

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-21-017
)	
Plaintiff,)	Custer County District Court
-vs-)	
)	Montana Sixteenth Judicial District
)	
RUDY ERIK RAMOS,)	DECISION
)	
Defendant.)	

On July 12, 2021, the Defendant was sentenced as follows: Count I: Ten (10) years to the Montana State Prison, none suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA; and Count II: Ten (10) years to the Montana State Prison, none suspended, for the offense of Criminal Endangerment, a felony, in violation of §45-5-207, MCA. The Court ordered the Defendant pay restitution in the amount of \$6,803.26 plus a 10% administrative fee to be paid to the State of Montana Department of Justice, C/O Jennie Younkin (MHP). The Defendant was granted credit for time served in the amount of 138 days prior to sentencing.

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 represented by Shawn Quinlan, Deputy County Attorney.

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.

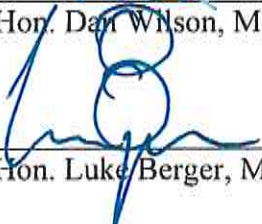
SENTENCE REVIEW DIVISION



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*
Rudy Erik Ramos #3030888, Defendant (2)
Hon. Michael B. Hayworth – *via email*
Dan Biddulph, Defense Counsel – *via email*
Shawn Quinlan, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division