

Sentence Review Division  
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**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-24-2004-0000117-IN
	)	
	)	Plaintiff,
	)	Lake County District Court
-vs-	)	
	)	Montana Twentieth Judicial District
DARRYL JOSEPH PLANT,	)	
	)	<b>DECISION</b>
	)	
	)	Defendant.

On March 23, 2023, the Court found the Defendant in violation of the suspended sentence entered on February 20, 2020, revoked the sentenced, and sentenced him to a commitment to the Department of Corrections for a term of eight (8) years for the offense of Count I: Driving Under the Influence of Alcohol or Drugs, Fourth Offense or Subsequent Offense, a Felony, in violation of §61-8-401(1)(a), MCA.

The Court recommended the recommended that the Defendant be screened for Tribal Re-Entry or any other intensive inpatient chemical and/or mental health treatment program if deemed appropriate by the Department of Corrections. The Court also recommended that if the Defendant is released early, the relevant conditions previously imposed, be re-imposed. The Defendant was fined the sum of One Thousand Dollars (\$1,000.00) over and above the amount credited for pre-conviction incarceration.

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 Helena Pre-Release facility 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.

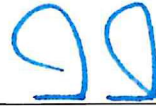
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." Section 46-18-904(3), MCA.

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 17<sup>th</sup> day of August, 2023.

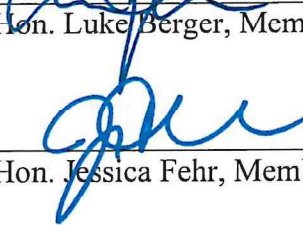
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair




Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 17<sup>th</sup> day of August, 2023, to:

Clerk of District Court – *via email*  
Darryl Joseph Plant #23658, Defendant  
Hon. Deborah Kim Christopher – *via email*  
Rufus Peace, Defense Counsel – *via email*  
James Lapotka, County Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division