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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-10-148 |
| -vs- | ) | |
| | ) | DECISION |
| JESSE JAMES KALE BROWN, | ) | |
| | ) | |
| Defendant. | ) | |

On November 12, 2014 the Defendant's suspended sentence for the offense of Robbery, a Felony, in violation of §45-5-401, MCA, was revoked and was sentenced to seven (7) years to the Department of Corrections with two (2) years suspended. The Defendant shall be given credit for time served in the amount of 64 days. The Court respectfully requests placement in a program for drug rehabilitation.

On May 8, 2015, 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, 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).

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 shall be AFFIRMED.

Done in open Court this 8th day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jesse James Kale Brown #3006197, Defendant (2)
Hon. Ed McLean
Jennifer Streano, Defense Counsel
Missoula County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Fifteenth Judicial District Court, County of Sheridan

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-13-04 |
| -vs- | ) | |
| | ) | DECISION |
| RICHARD JOHN BURTON, | ) | |
| | ) | |
| Defendant. | ) | |

On November 20, 2014 the Defendant was sentenced as follows: **COUNT I**: A commitment to the Montana Department of Corrections for a term of Ten (10) years, with all but five (5) years suspended, for the offense of Assault on Peace Officer or Judicial Officer, a Felony, in violation of §45-5-210; **COUNT II**: Sixty (60) years in the Montana State Prison, with all but Ten (10) years suspended, for the offense of Sexual Assault, a Felony, in violation of §45-5-502(3), MCA; **COUNT IV:** A commitment to the Montana Department of Corrections for a term of ten (10) years, all suspended, for the offense of Aggravated Assault, a Misdemeanor, in violation of §45-5-202(1), MCA; **COUNT VI:** A six (6) months suspended sentence to the county jail, for the offense of Resisting Arrest, a Misdemeanor, in violation of §45-7-301, MCA. Counts I, II, IV and VI shall run concurrently with Roosevelt County DC-13-4. The Court dismissed Count III, Count V, and Count VII.

On May 7, 2015, 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 appeared via videoconference and was represented by Jennifer Streano, Montana Office of Public Defender. The State was not represented.

Before hearing the Application, Ms. Streano informed the Division that she has questions regarding the defendant's previous sentence that recently arose. She spoke with Mr. Burton to see whether he wants to go forward with sentence review or not. There are some questions she wants to discuss with his previous attorney for clarification.

Ms. Streano requests that the Division allow the defendant's hearing to be continued to the next available sentence review hearings in August in order to have sufficient time to research the matter further. The Defendant was in agreement with Ms. Streano and requested that his hearing be continued.

Therefore, it is the unanimous decision of the Sentence Review Division that the application for review of sentence shall be continued to the next available hearings in August 2015. Notification will be sent to counsel and defendant four weeks prior.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Richard John Burton #2150812, Defendant (2)
Hon. David Cybulski
Jennifer Streano, Defense Counsel
Sheridan County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-13-29 |
| -vs- | ) | |
| | ) | DECISION |
| TIMOTHY ALAN CASE, | ) | |
| | ) | |
| Defendant. | ) | |

On December 3, 2014, pursuant to the Supreme Court's Order, it was the judgment of the Court that the Defendant is guilty of the offenses of Count I: Driving While Under the Influence of Alcohol or Drugs (4th Offense), a felony, in violation of §61-8-401, MCA, and Count III: Seatbelt Violation, a misdemeanor, in violation of §61-13-103, MCA. The Defendant was sentenced for Count I to a term of thirteen (13) months to the Department of Corrections, followed by a suspended commitment of five (5) years to the Montana State Prison. Defendant shall receive credit for thirteen (13) months served in custody on the Department of Corrections commitment and for an additional 76 days on the suspended commitment to the Montana State Prison. The Court recommends that the Defendant be allowed to transfer his supervision to the State of California pursuant to the Interstate Compact.

On May 8, 2015, 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 via teleconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 8 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Timothy Alan Case #44708, Defendant (2)
Hon. Ed McLean
Jennifer Streano, Defense Counsel
Mineral County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

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|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-296 |
| -vs- | ) | |
| | ) | DECISION |
| JONATHAN A CASSEL, | ) | |
| | ) | |
| Defendant. | ) | |

On December 18, 2014, the Defendant was sentenced to the Montana Department of Corrections for a period of four (4) years for the offense of Count I: Escape, a Felony, in violation of §45-7-306, MCA. The sentence shall run consecutively to the sentence the defendant is currently serving. The Department may place the defendant into an appropriate community based program, facility, or a state correctional institution.

