Armed Robbery

2-3 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.	**Govinden** (18) (1999) 106 A Crim R 314 [1999] NSWCCA 118	Acc after fact to AR Acc after fact Rob in co Sched: Possess short. Firearm	PG	GBB 2y 200h CSO	Crown AD	gun	nil	**s.97(1) Armed Rob / Rob in Co** Minded gun he knew had been used in AR - later assisted others rob store by holding open bag for money. Stable family environment - remorse towards victim On appeal - exceptional circumstances - excellent rehabilitation prospects.
2.	**Helene** (19) [1999] NSWCCA 203	2 x AR 2 x Assault	VG	MT 2y AT 2y FT 6m (concurrent)	AD	machete		**2 x s.97(1) Armed Rob** Group of youths approached two teenage boys late at night - victims threatened with machete before youths wandered off – offender and co-offender returned and victims robbed of money and wallet Contrition

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
3.	**Stein** (18) [1999] NSWCCA 250	AR Assault with intent to AR	PG	MT 3y AT 2y MT 3y AT 2y (conc)	AA MT 2y AT 18m MT 2y AT 18m (conc)	Knife	nil	**2 x s.97(1) Armed Rob** With two others stole from till of video store - all wore stocking masks - second robbery of store with knife resembling small machete - gave note to store attendant reading "money or life" - victim called for help and offender ran from shop. Family support - good rehabilitation prospects.
4.	**Colgan** (18) [1999] NSWCCA 292	AR Att AR Sched 4 offences	PG	MT 1y AT 1y FT 1y (concurrent)	AD	knife		**2 x s.97(1) Armed Rob** Female - one of three person who robbed service station using knife – next night one of four persons who attempted to rob service station – unable to gain entry despite using baseball bat Tragic background
5.	**Khamas** (18) (1999) 108 A Crim R 499 [1999] NSWCCA 436	2 x Att AR Assault Sched: Receiving	PG	2y PD	Crown AA 3y PD	replica semi-automatic pistol	nil	**2 x s.97(1) Armed Rob** Sought to rob female manager in car park of fast food restaurant – punched and kicked security guard Born in Iraq
6.	**Ryan** (41) [2000] NSWCCA 98	2 x AR Sched: 2 x AR 2 x GIC Possess drug	PG	MT 6y AT 4y	AD	syringe, hand gun	offences committed while on bail and parole - prior convictions for AR	**2 x s.97(1) Armed Rob** Post office and TAB. Aboriginal male - deprived background and alcohol / drug dependency - spent only 4 years of adult life outside gaol.
7.	**Johnstone** [2000] NSWCCA 129	AR AR AR	PG	MT 3y 6m AT 2y MT 4y AT 2y 6m MT 4y 6m AT 3y <u>Total</u>: MT 4y 6m AT 3y	AA 4y 6m NPP 3y 5y 6m NPP 3y 6m 7y 6m NPP 4y 6m <u>Total</u>: 7y 6m NPP 4y 6m	blood filled syringe		**3 x s.97(1) Armed Rob** Used blood filled syringe to threaten and rob pharmacy and chain store Made admission to earlier offences when arrested on last offence

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8.	**Hansell** [2000] NSWCCA 141	2 x AR	VG	MT 4y 6m AT 1y 6m	AA 5y NPP 3y 9m	Knife	poor record although no serious trouble for ten years	**2 x s.97(1) Armed Rob** Robbed two ladies in car park with knife. Suffered depression as result of death of son - charity work - back disability
9.	**Ridgeway** (21) [2000] NSWCCA 286	2 x AR Sched: 10 offences	PG	MT 2y AT 1y	Crown AA 4y NPP 2y	syringe and machete	offence committed on recog	**2 x s.97(1) Armed Rob** In company with co-offender robbed video shop with syringe and service station with machete. Remorse - difficult childhood.
10.	**Griffiths** (33) [2001] NSWCCA 32	AR AR Sched: Take and use MV	PG	MT 4y 10m AT 1y 8m FT 3y (concurrent)	AD	Knife	lengthy	**2 x s.97(1) Armed Rob** Robbed same pharmacy 8 days apart - threatened young female assistant - took drugs and cash - different victims. *Ellis* discount in relation to second offence - contrition - drug addict
11.	**Holden** (43) [2001] NSWCCA 214	AR Attempt s.97(1)	PG	MT 6y AT 2y MT 6y AT 2y (conc)	AA 5y NPP 3y FT 3y Total: 8y NPP 6y	loaded .38 calibre Colt revolver	substantial record including AR - gap in offending since 1992	**2 x s.97(1) Armed Rob** Robbed service stations to pay off heroin debt.
12.	**Calleja** (23) [2001] NSWCCA 259	2 x AR s.94 - Rob	PG	5y NPP 2y 6m FT 2y (concurrent)	AA 5y NPP 2y FT 2y (concurrent)	blood filled syringe	serious but nil violence – breached bail and bond	**2 x s.97(1) Armed Rob** Robbed newsagency and service station using syringe – earlier had threatened young shop attendant and taken money Developed heroin addiction after severely injured in assault – prospects of rehabilitation – old escape on record makes custodial conditions more difficult

