

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-56-2018-0000321-IN
)	
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
RYAN PATRICK SULLIVAN,)	
)	DECISION
)	
Defendant.)	

On March 26, 2021, the Court found the Defendant violated the terms and conditions of his Sentence, Ordered the Sentence Revoked, and re-sentenced him pursuant to §46-18-203, MCA, Count I: Twenty (20) years to the Montana State Prison, with ten (10) years suspended, to run concurrently with DC-19-0829. In all other respects, the previous Orders, conditions, and reasons of the Court entered on November 14, 2018, remain unchanged and were imposed.

The Defendant was *not* entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA. Denial of credit for elapsed time was based on Defendant’s failure to comply with the terms and conditions of the sentence while under supervision. The Court found the Defendant *was* entitled to receive credit for pre-trial incarceration/detention time served as follows: October 27, 2020 through March 26, 2021.

On June 12, 2023, an Amended Order of Revocation was issued in accordance with the Supreme Court Opinion filed on January 10, 2023. Specifically, the portion of the Judgment referring to the Conditions and the dates of pre-trial incarceration were amended as follows:

“In all other aspects, the previous Orders, conditions, and reasons of the Court entered on November 14, 2018, remain unchanged and are imposed. **Reinstate Conditions 1-22 and 24-27 as recommendations.**”

“The Defendant was given credit for pre-trial incarceration/detention served as follows: **March 5, 2018 through December 8, 2018; and August 1, 2019 through March 26, 2021.**”

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 Yellowstone County Detention Facility and was represented by Colin Stephens, Defense Counsel. The State was represented by Ben Halvorson. Other participants present, but not providing statements, were Molly Adair, the victim; Lisa Bazant, Attorney; Tyler Dugger, Attorney; Stephanie Williams and Charlee Marsh, Billings Victim Witness Specialists. 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 30 day of November, 2023.

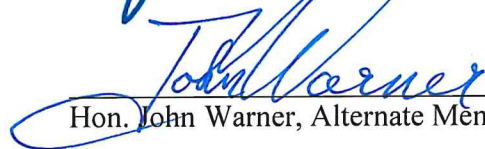
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



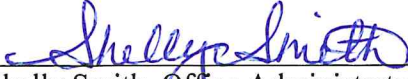
Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

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

Clerk of District Court – *via email*
Ryan Patrick Sullivan #3025411, Defendant
Hon. Thomas Pardy – *via email*
Colin Stephens, Defense Counsel – *via email*
Sarah L. Hyde, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division