

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

STATE OF MONTANA,)	Cause No. DC-32-2022-0000447-IN
)	
Plaintiff,)	Missoula County District Court
-vs-)	
)	Montana Fourth Judicial District
HARRISON NAKAI TSOSIE,)	
)	DECISION
)	
Defendant.)	

On October 17, 2023, the Defendant was sentenced to ten (10) years to the Montana State Prison, with four (4) years suspended, for the offense of Count VI: Sexual Abuse of Children – Possession of Material, a Felony, in violation of §45-5-625, MCA. The Defendant was given credit for time served in the amount of four hundred forty-two (442) days). The Court ordered the Defendant designated a Tier II Sex Offender and recommended Sex Offender Treatment before eligible for parole. All financial obligations were waived. The Court dismissed Counts I – V.

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 Montana State Prison and was represented by Tyler Dugger, 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



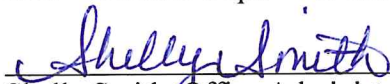
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Harrison Nakai Tsosie #35637, Defendant
Hon. Jason Marks – *via email*
Tyler Dugger, Defense Counsel – *via email*
Andrea Haney, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division