# Armed Robbery

## Single

## 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**

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | INVOLVEMENT & SUMMARY |
|---|---|---|---|---|---|---|---|---|
| **1.** | **Henry** (23) [1999] NSWCCA 107 | s.97(1) AR<br><br>Rob in company<br><br>Sched: Administer heroin | PG | MT 1y 6m AT 4y<br><br>MT 1y 6m AT 4y (concurrent) | Crown AA MT 3y 6m AT 2y<br><br>MT 3y 6m AT 2y (concurrent) | Knife | MV theft, drugs, mal damage, dishonesty – no previous custody – second offence breached bail for first offence. | Robbed service station attendant of $810 - cut telephone wires when leaving - robbed general store assistant of money from till with co-offender - pointed knife at victim's ribs. Heroin addict - unsuccessful rehabilitation attempts - remorse. |
| **2.** | **Jenkins** (1999) 106 A Crim R 149 [1999] NSWCCA 110 | s.97(1) Assault with intent to AR | PG | MT 3y AT 1y | AA FT 2y | Knife | old priors not relevant | Demanded $20 from shop assistant, leaving store when alarm activated. Prior good character – regret - immediate admission of guilt. |
| **3.** | **Tran** (18) (1999) 106 A Crim R 149 [1999] NSWCCA 109 | s.97(1) AR<br><br>Sched: Supply drug, GIC | PG | 3y 6m GBB | Crown AA MT 2y AT 1y 6m (35% - assistance) | Replica pistol | possess shortened firearm, possess proh weapon, possess drugs – on recog and probation | With 2 co-offenders entered video shop wearing balaclavas - pointed replica pistol at victim and demanded money - $600 plus money and credit card taken. Late plea guilty – some attempt at rehabilitation |
| **4.** | **Stahl** [1999] NSWCCA 160 | s.97(1) AR<br><br>Sched: Public mischief | PG | MT 3y AT 2y | AD | Knife | BES, possess prohibited plant | Robbed taxi driver of keys, wallet and money - held knife to victim's throat. Bipolar disorder - heroin addict – remorse - co-operation with authorities. |

**This table has been prepared by the Public Defenders as a guide. Individual cases should be read if they are to be relied upon.**

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| **5.** | **Collier** [1999] NSWCCA 137 | s.97(1) AR<br><br>Sched: Larceny | PG | MT 1y 10m<br>AT 2y 2m | AD | Syringe filled with red liquid | Drug and drug related offences | Robbed chemist of drugs wearing hood over face. Drug addict |
| **6.** | **Hockey** (43) [1999] NSWCCA 149 | s.97(1) Assault with intent to AR | PG | MT 3y<br>AT 2y | AD | pocket knife | minor record – breached bond | Attempted to rob pharmacy attended by 70y female – threatened to cut her with knife and forced open till – left when victim's husband approached |
| **7.** | **Baker** [1999] NSWCCA 150 | s.97(1) AR<br><br>Sched: 5 offences | PG | MT 2y 4m<br>AT 9m | AD | Knife | Lengthy | Entered home of 89y victim with impaired vision and hearing, living alone - took $30 and bank withdrawal form filled in by victim<br>Female drug addict. |
| **8.** | **Ah-See** (32) [1999] NSWCCA 175 | s.97(1) AR | VG | MT 4y<br>AT 3y | AD | Knife | dishonesty, supply heroin, receiving – previous custody – breach of recog at time of offence. | With shirt pulled over head robbed bowling club of money from till - unpremeditated, amateurish effort.<br>Aboriginal male - affected by alcohol and methadone withdrawal - rehabilitation prospects. |
| **9.** | **Mangan** [1999] NSWCCA 194 | s.97(1) AR | VG | MT 7y 10m<br>AT 2y 7m | AA<br>MT 6y<br>AT 2y | Gun | Armed rob in company (Qld), dishonesty, drugs, possess firearms – previous custody. | With co-offender robbed garden centre safe of $9000 - both wore dust masks - pointed gun at store manager.<br>Married with children. |
| **10.** | **Simon** [1999] NSWCCA 224 | s.97(1) AR | PG | MT 3y<br>AT 2y 6m | AA<br>MT 2y 3m<br>AT 3y | Blood filled syringe | Extensive | Entered service station with t-shirt hiding his face - threatened staff taking $75 - money recovered. Heroin addict - married with young child - offence committed to pay wife's traffic fines - no permanent home - on Rohypnol – contrition - State ward at 14 - semi-literate - tragic background. |
| **11.** | **McCarroll** [1999] NSWCCA 237 | s.97(1) AR<br><br>Sched: GIC<br>4 x BE&S | PG | MT 6y<br>AT 2y | AA<br>MT 5y<br>AT 3y | Revolvers | Lengthy | With co-offender entered supermarket and robbed two Armaguard employees of $42,500 and two firearms - well planned offence. |

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| **12.** | **Flood**<br><br>**Flood**<br><br>[1999] NSWCCA 240 | s.97(1) AR<br><br>2 x SMV<br><br>s.90A<br><br>s.97(1) AR<br><br>2 x SMV<br><br>s.90A | PG<br><br>PG | MT 3y 6m<br>AT 2y 6m<br><br>FT 2y<br><br>FT 3y<br>(all concurrent)<br><br>MT 3y 6m<br>AT 2y 6m<br><br>FT 2y<br><br>FT 3y<br>(all concurrent) | AD<br><br>AD | fishing knife | breached bond<br><br>breached parole | Brothers together approached 19y male and forced him into back seat of his car – drove around to several locations and robbed victim of property |
| **13.** | **Elleissey**<br>[1999] NSWCCA 299 | s.97(1) AR | PG | MT 18m<br>AT 2y | AD | Knife | multiple theft, assault, BE&S, drugs | Robbed newsagent of $600.<br>Heroin addict - special circumstances. |
| **14.** | **Webster**<br>[1999] NSWCCA 313 | s.97(1) AR | PG | MT 6m<br>AT 3y 6m | Crown AA<br>MT 12m<br>AT 3y | Blood filled syringe | malicious damage, shoplifting – no previous custody. | With co-offender robbed convenience store of $410 and tobacco in early hours of morning.<br>Drug addiction - family support - married with child. |
| **15.** | **Young**<br>[1999] NSWCCA 275 | s.97(1) AR | PG | MT 3y<br>AT 3y | AA<br>MT 2y 6m<br>AT 2y | Knife | assault, drugs, malicious damage, driving – no previous custody. | While watching TV show boasted he could commit a robbery - left house affected by alcohol and amphetamines and robbed service station of $2415.<br>Dysfunctional and violent family background - drug use – immature - impetuous and amateurish offence - genuine remorse - good rehabilitation. |
| **16.** | **Stranglemen**<br>[1999] NSWCCA 343 | s.97(1) AR | PG | MT 2y 6m<br>AT 10m | AA<br>MT 18m<br>AT 13m<br>(35% - assistance) | Knife | nil | With co-offender robbed service station of $200 and cigarettes - co-offender threatened victim with knife – offender also had knife in pocket.<br>Employed - reliable worker - stable relationship - assistance to police |

