

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

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-56-2018-0001337-IN
)
Plaintiff,) Yellowstone County District Court
-vs-)
) Montana Thirteenth Judicial District
CHRISTIAN NYANFORE,)
) **DECISION**
)
Defendant.)

On March 6, 2023, the Court found the Defendant violated the terms and conditions of his sentence, revoked the sentence, and resentenced him pursuant to §46-18-203, MCA, to two (2) years commitment to the Department of Corrections, for the offense of Count I: Assault on a Peace Officer, a Felony, in violation of §45-5-210(1)(a), MCA.

The Defendant was given credit for any programs already completed. He was entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA, as follows: October 21, 2021 through April 17, 2022. The Court further ordered the Defendant was entitled to receive credit for pre-trial incarceration/detention time served as follows: July 17, 2022 through March 6, 2023.

In all other respects, the previous Orders, conditions, and reasons of the Court entered on October 18, 2019, remain unchanged and were recommended.

On November 2, 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 in Warm Springs 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).

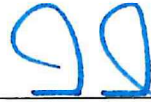
The Division notes that it lacks authority or jurisdiction to review determinations of credit for time served. The appropriate method for requesting a determination of time served, if it is alleged to be inappropriate, is to petition the court for a Writ of Habeas Corpus.

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.

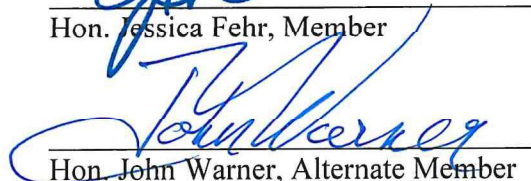
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



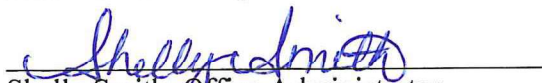
Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

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

Clerk of District Court – *via email*
Christian Nyanfore #3026440, Defendant
Hon. Rod Souza – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Ann Marie McKittrick, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division