

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- 17-789
)	
)	Plaintiff,
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
TRISTAN MORALES,)	
)	DECISION
)	
_____)	Defendant.

On July 26, 2018, the Defendant was sentenced to the Montana State Prison for One Hundred (100) years, with fifty (50) years suspended, with a twenty-five (25) year Parole Restriction, for the offense of Count I: Sexual Intercourse Without Consent, a felony, in violation of § 45-5-503 MCA. The Defendant received credit for time spend in pre-trial incarceration from June 16, 2017 through July 26, 2018. The Defendant was designated a Level I Sexual Offender and must remain in outpatient sex offender treatment for the remainder of his life.

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 Sadie Busch, Defense Counsel. The State was represented by Jacob Yerger. Samantha and Michael Morales, mother and father of the Defendant, and Frank Zavala, uncle of the Defendant, were present, but did not provide statements. The Defendant gave 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.

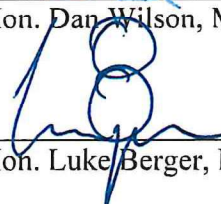
SENTENCE REVIEW DIVISION



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*
Tristan Morales #3023632, Defendant
Hon. Rod Souza – *via email*
Saide Busch, Defense Counsel – *via email*
Jacob Yerger, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division