

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-24-2022-0000292-IN
)
Plaintiff,) Lake County District Court
)
-vs-)
) Montana Twentieth Judicial District
DOUGLAS JAMES PERKINS,)
) **DECISION**
)
Defendant.)

On March 22, 2023, the Defendant was sentenced five (5) years commitment to the Department of Corrections, with none suspended, for the offense of Count I: Partner or Family Member Assault, Third or Subsequent Offense, a Felony, in violation of §45-5-206, MCA. The sentence was ordered to run consecutive to the sentence in Lake County Cause Number DC-22-364. The Court ordered the Defendant to pay mandatory fines of \$500 in each case for a total of \$1,000.00. The Defendant was given credit for 133 days' time served. The Court ordered the Defendant to enroll in, pay for, and complete 40 hours of the Safe Harbor Batterer's Intervention Program, or a similar program.

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 Crossroads Correctional Center and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Lori Adams. 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.

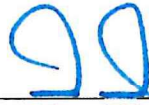
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 30 day of November, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair




Hon. Luke Berget, Member



Hon. Jessica Fehr, Member

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

Clerk of District Court – *via email*
Douglas James Perkins #3034205, Defendant
Hon. Molly Owen – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Lori Adams, Deputy County Attorney, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division