Robbery in Company

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

	Case (age if Known)	Offence	Plea	Sentence	Appeal	Record	Facts
1.	**Stenschke** **Murray** (19) NSWCCA 5.5.1997	s.97(1) Rob in Co s.97(1) Rob in Co	VG VG	MT 15m AT 21m MT 1y 6m AT 1y 6m	AD Conv AD	assault, robbery	Group attacked male victim taking bag and wallet.
2.	**Leoni** (21) [1999] NSWCCA 14	s.97(1) Rob in Co	PG	MT 2y 9m AT 2y 3m	AD	Similar matters as juvenile	3 offenders entered home of elderly and frail female victim disguised with balaclavas - attacked victim with bike pump seeking money – knew victim recently in hospital. Low intellectual capacity.
3.	**Tawake** [1999] NSWCCA 147	s.97(1) Rob in Co	PG	MT 3y AT 1y	AD	Larceny, aid abet robbery – breached bail	3 offenders entered video shop threatening shop assistant with handgun and knife, and kicking victim in chest - tied electrical cord around victim's neck and demanded that safe be opened
4.	**Barber** (19) [1999] NSWCCA 107	s.97(1) Rob in Co Sched: drug offence	PG	MT 1y 3m AT 3y 9m	Crown AA MT 3y AT 2y	MV theft, dishonesty, BE&S – previous custody – breached recognisance	4 offenders robbed general store assistant of money from till - pointed knife at victim's ribs. Drug problem - unstable family environment - self-mutilation in custody

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
5.	**Walker** (25) [1999] NSWCCA 144	s.97(1) Rob in Co Sched: Drive stolen MV	PG	MT 1y 9m AT 1y 3m	AD	no details – breached CSO – no previous custody	Driver for two co-offenders robbing store while armed with wrenches - received $80 as payment. Overcome heroin addiction - father of five children.
6.	**Chmait** (1999) 108 A Crim R 218 [1999] NSWCCA 217	s.97(1) Rob in Co Sched: 3 offences	PG	MT 6m AT 2y 3m	Crown AA MT 18m AT 1y 3m		Two males approached female placing money in night safe outside bank – pushed her to ground and took money Some evidence of rehabilitation
7.	**Knowles** (36) [1999] NSWCCA 235	s.97(1) Rob in Co Sched: 8 offences	PG	MT 6y AT 2y	AD	Extensive, mainly dishonesty - previous custody.	Victim held down by two co-offenders while offender went through pockets taking $3500 - planned and premeditated. Offence occurred in 1991 - delay due to being in custody in Qld - delay not in favour of applicant - drug dependence.
8.	**Duffy** [1999] NSWCCA 321	s.97(1) Rob in Co	VG	MT 1y AT 1y	Crown AD	"Appalling" - no details given.	Female – 2 offenders robbed female on street - co-offender armed with knife and inflicted small cuts upon victim Offender released on parole for three months at time of appeal hearing
9.	**Kitiona** (20) [1999] NSWCCA 393	s.97(1) Rob in Co Sched: 3 offences	PG	MT 3y 6m AT 12m	AD	AOABH, agg robbery – breached bail and recognisance.	With co-offender snatched handbags of two females (52y) at night.
10.	**Carter** (19) [1999] NSWCCA 376	s.97(1) Rob in Co	PG	MT 2y AT 2y	AD	Dishonesty, larceny, BES - previous custody.	Lured male into park assaulting and robbing him of $150 - punched victim eight times in face and kicked him on ground.
11.	**Murchie** (18) (1999) 108 A Crim R 482 [1999] NSWCCA 424	s.97(1) Rob in Co Assault Mal Damage Sched Poss proh article	PG	MT 3y AT 3y FT 12m FT 12m (all concurrent)	AA MT 2y 3m AT 2y 9m FT 12m FT 12m (all concurrent)	BES, assault, possess firearms – Children's Court	Four males robbed bank – jumped counter and stole $16,610 – threats of violence made to customers and staff – upon arrest threatened police officers with sword Long history of behavioural disorder
12.	**Nicholas** (19) [2000] NSWCCA 11	s.97(1) Rob in Co Sched: BES	PG	MT 4y AT 3y	AA MT 3y AT 2y 6m	No details given – breached recognisance.	3 offenders robbed bank of $16k making threats of violence to staff and customers. Parity.

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13.	**Griggs** (19) (2000) 111 A Crim R 233 [2000] NSWCCA 33	s.97(1) Rob in Co	PG	2y Recog	Crown AA 18m PD	minor Children's Court record	Three offender robbed convenience store – armed with knives – forced two male staff to floor and tied hands with tape – minimal planning Heavy drug use at time of offending – evidence of rehabilitation and family support - remorse
14.	**Swan** [2000] NSWCCA 114	s.97(1) Rob in Co Sched: 3 offences	PG	MT 2y AT 2y	AA MT 18m AT 18m	No details given.	With girlfriend and nephew punched 13y male stealing $50. Parity - special circumstances found
15.	**Sok** [2000] NSWCCA 121	s.97(1) Rob in Co Sched: 3 shop lifting offences	PG	MT 3y AT 2y	AD		Female – with male co-offender who was armed with meat clever, forced entrance to home of 72y female acquaintance – young children present – meat clever held to throat of victim – offender lifted clothes to remove cash Abusive childhood – left in care as a teenager – psychological deficit as result of car accident – heroin addiction – support of de facto husband – mother to young child - pregnant
16.	**Iddles** (20) [2000] NSWCCA 128	s.97(1) Rob in Co	PG	MT 18m AT 18m	AA only to direct release at end of MT	serious history	Robbed food store in company of person not otherwise known to offender – pushed employee and grabbed money from till Drug addiction - remorse
17.	**Clarke** (18) [2000] NSWCCA 160	s.97(1) Rob in Co Sched: Armed with intent Larceny	PG	MT 3y AT 2y	AD	nil	Female – with co-offender robbed service station in early hours of morning – co-offender threatened attendant with large carving knife – offender took money from till – four days later offender entered service station office alone armed with knife – no one present so took money and left Pregnant at time of sentence – excellent prospects of rehabilitation – drug addicted at time of offences
18.	**Hawkins** (18) [2000] NSWCCA 434	s.97(1) Rob in Co	PG	MT 12m AT 2y	AA MT 6m AT 18m	Nil relevant.	2 offenders disguised in balaclavas, threatened shopkeeper and two others seeking shop takings. Assistance to authorities - assaulted in prison - good rehabilitation / employment.
19.	**Archer** (18) [2000] NSWCCA 176	s.97(1) Rob in Co	PG	MT 12m AT 2y	Crown AD		Two offenders approached victim in park and demanded wallet – offender held knife to victim's throat although kept thumb between blade and skin – co-offender kneed and punched victim – left claiming it was a joke but took two credit cards Suffering claustrophobia affecting custodial conditions

