

Robbery

s.94(a) (NSW) Crimes Act

s 94 (a) robs or assaults with intent to rob any person,

(b) steals any chattel, money, or valuable security from the person of another

Maximum penalty: 14 years

Amended on 2.7.2018 to distinguish the two offences by letters (a) and (b)

| | Case (age if known) | Offences | Plea | Sentence | Appeal | Record | Facts |
|----|---|---|--------------|--|-------------------------|--|---|
| 1. | Forrest (25) Legge (female) (33) NSWCCA 26.3.1997 | s.94 (ass w/i rob) s.94 Sched: Ass w/i rob | PG PG | MT 2y AT 2y 3m MT 3y AT 18m | AD AD | property offences property, violence and drug offences | F drove victim in car to bushland - L demanded money from victim with knife - victim assaulted |
| 2. | Green (29) NSWCCA 29.9.1997 | s.94 | PG | MT 3y AT 3y | AA MT 2y AT 2y | assault, property, firearm and driving offences | Robbed bank dressed in beanie, sunglasses and gloves. Significant mental illness subsequent to sentence. |
| 3. | Johns NSWCCA 27.4.1998 | s.94 – Assault with intent to rob | PG | MT 3y AT 2y | AD | record - details not stated - serving sentence for unrelated offence | With co-offenders, attended victim's home demanding cannabis or money – victim struck and kicked by co-offenders |
| 4. | Morgan (28) NSWCCA 24.6.1998 | s.94 Sched: 2 offences | PG | MT 2y 6m AT 2y 6m | AD | property and other offences | Dragged woman from car in car park and stole handbag - threatened victim - waited while victim called for help then left with handbag - intoxicated |
| 5. | McKendrick [1999] NSWCCA 87 | s.94 - Acc before the fact | VG | MT 2y AT 8m | AA MT 1y 6m AT 6m | nil significant | Manager of petrol station - provided information to co- offenders - co-offenders robbed employee on way to bank Parity - long delay |

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| 6. | Ernst [1999] NSWCCA 84 | s.94 - Assault with intent to rob | PG | MT 3y AT 1y | AA MT 2y 3m AT 9m | Not stated. | Followed woman home from train and struck her a number of times with beer bottle - took handbag Intoxicated - protective custody taken into account. |
| 7. | Perrett [1999] NSWCCA 115 | s.94 | PG | 3y GBB | Crown AD | nil | Robbed pizza delivery man with co-offender - stood to one side holding cricket bat Remorse - repaid all money - exceptional circumstances |
| 8. | Carroll [1999] NSWCCA 176 | s.94 Larceny Assault with intent to avoid detention Sched: 4 offences | PG | MT 3y AT 3y FT 6m FT 12m (concurrent) | AD | includes AR – breached parole and bail | Approached female from behind – punched victim in back and attempted to grab bag – no intention to hurt victim |
| 9. | Otto (22) [1999] NSWCCA 190 | s.94 SMV Breach recognisance Sched: 7 offences | PG | MT 4y AT 2y FT 12m FT 6m (all concurrent) | AD | formidable | One of three men who stole car from car park – two nights later car driven up behind female and handbag grabbed – victim fell over causing some injuries – similar offences on schedule |
| 10. | Fraser (23) [1999] NSWCCA 212 | s.94 Sched: Possess cannabis | PG | MT 12m AT 18m | AA MT 9m AT 21m | motor vehicle offences | Robbed pharmacy with co-offender - waited until no customers in shop Remorse - unhappy and violent childhood - left home early - evidence of rehabilitation - special circumstances |

