

Sentence Review Division
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FILED
MAY 31 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-7-2021-0000068-IN
)
) Plaintiff,) Cascade County District Court
)
-vs-) Montana Eighth Judicial District
)
GALVINN COATES MUNSON,) **DECISION**
)
)
Defendant.)

On May 26, 2023, the Defendant was sentenced to Eighteen (18) years to the Montana State Prison for the offense of Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1), MCA. The Court ordered the Defendant be designated a Tier II Sexual Offender. The Court further ordered that while incarcerated, the Defendant enroll in and successfully complete intensive Sex Offender Treatment with a licensed therapist certified by MSOTA and ATSA, and/or a master’s level clinician who is actively supervised by an MSOTA / ATSA certified and licensed clinician.

The Defendant was further ordered to not be eligible for parole for ten (10) years after successful completion of Sex Offender Treatment at the Montana State Prison. The Defendant was given credit for 525 days for time already served. The sentence was ordered to run concurrent with any other sentence the Defendant was currently serving.

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 Montana State Prison and was represented by Tyler Dugger, Defense Counsel. The State was not represented. Hon. David Grubich was present and gave a statement. 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).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive and removes the parole restriction.

The remaining sentence, terms and conditions imposed in the Judgment of May 26, 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 31st day of May, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chairperson



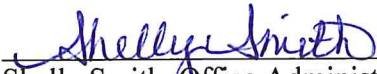
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Galvinn Coates Munson #3033357, Defendant
Hon. David Grubich – *via email*
Tyler Dugger, Defense Counsel – *via email*
Matthew S. Robertson, Deputy Co. Attorney – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division