

Aggravated Robbery With Wounding / Infliction of GBH

s.96 (NSW) Crimes Act

s. 96 Commit offence under s.95 and wounds or inflicts GBH

Maximum Penalty: 25 years

s 95 (1) Robs, or assaults with intent to rob, any person, or steals any chattel, money, or valuable security, from the person of another, in circumstances of aggravation

(2) Circumstances of aggravation:

(a) alleged offender uses corporal violence on any person,

(b) alleged offender intentionally or recklessly inflicts actual bodily harm on any person,

(c) alleged offender deprives any person of his or her liberty.

| | Case (age if known) | Offence | Plea | Sentence | Appeal | Record | Facts |
|----|---|---|------|-----------------------------|----------------------|--|--|
| 1. | Binge (35) NSWCCA 6.4.1995 | s.96 - wound | VG | MT 6y AT 4y | AD | | Victim confronted by three men in his house - punched and hit with stick - tied up - lost consciousness - instigator and inflicted victim's wounds. |
| 2. | MRB (17) NSWCCA 27.4.1998 | s.96 - wound Sched: Mal wounding Assault | PG | MT 3y AT 3y | AD | drug, property and personal offences in Children's Court | Removed victim's wallet while being fellated by him in public toilet - stabbed victim three times in chest Problems controlling anger. |
| 3. | Brincat (17) NSWCCA 18.9.1998 | s.96 - wound | PG | MT 27m AT 2y (PSC 1m) | AA MT 2y AT 2y | nil | Arranged with co-offender to rob 64y former landlady - entered house through ruse, secured victim and obtained several hundred dollars - placed cardigan over victim's head and hit her with iron pipe - principal Favourable references - one third discount for assistance. |

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 |
|----|--|--|---|--|---|---------------------------------|--|
| 4. | George Johnson [1999] NSWCCA 243 | s.96 - wound s.96 - wound | VG VG | MT 5y 6m AT 3y 6m MT 5y 9m AT 3y 3m | AD | agg BES several | Met victim in bar and became friendly - later in evening robbed and assaulted victim - used broken beer bottles to cut victim - severe injuries - gratuitous brutal violence. |
| 5. | Pham (25) [1999] NSWCCA 225 | s.96 - wound Sched: 3 x GIC Receiving | PG | MT 3y AT 2y 6m | AD | unknown | Robbed shop assistant with co-offender - armed with knife while co-offender armed with loaded pistol - struck victim with handle of knife Drug problem |
| 6. | Karaman (18-19) [1999] NSWCCA 412 (2022) 128 A Crim R 72 [2002] NSWCCA 48 | s.96 - wound Rob in Company SMV Use offensive weapon Sched: GIC Possess off weapon | PG | MT 7y 6m AT 3y FT 3y FT 12m FT 12m (all concurrent) | AD Crown AA (failure to give assistance) 12y NPP 9y | record includes assault and BES | One of group of males who robbed victims of money and jewellery in city – punched one victim to face – Five months later with two co-offenders entered pawn shop – offender carrying knife – two male proprietors stabbed in neck and face Drug use – low intelligence Failure to give promised assistance at trial of co-offender |
| 7. | Haines (26) [2001] NSWCCA 256 | s.96 - wound | PG (1/3 rd for plea and background) | 4y NPP 3y | AD | priors - previous custody | Female - with co-offender robbed taxi driver of \$50 - held knife to victim's throat causing laceration - co-offender wounded victim in back Aboriginal. |

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 |
|-----|---|--|---|---|--|---|--|
| 8. | Teoka (22) Lloyd (18) ADM (17) [2004] NSWCCA 373 | s.96 - GBH s.96 - GBH s.96 - GBH | PG (20%) PG (20% on appeal) PG (15%) | 10y NPP 6y 10y 9m NPP 6y 9m 11y NPP 7y | AA (to backdate sentence) 10y NPP 6y 10y NPP 6y | Assault – breached bail rob in company – breached bail robbery – no previous imprisonment | Punched and kicked male victim until unconscious – serious injuries - ADM took wallet – T instigated assault – ADM instigated robbery T – remorse – upset at time of offence over breakdown in relationship with de facto – good prospects of rehabilitation L – remorse – disturbed childhood ADM – no remorse – more culpable than others |
| 9. | Nasher (18) [2005] NSWCCA 238 | s.96 - GBH | PG (18%) | 6y NPP 3y | AA 4y NPP 2y | Minor record as juvenile; offences in breach of bail | Attacked acquaintance from school – thought friends were going to rob victim – fractured victim’s jaw and took \$100 – jealous of victim’s comfortable financial situation Eldest of 8 children in dysfunctional family – sexually abused as a child – good employment record – good prospects of rehabilitation Not all pre-sentence custody taken into account at first instance |
| 10. | Maisey [2005] NSWCCA 347 | s.96 - GBH | PG (25%) | 9y NPP 5y 9m | AD | Not stated but breached parole | Victim physically abused offender’s sister – offender went to victim’s flat with friend to get shoes he had given his sister – punched victim when he opened door – took victim’s wallet – victim jumped off balcony and sustained serious injuries with chronic back pain Remorse – family loyalty |
| 11. | Collins (19) [2006] NSWCCA 162 | s.96 - wound | VG | 8y NPP 5y | AA To backdate sentence only | On bond - dishonesty, assault, AOABH, larceny. | Female - slashed victim’s handbag strap with knife taking \$500 – offence committed with victim’s estranged husband – knew victim vulnerable with spinal injury and using crutch. Background of heroin and prostitution - paranoid personality disorder. |

