

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-13-717
-vs-)	
	)	DECISION
DANIAL ALLEN BRYAN,)	
)	
Defendant.)	

On September 5, 2014, the Defendant was sentenced as follows: Count I: Incest, a Felony, the Defendant was committed to the Montana State Prison under §46-18-201, MCA, for fifteen (15) years; Count II: Incest, a Felony, the Defendant was committed to the Montana State Prison under §46-18-201, MCA, for fifteen (15) years; Count III: Incest, a Felony, the Defendant was committed to the Montana State Prison under §46-18-201, MCA, for fifteen (15) years; Count IV: Incest, a Felony, the Defendant was committed to the Montana State Prison under §46-18-201, MCA, for fifteen (15) years; Count V: Incest, a Felony, the Defendant was committed to the Montana State Prison under §46-18-201, MCA, for fifteen (15) years. Counts I, II, III, IV and V were ordered to run consecutively with each other.

The Defendant was designated a Level I Sexual Offender under §46-23-509(3)(b), MCA. It was further ordered that the Defendant complete all phases of the Sexual Offender Treatment Program at the Montana State Prison. It was further ordered that, in accordance with Section §46-18-202(2), MCA, the Defendant is not eligible for parole for the first twenty five (25) years. The Defendant received credit for time spent in pre-trial incarceration from August 25, 2013 to September 5, 2014.

On May 5, 2016, 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 Crossroads Correctional Center and was represented by Peter Ohman of the Office of the State Public Defender. Yellowstone County Deputy Attorney Mary Leffers Barry submitted a statement, but did not appear.

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).

Defense Counsel made a Motion to strike the Deputy County Attorney's written submission asserting that the letter supplements the record and per SRD Rule 11 "the Division shall consider only information which was available to the sentencing judge at the time of sentencing." The Division unanimously denied the Motion because the letter only cited matters before the court and comported with the State's Sentencing Memorandum.

Defense Counsel made a second Motion to strike the Deputy County Attorney's letter because it gave reasons to support the Defendant's parole restriction. The Division unanimously denied the second Motion because the letter did not present new information and was a reiteration of the Sentencing Memorandum. Moreover, the reasons for imposing the parole restriction were set forth in the District Court's Judgment.

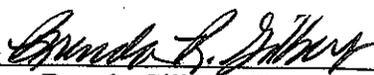
Defense Counsel made a third Motion to strike the Deputy County Attorney's letter in that it fundamentally deprived the Defendant of due process as guaranteed by the Montana Constitution Article II, Section 17 and the U.S. Constitution, 14th Amendment. Defense Counsel argued that it was not a fair process for the prosecuting attorney not to attend the hearing and submit a letter instead. The Division denied the Motion stating that in this particular instance, the judges did not believe due process had been denied. New information was not presented by the Deputy County Attorney's letter.

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**.

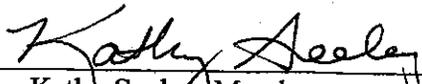
Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION


Hon. Brenda Gilbert, Chairperson


Hon. Brad Newman, Member


Hon. Kathy Seeley, Member

CERTIFICATE OF MAILING

I, Georgia Lovelady, Administrative Assistant of the Sentence Review Division of the Montana Supreme Court, hereby certify that copies of the foregoing DECISION were mailed this 13th day of June, 2016, to the following:

Clerk of District Court
Yellowstone County
P.O. Box 35030
Billings, MT 59107

Mary Leffers Barry, Esq.
Yellowstone County Attorney's Office
217 North 27th Street
Billings, MT 59101

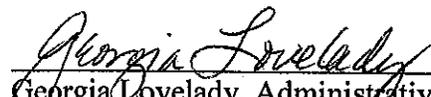
Peter Ohman, Defense Counsel
Office of the State Public Defender
502 S. 19th Ave., Ste. 306
Bozeman, MT 59718

Danial Allen Bryan #3013905
Crossroads Correctional Center
50 Crossroads Drive
Shelby, MT 59474

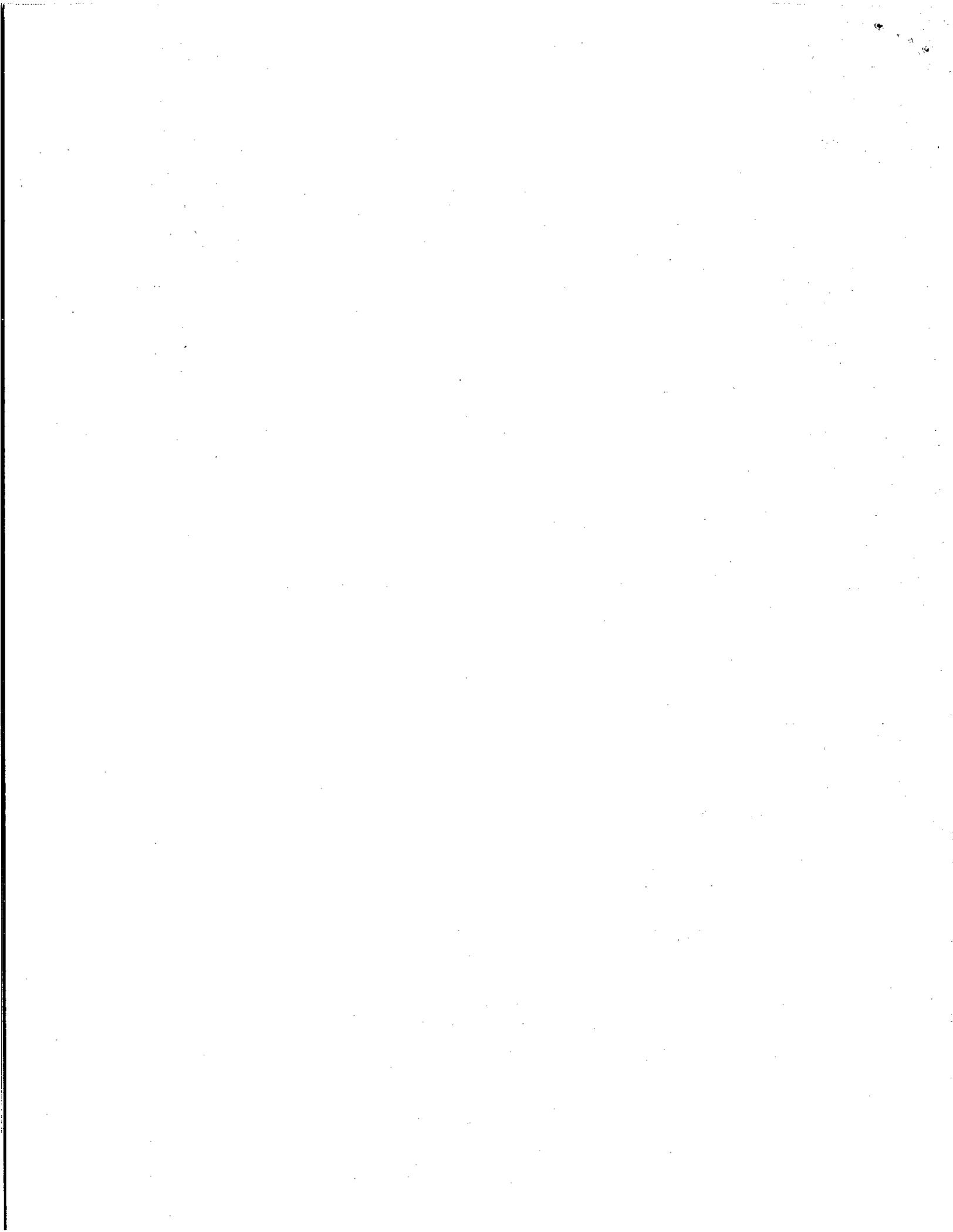
Hon. Mary Jane Knisely
13th Judicial District
P.O. Box 35034
Billings, MT 59101

Montana State Prison
Records Department
700 Conley Lake Road
Deer Lodge, MT 59722

Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722



Georgia Lovelady, Administrative Assistant
SENTENCE REVIEW DIVISION



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 6th day of May, 2016.

