Robbery in Company

Multiple Robbery 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)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	**Govinden** (18) (1999) 106 A Crim R 314 [1999] NSWCCA 118	s.97(1) Acc after fact to AR s.97(1) Acc after fact Rob in co Sched: Possess firearm	PG	GBB 2y 200h CSO	Crown AD	nil	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.	**Morgan** (23-24) [2000] NSWCCA 96	s.97(1) Rob in Co s.97(1) Rob in Co Sched: Drive disqual SMV	PG	MT 3y 6m AT 2y 3m MT 1y 6m AT 2y 6m Total: MT 5y AT 2y 6m	AA MT 3y 3m AT 2y MT 1y 6m AT 2y 6m Total: MT 4y 9m AT 2y 6m	extensive record	One of group of six males robbed TAB – 58y female employee pushed and slapped – 12mths later one of five offenders who robbed bank of $60,000 – stood outside as look out On appeal – slight adjustment required for parity

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)	Offence	Plea	Sentence	Appeal	Record	Facts
3.	**Muavae** [2000] NSWCCA 88	2 x s.97(1) Rob in Co 2 x SMV s.97(1) AR Sched: Neg driving	PG	MT 3y 9m AT 1y 3m FT 12m MT 3y 9m AT 1y 3m (concurrent)	AA MT 2y 9m AT 2y 3m FT 12m MT 2y 9m AT 2y 3m (concurrent)	nil	Introduced to drug use by friend – offences committed on taxi drivers in mini crime wave over short period of time – not leader offences Visiting from New Zealand on short holiday – relatively young
4.	**R** (20) [2000] NSWCCA 163	s.97(1) Rob in Co s.97(1) Rob in Co s.97(1) Att Rob in Co	PG	FT 2y MT 2y AT 2y 6m MT 2y AT 2y 6m <u>Total</u>: MT 4y AT 2y 6m	AA FT 2y NPP 6m 2y 6m NPP 6m <u>Total</u>: 5y NPP 3y	Assault, dishonesty, goods in custody, possess drug – breached recognisance	On two occasions, with female co-offender threatened females with knife obtaining small amounts of cash - with male co-offender armed with knife attempted to snatch handbag from female. Assistance to authorities – rehabilitation - contrition.
5.	**Bablanian** (20) [2002] NSWCCA 276	s.97(1) Rob in Co s.97(1) Rob in Co BES 3 x SMV Sched: 2 theft offences		MT 3y 6m AT 3y 6m FT 2y 6m FT 2y 6m FT 2y 6m (concurrent)	AA 5y NPP 2y FT 2y 6m FT 2y 6m FT 2y 6m (concurrent)		With co-offender broke into home through window – stole car when disturbed by occupant – with co-offenders robbed post office – with two offenders drove in stolen car to residential premises – home invasion – offender unaware co-offenders armed with samurai swords – occupants tied up and property stolen Drug addiction – living on street – youth – low intelligence - assistance
6.	**Kirby** [2000] NSWCCA 330	2 x s.97(1) Rob in Co	VG	MT 6y 10m AT 3y 2m	AD	extensive record – breached recognisances	With co-offender robbed train station – station assistant threatened with gun and forced to sit on floor while money taken from till and safe – 6 days later offenders robbed second train station also armed with gun – offences pre-meditated and planned – staff members vulnerable Not young

