

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-18-433
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
JAMIE MAX THRUSH,)
) **DECISION**
Defendant.)
)

On October 23, 2020, the Defendant was sentenced to Twenty (20) years to the Montana State Prison for the offense of Count I: Burglary, a felony, in violation of § 45-6-204(1) MCA. The Court ordered the Defendant ineligible for parole for ten (10) years. The sentence was ordered to run consecutive to DC-17-436, which runs consecutive to DC-18-434, DC-18-439, DC-18-597, and DC-20-058, which run concurrent with one another. Count II: Criminal Mischief, a misdemeanor, was dismissed.

The Defendant was ordered to pay restitution in the amount of \$14,605.00 and received credit for time served in the amount of 557 days at the rate of \$100 credit per day toward the Defendant's fine. The amount of credit shall not exceed the total amount of the fine due.

On November 5, 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 Brittany Williams, Deputy County Attorney. Hon. John Larson appeared and provided 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 22 day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 29th day of November, 2021, to:

Clerk of District Court – *via email*
Jamie Max Thrush #3023089, Defendant (2)
Hon. John W. Larson – *via email*
David Maldonado, Defense Counsel – *via email*
Brittany Williams, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division