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| **17.** | **Horne** [1999] NSWCCA 391 | s.97(1) AR | PG | MT 7m 7d<br>AT 18m | Crown AD | Knife | One prior (not specified) | With co-offender wearing balaclavas robbed service station of $44 and cigarettes - co-offender threatened victim with knife - lesser role than co-offender.<br>Female - drug abuse - resumed career upon release from gaol - family support - ideal prisoner. |
| **18.** | **Freeman** [1999] NSWCCA 394 | s.97(1) AR<br><br>Sched: BES | PG | MT 4y<br>AT 3y | AD | Knife | bad record | Robbed Service Station with three other men.<br>Aboriginal male - deprived childhood - addicted to alcohol and drugs |
| **19.** | **Mastronardi** (27) (2000) 111 A Crim R 306 [2000] NSWCCA 12 | s.97(1) AR<br><br>Conceal serious offence | PG | 3y Recog | Crown AA<br>3y<br>Periodic Det<br><br>1y<br>Periodic Det | knife | nil | Took taxi with two acquaintances believing they would pay fare – during trip acquaintances produced knife and syringe and robbed driver – failed to report offence to police – next day took part in robbery of second taxi driver with same acquaintance – received money for drugs<br>History of drug abuse – seriously assault in custody – difficult background |
| **20.** | **Thompson** [2000] NSWCCA 15 | s.97(1) Assault with intent to AR | PG | MT 18m<br>AT 2y 6m | AD | knife | extensive record | Female – approached taxi driver with small folding knife and demanded money – struggled with victim and nearby security guard<br>Difficult background – at time of offence under influence of drugs after distressing personal news – pregnant at time of sentence |
| **21.** | **Armstrong** [2000] NSWCCA 16 | s.97(1) AR | PG | MT 3y<br>AT 3y | AD | Syringe | daunting record | Robbed service station, punching proprietor in struggle - not sophisticated offence.<br>Early admissions to police - genuine remorse - drug addiction - assistance to authorities. |
| **22.** | **Stanley** [2000] NSWCCA 432 | s.97(1) AR | | MT 4y<br>AT 3y | AA<br>MT 3y<br>AT 2y | Knife | prior convictions – offence committed on recog and after 2 days of parole | After release from gaol stayed with friend - went next door armed with knife to obtain drugs - 18y visitor had no knowledge of drugs – gave $20 when assaulted<br>Aboriginal male - itinerant lifestyle – addicted to drugs and alcohol. |
| **23.** | **Zaia** [2000] NSWCCA 52 | s.97(1) AR<br><br>Sched: BES | | MT 3y<br>AT 2y | AA<br>MT 2y<br>AT 2y | Knife | nil | Robbed pie shop with kitchen knife.<br>Female who become addicted to heroin recently through male partner |

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| **24.** | **Sua** (16) [2000] NSWCCA 94 | s.97(1) AR | PG | MT 3y<br>AT 2y 6m | AA<br>MT 2y 6m<br>AT 2y 6m | Pistol | prior convictions including violence and robbery | Forced way into private hotel, threatened manager with pistol and tied him to bed.<br>Significantly disturbed childhood culminating in drug abuse - some positive signs of rehabilitation. |
| **25.** | **Stones** (26) [2000] NSWCCA 341 | s.97(1) AR<br><br>Carried in conveyance | VG | MT 4y 6m<br>AT 2y 6m<br><br>FT 1y (concurrent) | AD | knife | breached recognisance | Robbed jewellery shop armed with knife in company of co-offender – left in stolen car – some degree of planning |
| **26.** | **Coombes** [2000] NSWCCA 349 | s.97(1) AR | PG | MT 3y 6m<br>AT 2y 6m | AA<br>3y 6m<br>NPP 2y | knife | | Robbed male in park with co-offender – took credit cards - knife held to victim's throat - offender kneed and punched victim.<br>Assistance to authorities. |
| **27.** | **Majstrovic** (34) [2000] NSWCCA 420 | s.97(1) AR | PG | MT 4y 6m<br>AT 1y 6m | AA<br>6y<br>NPP 3y | toy pistol | lengthy | Robbed saleswoman at bottle shop of $270. |
| **28.** | **Doorey** (25) [2000] NSWCCA 456 | s.97(1) Att AR | PG | MT 2y<br>AT 2y | AD | pocket knife | prior criminal record – offence committed while on bond | Borrowed jumper and beanie, walked from local party and attempted to rob service station - unable to open register after attendant fled - offence committed at night<br>Personality disorder – substance abuse – vulnerable in prison |
| **29.** | **Thornbury** (19) [2000] NSWCCA 526 | s.97(1) AR | VG | MT 3y 8m<br>AT 1y 6m | AA<br>5y<br>NPP 2y 9m | 12cm knife | long record with diverse offences | Robbed service station staffed alone by middle aged woman at 8pm - held knife against chest of victim<br>Parents strongly influential in fostering offender's attitude to crime - Aboriginal male - deprived background. |
| **30.** | **Hickson** (20) [2001] NSWCCA 113 | s.97(1) AR | PG | 4y<br>NPP 2y | AA<br>2y 6m<br>NPP 1y 4m | knife | | Robbed service station pursuant to plan formed with three co-offenders – offender existed service station to find other offenders left and forced to flee on foot – arrested over a year later<br>Readily confessed and assisted – prospects of support and rehabilitation |

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| **31.** | **Russon**<br>(35)<br>[2001] NSWCCA 166 | s.97(1) AR<br><br><br>Assault police | PG | 6y<br>NPP 4y<br><br>FT 2y (concurrent) | AA<br>6y<br>NPP 3y<br><br>FT 2y (concurrent) | knife | record since 18y – breached parole | Threatened and robbed taxi driver with knife – left without money when alarm activated – threatened arresting police officers with wood<br>Long history of personality disturbance and drug abuse |
| **32.** | **Bavin**<br>[2001] NSWCCA 167 | s.97(1) AR<br><br>s.90A | VG | 3y<br>NPP 2y<br><br>FT 12m | Crown AD | gun | | Arranged with co-offender to rob friend of his car at gunpoint – co-offender approached offender and victim then forced victim to drive off in car with co-offender – maintained facade of non-involvement with victim and police – car later found burned out – planner and initiator of offence |
| **33.** | **Goundar**<br>(18)<br>(2001) 127 A Crim R 331<br>[2001] NSWCCA 198 | s.97(1) Aid and Abet AR | PG<br>(20%) | 18m<br>NPP 7m | Crown AA<br>2y 6m<br>NPP 12m | machete | nil | Drove co-offenders to and from armed robbery of service station – employee threatened with machete – offender aware of weapon – significant criminality as driver fully aware of offence |
| **34.** | **Noonan**<br>(33)<br>[2001] NSWCCA 237 | s.97(1) AR<br><br>2 x Att dispose property | PG | 2y 6m<br>NPP 1y 3m<br><br>FT 1m (concurrent) | AD | scissors | nil relevant | Female – jumped out of car and grabbed bag from female pedestrian – victim surrendered two bags when she saw scissors<br>Drug user seeking money for drugs – prospects of rehabilitation |
| **35.** | **Elkurdi**<br>(25)<br>[2001] NSWCCA 240 | s.97(1) AR | PG | 5y<br>NPP 3y | AD | knife | extensive record | Robbed shop causing superficial injuries to proprietor. |
| **36.** | **Hughes**<br>(19)<br>[2001] NSWCCA 264 | s.97(1) AR<br><br>Sched: Passenger in conveyance | PG | 4y<br>NPP 3y | AA<br>4y<br>NPP 2y | knife | not bad record | Robbed jewellery shop with three co-offenders - one offender armed with knife forced staff into rear office.<br>Difficult and unhappy childhood. |

