

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-20-042
)
Plaintiff,) Lake County District Court
)
-vs-) Montana Twentieth Judicial District
)
MATTHEW PHILLIP PARKER,) **DECISION**
)
Defendant.)

On October 29, 2020, the Defendant was sentenced as follows: Count I: A commitment to the Montana State Prison for a term of twenty (20) years for the offense of Assault With a Weapon, a Felony, in violation of §45-5-213, MCA; Count II: A commitment to the Montana State Prison for a term of Five (5) years for the offense of Strangulation of Partner or Family Member, a Felony, in violation of §45-5-215, MCA; and Count III: A commitment to the Montana State Prison for a term of ten (10) years for the offense of Tampering with Witnesses and Informants, a Felony, in violation of §45-7-206, MCA. Counts I, II and III were ordered to run consecutive to each other for a total of thirty-five (35) years.

The Court imposed a parole restriction for twenty (20) years on the Defendant due to his long history and for reasons more fully explained at the end of the judgment.

The Court agreed to dismiss Counts IV-VI.

The Defendant was given credit for time served of two hundred thirty-nine (239) days.

The Defendant was designated as a Level II Sexual Offender and ordered to register as a sex offender.

The Court ordered the Defendant pay \$33,327.97 in restitution and any future treatment that the victim may need to be considered and imposed.

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 Thane Johnson, 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 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 October 29, 2020 are not clearly excessive and are affirmed.

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

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



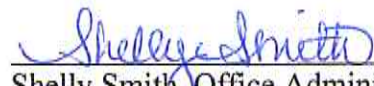
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

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

Clerk of District Court – *via email*
Matthew Phillip Parker #3020162, Defendant (2)
Hon. Deborah K. Christopher – *via email*
Thane Johnson, Defense Counsel – *via email*
Steven Eschenbacher, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division