

ENGLAND AND WALES / JUDGMENT

R v Sam Winter

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This Transcript is Crown Copyright. It may not be reproduced in whole or in part other than in accordance with relevant licence or with the express consent of the Authority. All rights are reserved. Neutral Citation Number: [2026] EWCA Crim 359 IN THE COURT OF APPEAL CRIMINAL DIVISION ON APPEAL FROM THE CROWN COURT AT CHELMSFORD (HHJ SAWYER) [42MR1319724] CASE NO 202504611/A5 Royal Courts of Justice Strand London WC2A 2LL Tuesday 3 March 2026 Before: LORD JUSTICE POPPLEWELL MRS JUSTICE O'FARRELL RECORDER OF BRISTOL (HIS HONOUR JUDGE BLAIR KC) REX V SAM MINTER

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MS S LIVNGSTON appeared on behalf of the Appellant.

J U D G M E N T MRS JUSTICE O'FARRELL:

1. On 17 October 2025 in the Chelmsford Crown Court the appellant, Sam Minter, pleaded guilty upon re-arraignment to offences of affray, threats to kill and non-fatal strangulation.
2. On 27 November 2025 the appellant was sentenced by HHJ Sawyer as follows: on count 1 (affray), contrary to section 3(1) of the Public Order Act 1986 a sentence of 3 months' imprisonment; on count 4 (making a threat to kill), contrary to section 16 of the Offences Against the Person Act 1861, a sentence of 9 months' imprisonment; on count 6 (strangulation), contrary to section 75A(1) of the Serious Crime Act 2015, a sentence of 2 years' imprisonment. The sentences were all to run consecutively, giving a total sentence of 3 years' imprisonment.
3. The appellant appeals against his sentence with the leave of the Single Judge.
4. The material facts are as follows. On 17 February 2024, police were alerted by a member of the public that a fight was taking place. CCTV footage captured some of the incident. The appellant had pinned an unknown male to the floor and repeatedly punched him in the head (count 1). At one point the male tried to get away but was pursued by the appellant. Officer 1, who was operating alone as a single crew unit, attended the scene. The appellant and his

stepson, Taylor Oliver (then aged 17), had by then left the scene and the officer followed in their direction of travel. Officer 1 found the appellant and Oliver standing with two other individuals. The police officer placed a handcuff on the appellant and attempted to restrain him. In response, Oliver grabbed the police officer round the neck. This was captured on police body worn cameras. The officer sought assistance from other units and continued to try to restrain the appellant despite being in a chokehold by Oliver. Unable to breathe Officer 1 attempted to press his emergency button but could feel himself beginning to lose consciousness. When Officer 1 was on the floor, his body worn video camera captured the appellant threatening that he had a pen in his pocket and would end the officer's life if he attempted to get up (count 4). The appellant and Oliver ran away. Officer 1 was found lying on the floor by the other officers who attended the scene.

5. The appellant and Oliver were located shortly afterwards. Oliver was detained and the appellant was pursued by Officer 2. He struggled with the officer and they fell to the floor. The appellant wrapped his arms around Officer 2's neck in a chokehold (count 6). He also punched the officer to the body a couple of times. Other officers came to his aid and the appellant was arrested. PAVA pepper spray was deployed during the incident. The appellant and Oliver were arrested and taken to Clacton custody suite. Both made admissions in their police interview and apologised to the officers involved.
6. A victim personal statement was provided from Officer 1, who was attacked by Oliver and not by the appellant: "I want to explain the impact this has had on me. I have a genuine fear of attending incidents as a single-crewed officer. This stems from this particular incident that I continue to struggle to understand. It is something that has haunted me since the day it occurred, and the emotional weight was prolonged by the defendant's decision to plead guilty nearly two years later. The effect this incident has had on me and my family is profound and will last a lifetime. This incident has significantly affected my sleep. I have experienced recurring dreams about what happened, which were prolonged by the defendant's delayed guilty plea. Due to the physical assault for which the defendant was convicted, I suffer from memory loss of the incident itself. This has caused a lasting psychological impact that continues to affect my wellbeing. This incident has affected my ability to perform my role. I now struggle to attend incidents as a single-crewed officer because of the fear that I could be attacked while carrying out my duty to protect the public and serve the Crown."
7. A victim personal statement was also produced by Officer 2 who was attacked by the appellant: "I have suffered numerous sleepless nights as a result of this. I have now had to start attending counselling sessions to help to try and deal with the flashbacks and sleepless nights. I also ask myself would I put myself in the same situation again as a police officer and is this something I want to continue doing. I have been able to manage this and have returned to work. I would however say that I have dropped the number of hours I offer to Essex police... In terms of my physical health, I suffered from soreness and bruising to my neck area which lasted a week or so. I have had no long term obvious physical damage from