DATED this 10 day of June, 2016.

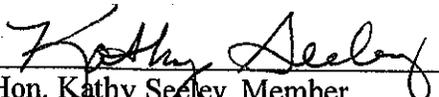
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



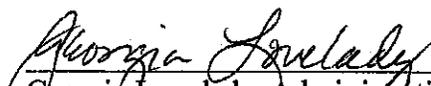
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Daniel Todd Collins #15588, Defendant (2)
Hon. Leslie Halligan
Peter Ohman, Defense Counsel
Kirsten H. Pabst, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Second Judicial District Court, County of Butte-Silver Bow

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-14-048
-vs-)	
	)	DECISION
TIMOTHY JOHN COMBO,)	
)	
Defendant.)	

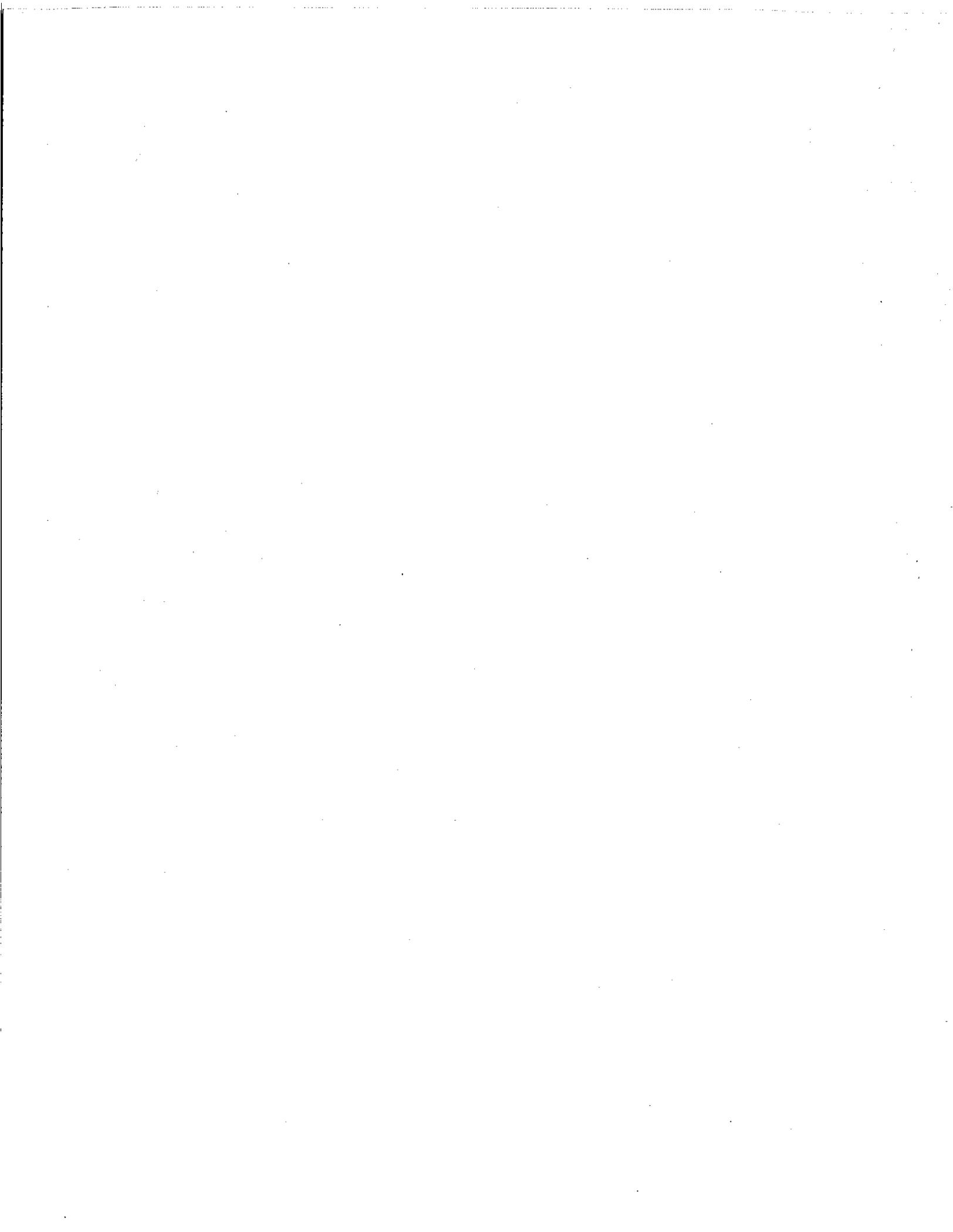
On July 23, 2015, the Defendant was sentenced to seven (7) years to the Montana State Prison, with no time suspended, for the offense of Assault with a Weapon, a felony, in violation of §45-5-213, MCA. The Court recommended that at some point in the Defendant's custodial sentence, he be placed at the NEXUS drug addiction treatment program. Defendant was given credit for twelve (12) days of jail time already served. Defendant was ordered to pay surcharges as required by statute in the amount of \$80.00 total. Partner or Family Member Assault, a felony, was dismissed.

On May 5, 2016, 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 private counsel, Joseph Connors, Jr. The State was represented by Butte-Silver Bow County Deputy Attorney Mike Clague.

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).



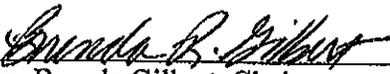
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

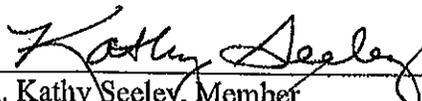
Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

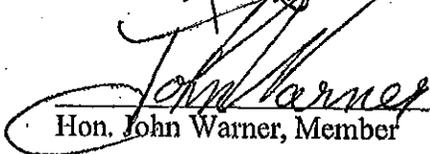
Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION