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13.	**Perrin** (19) [2001] NSWCCA 422	AR AR	PG (25%)	4y NPP 2y 4y 6m NPP 2y 6m Total: 4y 6m NPP 2y 6m	AA FT 1y 9m 3y 6m NPP 1y 9m Total: 3y 6m NPP 1y 9m	kitchen knife	nil	**2 x s.97(1) Armed Rob** Peculiar and spontaneous offences - robbed video shop and McDonalds store. Evidence of good rehabilitation.
14.	**Dudgeon** (26) [2002] NSWCCA 41	AR AR AR s.95 – Agg robbery Sched: 2 x s.114 – armed with intent to rob	PG	6y NPP 4y 6m FT 5y FT 5y 6m 6y NPP 4y 6m Total: 7y NPP 5y 6m	AD	knife	record – less serious offences	**3 x s.97(1) Armed Rob** Robbed fast food outlet grabbing 16y female employee and punching manager to face – robbed pizza place twice armed with knife 5 days apart – robbed bottle shop armed with knife
15.	**Ghisolfi** (39) [2002] NSWCCA 166	AR AR Sched: 2 x AR	PG	12y NPP 9y 10y NPP 7y (concurrent)	AD	Knife	lengthy record including AR - on parole for offences of similar type	**2 x s.97(1) Armed Rob** Robbed small businesses run by women.

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16.	**Lolesi** (19) [2002] NSWCCA 189	AR 2 x AR 2 x SMV	PG (25%)	3y 4m NPP 2y FT 2y FT 9m Total: 4y 4m NPP 3y	AA 2y 9m NPP 18m FT 18m FT 9m Total: 2y 9m NPP 18m	machete	minor offences	**3 x s.97(1) Armed Rob** Female - Robbed convenience store armed with machete in in company with juvenile – offenders stole car next day and robbed victim of money – third day stole car and robbed service station – lesser role Drug user – prospects of rehabilitation
17.	**Wu** (19) [2002] NSWCCA 214	AR 2 x AR s.114(1)(a) – armed with intent to assault Sched: fail to pay taxi	PG	4y 6m NPP 2y FT 3y FT 12m Total: 7y 6m NPP 5y	AD	tomahawk	nil significant	**3 x s.97(1) Armed Rob** Offences committed eleven day period – robbed pizza delivery driver using tomahawk in company Prospects of rehabilitation
18.	**Evers** (23) [2002] NSWCCA 223	AR Assault with intent to AR	PG (25%)	6y NPP 4y 6m 6y NPP 4y 6m (concurrent)	AA 5y NPP 3y 5y NPP 3y (concurrent)	knife – baseball bat	property – violence – sex offences – breached bond and periodic detention	**2 x s.97(1) Armed Rob** Threatened shop assistant in supermarket with knife – ran away when victim threw lollies and other items – robbed liquor shop armed with knife and baseball bat Intellectual disability – dysfunctional childhood
19.	**Israil** (26) [2002] NSWCCA 255	AR Att AR Sched: AR Demand money with menaces	PG (25%)	2y suspended 2y suspended (concurrent) (7m PSC)	Crown AD	blood filled syringe - mock rifle		**2 x s.97(1) Armed Rob** Robbed shop using blood filled syringe taking $150 - attempted to rob same shop again using pole disguised as rifle - failed to obtain any property. Severe psychiatric condition - good prospects of rehabilitation

