

## Armed Robbery with a Dangerous Weapon

Single

s.97(2) (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,  
 (2) Commit offence under subsection (1) when armed with a dangerous weapon

Maximum Penalty: 25 years

s 4 (1) Dangerous weapon means:

- (a) a firearm, or an imitation firearm, within the meaning of the Firearms Act 1996, or
- (b) a prohibited weapon within the meaning of the Weapons Prohibition Act 1998, or
- (c) a spear gun.

Commenced 23.12.1994

	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	FACTS
1.	Silver <a href="#">[1999] NSWCCA 108</a>	s.97(2)	PG	MT 6m AT 2y 6m	Crown AD	Replica pistol	Assault, off language, mal damage, resist arrest - no previous custody	With two others robbed isolated service station proprietor of \$341 - held pistol to victim's head and struck victim with pistol - high speed police chase. Aboriginal male – addict - seven children – remorse - good rehabilitation prospects On appeal – sentence inadequate but offender at liberty for 2 months

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	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	FACTS
2.	<b>Atonio</b> <a href="#">[1999] NSWCCA 266</a>	s.97(2)	PG	MT 3y AT 2y	AA MT 2y 6m AT 2y 6m	Pistol and baseball bat	Nil	Four offenders robbed hotel – balaclavas - offender carried baseball bat - staff tied up and made to open safe - removed \$21,000 - extremely serious offence - considerable planning and use of force. Supportive family - motivated to provide financial assistance to family - voluntary surrender - co-operation with authorities – contrition - good rehabilitation prospects - special circumstances On appeal - parity
3.	<b>Lee</b> <a href="#">[2000] NSWCCA 392</a>	s.97(2) Assault with intent to AR	VG	MT 6y AT 2y	AD	firearm		Attempted to rob female attendant of video store - firearm discharged in shop during struggle Protective custody
4.	<b>Brown</b> (35) <a href="#">[2000] NSWCCA 423</a>	s.97(2)	PG	MT 8y AT 2y	AA 8y NPP 5y	baseball bat, shortened .22 calibre rifle & pocket knife	offence committed while on parole - released 4 months earlier	Robbed truck repair workshop with co-offender - group threatened included children - owner struck with baseball bat Low intellectual functioning.
5.	<b>Taha</b> (22)  <b>Yuksel</b> (30)  (2000) 120 A Crim R 161 <a href="#">[2000] NSWCCA 520</a>	s.97(2)  Sched: One offence  s.97(2)  Sched: Four offences	PG  PG	5y NPP 2y 3m  5y NPP 2y 3m	Crown AA 6y NPP 4y  7y NPP 5y 3m	rifle and knife	no prior convictions for violence – on parole at time of offence  appalling criminal record with gaol sentences	Broke into convenience store and waited until female proprietor opened up next morning - armed with long barrelled rifle and knife - assaulted and threatened proprietor's family, including elderly mother and four young children, in adjacent home. T – drug addiction - sexually assaulted as a teenager
6.	<b>Pye</b> <a href="#">[2000] NSWCCA 544</a>	s.97(2)	VG	MT 3y AT 2y	AD	.22 calibre hand gun, knife and baseball bat		Involved in home invasion and robbery of female victim

