

Sentence Review Division 301 S. Park, Suite 328 P.O. Box 203005 Helena, MT 59620-3005 Phone: (406) 841-2976

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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-24-2022-0000119-IN
	Plaintiff,) Lake County District Court
-VS-) Montana Twentieth Judicial District
CURTIS DANIEL BUCK,) DECISION
	Defendant.)

On January 25, 2024, the Defendant was sentenced as follows:

Count I: Ten (10) years, none suspended, to the Montana State Prison for the offense of Assault on a Peace or Judicial Officer, a Felony, in violation of §45-5-210(1)(a), MCA.

<u>Count III</u>: Ten (10) years, none suspended, to the Montana State Prison for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

<u>Count IV</u>: Ten (10) years, none suspended, to the Montana State Prison for the offense of Robbery, a Felony, in violation of §45-5-401, MCA.

The sentences were ordered to run consecutively with each other. The Defendant was given credit for 255 days of jail served. Count II: Aggravated Burglary was dismissed with prejudice.

The Court ordered the Defendant ineligible for parole for fifteen (15) years. The Court further ordered that once Defendant is within five (5) years of release, if the Parole Board deems it appropriate and with the Court's recommendation, Defendant may serve up to the last five (5) years in a prerelease setting so that he may gain the skills necessary to integrate back into the community as a contributing member without being a threat.

The Defendant was ordered to pay costs of legal fees and expenses defined in §25-10-201, MCA, plus costs of jury service: Jury Cost: \$1,213.86 to Lake County Clerk of District Court, and Jury Cost: \$3,120.00 to Lake County Sheriff's Office.

On August 1, 2024, 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 Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant's sister, Ashton Buck, was present but did not give a statement. 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).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive and removes the parole restriction and the pre-release component that was mentioned by Judge Christopher. The remaining sentence, terms and conditions imposed in the Judgment of January 25, 2024 are not clearly excessive and are affirmed.

Pursuant to 46-18-904(3), MCA, the District Court shall resentence the Defendant in accordance with the Sentence Review Division's Decision and file an Amended Judgment.

DATED this 20th day of August, 2024.

SENTENCE REVIEW DIVISION

Hon. Luke Berger, Chair

Hon Jessica Fehr, Member

Hon. Matthew Cuffe, Member

Copies mailed or emailed this 21st day of August, 2024, to:

Clerk of District Court – *via email*Curtis Daniel Buck #3034904, Defendant
Hon. John A. Mercer – *via email*Teal Mittelstadt, Defense Counsel – *via email*Benjamin Anciaux, Chief Deputy Co. Attorney – *via email*Board of Pardons and Parole – *via email*MSP - Records Dept. – *via email*

Shelly Smith Office Administrator

Sentence Review Division