Sentence Review Division
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FILED
MAR 11 2020
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-13-372B
	)	
Plaintiff,	)	Flathead County District Court
	)	Montana Eleventh Judicial District
-vs-	)	
	)	**DECISION**
CHRISTOPHER SCOTT HOGARD,	)	
	)	
Defendant.	)	

On September 19, 2019, for violations of the terms and conditions of the prior sentence imposed April 17, 2014, the Court revoked the Defendant's suspended sentence and sentenced the Defendant to the Montana State Prison for a period of four (4) years, for the offense of Theft, a Felony, in violation of §45-6-301(1)(a), MCA, to run consecutive to the sentence imposed in DC-15-264B. The Defendant was given credit of 127 days for time served while in custody awaiting disposition. The Defendant was previously granted 209 days credit for time served from July 17, 2013 to July 17, 2013 and September 23, 2013 to April 17, 2017.

On February 21, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Stephanie DeBoer, 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.

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**.

Done in open Court this 21st day of February, 2020.

DATED this 11th day of March, 2020.

SENTENCE REVIEW DIVISION

Hon. Dan Wilson, Chairperson

Hon. Luke Berger, Member

Hon. Jessica Fehr, Member

Copies mailed this 11th day of March, 2020, to:

Clerk of District Court (Original)
Christopher Scott Hogard #3013897, Defendant (2)
Hon. Robert Allison
Stephanie DeBoer, Defense Counsel
John Donovan, Esq.
Board of Pardons and Parole
MSP - Records Dept.

Shelly Smith, Office Administrator
Sentence Review Division