

332.15 Banks, high value targets No firearm

R v Smith 2013 EWCA Crim 2684 D pleaded (full credit) to dwelling burglary with three similar offences TIC'd. At 11.30am, a man knocked on V's door. V was aged 76. The man said that his father had fixed V's roof and his father asked him to come and check if it was leaking. V let the man into the house and he asked for a ladder. The man went up to the loft and returned, indicating that the roof was leaking and that he would fetch a bag of tools. He went outside and returned a few minutes later with D. They said they needed to fetch a ladder and after they had left V noticed that her bedroom door was open and the wardrobe had been opened. She saw that a safe that had been secured with some screws was gone. It contained £11,900 in cash and a veteran service medal which had been awarded to her and was engraved in a particular way. The money had been her savings for her and her husband's funerals and for gifts for their children and grandchildren. Upon arrest D said "That's the safe job. I chucked the safe in the river..." and specified the location. The safe was recovered. D refused to name his accomplice but drove around and indicated to the police three other addresses which he had burgled. The victims were aged 79, 73 and 79, and he stole a total of £560. Victim Impact Statements showed that because of their age, the victims had suffered beyond the normal consequences of distraction burglary. D's mother had paid £5,950 to V, and said she would ensure D would repay V in full. D had little by way of previous convictions for dishonesty but had received 18 months for wounding not long before the instant offences. D was aged 22 at appeal. Held. This was a Category 1 offence. These were undoubtedly mean offences targeting elderly victims made more serious because there were at least two perpetrators involved on each occasion. The TICs show a pattern of offending involving preying on such elderly victims. The Judge was entitled to regard the offences as high on the scale of what the Sentencing Council regards as Category 1 offence sentences. D played a subordinate role in the offending and was very much younger than his accomplice. D was also more lightly convicted. **4 years** not 5 was appropriate.

R v Baines 2014 EWCA Crim 398 D pleaded early to robbery and two counts of possessing a bladed article. After being released from prison for an extended sentence for robbery, he was in breach of his licence as he was not living at an approved address. Two months after the release, D entered a betting shop. He had a bandanna over his face and was carrying a knife. He jumped over the counter and followed V into the office and demanded the till be opened and threatened to use the knife. When opened, there was only a small amount of cash, and a second till could not be opened. D removed all the cash from the till and left the premises, with a bystander in pursuit. D threatened the man, brandishing the knife, and managed to escape. D had convictions, including three for robbery (2007, 42 months YOI, 2008, 6 months YOI and 2011 4 years' custody and 2 years' extended licence), aggravated vehicle taking and drugs supply. D suffered from mental health problems, had stopped taking his medication at the time of the offence and suffered from psychotic symptoms. A psychiatric report found no clear link between these symptoms and his offending. Held. The fact he had breached his licence did not of itself mean that a life sentence fell to be imposed. No real consideration was given to factors that could justify a life sentence in this case. With full credit, a **13-year extended sentence** (8 years' custody and a 5-year licence) not life.

See also: *R v King* 2014 EWCA Crim 288 (Plea. Conspiracy. Jeweller's shop. Disguised. Two men burst in and struck sole assistant with a metal object. Threats made. Unsuccessfully tried to remove CCTV tape then left. Nothing obtained. Had conducted a 'practice run' some weeks earlier. Out of character. Suffered from ill health. Incompetent robber. With full credit and the considerable mitigation, **3½ years** not 5½ years.)

R v White and Others 2013 EWCA Crim 1893 (Plea to conspiracy. Plan to target cash in transit van at pub drop-off. Carried out reconnaissance. Unknowingly under police surveillance. Tools and disguises found in stolen cars to which they had access. Long criminal records, predominantly for dishonesty. Starting at 12 years was too high. Starting at 9 years was correct. One-third off for the robbery not being carried out. Full credit for the plea. **4 years** not 5.)

332.21 Dwellings Cases

R v Scott and Others 2014 EWCA Crim 201 (9 years, 5 years detention and 4½ years detention see 332.72).

See also: *Att-Gen's Ref No 58 of 2014* 2014 EWCA Crim 1957 (Plea. D and others forced their way into V's house, hiding their faces. V dragged from bed, kicked and stamped on. Face seriously bruised, a shoe mark left and lasting psychological trauma. Aged 20 with minor conviction and several reprimands and warnings. Bullied severely and assaulted at school. D felt unable to prevent violence, remorseful and empathetic towards V. D in custody for 18 months. **41/2 years' detention**, not 2-year community order.)