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20.	**Rai** (18) [2002] NSWCCA 506	2 x AR	PG	15m NPP 5m	Crown AD	Hammers	Armed robbery, violence, property. Previous custody.	**2 x s.97(1) Armed Rob** With accomplice, armed with hammers, robbed two teenage checkout operators at supermarket. Intellectual disability falling in lowest 3% of population - inadequate personality disorder - difficult upbringing - lived on streets - alcohol and heroin addict.
21.	**Gardener** [2003] NSWCCA 2	AR 2 x AR Sched: Att AR AR	PG (15%)	3y 9m NPP 18m FT 2y Total: 6y 9m NPP 4y 6m	Crown AA 8y 6m NPP 5y 6m 6y 9m NPP 4y Total: 9y 3m NPP 6y 6m	sawn-off shot gun	long and serious - on bail awaiting trial for rob in company	**3 x s.97(1) Armed Rob** Robbed banks with co-offender - customers threatened Aboriginal male - poor and disrupted background with physical abuse - significant learning and behavioural difficulties - mental state exacerbated by drugs - risk of re-offending
22.	**Roberts** (36) [2003] NSWCCA 67	AR AR	VG	6y NPP 4y FT 4y 6m Total: 8y NPP 6y	AD	Knife	offences committed as young person - no prior convictions for 10 years.	**2 x s.97(1) Armed Rob** Wearing motorbike helmet and scarf, entered pharmacy, threatened staff with knife, taking money and drugs - within 15 minutes committed second offence at another pharmacy.
23.	**Tozer** (41) [2003] NSWCCA 72	AR AR Drive in conveyance	PG	5y 6m NPP 3y 6m FT 3y 6m FT 2y Total: 7y 6m NPP 5y 6m	AD	knife	lengthy record including armed robbery	**2 x s.97(1) Armed Rob** Robbed paint shop in company of co-offender – armed with large hunting knife and tyre lever and wearing beanie and dark glasses – co-offender threatened to shoot staff – robbed video shop in similar manner Difficult childhood – extensive substance abuse

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
24.	**Bereyne** (23) [2003] NSWCCA 153	AR AR AR Sched: 18 offences	PG	8y NPP 6y 6y NPP 2y FT 2y <u>Total</u>: 12y NPP 8y	AD	Blood stained syringe Knife	Lengthy record although not as serious – some offences committed while on bail	**3 x s.97(1) Armed Rob** Offences committed over 4 month period Disturbed childhood
25.	**Krempin** (30) (2003) 142 A Crim R 56 [2003] NSWCCA 263	AR Assault with intent to AR	PG (25%)	4y NPP 21m 4y NPP 21m (concurrent)	AA 4y NPP 18m 4y NPP 18m (concurrent)	Swiss army knife	No history of violence	**2 x s.97(1) Armed Rob** Robbed service station holding knife at attendant's ribs – attempted to rob second service station but left without cigarettes Chronic alcoholic from early age – severe depressive and anxiety disorder – offences out of character – prospects of rehabilitation
26.	**Keen** (19) [2004] NSWCCA 86	AR AR Rob in company Drive in Conveyance	PG (35% plea and other factors)	3y NPP 1y 6m 3y NPP 1y 5m 2y 11m NPP 1y 5m FT 6m <u>Total</u>: 5y 11m NPP 4y 5m	AA 3y NPP 1y 2y 9m NPP 1y 4m 2y NPP 1y FT 6m <u>Total</u>: 5y NPP 3y	Knife	Nil. On bail.	**2 x s.97(1) Armed Rob / Rob in Co** Committed three robberies on shops during one month period with co-offenders – co-offenders armed with knife on each occasion. Gambling addiction - protective custody.