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7.	<b>Stadhams</b> (17) <a href="#">[2001] NSWCCA 16</a>	s.97(2)	PG	MT 3y AT 2y	AA 4y NPP 2y 3m	shortened firearm and file	on probation at time of offence for BES offences	Involved in robbery of credit union with three co-offenders - waited in car while two co-offenders entered building and fired shot into floor – minor, passive involvement Early admissions – extensive co-operation with police – Aboriginal male - deprived background – 7 weeks PSC
8.	<b>Centofanti</b> (22) <a href="#">[2001] NSWCCA 107</a>	s.97(2)	PG	MT 3y 9m AT 2y 3m	AA 6y NPP 3y	shotgun	no significant priors	Led by uncle into robbing local club - wearing balaclavas entered club by breaking rear window - uncle held gun to staff members asking them to open safe - \$280 taken
9.	<b>MHH</b> (17y 8m) <a href="#">[2001] NSWCCA 161</a>	s.97(2)	PG	3y NPP 2y	AD	semi- automatic pistol	minor record	In company with others parked car in way suggesting needed help - robbed two young men who came to assist Assistance to authorities
10.	<b>SDM</b> (16) (2001) 127 A Crim R 318 <a href="#">[2001] NSWCCA 158</a>	s.97(2)	PG	MT 2y 3m AT 2y 3m (detention centre)	AD	Shotgun, golf club	insignificant	With four co-offenders robbed general store wearing balaclavas - took \$270, jewellery and cigarettes - under influence of heroin for first time during offence - limited involvement Contribution - disturbed family background.
11.	<b>Fitzgerald</b> (38) <a href="#">[2001] NSWCCA 238</a>	s.97(2)  Sched: 28 x BES Escape	PG	MT 4y 6m AT 3y 6m	AA 6y NPP 3y 6m	sawn off shotgun	long	Robbed 69y female in her home - first ascertained victim alone - inflicted head injury and imprisoned victim in cupboard. Dreadfully deprived childhood resulting in severe and chronic psychological injury and PTSD - strict protection - excellent rehabilitation.

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12.	<b>Blackman</b> (17)  <b>Walters</b> (20)  <a href="#">[2001] NSWCCA 121</a>  Co-offender: TAYLOR	s.97(2)  Access before fact to BES  Access after fact to BES  s.97(2)  BES	PG    PG	2y suspended 4y GBB   2y suspended 4y GBB	Crown AD    Crown AD	hand guns, baseball bat, softball bat	nil prior or subsequent   nil prior or subsequent	Involved in home invasion of private residence with third offender - also sentenced for involvement in theft of handguns from private residence several days earlier - minor partners Lengthy delay - offences completely out of character - immediate confessions - significant assistance - exceptional rehabilitation
13.	<b>Wahabzadah</b> <a href="#">[2001] NSWCCA 253</a>	s.97(2)	PG (20%)	4y NPP 3y	AA 4y NPP 2y 3m	replica pistol	record - first time in custody	Robbed costume shop at end of late night trading where female proprietor alone - in company with co-offender Protective custody
14.	<b>Dormer</b> (50) <a href="#">[2001] NSWCCA 263</a>	s.97(2)	PG (25%)	6y NPP 4y	AD	loaded pistol and expandable metal baton	PCA and assault	Premeditated and well planned robbery of female service station attendant taking long weekend takings to bank - committed with co-offender - victim struck to ground Wrote to victim expressing remorse - depressed at time of offence - delay in sentence
15.	<b>TVC</b> (15) <a href="#">[2002] NSWCCA 325</a>	s.97(2) Assault with intent to AR	PG	4y 6m NPP 2y	AA 3y NPP 1y 6m	gun and knife	nil	Attempted to rob victim at train station - threatened victim with knife and loaded gun - cocked gun in front of victim – disarmed during struggle – follower Remorse - good prospects of rehabilitation
16.	<b>Nelson</b> (43) <a href="#">[2002] NSWCCA 463</a>	s.97(2)  Sched: 3 offences	PG (25%)	6y NPP 4y	AA 5y NPP 3y 4m	double barrelled shotgun	no relevant record	Broke into home of estranged wife - Stole car and drove to hotel leaving 74g cannabis leaf in car - attempted to rob hotel but apprehended Serious depression at time of offence aggravated by drinking - favourable prospects of rehabilitation - undue weight given to general deterrence