R v Smith 2013 EWCA Crim 2102 (Three pleas to robbery of two brothers aged 76 and 69 at a rural home. One plea to conspiracy to rob. Targeted after recent sale of farm machinery in belief large amount of cash would be present. Baseball bats and scaffolding pole used. Violence used. No serious injuries. Took guns etc. worth £5,000. No previous for robbery or violence. Aged 33-40. Premeditated and violent. Sentence beyond the guideline could not be justified. For the three robbers, starting at 14 years, not 18, was appropriate. With 25% credit, **10 years 6 months** not 13 years 6 months. For the fourth who was involved in the planning and disposal of the proceeds, starting at 12 years, not 16, was appropriate. With 15% credit, **10 years 2 months** not 13 years 6 months.)

332.26 Firearm, With Judicial guidance

R v Brady 2014 EWCA Crim 117 D was convicted of conspiracy to commit robbery and robbery (×2). The Judge sentenced him to 19 years. The defence appealed and relied on a passage in the guidelines which cited *Turner* as the leading Court of Appeal decision on sentencing for robbery, particularly as to the level of sentences (namely that the normal sentence for a bank robbery where firearms were carried but no serious injury occurred was 15 years, and the maximum sentence for a robbery which was not 'wholly abnormal' was about 18 years). Held. *Turner* should no longer be cited as authority for that proposition; indeed in our view, its usefulness as an authority is spent and it should not usually be cited at all.

332.29 Firearms, With Banks etc.

See also: *R v Brady* 2014 EWCA Crim 117 (Convicted of conspiracy to commit robbery and robbery (×2). Member of a gang who committed robberies over a 6-month period. Targeted numerous Argos stores, a bookmakers and a building society in a highly organised campaign. Cars stolen and cloned to evade detection. One robbery of a bank involved a firearm. Threats made and references to firearms. Involved in nine robberies, with losses of £260,000+. Aged 23 at the time, 30 at sentence. He had been on the run in Egypt. Previous for bank robbery. 19 years not manifestly excessive.)

R v Curwen 2014 EWCA Crim 1046, 2 Cr App R (S) 52 (p 426) (Convicted of eight. Escaped from prison while serving life for 14 armed robberies. **Life** with a minimum term of **8 years**, not 10.)

For more detail see **322.82** in this update.

332.33a *Firearms, False imprisonment and*

R v Ogwal 2014 EWCA Crim 513 D was convicted of robbery, carrying a firearm with criminal intent and false imprisonment. He was sentenced in July 2013. In April 2011, an advertisement to sell a BMW car was placed on the sales website Gumtree. This was a trick because when V answered the advert and went to a specified address, he was accosted by five men wearing balaclavas. One had a shotgun and one other had a machine gun. V had his phone taken off him and he was forced into the boot of a BMW. V's Mercedes vehicle was driven off. He was subsequently able to get out of the boot and raised the alarm. D was seen some three hours earlier by a police officer and was cycling with a holdall. The officer instructed him to stop but D rode off. The officer followed as best he could and when he examined the foundations of a house under renovation, he found an identical holdall containing a sawn-off shotgun with two cartridges. In October 2011, for that offence he received 5 years. D, aged 18 at appeal, had seven appearances for 15 offences from September 2009. Held. D was serving 5 years for the possession offence which formed part of the same sequence as the instant offence. This was not a straightforward case. It was unfortunate that these matters were not dealt with together. Taking account of totality, D's age and the time already served (which was equivalent to a 2-year sentence), 9 years as imposed by the Judge was too long. Justice would be done by a sentence of **7½ years**. Sentences rearranged to achieve that result.

332.37 *Firearm, With Series of robberies Cases*

R v Curwen 2014 EWCA Crim 1046 (Convicted of eight. Escaped from prison while serving life for 14 armed robberies. **Life** with a minimum term of **8 years** not 10.)

