Armed Robbery

10 or More Offences

s.97(1) (NSW) *Crimes Act*

s 97(1) Being armed with an offensive weapon, or instrument, or being in company with another person,

robs, or assaults with intent to rob, any person, or

stops any mail, or vehicle, railway train, or person conveying a mail, with intent to rob, or search the same,

Maximum Penalty: 20 years

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
1.	**Jolley** [2000] NSWCCA 69	s.97(1) AR s.97(1) AR 13 x s.97(1) AR 2 x s.94 Total: MT 9y AT 3y	PG	MT 4y AT 3y FT 5y FT 4y FT 4y	AA All offences MT 5y AT 3y Total: MT 5y AT 3y	kitchen knife		**15 x s.97(1) Armed Rob** Offences committed over seven and a half months – robbed post office, bank, TAB or premises where cash held

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	Weapon	Record	Facts
2.	**Antecki** (18) [2001] NSWCCA 312 Co-offender KENDALL	7 x s.97(1) AR 2 x s.97(1) Att AR s.97(1) AR Sched: 13 x AR Attempt AR	PG (25%)	FT 5y FT 5y 6y NPP 2y Total: 11y NPP 7y	AA FT 5y FT 5y 6y NPP 2y Total: 9y 6m NPP 5y 6m	Knife	armed rob, supply drug	**10 x s.97(1) Armed Rob** With co-offender robbed service stations threatening victims with knife - little physical violence Drug dependent - good rehabilitation.
3.	**Drollet** (18) [2002] NSWCCA 13	s.97(1) AR s.97(2) 2 x s.97(1) AR s.97(1) AR 4 x s.97(1) AR Rob in Co Sched: 12 Rob offences Carried in conveyance	PG (25%)	5y 6m NPP 4y 1m 15d 5y 3m NPP 3y 11m 8y 4y 6m NPP 3y 4m 15d 4y 6m NPP 3y 4m 15d 4y 10m NPP 3y 7m 15d 5y 3m NPP 3y 11m 8d Total: 5y 6m NPP 4y 1m 15d	Crown AA 5y 6m NPP 3y 8m 5y 3m NPP 3y 6m 4y 6m NPP 3y 4y 6m NPP 2y 6m 4y 10m NPP 3y 3m 4y 10m NPP 3y 3m Total: 7y NPP 5y	knife / pistol / screwdriver / pistol	serious offences as a juvenile – committed offences after leaving detention centre on day release	**8 x s.97(1) Armed Rob / Rob in Co / s.97(2)** Robbed service stations late at night or early hours of morning with co-offenders – s.97(2) offences involved SKK semi-automatic military-style assault rifle.

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
4.	**Kendall** [2002] NSWCCA 79 Co-offender: ANTECKI	9 x s.97(1) AR s.97(1) AR Sched: 10 x AR 3 x attempt AR	PG	FT 5y 5y NPP 12m Total: 10y NPP 6y	AA FT 4y 4y 9m NPP 9m Total: 8y 9m NPP 4y 9m	Knife	nil	**10 x s.97(1) Armed Rob** Robberies of service stations committed with co-offender. Parity
5.	**C Gonzalez** (23) **F Gonzalez** (26) [2002] NSWCCA 287	2 x s.97(1) AR 18 x s.97(1) AR s.97(1) Assault with intent to AR 2 x s.97(1) AR 18 x s.97(1) AR s.97(1) Assault with intent to AR	PG (25%)	6y NPP 3y FT 3y FT 3y Total: 12y NPP 9y 6y NPP 3y FT 3y FT 3y Total: 12y NPP 9y	AA 5y 4m NPP 2y 10m FT 2y 8m FT 2y 8m Total: 9y 8m NPP 7y 2m 5y 6m NPP 2y 10m FT 3y FT 3y Total: 10y 6m NPP 7y 10m	baseball bat, screwdriver, knife	minor drug convictions lengthy	**20 x s.97(1) Armed Rob** Brothers robbed vulnerable victims in retail stores late at night or in early hours of morning - some places robbed more than once - equal culpability CG - remorse - prospects of rehabilitation