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| **37.** | **Thompson** (23) [2001] NSWCCA 278 | s.97(1) AR<br><br>2 x BES<br><br>Sched:<br>8 x BES<br>2 x BE with intent | PG | 10y<br>NPP 7y<br><br>FT 2y<br><br>Total:<br>12y<br>NPP 9y | AA<br>8y<br>NPP 5y<br><br>FT 2y<br><br>Total:<br>10y<br>NPP 7y | knife | lengthy record including armed robbery – breached parole | Broke into various commercial premises to steal money – robbed bank using knife – jumped counter and threatened female teller holding knife to throat – left knife behind 'for fingerprints' and made admissions to sister – mid-range offence<br>Alcohol problems – risk of institutionalisation – traumatic childhood – need for extended supervision |
| **38.** | **Elkaddour** (24) [2001] NSWCCA 302 | s.97(1) AR | PG | 6y<br>NPP 3y 6m | AD | knife | robbery, assault | Tied up victim in own home - threat to kill – demanded money and jewellery. |
| **39.** | **McCormack** (32) [2001] NSWCCA 360 | s.97(1) Assault with intent to AR | PG (15% on appeal) | 8y<br>NPP 6y | AA<br>6y 8m<br>NPP 5y | knife | lengthy – breached parole | Approached female at ATM, placed her in headlock, threatened her with knife and demanded money – victim pulled to ground - offender ran off when she struggled and screamed<br>Disturbed childhood – some prospects of rehabilitation |
| **40.** | **Moore** [2001] NSWCCA 454 | s.97(1) AR<br><br>Sched:<br>Possession of drugs and equip | PG | 4y 6m<br>NPP 2y 6m | AD | piece of timber | extensive and discouraging | Through window saw ladies in back room of escort agency counting money - spontaneous decision to rob them using timber found in backyard. |
| **41.** | **Boney** (18) [2001] NSWCCA 432 | s.97(1) AR<br><br>Sched:<br>Take and drive conveyance | PG | 3y<br>NPP 18m | AA<br>2y 6m<br>NPP 1y 3m | screwdriver | lengthy – on parole at time of offence for robbery in company | Robbed commercial premises with younger brother – threatened victim with screwdriver – unplanned offence<br>Aboriginal male - deprived background – juvenile brother received non- custodial sentence |
| **42.** | **Bushell** (26) [2001] NSWCCA 462 | s.97(1) AR | VG | 3y 6m<br>NPP 1y 6m | AA<br>2y<br>NPP 1y 1m | scissors | lengthy – related to drug addiction | Obtained cigarette from victim on train holding scissors in threatening manner – demanded $5 - towards bottom of scale of seriousness – spur of moment.<br>Fresh evidence suffering schizophrenia |
| **43.** | **Akbary** [2001] NSWCCA 491 | s.97(1) AR<br><br>Sched:<br>AR | PG | 4y 6m<br>NPP 2y 6m | AD | meat cleaver or meat hammer | extensive | Threatened shop keeper for cigarettes and money – not well planned.<br>Recently released from psychiatric hospital – suffering serious mental illness |

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| **44.** | **Hunter** (45) [2001] NSWCCA 530 | s.97(1) AR<br><br>Sched: Assault | PG | 7y<br>NPP 3y 6m | AD | knife | prior conviction for AR | Approached mother with young children at ATM – placed knife to throat of 9y daughter – took money and left<br>Suffering schizophrenia |
| **45.** | **Henry** [2001] NSWCCA 521 | s.97(1) AR | PG (30%) | 4y<br>NPP 2y | AD | syringe | shoplifting offences | Held up mixed business using syringe – struggle ensued when shopkeeper's wife struck offender. Remorse – some success in reducing drug dependency |
| **46.** | **Wilson** (21) [2002] NSWCCA 65 | s.97(1) AR<br><br>s.99<br><br>Sched: 2 offences | PG (20%) | 3y 4m<br>NPP 1y 8m<br><br>FT 1y (concurrent) | Crown AD | syringe | record includes robbery offences – breached parole | With co-offender woke up passenger on train and demanded money using threat of syringe – took mobile phone – later that night demanded money from male<br>Protective custody |
| **47.** | **Philips** (29) [2002] NSWCCA 167 | s.97(1) AR | PG | 6y<br>NPP 3y | AD | knife | prior convictions with no gaol – breached bond and bail | Robbed taxi driver with de facto – victim suffered slight cut to chin – stole taxi<br>Recent death of child resulted in drug addiction for both offenders – good prospects of rehabilitation – traumatic upbringing and psychological problems |
| **48.** | **Ryan** (24) [2002] NSWCCA 171 | s.97(1) AR | PG (15%) | 5y<br>NPP 3y 9m | AA<br>4y<br>NPP 2y 6m | knife | lengthy | Aboriginal woman robbed shop in company with co-offender – co-offender more significant role<br>Drug addiction – possible brain damage – dysfunctional life – mother of young son. |
| **49.** | **Cross** [2002] NSWCCA 172 | s.97(1) Att AR<br><br>Drive in conveyance<br><br>Sched: BES | PG | 6y<br>NPP 2y 5m<br><br>FT 9m (concurrent) | AA<br>4y<br>NPP 2y<br><br>FT 9m (concurrent) | syringe filled with red fluid | nil serious | Attempted to rob news agency – left without money when female called out for husband – left in stolen vehicle<br>Prior good character – shattered by tragic death of girlfriend - rehabilitation |
| **50.** | **Walker** (32) [2002] NSWCCA 178 | s.97(1) AR | PG (25%) | 6y<br>NPP 3y 6m | AD | replica gun | lengthy and escalating – on parole and suspended sentence for similar offences | Pointed gun at 17y schoolboy and searched schoolbag for mobile phone. |

