

Sentence Review Division  
301 S. Park, Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto: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-21-589  
)  
Plaintiff, ) Cascade County District Court  
)  
-vs- ) Montana Eighth Judicial District  
)  
ALEX CHRISTOPHER SMITH, ) **DECISION**  
)  
Defendant. )

On June 24, 2022, the Defendant was sentenced as follows: Count II: Twenty (20) years to the Montana State Prison for the offense of Assault with A Weapon (Reasonable Apprehension), a Felony, in violation of §45-5-213(1)(b), MCA; and Count III: Twenty (20) years to the Montana State Prison, to run consecutively to Count II, for the offense of Assault with a Weapon (Reasonable Apprehension), a Felony, in violation of §45-5-213(1)(b), MCA.

The Court dismissed Counts I, IV, and V. Additionally, the Court ordered the Defendant to register as a Violent Offender and was given credit for 315 days for time served. The Defendant was ordered to pay victim restitution in the amount of \$10,544.10 to the Department of Corrections.

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. Ekaterina Forrester, Ex-wife of the Defendant, was present and gave a statement. 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 sentence imposed by the District Court is clearly excessive. The Sentence Review Division has determined that Judge Parker upwardly departed from the joint recommendation that had strong victim support. The materials submitted to the Sentence Review Division did not include the District Court's rationale for upwardly departing from the joint recommendation. In addition, one of the victims, Ms. Forrester, participated in the Sentence Review Division hearing and advocated strongly for the original agreed upon joint recommendation.

The Division's decision is to amend the Judgment to follow the original joint recommendation in the plea agreement and **DECREASE the sentence to:**

Count II: Twenty (20) years to the Montana State Prison, with ten (10) years suspended for the offense of Assault with a Weapon (Reasonable Apprehension), a Felony, in violation of §45-5-213(1)(b), MCA; and Count III: Ten (10) years to the Montana State Prison, with all time suspended, to run consecutive to the sentence in Count II, for the offense of Assault with a Weapon (Reasonable Apprehension), a Felony, in violation of §45-5-213(1)(b), MCA.


The terms and conditions imposed in the Judgment of June 24, 2022 are not clearly excessive and are affirmed.

DATED this 15th day of November, 2022.

SENTENCE REVIEW DIVISION

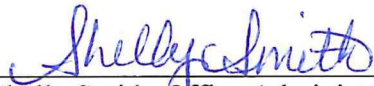
  
\_\_\_\_\_  
Hon. Jessica Fehr, Chairperson

  
\_\_\_\_\_  
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*  
Alex Christopher Smith #3032443, Defendant (2)  
Hon. John Parker – *via email*  
Sadie Busch, Defense Counsel – *via email*  
Kory V. Larsen, Esq. – *via email*  
State Office of the Public Defender – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



---

Shelly Smith, Office Administrator  
Sentence Review Division