

Robbery

s.94(a) (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.	Forrest (25) Legge (female) (33) NSWCCA 26.3.1997	s.94 (ass w/i rob) s.94 Sched: Ass w/i rob	PG PG	MT 2y AT 2y 3m MT 3y AT 18m	AD AD	property offences property, violence and drug offences	F drove victim in car to bushland - L demanded money from victim with knife - victim assaulted
2.	Green (29) NSWCCA 29.9.1997	s.94	PG	MT 3y AT 3y	AA MT 2y AT 2y	assault, property, firearm and driving offences	Robbed bank dressed in beanie, sunglasses and gloves. Significant mental illness subsequent to sentence.
3.	Johns NSWCCA 27.4.1998	s.94 – Assault with intent to rob	PG	MT 3y AT 2y	AD	record - details not stated - serving sentence for unrelated offence	With co-offenders, attended victim's home demanding cannabis or money – victim struck and kicked by co-offenders
4.	Morgan (28) NSWCCA 24.6.1998	s.94 Sched: 2 offences	PG	MT 2y 6m AT 2y 6m	AD	property and other offences	Dragged woman from car in car park and stole handbag - threatened victim - waited while victim called for help then left with handbag - intoxicated
5.	McKendrick [1999] NSWCCA 87	s.94 - Acc before the fact	VG	MT 2y AT 8m	AA MT 1y 6m AT 6m	nil significant	Manager of petrol station - provided information to co- offenders - co-offenders robbed employee on way to bank Parity - long delay

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6.	Ernst [1999] NSWCCA 84	s.94 - Assault with intent to rob	PG	MT 3y AT 1y	AA MT 2y 3m AT 9m	Not stated.	Followed woman home from train and struck her a number of times with beer bottle - took handbag Intoxicated - protective custody taken into account.
7.	Perrett [1999] NSWCCA 115	s.94	PG	3y GBB	Crown AD	nil	Robbed pizza delivery man with co-offender - stood to one side holding cricket bat Remorse - repaid all money - exceptional circumstances
8.	Carroll [1999] NSWCCA 176	s.94 Larceny Assault with intent to avoid detention Sched: 4 offences	PG	MT 3y AT 3y FT 6m FT 12m (concurrent)	AD	includes AR – breached parole and bail	Approached female from behind – punched victim in back and attempted to grab bag – no intention to hurt victim
9.	Otto (22) [1999] NSWCCA 190	s.94 SMV Breach recognisance Sched: 7 offences	PG	MT 4y AT 2y FT 12m FT 6m (all concurrent)	AD	formidable	One of three men who stole car from car park – two nights later car driven up behind female and handbag grabbed – victim fell over causing some injuries – similar offences on schedule
10.	Fraser (23) [1999] NSWCCA 212	s.94 Sched: Possess cannabis	PG	MT 12m AT 18m	AA MT 9m AT 21m	motor vehicle offences	Robbed pharmacy with co-offender - waited until no customers in shop Remorse - unhappy and violent childhood - left home early - evidence of rehabilitation - special circumstances

