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

STATE OF MONTANA,	)	Cause No. DC-18-001
	)	
Plaintiff,	)	Petroleum County District Court
	)	Montana Tenth Judicial District
	)	
-vs-	)	**DECISION**
	)	
ANDERSON ROBERT HOWARD, JR.,	)	
Defendant.	)	

On May 13, 2019, the Defendant was sentenced for Count I: Driving Under the Influence of Alcohol and Drugs - 3rd Offense, to the county jail for one year, all but 30 days suspended, and a $2500 fine, with $100 suspended. He was given 10 months to serve this time. He was ordered to complete the ACT course or similar program and obtain a Chemical Dependency Evaluation. The sentence for Count I was ordered to run concurrently with the sentence imposed for Count II. For Count II: Criminal Possession of Dangerous Drugs - Hashish, the Defendant was sentenced to the Department of Corrections for five (5) years for placement in an appropriate program. The Court stayed this sentence as set forth: The Defendant would forfeit his medical marijuana card and his ability to request one during the term of his sentence and that he would be subject to ongoing drug and alcohol monitoring. Unless specifically requested by his Probation Officer for good cause, the Defendant was not eligible for conditional discharge, pursuant to MCA § 46-23-1011(6). For Count VI: Operating Without Liability Insurance in Effect – 2nd Offense, the Defendant was ordered to pay a $200 fine, however, the Court suspended the fine subject to the Defendant's compliance with the Judgment. He was prohibited from driving a vehicle without proper insurance. The Court dismissed Counts III, IV, & V. No jail time was served prior to the sentence.

On November 7, 2019, 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 appeared by video conferencing from the Great Falls Transition Center and was represented by Abigail Rogers, 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 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION

Brenda R. Gilbert

Hon. Brenda Gilbert, Chairperson

Hon. Dan Wilson, Member

Hon. Luke Berger, Member

Copies mailed this 13th day of December, 2019, to:

Clerk of District Court (Original)
Anderson Robert Howard, Jr. #3026295, Defendant (2)
Hon. Jon A. Oldenburg
Abigail Rogers, Defense Counsel
Monte Jay Boettger, Esq.
Board of Pardons and Parole
MSP - Records Dept.

Georgia Lovelady

Georgia Lovelady, Judicial Assistant
Sentence Review Division