

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

STATE OF MONTANA,	)	Cause No. DC-7-2022-0000732-IN
	)	
Plaintiff,	)	Cascade County District Court
-vs-	)	
	)	Montana Eighth Judicial District
DON LEE DAVID STRATTON,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

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On April 11, 2024, the Defendant was sentenced as follows:

Count I: Twenty (20) years to the Montana State Prison, none suspended, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1), MCA.

Count VII: Ten (10) years to the Montana State Prison, none suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA, to run consecutively to Count I.

It was determined by the Sex Offender Evaluator that the Defendant should be designated a Level I Sex Offender. He was entitled to receive 409 days of time-served credit. The Court ordered the Defendant to pay restitution in the amount of \$4,677.81. Because the sentences were straight prison terms without probation tails, there were no probation conditions.

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 Flathead County Jail and was represented by Carl Jensen, Defense Counsel. The State was represented by Amanda Lofink. 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.

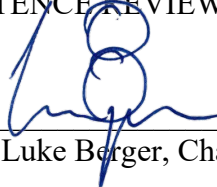
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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



Hon. Luke Berger, Chair



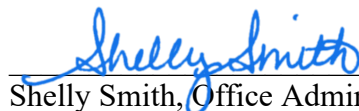
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 13th day of August, 2024, to:

Clerk of District Court – *via email*  
Don Lee David Stratton #3035950, Defendant  
Hon. John Kutzman – *via email*  
Carl Jensen, Defense Counsel – *via email*  
Amanda Lofink, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division