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11.	Basilious (18) [1999] NSWCCA 219	s.94 Steal from person BES		MT 9m AT 12m FT 6m MT 3m AT 18m <u>Total</u> MT 12m AT 18m	AD	breached probation for drug and dishonesty offences	Went to home of acquaintance and demanded phone – used larger physique to intimidate victim – 5 days later confronted 16y male in public toilets, grapple with victim and stole phone – broke into home and stole CDs Evidence of improvement in behaviour – head injury may have had some impact on behaviour
12.	Reynolds [1999] NSWCCA 238	2 x s.94	PG	MT 2y AT 2y (concurrent)	AD	stealing, assault, drug offences, BES - breached recognisance and periodic detention order	Robbed shops on two occasions, struggling with shopkeepers - first victim injured on back and arm - second victim punched in face Drug addiction
13.	Morris (22) [1999] NSWCCA 252	s.94 Sched: BES	PG	MT 2y 3m AT 1y 9m	AD	Lengthy record including AR - breached bail	Threatened victim in telephone booth and snatched wallet. Drug addiction - special circumstances
14.	Toritto (39) [1999] NSWCCA 288	s.94 s.94 – Assault with intent to rob Sched: 4 x offences	PG	MT 3y AT 1y FT 18m (concurrent)	AD	prior convictions - breached parole and bail	Grabbed gold chain from neck of victim from behind - attempted to snatch bag from second victim - struggled with victim but unsuccessful - both victims female Drug addiction
15.	Sweetman (36) [2000] NSWCCA 228	s.94	PG	MT 12m AT 18m	AD	prior convictions	Went behind counter in store with hand under shirt - took money and left Intoxicated - remorse - spontaneous
16.	Leonard (33) [2000] NSWCCA 318	s.94	VG	MT 3y AT 12m	AA 4y NPP 2y	prior convictions	Struggled with 86y female and stole groceries and purse - most serious case Aboriginal male - alcohol problems - psychiatric difficulties - assault in gaol - special circumstances.

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17.	Taylor (18) [2000] NSWCCA 442	s.94	PG	FT 2y suspended	Crown AD	nil	Pushed 43y female down stairs at railway station and grabbed her handbag while she was trying to get up - caught by bystanders. Heroin addict.
18.	Lennox (39) [2000] NSWCCA 449	s.94 – Assault with intent to rob Sched: Possess HB implements	PG	MT 4y AT 12m	AD	appalling criminal record - breached parole - released from custody 4 days earlier	Attempted to steal purse from female who had just withdrawn money from ATM - in struggle victim fell to ground Drug addiction
19.	Burke (35) [2000] NSWCCA 450	s.94	VG	3y 6m NPP 18m	Crown AD	lengthy record including violence - on parole for murder	Robbed bank of \$3,000 - dressed in sunglasses, cap and stocking over head Anti-social and schizoid elements in personality
20.	Binnie (38) [2000] NSWCCA 483	s.94	PG	MT 6y 9m AT 2y 3m	AA 7y NPP 4y	lengthy record - breached parole	Robbed post office of \$1,000
21.	Symiziris (31) [2001] NSWCCA 38	s.94 Sched: Receiving	PG	FT 2y	AA 2y NPP 16m	drug, driving and property offences	Robbed video store of \$600 Evidence of rehabilitation - disabilities caused from car accident
22.	Ward (34) [2001] NSWCCA 141	s.94	PG	3y 6m NPP 2y	AD	property, violence and driving offences	Attempted to snatch bag from 74y female - threatened to kick - victim fell to ground in struggle Drug addiction - some evidence of rehabilitation
23.	Warman (32) [2001] NSWCCA 147	s.94 Sched: Multiple offences	PG	7y NPP 4y	AD	lengthy record - breached parole	Followed owner of service station home after he closed up - grabbed victim by shirt then stole briefcase with takings from service station Remorse - personality disorder - evidence of attempted rehabilitation - drug addiction
24.	Jarman (30) [2001] NSWCCA 178	s.94 Sched: BES	PG	MT 3y 6m AT 2y 6m	AA 6y NPP 2y 9m	lengthy record - breached bail and parole for robbery	Robbed bank of \$1,670 - told teller he had a gun Co-operated with police - genuine attempt to overcome addiction
25.	Mannering (39) [2001] NSWCCA 275	s.94	PG (15% on appeal)	5y NPP 3y	AA 3y 6m NPP 2y 3m	lengthy record although no imprisonment	Asked 69y female shop keeper for cigarettes then sprayed victim with capsicum spray - stole money Heroin addiction - remorse - attempts at rehabilitation - coping with death of mother