For more detail see [322.82](#)

R v Brennan 2014 EWCA Crim 78 D pleaded on the day of trial to robbery. He was a passenger in a car driven by his cousin, LS. They parked in a country lane so that D could urinate in a field. By chance, a group of four young people were walking up the lane in order to feed a horse belonging to one of them. There were two boys and two girls all aged 14. They walked past the car in single file. It was about 7pm and it was dark. D approached them and blocked their path. He demanded that they hand over their mobile phones and threatened to batter them. He ordered one boy to empty his pockets and the boy handed over £1 and his phone. One girl handed over her phone. D told them to go away or he would hurt them. They ran away and watched from a distance. When the car left, they returned and retrieved one of the phones which had been dropped on the ground. The first trial was aborted due to there being further evidence available adverse to the defence case. D pleaded on the day of the second trial. D had three previous robberies (5 years' detention, 3 years, 3 years) on his record in addition to a variety of other offences. The Judge sentenced outside of the guidelines and started at 6 years. Held. This case did not fall squarely within Category 1 (which refers to the threat of minimal force). D threatened more than minimal force. This was not a single robbery but two robberies and two attempted robberies. The fact they were committed on the same occasion makes it less serious than if there was a spree of separate offences. The Judge was correct in principle to move outside of the guidelines. D had a bad record but also three robbery convictions for similar robberies. The failure to respond to previous sentences is an aggravating feature. He is an habitual robber. **5½ years** was at the top, possibly the very top, of the acceptable range. But it was not manifestly excessive.

R v Mangan 2014 EWCA Crim 80 D pleaded to robbery. He was released from custody and went to a Job Centre to collect a giro. The giro was not ready and he became angry. He began talking to V who was standing outside the building. He asked her for some money, which she refused. D grabbed the bag which V was holding and in so doing, caused V to fall to the floor grazing her knee. The bag contained a substantial sum of money which was never recovered. Once it was apparent that the prosecution witnesses

were available and present, D pleaded guilty. He had a large number of offences 'of all kinds' including robbery in 2011 (20 months). Held. This case fell between Category 1 and 2. It is really more serious than a Category 1 street robbery but does not have the features that would put it into Category 2. The aggravating features are that the offence was committed whilst on licence and D's appalling record, including a robbery conviction. Starting at 3 years was appropriate, moving up to 4 years to take account of the aggravating features. With a deduction of 6 months for the plea, **1 3½ years** not 4½.

R v Willis and W 2014 EWCA Crim 113 Willis and W were convicted of robbery. With others, they were loitering in a stairwell. The police were called. About 20 minutes later, V, aged 47, left his home and walked to a bus stop, which was not far from the stairwell. Willis, W and another youth were in his way. W was on a bicycle and cycled up to V asking if he had a phone. He blocked V's path and said "Why aren't you talking to me?" He got up close to V's face and V pushed him away. Willis, W and the other youth began to punch V in the head and legs, causing him to fall to the ground. V's mobile phone fell out of his pocket. Willis punched V and demanded his mobile phone. V pointed at where it had fallen. Willis picked it up and ran away. V was taken to hospital and suffered bruises and swelling on his head and face, and extensive swelling on his right shin. He had to use a crutch to walk for a period of time. W was aged 14½ at the time of the offence² and had no convictions. A few weeks subsequent to the offence however, he was bailed in respect of a robbery and an attempted robbery of a pizza delivery driver. He later received community sentences in respect of those two offences (he had failed to comply). Willis was aged 17 at the time and had one conviction for possessing an offensive weapon. The PSRs did not advocate custodial sentences. At appeal, W was aged 15 and Willis was aged 18. W was very immature and there had been problems controlling his behaviour in detention. Held. The court cannot concentrate solely on the position of the young offender. This was, as the Judge rightly noted, a serious offence of robbery. It involved a group attack on a lone man in the hours of darkness, involving significant violence including punching and kicking. With regard to W, his subsequent offending and failure to comply with his community sentence were highly relevant. Given all the circumstances, the Judge was entitled to impose an **8-month DTO**. Willis was significantly older than W and must bear some responsibility in that regard, given that on one view he may be regarded as the leader of the group by virtue of his age, even if not by virtue of his actual conduct. In any event, he took a full part in the violence and it was he who actually took the phone. **2 years' detention** was not manifestly excessive and there was no unacceptable disparity between the sentences. Appeals dismissed.

332.39 Firearm, With *Shops, public houses, petrol stations etc.*

See also: *Att-Gen's Ref No 65 of 2014* 2014 EWCA Crim 1975 (25% credit. D and two others, unidentified, robbed corner shop. Two shoppers also inside and imitation handgun and knives used. D leapt on counter brandishing 12" knife, grappled with V. V threw objects, attackers threatened to "do him". V's arm stabbed twice in the mêlée and a watch handed over. Copious bleeding. D seemed to look for CCTV tape. 141 offences over 18 years, including violence, dishonesty and offensive weapon (×1). Level 3, not 2. Start at 10-11 years, with plea **7 years 10 months**.)