this incident. The sleepless nights and waking up at night have had a physical toll in that I find myself more tired than I used to as I don't sleep as well as I did prior to the incident. I feel that I was lucky to still be here, due to officers being able to come and help me when I needed it most. Even now when writing this statement, I still can't fully remember what happened on that night. It is still on my mind about passing out and how I presented at this time. To me the incident was traumatic, where I owe my thanks to the other officers who attended at the time and helped me. I can't think of other times where officers have been strangled and I still wonder where this came from and why they decided to strangle me. Normally I would expect to be punched or hit for the person to get away but never thought someone would try to strangle me. As part of my work as a Special, I now try not to tutor new Specials as I feel more confident being with other officers with more experience." 8. It is common ground that count 1 (affray) was a category 3B offence. As to culpability, whilst the appellant's use of violence could be described as sustained, it did not extend beyond punching. There was no evidence of any other culpability A factor and no evidence of any threats with the use of a weapon. As to harm, there was no evidence of any fear or distress that was caused or any injury and no victim personal statement by the man who was attacked. A category 3B offence has a starting point of a high-level community order with a range of a low-level community order to 36 weeks' imprisonment.

9. The judge assessed count 4 (threat to kill) as a category 2B offence. As to culpability, whilst the offence was limited in scope and duration, the threat made suggested the use of a weapon. As to harm, although Officer 1 was already suffering the effects of Oliver's attack on him and therefore unlikely to have been aware of the threat that was made towards him, the judge concluded that there was evidence that the incident caused some distress. A category 2B offence has a starting point of 1 year's imprisonment with a range of 26 weeks to 2½ years.
10. It was common ground that count 6 (non-fatal strangulation) was a category 2B offence. As to culpability, this could not reasonably be described as excessive self-defence. The officer was attempting to lawfully and calmly detain the appellant at the time of the assault. However, this was not intentional as opposed to reckless strangulation; there was no use of a ligature. The incident was of short duration and there were no other culpability A factors. As to harm, although the impact on Officer 2 was significant, as set out in his victim personal statement, it did not result in any severe physical injury or psychological condition which had a substantial effect on the victim's ability to carry out his normal day-to-day activities or on his ability to work. A category 2B offence has a starting point of 1 year 6 months' imprisonment and a range of 1 to 3 years.
11. The appellant did not have any recent relevant previous convictions but there were aggravating factors. First, in respect of the threat to kill and strangulation offences, the most significant aggravating factor was the commission of an offence against uniformed police officers acting in the course of their functions as emergency responders. Second, when the threat to kill was made by the appellant, Officer 1 was lying on the floor following the assault

by Oliver and therefore was particularly vulnerable. Third, the offences were committed whilst the appellant was under the influence of alcohol and cocaine.