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
6.	**AO** (14) (2003) 138 A Crim R 189 [2003] NSWCCA 43	3 x s.97(1) AR 5 x s.97(1) AR Att Rob in Co s.97(1) AR Rob in Co Sched: 14 x s.97(1) offences	PG	5y NPP 2y 4y NPP 2y 4y NPP 2y 4y NPP 18m 4y 6m NPP 3y <u>Total</u>: 7y NPP 4y (juvenile det)	AD	knife	lengthy record including robbery offences – breached parole for robbery offences	**9 x s.97(1) Armed Rob/ 2 x Rob in Co** Committed 22 robberies on services stations over six weeks – on some occasions injury inflicted Refugee from Somalia – violent background - drug abuse
7.	**Mony** (17) [2003] NSWCCA 245	s.97(1) AR 9 x s.97(1) AR Sched: 6 x AR	PG	7y 6m NPP 3y 9m 6y NPP 3y <u>Total</u>: 9y 6m NPP 5y 9m (Juvenile Det until 21)	AD		3 drug offences 1 motor vehicle offence	**10 x s.97(1) Armed Rob** Few details – issue of parity.

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
8.	**Waqa** (18) (2004) 149 A Crim R 143 [2004] NSWCCA 405 (2005) 156 A Crim R 454 [2005] NSWCCA 33	s.97(1) AR s.97(1) AR 10 x s.97(1) AR Sched: 12 x AR Att AR	PG (45% plea and assist reduced to 25% for plea on appeal)	5y 6m NPP 2y 4m 3y NPP 2y FT 2y Total: 7y 6m NPP 4y 4m	Crown AA 8y NPP 3y 6m 4y NPP 2y 9m FT 2y 6m Total: 10y NPP 5y 6m AD	Knife	Not stated	**12 x s.97(1) Armed Rob** Robbed small businesses with co-offenders over seven weeks First appeal – failure to give promised assistance - recanted at committal Subsequent appeal considered method of calculating multiple discounts – found no error in calculation at first appeal
9.	**Cowan** (32) [2008] NSWCCA 124	7 x s.97(1) AR 6 x s.97(1) Assault with intent to AR 3 x s.97(1) AR 2 x s.97(1) AR s.97(2) Possess proh weapon SMV Sched: 22 x s.97(1) BES	PG (25%)	9y NPP 5y 6m 8y NPP 5y 6m 6y NPP 4y 5y 3m NPP 3y 6y 6m NPP 4y 4m 4y 6m NPP 3y FT 4y Total: 9y NPP 6y 15d	Crown AA 9y NPP 5y 6m 8y NPP 5y 6m 6y NPP 4y 5y 3m NPP 3y 6y 6m NPP 3y 6m 4y 6m NPP 3y FT 4y Total: 11y 6m NPP 8y 6m	Various weapons including axe, knife, screwdriver and replica pistol	Length record	**18 x s.97(1) Armed Rob/ s.97(2)** On Christmas Day robbed hotel in company with two co-offenders – joint criminal enterprise – patrons and employees threatened with extreme violence – stole $24,179.90 – over next few weeks committed 27 armed robberies in 17 events – robbed shops and commercial premises

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	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
10.	**Tuvunivono** (27) [2013] NSWCCA 176	s.97(1) AR s.97(1) AR s.97(1) Att AR 4 x s.97(1) AR s.97(1) Att AR 2 x s.97(1) AR Sched: 14 offences	PG (10-20%)	10y NPP 6y 4m FT 5y FT 5y FT 4y 6m FT 4y FT 4y <u>Total</u> 12y NPP 8y	AD	knife	AR, Mal inflict GBH. On parole.	**10 x s.97(1) Armed Rob** Robbed various stores which were in isolated areas – obtained small amounts of money - total of about $8000 cash. Dysfunctional background – lived on streets at 13y - drug abuse since a young person.

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