

220.32 Minimum 3 years' custody Judicial guidance

R v Leonard 2018 EWCA Crim 870 D was convicted of a dwelling burglary and a theft. The 3-year minimum provisions were triggered. The Judge's approach to that was unclear. Held. The 3-year prescribed minimum is not the sentencing starting point. Courts should apply the *Burglary Offences Guideline 2009* in the usual way, then cross-check that the resulting sentence does not infringe the minimum 3-year provisions. If it does, they should consider whether there are any particular circumstances relating to any of the offences or the offender which would make the imposition of the minimum sentence unjust, see *R v Andrews* 2012 EWCA Crim 2332, 2013 2 Cr App R (S) 5 (p 26) and *R v Silvera* 2013 EWCA Crim 1764.