

Sentence Review Division  
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**FILED**  
**11/29/2021**  
Sentence Review Division  
of the Montana Supreme Court

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA, ) Cause No. DC-17-066  
)  
Plaintiff, ) Big Horn County District Court  
-vs- )  
) Montana Twenty-Second Judicial District  
LYNDEN THOMAS LAFORGE, )  
) **DECISION**  
Defendant. )  
)

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On July 20, 2021, the Court found the Defendant in violation of the terms and conditions of his sentence, revoked the deferred sentence, and sentenced the Defendant to a commitment to the Montana Department of Corrections for a period of five (5) years, none suspended, for the offense of Count 1: Assault with a Weapon, a felony, in violation of §45-5-213, MCA. The Defendant was given credit for jail time served in the amount of 160 Days and street time credit in the amount of sixty-six (66) days. This sentence was ordered to run consecutive to Yellowstone County District Court cause numbers DC-20-1199 and DC 21-0184.

On November 4, 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 Pine Hills Treatment Facility and was represented by Sadie Busch, Defense Counsel. The State was not represented. The Defendant provided 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 concluded 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 22 day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fear, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 29<sup>th</sup> day of November, 2021, to:

Clerk of District Court – *via email*  
Lynden Thomas LaForge#3028806, Defendant (2)  
Hon. Matthew Wald – *via email*  
Sadie Busch, Defense Counsel – *via email*  
Randen Schoppe, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division