

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-13-034  
)  
Plaintiff, ) Powell County District Court  
)  
-vs- ) Montana Third Judicial District  
)  
ELIJAH JAMES RIDES HORSE, )  
) **DECISION**  
)  
Defendant. )

On December 22, 2020, the Court found the Defendant in violation of the conditions of the sentence imposed on April 8, 2014, revoked the suspended sentence, and sentenced the Defendant as follows: Count I: A commitment of ten (10) years, to the Montana Department of Corrections, with none of the time suspended, for the offense of Assault With a Weapon, a Felony, in violation of §45-5-213, MCA; and Count II: A commitment of five (5) years to the Montana Department of Corrections, with none of the time suspended, for the offense of Assault On A Peace Officer, a Felony, in violation of §45-5-210, MCA. Counts I and II were ordered to run concurrent with each other. The Defendant was given credit for 108 days street time.

On November 4, 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 Sadie Busch, Defense Counsel. The State was not represented. 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.

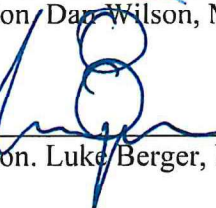
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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 16<sup>th</sup> day of November, 2022, to:

- Clerk of District Court – *via email*
- Elijah James Rides Horse #2157911, Defendant
- Hon. Ray Dayton – *via email*
- Sadie Busch, Defense Counsel – *via email*
- Katheryn McEnery, County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

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