

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-16-070
)	
Plaintiff,)	Lincoln County District Court
)	
-vs-)	Montana Nineteenth Judicial District
)	
JIMMY LEE WOMMACK,)	DECISION
)	
Defendant.)	

On January 4, 2021, for violation of the conditions, the District Court revoked the Defendant's suspended sentence and sentenced him to the Department of Corrections for three (3) years for the offense of Count I: Driving Under the Influence of Alcohol or Drugs – Fifth or Subsequent Offense, a Felony. The Defendant received credit for one (1) year of street time and credit for fifty (50) days of time served by reason of prior incarceration as of the date of this Judgment.

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 WATCH Program in Warm Springs, Montana, and was represented by Brent Getty, 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 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*
Jimmy Lee Wommack #3012760, Defendant (2)
Hon. Matt Cuffe – *via email*
Brent Getty, Defense Counsel – *via email*
Jeffrey Zwang, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division