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20.	**English** [2000] NSWCCA 245	s.97(1) Rob in Co	PG	MT 18m AT 6m	AA to adjust dates for 7 days pre-sentence custody		With two co-offenders robbed florist and gift shop – female threatened with knife held by co-offender and forced to give money from till – sentenced on basis unaware knife would be used
21.	**Hocking** (24) [2000] NSWCCA 339	s.97(1) Rob in Co	PG	MT 2y AT 12m	Crown AA 4y NPP 2y 9m	Extensive including robbery, violence, BES – breached recognisance.	Assaulted and robbed male of small amount of money. Aboriginal male - institutionalised. Failed undertaking to give evidence against co-offenders.
22.	**Hughes** [2000] NSWCCA 366	s.97(1) Rob in Co SMV Mal damage	PG	MT 4y AT 2y FT 15m FT 15m (concurrent)	AA 4y 6m NPP 3y FT 15m FT 15m (concurrent)	breached recognisance – record includes less serious assaults	Three men drove to beach area at night with intention of robbing someone – co-offender approached male victim and assaulted him to head with steering lock – pulled off victim by offender then wallet and keys stolen – returned later to steal car then dumped car and set it alight Admissions and co-operation – family support – drug and alcohol problem – remorse On appeal - parity
23.	**Calderoni** [2000] NSWCCA 511	s.97(1) Rob in Co	PG	FT 2y Suspended	Crown AD	No detail.	3 offenders - 1991 robbery of drug dealer resulting in murder - no involvement in assault or asking for reward - but lent assistance - acquitted of murder Error in finding applicant provided assistance - demonstrated rehabilitation and delay.
24.	**Nastaly** [2000] NSWCCA 486	s.97(1) Rob in Co	PG	MT 1y 2m AT 2y 9m PSC – 1m	AA 3y 5m NPP 11m	No detail.	Female - with male co-offender robbed male of $500 - co-offender tried to stab victim with screwdriver. Drug addiction - good rehabilitation - family support.
25.	**Morgan** (26) [2001] NSWCCA 104	s.97(1) Rob in Co LMV Sched: Drive disqual	VG	7y 1m NPP 4y 1m FT 12m (concurrent)	AD		Group of men broke into jewellery store equipped with sledgehammer – broke into more secure areas and stole jewellery – planned offence – police fired at escaping car – offender who was driver struck by glass and wounded Aboriginal male

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26.	**Cimone** (2001) 121 A Crim R 433 [2001] NSWCCA 98	s.97(1) Rob in Co Larceny Receiving	PG	3y NPP 2y Periodic Det FT 2y Periodic Det FT 6m Periodic Det (concurrent)	Crown AD	mal damage and dishonesty offences	Four offenders apprehended victim in car park and forced him to drive remote reserve – threatened with knife and robbed of personal property – held hostage until money withdrawn from ATM then left in reserve 3 months adjournment showed real prospects of drug rehabilitation - assistance On appeal – unique and exceptional departure from guidelines
27.	**Atkinson** (20) [2001] NSWCCA 135	s.97(1) Rob in Co	PG	MT 2y 9m AT 3y	AA 5y 3m NPP 2y	Dishonesty, mal damage, driving	With co-offender threatened victim at ATM - armed with imitation pistol and serrated knife. Intellectual disability - living skills of 8y child - disturbed upbringing - need for extended support - good rehabilitation prospects.
28.	**Griffiths** (37) [2001] NSWCCA 130	s.97(1) Rob in Co	VG	6y NPP 4y	AD	Drugs, dishonesty.	With female co-offender threatened female occupant of house with replica pistol - took purse and jewellery - co-offender had knife.
29.	**Lo** (19) [2001] NSWCCA 271	s.97(1) Rob in Co	PG (15% on appeal)	5y 10m NPP 3y	AA 5y NPP 3y	8 x rob in co, stealing.	Leapt over counter of Credit Union in hospital, threatening staff - fled with $4. Heroin addict - special circumstances Insufficient discount for guilty plea.
30.	**Brain** (19) [2001] NSWCCA 319	s.97(1) Rob in Co	PG (30% for all matters)	3y 6m NPP 1y 9m	AA 3y NPP 1y 6m	numerous property, drugs, violence - previous custody – breached recognisance.	Threatened victim with syringe before taking $180 - unaware co-offender had syringe. Heroin addict – parity - assistance to authorities and protective custody.
31.	**Pearce** [2001] NSWCCA 349	s.97(1) Rob in Co Sched: driving offences.	PG	MT 3y 3m AT 2y	AD	breached parole	2 offenders robbed bank, threatening staff and struggling with bank manager - punched teller in face – took around $60k.