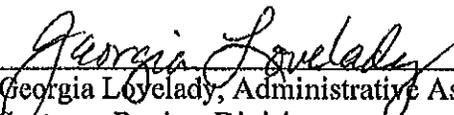

Hon. Brenda Gilbert, Chairperson

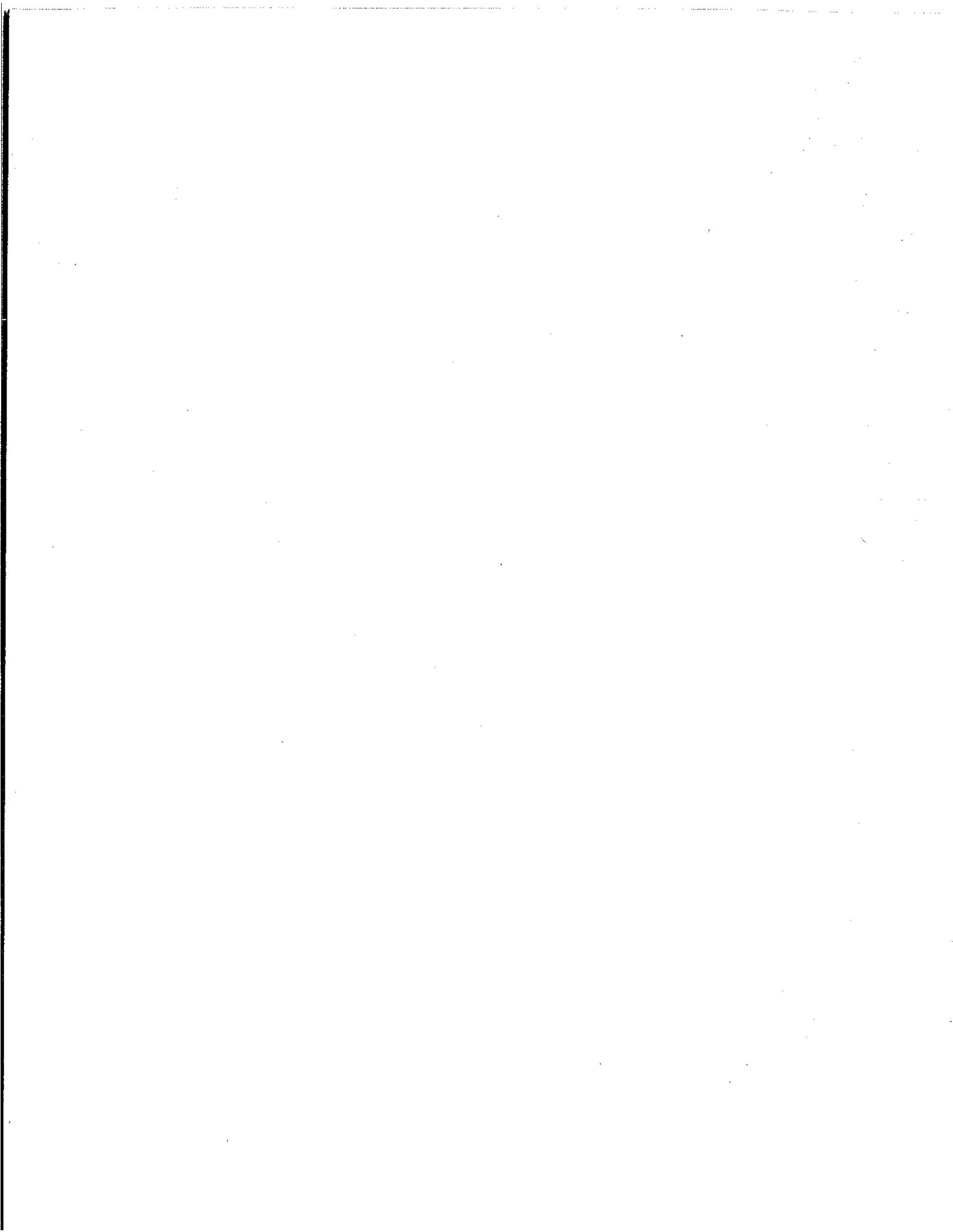

Hon. Kathy Seeley, Member


Hon. John Warner, Member

Copies mailed this 14th day
of June, 2016, to:

Clerk of District Court (Original)
Timothy John Combo #2012166, Defendant (2)
Hon. Brad Newman
Joseph Connors, Jr., Defense Counsel
Mike Clague, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division



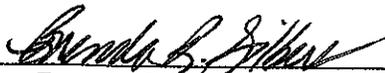
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



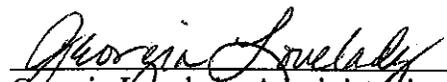
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Jerry E. Dickson #2124467, Defendant (2)
Hon. Holly Brown
Peter Ohman, Defense Counsel
Erik Kitzmiller, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,

Plaintiff,

-vs-

KELLY GORDON DUPUIS,

Defendant.

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)

CAUSE NO. DC-15-084

DECISION

On February 18, 2016, the Defendant's deferred sentence was revoked for violation of the conditions and he was sentenced to a commitment to the Department of Corrections for a term of twenty (20) years, with fifteen (15) years suspended, for the offense of Count I: Burglary, a Felony, in violation of §45-6-204(1)(b), MCA. The Defendant was given credit for time served on this revocation of 19 days. The Defendant received credit for 97 days for time served on the original judgment. The Court strongly recommended that the Defendant be screened for NEXUS and Pre-Release if deemed appropriate by the Department of Corrections. The Court recommended that if deemed appropriate by the Department of Corrections, that the Defendant be considered for early release. The Court further ordered that the relevant conditions previously imposed are re-imposed.

On May 5, 2016, 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 Crossroads Correctional Center and was represented by Jennifer Streano of Montana Office of Public Defender. 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.

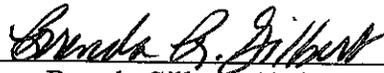
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive. The Division's decision is to amend the Judgment to **DECREASE the sentence to ten (10) years to the Department of Corrections, with five (5) years suspended.** The remaining provisions of the Judgment, including recommendations for treatment, restitution, surcharges and fees are affirmed. The Division considered the nature of the probation violations which did not involve violence, considered the Co-Defendant's sentence, and considered the recommendations of the State and Probation Officer in making this modification. The Division determined that to increase the Defendant's sentence from an original sentence of six years deferred to the maximum commitment of twenty years was excessive.

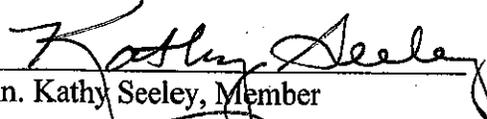
Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Kathy Seeley, Member



Hon. Brad Newman, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Kelly Gordon Dupuis #3017705, Defendant (2)
Hon. Deborah Christopher
Jennifer Streano, Defense Counsel
Benjamin R. Anciaux, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-13-961
-vs-)	
	)	DECISION
STEVAN MICHAEL FISKE,)	
)	
Defendant.)	

On February 4, 2016, the Defendant's previous sentence for Partner or Family Member Assault, a felony, in violation of §45-5-206(1)(a) MCA, was revoked and he was resentenced to the Department of Corrections for four (4) years. It was the recommendation of the Court that Defendant be screened for community placement and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant was ordered to be placed at a DOC facility at the discretion of the department. The Court found that the Defendant was not entitled to receive credit for elapsed time while not incarcerated based on his failure to comply with terms and conditions of the sentence while under supervision. Defendant was given credit for pre-trial detention from May 27, 2015 through February 4, 2016.

On May 5, 2016, 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 Peter Ohman of the Office of the State Public Defender. 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**.