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27.	**Garner** (21) [2004] NSWCCA 343	AR AR Sched: Use off weapon to prevent lawful appreh	PG	2y NPP 12m 3y NPP 1y 6m <u>Total</u>: 3y NPP 1y 6m	AD	Knife	Nil	**2 x s.97(1) Armed Rob** Robbed two shops using knife – stole money and cigarettes Offences out of character – depressive illness at time of offence
28.	**Mohamadin** (18/19) [2004] NSWCCA 401	AR AR AR Sched 2 x AR 2 x Rob in Co	PG (25%)	5y 4m NPP 2y 4m FT 3y FT 2y 3m <u>Total</u>: 8y NPP 5y	AD	Knife	Nil	**3 x s.97(1) Armed Rob** Armed hold-ups of pizza deliverers – in company – $800 and two mobiles taken Full time student – drugs – offences committed to obtain money for drugs – some contrition
29.	**Solomon** (28) (2005) 153 A Crim R 32 [2005] NSWCCA 158	AR Att AR s.112(2) Sched: Carried in conveyance	PG (10%)	10y NPP 6y 8y NPP 6y FT 3y <u>Total</u>: 12y NPP 8y	AD	iron bars	BES, larceny and assault – breached bond	**2 x s.97(1) Armed Rob** Robbed jewellery store armed with iron bars - $500,000 property taken – less than a month later robbed cake shop armed with iron bars – owner assaulted and forced to ground – left without money Aboriginal male – dysfunctional background and early drug user

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
30.	**Harris** (23) [2005] NSWCCA 204	AR AR Sched Attempt AR	PG (25%)	5y NPP 3y FT 3y 6m Total: 6y 3m NPP 4y 3m	AD	Knife	Dishonesty – no previous custody	**2 x s.97(1) Armed Rob** Stole $867 in bank hold-up – next day stole $1000 and drugs from pharmacy – unsuccessful attempted robbery of bank Drug user though quit heroin while in custody – supportive family and good education – stable relationship with child (another child having died from SIDS) – earlier partner killed while pregnant – grief over deaths – remorse including writing letters to victims
31.	**Welling** (19) [2005] NSWCCA 318	AR AR s.94	PG (20%)	7y NPP 4y FT 3y 3y 6m NPP 2y 6m Total: 8y NPP 5y	AA 2y 9m NPP 12m FT 20m FT 15m Total: 4y 6m NPP 2y 9m	knife	lengthy record linked to mental illness although no prison	**2 x s.97(1) Armed Rob** Robbed female employee of service station armed with knife – three days later asked for lift from disabled woman then attempted to steal property and keys from ignition – grabbed cigarettes and pillow and ran off – on same day robbed young female employee in shop armed with knife Suffering major psychological illness – difficult childhood – early drug user - homeless
32.	**Olsen** [2006] NSWCCA 88	2 x AR Sched: AR	PG (25%)	4y NPP 20m	AD	Knife		**2 x s.97(1) Armed Rob** Robbed same pharmacy three days running Assistance discount
33.	**Tapueluelu** (22/23) [2006] NSWCCA 113	AR Rob in Co	PG	5y NPP 3y FT 4y Total: 8y NPP 6y	AA 5y NPP 2y 3m FT 4y Total: 8y NPP 5y 3m	Semi - automatic	Criminal record – included robbery offences as at 15y	**2 x s.97(1) Armed Rob** Robbed liquor store with co-offender – robbed second liquor store alone Failure to give effect to finding of special circumstances

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34.	**Rumble** (31) [2006] NSWCCA 211	AR Assault with intent to AR Assault with intent to AR Sched: 3 x AR	PG (25%)	8y NPP 5y 8y NPP 5y 6y NPP 4y Total: 8y NPP 5y	AA 8y NPP 5y 7y NPP 4y 6m 6y NPP 4y Total: 8y NPP 5y	Knife, blood-filled syringe	Lengthy	**3 x s.97(1) Armed Rob** Held up newsagency and convenience stores. Drug addiction - supportive family.
35.	**Fairbairn** (49) (2006) 165 A Crim R 434 [2006] NSWCCA 337	Assault with intent to AR Assault with intent to AR Sched: s.99 2 x knife off	PG (25%)	3y 6m NPP 2y FT 2y Total: 4y 6m NPP 3y	AA FT 13m 1y 10m NPP 15m Total: 1y 10m NPP 15m	Knife	Nil relevant	**2 x s.97(1) Armed Rob** Attempted to rob cake shop – threatened 16y shop assistant, female proprietor and customer Good character – serious medical problems – limited intellectual resources – dying mother
36.	**Anaki** [2006] NSWCCA 414	AR Att AR Assault with intent to AR Sched: 4 offences	PG (20%)	6y NPP 4y 6m 6y NPP 4y 6m 7y NPP 3y 6m Total: 13y NPP 9y 6m	AA 6y NPP 4y 6m 6y NPP 4y 6m 7y NPP 4y Total: 10y NPP 7y	Sledge hammer	Priors for similar offences	**3 x s.97(1) Armed Rob** All offences committed on banks and in company Evidence of rehabilitation from drug addiction

