

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

STATE OF MONTANA,)	Cause No. DC-32-2023-0000139-IN
)	
-vs-)	Missoula County District Court
)	
ZACHARY WILLIAM SARGENT,)	Montana Fourth Judicial District
)	DECISION
)	
Defendant.)	

On December 18, 2023, the Defendant was sentenced as follows:

Count I: Five (5) years to the Montana State Prison for the offense of Partner or Family Member Assault, 3rd or Subsequent Offense, a Felony, in violation of §45-5-206[3rd+], MCA.

Count II: Five (5) years to the Montana State Prison for the offense of Partner or Family Member Assault, 3rd or Subsequent Offense, a Felony, in violation of §45-5-206[3rd+], MCA.

Count III: Time served for the offense of Criminal Mischief, a Misdemeanor, in violation of §45-6-101(1)[1], MCA.

Count IV: Time served for the offense of Resisting Arrest, a Misdemeanor, in violation of §45-7-301, MCA.

Count V: Time served for the offense of Assault – Reasonable Apprehension of Bodily Injury, a Misdemeanor, in violation of §45-5-201, MCA.

Count III: Time served for the offense of Criminal Mischief, a Misdemeanor, in violation of §45-6-101(1)[1], MCA.

The Court ordered Counts I, II, III, IV, V and VI, to run concurrently with each other. The Defendant was given credit against the sentence for time served in the amount of two hundred ninety-two (292) days. The Court waived all financial obligations and did not impose a parole restriction. The Court recommended to the Department of Corrections that if the Defendant is eligible for parole that the parole board place the Defendant in pre-release.

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 Montana State Prison and was represented by Tyler Dugger, 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.

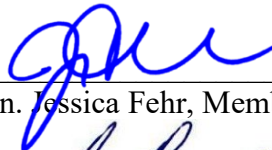
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 13th day of August, 2024.

SENTENCE REVIEW DIVISION



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*

Zachary William Sargent #3007701, Defendant

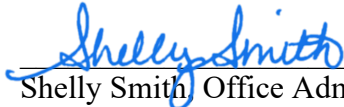
Hon. Jason Marks – *via email*

Tyler Dugger, Defense Counsel – *via email*

Andrea Haney, Deputy Co. Attorney – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division