SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty-First Judicial District Court, County of Ravalli

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-14-022
-vs-	)	
	)	DECISION
MEGAL VINCIENZO DARICEK,	)	
	)	
Defendant.	)	

On August 25, 2016, the District Court revoked the Defendant's deferred sentence for violating the conditions of his probation and sentenced the Defendant as follows: Charge I: A commitment to the Montana Department of Corrections for a period of fifteen (15) years, with ten (10) years suspended, for the offense of Burglary, a felony, in violation of §45-6-204, MCA; and Charge II: A commitment to the Montana Department of Corrections for a period of fifteen (15) years, with ten (10) years suspended, for the offense of Theft, a felony, in violation of §45-6-301, MCA. Charges I and II were ordered to run concurrently with each other and with the sentence in Judicial District Cause DC-14-023 and DC-16-093. The Court granted credit for time served in jail prior to sentencing – 40 days under the original Judgment, 21 days under the first revocation, and 114 days under this Judgment on 2nd Revocation, for a total credit of 175 days.

On February 2, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Peter Ohman of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2nd day of February, 2017.

DATED this 8 day of March, 2017.

SENTENCE REVIEW DIVISION

Hon. Brad Newman, Chairperson

Hon. Kathy Seeley, Member

Hon. Brenda Gilbert, Member

Copies mailed this 9th day of March, 2017, to:

Clerk of District Court (Original)
Megal Vincienzo Daricek #3014312, Defendant (2)
Hon. James A. Haynes
Brent Getty, Defense Counsel
Thorin Geist, Esq.
Board of Pardons and Parole
MSP - Records Dept.

Georgia Lovelady, Judicial Assistant
Sentence Review Division