

Armed Robbery

Single - 1989-1998

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

(amended 23.12.1994 to add 97(2) Aggravated Armed Robbery)

	CASE (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	RECORD	WEAPON	FACTS
1.	Readman (26) NSWCCA 9.4.1990	s.97 AR	PG	MT 3y AT 1y	Crown AA MT 5y AT 1y 8m	Lengthy including AR – breached parole	Loaded shotgun	Held up hotel in city to help friend with drug habit – made threats
2.	Miners (18) NSWCCA 10.4.1990	s.97 AR Sched: offences	PG	4y NPP 18m	AD	Lengthy record	Knife	Robbed taxi driver holding knife to neck – stole \$21 – also dealt with for break and enter, stealing and assault offences Aboriginal male - deprived childhood
3.	Moffitt (26) NSWCCA 21.6.1990	s.97 AR s.33	VG	MT 3y 9m AT 1y 3m MT 2y AT 8m (concurrent)	Crown AA MT 6y 6m AT 3y FT 4y (concurrent)	Breached parole – lengthy record after motor vehicle accident	Large hunting knife	Robbed bottle shop – pursued and savagely beaten by shop manager Motor vehicle accident caused psychiatric problems
4.	Croxson (33) NSWCCA 23.7.1990	s.97 AR	PG	MT 8y AT 2y 8m	AD	Lengthy record including AR	Replica pistol	Robbed convenience / bottle store using replica pistol – struggled with owner

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5.	Merriman (25) NSWCCA 24.8.1990	s.97 AR LMV	PG	MT 6y AT 3y MT 1y 6m AT 6m (concurrent)	AA MT 5y AT 1y 8m MT 1y 6m AT 6m (concurrent)	Lengthy record – breached parole	Sawn off shotgun	Stole car from railway station – two co-offenders robbed paymaster at business preparing to pay employees – drove car – did not appreciate possible use of weapon until shortly before arrival Evidence of rehabilitation
6.	Webster (26) NSWCCA 8.10.1990	s.97 AR	PG	8y 7m NPP 7y 6m	AD	Lengthy record for dishonesty offences – breached parole	.22 calibre rifle	Robbed sports store with TAB and employee – in company with one person – stole \$1860 Drug addiction
7.	D NSWCCA 6.11.1990	s.97 AR	PG	(redetermined) 5y 11m 26d MT 3y 7m 22d AT 2y 4m 4d	AA MT 2y 6m AT 10m	Record – breached recognisance	Knife	With co-offender forced entry into house – stole takings from adjoining service station – assaulted female occupant and forced her to reveal further money – threats to kill - \$3185 – revenge for dismissal as employee Fresh evidence of psychiatric condition
8.	Thorley (24) NSWCCA 5.2.1991	s.97 Assault with intent AR	PG	MT 7y AT 2y 4m	AA MT 5y AT 2y 6m	Lengthy record – breached parole for armed robbery	Shortened firearm	Robbed bank in company of one person – stole \$5000 – co-offender brandished weapon
9.	Coffey (20) NSWCCA 12.4.1991	s.97 AR	PG	MT 2y 6m AT 10m	AD	nil	Hunting knife	Robbed taxi driver Limited intelligence
10.	Cottam NSWCCA 7.5.1991	s.97 AR	PG	MT 3y AT 1y	AD	Breached bond	shotgun	Involved with two co-offenders in robbery of pizza shop – drove car Good prospects of rehabilitation
11.	Williams NSWCCA 27.5.1991	s.97 AR	PG	10y NPP 7y 6m	AD	Serious record – breached parole	rifle	Robbed service station
12.	Abusafiah (28) NSWCCA 16.9.1991	s.97 AR	VG	MT 4y AT 1y 4m	AD	Drug offences – breached bail	Knife	Alighted from car and robbed male pedestrian at knifepoint
13.	Reeves NSWCCA 15.10.1991	s.97 AR	PG	MT 4y AT 1y 4m	AD			Robbed employer as he left race meeting – took advantage of relationship and knowledge of victim's movements – offence committed in company – took primary role

