

Sentence Review Division
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FILED
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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-18-109
)
Plaintiff,) Powell County District Court
)
-vs-) Montana Third Judicial District
)
BRYCE PATRICK COX,) **DECISION**
)
Defendant.)

On July 1, 2019, the Defendant was sentenced as follows: Count II: A commitment to a State prison to be selected by the Department of Corrections for a term of ten (10) years and barred from parole for the entirety of this sentence, for the offense of Intimidation, a Felony, in violation of §45-5-203, MCA (2017).

Count V: A commitment to a State prison to be selected by the Department of Corrections for a term of ten (10) years and barred from parole for the entirety of this sentence, for the offense of Intimidation, a Felony, in violation of §45-5-203, MCA (2017).

Count VII: A commitment to a State prison to be selected by the Department of Corrections for ten (10) years for the offense of Intimidation, a Felony, in violation of §45-5-203, MCA (2017).

The sentences shall run consecutively to each other for a total of thirty (30) years. Counts I, III, IV, VI, and VII were dismissed.

Accordingly, the parole restrictions shall run consecutively to each other for a sum of twenty (20) years and shall not be aggregated.

The Court recommended that the Defendant serve these sentences at a prison outside of the State of Montana through the interstate compact agreement.

On May 20, 2021, 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 Dan Biddulph, Defense Counsel. The State was represented by Assistant Attorney General, Patrick Moody. 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 sentence imposed by the District Court is clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence shall be **MODIFIED** to remove the parole restriction of twenty (20) years. The sentence, terms and conditions imposed in the Judgment of July 1, 2019 are not clearly excessive and are affirmed.

June

DATED this 7th day of ~~May~~, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



Hon. Jessica Fehl Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 17th day of June, 2021, to:

Clerk of District Court – *via email*
Bryce Patrick Cox #30574, Defendant (2)
Hon. Ray Dayton – *via email*
Dan Biddulph, Defense Counsel – *via email*
Patrick Moody, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division