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7.	**El-Youssef** (31) [2000] NSWCCA 481	s.97(1) Rob in Co 4 x s.97(1) Rob in Co Sched: 4 x Rob in Co	PG	MT 7y AT 3y FT 7y (concurrent)	AD	BES, stealing - previous custody – breached parole	Bank robberies - all disguised - co-offender armed with pistol and knife - total amount stolen $233,866 - worst category case. Suffered knee injury which led to drug addiction - special circumstances.
8.	**Aiken** (19) [2001] NSWCCA 40	s.97(1) Rob in Co Carried in conveyance s.97(1) Att AR	PG	4y NPP 2y FT 6m FT 2y	AA 3y 8m NPP 1y 8m FT 6m FT 1y 8m (concurrent)		Three offenders robbed service station – co-offenders armed with wheel brace and carving knife – attendant forced to lie on ground and money taken from till – escaped in stolen car – two days later three offenders attempted to rob service station armed with knife and club lock – fled when attendant started screaming Drug addiction – some prospects of rehabilitation On appeal – credit given for quasi-custody in rehabilitation centre
9.	**Haines** (22) [2001] NSWCCA 111	2 x s.97(1) Rob in Co Steal from Person Cultivate prohibited plant	PG	5y 6m NPP 2y 6m FT 2y FT 12m (concurrent)	AA 4y NPP 1y 9m FT 1y 9m FT 12m (concurrent)	driving, drug, assault and dishonesty offences – breached recognisance	One of group of men who assaulted male victim leaving club at night – offender karate kicked victim to back – victim repeatedly kicked and assaulted and wallet stolen – assaulted and robbed second victim in same fashion – demanded and took handbag from couple coming to assistance of victim – admitted to police growing two cannabis plants Difficult background – drug and alcohol abuse - mental health issues On appeal - parity
10.	**Robertson** (19) [2001] NSWCCA 95	s.97(1) Rob in Co 2 x s.97(1) Rob in Co s.97(1) AR Sched: 7 related offences including robberies	PG	FT 4y 4y 6m NPP 2y 4y 6m NPP 2y <u>Total</u>: 8y 6m NPP 6y	AD	record including robbery	With co-offender assaulted 66y male pensioner in public toilet block –victim's neck cut with pen, punched in head and personal property stolen – both offenders approached male commuter in train station car park early next morning, punched him in head and stole wallet – stopped beside 13y male walking to school, applicant got out of car, threatened victim with knife and took jacket – both offenders threatened male walking on street with butcher's knife and car lock and stole wallet Drug addiction – some evidence of rehabilitation

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11.	**Nolan** (18) [2001] NSWCCA 144	2 x s.97(1) Rob in Co	VG	5y NPP 3y (concurrent)	AD	Theft, possess implements, damage property	Approached couple on street - demanded money, assaulted both male and female victims – took female victim's handbag. Aboriginal male.
12.	**Harb** (24) [2001] NSWCCA 249	2 x s.97(1) Rob in Co	VG	4y NPP 2y (concurrent)	AD	Dishonesty, drugs.	Entered home of three young persons - assaulted victims and took wallet. Drug addict - schizophrenic mental illness.
13.	**Poihipi** (19) [2001] NSWCCA 306	8 x s.97(1) Rob in Co s.97(1) Att Rob in Co AOABH	PG (35% for plea and admissions)	3y NPP 5m 2d (each)	Crown AD	larceny – juvenile offences in New Zealand	With two co-offenders committed series of robberies in or near shopping centres in five separate incidents – offender of large build providing physical threat – assault offence committed by co-offender hitting victim on head with baton – follower but active and deliberate role Low intelligence – threatened in gaol – family support in New Zealand – evidence of rehabilitation prospects – 8 months since returned with mother to New Zealand
14.	**Osborne** (30) [2001] NSWCCA 371	s.97(1) Rob in Co 2 x s.97(1) Rob in Co	PG	MT 3y AT 1y 6m 2 x FT 2y (concurrent)	AD	Assault w/i to rob, Armed rob in company, assault, mal damage.	Robbed bank of $9000 and two customers of cash. Heroin addict.
15.	**Zabul** (20) [2001] NSWCCA 455	s.97(1) Rob in Co 3 x s.97(1) Rob in Co Sched: Rob in co.	PG	6y 6m NPP 3y 3m FT 3y 6m (concurrent)	AD	Nil.	Over 4 month period, robbed service stations, making threats and assaulting staff - stole money, cigarettes, safe and video equipment - waited outside in escape vehicle on two occasions.
16.	**Mortada** [2002] NSWCCA 152	s.97(1) Rob in Co Steal from person Sched: GIC	PG (increased to 20% on appeal)	4y NPP 2y FT 6m <u>Total</u>: 4y 6m NPP 2y 6m	AA 3y 6m NPP 1y 9m FT 6m <u>Total</u>: 4y NPP 2y 3m	Rob in co offence committed on bail for stealing offence	Approached male who had been ejected from nightclub for brawling and demanded and took wallet 6mths later co-offender invited victim to accompany him in car for a meal – offender driving car took victim and co-offender to nearby park – victim assaulted and robbed of jewellery and money