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17.	<b>JCM</b> (15) <a href="#">[2003] NSWCCA 151</a>	Att s.97(2)	VG	4y NPP 21m	AA 3y NPP 20m	Shortened rifle		Co-offender attempted to rob male at railway station armed with gun and knife – offender acted as lookout and offered threat to victim – lesser culpability Favourable subjective features - parity
18.	<b>Peckham</b> (37) <a href="#">[2003] NSWCCA 293</a>	s.97(2)  Sched: 3 offences	PG (‘full discount’)	8y NPP 6y	AD	Shortened shotgun	Lengthy	Robbed female cleaner at Tavern – discharged shot in air – pushed cleaner in back and made threats – stole safe – significant planning Aboriginal male - drug addiction
19.	<b>Kelly</b> (34) <a href="#">[2003] NSWCCA 317</a>	s.97(2) Assault with intent to AR	PG	4y NPP 2y	AD	Extendable baton	Nil relevant	Attempted to rob employee of Club – employee struck on head Mental illness
20.	<b>Pile</b> (21) <a href="#">[2003] NSWCCA 289</a>	s.97(2)	PG (25%)	6y NPP 4y 6m	AA 6y NPP 3y	Pistol	Short record	Drove car for robbery of post office - \$9,000 stolen Good work history – drug abuse – failure to give proper weight to rehabilitation
21.	<b>Sydney</b> <a href="#">[2004] NSWCCA 63</a>	s.97(2)  Sched: 5 offences	PG (15%)	6y NPP 3y	Crown AD	Shotgun	Breached bond	With co-offender robbed security guard at night – guard tied up, kicked and threatened – mobile phones worth \$161,000 stolen – considerable planning including stealing motor vehicles Assistance to authorities – youth – seriously affected by mother’s fatal illness
22.	<b>El-Hayek</b> (20) (2004) 144 A Crim R 90 <a href="#">[2004] NSWCCA 25</a>	s.97(2)	VG	5y 4m NPP 4y	AD	firearms	nil	With co-offender approached group in car at park and threatened with firearms – robbed occupants in car of personal property Good character evidence – support of family

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23.	<b>Adams</b> (31) <a href="#">[2004] NSWCCA 279</a>	s.97(2)  Fire firearm with disregard for safety  2 x Mal discharge with intent to resist appreh	VG	10y NPP 6y  FT 3y  FT 6y  <u>Total</u> 12y NPP 8y	AD	rifle	record includes short sentences of imprisonment	Robbed newsagency with rifle – rifle discharged during robbery – driven away in stolen car by co-offender – fired shots at police pursuing vehicle
24.	<b>Alameddine</b> (18) <a href="#">[2004] NSWCCA 286</a>	s.97(2)  Sched: 15 offences	PG	7y 6m NPP 5y 6m	AD	Firearms	Record of little relevance – breached bond	Involved in well planned robbery of firearms range by group of men – shots fired Low intelligence
25.	<b>Cox</b> (20) <a href="#">[2004] NSWCCA 413</a>	Acc before fact s.97(2)	PG	3y 6m NPP 1y 9m	AA 3y NPP 1y 3m	shortened .22 calibre rifle and claw hammer	record – breached conditional liberty	Female – two males robbed pharmacy – third male waited in car – offender waiting in second car away from pharmacy – met up with fleeing offenders and drove them back to home of one offender Struggled with post-natal depression after birth of daughter – drug abuse – suffering other significant mental health issues On appeal - parity
26.	<b>Johnson</b> (36) <a href="#">[2004] NSWCCA 446</a>	s.97(2)	PG	9y NPP 6y	AA 4y 6m NPP 2y 6m	Unloaded power head spear gun	Breached bonds	Robbed service station – apologised to victim at scene Depression resulting from major back injury – genuine remorse – good prospects of rehabilitation
27.	<b>SB</b> (17) <a href="#">[2005] NSWCCA 76</a>	s.97(2)  Discharge firearm in public place  Take and drive conveyance  Sched: 3 offences	PG	6y 6m NPP 3y 6m  FT 3y  FT 12m  (all concurrent)  Juvenile Det	AD	loaded .22 calibre pistol and knife	breached probation	Two offenders robbed tavern – offender armed with pistol – co-offender armed with knife – offender held gun to back of head of security guard – robbery offences on schedule relate to robbery of individual persons at tavern – co-offender fired shot into air – tried to escape in stolen car History of substance abuse – evidence of improvement in behaviour in custody