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32.	**Hoschke** (18) [2001] NSWCCA 317 Co-offender: SHARPE	s.97(1) Rob in Co	PG	2y NPP 18m Periodic Det	Crown AA 2y 9m NPP 16m	Robbery, inflict GBH, assault, breach AVO.	Robbed 15y male of $15 - co-offender struck victim in face and threatened to stab with knife (which did not have).
33.	**Perese** (18) (2001) 126 A Crim R 508 [2001] NSWCCA 478	s.97(1) Rob in Co Sched: Rob in Co.	PG	6y 6m NPP 4y	AD	Armed robbery, robbery, assault w/i to rob	2 offenders robbed bank of $99k from safe, threatening staff - schedule offence involved bank robbery of $26k. Drug addiction.
34.	**Richards** (2002) 128 A Crim R 204 [2002] NSWCCA 38	s.97(1) Rob in Co	VG	5y NPP 3y	AD		One of several offenders who assaulted and robbed male lured outside hotel by female co-offender – follower not leader but willing and active participant Faint prospects of rehabilitation
35.	**Kumar** (19) [2002] NSWCCA 95	s.97(1) Rob in Co Sched: Off conduct Resist arrest	PG	3y NPP 18m	AD	Robbery, breach AVO, mal damage - no previous custody – breached bond.	2 offenders threatened two teenagers taking mobile phones and wallet
36.	**Sharpe** (19) [2002] NSWCCA 96 Co-offender: HOSCHKE	s.97(1) Rob in Co	PG (1/3rd)	4y NPP 2y	AA 3y NPP 21m	Robbery, drugs, mal damage. No previous custody.	Demanded money from 15y boy at bus stop - took $15 from wallet. Parity
37.	**Sharma** (19) (2002) 130 A Crim R 238 [2002] NSWCCA 142	s.97(1) Rob in Co	PG (50% plea and assist on appeal)	18m NPP 12m	Crown AA 2y NPP 18m	minor record	Robbery of motel – co-offender initiated plan and jumped counter armed with knife – less culpable than co-offender Undertaking to give evidence against co-offender – protective custody

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38.	**Ho** (2002) 130 A Crim R 545 [2002] NSWCCA 147	s.97(1) Rob in Co	VG	3y NPP 18m	Conviction AD		Robbed female shopkeeper of $35k store's keepings - apprehended shortly afterward.
39.	**Simpson** (23) [2002] NSWCCA 167	s.97(1) Rob in Co	PG	4y NPP 2y	AA 4y NPP 2y (backdated 1m to allow for PSC)		Female – robbed taxi driver - co-offender threatened victim with knife taking $200 - took other items from driver's shirt pockets.
40.	**Carr** (19) [2002] NSWCCA 211	s.97(1) Rob in Co	PG (15% on appeal)	4y NPP 3y	AA 3y NPP 2y	record includes violence offence but less serious	Four offenders approached three victims in early hours of morning – knife produced –offender and co-offender chased victim with knife and stole wallet – not clear who produced knife – two co-offenders assaulted and robbed remaining two victims Early drug and alcohol addiction – some recent evidence of attempt at rehabilitation
41.	**Marouche** (20) [2002] NSWCCA 202	s.97(1) Rob in Co SMV Escape Sched 3 offences	PG	5y NPP 3y FT 12m FT 6m Total: 5y 6m NPP 3y 6m	AA 5y NPP 2y 6m FT 12m FT 6m Total: 5y 6m NPP 3y	record includes robbery offences	Escaped prison scaling fence – several days later three males approached couple in street at night from behind – male punched and kicked and handbag taken from female – offender driver of car carrying co-offenders Admitted involvement to police – genuine remorse – drug addiction – difficult home life On appeal: circumstances require longer period on parole
42.	**Dillon** (18) [2002] NSWCCA 221	s.97(1) Rob in Co	PG	3y 6m NPP 15m	AA 3y NPP 11m	No detail.	2 juvenile offenders "jumped" two pedestrians, threatening and searching them - took one victim to ATM taking money from account.

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43.	**Hammoud** (22/24) [2002] NSWCCA 254	s.97(1) Rob in Co Supply prohibited drug Sched: 2 drug offences	PG	8y NPP 4y FT 2y Total: 9y 8m 19d NPP 5y 8m 19d	AA 4y 6m NPP 2y FT 2y Total: 6y 2m 19d NPP 3y 8m 19d	dishonesty and drug offences	Supplied 28.35g cocaine to organisation of drug street runners – two further supplies of 28.3g and 26.35g – regular supplier to organisation Two years later robbed bank with two co-offenders Early drug user - supplied drugs to support own addiction – family support – some attempts at overcoming addiction
44.	**Nguyen** (21) [2002] NSWCCA 267	s.97(1) Rob in Co	VG	3y NPP 18m	AA 2y NPP 12m	Steal from person, drugs.	With two co-offenders demanded money from 15y school boy at railway - took $20 - no premeditation
45.	**Fonseka** (19) [2002] NSWCCA 324	s.97(1) Rob in Co	PG	4y NPP 2y	AD	Aggravated robbery, stealing, dishonesty	Grabbed female's mobile phone as she was holding it in her car.
46.	**Bolamatu** (30) [2002] NSWCCA 454	s.97(1) Rob in Co Assault	PG VG	5y NPP 3y 18m NPP 12m Total: 6y NPP 4y	AA 5y NPP 2y 6m 18m NPP 12m Total: 6y NPP 3y 6m	extensive record for violence and robbery offences	Attended flat with co-offender to collect debt – went on violent rampage threatening female pregnant occupant – robbed bank with co-offender jumping counter and taking $30,000 Sentences partially concurrent with existing sentences Suffered mental health problems since a teenager
47.	**Mitchell** (21) [2002] NSWCCA 491	s.97(1) Rob in Co	PG (17%)	5y NPP 3y 4m	AD	significant record - breached parole and recognisance	Home invasion with 3 co-offenders to obtain free drugs - occupants assaulted with steel poles and bats - offender did not wield any weapons but took drugs and other property.
48.	**Martin** (24) [2003] NSWCCA 25	s.97(1) Rob in Co	PG (15%)	3y 4m NPP 1y 10m (+ 7m 21d PSC)	AA 3y 1m NPP 21m (backdated)	poor	Robbed 45y female on street - impulsive - initiated by co-offender Difficult childhood – drug addicted parents and violent step father - mildly mentally retarded - protection - schizophrenic

