

FEB 12 2024

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

On June 1, 2023, the Court found that the Defendant violated the terms and conditions of his sentence imposed on July 21, 2022, revoked the deferred sentence, and sentenced the Defendant to the custody of the Montana Department of Corrections for five (5) years, with two (2) years suspended, for the offense of Charge I: Criminal Possession of Dangerous Drugs, a Felony, in violation or §45-9-102(3), MCA. The Defendant was given credit for 28 days of street time and credit for 76 days served in jail prior to sentencing and was ordered to pay \$500.00 to the MHP Drug Fund. The Court ordered that all the reasons stated in the underlying Judgment were incorporated herein by reference, and all the conditions were reimposed for the duration of the sentence.

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 Great Falls Transition Center and was represented by Tyler Dugger, 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.

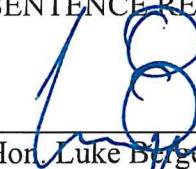
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 9th day of February, 2024.

SENTENCE REVIEW DIVISION

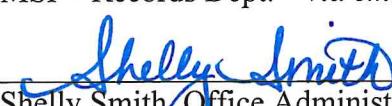

Hon. Luke Berger, Chair


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*
Melvin Jay Vogt #3033053, Defendant
Hon. Jennifer Lint – *via email*
Tyler Dugger, Defense Counsel – *via email*
William Fulbright, County Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division