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28.	<b>Franks</b> (33) <a href="#">[2005] NSWCCA 196</a>	s.97(2)  Threaten to use weapon to avoid apprehension  Take conveyance without consent  Possess firearm unlicensed  Resist officer  Sched: 3 offences	PG (20%)	9y NPP 4y 6m  FT 4y  FT 9m  FT 2y 3m  FT 9m  <u>Total:</u> 10y 6m NPP 6y	AA 8y 6m NPP 4y  FT 3y 6m  FT 9m  FT 2y 3m  FT 9m  <u>Total:</u> 10y NPP 5y 6m	revolver	lengthy record for less serious offences	With co-offender robbed AFL club armed with revolver – drove off in stolen car – both men entered private property – offender threatened male with gun – entered ute and reversed into police car – struggled upon arrest Little education background – drug and alcohol abuse – contrition -
29.	<b>Taylor</b> (18) <a href="#">[2005] NSWCCA 242</a>  Co-offenders: WALTERS BLACKMAN	s.97(2)  BES	VG	4y 6m NPP 2y  FT 4y  <u>Total:</u> 7y 6m NPP 5y	AA 4y NPP 2y  FT 2y 6m  <u>Total:</u> 5y NPP 3y	pistol		Broke into neighbours' home aware they were on holidays and stole weapons safe – with co-offenders forced way into private home seeking drugs – each offender armed with pistol - occupant struck on back with firearm
30.	<b>Dougan</b> (40) (2006) 160 A Crim R 135 <a href="#">[2006] NSWCCA 34</a>	s.97(2) Assault with intent to AR  Threaten witness	PG (50% plea and assist)  PG (10%)	8y NPP 6y  4y NPP 3y  <u>Total:</u> 9y NPP 7y	AD	gun	breached parole for AR – lengthy record including armed robberies	One of two males threatened 74y proprietor of service station with gun – pointed gun at neck of victim - left without property when motor cycle pulled up – at committal looked at female Crown witness and drew finger across throat Protective custody

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31.	<b>Bain</b> (2006) 161 A Crim R 36 <a href="#">[2006] NSWCCA 79</a>	s.97(2)	VG	9y NPP 6y 4m	AD	Shotgun	Lengthy criminal record	Robbed bank of \$43,500
32.	<b>Huynh</b> (19) <a href="#">[2006] NSWCCA 224</a>	s.97(2)	VG	9y NPP 5y 6m	AD	Gun	Criminal record	Driver of car – group of males robbed grocery store – bullet fired into ceiling Subsequently sentenced for manslaughter in a bungled robbery committed three days before s.97(2) offence Vietnamese – difficult childhood
33.	<b>Hamze</b> <a href="#">[2006] NSWCCA 36</a>	s.97(2)  Unauthorised sale of firearm  Sched: 3 offences	PG (50% plea and assist)	6y 9m NPP 4y  5y NPP 2y  <u>Total:</u> 8y 4d NPP 5y 4d	AD	sawn off shotgun or rifle	prior convictions – breached conditional liberty	One of four men robbed service station armed with shotgun or rifle – attendant and customer threatened with firearm– other offences committed earlier - broke into premises with co-offenders and stole mobile phones - conversation negotiating sale of gun intercepted by police – robbed different service station armed with shotgun – firearm discharged
34.	<b>DGM</b> (26) <a href="#">[2006] NSWCCA 296</a>	s.97(2)  Sched: Arson offence	VG	6y NPP 4y 6m	AA (to backdate sentence only)	Guns / knife	Minor	With three other assailants committed home invasion – female victim ordered to open safe and hand over \$275k – young children unharmed. Good rehabilitation.
35.	<b>Tilyard</b> (55) <a href="#">[2007] NSWCCA 7</a>	s.97(2)	VG	6y NPP 4y 6m	AD	Loaded revolver	Record including similar offences	Robbed pharmacy with loaded revolver Suffering brain damage as result of alcoholism
36.	<b>Hamied</b> (48) <a href="#">[2007] NSWCCA 151</a>  Co-offender: FEPULEAI	s.97(2) Assault with intent to AR	PG (14%)	3y NPP 18m	Crown AD	Replica pistol, screwdriver and baseball bat	Minor – no custody	Drove car for four offenders who attempted to rob hotel Depression

