

Sentence Review Division  
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**FILED**

**AUG 23 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-20-038  
)  
Plaintiff, ) Cascade County District Court  
)  
-vs- ) Montana Eighth Judicial District  
)  
CODY ALLEN MANGUS, ) **DECISION**  
)  
Defendant. )

On January 8, 2021, the Defendant was sentenced to a fifty (50) year term at the Montana State Prison, with twenty-five (25) years suspended, for the offense of **Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1), MCA**. The Defendant was designated a Level 2 sex offender and was given credit for time served in the amount of 365 days. The Defendant was ordered to pay restitution to Deana Moler in the amount of \$3,465.76, and to the Crime Victims Compensation Fund in the amount of \$643.10.

On August 12, 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 Teal Mittelstadt, Defense Counsel. The State was represented by Ashlee Kummer.

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 did not provide a statement.

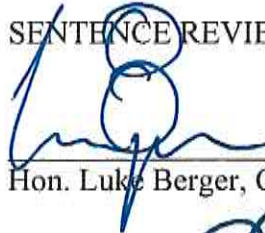
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 20 day of August, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chairperson



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 23<sup>rd</sup> day of August, 2021, to:

Clerk of District Court – *via email*  
Cody Allen Mangus #3029900, Defendant (2)  
Hon. John Kutzman – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Ashlee Kummer, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division