

Sentence Review Division
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FILED

DEC 07 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-25-2017-0000076-IN
)
Plaintiff,) Lewis & Clark County District Court
)
-vs-)
) Montana First Judicial District
JORDAN JAWAN GONZALES,)
) **DECISION**
)
Defendant.)

On March 2, 2023, the Court found the Defendant violated the terms of his sentence, revoked the suspended sentence, and sentenced him to two (2) years commitment to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended placement in Connection Corrections or other appropriate chemical dependency treatment. The Defendant was given credit for time served as follows: October 26, 2022 to October 29, 2022; January 7, 2023 to January 9, 2023. The Defendant was also given credit for street time served as follows: May 22, 2022 to June 16, 2022. The Court further recommended all previous conditions be imposed should the Defendant be granted conditional release or parole.

On November 1, 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 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 notes that it lacks authority or jurisdiction to review determinations of credit for time served. The appropriate method for requesting a determination of time served, if it is alleged to be inappropriate, is to petition the court for a Writ of Habeas Corpus.

Accordingly, 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 30 day of November, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 7th day of December, 2023, to:

Clerk of District Court – *via email*
Jordan Jawan Gonzales #3021721, Defendant
Hon. Christopher David Abbott – *via email*
Rufus Peace, Defense Counsel – *via email*
Mary Barry, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division