332.58 Street etc. robbery *Particularly vulnerable victim*

R v Weir-Steele 2014 EWCA Crim 682 D pleaded to two separate street robberies. She robbed V1, a 72-year old man, as he sat outside a centre run by the mental health charity MIND. He was pushed hard to the ground, grazing his hand, and his wallet was taken. V2, an 88-year old woman, was robbed as she

¹ The court noted that a precise 1/10 reduction would produce 'an untidy figure'. The 6 month figure was a reduction of 1/8. Ed.

² W had turned 15 years old by the time he was sentenced, enabling the Judge to impose a DTO on him without the requirement that he be considered a 'persistent offender' as this was his first offence. Ed.

walked home from the bus stop. D grabbed V2's handbag, causing her to lose her balance and fall, grazing her elbow. Nearly £200 was taken in total. D, aged 28, had convictions in 2001 and 2002 for assault and had a drug dependency. In interview D spoke of how she got an adrenaline rush from stealing, and a psychiatric report concluded she suffered from bipolar disorder. Held. Both robberies targeted very vulnerable elderly people and involved the use of force, resulting in injury. Aggravating and mitigating factors broadly cancel each other out. Concurrent sentences would be wrong. We take a starting point of 42 months for the first, reducing it to 28 months with plea. For the second we start at 54 months making 36 months with the plea. With totality we make that 24 and 30 months, so **4½ years** which was the Judge's sentence and entirely in accordance with the guideline.

332.60 Street etc. robbery Defendant has a significant record Less than 5 years

R v Abraha and Another 2014 EWCA Crim 1889 D and F pleaded (full credit) to robbery. Due to large numbers of robberies of high value items, undercover police were deployed. Two men approached V, who had been drinking, outside a nightclub in the small hours. V then sat down with both defendants and another man joining him. V was concerned he was about to be robbed and stood up to leave. D then grabbed V tightly around the body, restraining him. F then violently pulled V's wrist, removing V's fake Rolex (although thought to be genuine). Undercover police saw the robbery and stopped D and F. F was seen to throw the watch onto the floor. D was aged 23 on appeal and had convictions for ABH and theft from the person, also committed with F in similar circumstances. F was aged 24 on appeal and had a poor record, including robbery, two further thefts from the person and various other thefts. The only remorse expressed by D or F was that they were caught. Held. The Judge was entitled to sentence outside the range of level 1. This offence was serious and was prevalent in the area so the Judge was correct to have regard to deterrence. For D1, the appropriate starting point was **3½ years**. Therefore **28 months**, not 3 years. For F, a starting point of **4½ years**, with plea **3 years**, unaltered.

332.63 Street etc. robbery More than one robber

See also: *R v Donaldson* 2013 EWCA Crim 2677 (Plea. 4.40 am in Birmingham city centre. Victim walking alone in a subway. Pursued by D and two other males. Punched to the ground by co-accused. All three went through his pockets as he lay on the floor dazed. Victim asked for his PIN, punched again by co-accused. Caught on CCTV. Aged 18 at the time. 18 appearances since 2007 including three robberies, ABH and battery. Breach of licence. Entitled to take starting point higher than guideline suggested but starting at 5½ years was correct. With credit for the plea, **3 years 8 months' YOI** not 4 years 2 months.)

R v Jalo and others 2014 EWCA Crim 1910 D, J and C pleaded to robbery of two women committed at the same time. J and C pleaded to another street robbery. D additionally pleaded to an attempted street robbery. All received full credit. D with another male, attempted a robbery, by pulling at V1's handbag. Her necklace snapped and she screamed. The police chased D and the male and arrested them. D was bailed for this offence. Three days later, a robbery involving D, J and another took place. V2 was asked the time and V2 took out his phone and his phone was seized. V2 was asked what else he had and was threatened. He tried to run but two males approached from behind. One attempted to stab V2 in the eye with a pointed metal bar and V2's eyebrow was cut either with the bar or by the assailant's jewellery. The third male tripped V2 up and pulled him to ground. V2 was kicked and punched and his pockets were rifled through. The attackers made off with a £1,500 chain and V2 suffered a 2cm cut to the eye, which needed stitches. Over three months later, there was a robbery involving all three defendants wearing hoods. They ran towards two young women and seized them. They snatched their gold necklaces and ran away. J was aged 18 and C was 20 on appeal. Both had previously committed several offences in a sustained pattern, including robbery, attempted robbery and theft or attempted theft. Their convictions were in late 2013, with both receiving custody (either in prison or a YOI). D was aged 19 on appeal and was of effectively good character. The Judge started at 6 years. He gave an extended sentence (4 years'

detention and 2 years extended licence) in each case. Held. There is a need, particularly with young offenders, to consider the offenders as individuals and the application of guidelines to each of their offences. The Judge was wrong to assess the defendants as dangerous. A starting point of six years after trial for the attempted robbery is unimpeachable. The rest were Level 1, not Level 2. For C we start at 4 ½ years, so **3 years' YOI**. D's lack of convictions was balanced out by the extra robbery he faced. So for D and J **4 years' YOI**.

