

**FILED**

**MAY 22 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

STATE OF MONTANA,	)	Cause No. DC-14-2022-0000035-IN
	)	
Plaintiff,	)	Fergus County District Court
	)	Montana Tenth Judicial District
-vs-	)	
	)	<b>ORDER TO VACATE</b>
MICHAEL NEIL MOSHER,	)	
	)	
Defendant.	)	

On May 2, 2024, Defense Counsel, David Merchant, appeared via Zoom videoconference before the Sentence Review Division of the Montana Supreme Court at the time set for the Defendant’s hearing to review his sentence. The Defendant was not present.

At the outset of the hearing, Defense Counsel informed the Division that the Defendant signed a Waiver on April 25, 2024, and did not wish to appear for his hearing. The Division informed Mr. Merchant that the Waiver had not been received by the Sentence Review Division.

Therefore, it is the unanimous decision of the Sentence Review Division that the hearing is tentatively vacated.

DATED this 22nd day of May, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair

CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **Order to Vacate** by depositing the same in the U.S. Mail, postage prepaid, or via electronic service this 22<sup>nd</sup> day of May, 2024 to the following:

Clerk of District Court  
Fergus County  
712 W. Main St., Ste. 303  
Lewistown, MT 59457  
*Via email*

Diane Cochran, Deputy Co. Attorney  
Fergus County Attorney's Office  
801 W. Broadway  
Lewistown, MT 59457  
*Via email*

David A. Merchant, II  
Attorney at Law  
P.O. Box 50336  
Billings, MT 59105  
*Via email*

Hon. Heather Perry  
10th Judicial District  
P.O.Box 1124  
Lewistown, MT 59457  
*Via email*

Office of State Public Defender  
502 S. 19th Ave., Ste 211  
Bozeman, MT 59718  
*Via email*

Montana State Prison  
Records Department  
700 Conley Lake Road  
Deer Lodge, MT 59722  
*Via email*

Michael Neil Mosher #22156  
Montana State Prison  
400 Conley Lake Road  
Deer Lodge, MT 59722

  
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Shelly Smith, Office Administrator  
SENTENCE REVIEW DIVISION