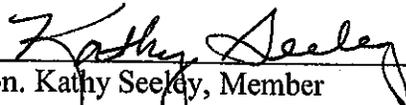
Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION

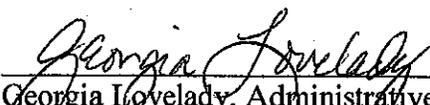

Hon. Brenda Gilbert, Chairperson


Hon. Brad Newman, Member


Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Stevan Michael Fiske #3014112, Defendant (2)
Hon. Rod Souza
Peter Ohman, Defense Counsel
Julie Mees, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

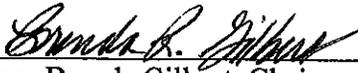
Moreover, as to issues raised during the course of this hearing regarding objections to referring to charges that were dismissed and presumably outside the record, it is the opinion of this Court, that crimes that were charged and later dismissed, are appropriate to be considered by the Sentence Review Division. Legal authority supports such consideration.

Defendant's counsel objected to the sentencing judge appearing at the hearing and making a statement. The Division finds it appropriate to consider the statements of Judge Larson, made in person, in light of Rule 6 of the Sentence Review Division Rules of the Montana Supreme Court. Moreover, past practice has allowed any sentencing judge to appear. In this case, Judge Larson confined his remarks to the matters he considered at the time of sentencing.

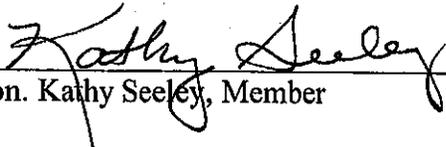
Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION

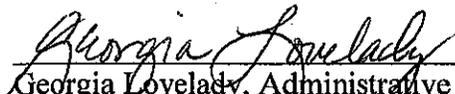

Hon. Brenda Gilbert, Chairperson


Hon. Brad Newman, Member


Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Daniel James Fox #36462, Defendant (2)
Hon. John Larson
Jennifer Streano, Defense Counsel
Missoula County Attorney's Office
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-95-11634
-vs-)	
	)	DECISION
STEVEN CRAIG GRAVES,)	
)	
Defendant.)	

On October 29, 2013, the Defendant's suspended sentence was revoked and was sentenced to ten (10) years in the Montana State Prison, for the offense of Count I: Forgery, a Felony, in violation of §45-6-325, MCA. The Defendant was granted 172 days credit for time served.

On September 1, 2015, the Montana Supreme Court vacated the sentence and remanded the matter back to the District Court to amend the judgment to sentence the Defendant to the Department of Corrections rather than the Montana State Prison, and give credit for time served while the Defendant was incarcerated awaiting extradition to Montana.

On November 17, 2015, the Defendant was re-sentenced to the Department of Corrections, for a period of ten (10) years, for the offense of Count I: Forgery, a Felony, in violation of §45-6-325, MCA. The Defendant was granted credit for time served from December 1, 2011 to November 17, 2015, for a total of 1,447 days.

On May 6, 2016, 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 videoconferencing from Billings Pre-Release and was represented by Peter Ohman of the Office of the State Public Defender. 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).

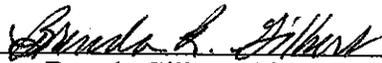
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

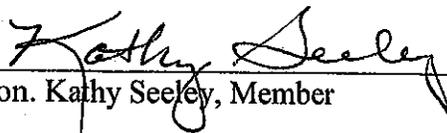
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



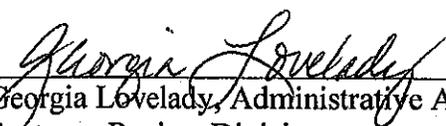
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Steven Craig Graves #38832, Defendant (2)
Hon. Robert Deschamps
Peter Ohman, Defense Counsel
Kristen Pabst, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)

Plaintiff,)

-vs-)

JONATHAN GREEN,)

Defendant.)

CAUSE NO. DC-08-191

DECISION

On January 6, 2016, the Defendant's suspended sentence was revoked and was sentenced to a three (3) year commitment to the Department of Corrections for the offense of Burglary, a Felony, in violation of §45-6-204, MCA. The Defendant was granted credit for time served of 26 days. The Court recommended that the Defendant be screened for appropriate chemical dependency programs, including NEXUS, if deemed appropriate by the Department of Corrections. The Court further recommended that the relevant original conditions previously imposed be re-imposed.

On May 5, 2016, 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 Jennifer Streano of the Office of the State Public Defender. 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).

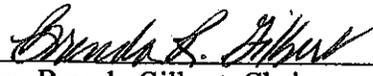
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

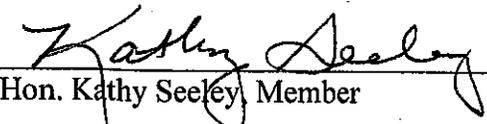
Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION

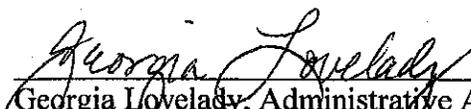

Hon. Brenda Gilbert, Chairperson


Hon. Brad Newman, Member


Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Jonathan Green #3002988, Defendant (2)
Hon. James Manley
Peter Ohman, Defense Counsel
Steven Eschenbacher, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

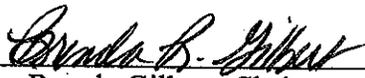
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

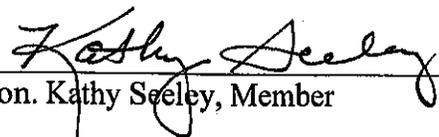
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



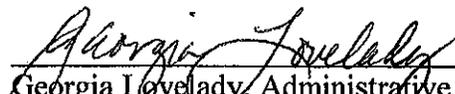
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Dustin Mark Henry #3000329, Defendant (2)
Hon. John Larson
Peter Ohman, Defense Counsel
Shaun M. Donovan, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

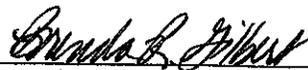
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



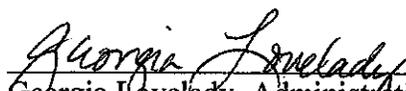
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Dustin Mark Henry #3000329, Defendant (2)
Hon. John Larson
Peter Ohman, Defense Counsel
Shaun M. Donovan, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone.

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-14-694
vs.)	
	)	DECISION
WAYLON JACE IRON,)	
)	
Defendant.)	

On January 20, 2016, the Defendant was sentenced to a commitment to the Department of Corrections for a term of fifteen (15) years with thirteen (13) years suspended, for the offense of Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503, MCA. The Defendant was granted credit for time spent in pre-trial incarceration from August 28, 2014 to January 20, 2016. The Court recommended that Defendant be screened for treatment with the MASC Treatment Center and upon acceptance, follow all requirements and provisions. If not accepted, Defendant would be placed at a Department of Corrections facility at the discretion of the department. The Defendant was designated a Level 2 Sexual Offender.

On May 5, 2016, the defendant's application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court.

The defendant was present and was represented by Peter Ohman of the Office of the State Public Defender. The State was not represented.

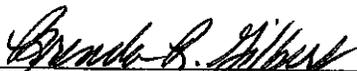
Before hearing the application, the defendant was advised that the Sentence Review Division has the authority not only to reduce the sentence or affirm it, but also increase it. The defendant was further advised that there is no appeal from a decision of the Sentence Review Division. The defendant acknowledged that he understood this and stated that he did not wish to proceed.

