

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

FILED

NOV 16 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-19-227
)	
)	Silver Bow County District Court
)	
-vs-)	Montana Second Judicial District
)	
JONATHAN FORD CADY,)	DECISION
)	
)	
Defendant.)	

On April 21, 2021, the Defendant was sentenced as follows: Count I: A commitment to the Montana State Prison for ten (10) years, for the offense of Criminal Possession of Dangerous Drugs with Intent to Distribute (Methamphetamine), a felony, in violation of § 45-9-103 MCA;

Count II: A commitment to the Montana State Prison for ten (10) years, for the offense of Criminal Possession of Dangerous Drugs with Intent to Distribute (Heroin), a felony, in violation of § 45-9-103 MCA, to run consecutively with Count I;

Count III: A commitment to the Montana State Prison for ten (10) years, for the offense of Criminal Possession of Dangerous Drugs with Intent to Distribute (Clonazepam), a felony, in violation of § 45-9-103 MCA, to run concurrently with Counts I and II; and

Count IV: A commitment to the Montana State Prison for a term of five (5) years for the offense of Use of Property Subject to Criminal Forfeiture, a felony, in violation of § 45-9-206 MCA, to run consecutive to the sentence for Count III and concurrent to Counts I-II.

Accordingly, the sentence of incarceration is twenty (20) years. The Sentence imposed in this matter was ordered to run concurrently with Montana Second Judicial District Court Cause No. DC-18-260. The Defendant received credit for 231 days of pretrial time served in this matter.

On November 3, 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 Crossroads Correctional Center and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant did not give 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 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.

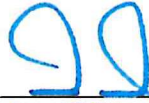
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 15th day of November, 2022.

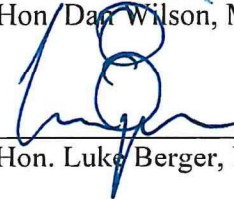
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



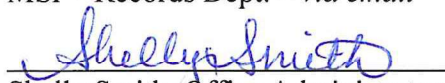
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 16th day of November, 2022, to:

Clerk of District Court – *via email*
Jonathan Ford Cady #34129, Defendant
Hon. Robert Whelan – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Ann Shea, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division