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49.	**Davis** (37) [2003] NSWCCA 62	s.97(1) Rob in Co Sched: Possess cannabis GIC	VG	3y 4m NPP 2y 6m	AD	minor record - irrelevant	Robbed hotel - disguised - employees taped up - supportive role Assistance - good prospects of rehabilitation
50.	**Boa Morte** [2003] NSWCCA 75	s.97(1) Rob in Co Sched: AOABH	PG (25%)	2y 8m NPP 1y 8m	AD	not stated	Group threatened and punched victim at train station – $3 taken
51.	**J Hickey** (29) [2003] NSWCCA 110 Co-offender: T.HICKEY (multiple off)	s.97(1) Rob in Co Sched: Steal from person	PG (25%)	3y 9m NPP 2y 6m	Crown AD	lengthy but less serious 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 - affected by inability to attend mother's funeral - some prospects of rehabilitation
52.	**Shiagetz** (29) [2003] NSWCCA 115	s.97(1) Rob in Co	VG	4y NPP 2y	AD	Lengthy record – minor violence	Group approached victim's group on street late at night – offender demanded backpack – during subsequent fight backpack taken Step father to young child – need for lengthy supervision for drug addiction
53.	**Bell** (33) [2003] NSWCCA 132	s.97(1) Rob in Co	PG (20% on appeal)	6y 6m NPP 4y	AA 4y 10m NPP 3y	Lengthy record – breached two bonds	Female – threatened and assaulted female in arcade – joined by co-offender – stole bag – caused broken nose Troubled background involving physical and sexual violence and drug abuse
54.	**Stanley** (18) [2003] NSWCCA 233	s.97(1) Assault w/i Rob in Co	PG (25%)	3y NPP 2y	AD	Poor – breached probation order	Induced male acquaintance to withdraw money with promise of cheap beer – victim subsequently attacked – principal Aboriginal female
55.	**Huynh** (27) [2003] NSWCCA 239	s.97(1) Rob in Co AOABH	VG	8y NPP 5y FT 2y Total: 9y NPP 6y	AA 6y 6m NPP 4y FT 2y Total: 7y 6m NPP 5y	breached parole – lengthy record including robbery and violence	With co-offender accosted male leaving train station – took wallet and phone and demanded PIN for phone – forced victim to walk with them then pursued, kicked and punched him when he attempted to escape Refugee from Vietnam – drug addiction

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56.	**Delaney** (25) [2003] NSWCCA 342	s.97(1) Rob in Co SMV Sched: self admin drug	VG PG	4y NPP 2y FT 12m (concurrent)	AA 3y 9m NPP 1y 10m 15d FT 12m (concurrent()	extensive record for less serious offences – included assault	One of three men robbed convenience store – female attendant threatened with syringe – offender wrestled metal pipe from male owner and hit him with pipe to allow escape – offenders left in stolen car – offender not aware syringe would be produced Long history of drug abuse Additional credit given on appeal for quasi-custodial period in rehabilitation centre
57.	**Stepanovic** (20) [2003] NSWCCA 343	s.97(1) Rob in Co Sched: 2 offences	PG	4y NPP 3y	AD	Lengthy – breached conditional liberty	Forced driver of car to drive around Sydney – stole $200 from ATM – co-offender held knife to victim's neck
58.	**Dukino** (21) [2003] NSWCCA 379 Co-offender: MOSHREI (multiple off)	s.97(1) Rob in Co Sched: 2 x Rob in Co	PG (15%)	5y NPP 2y 9m	AD	Appalling	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
59.	**Lomas** (23) [2004] NSWCCA 46	s.97(1) Rob in Co Sched: Rob in Co	PG (15%)	7y NPP 5y	AD	Robbery, stealing – breached parole for similar offence.	5 offenders robbed bank – offender climbed over bank counter taking $20,932. History of drug abuse – special circumstances. Towards top end of range
60.	**Ngatikaura** (19) [2004] NSWCCA 175	s.97(1) Rob in Co	PG (25% on appeal)	5y NPP 3y	AA 3y 6m NPP 2y	Minor	Victim confronted by two men in store – co-offender restrained victim while offender took wallet – co-offender unexpectedly produced knife Contrition – parity
61.	**Walker** (34) [2004] NSWCCA 230	s.97(1) Rob in Co	PG	3y 7m 6d NPP 2y 4m 15d	AA To backdate sentence	Priors – breached parole	Female - robbed 40y female in street with 2 co-offenders – victim struck by male Element of double punishment in not backdating sentence
62.	**Lewis** (25) [2004] NSWCCA 383	s.97(1) Rob in Co	PG (20%)	3y 2m NPP 2y 2m	AD	Nil	Robbed male on street taking earnings from nightclub to bank Drug and alcohol abuse – good prospects of rehabilitation

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63.	**Halkias** [2004] NSWCCA 429	s.97(1) Rob in Co Malicious damage Stealing	PG	3y 9m NPP 2y 3m 2y NPP 1y 6m 2y NPP 1y 6m <u>Total</u>: 5y NPP 3y 6m	AA 3y 9m NPP 2y 3m 1y 4m NPP 1y 1y 4m NPP 4m <u>Total</u>: 4y 6m NPP 3y	Breached bail when committing first offence – breached bail for first offence and two bonds when committing second offences	With four co-offenders attempted to break into poker machines at hotel –money taken from one machine - barman threatened with screwdriver by co-offender – one year later stole cash box from poker machine in different hotel – offence committed day after sentencing proceedings commenced for earlier robbery offence – utter contempt for criminal justice system On appeal parity error in relation to second offences
64.	**Saleib** (22 at sentence) [2005] NSWCCA 85	s.97(1) Rob in Co AOABH in Co Sched: 2 x rob offences	PG (33.3% plea and remorse)	5y NPP 3y 4y NPP 1y <u>Total</u>: 7y NPP 4y	AD	lengthy record including robbery in company offences – breached bonds	One of group of men who approached, assaulted and robbed another group of men on street at night – one year earlier confronted male stranger walking from train station at night – offender and associates assaulted victim until unconscious Major drug and alcohol problem – some evidence of rehabilitation – protective custody – some assistance
65.	**Ibrahimi** (19) [2005] NSWCCA 153	s.97(1) Rob in Co Sched: Rob in Co	PG (20%)	4y NPP 2y	AD	Breached conditional liberty – assault and offensive behaviour	Robbed train commuters at railway station
66.	**McNamara** (28) [2005] NSWCCA 195	s.97(1) Rob in Co	PG (15%)	8y NPP 4y 6m	AA 6y NPP 3y 6m	Limited record	Robbed club during day – co-offender armed with gun
67.	**Andrews** (2006) 160 A Crim R 505 [2006] NSWCCA 42	s.97(1) Rob in Co	PG	6y NPP 3y	AD	Considerable	With co-offender robbed jogger of mobile phone