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17.	**Avaness** (18) [2002] NSWCCA 230	2 x s.97(1) Rob in Co	PG	4y NPP 2y (concurrent)	AD	Nil	Kicked and punched young victim taking mobile phone and money - punched second victim in head several times taking $30
18.	**Hernando** (19) (2002) 136 A Crim R 451 [2002] NSWCCA 489 Co-offender: MCIVOR	s.97(1) Rob in Co s.97(1) Rob in Co	PG	FT 6m 2y NPP 6m (concurrent)	Crown AD	2 similar offences as a juvenile	Male lured into car park and robbed using knife - on second occasion knife held to victim's throat Sentence manifestly inadequate but in view of delay discretion exercised to dismiss Crown appeal
19.	**McIvor** (20) (2002) 136 A Crim R 490 [2002] NSWCCA 490 Co-offender: HERNANDO	s.97(1) Rob in Co s.97(1) Rob in Co	PG (25%)	2y NPP 7m 7d FT 6m (concurrent)	Crown AD	Breached bond	Male lured into car park and robbed using knife - on second occasion knife held to victim's throat. Sentence manifestly inadequate but in view of outcome in relation to co-offender Hernando discretion exercised to dismiss Crown appeal.
20.	**Bendt** (17y 9m) [2003] NSWCCA 78	s.97(1) Rob in Co s.97(1) Rob in Co Sched: 2 x Rob in Co	PG	18m control order suspended	Crown AA 1y 6m NPP 1y FT 1y		Robbed club late at night with 7 males – 2 males armed with machetes - employees and patrons manhandled, threatened and assaulted Judge erred in dealing with matter under *Children (Criminal Proceedings) Act*
21.	**T Hickey** (32) [2003] NSWCCA 110 Co-offender: J HICKEY (single offence)	s.97(1) Rob in Co s.97(1) Rob in Co	PG (25%)	4y 6m NPP 3y 4y 6m NPP 3y	Crown AA 4y 6m NPP 3y 4y 6m NPP 2y 6m Total: 6y NPP 4y	extensive record	4 offenders robbed bank - no weapons or threats of violence - TH involved in robbery of TAB where door smashed - JH grabbed bag from female on street Aboriginal male - drug addiction - both affected by inability to attend mother's funeral TH - prospects of rehabilitation outside Sydney and in structured rehabilitation program

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22.	**Murray** [2003] NSWCCA 116	s.97(1) Rob in Co Use off weapon to avoid appreh Steal from person Sched: 15 offences	PG (25%)	4y 9m NPP 2y 9m FT 1y FT 18m (all concurrent)	AD	breached bond for larceny and stealing from person	With co-offender robbed female attendant at newsagency – drove car directly at police attempting to arrest him two weeks later – arrested several months later after stealing from second victim Youth – broken home – attempted made at overcoming drug addiction
23.	**Daetz** (18) **Wilson** (youth) (2003) 139 A Crim R 398 [2003] NSWCCA 216	s.97(1) Rob in Co 2 x s.99 s.97(1) Rob in Co s.95 Assault	PG (25%) PG (late) PG (25%)	6y NPP 3y 18m NPP 9m (concurrent) 6y NPP 3y 18m NPP 9m FT 18m (all concurrent)	AA 5y 6m NPP 2y 9m 18m NPP 9m (concurrent) AD	robbery offence committed while on bail for s.99 offences breached bond	D approached and demanded money from two strangers at train station making threats W – after offering to sell victim cannabis punched and kicked him and stole phone Several weeks later both offenders approached two males at shopping centre and demanded money – kicked and punched one victim D - on appeal reduction given for extra-curial punishment after serious assault by persons connected with victims of robbery in company
24.	**El-Sayed** [2003] NSWCCA 232	2 x s.97(1) Rob in Co 2 x s.90A – Detain for advantage	PG	3y NPP 15m FT 12m (concurrent)	Crown AA 4y 3m NPP 1y 9m FT 12m (concurrent)		With co-offender detained two males at car park and forced them to stay with offenders for several hours – driven to several places, threatened and robbed of money Appeal base on failure to give promised assistance
25.	**Jin** [2003] NSWCCA 238	2 x s.97(1) Rob in Co Sched: 3 offences	PG	3y NPP 18m	AD	Prior convictions – breached recog and bail	Robbed two 14y boys in park – stole mobile phones Assistance in identifying co-offender

