

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-41-2020-0000152-IN
)
Plaintiff,) Ravalli County District Court
)
-vs-) Montana Twenty-Second Judicial District
)
JAMES EARL VINSON,)
) **DECISION**
)
Defendant.)

On January 12, 2023, the Defendant was sentenced as follows: Count I: A commitment to the Department of Corrections for a term of Five (5) years for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(3), MCA. The Defendant was given credit for 261 days already served; and Count II: Six (6) months to the Ravalli County Detention Center for the offense of Driving While License Suspended or Revoked, a Misdemeanor, in violation of §61-5-212, MCA, to run concurrently with Count I.

The Court recommended the Defendant be screened for all appropriate non-prison placements, and specifically screened for all applicable drug or substance abuse treatment programs.

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 START facility and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant did not give 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*
James Earl Vinson #3033514, Defendant
Hon. Jennifer Lint – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
David Lakin, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division