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68.	**Chahine** [2006] NSWCCA 99	s.97(1) Rob in Co Sched: Carried in conveyance	VG	10y NPP 7y 6m	AD	Significant prior convictions – breached parole	Involved in bank robbery with two co-offenders – stolen car
69.	**Spurling** (24) **Everuss** (43) [2006] NSWCCA 245	s.97(1) Rob in Co s.97(1) Rob in Co	VG VG	4y NPP 2y 6m 3y NPP 18m	AD AD	Priors included armed robberies – breached bail Priors less serious	Assaulted and robbed male acquaintance in backyard – stole wallet S – borderline intellect E - principal
70.	**Dyer** (19) [2006] NSWCCA 274 Co-offender: BROWNE	s.97(1) Rob in Co	PG (15%)	3y 6m NPP 2y	AD	Extensive – no violence – breached PD	Robbed train passenger with two co-offenders – lesser offender Good prospects of rehabilitation – low intelligence
71.	**Doolan** (31) [2006] NSWCCA 344	s.97(1) Rob in Co	PG	4y 6m NPP 2y 6m	AD	Minor	Two females robbed female pedestrian – assault – lesser offender Aboriginal female – disadvantaged childhood – drug abuse – schizophrenia - remorse
72.	**Khare** (19) [2006] NSWCCA 388	s.97(1) Rob in Co	PG (15%)	2y 10m NPP 16m	AD		Three men robbed university student on train at night – victim punched to face Participated in drug rehabilitation program prior to sentence
73.	**Boakye-Yiadom** (18) [2006] NSWCCA 400	s.97(1) Rob in Co	VG	5y NPP 3y	AD	Steal from person - on bail.	In company of others menaced victim on train – co-offender threatened with knife – obtained money and mobile phone.
74.	**Suttle** [2007] NSWCCA 264	s.97(1) Rob in Co	PG (15%)	2y 6m NPP 1y 3m	AD		Female passenger attacked by two females on train – punched, kicked and hair pulled – stole mobile phone Significant mental problems – drug and alcohol abuse

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75.	**Palmer** [2007] NSWCCA 308	s.97(1) Rob in Co	PG	4y 6m NPP 3y	AD	Breached conditional liberty – significant record including robbery and violence	No facts
76.	**Syed** (19) **Mahmood** (21) [2008] NSWCCA 37	s.97(1) Rob in Co s.97(1) Rob in Co	VG VG	1y 10m NPP 1y 3m (suspended) 1y 8m NPP 1y 3m (suspended)	Crown AD	Nil	With armed co-offender robbed victim of mobile phone on street at night. Both offenders of good character. Sentences inadequate but Court declined to intervene due to age of matter and rehabilitation since offence.
77.	**Il** (20) [2008] NSWSC 325 Fullerton J	s.97(1) Rob in Co Sched: 11 related offences	PG (10%)	3y NPP 21m		Nil	Female driver of car for four men involved in robbery of hotel – unaware of presence of weapons – patron fatally stabbed in subsequent struggle Out of character Co-offenders (SL, RT and WS) sentenced for s.97(2)
78.	**Bolder** (41) **Zaphir** (42) [2008] NSWCCA 222	s.97(1) Assault w/I to rob in co s.97(1) Assault w/I to rob in co	VG VG	2y NPP 15m PD 2y NPP 15m PD	Crown AA 4y 6m NPP 2y 4y 6m NPP 2y	Minor Minor	63y male left units after visiting sister – attacked by B after hand signal from Z – Z joined attack – punched and kicked and dragged down stairs – assault lasted 2 minutes and caused significant injuries Difficult childhoods and mental health issues
79.	**Beattie** (20) [2009] NSWCCA 51	s.97(1) Rob in Co	PG	4y NPP 2y 6m	AA 4y NPP 1y 6m	On bail – record for dang driving, AR, BES.	With co-offenders robbed victim of money and personal items late at night. Appeal allowed to adjust sentence in view of accumulation to existing sentence
80.	**Chamma** (18) [2009] NSWCCA 92	s.97(1) Rob in Co Sched: 3 offences	PG	2y 5m NPP 1y 2m PD	Crown AA 2y NPP 12m	Breached probation order – disqualified driver	Three men robbed convenience store at night – driver of van – police chase from scene – unaware of use of knife – principle in second degree Significant prospects of rehabilitation – drug, alcohol and gambling problems

	Case (age if Known)	Offence	Plea	Sentence	Appeal	Record	Facts
81.	**Withers** (25) [2009] NSWCCA 133	s.97(1) Rob in Co		5y NPP 3y	AA 4y 6m NPP 2y 8m	Lengthy - no violence.	With co-offender robbed service station – threatened female service station attendant with steel bar – asked for money. Drug abuse – mental illness – unstable upbringing
82.	**Steele** (22) [2009] NSWCCA 209	s.97(1) Rob in Co	PG (25% plea and assist)	3y 9m NPP 2y	AD	Record including AOABH	4 offenders assaulted male passenger on train – sustained kicking to victim on floor of train – made threat to kill if reported incident Offered to give assistance against co-offender – reasonable prospects of rehabilitation
83.	**Collett** [2009] NSWCCA 236	s.97(1) Rob in Co 2 x Enter building with intent Larceny Sched: 3 offences	PG (25%)	2y 9m NPP 18m 17m NPP 9m FT 9m (all concurrent)	Crown AA 3y 6m NPP 22m 15d (other sentences unchanged)		Entered stolen vehicle driven by co-offender with several others – broke into two club premises smashing glass door – stole alcohol from one premises – one of three offenders who robbed newsagency – male victim pushed and kicked – significant role but not principal Drug use – special protection On appeal – failure to give evidence as promised
84.	**Lau** [2009] NSWCCA 237	s.97(1) Rob in Co	PG (25%)	4y NPP 2y 6m	AD	Lengthy - drugs, property, assault.	With co-offender robbed victim of wallet.
85.	**Frahm** (24) [2009] NSWCCA 249	s.97(1) Att Rob in Co	PG (25%)	4y 6m NPP 3y	AA 3y 3m NPP 2y	Extensive record	Demanded money from grocery store attendant while in company – attendant refused and ran from cash register area – unsuccessfully attempted to open cash register Under influence of ice – socially disadvantaged childhood – severe substance abuse – gambling addiction
86.	**Phanith** (24) [2009] NSWCCA 274 Co-offender: ENGLAND (multiple off)	s.97(1) Rob in Co Sched: Additional offences	PG (15%)	6y NPP 4y 6m	AD	Breached parole – lengthy record for both property and violence 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
87.	**Dolan** (18) [2010] NSWCCA 10	s.97(1) Rob in Co	PG (25% on appeal)	4y 6m NPP 2y 6m	AA 3y NPP 2y	Prior record in children's court – breached bond	Three young men robbed cleaner at MacDonald's – intoxicated Difficult childhood – evidence of rehabilitation