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37.	<b>Fepuleai</b> <a href="#">[2007] NSWCCA 325</a>  Co-offender: HAMEID	s.97(2) Assault with intent to AR	PG (12% on appeal)	2y NPP 1y suspended sentence	Crown AA 3y NPP 18m	Replica pistol.		Armed with replica pistol, entered hotel with co-offenders attempting to rob.
38.	<b>Burns</b> (25) <a href="#">[2008] NSWCCA 260</a>	s.97(2)  s.154C(2)	PG (25%)	7y 6m NPP 4y 6m  FT 3y  <u>Total:</u> 8y 6m NPP 5y 6m	AA 6y 4m NPP 4y 6m  FT 3y  <u>Total:</u> 7y 4m NPP 5y 6m	replica pistol	Lengthy	Entered Post Office armed with replica pistol – jumped counter and demanded money – left without money when owner demanded hi leave – grabbed keys from woman in street and took car Some evidence of mental illness – drug user – at risk of institutionalisation
39.	<b>SL</b> (20)  <b>RT</b> (16)  <b>WS</b> (17)  <a href="#">[2008] NSWSC 651</a> Fullerton J	97(2)  Sched: 11 Rob in Co  97(2)  Sched: 11 Rob in Co  97(2)  Sched: 11 Rob in Co	PG (5%)	4y 9m NPP 2y 9m  4y 3m NPP 2y 3m  4y 3m NPP 2y 3m		Shotgun	Record – breached bond – repeatedly breached bonds in past  Breached bond for drug possession offence  Nil	Robbed hotel using defective shotgun, knife and meat cleaver – patrons subjected to physical violence and threats – some pre-planning  SL – voluntarily attended police station – abusive childhood – life deteriorated after father's death – drug addiction  RT – childhood disrupted by death of father – member of elder group of friends through brother  WS – difficulties at school led to alcohol abuse
40.	<b>Cook</b> <a href="#">[2010] NSWCCA 191</a>	97(2)  Sched: Proceeds of crime	PG (17.5%)	8y 3m NPP 5y	AD	Shotgun		Robbed club with single barrelled shotgun – threatened two females in office - stole over \$18,000 from safe Extremely disadvantaged background

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41.	<b>Wu</b> (24) (2011) 211 A Crim R 88 <a href="#">[2011] NSWCCA 102</a>	s.97(2)  Arson  s.97(1)	VG  VG  PG	4y 6m NPP 3y  FT 12m  3y NPP 6m  <u>Total:</u> 6y 6m NPP 4y	AA 4y 6m NPP 3y  FT 12m  3y NPP 6m  <u>Total:</u> 5y 6m NPP 3y	pistol	Robbery in company	With two co-offenders robbed tavern – one armed with pistol – stole \$30,000 – punched manager in face – later set fire to car used in robbery – one month later robbed bar with co-offender wielding knife Substantial rehabilitation
42.	<b>Couloubis</b> (40) <a href="#">[2012] NSWCCA 264</a>	Consp s.97(2)  Sched: 3 offences	PG (25%)	7y NPP 5y	AA 5y NPP 3y 9m	Pistol	Record including drug offences	Agreed with two friends to commit armed robbery on acquaintance in his home armed with pistol – unsophisticated attempt discovered by police and postponed on numerous occasions Long history of drug abuse
43.	<b>Hart</b> (26) <a href="#">[2013] NSWCCA 13</a>	s.97(2)  Sched: Possess restricted substance	PG (25%)	4y 6m NPP 2y 8m	AD	Taser	Not relevant.	Robbed service station attendant. Drug addiction.
44.	<b>Stepanyan</b> (20) <a href="#">[2014] NSWCCA 7</a>	s.97(2)  Sched: s.33 – discharge firearm	PG (10%)	10y NPP 7y	AD	Pistol	Breached conditional liberty	Robbed RSL club in company – lengthy planning included earlier casing of joint – used information from ‘inside man’ – by agreement inside man shot to avoid suspicion - \$25,312 stolen – principal
45.	<b>Wasson</b> <a href="#">[2014] NSWCCA 95</a>	s.97(2)  Sched: False statement offence	VG	3y 9m NPP 1y	Crown AD	Small gun	Old offences	With co-offender robber service station – instigator and provided gun Difficult upbringing – drug user – both mother and partner very ill – 10% discount for assistance Sentence manifestly inadequate but dismissed in exercise of discretion