On May 7, 2015, 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, 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).

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 shall be AFFIRMED.

Done in open Court this 7th day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day
of ~~February~~ May, 2015, to:

Clerk of District Court (Original)
Jonathan Arthur Cassel #3009676, Defendant (2)
Hon. James P. Reynolds
Jennifer Streano, Defense Counsel
Lewis & Clark County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-079 |
| -vs- | ) | |
| | ) | DECISION |
| JON EASTERWOOD, | ) | |
| | ) | |
| Defendant. | ) | |

On February 3, 2015, the Defendant was sentenced to twenty (20) years in the Montana State Prison, for the offense of Count I: Conspiracy to Commit Criminal Possession of Dangerous Drugs with Intent to Distribute, a Felony, in violation of §45-9-103 (§45-4-102 – Conspiracy). The Defendant shall receive credit for three (3) days' time served prior to sentencing in this matter.

On May 7, 2015, 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, 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. Defense Counsel, Jennifer Streano, informed the Division that the defendant wishes to pursue post-conviction relief or some other form of relief prior to having his sentence reviewed before the sentence review division.

Therefore, it is the unanimous decision of the Division that the Defendant's Application in this case is DISMISSED, WITHOUT PREJUDICE. The Defendant may re-file his Application with the Cascade County Clerk of District Court within 60 days of the date of the decision, in accordance

with Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jon Easterwood #3015189, Defendant (2)
Hon. Dirk Sandefur
Jennifer Streano, Defense Counsel
Cascade County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-09-17 |
| -vs- | ) | |
| | ) | DECISION |
| RICHARD PHELPS EDWARDS, | ) | |
| | ) | |
| Defendant. | ) | |

On June 1, 2010, the Defendant was sentenced to: Count I: One hundred (100) years in the Montana State Prison, for the offense of Deliberate Homicide, a Felony, in violation of §45-5-102, MCA. Further it is the sentence and judgment of the Court that the Defendant shall be ineligible for parole for a period of fifty (50) years. Count II: Ten (10) years in the Montana State Prison, for the offense of Tampering with Physical Evidence, a Felony, in violation of §45-7-207, MCA. Count II shall run consecutively with Count I. The Defendant is granted credit for time served in the Yellowstone County Detention Facility of four hundred (400) days.

On May 7, 2015, 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 and was represented by Jennifer Streano, 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).

The Sentence Review Division, by a majority vote, finds that the sentence imposed at issue is clearly excessive with respect to one element. The underlying sentence for Deliberate Homicide itself, a 100-year term of imprisonment, and the 10-year sentence for Tampering With Physical Evidence, are both deemed appropriate and within equitable sentencing considerations.

However, the Division finds that the parole restriction imposed in this case, the provision that the Defendant is ineligible for parole for 50 years, renders the sentence clearly excessive. The parole restriction coupled with the significant underlying sentence of incarceration eliminates any incentive for the defendant to rehabilitate, to participate in programming, and to effect any positive change in his life. Parole eligibility is just that, a mere possibility. It is not an entitlement. Parole must be earned. The Defendant remains obligated to effect change in his life, conduct and attitude, but without the incentive to do that, the overall sentence becomes punishment only.

Therefore, it is the majority decision of the Division that the parole restriction be lifted. The sentence and the remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive and are AFFIRMED.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Hon. Kathy Seeley dissents as she finds that the sentence imposed is not clearly excessive or clearly inadequate. Therefore the sentence shall be AFFIRMED.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Richard Phelps Edwards #3005255, Defendant (2)
Jennifer Streano, Defense Counsel
Stillwater County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

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|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | CAUSE NO. DC 05-481 |
| | ) | |
| vs. | ) | **WAIVER OF RIGHT TO REVIEW OF SENTENCE** |
| | ) | |
| JAMES JEAN EVANS, | ) | |
| | ) | |
| Defendant. | ) | |

I, James Evans, the Defendant in the above-entitled cause, acknowledge that I have been advised that I have a legal right under Section 46-18-901, et seq., MCA, to have my sentence reviewed by the Sentence Review Division of the Montana Supreme Court.

