

Sentence Review Division  
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**FILED**

**MAY 17 2022**

SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-21-024
	)	
Plaintiff,	)	Lincoln County District Court
	)	
-vs-	)	Montana Nineteenth Judicial District
	)	
DERRELL RUSSELL DOWD,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On October 25, 2021, the Defendant was sentenced to the Montana Department of Corrections for a term of thirteen (13) months for placement in a residential treatment program, for the offense of Count I: Driving Under the Influence of Alcohol or Drugs – 4<sup>th</sup> or Subsequent Offense, a Felony, in violation of §§61-8-401 and 61-8-731, MCA. If the treatment program is completed prior to the expiration of 13 months, the remainder shall be served on probation. Additionally, the Defendant was sentenced to the Montana Department of Corrections for three (3) years, with three (3) years suspended, to be served consecutive to the initial 13 months. The Defendant was given 33 days credit for time served.

On May 5, 2022, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Montana State Prison and was represented by Melanie D'Isidoro, Defense Counsel. The State was not represented. The Defendant gave a statement.

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.

DATED this 17th day of May, 2022.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Jessica Fehr, Chair

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed or emailed this 18th day of May, 2022, to:

- Clerk of District Court – *via email*
- Derrell Russell Dowd #3021523, Defendant
- Hon. Matt Cuffe – *via email*
- Melanie D’Isidoro, Defense Counsel – *via email*
- Jeffrey Zwang, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division