

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

STATE OF MONTANA, ) Cause No. DC-20-014  
)  
Plaintiff, ) Richland County District Court  
)  
-vs- ) Montana Seventh Judicial District  
)  
) **DECISION**  
JOSEPH MICHAEL WANDLER, )  
)  
Defendant. )

On March 23, 2022, the Defendant was sentenced to a commitment to the Montana State Prison for ten (10) years, none suspended, for the offense of Count I: Sexual Abuse of Children, a Felony, in violation of §45-5-625, MCA. The Court ordered that the Defendant participate and complete Phase I of intensive sex offender programming with a licensed therapist certified by the Montana Sex Offender Treatment Association prior to any release from prison and register as a Tier 1 sexual offender. The Court further ordered the Defendant be given 252 days credit for time served in jail against his sentence.

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 Crossroads Correctional Center and was represented by Glen Neier, 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 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*
- Joseph Michael Wandler #3031661, Defendant (2)
- Hon. Katherine Bidegaray – *via email*
- Glen Neier, Defense Counsel – *via email*
- Charity McLarty, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division