Therefore, it is the unanimous decision of the Sentence Review Division that the application for review of sentence shall be waived.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION

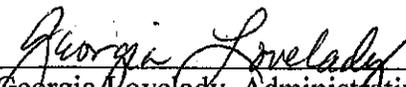

Chairperson, Hon. Brenda Gilbert


Member, Hon. Brad Newman


Member, Hon. Kathy Seeley

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Waylon Jace Iron #3017504, Defendant (2)
Hon. Michael Moses
Peter Ohman, Defense Counsel
Mary Leffers Barry, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-15-081
-vs-)	
	)	ORDER TO CONTINUE
COREY MIKE KELLY,	)	SENTENCE REVIEW HEARING
)	
Defendant.)	

On January 21, 2016, the Defendant's deferred sentence was revoked for violation of conditions and he was sentenced to a commitment to the Department of Corrections for a term of five (5) years, with two (2) years suspended, for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Defendant received credit for time served on the revocation of 58 days for a total credit for time served of 144 days. The Court recommended that the Defendant be placed in the NEXUS Program. If the Department of Corrections deemed it appropriate for the Defendant to be released early, the Court would consider that recommendation. The Court ordered that the relevant conditions previously imposed be re-imposed as conditions of the suspended portion of the Defendant's sentence.

On May 5, 2016, the Sentence Review Division of the Montana Supreme Court (hereafter "the Division") attempted to hear the Defendant's Application for review of that sentence. However, technical difficulties with the Vision Net connection to NEXUS prevented the hearing and it was rescheduled for the following day. On May 6, 2016, a video conferencing connection still could not be made. The Defendant was given the option to have his hearing by telephone conference and waive his right to a visual appearance or to continue to August. The Defendant was represented by Peter Ohman of the Office of the State Public Defender. Mr. Ohman conferred with his client and the Defendant elected to continue his hearing until the Sentence Review hearings in August 2016. The State was not represented.

Therefore, it is the unanimous decision of the Sentence Review Division that the hearing for the application for review of sentence is CONTINUED to the next available hearings in August 2016. Notification will be sent to interested parties four weeks prior providing the actual time and date of the hearing.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

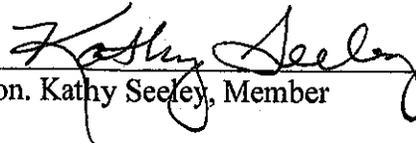
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Corey Mike Kelly #3016394, Defendant (2)
Hon. Deborah Kim Christopher
Peter Ohman, Defense Counsel
James Lopotka, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

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**.

At the hearing, Defense Counsel raised an objection to the County Attorney's written submission since it included police reports which were presumed not before the judge at the time of sentencing. Defendant was sentenced per a plea agreement. The Division sustained the objection and the statement and police reports were not considered.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

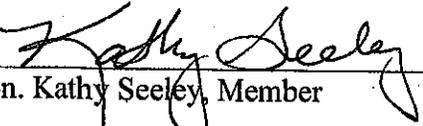
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



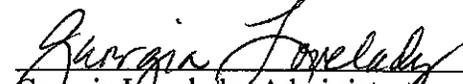
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Brady S. Klemp #2085618, Defendant (2)
Jennifer Streano, Defense Counsel
Jordan Kirby, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)

Plaintiff,)

-vs-)

BRADY S. KLEMP,)

Defendant.)

CAUSE NO. DC-15-385

DECISION

On December 31, 2015, the Defendant was sentenced to a ten (10) year commitment to the Montana State Prison for the offense of Count I: Tampering with Witnesses and Informants, a Felony, in violation of §45-7-206, MCA. The sentence was ordered to run concurrent with the sentence imposed in DC-15-299. Count II was dismissed by the Court. The terms and conditions of probation are the same of those in Defendant's Cause No. DC-15-299.

On May 5, 2016, 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 Regional Prison and was represented by Jennifer Streano of the Office of the State Public Defender. The Missoula County Deputy Attorney, Jordan Kilby, submitted a written statement with attachments but was not present.

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**.

At the hearing, Defense Counsel raised an objection to the County Attorney's written submission since it included police reports which were presumed not before the judge at the time of sentencing. Defendant was sentenced per a plea agreement. The Division sustained the objection and the statement and police reports were not considered.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION


Hon. Brenda Gilbert, Chairperson


Hon. Brad Newman, Member


Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Brady S. Klemp #2085618, Defendant (2)
Jennifer Streano, Defense Counsel
Jordan Kirby, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twentieth Judicial District Court, County of Lake

STATE OF MONTANA,)

Plaintiff,)

-vs-)

ROBERT JAMES MATHEWSON,)

Defendant.)

CAUSE NO. DC-14-087

DECISION

On October 14, 2015, the Defendant was sentenced to the Montana State Prison for a term of ten (10) years, with a parole restriction of ten (10) years for one count of Criminal Endangerment, a felony, in violation of §45-5-207, MCA. At the Oct. 14, 2015 sentencing, the Defendant was sentenced to 10 years in MSP in Cause No. DC-15-053, which was ordered to run consecutive to this sentence. At Defendant's Sentence Review hearing held on February 4, 2016, the sentence for Cause DC-15-053 was decreased to three (3) years to MSP. Upon release from prison, the Defendant was ordered to serve 5 days in the county jail for contempt. The Defendant was given credit for 417 days of time served.

On May 5, 2016, 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 Crossroads Correctional Center and was represented by Peter Ohman of the Office of the State Public Defender. The State was represented by Lake County Attorney Steven Eschenbacher.

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**.

The Division notes that the argument raised by the Defendant regarding the lack of explanation for the reasons for the parole restriction in the Judgment is an issue the Defendant should have raised on appeal.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

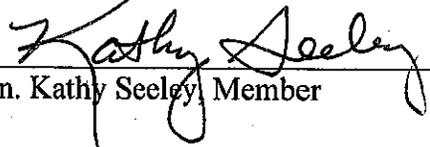
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



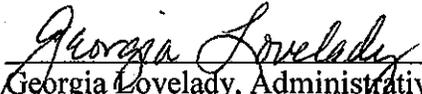
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Robert James Mathewson #3015954, Defendant (2)
Hon. James Manley
Peter Ohman, Defense Counsel
Steven Eschenbacher, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

On May 6, 2016, 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 Peter Ohman of the Office of the State Public Defender. The State was represented by Missoula County Deputy Attorney Suzy Boylan.

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 6th day of May, 2016.

DATED this 10 day of June, 2016.