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| **51.** | **Pearson** (36) [2002] NSWCCA 256 | s.97(1) AR<br><br>Sched: minor drug matter | PG (25%) | 4y NPP 2y 3m | AD | vegetable knife | little | Robbed newsagency while disguised and screaming abuse<br>Troubled childhood led to early drug abuse – failed to comply with Griffiths remand to assist drug rehabilitation |
| **52.** | **Hayes** (25) [2002] NSWCCA 237 | s.97(1) AR | PG (45% plea and assist) | 4y NPP 3y | AA 3y 4m NPP 2y 2m | blood filled syringe | not relevant | Robbed service station using balaclava and blood filled syringe – limited planning<br>Long term addiction – genuine contrition |
| **53.** | **Knight** (19) [2002] NSWCCA 12 | s.97(1) AR<br><br>Sched: possess heroin | PG (25%) | 5y 3m NPP 3y | AD | knife | prior for possession of drug – on bond | Broke into girlfriend's parents' house after first cutting off electricity – demanded money from victims in bed – took handbag containing $5000 - money recovered<br>Bike accident caused psychological and physical effects and resulted in drug addiction – remorse |
| **54.** | **Parsons** (19)<br><br>**Poore** (20)<br><br>[2002] NSWCCA 296 | s.97(1) AR<br><br>s.97(1) AR | PG<br><br>PG | 2y Periodic Det<br><br>2y Periodic Det | Crown AD / AA 2y NPP 18m Periodic Det<br><br>Crown AD | miniature sword | priors for PHBI and BES<br><br>nil | Flatmates robbed pizza delivery man and took car – met with third person to remove stereo system – equal culpability<br>Exceptional circumstances for both offenders included difficult and violent childhoods, depressive and psychological illness, severe financial problems and evidence of rehabilitation |
| **55.** | **King** [2002] NSWCCA 365 | s.97(1) AR | VG | 7y NPP 5y 3m | Conviction AD | object disguised as gun | | Waited in car for female victim – pushed object into her back telling her it was a gun – forced her into restaurant and stole money |
| **56.** | **Weldon** [2002] NSWCCA 308 | s.97(1) AR | PG | 6y NPP 4y 6m | AA 6y NPP 3y | knife | armed robbery | With two co-offenders robbed jewellery store armed with knife - took staff into rear office - took $250,000 worth of jewellery and $3000 cash - goods and cash recovered.<br>Depressed state - Aboriginal male. |
| **57.** | **Sullivan** [2002] NSWCCA 312 | s.97(1) AR | PG (17.5% on appeal) | 4y 6m NPP 2y 9m | AA 4y 1m NPP 2y 3m | knife | malicious wounding | Robbed female with knife – grabbed bag and pushed victim to ground<br>Failure to take into account pre-sentence custodial rehabilitation |

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| **58.** | **Howarth** (44) [2002] NSWCCA 387 | s.97(1) Assault with intent to AR | PG (20%) | 8y NPP 6y | AA 6y 6m NPP 4y 10m | knife | on parole for AR | Telephoned police and advised of robbery – entered post office and attempted robbery – threatened man with knife Co-operated with police – preferred to return to custody |
| **59.** | **Dodd** (2002) 135 A Crim R 32 [2002] NSWCCA 418 | s.97(1) AR | VG | 7y NPP 4y 6m | AD | knife | on bail and bond – extensive record | Robbed male in own home in company with juvenile co-offender |
| **60.** | **RMK** (15) [2002] NSWCCA 414 | s.97(1) AR<br><br>Sched: Rob in Company | PG | 4y NPP 18m | AA 3y NPP 15m | knife | nil | With co-offender approached Asian couple in park – demanded and received money – produced knives and threatened victims – male cut on hand and cheek – stole more cash Refugee from Sudan with no parents – evidence of rehabilitation – parity |
| **61.** | **Tuifua** (18) [2002] NSWCCA 420 | s.97(1) AR<br><br>s.94 Steal from person<br><br>Sched: 3 offences | PG | 5y NPP 3y<br><br>FT 2y 6m<br><br>Total: 6y 20d NPP 4y 20d | AD | dumbbell and knife | substantial – breached parole and recognisance | One of group of men who approached victim in car – victim punched and kicked by offender and another – car keys and phone taken from victim – one of two men who entered unit and threatened occupants with dumbbell and knife picked up in unit – stole property Disadvantaged childhood – some evidence of rehabilitation prospects |
| **62.** | **Ebsworth** (24) [2002] NSWCCA 465 | s.97(1) AR<br><br>Sched: Carried in conveyance | PG | 5y NPP 3y 9m | AD | baseball bat | record for similar offences – breached parole | Armed with baseball bat and in company of 2 co-offenders robbed liquor store – left in stolen car Disturbed and dysfunctional family background |
| **63.** | **Azzi** [2003] NSWCCA 10 | s.97(1) AR<br><br>Sched: AR | PG (25%) | 2y Suspended | Crown AD | piece of wood | | With co-offender robbed service station – similar offence committed four days earlier Intellectual disability – sentence inadequate but crown unable to show suitable arrangements can be made for vulnerability at periodic detention |

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| **64.** | **Inamata**<br>(24)<br>(2003) 137 A Crim R 510<br>[2003] NSWCCA 19 | s.97(1) AR<br><br>SMV | VG | 8y 6m<br>NPP 5y<br><br>FT 1y 6m<br><br>Total:<br>10y<br>NPP 6y 6m | AD | pistol | record for serious offences including robbery offences – escapee at time of offending | Robbed bank with co-offender who was armed with pistol – left with $57,217 in stolen car<br>Early drug abuse |
| **65.** | **Bryant**<br>(23)<br>[2003] NSWCCA 34 | s.97(1) Assault with intent to AR | PG<br>(25%) | 5y<br>NPP 3y | AD | knife | similar offences | Entered bakery seeking money for food<br>Profoundly affected by death of father – early drug addiction – reasonable prospects of rehabilitation |
| **66.** | **Luu**<br>(21)<br>[2003] NSWCCA 39 | s.97(1) AR<br><br>Sched:<br>GIC | VG | 8y<br>NPP 5y | AD | knife | no prior imprisonment – on bail for demand money with menaces offences | With 3 co-offenders surrounded 19y victim on street in broad daylight – took wallet and PIN and withdrew $800<br>Heroin addiction |
| **67.** | **Lyndon**<br>(38)<br>[2003] NSWCCA 152 | s.97(1) Att AR | PG | 5y<br>NPP 3y 9m | AA<br>5y<br>NPP 3y 6m | small pistol | lengthy | Attempted to rob female operator of service station in early hours of morning – left without money as car pulled up<br>Appeal against effect of accumulation to existing sentence |
| **68.** | **Vincent**<br>(22)<br>[2003] NSWCCA 112 | s.97(1) AR | PG | 3y<br>NPP 1y | Crown AD | Knife | Nil | Entered car of female and threatened her with knife – impulsive offence<br>Genuine contrition – protective custody – family support – need for early treatment for psychotic illness |
| **69.** | **Russell**<br>[2003] NSWCCA 279 | s.97(1) AR | PG | 7y<br>NPP 4y | AA<br>6y<br>NPP 3y | Gun | minor | With co-offender robbed convenience store threatening with gun and wearing balaclavas – took cigarettes and alcohol – cut telephone lines before leaving.<br>SJ erroneously sentenced for s. 97(2) |