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| 11. | Basilious (18) [1999] NSWCCA 219 | s.94 Steal from person BES | | MT 9m AT 12m FT 6m MT 3m AT 18m <u>Total</u> MT 12m AT 18m | AD | breached probation for drug and dishonesty offences | Went to home of acquaintance and demanded phone – used larger physique to intimidate victim – 5 days later confronted 16y male in public toilets, grapple with victim and stole phone – broke into home and stole CDs Evidence of improvement in behaviour – head injury may have had some impact on behaviour |
| 12. | Reynolds [1999] NSWCCA 238 | 2 x s.94 | PG | MT 2y AT 2y (concurrent) | AD | stealing, assault, drug offences, BES - breached recognisance and periodic detention order | Robbed shops on two occasions, struggling with shopkeepers - first victim injured on back and arm - second victim punched in face Drug addiction |
| 13. | Morris (22) [1999] NSWCCA 252 | s.94 Sched: BES | PG | MT 2y 3m AT 1y 9m | AD | Lengthy record including AR - breached bail | Threatened victim in telephone booth and snatched wallet. Drug addiction - special circumstances |
| 14. | Toritto (39) [1999] NSWCCA 288 | s.94 s.94 – Assault with intent to rob Sched: 4 x offences | PG | MT 3y AT 1y FT 18m (concurrent) | AD | prior convictions - breached parole and bail | Grabbed gold chain from neck of victim from behind - attempted to snatch bag from second victim - struggled with victim but unsuccessful - both victims female Drug addiction |
| 15. | Sweetman (36) [2000] NSWCCA 228 | s.94 | PG | MT 12m AT 18m | AD | prior convictions | Went behind counter in store with hand under shirt - took money and left Intoxicated - remorse - spontaneous |
| 16. | Leonard (33) [2000] NSWCCA 318 | s.94 | VG | MT 3y AT 12m | AA 4y NPP 2y | prior convictions | Struggled with 86y female and stole groceries and purse - most serious case Aboriginal with alcohol problems - psychiatric difficulties - assault in gaol - special circumstances. |

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| 17. | Taylor (18) [2000] NSWCCA 442 | s.94 | PG | FT 2y suspended | Crown AD | nil | Pushed 43y female down stairs at railway station and grabbed her handbag while she was trying to get up - caught by bystanders. Heroin addict. |
| 18. | Lennox (39) [2000] NSWCCA 449 | s.94 – Assault with intent to rob Sched: Possess HB implements | PG | MT 4y AT 12m | AD | appalling criminal record - breached parole - released from custody 4 days earlier | Attempted to steal purse from female who had just withdrawn money from ATM - in struggle victim fell to ground Drug addiction |
| 19. | Burke (35) [2000] NSWCCA 450 | s.94 | VG | 3y 6m NPP 18m | Crown AD | lengthy record including violence - on parole for murder | Robbed bank of \$3,000 - dressed in sunglasses, cap and stocking over head Anti-social and schizoid elements in personality |
| 20. | Binnie (38) [2000] NSWCCA 483 | s.94 | PG | MT 6y 9m AT 2y 3m | AA 7y NPP 4y | lengthy record - breached parole | Robbed post office of \$1,000 |
| 21. | Symiziris (31) [2001] NSWCCA 38 | s.94 Sched: Receiving | PG | FT 2y | AA 2y NPP 16m | drug, driving and property offences | Robbed video store of \$600 Evidence of rehabilitation - disabilities caused from car accident |
| 22. | Ward (34) [2001] NSWCCA 141 | s.94 | PG | 3y 6m NPP 2y | AD | property, violence and driving offences | Attempted to snatch bag from 74y female - threatened to kick - victim fell to ground in struggle Drug addiction - some evidence of rehabilitation |
| 23. | Warman (32) [2001] NSWCCA 147 | s.94 Sched: Multiple offences | PG | 7y NPP 4y | AD | lengthy record - breached parole | Followed owner of service station home after he closed up - grabbed victim by shirt then stole briefcase with takings from service station Remorse - personality disorder - evidence of attempted rehabilitation - drug addiction |
| 24. | Jarman (30) [2001] NSWCCA 178 | s.94 Sched: BES | PG | MT 3y 6m AT 2y 6m | AA 6y NPP 2y 9m | lengthy record - breached bail and parole for robbery | Robbed bank of \$1,670 - told teller he had a gun Co-operated with police - genuine attempt to overcome addiction |
| 25. | Mannering (39) [2001] NSWCCA 275 | s.94 | PG (15% on appeal) | 5y NPP 3y | AA 3y 6m NPP 2y 3m | lengthy record although no imprisonment | Asked 69y female shop keeper for cigarettes then sprayed victim with capsicum spray - stole money Heroin addiction - remorse - attempts at rehabilitation - coping with death of mother |

