

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

STATE OF MONTANA,) Cause No. DC-56-2021-0000768-IN
)
)
Plaintiff,) Yellowstone County District Court
)
)
-vs-) Montana Thirteenth Judicial District
)
)
JASON ALLAN YOUNG,) **DECISION**
)
)
Defendant.)

On October 28, 2022, the Defendant was sentenced to a commitment to the Department of Corrections for five (5) years for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Defendant was given credit for time spent in pre-trial incarceration as follows: June 1, 2021 through January 17, 2022, and October 13, 2022 through October 21, 2022.

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 Connections Corrections Program and was represented by Layla Turman, 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.

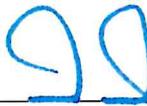
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division concluded that the sentence imposed by the District Court is clearly excessive in that the record is silent as to the reasons for increasing the sentence from the sentence bargained for by the parties.

Therefore, it is the unanimous decision of the Division that the sentence shall be **DECREASED** to a commitment of **three (3) years** to the Department of Corrections, with no time suspended. The terms and conditions imposed in the Judgment of October 28, 2022 are not clearly excessive and are 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*
Jason Allan Young #3032029, Defendant
Hon. Donald Harris – *via email*
Layla Turman, Defense Counsel – *via email*
Office of the Public Defender – *via email*
Ingrid Rosenquist, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division