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26.	Rudenko (24) [2001] NSWCCA 519	s.94 Sched: 2 x drug offences	PG (15%)	3y 5m NPP 2y 6m	AD	dishonesty offences - breached bond	Robbed TAB employee of \$7,926 in briefcase attached to her arm - showed victim federal police badge, pushed her away and used pliers to cut chain Drug addiction
27.	Andrews (35) [2002] NSWCCA 18	2 x s.94 4 x Accessory after fact to s.94	PG	4y 6m NPP 2y FT 12m	AA 3y 6m NPP 18m FT 12m	property, violence and driving offences	Female - driver of vehicle used by de facto and another to commit robberies on retail outlets - accompanied by children on several occasions Influenced by co-offender - good prospects of rehabilitation
28.	Hoadley (28) [2002] NSWCCA 39	s.94	PG	2y NPP 18m	AD	lengthy record	Followed victim after ATM transaction - knocked victim to ground and took mobile phone Some prospects of rehabilitation
29.	Christian (43) [2002] NSWCCA 264	s.94 s.94 Sched: s.94 Demand money w/i to steal	PG	3y 2m NPP 2y 3y 2m NPP 2y (concurrent)	Crown AA 4y NPP 2y 3y 2m NPP 2y (concurrent)	very lengthy record - breached parole	Robbed TAB agency pretending to be armed with gun - 3 days later robbed video store in same circumstances - schedule offences involved TAB agencies Aboriginal male - drug addiction - depressive illness responding to treatment
30.	Ingram (21) [2002] NSWCCA 398	s.94 Sched: 3 x Obtain by deception BES	PG (12-15%)	3y 6m NPP 18m	AA 3y NPP 15m	driving, minor drug and shoplifting offences - serving bond and imprisonment	Snatched bag from 75y lady on street - violently shook bag and caused victim to fall – spontaneous offence Genuine remorse - drug addiction - evidence of rehabilitation - borderline personality disorder - need for extensive counselling - fresh evidence as to protective custody status
31.	Marinos [2003] NSWCCA 136	s.94	PG (25%)	2y 3m NPP 15m	AA 2y 3m NPP 9m	Minor record	Snatched bag from 56y woman on street. Drug addiction – some steps towards rehabilitation

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32.	Logan (21) [2003] NSWCCA 185	s.94 Steal from person Mal damage	PG (20%)	5y 6m NPP 2y 6m FT 2y 3m FT 12m <u>Total:</u> 6y NPP 3y	AD	record but no custody – breached conditional liberty – second offences breached bail	Followed male victim walking down street – threatened to stab twice – took watch – two months later opened passenger door of car where female victim sitting in driver's seat – grabbed bag – when pursued threw phone against wall Alcohol problem after death of young brother – remorse – Aboriginal male - low intelligence
33.	Eid (26) [2003] NSWCCA 211	s.94	PG	4y NPP 3y	AA 4y NPP 2y 8m	Significant record including armed robbery – on parole	Approached stationary vehicle at lights and forced victim from car – stole car – drug debt Prospects of rehabilitation from long-term drug addiction
34.	Penalosa-Munoz (24) (2004) 143 A Crim R 594 [2004] NSWCCA 33	s.94	PG (80% for plea and Ellis)	18m NPP 1m	Crown AD	Nil	Robbed complainant at ATM – threat to kill if went to police Colombian with turbulent and violent background – voluntary confession – genuine contrition – prior good character – excellent prospects of rehabilitation – HIV - delay
35.	Whitton [2004] NSWCCA 313	Att s.94 Steal from person	PG (25%)	4y 6m NPP 2y 6m FT 18m <u>Total:</u> 5y 6m NPP 3y 6m	AA 4y NPP 1y 9m FT 12m <u>Total:</u> 5y NPP 2y 9m	lengthy – breached parole – second offence breached bail	Co-offender stopped 17y female to ask directions – offender stole wallet from bag while victim distracted – 2 months later attempted to grab bag from 17y female approaching train station – in struggle victim pulled to ground Violent childhood marked by deprivation
36.	Gibbs (18) [2004] NSWCCA 399	s.94	PG	3y NPP 16m	AD	Breached control order for agg robbery	Grabbed bag from victim standing at railway – impulsive – low level of violence Seriously dysfunctional childhood including violence and disadvantage – borderline intelligence – drug and alcohol abuse – Aboriginal male

