

Sentence Review Division
301 S. Park Ave., Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: 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-21-295
)
Plaintiff,) Lewis & Clark County District Court
)
-vs-)
) Montana First Judicial District
AARON ROBERTS TWOTEETH,)
) **DECISION**
)
Defendant.)

On October 28, 2021, the Defendant was sentenced to the Montana State Prison for a period of ten (10) years for the offense of Count I: Theft, a Felony, in violation of §§45-6-301, MCA. The Court recommended Chemical Dependency Treatment. The Defendant was given credit for time served from June 15, 2021 through October 28, 2021. The sentence was ordered to run concurrently with the Defendant's previously imposed sentences.

The Defendant was ordered to pay restitution in the amount of \$11,180.00 plus a 10% administrative fee for a total of \$12,298.00. Of this amount \$9,030.00 shall be joint and several with Zepha Personette.

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 Glen Neier, 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



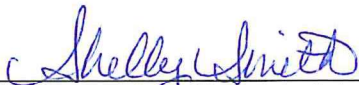
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

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

Clerk of District Court – *via email*
Aaron Roberts Twoteeth #3026208, Defendant
Hon. Kathy Seeley – *via email*
Glen Neier, Defense Counsel – *via email*
Leo Gallagher, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division