

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-21-263
)	
)	Plaintiff,
)	Gallatin County District Court
-vs-)	
)	Montana Eighteenth Judicial District
JUSTIN JAMES SWANSON,)	
)	DECISION
)	
)	
Defendant.)	

On July 27, 2022, the Defendant was sentenced as follows:

Count I: Fifty-four (54) years to the Montana State Prison, with zero (0) years suspended, for the offense of Aggravated Sexual Intercourse Without Consent, a Felony, in violation of §45-5-508, MCA, and an additional ten (10) years at the Montana State Prison, for the Weapons Enhancement, pursuant to §§46-1-401 and 46-18-221, MCA, to be served consecutively with Count I. The Court ordered that, if granted parole, the Defendant shall participate in any counseling or treatment deemed appropriate by the supervisor officer. The Court ordered that the Defendant have no contact, either direct or indirect, with the victims, I.E. or B.V. Additionally, the Defendant shall enter and remain in an aftercare Sex Offender Treatment Program for the entirety of his parole, if granted parole.

Count II: Fifty-four (54) years to the Montana State Prison, with zero (0) years suspended, for the offense of Aggravated Kidnapping, a Felony, in violation of §45-5-303, MCA, and an additional ten (10) years at the Montana State Prison, for the Weapons Enhancement, pursuant to §§46-1-401 and 46-18-221, MCA, to be served consecutively with Count II. The Court further ordered that the Defendant register as a Sexual Offender and be designated as a Level II Sex Offender, and that the Defendant attend and complete a Sexual Offender Treatment Program, approved by the Montana Sexual Offender Treatment Association, and complete Phases I and II of the Sex Offender Treatment Program prior to being eligible for parole.

Count IV: Twenty (20) years to the Montana State Prison, with zero (0) years suspended, for the offense of Assault with a Weapon, a Felony, in violation of §45-5-213, MCA.

Count VI: A commitment to the Gallatin County Detention Center for a period of six (6) months, with zero (0) months/days suspended, for the offense of Assault with a Weapon, a Felony, in violation of §45-5-213, MCA.

The sentences under Counts I, II, IV and VI were ordered to run concurrently with each other. The Defendant was given 454 days credit for time served.

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 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.

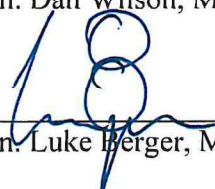
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

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

Clerk of District Court – *via email*
Justin James Swanson #3032669, Defendant
Hon. John Brown – *via email*
Sadie Busch, Defense Counsel – *via email*
Erin Murphy, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division