

Sentence Review Division
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FILED
02/19/2025
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-25-2023-0000444
)
Plaintiff,) Lewis & Clark County District Court
)
-vs-) Montana First Judicial District
)
CORNELIUS JOHN VANDERPAN,) **DECISION**
)
Defendant.)

On May 16, 2024, the Defendant was sentenced to thirty-eight (38) years to the Montana State Prison, none suspended, for the offense of Count IV: Criminal Distribution of Dangerous Drugs Resulting in Death (fentanyl), a Felony, in violation of §45-9-101(5), MCA. The Defendant was given credit for time served on April 30, 2024 (one day). The Sentence was ordered to run consecutively to any other sentences he was currently serving. The Court dismissed Counts I, II, and III.

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 Tyler Dugger, Defense Counsel. The State was represented by Mary Barry. 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 19th day of February, 2025.

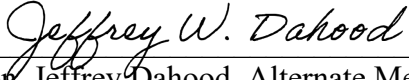
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Vice-Chair




Hon. Matthew Cuffe, Member



Hon. Jeffrey Dahood, Alternate Member

Copies mailed or emailed this 19th day of February, 2025, to:

Clerk of District Court – *via e-file*
Cornelius John Vanderpan #28541, Defendant
Hon. Kathy Seeley – *via email*
Tyler Dugger, Defense Counsel – *via e-file*
Mary Barry, Deputy Co. Attorney – *via e-file*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division