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88.	**Kelso** (22) [2010] NSWCCA 34	s.97(1) Rob in Co	PG (25%)	4y NPP 2y	AA 3y NPP 18m	Minor	With co-offender robbed victim on train of bicycle – victim assaulted. Good character – rehabilitation prospects. Appeal allowed on parity ground.
89.	**Abdisimi Hersi** (19) **Abdizarak Hersi** (21) [2010] NSWCCA 57	s.97(1) Rob in Co s.97(1) Rob in Co	VG VG	2y NPP 12m PD 2y NPP 12m	Crown AA 4y NPP 2y 6m 5y NPP 3y	Nil Larceny; on bond	Group of 5 males assaulted and kicked male victim to ground – took wallet containing cash and cards.
90.	**Hawke** [2010] NSWCCA 172	s.97(1) Rob in Co Sched: AOABH	PG (25%)	3y NPP 18m	AA Only to adjust commencement date	Minor	With friends attacked victim outside club on street - punched and kicked – took wallet – opportunistic offence - well towards lower end of range of offences. Special circumstances - good prospects rehabilitation - youth
91.	**Georgopolous** (23) [2010] NSWCCA 246	s.97(1) Rob in Co	PG (20%)	3y NPP 18m	AD	nil relevant	Three men alighted from car and attacked male walking along street at 3.30am – victim punched and kicked to ground and kicked to body – phone and wallet stolen – offender not principal Good prospects of rehabilitation
92.	**Carroll** [2011] NSWCCA 200	s.97(1) Rob in Co	VG	5y NPP 2y 3m	AA 4y NPP 1y 9m		Female - with male co-offender robbed male victim knowing he had large amount of money in his wallet – no violence inflicted – no serious injuries to victim – opportunistic offence. SJ erred in finding case fell somewhere higher up scale than 4-5y range referred to in *Henry*. Drug and alcohol abuse.
93.	**Hamed** [2011] NSWCCA 219	s.97(1) Rob in Co	VG	8y NPP 5y	AD	On parole for robbery	Robbed post office in company with two unidentified co-offenders – took cash in excess of $9,000 – some degree of planning – in possession of knife
94.	**Perez** (21) [2012] NSWCCA 167	s.97(1) Rob in Co	PG	4y NPP 2y	AD	minor, not relevant	With co-offender robbed victim of $3200 – victim intended to purchase campervan from co-offender and arrived with money - co-offender punched victim in face – offender pointed "taser" device at victim – drove away with money - planned offence. Drug abuse – good prospects rehabilitation.

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95.	**Ghobrial** (21) [2012] NSWCCA 221	s.97(1) Rob in Co	PG (25%)	2y 6m 1y 3m	AD	possess drug	With two co-offenders, robbed victim in club car park – victim just collected $900 in winnings – followed victim to car park – offender struck victim in back of head with elbow – caught by CCTV. Remorse - supportive family – sought help for drug problems.
96.	**Sen** (31) [2013] NSWCCA 30	s.97(1) Rob in Co Detain in Company		5y 4m 24d NPP 4y 18d 5y 4m 24d NPP 4y 18d (concurrent)	AA 4y 9m NPP 3y 4y 9m NPP 3y (concurrent)	Minor – breached conditional liberty	Involved in robbery of drug dealer with two females – victim forced into bedroom and stabbed with knife by female offender History of mental illness
97.	**Bloomfield** (26) [2013] NSWCCA 315	s.97(1) Rob in Co	PG (25%)	4y 6m NPP 3y 4m 15d	AD	Record	Robbed 15y male on train in company – dragged victim to ground and placed knee on chest – told victim he had a knife Aboriginal male - difficulty childhood – drug abuse
98.	**Hallak** [2014] NSWCCA 48	s.97(1) Rob in Co	PG (5%)	4y 3m NPP 1y 1m	AD	record included assault with intent to rob and violence - on parole.	With brother robbed female victim at train station – tried to get victim's handbag – offender took hold of victim's left arm in bicep area and grabbed it with such force that victim felt pain – when victim did not let go handbag co-offender squeezed victim by neck.
99.	**Yousif** (19) [2014] NSWCCA 180	s.97(1) Rob in Co	PG (10%)	4y 2m NPP 2y 1m	AD	Appalling – multiple robbery offences – breached parole for rob in company	With co-offender robbed male on train at 11pm – co-offender used knife to threaten victim – victim punched and hit with butt of knife by one or both offenders – limited planning – vulnerable victim Refugee from Iraq as a child – entrenched drug addiction – continued recalcitrant behaviour in custody demonstrates nil prospects of rehabilitation
100.	**JM** (17) [2016] NSWSC 98 RA Hulme J	s.97(1) Rob in Co SMV	PG (40% plea and assist))	6m GBB PSC – 5m		insignificant	Joint plan between four offenders - victim lured by offender to park for robbery - beaten to death by co-offender D– JM took keys and went to victim's home and stole car – limited acquaintance with co-offender and not aware he would use violence – element of duress (fear of D) – assaulted by D in dock Abusive childhood primarily in foster care – chronic physical and psychological health – behavioural problems – poverty – drug use - remorse

