

Sentence Review Division
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FILED
02/25/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-56-2023-0000445
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
WILLIAM TED TYMOFICHUK,) **DECISION**
)
Defendant.)

On October 7, 2024, the Defendant was sentenced to fifty (50) years to the Montana State Prison pursuant to §46-18-201, MCA, for the offense of Count I: Sexual Intercourse Without Consent Inflicts Bodily Injury or Victim Less Than 16 Offender 4 Years Older, a Felony, in violation of §45-5-503, MCA.

The Court ordered the Defendant designated as a Level II Sexual Offender under §46-23-509(3)(b), MCA and ordered to participate in a Sex Offender Treatment Program (SOTP) at the institution to the extent recommended by the SOTP Clinical Director. The Defendant was given credit for time spent in pre-trial incarceration as follows: April 7, 2023 – October 7, 2024. The State’s oral motion to dismiss Counts II and III was granted by the Court.

On February 6, 2025, 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 Sarah Kottke, Defense Counsel. The State was not represented. The Defendant did not provide a statement.

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.

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 25th day of February, 2025.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member

Copies mailed or emailed this 25th day of February, 2025, to:

Clerk of District Court – *via email*
Willian Ted Tymofichuk #2074364, Defendant
Hon. Ashley Harada – *via email*
Sarah Kottke, Defense Counsel – *via email*
Arielle Dean, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division