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| 26. | Rudenko (24) [2001] NSWCCA 519 | s.94 Sched: 2 x drug offences | PG (15%) | 3y 5m NPP 2y 6m | AD | dishonesty offences - breached bond | Robbed TAB employee of \$7,926 in briefcase attached to her arm - showed victim federal police badge, pushed her away and used pliers to cut chain Drug addiction |
| 27. | Andrews (35) [2002] NSWCCA 18 | 2 x s.94 4 x Accessory after fact to s.94 | PG | 4y 6m NPP 2y FT 12m | AA 3y 6m NPP 18m FT 12m | property, violence and driving offences | Female - driver of vehicle used by de facto and another to commit robberies on retail outlets - accompanied by children on several occasions Influenced by co-offender - good prospects of rehabilitation |
| 28. | Hoadley (28) [2002] NSWCCA 39 | s.94 | PG | 2y NPP 18m | AD | lengthy record | Followed victim after ATM transaction - knocked victim to ground and took mobile phone Some prospects of rehabilitation |
| 29. | Christian (43) [2002] NSWCCA 264 | s.94 s.94 Sched: s.94 Demand money w/i to steal | PG | 3y 2m NPP 2y 3y 2m NPP 2y (concurrent) | Crown AA 4y NPP 2y 3y 2m NPP 2y (concurrent) | very lengthy record - breached parole | Robbed TAB agency pretending to be armed with gun - 3 days later robbed video store in same circumstances - schedule offences involved TAB agencies Aboriginal with drug addiction - depressive illness responding to treatment |
| 30. | Ingram (21) [2002] NSWCCA 398 | s.94 Sched: 3 x Obtain by deception BES | PG (12-15%) | 3y 6m NPP 18m | AA 3y NPP 15m | driving, minor drug and shoplifting offences - serving bond and imprisonment | Snatched bag from 75y lady on street - violently shook bag and caused victim to fall – spontaneous offence Genuine remorse - drug addiction - evidence of rehabilitation - borderline personality disorder - need for extensive counselling - fresh evidence as to protective custody status |
| 31. | Marinos [2003] NSWCCA 136 | s.94 | PG (25%) | 2y 3m NPP 15m | AA 2y 3m NPP 9m | Minor record | Snatched bag from 56y woman on street. Drug addiction – some steps towards rehabilitation |

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| 32. | Logan (21) [2003] NSWCCA 185 | s.94 Steal from person Mal damage | PG (20%) | 5y 6m NPP 2y 6m FT 2y 3m FT 12m <u>Total:</u> 6y NPP 3y | AD | record but no custody – breached conditional liberty – second offences breached bail | Followed male victim walking down street – threatened to stab twice – took watch – two months later opened passenger door of car where female victim sitting in driver’s seat – grabbed bag – when pursued threw phone against wall Alcohol problem after death of young brother – remorse – Aboriginal with low intelligence |
| 33. | Eid (26) [2003] NSWCCA 211 | s.94 | PG | 4y NPP 3y | AA 4y NPP 2y 8m | Significant record including armed robbery – on parole | Approached stationary vehicle at lights and forced victim from car – stole car – drug debt Prospects of rehabilitation from long-term drug addiction |
| 34. | Penalosa-Munoz (24) (2004) 143 A Crim R 594 [2004] NSWCCA 33 | s.94 | PG (80% for plea and Ellis) | 18m NPP 1m | Crown AD | Nil | Robbed complainant at ATM – threat to kill if went to police Colombian with turbulent and violent background – voluntary confession – genuine contrition – prior good character – excellent prospects of rehabilitation – HIV - delay |
| 35. | Whitton [2004] NSWCCA 313 | Att s.94 Steal from person | PG (25%) | 4y 6m NPP 2y 6m FT 18m <u>Total:</u> 5y 6m NPP 3y 6m | AA 4y NPP 1y 9m FT 12m <u>Total:</u> 5y NPP 2y 9m | lengthy – breached parole – second offence breached bail | Co-offender stopped 17y female to ask directions – offender stole wallet from bag while victim distracted – 2 months later attempted to grab bag from 17y female approaching train station – in struggle victim pulled to ground Violent childhood marked by deprivation |
| 36. | Gibbs (18) [2004] NSWCCA 399 | s.94 | PG | 3y NPP 16m | AD | Breached control order for agg robbery | Grabbed bag from victim standing at railway – impulsive – low level of violence Seriously dysfunctional childhood including violence and disadvantage – borderline intelligence – drug and alcohol abuse - Aboriginal |