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14.	Keirouz NSWCCA 6.11.1991	s.97 AR 2 x Supply cannabis leaf	VG PG	MT 3y AT 12m MT 1y AT 4m Total: MT 5y AT 1m	AD	Breached bond	Knife	Bag snatch using knife – followed female victim into foyer of residential units - denied use of knife
15.	Diamond (18) NSWCCA 18.2.1993	s.97 AR	PG	3y Periodic Det	AD	Nil	Knives	Robbed liquor store with co-offender - significantly lesser role than co-offender
16.	Ellis (26) (1993) 68 A Crim R 449	s.97 AR	PG	MT 6y 6m AT 2y 2m	AD	AR offences - on parole for AR	Sawn-off shotgun	Robbed Credit Union wearing balaclava with female accomplice - gun loaded but no bullet in breach Evidence of good rehabilitation during remand
17.	Maddocks NSWCCA 25.11.1993	s.97 AR	PG	500h CSO	Crown AD	Minor	Gun	Robbed video store. Good subjective features, including assistance to police On appeal: Inadequate but in discretion Court will not intervene.
18.	Wakefield NSWCCA 17.12.1993	s.97 AR	PG	MT 9y AT 3y	AD	bad, including AR - on parole for similar offences	Sawn-off shotgun	Robbed Post Office with loaded sawn-off shot gun - pointed gun at customers, inches from chest, with finger on trigger Drug and alcohol problems.
19.	Walker NSWCCA 21.2.1994	s.97 AR Sched: Multiple offences	PG	MT 5y AT 2y	AA MT 4y AT 2y	long – breached PD and three bonds at time of offence	wheel brace	Robbed tobacco truck with co-offender – victim struck and threatened with death - lesser role than co-offender.
20.	Jones NSWCCA 15.4.1994	s.97 AR Sched: AR		Griffith Remand	Crown AD Exceptional rehabilitation	nil relevant	pistol	Spontaneous incident - held pistol at head of owner of general store. Undertaking drug rehabilitation prior to sentencing - positive
21.	Randall (25) NSWCCA 19.4.1994	s.97(1) AR	PG	21m PD (+ 88d PSC)	Crown AD	On bond at time of offence – re- offended on bail	knife	Threatened elderly female with knife and forced her to retrieved \$40 from inside house. On appeal: Sentence inadequate but counter-productive to return offender to gaol

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22.	Roberts (20) Lewis (21) McVean (18) (1994) 73 A Crim R 306	s.97(1) AR s.97(1) AR s.97(1) Acc before fact to AR Sched 2 offences	PG PG PG	3y Periodic Det 3y Periodic Det 3y Periodic Det	Crown AA MT 1y AT 2y MT 1y AT 2y MT 1y AT 2y	on bond nil minor	machete and iron bar	R and L concealed selves in store with assistance of M who was employee - after closing held up female employee with machete and iron bar - threatened to cut throat of female - three victims bound and pillowslips placed over heads - M kept lookout for police in stolen car. R: genuine remorse - victim of social circumstance. L: contrition - cadet in army - out of character M: drug and alcohol addiction
23.	Siafakas NSWCCA 25.7.1994	s.97 AR		MT 2y AT 2y	AA MT 15m AT 9m	on bond	replica pistol	Held up clerk taking business takings to bank with co-offender – organiser Parity.
24.	Sharpe NSWCCA 27.9.1994	s.97 AR Possess unlic firearm	PG	3y Periodic Det	Crown AD	On bail	Revolver	In company of another robbed a vet supply company for steroids - used revolver and tied up victim - carefully planned offence - two days later found in possession of unlicensed firearm Offence result of steroid abuse and rehabilitation meant unlikely to re-offend. On appeal: inadequate but discretion exercised because of rehabilitation.
25.	C (1994) 75 A Crim R 309 NSWCCA	s.97 AR 4 x kidnapping Sched: 7 offences including AR.	PG	GBB 5y PSC - 11m	Crown AD			Kidnapping occurred during robbery. Assistance to authorities resulted in grave fears for self and family. On appeal - s.442(2) Crimes Act discussed. Not unreasonable for SJ to impose non-custodial sentence because of assistance.
26.	Napier (28) NSWCCA 25.11.1994	s.97 AD Sched: Armed Rob Poss firearm	PG	MT 4y AT 2y	AD	priors - schedule offences committed on bail for AR	Shortened firearm	Robbed Credit Union Substantial efforts to rehabilitate in custody.
27.	White NSWCCA 20.4.1995	s.97(1) AR	PG	MT 1y 6m AT 1y 3m	AD	nil	Sawn-off shotgun	Robbed service station while drunk and disguised. Unemployed - under financial stress and wife pregnant - surrendered to police.

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28.	Davies NSWCCA 29.11.1995	s.97(1) AR	PG	MT 3y 3m AT 2y	AA MT 2y AT 1y 6m	priors	knife	Robbed service station and attacked attendant with knife Alcohol problem - assistance to authorities.
29.	Dunn (41) NSWCCA 11.12.1995	s.97(1) AR	PG	MT 2y AT 3y	AD		Replica pistol	Robbed bank taking \$5650. Suffering Hep B and C – contrition - unlikely to re-offend - lack of pre-meditation.
30.	Khoury NSWCCA 8.3.1996	s.97(1) AR Sched: 4 offences		MT 2y 6m AT 2y	AD	lengthy, including AR - 10 year gap since previous offence	loaded pistol	Robbed hardware store - pointed pistol at two employees - gun discharged during robbery. Successfully completed drug rehab program on Griffith's Remand.
31.	Clarke NSWCCA 8.3.1996	s.97(1) AR		MT 3y 6m AT 1y 6m	AA MT 2y 6m AT 1y 6m	previous gaol	Knife	Robbed heavily pregnant restaurant owner with knife. Volunteered guilt – Aboriginal youth
32.	Cooper (35) NSWCCA 1.11.1996	s.97(1) AR	PG	MT 3y 9m AT 2y	AD	“formidable” record including dishonesty	Baseball bats	Went to home of victims with two other males, disguised and armed with baseball bats - demanded money struck victims with bats. Lost both parents early in life - drug problem – importance of admissions to Crown case
33.	Hawaorth NSWCCA 18.11.1996	s.97(1) AR Sched: 2 offences	PG	MT 4y AT 3y	AD	priors, although no details	Shortened automatic shotgun	Robbed Credit Union with unloaded shotgun - balaclava in bag - planned offence.
34.	Leonard NSWCCA 22.11.1996	s.97(1) AR	PG	MT 3y 6m AT 3y 6m	AD	priors but not detailed	timber	Robbed service station with co-offender at 9.30pm - threatened attendant and obtained money. Aboriginal male
35.	Lattouf (19) NSWCCA 12.12.1996	s.97(1) AR Sched: 2 offences	PG	3y PD (+2m PSC)	Crown AD	Minor	gun	Robbed store with two other men - acted as lookout and removed some equipment. Good subjective features.
36.	Vanjour (19) NSWCCA 18.12.1996	s.97(1) AR Sched: 9 Rob offences	PG	MT 2y 6m AT 3y 6m	AD	Minor record	plastic pistol	Robbed pizza and fast food delivery personnel over eight weeks. Long delay - gambling problem now dealt with.