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26.	**Eter** (25) **Cotter** (25) **Russell** (19) **Iremonger** (19) [2003] NSWCCA 273	2 x s.97(1) Rob in Co Sched: 4 offences 2 x s.97(1) Rob in Co 2 x s.97(1) Rob in Co 2 x s.97(1) Rob in Co Sched: 2 offences	PG (25%) PG (25%) PG (25%) PG (25%)	3y NPP 15m 3y NPP 15m 2y suspended 2y suspended	Crown AD Crown AD Crown AD Crown AD	Minor convictions Drug offences Minor record	Forced way into home of 53y victim on farm – E impersonated police officer – victim and de facto wife threatened and assaulted – guns and property stolen – E and C carried out threats E – drug addiction – evidence of rehabilitation C – evidence of rehabilitation R – depression as result of father's death – believed entitled to father's gun held by victim – vulnerable in gaol – evidence of good work record – lesser involvement in offence I – lesser involvement in offences – vulnerable in gaol – evidence of good work record Crown appeal dismissed in exercise of discretion
27.	**Nair** (22) [2003] NSWCCA 368	s.97(1) Rob in Co s.97(1) Rob in Co	PG	12m suspended GBB 18m	Crown AD	Dishonesty – breached bond.	With two co offenders robbed book store – threatened store assistants. Exceptional case – minor role, youth and favourable subjective circumstances including rehabilitation.
28.	**Moshref** (19) [2003] NSWCCA 379 Co-offender: DUKINO (single offence)	2 x s.97(1) Rob in Co s.97(1) Rob in Co	PG (25%)	FT 1y 9m 3y 3m NPP 1y Total 5y NPP 2y 9m	AD	Appalling – breached bonds	Four offenders approached male and female at train station – punched male in face and took money and mobile phone – four offenders pushed way into office at station – assaulted female employee and took money
29.	**Hasan** (19) [2005] NSWCCA 21	2 x s.97(1) Rob in Co	PG (25%)	4y NPP 2y	AD	Breached bonds for assault and driving offence	Robbed two taxi drivers – threats to kill – planned offences Voluntary surrender and admissions

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30.	**Lesi** [2005] NSWCCA 63	s.97(1) Rob in Co Assault s.97(1) AR Carried in stolen conveyance Sched: 4 related offences	PG	7y NPP 5y FT 12m FT 5y FT 6m Total: 8y 6m NPP 6y	AD		With co-offender entered hotel and threatened staff – obtained $40,000 – assaulted staff member by punching to head with closed fist – 4 months later robbed second hotel with replica pistol – left in stolen car
31.	**Afele** (18) [2005] NSWCCA 315	2 x s.97(1) Rob in Co AOABH	PG (25%)	3y NPP 1y 3y NPP 2y Total: 4y NPP 2y	AA 3y NPP 1y FT 18m Total: 4y NPP 2y	nil	One of group of men who punched and kicked male victim on street – shortly later group approached and robbed two men of money and phones Prior good character – alcohol problem – low intelligence – family support – genuine remorse
32.	**Browne** [2006] NSWCCA 62 Co-offender: DYER	s.97(1) Rob in Co 2 x s.97(1) Rob in Co Robbery Sched: Rob in Co	PG	5y NPP 2y 6m 4y NPP 2y FT 1y Total: 6y NPP 3y 6m	AD	Breached bail	Robbed train passengers on train and station. Parity

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33.	**Salvaggio** (23) [2006] NSWCCA 327	s.97(1) Rob in Co 2 x s.97(1) AR Sched: 3 offences including AR	PG	7y NPP 4y 6m FT 3y <u>Total</u>: 7y NPP 4y 6m	AD	Nil	Stole cars from driver while test driving – used pistol three occasions – Involved in robbery of SS Genuine remorse – acted under duress – owed money to drug dealer
34.	**Smith** (18) [2007] NSWCCA 100	s.97(1) Assault with intent to Rob in Co s.97(1) Rob in Co s.97(1) Rob in Co 2 x s.97(1) Rob in Co s.97(1) Rob in Co Sched: 4 offences	PG	3y NPP 1y 3y NPP 1y 6m 3y 9m NPP 2y 1m 3y 9m NPP 2y 1m 3y 9m NPP 2y 1m (concurrent)	Crown AA FT 2y 9m FT 3y FT 3y FT 3y 3m 5y NPP 3y 3m <u>Total</u>: 5y 6m NPP 3y 9m	Prior for assault – breached bail	With co-offenders robbed stores and service stations – knife used in first attack – more than one co-offender involved – on five occasions attendants assaulted Turbulent childhood
35.	**Thomas** (20) [2007] NSWCCA 269	s.96 s.97(1) Rob in Co	PG (15%) VG	3y 5m NPP 18m 3y 6m NPP 18m <u>Total</u>: 4y NPP 2y	Crown AA 4y NPP 2y 4y NPP 2y <u>Total</u>: 5y NPP 3y	nil – second offence breached bail on first offence	In company of co-offender pursued male stranger on street at night, kicked him while on ground and struck him with bottles in bag - stole beer bottle – opportunistic – leader - circumstance of aggravation was use of corporal violence 6 weeks later one of four youths who stopped and assaulted male walking in park – victim pushed and kicked and briefcase stolen