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46.	<b>Wilson</b> (18)  <b>Barrie</b> (21)  <a href="#">[2014] NSWCCA 150</a>	s.97(2)  Sched: 2 offences  s.97(2)  Sched: 3 offences	PG (10%)  PG (25%)	8y 3m NPP 5y 3m  9y NPP 4y 9m	AA 7y 6m NPP 5y 3m  AA 8y NPP 4y 9m	Replica pistol / replica firearm	Significant – included BES and robbery  Record for lesser offences – breached two bonds	Armed robbery of bar – patrons and staff forced to floor – manager forced to office – well planned offence – one patron kicked by B
47.	<b>SL</b> (40)  <a href="#">[2015] NSWCCA 30</a>	s.97(2)	PG (50% plea and assist)	4y NPP 2y 6m	AD	Gun	minor drug, property offences, driving, AOABH	Employed at Club - with 2 co-offenders made plan to rob Club – provided information to co-offenders about the routine of Club in order for robbery to occur – while working at Club phoned co-offenders to tell them when they could enter to obtain money – made aware gun would be used during robbery. Assistance to authorities - history of alcohol and drug abuse
48.	<b>Davies</b>  <a href="#">[2015] NSWCCA 224</a>	s.97(2) Assault with intent to AR	PG (10%)	3y 6m NPP 2y	AD	Pistol	Nil	Driver for two co-offenders who threatened male occupant of house with gun – left when they realised wrong address Good prospects of rehabilitation - young
49.	<b>Baleiovalau</b> (24 at offence – 34 at sentence)  <a href="#">[2015] NSWCCA 305</a>	s.97(2)	VG	5y NPP 3y	AA 5y NPP 2y	Pistol - sledge- hammer	Lengthy record for AR both before and after offence – breached conditional liberty	(2004) – robbed bank with two other men – unarmed but aware of presence of weapons – pistol discharged causing minor injury – left without money – significant planning – mid-range seriousness Fijian – institutionalised On appeal - totality excessive
50.	<b>Hudson</b> (34)  <a href="#">[2016] NSWCCA 30</a>	s.97(2)	VG	10y NPP 7y	AD	shotguns	Robbery, violence, firearms	Robbed bowling club of money with 2 co-offenders – smashed through doors wearing disguises and armed with shotguns - planned robbery with co-offender who was an employee of the club Recidivist violent offender – troubled upbringing

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51.	<b>Ingrey</b> (22) <a href="#">[2016] NSWCCA 31</a>	s.97(2)	VG	10y NPP 6y	AA 9y NPP 5y	shotgun	Lengthy - driving, violence, B&E, assault, drugs – breached parole – further offences committed	With co-offender attempted to rob hotel – co-offender armed with sawn-off shotgun – one patron was struck to head by co-offender during struggle – offender chased by patrons and escaped. Aboriginal male – alcohol and drug abuse from young age - extended family were involved in criminal milieu and from young age was exposed to that influence
52.	<b>Hetherington</b> (60) <a href="#">[2016] NSWCCA 165</a>	s.97(2)	PG (25%)	2y Intensive Correction Order	Crown AA 3y NPP 1y 6m	Pistol	No offences committed within last 30 years.	Entered short term loans office concealing loaded semi-automatic pistol in working order - produced pistol, demanded \$5,000 cash - pointed pistol at staff member - staff provided \$7,500 Difficult background – cannabis use - offence committed to repay large drug debt.
53.	<b>O'Connor</b> (41) <a href="#">[2017] NSWCCA 311</a>	s.97(2)  s.166 Certificate Drive without consent  Sched: 2 offences	PG (15%)	7y 6m NPP 4y 6m  Conviction with no penalty	AD	Shortened double barrelled shotgun	Lengthy – included offences committed after AR	Robbed country hotel with assistance of employee (girlfriend) – secreted self in hotel towards closing time and received instructions from co-offender as to persons present – confronted manager with gun and took money – threatened manager – mid-range offence – victim in vulnerable position - drove to nearby town failing to stop twice for police – forced 15y female friend to accompany him to nearby town Deprived and difficult childhood – favourable prospects of rehabilitation – critical stage in life to avoid institutionalisation
54.	<b>Nikolovski</b> (21) <a href="#">[2018] NSWSC 1156</a> Wilson J	s.97(2)	PG (very late)	6y NPP 3y 9m		shotgun	lengthy – multiple AR offences – breached bond and parole	Agreed to rob house at night with co-offenders – seeking cannabis – co-offender armed with shotgun but stated it was not loaded – occupant shot dead by co-offender when confronted intruders – agreement was to rob using unloaded gun to look scary Spent much of adult life in custody – subsequently diagnosed with bi polar disorder - sentence imposed partially cumulative to existing sentence – special circumstances Co-offender PETRYK sentenced for murder