I applied to have my sentence reviewed by the Sentence Review Division of the Montana Supreme Court.

I hereby request to waive my right to have my sentence reviewed by the Sentence Review Division of the Montana Supreme Court and request the Division take no further action on my Application.

I fully understand that this request will result in a permanent waiver of my right to appear before the Sentence Review Division on the above-described cause and that the Sentence Review Division will take no further action thereunder.

DATED this 7th day of May, 2015.

James J Evans
Defendant's Signature

Witness Signature

Peter Ohman
Witness Name Printed

Sentence Review Division

MAY 11 2015

CERTIFICATE OF MAILING

I, Shelly Smith, Office Administrator of the Sentence Review Division of the Montana Supreme Court, hereby certify that copies of the foregoing WAIVER OF RIGHT TO SENTENCE REVIEW were mailed this 30th day of July, 2015 to the following:

Clerk of District Court
Lake County
106 Fourth Avenue East
Polson, MT 59860

Lake County Attorney
106 Fourth Avenue East
Polson, MT 59860

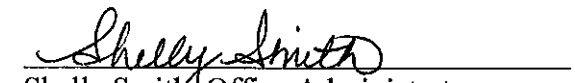
Peter Ohman, Defense Counsel
Office of the State Public Defender
502 S. 19th Ave., Ste. 306
Bozeman, MT 59718

Paula McDonald #2132923
Cascade County Jail
3800 Ulm N. Frontage Rd.
Great Falls, MT 59404

Hon. Deborah Kim Christopher
20th Judicial District
106 Fourth Avenue East
Polson, MT 59860

Montana Women's Prison
Records Department
701 S. 27th Street
Billings, MT 59101

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



Shelly Smith, Office Administrator
SENTENCE REVIEW DIVISION

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

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|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-09-261 |
| -vs- | ) | |
| | ) | DECISION |
| JONATHAN CRAIG FLEER, | ) | |
| | ) | |
| Defendant. | ) | |

On February 9, 2015, the Defendant's suspended sentence was revoked and was sentenced to five (5) years in the Montana State Prison, for the offense of Count I: Failure to Register as a Sexual or Violent Offender, a Felony, in violation of §46-23-504, MCA. The Defendant shall receive credit for time served in the amount of two hundred and fifty two (252) days.

On May 7, 2015, 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 videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jonathan Craig Fleer #37102, Defendant (2)
Hon. Robert L. Deschamps
Jennifer Streano, Defense Counsel
Missoula County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

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|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-09-433 |
| -vs- | ) | |
| | ) | DECISION |
| JONATHAN CRAIG FLEER, | ) | |
| | ) | |
| Defendant. | ) | |

On February 9, 2015, the Defendant's suspended sentence was revoked and was sentenced to five (5) years in the Montana State Prison, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(8), MCA. This sentence shall run consecutive to the sentence imposed is Cause No. DC-09-261. The Defendant shall receive credit for time served in the amount of two hundred and fifty two (252) days.

On May 7, 2015, 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 and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Kathy Seeley

Hon. Kathy Seeley, Chairperson

Brenda B. Gilbert

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jonathan Craig Fleer #37102, Defendant (2)
Hon. Robert L. Deschamps
Jennifer Streano, Defense Counsel
Missoula County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly Smith

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Third Judicial District Court,
County of Deer Lodge

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-11-45 |
| -vs- | ) | |
| | ) | DECISION |
| DOUGLAS JAMES GOSNELL, | ) | |
| | ) | |
| Defendant. | ) | |

On January 22, 2015, the Defendant was sentenced for violation of the conditions of a suspended sentence to two (2) years in the Montana State Prison, with none of that time suspended, for the offense of Violation of Order of Protection, a Felony, in violation of 45-5-626, MCA. The Defendant shall receive credit of four hundred thirteen (413) days of time served.