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37.	Iese (18) [2005] NSWCCA 418	s.94 Att s.95 Sched: s.95	PG (20%)	2y 6m NPP 15m FT 9m (concurrent)	AD	nil	Approached young male waiting at trial station and stole phone – forced victim to ATM and threatened to stab him to obtain PIN – not armed – unable to extract money – victim escaped – 6 months later approached acquaintance at trial station and stole phone Mildly intellectually disabled – remorse – 2 year delay
38.	Rend (24) (2006) 160 A Crim R 178 [2006] NSWCCA 41	s.94	VG	4y NPP 2y	AA 3y NPP 1y 6m	drug and driving offences	Female – drove car stolen by partner around streets of Newtown – partner alighted and robbery male victim on street – co-offender principal role Violent and sexually abusive childhood – became mother at early age
39.	Vos (38) [2006] NSWCCA 234	s.94 - Assault with intent to rob s.33B Sched: Steal from person	PG (25%)	6y NPP 3y 6y NPP 3y (concurrent)	AA 4y NPP 2y 4y NPP 2y <u>Total:</u> 4y 6m NPP 2y 6m	poor – breached conditional liberty	Grabbed arm of 55y male standing at bus stop – attempted to take wallet – in struggle attempted to punch victim – produced knife as victim and bystander attempted to detain offender – 10 minutes later approached 80y walking down street – grabbed front of jacket and stole glasses – intoxicated Violent upbringing – long term addiction – genuine remorse and desire for rehabilitation
40.	Muscat [2006] NSWCCA 259	s.94	PG (20%)	18m NPP 9m Periodic Det	Crown AD	Not significant	Involved in robbery of shop employee taking money to bank – provided inside information to co-offender – lesser offender Good character – good prospects of rehabilitation
41.	Daniels [2007] NSWCCA 372	s.94	PG	4y NPP 2y	AD	Lengthy	Entered university cafeteria - threatened manager and took \$2480
42.	Kokaua (21) [2008] NSWCCA 111	s.94 – Assault with intent to rob	PG	3y 6m NPP 1y 9m	AD	yes	Assaulted victim in park – put hand in victim's pocket Mental health issues - schizophrenia type symptoms- need for close supervision – special circumstances.

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43.	Antonio (24) [2008] NSWCCA 213	s.94 s.97 – Rob in Company Sched: Intimidation GIC	PG (25%)	7y 6m NPP 3y 6m FT 12m <u>Total</u> 7y 6m NPP 4y 6m	AA / Crown AA 6y NPP 3y FT 2y <u>Total</u> 7y 6m NPP 4y 6m	extensive – robbery offences – released to parole day before first offence	Approached victim waiting at bus stop – co-offenders standing nearby – demanded and received money, watch and phone – approached female shop assistant and claimed he held gun – became agitated and took float from till Mental health issues
44.	Pace (27) [2008] NSWCCA 233	2 x s.94 2 x Att s.94	PG	3y NPP 1y 3y NPP 1y <u>Total</u> 3y 1m NPP 13m	Crown AD	Record – Breached bail and parole	Robbed convenience store using death threats – one month later attempted to rob convenience store with stocking over head – robbed fast food shop - attempted to rob third store but detained by security guards Admissions to police - schizophrenic
45.	Devine [2009] NSWCCA 261	s.94	PG (25% on appeal)	2y NPP 18m	AA 18m NPP 12m	Breached drug court suspension order – extensive criminal record	Stole money and possessions from acquaintance in shop Drug addiction
46.	Darby (31) [2011] NSWCCA 52	s.94 – Assault with intent to rob Sched: Act w/i pervert course of justice	PG (15%)	500h CSO with conditions	Crown AD	Dishonesty offences – demand money with menaces	Half-brother attempted to rob offender's employer at take away food shop – struck victim to head with claw hammer – provided co-offender with information – became aware of hammer at last minute – drove co-offender from scene – asked friend to provide false alibi – breach of trust – low range Difficult childhood – early drug addiction – under negative influence of half-brother – some rehabilitation since offence – remorse – true 'crossroads' case

