

## 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 male – low intelligence – early drug abuse G – Aboriginal male – illiterate – early drug abuse

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6.	<b>MB</b> (17/18) <a href="#">[2007] NSWCCA 245</a>	s.154C(2)  s.35	In company	VG  PG	7y 6m NPP 5y  4y NPP 2y 6m  <u>Total:</u> 7y 6m NPP 6y	AA 5y NPP 3y  4y NPP 18m  <u>Total:</u> 6y NPP 4y	Record including violence offences	<b>SNPP – 5 years</b> During confrontation with police threw beer bottle striking officer in face – serious injuries – 8m later punched driver and stole car while in company of co-offender Troubled childhood – drug addiction – some prospects of rehabilitation
7.	<b>Matthews</b> (23) <a href="#">[2007] NSWCCA 294</a>	Att s.154C(2)  s.95(1)	In company	PG (25%)	2y 3m 15d NPP 12m PD  21m 15d NPP 12m (concurrent)	Crown AD	Breached bond	<b>SNPP – 5 years</b> Put arms around throat of taxi driver and demanded money – pushed driver out of taxi and drove off – opportunistic – towards bottom of range Drug problem – prospects of rehabilitation – remorse On appeal: sentences inadequate - discretion exercised due to rehabilitation
8.	<b>Burns</b> (32) <a href="#">[2008] NSWCCA 260</a>	s.154C(2)  Att s 97(2)	Armed with offensive weapon	PG (25%)	FT 3y  7y NPP 4y 6m  <u>Total:</u> 8y 6m NPP 5y 6m	AA FT 3y  6y 4m NPP 4y 6m  <u>Total:</u> 7y 4m NPP 5y 6m	Extensive record including robbery	<b>SNPP – 5 years</b> Attempted to rob post office with replica pistol – grabbed keys from woman on street and stole car to get away Early drug addition – mental illness
9.	<b>Alkanaa</b> (19) <a href="#">[2009] NSWCCA 44</a>	s.154C(2)  Att s.154C(2)  Mal discharge firearm w/l to cause GBH  Sched: Att s.154C(2)	In company – armed with offensive weapon	PG (20%)	6y NPP 4y  2y 3m NPP 1y 9m  4y NPP 1y  <u>Total:</u> 8y NPP 5y	Crown AA Adjustment to accumulation     <u>Total</u> 9y NPP 6y	Record including discharge firearm	<b>SNPP – 5 years</b> Approached and threatened female driver with pistol – victim drove off – took car from car wash after threatening attendant and owner with gun – three days later attempted to enter car at traffic lights – up to ten shots fired at car as it drove off – struck driver in shoulder – s.154C(2) offence mid-range Iraqi national exposed to violence – low intelligence – early drug addiction

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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 knife point 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 disintitles 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

Last updated: Aug 2021

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