332.72 Victim particularly vulnerable

R v Scott and Others 2014 EWCA Crim 201 S, M and P pleaded to robbery (full credit). They attended V's address one evening, banged on his door and demanded to be let in. V, was vulnerable and suffered from Asperger's Syndrome. This was known to S, M and P. V opened the door and the three demanded that V unplug and hand over all electrical items. He refused and M produced a kitchen knife with a six inch blade and threatened him with it. V, a man, was then assaulted and threatened and told he would be anally raped and subject to other sexual degradations. He was told that he was a dog and that he must sit on the floor and obey instructions. V's property was removed without any resistance, although at one point V poked M in the eye. This led to a further violent response. P punched him in the face and M bit his chest. They stole property worth £2,000. Most of it was subsequently recovered. When the three left, they forgot to take the knife and banged on the door demanding its return. V posted it through the letterbox. S's basis of plea was that he was unaware that M had a knife, he was not involved in the use of the knife and did not personally inflict any violence on V. P's basis of plea was that he inflicted only two punches. At the appeal, M was aged 29 with 35 previous convictions including robbery. He had had custody before. P was aged 19 and had eight previous convictions including two for battery and two for robbery. He was also sentenced to 12 months' detention consecutive, for theft and assault offences arising out of a separate incident. S was aged 20 and had two convictions included attempted robbery (10 months' YOI). The Judge started at 16 years. Held. This was a very serious robbery in the home of a victim who was present. Aggravating features included one of the three carried a knife to the scene, the knife was produced and used to intimidate V. V was vulnerable and targeted as such, and actual violence was used. P committed this offence whilst on bail for theft and assault. In light of the level of violence actually inflicted and the fact that the knife was used only to threaten, the Judge took too high a starting point. There was a need to reflect their different ages and bases of pleas. For M, **9 years** not 10½. For P, considering totality, **5 years' detention** for the robbery, not 6½. The 12-month consecutive sentence would remain. For S, **4½ years' detention**, not 6.

332.76 Weapon used

R v Alausa 2013 EWCA Crim 2681 D pleaded (full credit) to false imprisonment and robbery. With another, D entered a student accommodation block after midnight. V was a security officer on night duty in the block. He was called up to one of the rooms and, as he entered, he was grabbed by one man and threatened with a kitchen knife with a six-inch blade by another. The knife was placed at his throat. His mobile phone rang and he unsuccessfully pretended that it was from another guard. That led to threats of him being stabbed. He was taken to a different room where his hands were bound tightly and he was tied to a chair. The knife was pressed against his stomach. His keys were taken from him and he was asked to indicate which key was the master. The pressure of the knife against his stomach increased. He was left alone for about 5 minutes and managed to untie himself. A Victim Impact Statement said V genuinely feared for his life and was left in a state of shock. Both D and his accomplice were masked. D was of previous good character. He had a degree and was working as a civil enforcement officer. He had a stable marriage and the reason for his participation in the offences was entirely unclear. Held. The Judge correctly identified the aggravating features, namely that there were two offenders, there was restraint and detention of the victim, threats were made to him, they were wearing a disguise, and they used a knife to induce considerable fear, although no injury. The Robbery Guidelines were in principle applicable. The

starting point was 4 years and the range 2 to 7 years where a weapon is produced and used to threaten. The Judge was entitled to conclude that the aggravating features brought this case to the very top, indeed beyond, the top of the range there set out. The false imprisonment was an aggravating feature of the robbery rather than something entirely separate. Starting at 10½ years was too high. Starting at 8 years, so with full credit, **5½ years** not 7.

