

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

STATE OF MONTANA, ) Cause No. DC-7-2021-0000421-IN  
                          )  
                          Plaintiff, ) Cascade County District Court  
                          )  
-vs-                    ) Montana Eighth Judicial District  
                          )  
DEION LEE NEWLUN, ) **DECISION**  
                          )  
                          Defendant. )

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On November 22, 2022, the Defendant was sentenced to a commitment of four (4) years, none suspended, to the Department of Corrections for the offense of Amended Count II: Burglary, a Felony, in violation of §45-6-201(1)(a), MCA. The Defendant was given 545 days credit of time served. The Court specified no probation conditions because the sentence was a straight unsuspended Department of Corrections commitment with no probation tail.

On May 4, 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 Missoula Assessment and Sanction Center and was represented by Ashley Morigeau, 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 did not give 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 16 day of May, 2023.

SENTENCE REVIEW DIVISION

  
Hon. Dan Wilson, Chair

  
Hon. Luke Berger, Member

  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 17th day of May, 2023, to:

Clerk of District Court – *via email*  
Deion Lee Newlun #3033527, Defendant  
Hon. John Kutzman – *via email*  
Ashley Morigeau, Defense Counsel – *via email*  
Office of the Public Defender – *via email*  
Ryan Ball, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
Shelly Smith, Office Administrator  
Sentence Review Division