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| | **SY**<br>(41) | s.97(1) AR<br><br>2 x assault<br><br>Sched:<br>2 x stealing | PG<br>(25%) | 3y 6m<br>NPP 2y 3m<br><br>3m<br>(concurrent) | Crown AD | replica pistols and iron bar | supply and possession – breached bond for unlicenced driving | Four offenders committed robbery on Sports Club in early hours of morning – one co-offender employee of sports club and gave access to remaining offenders – staff members threatened and assaulted<br>SY – born in Iran – suffering PTSD, depression and addiction – entitled to additional discount for assistance |
| **70.** | **KS**<br>(39)<br><br>[2003] NSWCCA 291<br><br>KS<br>[2005] NSWCCA 87 | s.97(1) AR<br><br>Assault<br><br>Assault | PG<br>(25%) | 3y<br>NPP 2y<br><br>FT 3m<br><br>FT 6m<br>(concurrent) | Crown AA<br>5y<br>NPP 3y<br><br><br><br>Crown AD | | possession – driving and shortened firearm | KS – born in Iran – drug addiction – some assistance<br><br>Subsequent Crown appeal after failure to give promised assistance dismissed in exercise of discretion |
| **71.** | **Olson**<br>[2003] NSWCCA 349 | s.97(1) AR | PG<br>(43% plea and assist on appeal) | 5y<br>NPP 3y 9m | AA<br>4y 3m<br>NPP 3y 2m | Knife | Appalling record | Waited in car while co-offender followed female from club and robbed her of handbag using knife<br>Insufficient discount for assistance against co-offender |
| **72.** | **Dang**<br>(20)<br>[2003] NSWCCA 338 | s.97(1) AR | PG<br>(25%) | 4y 6m<br>NPP 2y 6m | AD | Knife | Nil | Robbed store<br>Drug addiction – genuine remorse – good prospects of rehabilitation |
| **73.** | **Ambrosi**<br>(2004) 144 A Crim R 67<br>[2004] NSWCCA 23 | s.97(1) Assault with intent to AR | VG | 6y 6m<br>NPP 4y | AD | knife and screwdriver | breached bond and bail | Entered convenience store with female partner with intention to rob – left with no money |
| **74.** | **Reynolds**<br>[2004] NSWCCA 51 | s.97(1) AR<br><br>Sched:<br>Larceny | PG | 4y<br>NPP 2y | Crown AD | Knife | Robbery - on parole. | Robbed post office of approx $500 armed with knife.<br>Drug abuse<br>On appeal: Sentence inadequate but dismissed due to Crown delay |

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| **75.** | **Kane**<br>(28)<br>(2004) 144 A Crim R 496<br>[2004] NSWCCA 78 | s.97(1) AR | VG | 8y<br>NPP 6y | AD | Knife and brick | Extensive | Robbed TAB at night armed with knife and brick – threats of violence<br>Heroin abuse |
| **76.** | **Hemsley**<br>(29)<br>[2004] NSWCCA 228 | s.97(1) AR | PG<br>(20% on appeal) | 6y<br>NPP 4y 6m | AA<br>3y<br>NPP 2y | Syringe filled with blood | Prior convictions for less serious offences | Female - robbed hairdresser<br>Dysfunctional childhood and personal background – borderline personality disorder and major depression – failure to give appropriate reduction for mental illness |
| **77.** | **Fry**<br>(34)<br>[2004] NSWCCA 238 | s.97(1) AR | PG | FT 12m | Crown AD | Toy gun | Breached parole – lengthy record – spent most of adult life in custody | Robbed pharmacy using toy gun<br>Evidence of rehabilitation – assistance to authorities – proposed release to full time residential program – failure to provide appropriate supervision upon release from custody prior to commission of offence – delay in Crown appeal |
| **78.** | **Makhoul**<br>(33)<br>[2004] NSWCCA 275 | s.97(1) AR<br><br>Receiving | VG<br><br>PG | 5y<br>NPP 2y 6m<br><br>FT 10m<br><br>Total:<br>5y 4m<br>NPP 2y 10m | AD | knife | record | Two offenders wearing balaclavas robbed bottle shop – offender prodded male employee with knife<br>Some evidence of drug rehabilitation |
| **79.** | **Randell**<br>(20)<br><br>**McAlister**<br>(18)<br><br>[2004] NSWCCA 337 | s.97(1) AR<br><br>s.97(1) AR | PG<br><br>PG | 6y<br>NPP 4y<br><br>5y<br>NPP 3y | AA<br>5y 3m<br>NPP 3y 6m<br><br>4y<br>NPP 2y 6m | Knife | Sign record – breached parole<br><br>Minor juvenile record - recent rob in comp – subject to bond at time of off | Home invasion at night on home of acquaintance – searching for drugs – young female at home alone – mobile phone stolen and resold by R<br>R: significantly deprived upbringing – studied at TAFE<br>McA: low average intellectual ability – some employment history and favourable character evidence – no previous custodial sentence. |
| **80.** | **Martin**<br>(19)<br>[2004] NSWCCA 416 | s.97(1) AR<br><br>Sched s.97(1) GIC | PG<br>(15%) | 5y 4m<br>NPP 4y | AA<br>5y 4m<br>NPP 3y 3m | gun | 14 priors, mainly in Children's Court; on bail at time of offence | In company, robbed man of wallet and mobile on street – hit victim on nose with gun<br>Dysfunctional family – substance abuse – youth – now studying – special circumstances found |

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| **81.** | **Youkhana** (32) [2004] NSWCCA 412 | s.97(1) AR | PG (25%) | 6y 4m NPP 4y 3m | AA 5y 3m NPP 3y 3m | Replica pistol | Breached bail for offence of interfering with dead body | Robbed manager of Club with co-offender – three employees bound – video tapes removed - $81,000 stolen Iraqi born - married with children – reasonable prospects of rehabilitation – failed to take into account effect of accumulation |
| **82.** | **Jones** (31) [2004] NSWCCA 432 | s.97(1) AR | PG (25%) | 6m (concurrent to other sentences) | Crown AA 3y NPP 2y | Empty syringe and needle | Lengthy record – breached parole | Stole handbag from man waiting in car – struggle – delay in detection Drug addiction |
| **83.** | **Bichar** (32) [2006] NSWCCA 1 | s.97(1) AR | PG (10%) | 3y NPP 18m | AD | Syringe | Minor | Robbed train passenger using syringe Suffered PTSD from army service and brain injury from accident at work – drug abuse |
| **84.** | **Ross** (18) (2006) 160 A Crim R 526 [2006] NSWCCA 65 | s.97(1) AR | VG | 5y NPP 2y 6m | AA 4y NPP 2y | Knife | Criminal record | Robbed passenger at trial station – knife not wielded against victim – no pre-planning Unhappy and dysfunctional upbringing – mild developmental disability caused by frontal lobe damage – stole money for food – drug addiction – prospects of rehabilitation |
| **85.** | **Buonocore** (24) [2006] NSWCCA 159 | s.97(1) AR Sched: s.97(1) AR | PG | 7y NPP 4y 6m | AD | Knife / firearm | Nil | With co-offender robbed female taking pharmacy takings to bank – male employees robbed in similar circumstances on subsequent occasion – driver of getaway vehicle – former employee of pharmacy – careful planning – prime mover |
| **86.** | **Olive** [2006] NSWCCA 329 | s.97(1) AR | PG (25% plus Henry discount) | 2y 3m NPP 15m | AD | Syringe | | Attempted to rob video store with syringe – grabbed female proprietor Good prospects of rehabilitation. |
| **87.** | **MacDonald** (23) [2007] NSWCCA 105 | Att s.97(1) AR Sched: Armed with intent | PG (16-17%) | 5y NPP 2y | AD | Syringe filled with red liquid | Use offensive weapon to avoid detention | Attempted to rob liquor store – attacked by attendant with baseball bat – repeated attempt 6 days later Drug addiction – mental illness |
| **88.** | **Liao** (25) [2007] NSWCCA 132 | s.97(1) AR | PG (25%) | 6y NPP 2y 9m | AD | Knife and rolling pin | Nil | Lured landlady into bedroom – threatened with weapons – assaulted – tied up and gagged over prolonged period – planned offence – higher than mid-range seriousness Chinese student |

