

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

STATE OF MONTANA,)	Cause No. DC-7-2018-0000216-IN
)	
Plaintiff,)	Cascade County District Court
)	
-vs-)	Montana Eighth Judicial District
)	
WILLIAM PATRICK ROSE, III,)	DECISION
)	
Defendant.)	

On October 31, 2022, the Court sentenced the Defendant to ten (10) years commitment to the Montana State Prison, with zero (0) years suspended, to run concurrently with all other sentences, for the offense of, Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Defendant was given 100 days credit of time served. The Court further ordered that the remaining counts be dismissed.

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 Dawson County Correctional Facility and was represented by Kenneth Olson, Defense Counsel. The State was represented by Joshua Racki, County Attorney. The following attendees appeared but did not give statements: Adrienne Rose, wife of the Defendant; Rebecca Povdin, stepdaughter of Defendant; and Nancy Jacobsen, sister of the victim.

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.

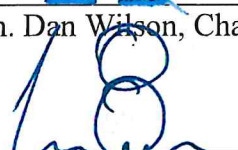
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*
- William Patrick Rose, III #3033364, Defendant
- Hon. Elizabeth Best – *via email*
- Kevin Olson, Defense Counsel – *via email*
- Joshua Racki, County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division