

Sentence Review Division  
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**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-11-268  
)  
Plaintiff, ) Lewis & Clark County District Court  
-vs- )  
) Montana First Judicial District  
DALE RUSSELL LEISCHNER, )  
) **DECISION**  
)  
Defendant. )

On October 13, 2021, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on January 25, 2012, revoked the suspended sentence, and sentenced the Defendant to the Montana State Prison for a period of twenty (20) years, with five (5) years suspended, for the offense of Count II: Criminal Possession with Intent to Distribute, a Felony, in violation of §45-9-103, MCA. The Defendant was given credit for time served, February 26, 2021 – October 13, 2021, and given credit for street time for 1,032 days. The sentence was ordered to run concurrently with the sentence imposed upon the Defendant in DC-20-006.

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 Montana State Prison 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



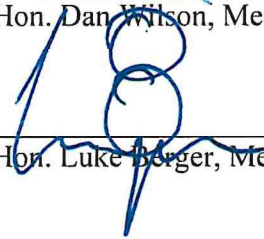
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Hon. Jessica Fehr, Chair



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Hon. Dan Wilson, Member

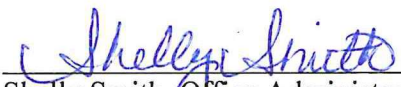


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Hon. Luke Berger, Member

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

Clerk of District Court – *via email*  
Dale Russell Leischner #13570, Defendant  
Hon. Mike Menahan – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Lisa Leckie, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



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Shelly Smith, Office Administrator  
Sentence Review Division