	Case (age if Known)	Offence	Plea	Sentence	Appeal	Record	Facts
101.	**Wran** (26) [2016] NSWSC 1015 Harrison J	s.97(1) Rob in Co Accessary after fact to murder	PG (20%) (25%)	4y NPP 2y FT 1y (concurrent)		Minor	Female attended unit with two male co-offenders – spontaneous agreement to use threat of force to purchase more drugs than could afford – anticipated possible use of some physical force – waited in lounge room while co-offender forced occupants to bedroom and stabbed them – one died – unaware of presence of knife until entered unit – money and drugs stolen by co-offenders – low objective seriousness Stayed with male who fatally stabbed victim – boyfriend – for three days failed to report to police – suffering ill health, mental illness and drug addiction – no active concealment or assistance in attempt to escape – aggravated by involvement in robbery – low objective seriousness Lengthy history of mental illness and drug addiction – good character – genuine remorse – prospects of rehabilitation – continued need for supervision – good support – extra curial punishment from adverse and erroneous publicity – onerous conditions of custody
102.	**Owens** (19) [2017] NSWCCA 16	s.97(1) Rob in Co	PG (10%)	2y 6m NPP 18m	AD	Assault police, resist police. On bond.	With 2 co-offenders approached 22y man at train station - grabbed victim's mobile phone – threatened victim grabbing by shirt and neck - requested driver's license to record personal details.
103.	**Liu** (20) **Lv** [2017] NSWCCA 148	s.97(1) Rob in Co s.97(1) Rob in Co	VG VG	3y NPP 18m 3y NPP 18m	AD AD	Nil Nil	In company with third co-offender robbed victim of mobile phone and cards – victim punched and threatened. Liu – younger – immature – remorse – well-educated – played a greater role Lv - (female) – well-educated – hard working

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104.	**El Sayah** (18) **Idaayen** (18) **Mansaray** (18) [2018] NSWCCA 64	s.97(1) Rob in Co s.97(1) Rob in Co s.97(1) Rob in Co	PG (25%) PG (25%) PG (25%)	2y 4m NPP 10m 2y 4m NPP 10m 2y 4m NPP 10m	Crown AA 3y NPP 1y 10m 3y NPP 1y 10m 3y NPP 1y 10m	nil nil nil	Four offenders drove stolen car to tobacconist shop at night – entered disguised and carrying knife and meat cleaver – threatened and assaulted sole male employee – forced him to ground – when alarm set off locking them in shop punched victim and trashed shop Genuine remorse and evidence of rehabilitation
105.	**Stanley** (32) [2018] NSWCCA 93	s.97(1) Rob in Co Resist police	PG (25%)	3y 6m NPP 2y 6m 6m (concurrent)	AA 3y NPP 1y 9m 6m (concurrent)	Stealing, obstruct police - on bail for assault.	With 2 co-offenders approached male victim – threats made to assault – victim handed over $40 to co-offender - spontaneous offence – no actual violence – related to drug taking. Aboriginal male - intellectual disability - intellectual capacity in lowest 1-3% of population - deprived background - drug and alcohol abuse. On appeal - reduced significance of general deterrence in case of intellectually disadvantaged offender.
106.	**Weribone** [2018] NSWCCA 172	s.97(1) Rob in Co	PG (25%)	3y NPP 18m	AD	breached parole	Female – met up with male victim that co-offender met online – three spent some time together – victim's mobile phone taken – money demanded for return – victim assaulted and threatened 8 months pregnant at sentence – child removed after birth – deprived childhood
107.	**Judge** (22) [2018] NSWCCA 203	s.97(1) Rob in Co	PG (10%)	5y 5m NPP 4y	AD	Extensive - car stealing, violence, assault, dishonesty, stalking and intimidation – breached bond.	With co-offender approached male at bus station – co-offender assaulted victim by head-butting, punching and kicking whilst victim on ground - offender stood by and watched – joint criminal enterprise – assisted co-offender in removing victim's bag. Drug abuse – Aboriginal male – deprived, dysfunctional background - risk of institutionalisation

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108.	**Fangaloka** (33) [2019] NSWCCA 173	s.97(1) Rob in Co AOABH in Co Sched: Assault	PG (early)	2y ICO 12m ICO	Crown AA 22m 16m Total: 30m NPP 20m	nil relevant	Accompanied younger co-offender to unit to collect debt – confrontation with two occupants – threats made with knife – both occupants assaulted – third male punched by co-offender while leaving unit Genuine remorse On appeal – completion of 41 hours community service in 3 months of ICO taken into account
109.	**Yildiz** (18) [2020] NSWCCA 69	s.97(1) Rob in Co	PG (25%)	3y NPP 18m	AA 2y 4m NPP 14m		Female – joint criminal enterprise - lured male victim to ATM – called male co-offenders who arrived and assaulted and robbed victim – offender unaware co-offender had weapon / firearm. Remorse – drug use. CCA: error in not assessing youth; fact-finding; remorse.
110.	**Foaiaulima** (22) [2020] NSWCCA 270	s.97(1) Rob in Co Sched: Dispose of stolen property	PG	4y 3m NPP 2y 9m	AD	Record – no serious violence – breached conditional liberty	Female – with two cousins confronted female victim travelling on train in mid-afternoon – made unreasonable demand for seat – sat behind victim, pulled hair, punched to head and attempted to take phone – after leaving train returned, punched victim again and took phone – passed on phone to associate – mid-range offence Early guilty plea – deprived, violent and unstable childhood On appeal: discussion as to continued application of guideline judgment
111.	**Bahcekapili** [2020] NSWCCA 296	s.97(1) Rob in Co	PG (25%)	2y 3m NPP 1y 6m	AD	Damage property, enter enclosed lands, driving offences.	With co-offender robbed taxi driver of $30-40 – co-offender sat in front, threatened driver with knife – applicant in back seat took money - at least a limited degree of planning and pre-meditation. Drug use - remorse.
112.	**Edwards** (18) [2021] NSWCCA 57	s.97(1) Rob in Co s.94 Steal from person Sched: Rob in co	PG (25%)	4y 3m 9m Aggregate: 4y 9m NPP 3y 3m	AD	Destroy property, aggravated robbery, agg BES, larceny, steal from person, escape custody, affray.	With co-offender robbed store – wore hoods pulled over heads - offender produced large knife threatening two shopkeepers and their 4y son – victim handed over cash. Aboriginal male – traumatic childhood upbringing – early drug abuse - guardedly good rehabilitation prospects - special circumstances: age, first time custody, mental health issues, need to promote drug abstinence and rehabilitation

