

Sentence Review Division
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FILED

FEB 22 2022

**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-20-073
)
Plaintiff,) Fergus County District Court
-vs-)
) Montana Tenth Judicial District
ALEJANDRO ROBERTO PLASCENCIA, JR,)
) **DECISION**
Defendant.)
)

On September 28, 2021, the Defendant was sentenced as follows:

Count XIX: Ten (10) years to the Montana State Prison, with all time suspended, for the offense of Conspiracy to Commit Criminal Distribution of Dangerous Drugs, a felony, in violation of §§45-4-102 and 45-9-101(1), MCA;

Count XX: Ten (10) years to the Montana State Prison, with no time suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count XXI: Ten (10) years to the Montana State Prison, with five (5) years suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

Count XXII: Ten (10) years to the Montana State Prison, with all time suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA;

The sentences in Counts XIX – XXII were ordered to run *consecutively* with each other and *concurrently* with the Defendant’s existing sentence for Yellowstone County Cause DC-19-506. The Court dismissed Counts I – XVIII with prejudice.

The Defendant received credit for jail time served in the amount of 272 days. The Defendant was ordered to pay restitution in the amount of \$1,000.00 to Lewistown Towing, and \$726.04 to Grass Range Ambulance, plus a 10% administrative fee of \$172.60, for a total restitution amount of \$1,898.64.

On February 10, 2022, 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 Dan Biddulph, Defense Counsel. The State was not represented.

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 gave 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 21st day of February, 2022.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 22nd day of February, 2022, to:

- Clerk of District Court – *via email*
- Alejandro Ricardo Plascencia #3030305, Defendant (2)
- Hon. Jon A. Oldenburg – *via email*
- Dan Biddulph, Defense Counsel – *via email*
- Jean Ann Adams, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division