

# ROBBERY

## Armed Robbery • Attempted Robbery ATM Robbery • Carjacking

**Robbery is the Taking of Property from another against their Will by means of Force or Fear.**

This force may involve a deadly weapon such as a gun or other weapon (**Armed Robbery**), or it may just involve simple physical force (**Strong Arm Robbery**).

### CALIFORNIA ROBBERY LAWS

Under **California Penal Code Section 211**, **Robbery** is a serious and violent **felony** punishable by state prison. Use of a gun or other weapon or infliction of Great Bodily Injury during the commission of a Robbery carries a stricter sentence than does simple **Robbery**. **Robbery** is different from **Burglary** or **Theft** in that **Robbery** involves person to person confrontation, the threat of or use of force along with the intent to coerce and prevent resistance.

**Robbery** is divided into **First Degree Robbery** and **Second Degree Robbery**. First Degree Robbery (Penal Code Section 212.5(a)) occurs in an inhabited dwelling, vessel or trailer. First Degree Robbery also includes robbery of the operator of a bus, taxicab, cable car, or street car. Robbery of a passenger of any vehicle used for transportation for hire and robbery of any person using an Automated Teller Machine (**ATM Robbery**) are also considered First Degree Robbery. Second Degree Robbery is all other types of Robbery (Penal Code Section 212.5(b)).

**Carjacking** is a form of Robbery. It is basically robbery of a motor vehicle (Penal Code Section 215). Carjacking is the felonious taking of a motor vehicle in the possession of another against his/her will, from his/her immediate presence accomplished by force or fear. Carjacking is also a serious and violent felony punishable by state prison.

### A ROBBERY CONVICTION CARRIES SERIOUS PENALTIES

**First degree Robbery** carries a state prison sentence from 3 to 9 years. **Second degree Robbery** is punishable in the state prison from 2 to 5 years. Carjacking carries a state prison sentence of 3 to 9 years. Robbery and Carjacking are '**Strikes**' in California and fall under the umbrella of the **Three Strikes Law**. A convicted felon with a strike prior would be facing a doubled prison sentence for any future strike convictions. Use of a gun during a robbery adds 10 years to the robbery sentence. Discharge of a gun during a robbery adds an additional 20 years to the robbery sentence.

## **SERIOUS CHARGES REQUIRE SERIOUS ATTORNEYS**

**Robbery** is a serious charge. In California, criminal defense attorneys face determined and aggressive prosecutors who can bring to bear all the resources of the government. To withstand this force, defendants need a skilled and able attorney who will fight for them.