

Sentence Review Division  
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**FILED**

**FEB 25 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-09-343
	)	
Plaintiff,	)	Flathead County District Court
-vs-	)	
	)	Montana Eleventh Judicial District
	)	
SHAUN DAVID ROBERTSON,	)	<b>DECISION</b>
	)	
Defendant.	)	

On August 19, 2021, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on March 7, 2013, revoked the suspended sentence, and sentenced the Defendant to the Department of Corrections for a period of four (4) years, with none suspended, for the offense of Count I: Assault with a Weapon, a felony, in violation of §45-5-213(b), MCA. The Defendant was given credit for 35 days served in custody. The Defendant was allowed credit for none of the elapsed time since the commencement of the probationary sentence.

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 Teal Mittelstadt, 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 25th day of February, 2022.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Jessica Fehr, Chair

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed or emailed this 25th day of February, 2022, to:

Clerk of District Court – *via email*  
Shaun David Robertson #3004571, Defendant (2)  
Hon. Robert B. Allison – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Kristin M. Roset, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division