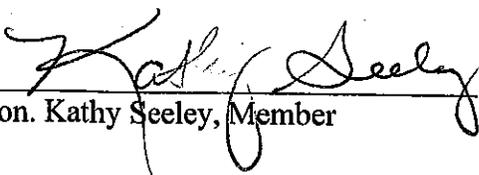
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

CERTIFICATE OF MAILING

I, Georgia Lovelady, Administrative Assistant of the Sentence Review Division of the Montana Supreme Court, hereby certify that copies of the foregoing DECISION were mailed this 13th day of June, 2016, to the following:

Clerk of District Court
Missoula County
200 West Broadway
Missoula, MT 59802

Susan E. Boylan, Esq.
Missoula County Attorney's Office
200 West Broadway
Missoula, MT 59802

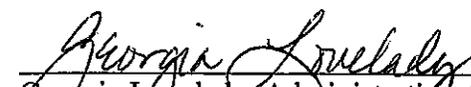
Peter Ohman, Defense Counsel
Office of the State Public Defender
502 S. 19th Ave., Ste. 306
Bozeman, MT 59718

Bart Alan Matthews #3017821
Butte Pre-Release
68 W. Broadway
Butte, MT 59701

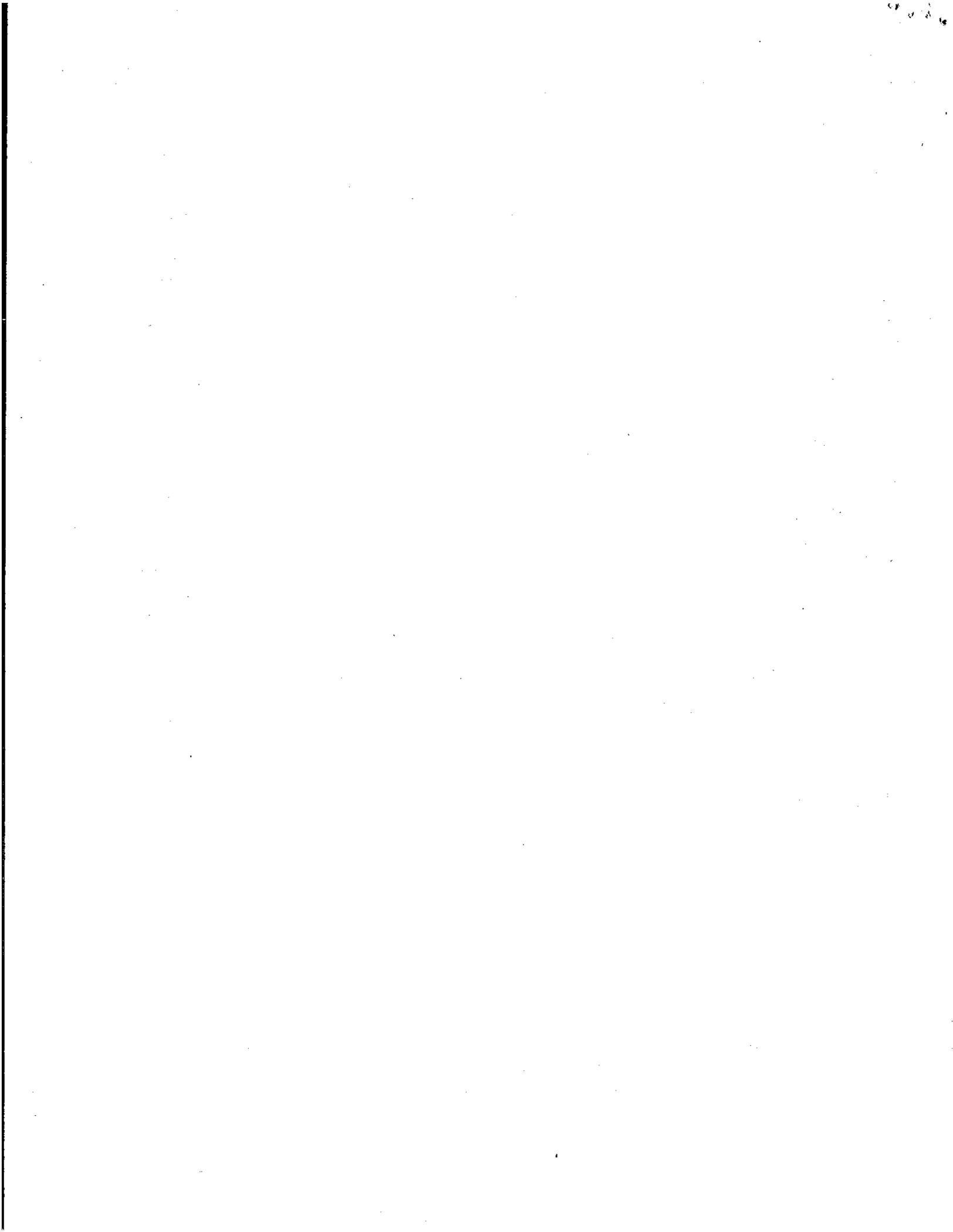
Hon. Karen Townsend
4th Judicial District
200 W. Broadway
Missoula, MT 59802

Montana State Prison
Records Department
700 Conley Lake Road
Deer Lodge, MT 59722

Board of Pardons and Parole
1002 Hollenbeck Road
Deer Lodge, MT 59722



Georgia Lovelady, Administrative Assistant
SENTENCE REVIEW DIVISION



SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,

Plaintiff,

-vs-

ZACHARY BRENNEN NEWBARY,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

CAUSE NO. DC-14-530

DECISION

On December 3, 2015, the Defendant was sentenced to: Count I: Twenty (20) years to the Montana State Prison, with twelve (12) years suspended, for the offense of Aggravated Assault - Bodily Injury, a Felony, in violation of §45-5-202, MCA; and Count II: Twenty (20) years to the Montana State Prison, with twelve (12) years suspended, to run concurrent to Count I, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503, MCA. The Court imposed a parole restriction of four (4) years. The Court recommended Boot Camp upon completion of the MSP sentence. The Defendant was granted credit for time served in the amount of 26 days at the rate of \$100.00 credit per day toward Defendant's fine. However, the amount of credit given could not exceed the total amount due. The Defendant was ordered to pay Court-ordered restitution of \$13,801.19.

On May 6, 2016, 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 Peter Lacny of Datsopoulos, McDonald & Lind, P.C. The State was not represented. Judge John Larson was present and testified. The Defendant's parents, Ben and Jamie Newbary, and his grandparents, Alan and Judy Zachariassen, were present.

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).

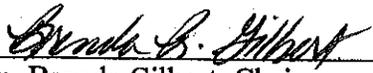
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

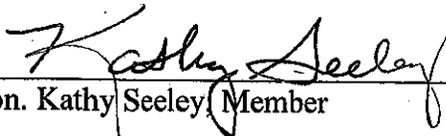
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



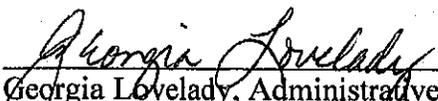
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Zachary Brennen Newbary #3016633, Defendant (2)
Hon. John Larson
Peter Lacney, Defense Counsel
Jennifer S. Clark, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Seventh Judicial District Court, County of Dawson

STATE OF MONTANA,

Plaintiff,

-vs-

DONALD OLMSTEAD,

Defendant.

)
)
) CAUSE NO. DC-14-107
)
)
)
)
)
)
)

ORDER TO CONTINUE
SENTENCE REVIEW HEARING

On February 9, 2016, the Defendant was sentenced to the Montana State Prison for twenty-five (25) years, with no time suspended, for the offense of Sexual Intercourse Without Consent, a felony, in violation of §45-5-503, MCA. The sentence was ordered to run consecutively to the sentence imposed in Dawson County Cause No. DC-13-104. The Defendant was ordered to register as a Sexual Offender and was designated as a Tier III Sex Offender. Prior to parole, Defendant was ordered to complete Phases I and II of Sex Offender Treatment. The Defendant was not given credit for time served in jail prior to sentencing since he was already in jail for Cause No. DC-13-104. Defendant was ordered to pay \$70 in court fees, \$50 for prep of PSI, and \$800 for cost of assigned counsel.

