

Sentence Review Division
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FILED

JUN 07 2021

**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-13-020
)
Plaintiff,) Carbon County District Court
)
-vs-) Montana Twenty Second Judicial District
)
LEONARD JOSEPH MARTINEZ,) **DECISION**
)
Defendant.)

On July 29, 2020, the Defendant was sentenced to a term of fifty (50) years in a prison designated by the Department of Corrections, with twenty-five (25) years suspended, for the offense of Count I: Sexual Assault, a Felony, in violation of §45-5-502, MCA. It was further ordered that the Defendant must successfully complete the Educational Phase of the Montana State Prison Sexual Offender Treatment Program prior to becoming parole eligible. The Defendant was credited with twenty-one (21) days of pre-trial incarceration. The Defendant was designated as a Level II Sexual Offender and ordered to register as a sex offender.

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 Crossroads Correctional Facility in Shelby, Montana, and was represented by Kelly Varnes, Defense Counsel. The State was not represented. Victim, McKenzi Brown was present and gave 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. The Defendant provided a statement during the hearing.

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 7th day of ~~May~~ ^{June}, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 7th day of June, 2021, to:

Clerk of District Court – *via email*
Leonard Joseph Martinez #46811, Defendant (2)
Hon. Matthew Wald – *via email*
Kelly Varnes, Defense Counsel – *via email*
Alex Nixon, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division