

Sentence Review Division  
301 S. Park Ave., Suite 328  
P.O. Box 203005  
Helena, MT 59620-3005  
Phone: (406) 841-2976  
Email: [shellysmith@mt.gov](mailto:shellysmith@mt.gov)

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-43-2015-0000044-IN
	)	
-vs-	)	Roosevelt County District Court
	)	
CHARLES HENRY PINNER,	)	Montana Fifteenth Judicial District
	)	<b>DECISION</b>
	)	
Defendant.	)	

---

On January 18, 2017, the Defendant was sentenced as follows:

Count I: Sixty (60) years to the Montana State Prison for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503, MCA, with a restriction on parole that he could not be eligible for parole until completion of Phases I and II of Sex Offender Treatment.

Count II: Ten (10) years to the Montana State Prison, for the offense of Aggravated Kidnapping, a Felony, in violation of §45-5-303. The sentence was ordered to run concurrent with Count I.

The Defendant was ordered ineligible for parole until he served ten (10) years to the Montana State Prison and successfully completed Phases I and II of the Sex Offender Treatment, or the equivalent. The Court ordered the Defendant designated as a Level II Sexual Offender based on the psychosexual evaluation and other pertinent documentation. The Court further ordered the Defendant to register as a Sexual Offender and Violent Offender. The Defendant was given credit toward time served in the amount of 251 days.

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 Penelope Strong, Defense Counsel. The State was represented by Dan Guzynski, Assistant Attorney General.

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

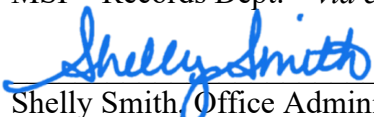
  
\_\_\_\_\_  
Hon. Luke Berger, Chair

  
\_\_\_\_\_  
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*  
Charles Henry Pinner #3020134, Defendant  
Hon. David J. Cybulski – *via email*  
Penelope Strong, Defense Counsel – *via email*  
Daniel Guzynski, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division