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36.	**Vaovasa** (27) (2007) 174 A Crim R 116 [2007] NSWCCA 253	3 x s.97(1) Rob in Co	VG	5y NPP 3y 9m (each – concurrent)	AD	Rob in company	With five co-offenders attacked three victims – took mobile phones and money.
37.	**Dalton** [2008] NSWCCA 108	2 x s.97(1) Rob in Co	PG (25%)	4y NPP 18m (each - concurrent)	AD	Assault, AOABH	With co-offender stole mobile phone and other items from two teenage boys whilst travelling on train.
38.	**Raninga** (19) [2009] NSWCCA 35	s.97(1) Rob in Co s.95 Sched: 2 x AOABH	PG	5y GBB s.10A	Crown AA 2y NPP 6m 15m NPP 3m Total: 2y NPP 9m	nil	While intoxicated and walking around street at night punched two men in face – assaulted third male and took Sony PlayStation Portable and phone – in company of several men assaulted fourth male and demanded phone Out of character – possible psychological harm of incarceration
39.	**Assad** (20) [2009] NSWCCA 182	s.97(1) Rob in co s.97(1) 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 Periodic Det	Crown AD		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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40.	**England** (27) [2009] NSWCCA 274 Co-offender: PHANITH (single offence)	2 x s.97(1) Rob in Co 2 x s.112(2) (breach of bond) Sched: offences	PG (25%)	Total: 8y 6m NPP 4y 6m	AD	Property offences	Three men entered house and assaulted male victim in bedroom – co-offender struck victim with shifter – girlfriend assaulted – money and property stolen from occupants – occupants tied up and threatened Also involved in second robbery of female acquaintance – entered victim's unit with three men at night – victim and male friend tied up threatened E – female – alcohol abuse
41.	**Williams** (18–19) [2011] NSWCCA 244	s.97(1) Rob in Co s.97(1) AR Escape	PG (25% on appeal)	9y NPP 5y 4m 6y 9m NPP 4y 6m FT 6m Total: 9y 6m NPP 6y 4m	AA 6y NPP 3y 4m 4y 10m NPP 2y 5m FT 6m Total: 6y 6m NPP 4y 4m	Lengthy record – AR breached conditional liberty – Rob in Co committed as escapee	Three offenders attacked male outside units – sustained assault including punching and kicking – co-offender threw beer bottle smashing against victim's head – unconscious – escaped from correctional centre by cutting through fence and climbing wall – at large 1m 13d – while escapee attached taxi driver with two co-offenders – punched victim in face twice – above range criminality Aboriginal youth - chaotic upbringing and alcohol and drug abuse
42.	**Rose** (19) [2013] NSWCCA 71	s.97(1) Assault with intent to Rob in Co s.97(1) Rob in co Sched: s 117 Larceny	PG (25%)	3y 3m NPP 2y 3y 4m NPP 2y Total: 3y 7m NPP 2y 3m	AD	Possess proh weapon - on bond.	With co-offenders robbed two taxi drivers – offender punched one victim – some planning – involved violence.

