

Sentence Review Division  
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	
	)	Cause No. DC-15-2021-0000283-IN
-vs-	)	Flathead County District Court
	)	Montana Eleventh Judicial District
DELMER LEE NELSON,	)	
	)	<b>DECISION</b>
Defendant.	)	

On April 18, 2024, the Court found the Defendant violated the conditions of the suspended sentence, revoked the suspended sentence, and sentenced him to three (3) years commitment to the Department of Corrections for the offense of Count I: Driving Under the Influence, a Felony, in violation of §61-8-401(1)(d), MCA.

The Court ordered the Defendant to pay restitution in the amount of \$5,628.00 to the Department of Corrections. The Defendant was given credit for twenty (20) days served in custody pending final disposition in the matter. He was not given credit for any time otherwise served on probation. The Defendant was previously given three hundred fifty-six (356) days served in the Judgment of March 16, 2023. The Court further ordered the Defendant comply with all requirements previously imposed in the Court’s Judgment of March 16, 2023, as conditions of parole.

On August 2, 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 START Facility and was represented by Scotti Ramberg, 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 13th day of August, 2024.

SENTENCE REVIEW DIVISION

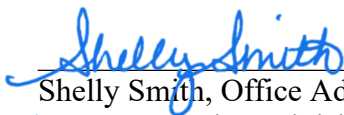
  
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Hon. Lulie Berger, Chair

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
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Hon. Matthew Cuffe, Member

Copies mailed or emailed this 14th day of August, 2024, to:

- Clerk of District Court – *via email*
- Delmer Lee Nelson #3034127, Defendant
- Hon. Heidi J. Ulbricht – *via email*
- Scotti Ramberg, Defense Counsel – *via email*
- Ashley Frechette, Deputy County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division