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47.	Osborne (27) [2011] NSWCCA 112	2 x s.94 2 x s.94 s.94 s.94	PG	FT 2y FT 2y 2m FT 2y 4m 5y NPP 2y 6m <u>Total</u> 6y 6m NPP 4y	AD	Lengthy - violence, dishonesty - on bail.	Robbed building societies – approached tellers in threatening manner and demanded money – obtained approx \$14k – much spent on household expenses. Some evidence of gambling issues - mental health. special circumstances – first time in substantial custody
48.	Taha [2011] NSWCCA 137	s.94 s.99 Sched: 3 offences	PG (10%)	5y 4m NPP 3y 3y 7m NPP 2y <u>Total:</u> 5y 10m NPP 3y 6m	AD	Breached bond for dishonesty offence	Went home with male victim from bar - stole money, phone and house keys – returned to unit and demanded credit cards and PIN making threats as to having a gun – continued over several days to phone victim and make threats – attempts made to break into unit – demanded \$1,000 to leave victim alone
49.	Windle (48) [2011] NSWCCA 277	s.94	PG (25%)	4y NPP 2y 6m	AD	Lengthy – breached bond	Robbed former employer of \$18,000 – used knowledge as to victim's methods of paying wages in cash – used co-offenders – caused victim to go bankrupt Drug addiction – poor physical health
50.	Salmon (42) [2012] NSWCCA 119	s.94 Larceny Assault	VG	21m NPP 12m FT 1m FT 3m <u>Total:</u> 2y NPP 1y 3m	AA FT 6m FT 1m FT 3m (all concurrent)	Nil	Business dispute with female accountant over payment of fees – stole modem and router from office – later entered office, pushed victim and stole laptop – equipment returned after several days – angry – little premeditation Prior good character
51.	Birkensleigh (22) [2012] NSWSC 430 RA Hulme J	Accessory before fact s.94	VG	18m (period already served)		minor	Female knew partner meeting with male victim for purpose of robbery for drugs – purchased zip ties and tape on behalf of partner – victim killed Partner dominant and manipulative - drug user as result of relationship with co-offender – good rehabilitation

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52.	Marrow (25) [2015] NSWCCA 282	s.94	PG (25% on appeal)	6y NPP 3y 6m	AA 5y 3m NPP 3y 1m	Similar offences in WA	Robbed bank – made threats as to gun – low level of planning Schizophrenia – pleaded at earliest opportunity
53.	Edwards [2017] NSWCCA 160	s.94 Sched: Larceny Damage property	PG (25% on appeal)	3y NPP 18m	AA 2y 3m NPP 14m	Breached parole	Female - knocked over female in street and ran off with handbag – found nearby digging hole in garden with metal taken off car Difficult and abusive childhood and personal background – drug use – poor mental health – step father in poor medical health and likely to die making custody more difficult – Bugmy considerations – evidence of rehabilitation on appeal
54.	Robb (19) [2019] NSWCCA 113	s.94	PG (25%)	3y NPP 18m	AA to backdate sentence	robbery offences as a juvenile – breached parole	Grabbed male walking home from work late at night – grabbed victim around head – demanded phone and also took bankcards Aboriginal and Maori descent – childhood exposure to drug abuse and domestic violence resulted in failure to develop appropriate emotional regulation skills - remorse
55.	Stines (33) [2020] NSWCCA 228	s.94	PG (25%)	2y NPP 1y	AA 2y NPP 1y (backdated 6m earlier than original sentence)	BES, aggravated rob with wounding, theft, drugs	While riding a bicycle, grabbed shoulder strap of backpack of female victim walking by – rode off with mobile phone – unplanned – actual violence. Mild intellectual disability – substance abuse CCA: serving separate existing sentence - distortion well beyond statutory ratio by pre-existing sentence structure – strong subjective case.

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