On May 7, 2015, 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 via videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7th day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Douglas James Gosnell #3013056, Defendant (2)
Hon. Kurt Krueger
Jennifer Streano, Defense Counsel
Anaconda-Deer Lodge County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
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-14-285 |
| -vs- | ) | |
| | ) | DECISION |
| PAUL A. GUIOT, | ) | |
| | ) | |
| Defendant. | ) | |

On January 21, 2015, the Defendant was sentenced as follows: Count I: Five (5) years in the Montana State Prison for the offense of Criminal Possession of Dangerous Drugs Not Otherwise Provided for in Subsections (2) through (5), a Felony, in violation of 45-9-102(6), MCA; and Count II: Five (5) years in the Montana State Prison, for the offense of Criminal Possession of Dangerous Drugs, Opiate/Meth, a Felony, in violation of 45-9-102(4), MCA. Counts I and II shall run concurrently. Defendant shall receive credit for time served in the amount of 242 days at the rate of $100.00 credit per day toward Defendant's fine. However, the amount of credit given shall not exceed the total amount of fine due.

On May 8, 2015, 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 via videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 8 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Paul A. Guiot #40638, Defendant (2)
Hon. Ed McLean
Jennifer Streano, Defense Counsel
Missoula County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Sixth Judicial District Court, County of Park

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-13-122 |
| -vs- | ) | |
| | ) | DECISION |
| ETU WILLIAMS HOLLOWAY, | ) | |
| | ) | |
| Defendant. | ) | |

On March 5, 2015, the Defendant was sentenced for Count I: Criminal Possession of Dangerous Drugs, methamphetamine, a felony; Count II: Criminal Possession of Dangerous Drugs, marijuana less than 60 grams, a misdemeanor; and Count III: Criminal Possession of Drug Paraphernalia, a misdemeanor, to a commitment to the Department of Corrections for a term of four (4) years, with no time suspended. The Court sentences the Defendant to be placed in the NEXUS program. The Defendant shall receive credit for fifty-five (55) days of incarceration served against the length of the sentence.

On May 7, 2015, 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 videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Etu Williams Holloway #38957, Defendant (2)
Hon. Jon A. Oldenburg
Jennifer Streano, Defense Counsel
Park County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-10-365 |
| -vs- | ) | |
| | ) | DECISION |
| CHARLES R HORTON, | ) | |
| | ) | |
| Defendant. | ) | |

On November 19, 2014, the Defendant's suspended sentence was revoked and was sentenced to the Montana State Prison for a period of five (5) years for the offense of Driving or in Actual Physical Control of a Motor Vehicle While Under the Influence of Alcohol and/or Drugs, a Felony, in violation of §61-8-401, MCA. The Defendant is granted credit for time served prior to sentencing from 09/26/14-11/19/14.

On May 7, 2015, 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, 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).

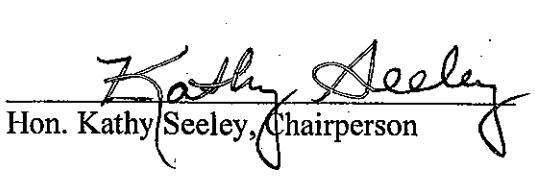
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

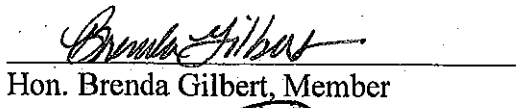
Done in open Court this 7th day of May, 2015.

DATED this 27 day of May, 2015.

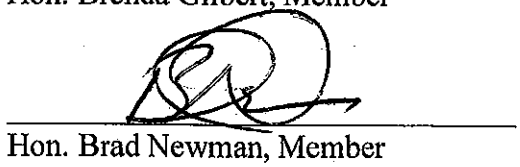
SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson



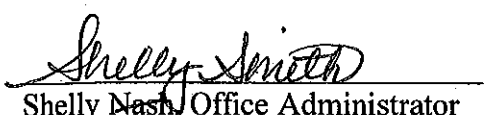
Hon. Brenda Gilbert, Member



Hon. Brad Newman, Member

Copies mailed this 27th day of May, 2015, to:

Clerk of District Court (Original)
Charles Rockwood Horton #40904, Defendant (2)
Hon. James P. Reynolds
Jennifer Streano, Defense Counsel
Lewis & Clark County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Shelly ~~Nash~~ Smith, Office Administrator
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-13-276 |
| -vs- | ) | |
| | ) | DECISION |
| CLAYTON DOUGLAS KIRN, | ) | |
| | ) | |
| Defendant. | ) | |

On February 2, 2015, the Defendant's suspended sentence was revoked and was sentenced to a commitment to the Department of Corrections to a term of four (4) years one hundred fifty three (153) days, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. It is the recommendation of the Court that Defendant be screened for all appropriate treatment programs and upon acceptance, follow all requirements and provisions. If not accepted, Defendant will be placed at a Department of Corrections facility at the direction of the department.