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| **89.** | **Ersman** (19) (2007) 171 A Crim R 560 [2007] NSWCCA 161 | s.97(1) AR | PG | 6y NPP 3y | AA 5y NPP 2y 6m | Knife | Prior convictions | Three offenders robbed 44y female in car park of railway station at night Borderline disabled – maladjusted – difficult background – drug and alcohol problems |
| **90.** | **Wilson-Winship** (23) (2007) 172 A Crim R 505 [2007] NSWCCA 163 | s.97(1) AR | PG (25%) | 3y 9m NPP 2y 3m | Crown AA 6y NPP 3y | Sledgehammer | Long history of drug related offences – breached parole. BES, AOABH. | Armed robbery of bank - smashed bank window with sledgehammer - stole $60,577.73 Drug addiction - offence committed for purchase of drugs - prospects of rehabilitation |
| **91.** | **Legge** (18) [2007] NSWCCA 244 | s.97(1) Assault with intent to AR | PG (35% plea and assist) | 2y 7m NPP 1y 4m | AA 2y 7m NPP 10m | Knife | Nil | Approached male victim at ATM in shopping centre – demanded money and told victim he had a knife – victim was plainclothes police officer. Offence committed under duress from other persons who had planned the robbery. |
| **92.** | **Simpson** (29) [2007] NSWCCA 348 | s.97(1) AR | VG | 6y NPP 4y | AA 4y 6m NPP 3y | Knife | Stealing, Robbery in company | Female - approached female victim – told victim to give her bag - threatened and scuffle ensued – bystanders came by and held offender. Difficult background - drug abuse rehabilitation – reason to give rehabilitation prominence in sentencing. |
| **93.** | **Sheridan** (35) [2008] NSWCCA 14 | s.97(1) AR Schedule: GIC | PG (25%) | 8y NPP 6y | AD | Pistol (unverified on sentence) | Extensive - armed robbery, assault with intent to rob – breached parole | Robbed newsagency of $800 – victim unable to verify actual weapon - planned offence Little prospect of rehabilitation – drug abuse. |
| **94.** | **Veale** (2008)181 A Crim R 149 [2008] NSWCCA 23 | s.97(1) AR SMV | | 10y NPP 7y 6m 2y NPP 18m (concurrent) | AA 8y NPP 6y 2y NPP 18m (concurrent) | PVC tubing | lengthy record – breached parole | Drove into car park – ran and female grabbed bag and returned to car – victim carrying $20,000 cash service station takings – driving in car stolen previous evening – considerable planning – victim vulnerable Disturbed background |

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| **95.** | **Ryan** (18) [2008] NSWCCA 198 | s.97(1) AR | PG | 3y NPP 15m | AD | Knife | Nil | Robbed service station attendant armed with knife – stole money and cigarettes – robbery filmed on CCTV and screened on television – no response from public but applicant attended police station with parents and made full admissions. Strong subjective case – voluntary disclosure - affected by death of cousin – alcohol abuse – depression. |
| **96.** | **Wilson** [2008] NSWCCA 245 | s.97(1) AR<br><br>Take and drive conveyance<br><br>Sched: Carried in conveyance | PG (25%) | 6y 6m NPP 4y 9m<br><br>2y NPP 1y 6m<br><br>Total: 6y 9m NPP 5y | AA 6y 6m NPP 4y 6m<br><br>2y NPP 1y 6m<br><br>Total: 6y 9m NPP 4y 9m | shortened non-functioning shotgun | breached conditional liberty – extensive record | With co-offender robbed bank armed with shotgun while co-offender armed with black pistol – held open door while co-offender took cash – stolen car offense unrelated to robbery – laundered money through poker machines – shotgun in working condition but unloaded Long term drug user |
| **97.** | **Ahmed** (35) [2008] NSWCCA 305 | s.97(1) AR<br><br>Sched: 5 offences | PG | 7y NPP 3y 6m | AD | Knife | Significant record including armed robberies - breached parole. | Robbed pedestrian - produced knife, asked for cash and threatened to stab male victim – victim handed over backpack containing cash and credit cards. |
| **98.** | **Brown** (2009) 193 A Crim R 574 [2009] NSWCCA 6 | s.97(1) AR<br><br>Sched: Robbery | PG | s.11 CSPA (Griffiths Remand) | Crown AD | Knife | | Robbed victim of mobile phone on city street – threatened victim with knife. Out of character – personal circumstances led to clouded judgement |
| **99.** | **Waugh** (32) [2010] NSWCCA 3 | s.97(1) AR<br><br>Sched: Att SMV | PG | 5y NPP 3y | AD | Knife | Breached bond – lengthy record | Robbed service station armed with knife – told employee he would not hurt her – took $102. Troubled background with physical and sexual abuse – extensive history of substance abuse – suffering mental condition at time of offence |

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| **100.** | **Field**<br>(28)<br>[2011] NSWCCA 13 | s.97(1) AR | PG<br>(25%) | 3y 9m<br>NPP 2y | Crown AD | Firearm | BES, assault, possess implements | With co-offender attended home of victim from whom had previously purchased drugs – pointed firearm at victim demanding money and drugs – took mobile phone and cigarettes<br>Abusive childhood – mild intellectual disability and mental illness – alcohol and drug abuse – no formal qualifications – special circumstances to allow for rehabilitation – first period of lengthy imprisonment |
| **101.** | **Sukkar**<br>(29)<br>[2011] NSWCCA 140 | s.97(1) AR | VG | 2y<br>NPP 10 | Crown AA<br>3y<br>NPP 10m | Knife (used by co-offender) | nil | Drove co-offender to scene of robbery – waited in car while co-offender entered premised then drove co-offender away – co-offender threatened shopkeeper with knife and took money.<br>Good character.<br>Manifest inadequacy but completed NPP so dated sentence so offender not returned to custody. |
| **102.** | **Turner**<br>(37)<br>[2011] NSWCCA 189 | s.97(1) AR<br><br>Sched: Stealing | PG<br>(25%) | 4y 6m<br>NPP 2y 9m | AA<br>3y 6m<br>NPP 1y 9m | Syringe | | Threatened nurse and doctor with needle at hospital – stole quantity of hospital drugs.<br>Suffering very serious injury requiring drugs – suicidal<br>SJ failed to take into account mental state. |
| **103.** | **Crowe**<br>(18)<br>[2011] NSWCCA 251 | s.97(1) AR | PG | 12m Bond<br>(s 9 CSPA) | Crown AD | Replica pistol | Nil | Robbed male walking down street at 1am – took $5 – friends in car – intoxicated – impulsive and unpremeditated offence<br>First offence - evidence of rehabilitation |
| **104.** | **Arbili**<br>(31)<br>[2012] NSWCCA 48 | s.97(1) Att AR | PG<br>(20%) | 5y<br>NPP 2y 6m | AD | Knife | Record including gaol – breached bail | Threatened tobacconist with knife – victim cut on arm – left when customer entered shop<br>Mental illness |
| **105.** | **Yuksel**<br>(19)<br><br>**Sirtlan**<br>(19)<br><br>[2012] NSWCCA 84 | s.97(1) AR<br><br>Sched: s97(1)<br><br>s.97(1) AR<br><br>Sched: s.97(1) | PG<br>(25%)<br><br>PG<br>(25%) | 1y 51 weeks<br>Suspended<br><br>3y<br>NPP 18m | Crown AD<br><br>Crown AD | Knife | Reckless wound in company<br><br>Assault, armed robbery, AOABH.<br>On bond. | Robbed 2 young male victims late at night – threatened with knife by S – Crown could not prove that Y aware of knife – took mobile phones, bankcards small amounts of money from each victim.<br>Y - depressive condition- genuinely remorseful- high prospects of rehabilitation- full-time employment<br>S - severe depressive condition –good prospects for rehabilitation |

