

Sentence Review Division
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FILED
FEB 12 2024
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-24-2020-0000218-IN
)
Plaintiff,) Lake County District Court
)
-vs-)
) Montana Twentieth Judicial District
JUSTIN WAYNE CRANDALL,)
) **DECISION**
)
Defendant.)

On June 8, 2023, the Court found the Defendant violated the conditions of his sentence, revoked the deferred sentence, and re-sentenced him to ten (10) years to the Montana State Prison for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Defendant was given credit for jail time and street time of 337 days, and 40 hours of counseling for which the Court gave him a day for each hour or 40 days credit for a total of 380 days. The Court recommended Probation and Parole reimpose the Defendant's original conditions should the Department consider any sort of early release.

On February 1, 2024, 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 Dawson County Correctional Facility and was represented by Lars Skjelset, 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).


It is the unanimous decision of the Division that the sentence imposed is clearly excessive. Therefore, the sentence shall be **DECREASED** to a commitment to the Department of Corrections for a term of five (5) years, with a recommendation for screening and placement at an appropriate treatment facility, followed by pre-release.

The remaining sentence, terms and conditions imposed in the Judgment of June 8, 2023 are not clearly excessive and are affirmed.

Pursuant to §46-18-904(3), MCA, the District Court shall resentence the Defendant in accordance with the Sentence Review Division's Decision and file an Amended Judgment.

DATED this 9th day of February, 2024.

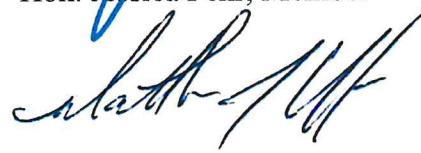
SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



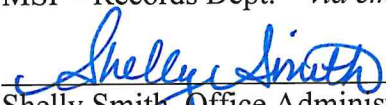
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 12th day of February, 2024, to:

- Clerk of District Court – *via email*
- Justin Wayne Crandall #3030433, Defendant
- Hon. Deborah Kim Christopher – *via email*
- Lars Skjelset, Attorney at Law – *via email*
- Brendan McQuillan, Deputy County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division