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| 37. | Iese (18) [2005] NSWCCA 418 | s.94 Att s.95 Sched: s.95 | PG (20%) | 2y 6m NPP 15m FT 9m (concurrent) | AD | nil | Approached young male waiting at trial station and stole phone – forced victim to ATM and threatened to stab him to obtain PIN – not armed – unable to extract money – victim escaped – 6 months later approached acquaintance at trial station and stole phone Mildly intellectually disabled – remorse – 2 year delay |
| 38. | Rend (24) (2006) 160 A Crim R 178 [2006] NSWCCA 41 | s.94 | VG | 4y NPP 2y | AA 3y NPP 1y 6m | drug and driving offences | Female – drove car stolen by partner around streets of Newtown – partner alighted and robbery male victim on street – co-offender principal role Violent and sexually abusive childhood – became mother at early age |
| 39. | Vos (38) [2006] NSWCCA 234 | s.94 - Assault with intent to rob s.33B Sched: Steal from person | PG (25%) | 6y NPP 3y 6y NPP 3y (concurrent) | AA 4y NPP 2y 4y NPP 2y Total: 4y 6m NPP 2y 6m | poor – breached conditional liberty | Grabbed arm of 55y male standing at bus stop – attempted to take wallet – in struggle attempted to punch victim – produced knife as victim and bystander attempted to detain offender – 10 minutes later approached 80y walking down street – grabbed front of jacket and stole glasses – intoxicated Violent upbringing – long term addiction – genuine remorse and desire for rehabilitation |
| 40. | Muscat [2006] NSWCCA 259 | s.94 | PG (20%) | 18m NPP 9m Periodic Det | Crown AD | Not significant | Involved in robbery of shop employee taking money to bank – provided inside information to co-offender – lesser offender Good character – good prospects of rehabilitation |
| 41. | Daniels [2007] NSWCCA 372 | s.94 | PG | 4y NPP 2y | AD | Lengthy | Entered university cafeteria - threatened manager and took \$2480 |
| 42. | Kokaua (21) [2008] NSWCCA 111 | s.94 – Assault with intent to rob | PG | 3y 6m NPP 1y 9m | AD | yes | Assaulted victim in park – put hand in victim's pocket Mental health issues - schizophrenia type symptoms- need for close supervision – special circumstances. |

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| 43. | Antonio (24) [2008] NSWCCA 213 | s.94 s.97 – Rob in Company Sched: Intimidation GIC | PG (25%) | 7y 6m NPP 3y 6m FT 12m <u>Total</u> 7y 6m NPP 4y 6m | AA / Crown AA 6y NPP 3y FT 2y <u>Total</u> 7y 6m NPP 4y 6m | extensive – robbery offences – released to parole day before first offence | Approached victim waiting at bus stop – co-offenders standing nearby – demanded and received money, watch and phone – approached female shop assistant and claimed he held gun – became agitated and took float from till Mental health issues |
| 44. | Pace (27) [2008] NSWCCA 233 | 2 x s.94 2 x Att s.94 | PG | 3y NPP 1y 3y NPP 1y <u>Total</u> 3y 1m NPP 13m | Crown AD | Record – Breached bail and parole | Robbed convenience store using death threats – one month later attempted to rob convenience store with stocking over head – robbed fast food shop - attempted to rob third store but detained by security guards Admissions to police - schizophrenic |
| 45. | Devine [2009] NSWCCA 261 | s.94 | PG (25% on appeal) | 2y NPP 18m | AA 18m NPP 12m | Breached drug court suspension order – extensive criminal record | Stole money and possessions from acquaintance in shop Drug addiction |
| 46. | Darby (31) [2011] NSWCCA 52 | s.94 – Assault with intent to rob Sched: Act w/i pervert course of justice | PG (15%) | 500h CSO with conditions | Crown AD | Dishonesty offences – demand money with menaces | Half-brother attempted to rob offender's employer at take away food shop – struck victim to head with claw hammer – provided co-offender with information – became aware of hammer at last minute – drove co-offender from scene – asked friend to provide false alibi – breach of trust – low range Difficult childhood – early drug addiction – under negative influence of half-brother – some rehabilitation since offence – remorse – true 'crossroads' case |