	Case (age if Known)	Offence	Plea	Sentence	Appeal	Record	Facts
113.	**McGuiness** (31) [2021] NSWCCA 80	s.97(1) Rob in Co Sched: Attempt agg take vehicle with person s.154C(2)	PG (5%)	7y 7m NPP 5y 8m	AD	Lengthy. On parole.	Victim drove offender and co-offender around in victim's car – when victim did not wish to drive them anymore offender punched victim multiple times to face and ribs – co-offender choked victim – offender took car keys – unprovoked offence. Aboriginal male – childhood deprivation – *Bugmy* - drug abuse – depression – guarded rehabilitation prospects.
114.	**Mustafa** [2021] NSWCCA 164	s.97(1) Rob in Co Assault	PG	3y NPP 12m 3m (concurrent)	AA Indicative: 2y 4m 14d 3m Aggregate: 2y 4m 14d ICO	Drug consumption	In company of three men robbed male with cognitive impairment walking at night – took property – chased victim who was punched by co-offender – further threats made Youth On appeal: SJ erred in imposing individual sentences not aggregate sentence then finding ICO outside range – new sentence took into account time already served
115.	**Harris** (22) [2021] NSWCCA 322	s.97(1) Rob in Co s.166 Certificate: Carry cutting weapon Sched: Rob in co	PG (25%)	4y 3m 6m Aggregate 4y 5m NPP 3y	AA 3y 9m 3m Aggregate 3y 10m NPP 2y 6m	ADVO, AOABH in domestic violence context	Robbery of store – co-offender used knife to threaten son of female and male shopkeeper – offender blocked male customer from exiting and said "don't move" - shopkeeper gave co-offender $200 from register - offender repeated "don't move" and left with co-offender. Drug use - "significant deprivation" - moral culpability reduced under *Bugmy* - mental health PTSD. On appeal: manifestly excessive - offence less than 30 seconds – offender not instigator and had lesser role
116.	**Williams** [2022] NSWCCA 15	s.97(1) Rob in Co	PG (20% increased to nearly 25% on appeal)	6y NPP 3y 10m	AA 5y NPP 3y	Significant	Robbed service station with two co-offenders as it opened – brother armed with metal pole (offender dropped second pole prior to offence) – during scuffle 61y victim cut to face with knife by second co-offender – offender unaware of knife – degree of planning – two additional co-offenders involved in driving getaway car – number of offenders - vulnerability of victim – use of weapons – actual violence - above mid-range Difficult childhood – remorse – mental health issues – guarded prospects of rehabilitation improved on appeal On appeal: failed to take into account mental health issues and erroneously took into account injury to victim's face

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117.	**Vassiliou** (20) [2022] NSWCCA 91	s.97(1) Rob in Co Possess unauth prohibited firearm Sched: Possess ammo S.192E(1)(b)	PG (combined 30%)	2y 9m 17d NPP 1y 8m 3y CCO	AD	GIC – drug offence – breached conditional release order	18y male victim lured to meet offender's younger sister at train station – assaulted and robbed by offender and second male – stole phone, wallet and cash – used card to purchase cigarettes – firearm and ammunition found in offender's home Difficult childhood – some assistance
118.	**Honeysett (No.2)** [2023] NSWSC 103 Hamill J	s.97(1) Rob in Co	PG (25%)	18m NPP 12m		Lengthy – limited violence although offences involving weapons – on parole at time of offence	Agreement to rob victim of car – victim lured to home of female co-offender – during struggle offender struck victim to arm and leg with metal bar – victim fatally stabbed in chest by male co-offender – offender unaware of knife – brutal and calculated attack – planning and premeditation – lesser offender – little below midrange Cognitive impairment – disadvantaged childhood – exposed to family violence and alcohol abuse – reduction in moral culpability - poor education and employment experience – deep and genuine remorse – family support Originally charged with murder and offer to plead to robbery rejected until time of trial
119.	**McMillan** (37) [2024] NSWCCA 83	s.97(1) Rob in Co	PG (25%)	6y 6m NPP 4y	AA 4y 6m NPP 2y 9m	Reasonably extensive. Damage property, domestic violence, assault police, assault, affray, custody of knife, proh firearm.	With co-offender, entered liquor store - applicant wore bandana around face and co-offender wore balaclava wielding Samurai sword - co-offender threatened shopkeeper victim with sword and stole $460 - applicant stole five bottles of liquor – limited but some planning – lesser role than co-offender. Mental health – psychoaffective disorder – drug abuse – remorse - good progress in custody. CCA: Error as to pre-sentence custody.

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120.	**Samate** [2025] NSWCCA 221	s.97(1) Assault with intent to Rob in Co AOABH	PG (10%) PG (25%)	Indicative: 3y 6m 18m Aggregate: 4y NPP 2y 6m	AA Indicative: 3y 7m 6d 9m Aggregate: 3y 9m NPP 2y 4m	Record for similar robbery offences	Entered service station convenience store with co-offender in early hours of morning – entered staff only area with intent to rob – assaulted shop attendant with multiple punches – co-offender pushed shop owner into shelves – vulnerable victim – little planning – offender principal aggressor Childhood disadvantage – risk of institutionalisation and need for support upon release – special circumstances – prospects of rehabilitation guarded On appeal: established disparity in relation to assault count – rounding down for discount removed in relation to robbery count
121.	**Zahab** (43) [2026] NSWCCA 118	s.97(1) Assault with intent to Rob in Co	PG (5%)	4y 3m NPP 2y 10m	AA 3y 3m NPP 2y 2m	Lengthy – including property, drugs and dishonesty offences	Drove two co-offenders to and from hotel at 11:30am – co-offenders threatened licensee of hotel with what appeared to be firearm – left hotel without taking anything – offence of short duration – offender unaware of presence of weapon – became involved shortly before offence committed – motivated by financial desire for drugs – below mid-range Limited remorse – disadvantaged childhood including exposure to drugs and violence – additional hardship of loss of social housing – special circumstances based on risk of institutionalisation and rehabilitation On appeal: errors related to criminal record, reference to firearm and failure to distinguish liability from culpability

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