

## Robbery Offences

The definition of robbery is where threats are made or actual violence is used towards somebody for the purpose of taking their property.

Robbery offences may happen in businesses, such as banks or service stations. In fact this is what most people think of when they hear the term “robbery”. However, most robberies occur in the street or public space against individuals and for small items of personal property such as wallets, money and mobile phones. The crime that many young people refer to as “rolling” is in fact robbery offence and is a very serious offence.

The penalties are very tough and usually involve time in custody, particularly for anyone over 18.

### Robbery Offences and penalties

#### Steal from the Person (maximum penalty = 14 years imprisonment)

This involves taking property directly off a person, out of their physical possession. The most common example of how this takes place is ‘bag snatching’, or grabbing someone’s bag from them, typically as they walk along the street. If there is any sort of a struggle, or force is used to take possession of the property and overpower the victim, it becomes a robbery.

#### Robbery (maximum penalty = 14 years imprisonment)

This involves using threats or actual violence to get somebody to hand over their property. There must be an intent to “permanently deprive” the person of their property (i.e. – to keep the property). It is a part of robbery that the person handed over their property in fear, or as a direct result of threats of violence or actual violence.

#### Robbery in Company (maximum penalty = 20 years imprisonment)

This is a robbery involving more than one person. If the person who committed the robbery was accompanied by another person, or a group of other people, at the time and those people are *seen by the victim and perceived to be part of the threat*, it becomes a Robbery in Company - regardless of the role those other people played, or whether they were charged.

#### Robbery Armed with an Offensive Weapon (maximum penalty = 20 years imprisonment)

This is a robbery involving a knife, or any other weapon. A weapon can include things such as a baseball bat, stick, scissors, a syringe, or any object that is used or intended to be used to threaten someone with harm.

#### Robbery Armed with a Dangerous Weapon (maximum penalty = 25 years imprisonment)

This is a robbery involving the use of a firearm or certain “prohibited weapons” (eg a flick knife, knuckle dusters, slingshot, laser pointer, mace etc). Firearms can include a replica gun, or a fake/toy gun that looks real.

Robbery with Wounding or Grievous Bodily Harm (GBH) (maximum sentence = 25 years imprisonment)

If you commit a robbery offence and someone is wounded (or cut) or receives a serious or permanent injury (eg- a severely broken bone or a head injury) you will be charged with *Robbery with Wounding*, or *GBH*. These are extremely serious offences. If you are under 18, this is a charge that is too serious to be dealt with in the Children's Court and your case is sent up to the District Court where you are dealt with as if you were an adult. There are very tough standard non-parole periods (or minimum gaol sentences) which apply. If the victim dies sometime after the offence as a result of their injuries, the charges would be upgraded to murder, for everyone involved in the robbery (See Fact Sheet – 'Common Purpose').

**Is there a difference between robbing a bank or a shop and robbing a person on the street? Is it a different crime?**

No. If threats or violence are used to get somebody to hand over property, it is a robbery offence regardless of whether the victim was a person in the street, or a person working behind the counter in a bank, service station or store.

Many people do not understand this. Many young people believe that street robbery (or the crime commonly referred to as "rolling") is a different crime. In fact, most young people do not even realise that "rolling" someone is a robbery offence.

**What is legally regarded as a "threat"?**

A threat may be made through words, or just "standing over" the victim. It may be simply using body language that makes it clear that you intend to harm them if they do not do what you are asking.

Standing over someone is regarded as an implied threat – because the victim believes that if they do not give you their property they are at risk of harm.

Threats can also involve the use of weapons. If a weapon is used, the charge becomes Armed Robbery (see above).

**What would I get if I pleaded or was found guilty of a robbery offence?**

The penalties for robbery offences are extremely serious. Persons over 18 who are charged with any robbery offence will have their matters dealt with in the District Court, and will *almost always* be facing time in gaol if they plead guilty or are found guilty.

There is a standard guideline judgement for the crime of Armed Robbery, which says that, even if you have no criminal record, you are facing around several years in gaol for a typical Armed Robbery offence.

For juveniles, or persons under 18, the penalties are generally lower. For a first offence, some young people may be given Probation or Community Service Orders in the Children's Court. However, second time offenders, or cases where the offence was particularly serious, will usually be looking at some time in custody.

If you are under 18 and charged with an Armed Robbery with a Dangerous Weapon (eg a gun) or a *Robbery with Wounding / GBH*, your case will go up to the District Court and you will be dealt with like an adult.

To put it in perspective, there are many different crimes that involve the taking of property, and robbery is by far the most serious. Robbery is significantly more serious (legally) than a Break and Enter, for example. Many young people do not realise this, and mistakenly believe that if the victim is not hurt, or subject to actual physical violence, the crime is not so serious.

### **What if I was there but not actively involved?**

If you are present during the commission of a robbery offence with the people who did it, and you stand by throughout the entire offence, you will usually be seen to have been standing over the victim and therefore part of the crime. If you remain present, you risk being charged as a principal offender under the laws of Joint Criminal Enterprise (See Fact Sheet – ‘*Joint Criminal Enterprise*’).

*This Fact Sheet is designed to give you a very basic understanding of how the law works. If you have a legal problem, or want to know how these laws apply to a specific situation, you should speak to a lawyer. If you are under 18, you can call the Legal Aid Youth Hotline 1800 10 18 10*



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