12. Factors in mitigation were first, the appellant showed remorse. He apologised for his offending during the interview following his arrest. Second, there was no pattern of offending. The appellant had no relevant recent previous convictions. Third, there were a number of character references in support emphasising that he is a caring and supportive father to his children. Of significance in this case the appellant provided a stable home and became the primary carer for his five (now four) dependent children following his former partner's inability to care for them as a result of alcohol abuse. Fourth, the appellant was in work as a self-employed bricklayer allowing him to drop off and collect his children at school each day before and after work.
13. When sentencing, the judge stated: "Your offending is so serious that neither a fine nor a community order can be justified. The offending crosses the custody threshold. Your offending involved serious assaults on police officers, and such offending must be dealt with appropriately. I take full account of all of your personal circumstances, as well as the aggravating factors in this case, but in both cases, in my judgment, the custody threshold is passed by some margin."
14. Having explained the factors taken into account the judge stated that after trial the offending would have attracted a sentence of 6 months on count 1, 16 months on count 2 and 2½ years on count 6. The judge declined to make the sentences concurrent, that is running at the same time, stating: "Each of your offences involved a different victim, and there were distinct stages in what you did that night. On each occasion, it seems to me, you again could have disengaged and you could have ended the offending. I will therefore make consecutive sentences, but I will make an appropriate reduction to ensure that the sentence that I impose on you overall is not disproportionate to your offending."
15. The appellant was entitled to a credit of 10 per cent in respect of each count for his late guilty pleas.
16. Until 14 November 2024 the appellant had spent a period of 270 days on a qualifying curfew (8.00 pm to 6.00 am per day), thereby entitling him to credit of 135 days. From 14 November 2024 until sentencing, the appellant remained on an electronically monitored curfew but it was operational only for a duration of 8½ hours per day, that is 9.30 pm to 6.00 am and therefore was not a qualifying curfew. However, the judge had the benefit of the Court of Appeal guidance on the exercise of a sentencing judge's discretion to apply a non-mechanistic reduction of sentence, where an offender has spent time on remand subject to a non-qualifying curfew bail condition, in the case of *R v Rice*

[2025] EWCA Crim 352 per Edis LJ at [37] and [41]. Having identified the relevant factors in this case the judge gave a further reduction of 3 months on count 6 to reflect the non-qualifying curfew as part of his bail conditions.

17. With credit for the guilty pleas and to reflect the non-qualifying curfew and the principle of totality, the judge imposed final sentences of 3 months on count 1, 9 months on count 4 and 2 years on count 6, all to run consecutively. A total of 3 years.
18. The grounds of appeal for which the Single Judge granted leave are that the sentence was manifestly excessive or wrong in principle for the following reasons:
 1. The final sentence of 3 years overall was manifestly excessive.
 2. All sentences should have been made concurrent as they stemmed from the same offence of affray.
 3. Alternatively the sentences concerning the police, that is counts 4 and 6 should have been concurrent.
 4. The starting point taken on count 4 was too high.
 5. Insufficient credit was given for the non-qualifying tag.
 6. Insufficient consideration was given to totality and
 7. The sentences should have been suspended.
19. We consider that the judge was entitled to impose consecutive sentences in this case for the reasons he gave. Although the offending arose out of the initial attack on an unidentified individual, the subsequent incidents were distinct in time, place and circumstance. In particular, they each involved offending against separate individuals.
20. No complaint is made, nor could it be, in respect of the sentence of 3 months on count 1.
21. In our view, the sentence on count 4 was too high, primarily because the judge adopted the wrong category. We have studied the body worn camera footage carefully. This was a category 3B offence. Although the words used were nasty and cowardly particularly as the officer was unconscious or semi-conscious on the ground at the time, this was an empty threat in all the circumstances. There is no evidence that Officer 1 heard or comprehended the threat. His understandable distress and ongoing fear stemmed from the actions by Oliver in placing him in a chokehold and causing him to lose consciousness. A category 3B case has a starting point of 26 weeks with a range of high-level community order to 1 year. There were aggravating factors as set out above, but they were balanced by the personal mitigation of the appellant. We consider that this offence should properly have merited a term of 6 months prior to credit for the guilty plea reducing it to 5 months.
22. We accept that the sentence on count 6 was also too high. This was a category 2B offence giving a starting point of 18 months and a range of 1 to 3 years. It must be emphasised that a significant aggravating factor in this case, entitling the judge to apply an uplift, was the fact that it involved a physical attack on a police officer carrying out his public duty. It should be assumed that such behaviour is likely to attract a substantial custodial sentence in most cases. Further, the attack occurred when the appellant was under the influence of alcohol

and drugs. However, these factors must be balanced against the very strong personal mitigation of this appellant, namely his remorse, his obligation as a primary carer for four dependent children and his stable work as a self-employed bricklayer. We consider that the weight of those factors bring the appropriate term back down to 18 months before credit for the guilty plea reducing it to 16 months.