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| 47. | Osborne (27) [2011] NSWCCA 112 | 2 x s.94 2 x s.94 s.94 s.94 | PG | FT 2y FT 2y 2m FT 2y 4m 5y NPP 2y 6m <u>Total</u> 6y 6m NPP 4y | AD | Lengthy - violence, dishonesty - on bail. | Robbed building societies – approached tellers in threatening manner and demanded money – obtained approx \$14k – much spent on household expenses. Some evidence of gambling issues - mental health. special circumstances – first time in substantial custody |
| 48. | Taha [2011] NSWCCA 137 | s.94 s.99 Sched: 3 offences | PG (10%) | 5y 4m NPP 3y 3y 7m NPP 2y <u>Total:</u> 5y 10m NPP 3y 6m | AD | Breached bond for dishonesty offence | Went home with male victim from bar - stole money, phone and house keys – returned to unit and demanded credit cards and PIN making threats as to having a gun – continued over several days to phone victim and make threats – attempts made to break into unit – demanded \$1,000 to leave victim alone |
| 49. | Windle (48) [2011] NSWCCA 277 | s.94 | PG (25%) | 4y NPP 2y 6m | AD | Lengthy – breached bond | Robbed former employer of \$18,000 – used knowledge as to victim's methods of paying wages in cash – used co-offenders – caused victim to go bankrupt Drug addiction – poor physical health |
| 50. | Salmon (42) [2012] NSWCCA 119 | s.94 Larceny Assault | VG | 21m NPP 12m FT 1m FT 3m <u>Total:</u> 2y NPP 1y 3m | AA FT 6m FT 1m FT 3m (all concurrent) | Nil | Business dispute with female accountant over payment of fees – stole modem and router from office – later entered office, pushed victim and stole laptop – equipment returned after several days – angry – little premeditation Prior good character |
| 51. | Birkenleigh (22) [2012] NSWSC 430 RA Hulme J | Accessory before fact s.94 | VG | 18m (period already served) | | minor | Female knew partner meeting with male victim for purpose of robbery for drugs – purchased zip ties and tape on behalf of partner – victim killed Partner dominant and manipulative - drug user as result of relationship with co-offender – good rehabilitation |

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| 52. | Marrow (25) [2015] NSWCCA 282 | s.94 | PG (25% on appeal) | 6y NPP 3y 6m | AA 5y 3m NPP 3y 1m | Similar offences in WA | Robbed bank – made threats as to gun – low level of planning Schizophrenia – pleaded at earliest opportunity |
| 53. | Edwards [2017] NSWCCA 160 | s.94 Sched: Larceny Damage property | PG (25% on appeal) | 3y NPP 18m | AA 2y 3m NPP 14m | Breached parole | Female - knocked over female in street and ran off with handbag – found nearby digging hole in garden with metal taken off car Difficult and abusive childhood and personal background – drug use – poor mental health – step father in poor medical health and likely to die making custody more difficult – Bugmy considerations – evidence of rehabilitation on appeal |
| 54. | Robb (19) [2019] NSWCCA 113 | s.94 | PG (25%) | 3y NPP 18m | AA to backdate sentence | robbery offences as a juvenile – breached parole | Grabbed male walking home from work late at night – grabbed victim around head – demanded phone and also took bankcards Aboriginal and Maori descent – childhood exposure to drug abuse and domestic violence resulted in failure to develop appropriate emotional regulation skills - remorse |
| 55. | Stines (33) [2020] NSWCCA 228 | s.94 | PG (25%) | 2y NPP 1y | AA 2y NPP 1y (backdated 6m earlier than original sentence) | BES, aggravated rob with wounding, theft, drugs | While riding a bicycle, grabbed shoulder strap of backpack of female victim walking by – rode off with mobile phone – unplanned – actual violence. Mild intellectual disability – substance abuse CCA: serving separate existing sentence - distortion well beyond statutory ratio by pre-existing sentence structure – strong subjective case. |

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