

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

STATE OF MONTANA,)	Cause No. DC-56-2024-0000164-IN
)	
-vs-)	Yellowstone County District Court
)	
ANDREW JAMES NEW,)	Montana Thirteenth Judicial District
)	DECISION
)	
Defendant.)	

On July 11, 2024, the Defendant was sentenced as follows:

Count I: Ten (10) years to the Montana State Prison, with two (2) years suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The sentence was ordered to run consecutive to Ravalli County DC-15-285.

Count II: Six (6) months commitment to the Yellowstone County Detention Facility for the offense of Assault, Purposely or Knowingly Causing Bodily Injury to Another, a Misdemeanor, in violation of §45-5-201(1)(a), MCA. The sentence was ordered to run consecutively to Count I.

The Defendant was given credit for time spent in pre-trial incarceration as follows: February 5, 2024 through July 11, 2024. The Court ordered the Defendant to pay restitution in the amount of One Thousand One Hundred Seventy-Four Dollars and Twenty-One Cents (\$1,174.21) and that \$517.01 of that be made payable to K.W.S. and \$657.20 of that be paid to A.R.N.

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 Dawson County Correctional Facility and was represented by Teal Mittelstadt, 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.

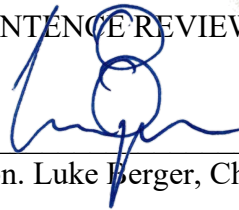
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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.

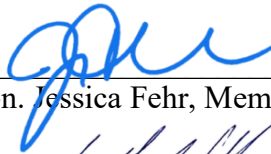
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 26th day of November, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



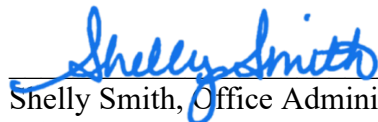
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Andrew James New #3002564, Defendant
Hon. Mary Jane Knisely – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
John Ryan, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division