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37.	**Naji** (22) [2007] NSWCCA 198	2 x AR	PG (25%)	2y Suspended	Crown AA 4y NPP 2y	Scissors		**2 x s.97(1) Armed Rob** On two separate occasions, entered store and threatened store assistant with scissors – stole money. Drug addiction.
38.	**Waterson** [2007] NSWCCA 284	AR AR	PG (25%)	4y 6m NPP 2y 8m 4y 6m NPP 2y Total: 6y NPP 3y 6m	AD	Knife	On recog	**2 x s.97(1) Armed Rob** Robbed taxi drivers – threatened with knife – planned offences.
39.	**Ionatana** (21) [2008] NSWCCA 95	AR 2 x AR Sched: 3 offences	PG (25%)	6y 6m NPP 3y 6m FT 2y 6m Total: 7y 6m NPP 4y 6m	AD	Knife	Dishonesty; previous gaol; on bail.	**3 x s.97(1) Armed Rob** Robbed shopkeepers of money – threatened to break one victim's nose Mental health issues following serious car accident – drug dependency.
40.	**El-Arja** (24) [2009] NSWCCA 8	AR AR Sched: Rob in Co	PG (25%)	FT 2y 5y NPP 3y Total: 6y NPP 4y	AD	Knife	Record	**2 x s.97(1) Armed Rob** Robbed three commuters on trains within three days – in company of co offenders – on second occasion co-offender held knife to throat of victim – on third occasion held knife used to threaten victim Long term drug problem
41.	**Merhi** (20) [2009] NSWCCA 9	AR 2 x Rob in Co Sched: Related offence	PG (25%)	5y NPP 3y FT 2y Total: 6y NPP 4y	AD	Knife	Breached s.10 bond	**3 x s.97(1) Armed Rob** Robbed pedestrian walking from train station in evening – threatened with umbrella – pretended to have knife – in company of juvenile – robbed two train commuters on separate occasions in company of co-offenders – co-offender armed with knife on second occasion

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42.	**Farrell** [2009] NSWCCA 77	2 x AR	VG	6y NPP 4y 6m (each) Total: 6y 6m NPP 5y	AD	Knife		**2 x s.97(1) Armed Rob** Robbed two service stations armed with knife – took money.
43.	**Jajou** (22) **Jebara** (19) **Lafta** (18) (2009) 196 A Crim R 370 [2009] NSWCCA 167	2 x AR 2 x AR 2 x AR	PG (35% plea and assist)	2y suspended 2y suspended 2y suspended	Crown AA 2y NPP 18m 2y NPP 18m 2y NPP 18m	Knives and meat cleaver	Driving Nil Nil	**2 x s.97(1) Armed Rob** Robbed convenience store proprietor of money and cigarettes – robbed store customer of money and mobile phone. Stable backgrounds - no drug or alcohol issues.
44.	**Assad** (20) [2009] NSWCCA 182	Rob in Co AR Agg taking MV Sched: Assault with intent rob	PG	2y 6m NPP 1y 3m 2y 6m NPP 1y 3m 2y 6m NPP 1y 3m Total 3y NPP 1y 9m PD	Crown AD	Knife		**s.97(1) Armed Rob / s.97(1) Rob in Co** With co-offenders robbed jewellery store – tied up female store assistant – threats to kill - with co-offender robber taxi driver armed with knife. Drug addiction – had "not developed settled criminal habits." CCA found sentences manifestly inadequate but declined to intervene due to exceptional rehabilitation and delay between commission of offences and sentencing during which time rehabilitation was good.

