Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2977 or
(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-17-255
	)	
Plaintiff,	)	Silver Bow County District Court
	)	Montana Second Judicial District
	)	
-vs-	)	**DECISION**
	)	
BENNY PHILLIP SANDOVAL,	)	
Defendant.	)	

On July 24, 2019, the Defendant's suspended sentence for Stalking was revoked. He was sentenced to the Department of Corrections for a period of three (3) years to run concurrently with the sentence imposed in DC-17-301. He received credit for time served in the amount of 218 days. All previous conditions of probation were re-imposed.

On November 8, 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 Butte-Silver Bow Courthouse and was represented by John Ferguson, 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 8th 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)
Benny Phillip Sandoval, Jr. #2065681, Defendant (2)
Hon. Robert J. Whelan
John J. Ferguson
Fersguson Law Office, PLLC
P.O. Box 8359
Missoula, MT 59807, Defense Counsel
Michael W. Clague, Esq.
Board of Pardons and Parole
MSP - Records Dept.

Georgia Lovelady

Georgia Lovelady, Judicial Assistant
Sentence Review Division