On May 5, 2016, the Defendant's Application for review of that sentence was scheduled to be heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant was present and was represented by Jennifer Streano of the Office of the State Public Defender. The State was not represented.

Before hearing the application, Jennifer Streano of the Public Defender's Office requested that Mr. Olmstead's sentence review hearing be continued to the August hearings to have additional time to prepare for the hearing.

It is the unanimous decision of the Sentence Review Division that the application for review of sentence is CONTINUED to the next available hearings in August 2016. Notification will be sent to interested parties four weeks prior providing the actual time and date of the hearing.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

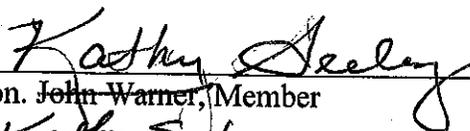
SENTENCE REVIEW DIVISION

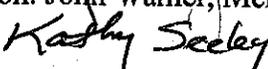


Hon. Brenda Gilbert, Chairperson



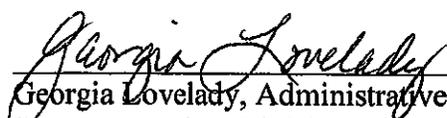
Hon. Brad Newman, Member



Hon. John Warner, Member


Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Donald Olmstead #30242, Defendant (2)
Hon. Richard A. Simonton
Jennifer Streano, Defense Counsel
Marvin Howe, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty-First Judicial District Court, County of Ravalli

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-15-084
-vs-)	
	)	DECISION
WILLIAM ALLEN RORVIK,)	
)	
Defendant.)	

On October 28, 2015, the Defendant was sentenced as follows:

Charge I – A commitment to a prison operated by the Montana Department of Corrections for a period of five (5) years, for the offense of Criminal Possession of Dangerous Drugs, a Felony. The sentence was ordered to run consecutively to any other sentences the Defendant was currently serving.

Charge II: A commitment to the Ravalli County Detention Center for a period of six (6) months, for the offense of Criminal Possession of Drug Paraphernalia, a misdemeanor, ordered to run concurrently to Charge I.

Charge III: A commitment to the Ravalli County Detention Center for a period of six (6) months, for the offense of Criminal Possession of Drug Paraphernalia, a misdemeanor, ordered to run concurrently with the sentences in Charges I and II.

Due to the Defendant's financial circumstances, the Court did not impose any fines, fees or costs. The Defendant received credit for one hundred ninety-six (196) days for time served in detention prior to sentencing.

On May 5, 2016, 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 Jennifer Streano of the Office of the State Public Defender. The State was not represented. Marlene Rorvik, mother of the Defendant, was present.

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 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



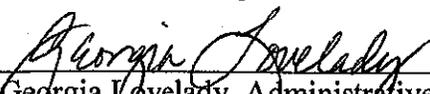
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
William Allen Rorvik #2026888, Defendant (2)
Hon. Jeffrey Langton
Peter Ohman, Defense Counsel
Thorin Geist, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighth Judicial District Court, County of Cascade

STATE OF MONTANA,)

Plaintiff,)

-vs-)

DANNY LYNN SEVERSON,)

Defendant.)

CAUSE NO. DC-15-028

DECISION

On January 20, 2016, the Defendant was sentenced to sixty (60) years to the Montana State Prison, with ten (10) years suspended, for the offense of Sexual Assault, a felony, in violation of §45-5-502 (2013), MCA. The Court ordered this sentence to run consecutive to any other sentence the Defendant was serving. The Court designated the Defendant as a Tier II sex offender. The Court adopted the conditions of probation as set forth in the PSI and waived PSI conditions 43(e) and 43(f). The Defendant was informed that in order to be eligible for parole, he must complete the cognitive and behavioral parts of sex offender treatment. The Defendant was given credit for 371 days for time already served.

On May 6, 2016, 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 Jennifer Streano of the Office of the State Public Defender. The State was represented by Jennifer Quick.

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 6th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



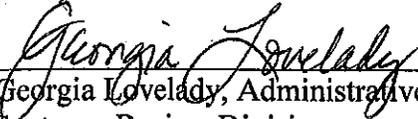
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Danny Lynn Severson #26773, Defendant (2)
Hon. Gregory Pinski
Peter Ohman, Defense Counsel
Jennifer Quick, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-15-284
-vs-)	
	)	DECISION
CHRISTOPHER SHOWEN,)	
)	
Defendant.)	

On December 28, 2015, the Defendant was sentenced to the Montana State Prison for a period of ten (10) years with five (5) years suspended for the offense of Bail Jumping, a felony, in violation of §45-7-308. The Court ordered the sentence to run consecutively to the sentence in Cause No. DC-14-276. Defendant was fined \$1000 and ordered to pay his Public Defender costs of \$800, along with court surcharges. Defendant was given credit for 328 days served in custody.

On May 5, 2016, 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 Crossroads Correctional Center and was represented by Peter Ohman of the Office of the State Public Defender. The State was represented by Flathead County Attorney Ed Corrigan.

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 5th day of May, 2016.

DATED this 10 day of June, 2016.

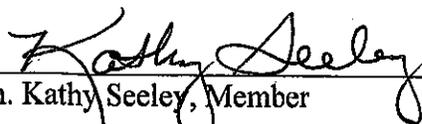
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



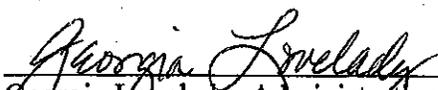
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Christopher Robert Showen #2107159, Defendant (2)
Hon. Heidi Ulbricht
Peter Ohman, Defense Counsel
Ed J. Corrigan, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-14-276
vs.)	
	)	DECISION
CHRISTOPHER SHOWEN,)	
)	
Defendant.)	

On December 28, 2015, the Defendant was sentenced to the Montana State Prison for a period of fifteen (15) years with five (5) years suspended for the offense of Assault with a Weapon, a felony, in violation of §45-5-213(1)(b). Defendant was fined \$1000 and ordered to pay his Public Defender costs of \$800, along with court surcharges. Defendant was given credit for 328 days served in custody.

On May 5, 2016, the Defendant's application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court.

The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by Peter Ohman of the Office of the State Public Defender. The State was represented by Flathead County Attorney Ed Corrigan.

Before hearing the application, the Defendant was advised that the Sentence Review 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 Sentence Review Division. The Defendant acknowledged that he understood this and stated that he did not wish to proceed.

Therefore, it is the unanimous decision of the Sentence Review Division that the application for review of sentence is WAIVED.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

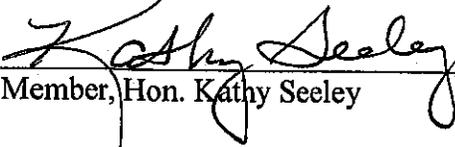
SENTENCE REVIEW DIVISION



Chairperson, Hon. Brenda Gilbert



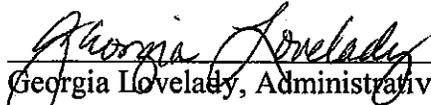
Member, Hon. Brad Newman



Member, Hon. Kathy Seeley

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Christopher Robert Showen #2107159, Defendant (2)
Hon. Heidi Ulbricht
Peter Ohman, Defense Counsel
Ed J. Corrigan, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)

Plaintiff,)

-vs-)

WILLIAM HARVEY SUTHERS,)

Defendant.)

