

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

STATE OF MONTANA,	)	Cause No. DC-41-2019-0000120-IN
	)	
-vs-	)	Ravalli County District Court
	)	
JOSEPH JOHN MCNAMARA,	)	Montana Twenty-First Judicial District
	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

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On August 18, 2020, the Court sentenced the Defendant as follows:

Charge I: A commitment to a term of incarceration for a period of twenty (20) years, at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Negligent Homicide, a Felony, in violation of §45-5-104, MCA.

Charge II (Count I): A commitment to a term of incarceration for a period of ten (10) years at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

Charge II (Count II): A commitment to a term of incarceration for a period of ten (10) years at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

Charge III: A commitment to a term of incarceration for a period of ten (10) years at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(6), MCA.

Charge IV: A commitment to a term of incarceration for a period of ten (10) years at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Tampering With or Fabricating Evidence, a Felony, in violation of §45-7-207, MCA.

Charge V: A commitment of six (6) months to the Ravalli County Detention Center for the offense of Criminal Possession of Drug Paraphernalia, a Misdemeanor, in violation of §45-10-103, MCA.

Charge VI: A commitment of twenty (20) days to the Ravalli County Detention Center for the offense of Failure to Remain at Accident When Person Injured, a Misdemeanor, in violation of C61-7-106, MCA.

Charge VII: A fine of \$100.00, all suspended, for the offense of Failure to Exercise Due Care, a Misdemeanor, in violation of §61-8-504, MCA.

The Sentences in Charges I – IV were ordered to run consecutively to each other. The Sentences in Charges VI & VI were ordered to run concurrently with each other and with the sentences in Charges I – IV.

On September 17, 2020, the Court amended the sentence in Charge III to a commitment to a term of **five (5) years** at a state prison to be designated by the Department of Corrections, with no parole eligibility, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(6), MCA. The sentences in Charge I, Charge II (Counts I & II), Charge IV, Charge V, Charge VI, and Charge VII, the terms and conditions, remained as imposed in the original Judgment.

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 Jessica Polan, Defense Counsel. The State was represented by Angela Auch.

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



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Hon. Luke Berger, Chair



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Hon. Jessica Fehr, Member




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Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*  
Joseph John McNamara #3029098, Defendant  
Hon. Jennifer Lint – *via email*  
Jessica Polan, Defense Counsel – *via email*  
Angela Auch, Chief Deputy Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



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Shelly Smith, Office Administrator  
Sentence Review Division