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 |
|-----|--|---|-----------------------------|---|---|---|---|
| 12. | Thomas (20) [2007] NSWCCA 269 | s.96 - wound s.97(1) - Rob in Co | PG (15%) VG | 3y 5m NPP 18m 3y 6m NPP 18m <u>Total:</u> 4y NPP 2y | Crown AA 4y NPP 2y 4y NPP 2y <u>Total:</u> 5y NPP 3y | nil – second offence breached bail on first offence | In company of co-offender pursued male stranger on street at night, kicked him while on ground and struck him with bottles in bag - stole beer bottle – opportunistic – leader - circumstance of aggravation was use of corporal violence 6 weeks later one of four youths who stopped and assaulted male walking in park – victim pushed and kicked and briefcase stolen |
| 13. | Carriage [2009] NSWCCA 147 | s.96 - wound | PG (25%) | 2y 8m NPP 18m | Crown AA to remove assistance discount 4y NPP 2y 3m | | One of two men who attacked taxi driver sitting in parked car – no further details Given one third discount for nominating co-offender – subsequently at trial of offender claimed he had nominated wrong person |
| 14. | MW (17) [2010] NSWCCA 324 | s.96 - wound | PG (35% plea and assist) | 3y 3m NPP 1y 9m | AA 2y 9m NPP 1y 6m | limited | Part of groups who assaulted and robbed male at train station in early hours of morning – not instigator of offence Long delay between arrest and sentence - aboriginal |
| 15. | JT (16) [2011] NSWCCA 128 | s.96 - GBH | PG (25%) | 6y NPP 3y 2m | AD | assault offences – larceny – breached bonds | In company of co-offender assaulted 14y victim asking for money – kicked and stomped on victim's head – victim rendered unconscious – violence sustained and substantial. Substance abuse – troubled youth - longstanding anger problems. |
| 16. | SJ (17) [2011] NSWCCA 160 | s.96 - wound | PG (15%) | 5y 11m 12d NPP 3y 2m | AD | Nil | Leader of five youths who attacked 14y male on street at night – victim punched and stomped on head – shoes, wallet and wristwatch stolen – premeditated attack – leader seeking to maintain his reputation No remorse |
| 17. | Lobsey [2012] NSWCCA 239 | s.96 - GBH | PG | 7y 6m NPP 5y | AD | Lengthy including violence | Grabbed bag from 73y female in car park causing her to fall heavily – continued to pull bag dragging victim across ground – victim broke neck of femur and had hip replacement Genuine contrition – drug and alcohol user |

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 |
|-----|--|-------------------------------|-------------|--|--|--|--|
| 18. | IS [2017] NSWCCA 116 | s.96 - GBH s.195(1)(b) | PG (15%) | 6y 9m NPP 3y 9m 15m NPP 9m <u>Total:</u> 7y 3m NPP 4y 3m | AA 5y NPP 2y 10m 15m NPP 9m <u>Total:</u> 5y 6m NPP 3y 4m | Earlier offences resulting in non- custodial sentences | Approached female sitting in parked car – grabbed car keys and bag and tried to drag victim from car – punched victim in face when she got caught in seat belt – drove off in car – later destroyed car by fire – offence spontaneous and committed in company Aboriginal with upbringing dominated by parental criminal activity, substance abuse, severe and chronic neglect and familial violence – resulted in foster care – early drug use – remorse and some good prospects of rehabilitation Failure to give sufficient weight to <i>Bugmy</i> principles |
| 19. | Stines [2019] NSWCCA 115 | s.96 - wound | PG (25%) | 6y 9m NPP 4y 6m | AA 5y 3m NPP 3y 6m | theft, driving, drug offences | Struck victim six times to head with serrated metal pole – took victim's wallet and backpack Difficult background – drug use - mild intellectual disability |
| 20. | Melvaine [2019] NSWCCA 274 | s.96 – wound | PG (15%) | 8y 6m NPP 6y | AD | prior record – breached conditional liberty | Attended two parties during night becoming intoxicated and aggressive – approached 76y male stranger on street in early hours of morning – punched victim several times to face and pushed against fence – sustained attack – took victim's pension money leaving him with \$100 – callous and cowardly attack – vulnerable victim - offending of very high gravity Family history of mental illness – disadvantaged background – <i>Bugmy</i> considerations generally taken into account On appeal: no error and not outside range |

Last updated: Nov 2019

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