

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-15-2016-0000590-IN
)
Plaintiff,) Flathead County District Court
-vs-)
) Montana Eleventh Judicial District
TYLER RODNEY VOLKMANN,)
) **DECISION**
)
Defendant.)

On May 4, 2023, the Court found the Defendant violated the terms and conditions of his suspended sentence, revoked the sentence, and sentenced him in Count II: Five (5) years commitment to the Department of Corrections, with none suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207(2), MCA. The Court recommended that the Defendant be screened and considered for ISP.

The Defendant was given credit for 107 days of time served in custody as well as 39 days credit for good street time. The Court further recommended the reimposition of the conditions contained in the original Judgment and Sentence dated 03/01/2017.

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 Facility and was represented by Teal Mittelstadt, 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

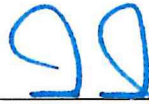
not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division 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.

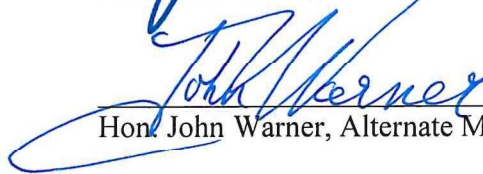
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



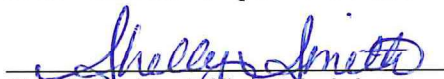
Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

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

Clerk of District Court – *via email*
Tyler Rodney Volkmann #3020727, Defendant
Hon. Amy Eddy – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Stacy Bowman, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division