

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

STATE OF MONTANA,)	Cause No. DC-22-136
)	
Plaintiff,)	Ravalli County District Court
)	
-vs-)	Montana Twenty-First Judicial District
)	
SKYLER CHRISTIAN MILLIN,)	DECISION
)	
Defendant.)	

On August 18, 2022, the Defendant was sentenced as follows: Ten (10) years commitment at a state prison to be designated by the Department of Corrections, for the offense of Count I: Driving Under the Influence of Alcohol and/or Drugs, 4th or Subsequent Offense, a Felony, in violation of §61-8-1002, MCA, and given 41 days for time served. The Sentence was ordered to run consecutive to the sentences imposed in Ravalli County DC-16-104 and DC-18-99. The Court further ordered the Defendant to pay a fine of \$5,000.00 with \$4,000.00 suspended; Count II: One (1) year imprisonment for the offense of Habitual Traffic Offender Operating a Motor Vehicle, a Misdemeanor, in violation of §61-11-213, MCA, to run concurrently with Count I; Count III: The Defendant was ordered to pay a fine of \$250.00 for the offense of Failure to Have Liability Insurance in Effect, a Misdemeanor, in violation of §61-6-301, MCA; and Count IV: The Defendant was ordered to pay a fine of \$50.00 for the offense of Expired Registration, a Misdemeanor, in violation of §61-3-312, MCA. The Court recommended the Defendant be screened for all appropriate non-prison placements, and specifically screened for all applicable alcohol and mental health treatment programs.

On February 2, 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 David Merchant, Defense Counsel. The State was not represented.

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 sentence imposed by the District Court is clearly excessive in its failure to specifically recommend that the Department of Corrections commit Mr. Millin to the WATCH Program as this intention was clearly stated by the District Court in a written order separate from the Judgment. The final Judgment simply made a generic referral that Mr. Millin be "screened for all appropriate ... alcohol and mental health treatment programs."

Therefore, it is the unanimous decision of the Division that the sentence shall be **MODIFIED** to include that it is recommended the Department of Corrections commit the Defendant to the WATCH Program.


The sentence, terms and conditions imposed in the Judgment of August 18, 2022 are not clearly excessive and are 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*
Skyler Christian Millin #3019375, Defendant (2)
Hon. Howard Recht – *via email*
David Merchant, Defense Counsel – *via email*
William Fulbright, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division