

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-21-516
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
SHAUN GREGORY O'NEIL,)
) **DECISION**
)
Defendant.)

On June 6, 2022, the Defendant was sentenced to a commitment to the Department of Corrections for a term of three (3) years for the offense of Count I: Theft 1st Offense, a Felony, in violation of §45-6-301(1)(a), MCA, to run concurrently with the sentences imposed in DC-21-939 and DC-21-1352. The Defendant was given credit for time spent in pre-trial incarceration from October 21, 2021, through June 6, 2022.

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 Connections Corrections Program in Warm Springs 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.

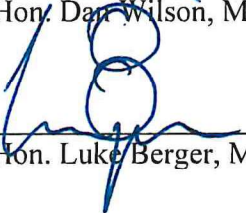
SENTENCE REVIEW DIVISION



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*
Shaun Gregory O'Neal #44270, Defendant
Hon. Mary Jane Knisely – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Victoria Callender, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division