

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

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-18-777
)	
Plaintiff,)	Cascade County District Court
-vs-)	
)	Montana Eighth Judicial District
)	
GENE LYNN WATSON,)	DECISION
)	
Defendant.)	

On January 17, 2020, the Defendant was sentenced on the amended charges as follows: Count I: Six (6) months to the Cascade County Detention Center, none suspended, for the offense of Sexual Assault, a misdemeanor, in violation of §45-5-502, MCA; Count II: One (1) year to the Cascade County Detention Center, none suspended, for the offense of Sexual Assault, a misdemeanor, in violation of §45-5-502, MCA, to run consecutively to the sentence on Count I; and Count III: Five (5) years to the Montana State Prison, with none suspended, for the offense of Sexual Assault, a felony, in violation of §45-5-502, MCA, to run consecutively to the sentences on Counts I and II. The Defendant received credit for time served in the amount of three hundred eighty-one (381) days. In addition, the Court ordered a parole restriction during the state prison sentence on Count III. The Court ordered the Defendant to pay for the future counseling expenses of \$22,500 likely to be incurred by victim C.B., and \$4,480 for future counseling expenses likely to be incurred by victim L.M.V. The Court designated the Defendant a Level 1 Sex Offender and ordered him to complete Phases I and II of the Sexual Offender Treatment program.

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 Montana State Prison and was represented by Glen Neier, 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.

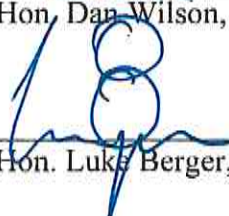
SENTENCE REVIEW DIVISION



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*
- Gene Lynn Watson #3027823, Defendant (2)
- Hon. John A. Kutzman – *via email*
- Glen Neier, Defense Counsel – *via email*
- Jennifer Quick, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division