CAUSE NO. DC-14-621

DECISION

On January 13, 2016, the Defendant was sentenced to life in prison without the possibility of parole for the offense of Sexual Assault, a felony, in violation of §45-5-502(1), MCA. The Defendant was designated as a Tier III sex offender and ordered to pay court fees in the amount of \$980. He was given credit for 417 days of time served at the rate of \$100 credit per day toward Defendant's fine.

On May 6, 2016, 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 Jennifer Streano of the Office of the State Public Defender. The State was not represented. Judge John Larson was present and testified.

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 6th day of May, 2016.

DATED this 10 day of June, 2016.

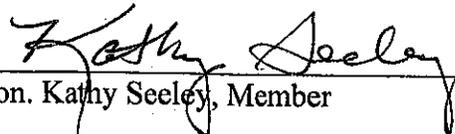
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
William Harvey Suthers #42052, Defendant (2)
Hon. John Larson
Jennifer Streano, Defense Counsel
Jason Troy Marks, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-1997-12737
-vs-)	
	)	DECISION
WILLIAM HARVEY SUTHERS,)	
)	
Defendant.)	

On January 7, 2016, the Defendant was sentenced to eight (8) years at the Montana State Prison for Count II: Sexual Assault, a Felony, in violation of §45-5-502, MCA and to twelve (12) years at MSP for Count III: Sexual Assault, a felony, in violation of §45-5-502, MCA. The Judgment provided that Count III should run consecutively to Count II and the Defendant was not eligible for parole. Defendant was designated as a Tier III sex offender.

On May 6, 2016, 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 Jennifer Streano of the Office of the State Public Defender. The State was not represented. Judge John Larson was present and testified.

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).

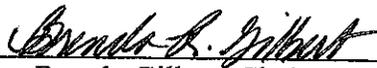
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

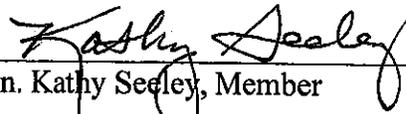
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



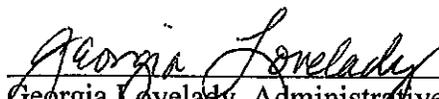
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
William Harvey Suthers #42052, Defendant (2)
Hon. John Larson
Jennifer Streano, Defense Counsel
Andrew W. Paul, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,)

Plaintiff,)

-vs-)

WILLIAM JOHN STRUTHERS,)

Defendant.)

CAUSE NO. DC-11-527

DECISION

On October 23, 2015, the Defendant's suspended sentence was revoked and he was sentenced to a commitment of three (3) years to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs – Not otherwise Provided for, a Felony, in violation of §45-9-102(6), MCA. The Defendant was granted credit for time served in the amount of forty three (43) days, but was not granted any credit for street time. The Court recommended that the Defendant be evaluated for drug treatment and successfully complete Aftercare.

On May 6, 2016, 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 Jennifer Streano of the Office of the State Public Defender. 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).

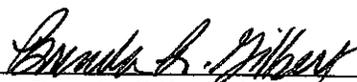
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

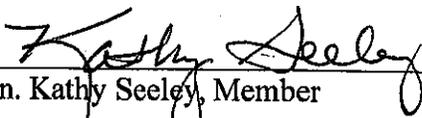
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



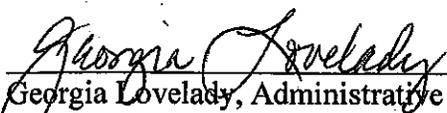
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
William John Struthers #3009479, Defendant (2)
Hon. Robert Deschamps
Peter Ohman, Defense Counsel
Brian C. Lowney, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Eighth Judicial District Court, County of Cascade

STATE OF MONTANA,)

Plaintiff,)

-vs-)

KRISTIAN UNDERDAHL,)

Defendant.)

CAUSE NO. CDJ-12-084

DECISION

On June 17, 2014, the Court ordered that the Consent Decree in this matter be Revoked and the Court transferred supervision to the District Court pursuant to §41-5-208(3), MCA. It was further ordered that the Youth be committed to the Montana Department of Corrections for placement in an adult correctional facility until the age 25, for the offense of Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1) and (3)(a), MCA. It was further ordered that the Youth would remain subject to all of the previously imposed conditions set forth in the Consent Decree which is on file and was incorporated herein by reference.

On May 6, 2016, 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 Meghan Lulf Sutton of Sutton, Dubois & Mills, PLLC law firm. The State was represented by Cascade County Deputy Attorney Jennifer Quick. Appearing at the hearing was the mother of the victim, Christine Cooper, who testified. Also present was the victim's grandfather, Patrick Cooper. The Defendant's parents, Brent and Carrie Underdahl were present and the father testified.

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).

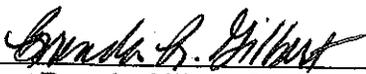
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 6th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Kristian Ray Underdahl #3013693, Defendant (2)
Hon. Kenneth Neill
Meghan Lulf Sutton, Defense Counsel
Cascade County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty-First Judicial District Court, County of Ravalli

STATE OF MONTANA,)	
)	
Plaintiff,)	
	)	CAUSE NO. DC-14-298
-vs-)	
	)	DECISION
KRISTIAN KAVEKA ZSUPNIK,)	
)	
Defendant.)	

On October 27, 2015, the Defendant was sentenced to a commitment to the Montana Department of Corrections, for placement in a prison for a period of ten (10) years, for the offense of Charge I – Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Court ordered the sentence to run consecutively to the sentence imposed in DC-14-180.

The total commitment period in Cause Nos. DC-14-180, DC-14-295, DC-14-298 and DC-14-299 is a 20-year commitment to a prison designated by the Montana Department of Corrections, to run consecutively to the Department 2 sentences in Cause Nos. DC-04-13 and DC-09-101. The Defendant was ordered to pay restitution in the amount of \$3,886.82.

On May 5, 2016, 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 Jennifer Streano of the Office of the State Public Defender. 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).

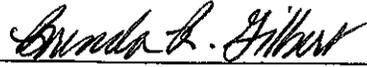
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 5th day of May, 2016.

DATED this 10 day of June, 2016.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



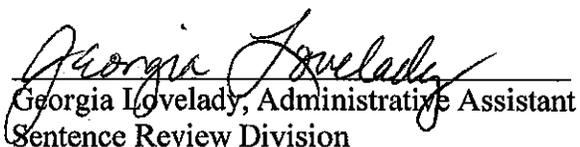
Hon. Brad Newman, Member



Hon. Kathy Seeley, Member

Copies mailed this 13th day
of June, 2016, to:

Clerk of District Court (Original)
Kristian Kaveka Zsupnik #2073965, Defendant (2)
Hon. Jeffrey Langton
Peter Ohman, Defense Counsel
Angela Wetzsteon, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Administrative Assistant
Sentence Review Division