

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-14-528  
)  
Plaintiff, ) Cascade County District Court  
)  
-vs- )  
) Montana Eighth Judicial District  
JUAN ANATASIO RODRIGUEZ, )  
) **DECISION**  
Defendant. )  
)  
\_\_\_\_\_ )

On March 30, 2018, the Defendant was sentenced to the Montana State Prison for a period of seventy-five (75) years, with twenty-five (25) years suspended, for the offense of Count I: Sexual Intercourse Without Consent, a felony, in violation of §45-5-503, MCA. The Defendant was designated a Level II Sexual Offender and was given credit for 826 days of time served.

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 Montana State Prison and was represented by David Maldonado, Defense Counsel. The State was represented by Joshua Racki, County Attorney, and Jennifer Quick, Deputy County Attorney. Jesse Slaughter, Cascade County Sheriff, appeared and provided a statement. Tasia Ellison appeared but did not provide a statement. 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.

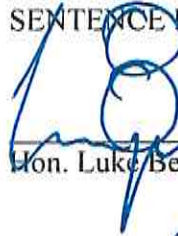
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 29th day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



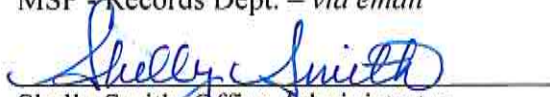
Hon. Jessica Fen, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 27<sup>th</sup> day of November, 2021, to:

Clerk of District Court – *via email*  
Juan Anastasio Rodriguez #3005929, Defendant (2)  
Hon. Elizabeth Best – *via email*  
David Maldonado, Defense Counsel – *via email*  
Joshua A. Racki, Esq. – *via email*  
Jennifer Quick, 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