

Sentence Review Division
301 S. Park Ave., Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED

AUG 17 2023

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-9-2014-0000016-IN
)
Plaintiff,) Custer County District Court
)
-vs-) Montana Sixteenth Judicial District
)
DANIEL DEAN MATZICK,)
) **DECISION**
)
Defendant.)

On February 23, 2023, the Court found that the Defendant had violated the terms of the suspended sentence decreed on May 4, 2017, revoked the suspended sentence, and sentenced him as follows: Count I: Three (3) years commitment to the Department of Corrections, none suspended, for the offense of Theft of Property as Part of a Common Scheme, a Felony, in violation of §45-6-301(1)(a) and 45-2-101(8), MCA, to run concurrent with Count II. The Court further recommended that the Defendant be screened at a sanction facility for appropriate treatment and placement, and that he be required to complete a prerelease program prior to discharge to the community as well as complete a Moral Reconciliation Therapy criminal thinking error program. The fine imposed on April 25, 2014, was affirmed and again imposed in the amount of \$500.00. Count II: Three (3) years commitment to the Department of Corrections, none suspended, for the offense of Escape, a Felony, in violation of §45-7-306(2), MCA, to run concurrently with Count I.

The Defendant shall continue to make monthly consistent restitution payments to Debbie and Greg Moore (Sullivan's Furniture), in the amount of \$6,184.00, until he has paid full restitution, even after incarceration or supervision has ended, provided that he was credited with payments made toward the obligations to date. The restitution obligation was ordered 'joint and several' with the restitution obligation imposed for the offense against Sullivan's Furniture through sentencing in the matter of Richard Cox, Custer County DC 2014-17.

The Defendant was credited with fifty-four (54) days of incarceration served since April 9, 2021, through revocation proceedings on February 23, 2023. The incarceration was credited against the term of sentence. Regarding the interim since April 9, 2021, the Defendant was due 119 days for satisfactory intervening supervision. All other terms, conditions, and requirements from the May 4, 2017, Sentencing Order remain in effect. Additionally, the Court further recommended that during the period of sentence, that the Defendant be subject to supervision of the Department of Corrections, Adult Probation and Parole, and be subject to the terms, conditions,

and requirements set forth in the Judgment and Sentencing Order of April 25, 2014.

On August 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 Missoula Assessment and Sanction Center and was represented by Rufus Peace, Defense Counsel. The State was not represented. The Defendant gave a statement.

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.

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.

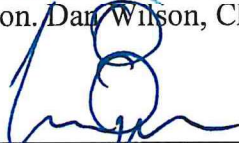
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 17th day of August, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair




Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

Clerk of District Court – *via email*
Daniel Dean Matzick #3005643, Defendant
Hon. Michael Hayworth – *via email*
Rufus Peace, Defense Counsel – *via email*
Wyatt Glade, County Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division