

Sentence Review Division
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FILED

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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-15-2022-0000269-IN
)
 Plaintiff,) Flathead County District Court
)
-vs-) Montana Eleventh Judicial District
)
 LIAM COLTON JAMES HENSLEY,) DECISION
)
 Defendant.)

On March 16, 2023, the Defendant was sentenced to twenty (20) years to the Montana State Prison, with thirteen (13) years suspended, and a seven (7) year parole eligibility restriction, for the offense of Count I: Assault with Weapon, a Felony, in violation of §45-5-213(b), MCA. The Court ordered the Defendant to pay restitution in the amount of \$1,858.00 to Evermay and Anthony Mitchell.

The Defendant was further ordered not to knowingly have contact, oral, written, electronic, or through a third party, with the victim(s) unless such contact was voluntarily initiated by the victim(s) through the Department of Corrections. Victims of the offense were Riley McConnell, Bishop Harrison, Evermay Mitchell, Anthony Mitchell, Jordan Busby, and Ethan Mason.

The Defendant was given credit for two hundred twenty-nine (229) days served in custody pending final disposition in the matter.

On February 2, 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 Montana State Prison and was represented by Rufus Peace, Defense Counsel. The State was not represented.

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. The Defendant gave a statement.

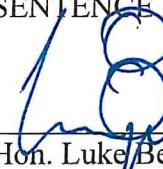
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division concluded that the sentence imposed by the District Court is clearly excessive due to the lack of any reasoning in the record for the parole restriction.

Therefore, it is the unanimous decision of the Division that the sentence shall be **MODIFIED** to remove the parole restriction of seven (7) years. The sentence, terms and conditions imposed in the Judgment of March 16, 2023 are not clearly excessive and are affirmed.

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*
Liam Colton James Hensley #3034109, Defendant
Hon. Heidi Ulbricht – *via email*
Rufus Peace, Defense Counsel – *via email*
Larissa Malloy, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division