

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-21-034
)	
Plaintiff,)	Mineral County District Court
-vs-)	
)	Montana Fourth Judicial District
)	
MICHA RAY LOZIER,)	DECISION
)	
Defendant.)	

On March 7, 2022, the Defendant was sentenced to the Montana State Prison for five (5) years, with none of the time suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(1)(b), MCA. The Defendant was given credit for one hundred twenty-two (122) days of jail time served. The Court ordered the sentence to run concurrently with the sentence in DC-31-2021-33, and concurrently with the sentence in Missoula County Cause No. DC-2021-343.

On February 3, 2023, 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. Alisha Day was present but did not provide 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. The Defendant gave a statement.

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 13 day of February, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of February, 2023, to:

Clerk of District Court – *via email*
Micha Ray Lozier #3014732, Defendant
Hon. Leslie Halligan – *via email*
Sadie Busch, Defense Counsel – *via email*
Ellen Donohue, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division