

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

STATE OF MONTANA,)	Cause No. DC-56-2007-0000531-IN
)	
Plaintiff,)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
GILBERT CAMPA,)	
)	DECISION
)	
Defendant.)	

On August 3, 2022, the Court found the Defendant violated the terms and conditions of his sentence, revoked the sentence, and resentenced the Defendant to seventeen (17) years to the Montana State Prison for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-101, MCA, to run concurrently with DC-07-0917.

The Defendant was not entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA. Denial of credit for elapsed time was based on Defendant's failure to comply with the terms and conditions of the sentence while under supervision. The Defendant received seven hundred eighty-days (780) days credit for time served while awaiting sentencing in the matter from June 22, 2007 through August 10, 2009. The previous Orders and reasons of the Court entered on August 10, 2009, remain unchanged.

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 Saguaro Correctional Facility. Defense Counsel, Tyler Dugger was not present. The State was not represented.

Prior to the hearing, Mr. Dugger informed the Division of an unforeseen emergency situation that would prevent him from attending the scheduled sentence review hearing. The Division informed the Defendant that due to Mr. Dugger's inability to attend the hearing, the hearing would need to be continued to the next available round of hearings to allow Mr. Dugger to be present. The Defendant stated that two days prior to the hearings he informed Mr. Dugger

that he wanted to represent himself at his hearing.

The Division informed the Defendant of his right to be represented by counsel, that he can proceed according to the rules, but that he would be waiving his right to an attorney and would be held to the same standards as required by law. The Defendant acknowledged that he understood, wished to waive his right to counsel, and proceed pro-se.

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.

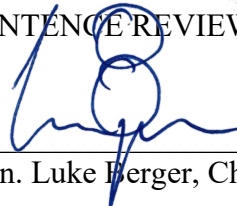
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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.

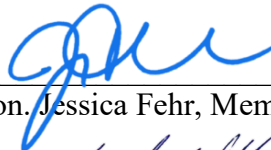
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*

Gilbert Campa #25978, Defendant

Hon. Donald Harris – *via email*

Yellowstone County Attorney's Office – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division