

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

STATE OF MONTANA,)	Cause No. DC-39-2022-0000074-IN
)	
-vs-)	Powell County District Court
)	
PEYTON MITCHELL ANDERSON,)	Montana Third Judicial District
)	DECISION
)	
Defendant.)	

On May 21, 2024, the Defendant was sentenced to a commitment to a State prison to be selected by the Department of Corrections for a term of three (3) years for the offense of Count I: Escape, a Felony, in violation of §45-7-306 (2021), MCA. The sentence was ordered to run consecutively to any underlying sentence. The Defendant was not given any credit for time served, as he was incarcerated and serving time on an underlying sentence the entire time the case was pending and was never held on the restriction of bail in the above-captioned matter.

On November 14, 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 Rufus Peace, Defense Counsel. The State was not represented.

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. The Defendant gave a statement.

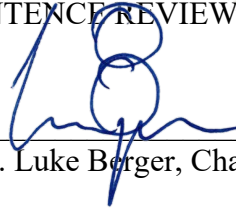
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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.

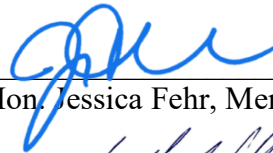
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 26th day of November, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 26th day of November, 2024, to:

Clerk of District Court – *via email*
Peyton Mitchell Anderson #3028642, Defendant
Hon. Ray Dayton – *via email*
Rufus Peace, Defense Counsel – *via email*
Patrick Moody, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division