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43.	**Thaver** [2011] NSWCCA 106	s.97(1) Rob in Co Robbery offence Robbery offence	PG (35% - plea and assist)	2y NPP 9m FT 8m 5y NPP 2y 6m Total: 7y NPP 4y 3m	AA to correct expiration date only	nil relevant	With co-offender committed robberies against three taxi drivers over two month period – victims assaulted by offenders in taxis – each under influence of drugs and alcohol Appeal only against first sentence on grounds of parity – sentences for additional two robberies imposed at separate sentencing hearing and not subject to separate appeal – total sentence taken into account in consideration of appeal
44.	**Houcher** (18) [2018] NSWCCA 96	s.97(1) Rob in Co s.97(1) Rob in Co	PG (10%) PG (25%)	Aggregate 6y 6m NPP 4y 6m	AD	Assault, resist police, destroy property - on bail and bond	With cousin hired taxi – offender took taxi driver by throat with both hands, demanded money and took approximately $200 – with cousin observed victim win $400 on poker machines - co-offender demanded money while offender sat in vehicle. No remorse - special circumstances – youth.
45.	**Nean** (34) [2019] NSWCCA 164	s.97(1) Rob in Co s.97(1) Rob in Co 2 x s.97(1) Rob in Co Police pursuit Sched: SMV	PG (less than 25%)	6y 4y 6m 5y 4m 15m Aggregate: 8y 9m NPP 5y	AA To backdate sentence only	aggravating – includes armed with intent and motor vehicle offences – breached conditional liberty	With co-offender confronted male acquaintance in caravan and demanded money – threatened victim's female partner and unborn child – offenders armed with knife and screwdriver - walked to main residence and threatened victim's mother, son and brother – victim assaulted by co-offender - jewellery and electronic equipment stolen – stole victim's car – involved in police pursuit next day – offender took lead role in offences – mid-range offending Risk of institutionalisation – limited prospects of rehabilitation – *Bugmy* factors – violent father – early drug abuse – anti-social peer influence
46.	**Zeiser** (26) [2020] NSWCCA 154	s.97(1) Rob in Co 3 x s.97(1) Rob in Co	PG (15%) VG	3y NPP 2y 5y NPP 3y 9m Total: 5y NPP 4y	AA 2y 6m NPP 1y 10m 5y NPP 3y 9m Total: 5y NPP 3y 10m	Long record	With co-offender pretended to be police officers and pulled over cars – robbed occupants of personal property – some punching and one victim hit with ball peen hammer – no significant injuries Long term drug users On appeal: failure to apply discount for plea – adjustment made to first sentence

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47.	**Dungay** (25) [2020] NSWCCA 209 Co-offender: GRAY	s.97(1) Rob in Co s.97(1) Rob in Co s.112(2) Sched: 3 x Consp to Rob in Co Proceeds offence	PG (10%)	Indicative: 6y 8y 6y 4m NPP 4y Aggregate: 12y NPP 8y	AA Indicative: 5y 5m 6y 6m 5y 6m NPP 3y 8m Aggregate: 10y NPP 6y 6m	Record as juvenile – minor record only as adult prior to these offences	With co-offenders entered clubs and hotels shortly before closing – disguised and carrying weapons including knives and poles – stole total of $79,803 – offences committed over 14 months – mid range – above *Henry* Funding addiction – *Bugmy* principles applied – Aboriginal male – both parents incarcerated – first suicide attempt at 12y – transient lifestyle since 13y – early drug use – mental health issues – sexual abuse On appeal: error at first instance in taking into account juvenile record
48.	**Lee** (18) [2020] NSWCCA 244	2 x s.97(1) Rob in Co Sched: s.97(1) Rob in co.	PG (25%)	Aggregate 5y NNPP 3y	AA Aggregate 4y NPP 2y	On bond.	Present and assisting with 3 co-offenders, while co-offender with baseball bat threatened victim who handed over drugs, phone, cash – at same time applicant sat in victim's vehicle and pointed knife at neck of second victim taking watch. *Bugmy* dysfunctional childhood; sexual abuse, mental health difficulties – youth – special circumstances: drug abuse. CCA: manifestly excessive - offences committed within an instant of one another and clearly part of same criminal endeavour.
49.	**Momoa** (19) [2020] NSWCCA 328	2 x s.97(1) Rob in Co	PG (35%)	Aggregate 4y 6m NPP 2y 3m	AA Aggregate 3y 8m NPP 1y 10m		With 2 co-offenders, punched victim and removed his wallet – with 2 co-offenders, grabbed victim and held him to ground, pointing a sharp object to his stomach while searching his pockets and wallet. Schizophrenia and substance use disorder (cannabis). CCA: Miscarriage of justice due to sentencing judge sentencing on basis of incomplete information regarding assistance and mental illness. Eligible for immediate parole.

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50.	**Gray** [2021] NSWCCA 219 Co-offender: DUNGAY	s.97(1) Rob in Co s.97(1) Rob in Co s.112(2) Sched: 3 x consp AR	PG (10%)	<u>Indicative</u> 8y 6y 6y NPP 4y <u>Aggregate</u> 12y NPP 8y	AA <u>Indicative</u> 6y 6m 5y 5m 5y 6m NPP 3y 8m <u>Aggregate</u> 10y NPP 6y 6m	Not stated. First time custody.	With 3 co-offenders, armed with knives wearing facial coverings robbed hotel and service clubs, threatened patrons and staff, stole $30k, $14k, $30k - careful planning and execution, though not professional. Profound childhood deprivation. CCA: Disparity with co-offender.

Last Updated: September 2021