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| **106.** | **Lang**<br>(19)<br>[2013] NSWCCA 29 | s.97(1) AR<br><br>2 x s.112(2)<br><br>Sched:<br>2 offences | PG<br>(25%) | 7y<br>NPP 3y<br><br>FT 2y<br><br>Total:<br>9y<br>NPP 5y | AD | machete | Similar offences | Four offenders robbed service station – co-offender carried fake pistol and offender carried machete – broke into stores by smashing windows and stole goods.<br>First time adult prison |
| **107.** | **T**<br>(35)<br>[2015] NSWCCA 28 | s.97(1) Assault with intent to AR<br><br>Steal MV<br><br>s.93G - discharge firearm<br><br>Possess pistol | PG<br>(30% - plea and assist) | Indicative<br>7y<br>NPP 4y<br><br>1y 9m<br>NPP 14m<br><br>3y<br>NPP 2y<br><br>4y<br>NPP 2y 8m<br><br>Aggregate:<br>11y<br>NPP 7y | AD | Knife | Extensive – breached parole for AR | With three co-offenders attempted to rob bank – left when unable to get past security screens – forced people from car and stole car to escape – 20 days later fired shots into air while being pursued by two cars of men firing shots – found in possession of revolver and pistol upon arrest<br>Extensive assistance |
| **108.** | **Allen**<br>(20)<br>[2015] NSWCCA 113 | s.99<br><br>s.97(1) Att AR | PG<br>(25%) | FT 9m<br><br>3y 9m<br>NPP 2y 8m<br><br>Total:<br>4y<br>NPP 2y 11m | AD | Knife | Extensive – including violence | Demanded money from café at 6am – no money in till – shortly after demanded money from news agency armed with knife – left when threatened by employee – vulnerable victims<br>Early drug addiction |
| **109.** | **Gardener**<br>(35)<br>[2015] NSWCCA 170 | s.97(1) AR<br><br>Carried in conveyance | PG<br>(12.5%) | 7y<br>NPP 3y 6m<br><br>1y 6m<br>(concurrent) | AD | Axe and claw hammer | Released to parole 12 days prior to offence – appalling record | Robbed jewellery store in company of male armed with axe and claw hammer – stole $10,000 worth of goods<br>Aboriginal male - raised in environment of extreme domestic violence – subjected to sexual and physical abuse at hands of father and institution - early drug and alcohol abuse – low intellectual ability – institutionalised – mental health issues |

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| **110.** | **Rose** (23) [2015] NSWCCA 318 | s.97(1) AR | PG (25%) | 3y 3m NPP 21m | Crown AA 5y NPP 3y | Knife – small crow bar | Breached conditional liberty | Threatened elderly couple on property with knife – demanded guns – threatened to kill or cut throat - alternatively aggressive and calm – after some time was given keys and took guns while victims escaped to neighbouring property<br>Under influence of ice at time of offence – working with two co-accused |
| **111.** | **Martin** (33) [2016] NSWCCA 104 | s.97(1) Assault with intent to AR<br><br>s.112(2)<br><br>Sched: Resist arrest | PG (25%) | 4y 6m NPP 2y 9m<br><br>3y NPP 1y 10m<br><br>Total: 5y NPP 3y 3m | AA 4y 6m NPP 2y 3m<br><br>3y NPP 1y 10m<br><br>Total: 5y NPP 2y 9m | syringe | breached bail | Entered service station and threatened console operator with syringe pointed at neck – victim fled – same night entered house where two persons asleep and took property<br>Lengthy history of substance abuse – abusive childhood – mental health issues |
| **112.** | **Faleafga** (19) [2016] NSWCCA 178 | s.97(1) AR | PG (25%) | 4y NPP 2y 3m | AA 3y 2m NPP 1y 8m | Hammer; cigarette lighter and aerosol can | Driving matters only – breached bond. | Robbed petrol station of $400 – smashed through glass pane with hammer - threatened station attendant with cigarette lighter and aerosol can which offender ignited – victim afraid he would be burnt.<br>Difficult upbringing - genuine remorse -initiative taken by offender to rehabilitate – attempt to commence tertiary studies – Aboriginal male – social disadvantage |
| **113.** | **White** (36) [2016] NSWCCA 190 | s.97(1) AR<br><br>Sched: AR | PG (25%) | 6y 6m NPP 4y | AA 5y 6m NPP 3y 6m | Item that looked like a pistol. | Lengthy. Dishonesty, drugs, Armed Robbery. On parole. | Both offences committed within a few hours in 2013 – robbed restaurant pointing item that looked like a pistol at store employee – took $13,000 from cash register<br>Difficult childhood - delay in sentencing. |
| **114.** | **Walker** (30) [2016] NSWCCA 224 | s.97(1) Att AR<br><br>Possess prohibited weapon<br><br>Sched: BES | PG (25%) | 2y 9m NPP 10m<br><br>12m bond | AA 16m ICO<br><br>PSC 236 days | Hunting knife | Minor drug and traffic – 2 subsequent drug offences | Broke into office of service station at night and threatened employee with hunting knife – demanded money – stole phones – search of house found hand held Taser<br>History of drug use – on bail for appeal – if not assessed as suitable for ICO appeal to be dismissed |

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| **115.** | **Buxton** (25) [2017] NSWCCA 169 | s.97(1) AR<br><br>Sched: AR | PG (15%) | 8y NPP 5y | AA 6y 5m NPP 4y | knife | Armed robbery, Agg robbery with wounding. On parole. | Approached two females with knife – asked victims for handbags. Aboriginal male – drug abuse |
| **116.** | **Kelly** (31) [2017] NSWCCA 256 | s.97(1) Att AR | PG (15%) | 5y 11m NPP 3y 6m | AD | Knife | Breached conditional liberty – lengthy record | With co-offenders attempted to rob butchers shop – stood at door while co-offender threatened employee with knife – customers in shop – offenders left when owner produced larger knife – degree of planning<br>Only issue on appeal was parity |
| **117.** | **Gardiner** (20) [2018] NSWCCA 27 | s.97(1) AR | PG (25% on appeal) | 3y 1y 6m | AA 2y 4m NPP 1y 2m | Golf club | Nil | With 2 co-offenders attended service station and demanded money from attendant and companion – co-offender armed with knife and offender held up gold club – both wore head coverings – obtained cash $300.<br>Admitted offence immediately - supportive family network - favourable prospects of rehabilitation – drug abuse. |
| **118.** | **Perticarini** (24) [2019] NSWCCA 192 | s.97(1) AR | PG (25%) | 4y NPP 2y 3m | AD | Knife | Nil | Robbed taxi driver – threatened with knife, held towards back of victim's head and neck – took $175 and keys – offence committed after losing money gambling on poker machines – knife was in fishing tackle box in his car.<br>Mild intellectual disability |
| **119.** | **Chandler** [2019] NSWCCA 250 | s.97(1) AR<br><br>Sched: 3 offences<br><br>s.166 certificate: 2 offences | PG (25%) | 4y NPP 1y 8m | Crown AA 4y 6m NPP 2y 8m | Hammer | robbery offences, aggravated assault with intent to rob - on parole. | Armed with hammer, and face covered by balaclava, ran at victim with hammer raised above head and demanded victim's wallet and phone. Deprived background – special circumstances. |

