

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-20-491
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
ZECHARIAH JUSTIN DANIEL SMITH,) **DECISION**
)
)
Defendant.)

On October 29, 2021, the Defendant was sentenced to a commitment of five (5) years to the Montana State Prison for the offense of Count I: Strangulation of Partner or Family Member – 1st Offense, a Felony, in violation of §45-5-215(1st), MCA. The Court ordered the Defendant ineligible for parole for the entire term of the sentence. Count II and Count III were dropped by the Prosecutor. The Defendant was given credit for time served in the amount of 245 days.

On May 6, 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 Sadie Busch, 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*
Zechariah Justin Daniel Smith #3017093, Defendant
Hon. Robert Deschamps – *via email*
Sadie Busch, Defense Counsel – *via email*
Meghann Paddock, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division