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37.	Bustescu NSWCCA 20.12.1996	s.97(1) AR	PG	MT 5y AT 2y 6m	AA MT 4y AT 2y (3y discount for assistance)		Guns	With four other men robbed victims in their home - victims tied up and assaulted - victims in their sixties - no evidence offender participated in violence Considerable assistance
38.	Wright (23) (1997) 93 A Crim R 48	s.97(1) AR	PG	GBB 3y	Crown AA MT 1y AT 2y	on bond - assault, dishonesty, variety of bonds & CSO	steak knife	Robbed Pizza delivery woman with co-offender - grabbed victim from behind and held serrated steak knife to throat. On drugs at time of offence.
39.	Kerr (23) NSWCCA 26.8.1997	s.97(1) AR Sched: 6 off including robbery	PG	Griffith's Remand (+3m PSC)	Crown AD Sentence inadequate but in discretion did not intervene	2 driving offences.	knife	Robbed bottle shop taking \$546. Undertaking drug rehabilitation.
40.	Baker NSWCCA 27.8.1997	s.97(1) AR	PG	MT 6m AT 12m	Crown AD	on bail and periodic detention - dishonesty, driving and drugs - nil full time custody	machete type knife	Morning of offence granted bail for assault and breach AVO - robbed 74y female shop keeper with in isolated shop - admitted robbery was for 'pure greed'. Readily admitted offence - suffering depression as result of physical illness On appeal: Manifestly inadequate, but excellent rehabilitation after five months and delay
41.	Hilder NSWCCA 10.10.1997	s.97(1) AR	VG	MT 6y AT 4y	AD (no real argument made)	10 AR - on parole for these offences	rifle	Robbed bank with rifle taking \$8395 - previously rejected different bank because of presence of security guard. Mental illness.
42.	Micalleff (19) NSWCCA 3.11.1997	s.97(1) AR Sched: Use heroin	PG	MT 2y AT 4y	AA MT 18m AT 2y 6m	nil	Blood filled syringe	Robbed florist with blood filled syringe. Female offender - heroin addict - appalling background.
43.	Gitt (37) NSWCCA 18.5.1998	s.97(1) AR		500hrs CSO	Crown AD	number of entries but none for violence	knife	Grabbed handbag of female in shopping centre - victim's finger cut during struggle. Financial need - emotionally dependent on wife who suffered from agoraphobia On appeal: Sentence inadequate but in discretion did not intervene.

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44.	Hines (39) NSWCCA 25.5.1998	s.97(1) AR	PG	MT 4y 8m AT 2y 4m	AD	very bad – bond	paring knife	Broke into elderly victim's house while asleep - disguised self, picked up paring knife from kitchen and held at victim's throat - stole goods - tied up and threatened victim - intoxicated. Surrendered to police - chronic alcoholic and drug addict.
45.	Qi (18) (1998) 102 A Crim R 172	s.97(1) AR Sched: Kidnapping	PG	2y PD (+11m PSC)	Crown AA MT 2y AT 2y (starting date set to include PSC and time served on PD)	attempt BES, illegally use conveyance, possess ammunition – serving CSO and on probation and bail.	gun and knife	Forced entry into home with two other youths - threatened occupants, including 11y female with gun and knife - female taken and kept at hotel room until rescued by police next morning – offender not armed and played minor role.
46.	Toomey (25) NSWCCA 22.7.1998	s.97(1) AR	PG	MT 3y AT 3y	AD	mal damage, property, dishonesty, drugs – on bail	screwdriver	Robbed convenience store worker of \$400. Aboriginal male - alcohol and drugs.
47.	Fisher (25) NSWCCA 18.9.1998	s.97(1) AR	PG	MT 2y AT 6m	AA MT 15m AT 15m	nil relevant	knife	Robbed Post Office - took money from till but panicked and left when told safe on alarm and customer arrived - used own car and traced through number plates. Out of character with no explanation for behaviour.

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