

FILED

MAY 31 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

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|-------------------|---|-------------------------------------|
| STATE OF MONTANA, |) | Cause No. DC-24-2023-0000012-IN |
| |) | |
| |) | Plaintiff, |
| |) | Lake County District Court |
| -vs- |) | |
| |) | Montana Twentieth Judicial District |
| JUNIOR GARDIPE, |) | |
| |) | DECISION |
| |) | |
| _____ |) | Defendant. |

On November 29, 2023, the Defendant was sentenced to five (5) years to the Montana State Prison for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Defendant was given 167 days of credit for time served.

On May 3, 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 Lake County Jail 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



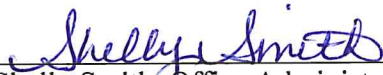
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

- Clerk of District Court – *via email*
- Junior Gardipe #2120985, Defendant
- Hon. Molly Owen – *via email*
- Teal Mittelstadt, Defense Counsel – *via email*
- Benjamin Anciaux, Chief Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division