332.78 Defendant aged 10-15

R v C and T 2014 EWCA Crim 1807 D1 and D2 were convicted of robbery. V was a frail 64-year-old man who lived alone but was known to D2's family. In 2012, D2 was convicted of assaulting V and had also admitted stealing from him, D2 said she would do some cleaning work for V and he reluctantly let D2 into his house giving D2 a second chance. V was unwell and went to bed. D1 then attacked and straddled V, punching his face and body and demanding to know where V's money was. Meanwhile, D2 hit V with a shoe. V said there was no money, but they carried on. They removed V's phone and 'lifeline' connections. V tried to fend them off and they ran away with his watch, keys and two coin jars. V was admitted to hospital with cuts and marks to his upper body with pain and a restriction of movement in his shoulders. D1 was aged 14 and D2 aged 15. D1 had three battery convictions, but made good progress whilst on bail and took steps to turn her life around. D2 lacked empathy, had a propensity for violence and had extremely low cognitive functioning with characteristics of autism and ADHD. Her IQ was 64. However she had suffered recent bereavements and a miscarriage. Held. The shoe made this a robbery with a weapon. For an adult, before considering the convictions and the aggravating factors, the starting point would have been 3 years. The offence was too serious to resile from imposing custody but insufficient weight was given by the Judge to the Ds' personal factors which should be at the forefront of sentencing offenders of this age. We reduce the sentence because of remand time which is not deductible. **12 months' DTO** for both, not 24.

332.80 Defendant aged 16-17

Att-Gen's Ref No 52 of 2014 2014 EWCA Crim 1742 D pleaded guilty to robbery at the first opportunity. A charge of possession of a bladed article was dropped. V received a call that someone wanted to buy tobacco from him. V suffered from neuropathy (a nerve disorder) and so had no feeling in his legs. D and two others went to V's house. V came to the door and went to get the tobacco. D and the two others then entered. One pushed V to the floor, held a six inch serrated kitchen knife to V's throat and threatened him. He also stood on V's foot, trapping V's big toe. A second man searched the living room and a third stood in the hallway. D was directed upstairs by the man in the hallway and, taking V, mishandled him onto the bed. D then tied V's wrists to the headboard saying "I don't want to hurt you, but I will." D then demanded the keys to V's safe whilst the knife-wielding male held the blade to V's arm. A male (not D) also held a lamp and threatened V. V, fearing for his life, told the men the keys were held by a neighbour. The robbers left taking a TV and tobacco. V suffered a cut arm and a bruise. His toe had to be amputated and so he now needed a walking stick. V's TV was later found in D's home. In interview D denied the robbery and said the TV was given to him by a friend. D was aged almost 17, of good character and came from a good home, although had been in trouble at school. Held. The robbery was carefully planned and a vulnerable victim was targeted. A knife and a rope to tie the victim up were taken to the house. Custody was required. It is in the interests of D, other offenders and young people to know that this behaviour attracts a custodial sentence. We would expect a sentence of **3 1/2 years' detention**. Because of his response to the youth rehabilitation order, 3 years.

332.82 Persistent offenders Firearm, With

R v Curwen 2014 EWCA Crim 1046 D was convicted of robbery (×7), attempted robbery and possession of an imitation firearm (×8). Whilst serving a life sentence for armed robbery, he walked out of an open

prison. He targeted six banks and two bookmakers' premises. He entered with an imitation handgun and threatened the cashier. On seven occasions, cash was handed over with the total approximately £34,000. The imitation handgun which was subsequently found in D's address was in fact a gas powered gun which appeared to be capable of firing ball bearings.³ D, aged 51 at appeal, had offended all his life. His first custodial sentence for robbery was in 1981 aged 18 (6 years). There were also custodial sentences in 1994 (armed robbery, 12 years) and 2004 (14 armed robberies, life with minimum of 10 years). Held. The Judge was required by section 224A⁴ to pass a life sentence. The appeal was solely in relation to the minimum term. These were not the very worst robberies of their kind. D was a single robber acting alone, threatening people with an imitation firearm. No one was hurt. What made the offences exceptionally serious is that D was a prisoner on the run. He was not just any prisoner but one serving life sentences for similar armed robberies. D's culpability was exceptionally high. If a 20-year determinate term would have been appropriate for these offences without the background of previous armed robberies and escape from prison, then a 10-year uplift to a starting point of 30 years was too long. Starting at 24 years would have been appropriate. Will full credit that is reduced to 16 years. Therefore **life** with a **minimum term of 8 years**, not 10.

³ The indictment stated that the firearm was an imitation firearm and the court treated D as though the weapon was not capable of firing anything. Ed.

⁴ The judgment states the judge was required by section 225A. It is assumed this is a typo for section 224A (automatic life). Ed.