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55.	<b>Barnes</b> <a href="#">[2022] NSWCCA 40</a>	s.97(2)  Possess shortened firearm  Police pursuit  s.166 Certificate Unlawful possess property  Sched: 8 offences	PG (25%)	<u>Indicative:</u> 7y 6m  4y  2y  6m  <u>Aggregate:</u> 10y NPP 6y 6m	<u>Indicative:</u> 6y  3y 9m  18m  6m  <u>Aggregate:</u> 8y NPP 5y	'Pistol' – not established whether weapon real / genuine.	Supply drugs, fire firearm in public place, possess unauthorised firearm, contempt	Met victim who was selling a car – while taking test drive, grabbed victim's phone and pointed 'pistol' at victim – told victim, "Get out or I'll shoot you" – not established if weapon was real / genuine firearm – unsophisticated planning. Sexually abused as child – drug abuse from young age - severe stimulant drug disorder – anxiety disorder - special circumstances. On appeal: error finding possess firearm offence aggravated by presence of ammunition where no evidence that firearm in working order
56.	<b>Dunn</b> (40 at sentence) <a href="#">[2023] NSWCCA 1</a>	s.97(2)	PG (25%)	5y 3m NPP 3y	AD	Pistol  Butcher's steel	Significant	With co-offender robbed hotel late at night – armed with butcher's steel – co-offender armed with pistol (possibly replica) – some planning – significant threat of violence - \$10-15,000 stolen – towards mid-range Delay in arrest (5y 4m) – significant background of disadvantage – Bugmy applied – some prospects of rehabilitation – institutionalised – special circumstances: need to address drug abuse and psychological issues On appeal: no issue of parity
57.	<b>Krzykalski Aka Palmer</b> (46-47) <a href="#">[2023] NSWCCA 32</a>	s.97(2)  s.33B(1)(a)  Sched: Poss shortened firearm	PG (25%)	<u>Indicative:</u> 7y 6m  9m  <u>Aggregate:</u> 8y NPP 5y 3m	AD	Black pistol	Lengthy – recent offence of AR	At 8.00am approached newsagency wearing black balaclava – forced cleaner into premises and threatened her with gun – took cigarettes worth \$3,200 and \$100 cash – seeking money to assist friend – just below mid-range – 10m later threatened female acquaintance with stringless bow and arrow – towards bottom of range After arrest threatened in hospital by senior prison officer and developed PTSD – difficult childhood including violence, out of home care and sexual abuse – prospects of rehabilitation good for first time On appeal: sentences not manifestly excessive

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	NAME (age if known)	OFFENCE	PLEA	SENTENCE	APPEAL	WEAPON	RECORD	FACTS
58.	Jackson (29 at offence - 50 at sentence) <a href="#">[2023] NSWCCA 121</a>	s.97(2)  s.33A – discharge to resist apprehension  Sched: Carried in conveyance	PG (10%)  (25%)	<u>Indicative:</u> 8y  4y  <u>Aggregate:</u> 10y NPP 6y 6m	AA <u>Indicative:</u> 7y  3y  <u>Aggregate:</u> 8y 4m NPP 5y 5m	Rifle	Lengthy – subsequent robbery convictions	With two co-offenders robbed jewellery store – driven in stolen car – entered store with co-offender armed with rifle and wearing balaclava – pointed gun at staff including 15y male – stole \$1700 and \$55,000 worth of jewellery – fired warning shot out car window when chased by off-duty police officer – arrested 20y later after DNA match – robbery offence above mid-range Deprived upbringing – Bugmy considerations – PTSD from childhood abuse – prospects of rehabilitation – delay On appeal: manifestly excessive in view of multiple subjective features

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