

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

STATE OF MONTANA,)	Cause No. DC-56-2021-0001418-IN
)	
)	Plaintiff,
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
MATTHEW WILLIAM DAVIS,)	
)	DECISION
)	
Defendant.)	

On October 26, 2023, the Court found the Defendant violated the terms and conditions of his Sentence, Revoked the Sentence, and sentenced him to a commitment of Four (4) years, Two Hundred Twenty-One (221) days to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The sentence was ordered to run concurrently with DC-18-1426.

The Court recommended that the Defendant be screened for any and all treatment programs and the Pre-Release Program, and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant will be placed at a Department of Corrections facility at the discretion of the department. In all other respects, the previous Orders, conditions, and reasons of the Court entered on December 8, 2022, remain unchanged and are recommended.

The Defendant was given credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA, as follows: December 18, 2022 through February 15, 2023. The Court further found the Defendant entitled to receive credit for pre-trial incarceration/detention time served as follows: May 26, 2023 through July 8, 2023; and October 10, 2023 through October 26, 2023.

On May 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 Pine Hills Facility and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. 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.

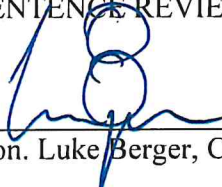
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 31st day of May, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31st day of May, 2024, to:

Clerk of District Court – *via email*
Matthew William Davis #3021520, Defendant
Hon. Rod Souza – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Emily Roark, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division