

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-20-102
)	
Plaintiff,)	Cascade County District Court
)	
-vs-)	Montana Eighth Judicial District
)	
JOSEPH JAY WRIGHT,)	DECISION
)	
Defendant.)	

On November 16, 2020, the Defendant was sentenced to the Montana State Prison for five (5) years, with none suspended, for the offense of **Count I: Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102, MCA**. The Court dismissed **Count II: Obstructing a Peace Officer or Other Public Servant, a misdemeanor, in violation of §45-7-302, MCA**. The Defendant was given credit for 313 days of time served.

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 Dawson County Correctional Facility and was represented by Teal Mittelstadt, 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 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 23rd day of August, 2021, to:

Clerk of District Court – *via email*
Joseph Jay Wright #3016365, Defendant (2)
Hon. Elizabeth Best – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Jennifer Quick, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division