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45.	**McIvor** (24) [2010] NSWCCA 7	2 x AR Assault with intent to rob in company	VG	7y NPP 4y 6m 7y NPP 1y 6m Total: 15y NPP 9y 6m	AA 7y NPP 4y 6m 7y NPP 4y 3m Total: 10y NPP 7y 3m	Knife	On parole for robbery offences	**3 x s.97(1) Armed Rob** Robbery of liquor stores armed with knife in company – on third occasion unsuccessful
46.	**Wakefield** (53) [2010] NSWCCA 299	AR AR	PG	FT 5y 5y NPP 3y 3m Total: 7y NPP 5y 3m	AD	Black rubber piping disguised to look like barrel of gun		**2 x s.97(1) Armed Rob** Robbed Post office store and video store. Heavily institutionalised.
47.	**Hardcastle** [2011] NSWCCA 87	AR AR	PG (15%)	3y 9m NPP 2y 3y 9m NPP 1y 9m Total: 5y NPP 3y	AD	Rifle; replica pistol		**2 x s.97(1) Armed Rob** With co-offender (who was armed with rifle) robbed service station – with co-offender robbed post office of cash armed with replica pistol. Mental disability due to head injury.

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48.	**CM** (50) [2013] NSWCCA 341	AR AR AR s.94 Att s.94 Sched: Multiple offences	VG VG PG (25%) VG VG	4y NPP 3y 6y NPP 4y 5y NPP 3y 3y NPP 2y 2y 10m NPP 2y Total: 9y NPP 7y	AA Indicative: 3y 2m 4y 10m 5y 2y 5m 2y 3m Aggregate: 8y 9m NPP 6y	Toy pistol	Record including AR	**3 x s.97(1) Armed Rob** Robbed retail shops, post office, hotel and pharmacy using toy pistol Some discount for assistance
49.	**Tynan** (26) [2014] NSWCCA 75	2 x AR Drive disq	PG (25%)	3y 6m NPP 2y FT 6m Total: 4y NPP 2y 6m	AD	Steel rod – umbrella shaft	Minor = breached bail	**2 x s.97(1) Armed Rob** Robbed service stations Difficult childhood – traumatic past – mental health – genuine remorse
50.	**Khawaja** (22) [2014] NSWCCA 80	AR Assault with intent to AR	PG (25%)	Aggregate: 6y NPP 4y	AD	Knife	Affray, BES	**2 x s.97(1) Armed Rob** Robbed two late night convenience stores – threatened shopkeepers with knife. Drug addiction – troubled youth
51.	**Ngati** (30) [2014] NSWCCA 125	2 x AR Sched: Related robbery and detaining offences	PG	Indicative: 10y Aggregate 12y NPP 9y	AD	Knife	Substantial record	**2 x s.97(1) Armed Rob** Robbed hotels in company with juvenile family member – employees threatened – callous and cruel Extremely low intelligence

