

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

STATE OF MONTANA,	)	Cause No. DC-98-3904
	)	
Plaintiff,	)	Custer County District Court
	)	
-vs-	)	Montana Sixteenth Judicial District
	)	
LYLE PERRY TAGGART,	)	<b>DECISION</b>
	)	
Defendant.	)	

On December 12, 2014, DC-1998-3904 came before the Court for Sentencing on Remand from the Montana Supreme Court for re-sentencing. The Defendant was designated as a Persistent Felony Offender (PFO) as defined by §46-18-501, et. Seq., MCA, and was re-sentenced as a Persistent Felony Offender as follows:

Count I: A commitment to the Montana State Prison for sixty (60) years, none suspended, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1)(3)(a), MCA; Count II: A commitment to the Montana State Prison for forty (40) years, none suspended, for the offense of Sexual Assault, a Felony, in violation of §45-5-502(1)(3), MCA, to run consecutively to Count I.

The Court further ordered, for both Counts I and II, that the Defendant successfully and satisfactorily complete Phase I, Phase II, and Phase III of a Sex Offender Treatment Program to the extent the program is available during incarceration. The Court also designated the Defendant a Level 3/High Risk Sexual Offender/Sexually Violent Predator.

The Defendant was given credit against the sentence for the term of incarceration served beginning May 15, 1998, through re-sentencing December 12, 2014.

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 Jessica Polan Wright, Defense Counsel. The State was represented by Wyatt Glade.

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).

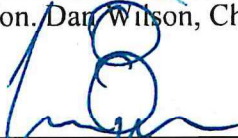
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 13 day of February, 2023.

SENTENCE REVIEW DIVISION

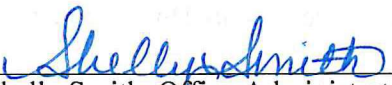
  
\_\_\_\_\_  
Hon. Dan Wilson, Chair

  
\_\_\_\_\_  
Hon. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 14<sup>th</sup> day of February, 2023, to:

Clerk of District Court – *via email*  
Lyle Perry Taggart #44985, Defendant  
Hon. Michael B. Hayworth – *via email*  
Jessica Polan Wright, Defense Counsel – *via email*  
Wyatt A. Glade, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division