in car – victim escaped while offender trying to start car – drove off erratically colliding with car and pine tree, mounting footpath and entering garden of house – fled on foot and attempted to evade police brandishing scissors – intoxicated – about or just above mid-range
15.	<b>Baghdadi</b> (19) <a href="#">[2012] NSWCCA 212</a>	2 x s.154C(2)  s.154C(2)  3 x Fire firearm in public	Armed with offensive weapon	PG	8y NPP 5y  8y NPP 5y  FT 2y  <u>Total:</u> 12y NPP 9y	AA 8y NPP 5y  8y NPP 4y  FT 2y  <u>Total:</u> 12y NPP 8y	lengthy – includes armed robberies and car jacking	<b>SNPP – 5 years</b> Offences committed on three occasions – cut off driver and threatened with hand gun – fired gun into ground – drove off in car – on second occasion attempted to take car – threatened driver and fired shots into bonnet – on third occasion approached car with co-offender – co-offender threatened driver with gun – worse than mid-range

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16.	<b>Hammond</b> <a href="#">[2013] NSWCCA 28</a>	s.154C(2)  Summary offence	Armed with offensive weapon		6y NPP 4y 6m  FT 6m (concurrent)	AD		<b>SNPP – 5 years</b> Forced victim to drive offender and friends in car – made threats during journey – threatened victim with knife to throat- victim punched by offender's friend – offender drove car with victim as passenger
17.	<b>Dawson</b> (28) <a href="#">[2015] NSWCCA 236</a>	s.154C(2)  Police pursuit  Police Pursuit  s.33B(1)(a)  Sched: 4 offences	Armed with offensive weapon	PG	7y NPP 4y  18m NPP 9m  2y NPP 12m  4y NPP 3y  <u>Total</u> 9y 6m NPP 6y 6m	AD	offences involving stolen cars and driving including dangerous driving causing death	<b>SNPP – 5 years</b> Stole car and petrol – observed speeding by police officer who commenced pursuit – dangerous driving resulted in losing control and colliding with another vehicle – threatened off-duty police officer with knife before forcing car on motorway to stop and entered passenger seat – threatened driver with knife and instructed to drive in manner dangerous to avoid second pursuit – driver slowed down and alighted – offender took over driver pursuit stopped Low intelligence – early drug user
18.	<b>Kelly</b> <a href="#">[2021] NSWCCA 205</a>	s.154C(2)  Sched: Reckless driving  Summary off: Drive unlicensed 6 x Fail to stop	recklessly inflicts actual bodily harm	PG (25%)	3y 9m NPP 1y 9m  Conviction – no further penalty	AD	History disentitles offender to leniency – breached bail for domestic violence offences	<b>SNPP – 5 years</b> Entered car of 89y male driver in slow moving traffic – when car stopped at petrol station forcibly ejected driver to ground – drove off in car – collided with seven vehicles – impulsive offence Dysfunctional upbringing – guarded prospects of rehabilitation On appeal: erroneously took into account breach of bail as aggravating seriousness of offence – on re-sentence found offence mid-range

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