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| **120.** | **Tuncbilek** [2020] NSWCCA 30 | s.97(1) Att AR | PG (25%) | 3y 9m NPP 2y 6m | AA 3y NPP 2y 3m | Butter knife | record including attempted armed robbery | Threatened attendant opening Service Station early in morning with butter knife – left when attendant failed to open till but asked for police to be called – returned to kick locked door and demand police be called – appeared to commit offence to be arrested – unsophisticated offence with little planning – vulnerable victim placed in fear<br>History of drug use and mental health issues – schizophrenia<br>On appeal – failure to properly assess objective gravity – failure to properly take into account mental health issues – found offence towards lower end of range |
| **121.** | **Edwards** (21) [2020] NSWCCA 141 | s.97(1) Att AR | VG | 4y NPP 2y 6m | AD | Small knife | Breached bond – records included drug possession, GIC, throw missile at police | Approached female student walking home with knife grabbed around neck, held knife to throat and demanded money – left when victim indicated no money or other property – planned to commit an offence for financial gain - low medium range<br>Difficult childhood exposed to alcohol abuse and physical and emotional violence – foster care at 7y – some psychological issues – reasonable prospects of rehabilitation<br>On appeal: sentence not unreasonable or unjust |
| **122.** | **Qoro** [2020] NSWCCA 276 | s.97(1) AR | PG (25%) | 3y 9m NPP 2y 6m | AA 3y 6m NPP 2y 1m | Knife. | Extensive. | Robbed taxi driver – threatened driver with knife.<br>CCA: Failure to give effect to special circumstances - significant psychiatric conditions in part, causative of the offending - offending caused during time when applicant had ceased medication - genuine remorse and developing insight into criminal behaviour - rehabilitation. |

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| 123. | **Nasrallah** (20) [2021] NSWCCA 207 | s.97(1) AR<br><br>Malicious damage to property | PG (25%) | 2y 9m<br>NPP 1y 4m<br><br>FT 3m (concurrent) | AD | Knife – mental bar | Single summary offence | Female – involved in robbery with male of service station attendant – offender armed with metal bar and smashed shelving containing merchandise – co-offender armed with knife and forced victim to hand over money – small amount of property stolen – short duration – lesser offender<br>Offence out of character – traumatic experiences as a teenager leading to significant mental health problems and substance abuse<br>On appeal: no error in finding background did not constitute history of profound deprivation under *Bugmy* |
| 124. | **Wood** (33) [2022] NSWCCA 84 | s.97(1) AR | PG (25%) | 4y<br>NPP 2y 6m | AA<br>3y 6m<br>NPP 2y | Machete | Record – no leniency | In company with second male robbed brothel – second male also armed with machete and axe – $16,500 taken - equal role – limited degree of planning – limited actual violence but real threat - mid-range<br>Remorse – guarded prospects of rehabilitation – *Bugmy* background<br>On appeal: disparity established |
| 125. | **Harris** (29) [2023] NSWCCA 174 | s.97(1) AR | VG | 9y 6m<br>NPP 5y 9m | AD | Tomahawk<br><br>Water bottle filled with petrol | Extensive – breached conditional liberty | Robbed RSL club in small country town on Sunday afternoon – splashed petrol on face of one patron – made further threats including threats to kill – stole approximately $1000 – some planning – use of chemical and multiple victims aggravating features<br>No remorse – high risk of re-offending with violence – profound childhood deprivation – *Bugmy* principles applied – risk of institutionalisation<br>On appeal: sentence not excessive |
| 126. | **Braithwaite** (20) [2024] NSWCCA 15 | s.97(1) Assault with intent to AR<br><br>Larceny | PG (25%) | 2y 10m<br>NPP 1y 8m<br><br>s.10A | AA<br>2y<br>NPP 1y 5m 7d | Scissors | Yes. | Robbed service station attendant – produced scissors – no money taken – larceny involved trivial goods stolen being small amount of food – spontaneous offence.<br>Offence committed for drug use.<br>CCA: Sentencing judge erred by failing to take into account that assault did not involve any actual violence; and/or arriving at result not open. |

| | NAME (age if known) | OFFENCE | PLEA | SENTENCE | APPEAL | WEAPON | RECORD | INVOLVEMENT & SUMMARY |
|---|---|---|---|---|---|---|---|---|
| 127. | **Whipp** (40) [2024] NSWCCA 79<br><br>Co-offender: CHARNLEY | s.97(1)<br><br>s.33B(2) | PG (25%) | 5y 3m NPP 3y 3m<br><br>FT 2y concurrent | AA 4y 6m NPP 2y 9m<br><br>FT 2y concurrent | Knife | Lengthy. Dishonesty, violence, drugs. On parole and subject to CCO. | With 2 co-offenders ambushed two owners of grocery store after they had closed their store - threatened with knife and object believed by victims to be a gun - victims handed over around $1500 and other valuables.<br>Very deprived background - drug addiction - psychological issues - complex PTSD - rehabilitation "extremely guarded".<br>CCA: Failed to take account of effect of mental health on full-time custody being more onerous. |
| 128. | **Charnley** [2025] NSWCCA 20<br><br>Co-offender: WHIPP | s.97(1)<br><br>s.33B(2) | | 5y 3m NPP 3y 3m<br><br>FT 2y concurrent | AD | Knife | Armed robberies. On conditional liberty. | With 2 co-offenders ambushed two owners of grocery store after they had closed their store - threatened with knife and object believed by victims to be a gun - victims handed over around $1500 and other valuables.<br>Tragic upbringing, domestic violence, alcohol and drug abuse – remorse - rehabilitation guarded.<br>CCA: Parity ground rejected - no justifiable sense of grievance with co-offender Whipp. |
| 129. | **Luchetti** (39) [2025] NSWCCA 222 | s.97(1) | PG (25%) | 4y NPP 2y 3m | AA 18m NPP 10m | Lighter | Similar offences – breached parole and community corrections orders | Offender entered bottle shop and took bottle of alcohol – when asked to pay pointed lighter at store attendant and warned him not to approach – left shop – low level offence<br>Schizophrenia and cognitive impairment – substance abuse disorders – institutionalised – moral culpability significantly reduced – not suitable vehicle for deterrence – some hope based on new material tendered on appeal<br>On appeal: SJ erred in finding offence fell within *Henry* characteristics – weapon used and associated violence significantly less |

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