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52.	**Sullivan** [2016] NSWCCA 172	2 x AR	PG (25%)	Aggregate 6y NPP 4y	AD	Hammer, dumbell	Significant	**2 x s.97(1) Armed Rob** Robbed two jewellery stores – smashed glass cabinets – took jewellery to value of $44k on each occasion - none recovered – stated jewellery sold to drug suppliers. Mental health issues – drug use
53.	**Kelly** (46) [2017] NSWCCA 82	AR Att AR s.111(2) Larceny Sched: possess knuckledusters	PG (25%) PG (10%)	Indicative 7y 6m 6y 3y 12m Aggregate: 9y 6m NPP 7y 1m 15d	AD	imitation pistol carving knife	lengthy record – breached conditional liberty and bail	**2 x s.97(1) Armed Rob** Entered home during day and threatened 17y occupant with screwdriver – demanded PIN and stole property – restrained victim with electrical cords (s.112(2) and larceny offence) – 12mths later robbed victim picking up deliveries from butchers shop of $10,600 – used imitation pistol – with two co-offenders jumped counter of different butchers shop armed with carving knife and demanded money – left when employee produced butcher's knife Difficult childhood – sexual abuse – long history of drug abuse and institutionalisation - remorse
54.	**Gray** [2018] NSWCCA 241	Assault with intent to AR AR Sched: Carried in conveyance	PG (25%)	4y NPP 3y 6y NPP 2y 6m Total: 7y NPP 3y 6m	Crown AD	chisel headed hammer – hammer	lengthy – institutionalised – breached parole for armed robbery offences	**2 x s.97(1) Armed Rob** Threatened male with chisel headed hammer in driveway of victim's home – demanded keys and wallet – victim ran off – low range offence - ran into store armed with hammer – threatened female attendant and took money and watches – mid range offence Drug affected and supporting drug habit – remorse – strong subjective case – need for additional support due to institutionalisation and intellectual disability Sentence imposed concurrent to significant portion of revoked parole
55.	**Hawat** (33) [2020] NSWCCA 121	3 x AR Sched: 3 offences	PG (25%)	Aggregate: 6y 6m NPP 4y	AD	knife	Steal person, agg assault intent to rob, agg sexual assault, armed rob. On bail.	**3 x s.97(1) Armed Rob** Threatened victims on trains – held knife to victim neck – took money, phones, cards. Substance abuse – intellectual disability.

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56.	**Zreika** (38) [2020] NSWCCA 345	2 x AR Att AR	PG	Indicative: 4y 5y 3m Aggregate: 6y NPP 4y	AA To change start date	Pruning saw	Lengthy – breached conditional liberty – risk of being institutionalised	**3 x s.97(1) Armed Rob** Armed with pruning saw wrapped in blanket to appear like a gun – offence took place in residential area of hotel – told two victims he had a gun and stole phone, bankcard and licence – attempted to enter room for third victim – punched by first victim and ran away
57.	**Clarke** (18) [2021] NSWCCA 236	AR AR s.166 certificate Pervert course justice	PG (25%)	Indicative: 3y 3y 4m 18m Aggregate: 5y NPP 3y 6m	AD	Knife	Assault, resist arrest, offensive behaviour, driving. On ICO and CCO.	**2 x s.97(1) Armed Rob** In both cases in vehicle with 2 co-offenders - accosted victims on street walking alone at night – threatened victims with knife. First offence - no planning – some violence though not in worst category – took $1900 Second offence - trawling for victims – 17y female - violence at lower end – small amount stolen. 'Guardedly good' prospects of rehabilitation - unlikely to reoffend CCA: Sentence structure due to accumulation of sentence upon revocation of ICO and CCO did not neutralise special circumstances and not excessive.
58.	**Apulu** (18) [2022] NSWCCA 244	2 x AR	PG (50% combined)	Aggregate: 3y 6m NPP 2y	AD	handsaw machete knife	nil	**2 x s.97(1) Armed Rob** Robbed same service station with 17y co-offender – on first occasion lunged at operator with handsaw – co-offender armed with machete and threw candle at operator - $1,800 stolen – two weeks later co-offender smashed display with hammer and threw glass bottle at manager – offender armed with knife – cash and cigarettes stolen – equal culpability - offences mid-range and slightly above mid-range Guarded prospects of rehabilitation Held: no disparity despite non-custodial sentence imposed on juvenile co-offender – discussion as to relevance of use of weapon on assessment of objective seriousness

	Case (age if known)	Offences	Plea	Sentence	Appeal	Weapon	Record	Facts
59.	**Shehade** (18) [2026] NSWCCA 107	2 x AR Sched: s.97(1)	PG (25%)	Aggregate: 5y NPP 3y	AA Aggregate: 4y NPP 2y 4m	Knife	Nil	**2 x s.97(1) Armed Rob** On two occasions used deceptive advertisement on Facebook Marketplace for sale of used car - victims arrived with cash to be exchanged for car - applicant threatened victims with knife, demanded cash - on one occasion, demanded and took a mobile phone - significant planning. Family support / disruption – drug use, gambling – mental health; ADHD - good prospects rehabilitation because of youth - remorse. CCA: Fail to further consider youth. Youth and immaturity combined with background impacted upon emotional development and reduced moral culpability – special circumstances.

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