23. We consider that it was appropriate for the judge to make some allowance to reflect the duration and significance of the restriction in relation to the electronic tag. The additional period of non-qualifying curfew amounted to 378 days (so just over a year). Had this been a qualifying curfew this would have entitled the appellant to an additional 159 days' credit. As highlighted by the Court of Appeal in *Rice*, the discretionary adjustment is not a mechanistic arithmetical calculation but an assessment of the material circumstances, including the relative restrictions and duration of the curfew. It is clear that the judge carried out a careful analysis of the circumstances in this case and we do not consider that there are grounds for challenge to the credit of 3 months.
24. The cumulative effect of the above is that we would maintain the sentence of 3 months on count 1 and substitute sentences of 5 months on count 4 and 13 months on count 6. They would all run consecutively, that is one after the other, a total of 21 months.
25. We then turn to consider whether the sentence should have been suspended as it is a sentence of 24 months or less. We have considered all of the submissions and documents placed before us and we are satisfied that, in this case, a suspended sentence would be appropriate. In this case, there were factors that were heavily indicative that the sentence could be suspended. First, there is a realistic prospect of rehabilitation. The appellant has accepted that he must address his behaviour including alcohol consumption, and recognises the need to safeguard his family. Second, there is no pattern of offending; the appellant has no recent relevant previous convictions and he has been assessed as presenting a very low risk of reoffending. Third, the appellant has strong personal mitigation and was in stable work prior to his custodial sentence. Fourth, the impact of a custodial sentence on his four dependent children is severe. Not only does it take away their sole parent and household income, but it results in the break-up of the sibling group as they are placed separately with stepparents and friends. That is a particularly harsh outcome for children who have already suffered difficulties and disruption to their upbringing as a result of their mother's alcohol abuse. On the other side of the equation there are no factors indicating that a suspension of the sentence would not be appropriate. The appellant does not present a serious risk to any person, having regard to his self-awareness for the need to reduce his alcohol consumption. There is no indication that he will fail to comply with any court orders.
26. We recognise that attacks on law enforcement officers performing their public duties are very serious. In many cases they may demand a sentence of immediate custody. However, these were isolated incidents that did not amount to intentional infliction of harm. His immediate apology when interviewed after his arrest indicates sincere remorse.

27. Weighing up all of these factors, we are satisfied that in the particular circumstances of this case it is appropriate to suspend the sentence. Accordingly, we would allow the appeal by substituting the sentences on count 4 to one of 5 months and count 6 to one of 13 months in addition to the sentence on count 1 of 3 months, a total of 21 months. We suspend that sentence of 21 months' imprisonment for a period of 2 years to run from the date of original sentencing, that is from 27 November 2025.
28. We bear in mind the time that the appellant has already when attaching conditions to the suspended sentence and therefore make a condition of the suspension that it is subject to a requirement that the appellant should attend 20 days of rehabilitation activity requirement. To that extent this appeal is allowed.
29. LORD JUSTICE POPPLEWELL: Mr Minter, your appeal has been allowed. The length of the sentence is reduced to 21 months but is suspended for a period of 2 years and there is attached to it a rehabilitation activity requirement of 20 days, which I take it from your counsel you are content to agree you will comply with; is that right?
30. THE APPELLANT: Yes.
31. LORD JUSTICE POPPLEWELL: What that means in practice is that you will be eligible for immediate release. You should report to a probation officer as soon as possible. You will be provided with an address and I am sure Ms Livingston can help with that in enabling that to take place.
32. The effect of the suspension is that if you breach any of the conditions and if you re-offend during the suspension period, which runs from 2 years from the date of sentence, then you will be liable to be brought back before the court and to serve the remainder of your sentence in custody. That is the effect of the appeal. Epiq Europe Ltd hereby certify that the above is an accurate and complete record of the proceedings or part thereof. Lower Ground Floor, 46 Chancery Lane, London, WC2A 1JE Tel No: 020 7404 1400 Email: Rcj@epiqglobal.co.uk

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