On May 8, 2015, 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 via videoconference and was represented by Peter Ohman, 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).

The Division finds that the $800.00 fee to the Office of the Public Defender is excessive as there is nothing on the record or in the Judgment showing the defendant's ability to pay.

Therefore, it is the unanimous decision of the Division that the $800.00 fee to the Office of the Public Defender be waived. The sentence and the remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive, including the $2,000.00 fine the defendant agreed to in the original plea agreement, and is hereby AFFIRMED.

Done in open Court this 8 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Clayton Douglas Kirn #43108, Defendant (2)
Hon. Gregory R. Todd
Peter Ohmann, Defense Counsel
Yellowstone County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-13-377 |
| -vs- | ) | |
| | ) | DECISION |
| JOSHUA JAMES KLINE, | ) | |
| | ) | |
| Defendant. | ) | |

On January 15, 2015, the Defendant was sentenced to thirty (30) years in the Montana State Prison, for the offense of Count I: Robbery, a Felony, in violation of §45-5-401(1)(b) and (3), MCA, which shall run consecutively to the defendant's previously imposed sentences imposed by Judge Dayton in Cause Number DC-13-70 of the Montana Third Judicial District Court, Deer Lodge County, in which the defendant received concurrent sentences to the Montana State Prison of twenty (20) years for the felony offense of Criminal Distribution of Dangerous Drugs; five (5) years for the felony offense of Endangering the Welfare of a Child; and life imprisonment for the felony offense of Incest.

The Defendant is granted credit for time served prior to sentencing for the following: November 24, 2013 – November 21, 2014, the effective date of Judge Dayton's sentence.

On May 7, 2015, 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 via videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7th day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Joshua James Kline #35760, Defendant (2)
Hon. James Reynolds
Jennifer Streano, Defense Counsel
Lewis & Clark County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. CDC-14-258 |
| -vs- | ) | |
| | ) | DECISION |
| ERNEST FRANK MILLER, | ) | |
| | ) | |
| Defendant. | ) | |

On January 15, 2015, the Defendant was sentenced as follows: Count I: Fifty (50) years in the Montana State Prison, for the offense of Assault with a Weapon, a Felony, in violation of §45-5-213(1)(a), MCA; Count II: Ten (10) years in the Montana State Prison, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA; and Count III: Ten (10) years in the Montana State Prison, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Court orders that Counts I, II and III shall run concurrently with each other. Defendant is given credit of two hundred forty-nine (249) days' time served. The Court designated the defendant a persistent felony offender and sentenced him as such pursuant to §§46-18-501 and 502(1), MCA.

On May 7, 2015, 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, 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. Defense Counsel, Jennifer Streano, informed the Division that the defendant wishes to pursue post-conviction relief or some other form of relief prior to having his sentence reviewed before the sentence review division.

Therefore, it is the unanimous decision of the Division that the Defendant's Application in this case is DISMISSED, WITHOUT PREJUDICE. The Defendant may re-file his Application with the Cascade County Clerk of District Court within 60 days of the date of the decision, in accordance

with Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court.

Done in open Court this 7 day of May, 2015.

DATED this 21 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day
of May, 2015, to:

Clerk of District Court (Original)
Ernest Frank Miller #3004201, Defendant (2)
Hon. Kenneth Neill
Jennifer Streano, Defense Counsel
Cascade County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty Second Judicial District Court, County of Carbon

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-22 |
| -vs- | ) | |
| | ) | DECISION |
| PHILIP ALLEN NAPOLI, | ) | |
| | ) | |
| Defendant. | ) | |

On October 28, 2014, the Defendant was sentenced as follows: COUNT I: A commitment to the Department of Corrections for a period of thirteen (13) months with a recommendation to the WATCH Program, for the offense of Driving While Under the Influence of Alcohol, a Felony, in violation of §61-8-401, MCA. Upon Successful completion of the WATCH Program the Defendant shall serve the remainder of the thirteen (13) months on probation. Following the thirteen months, the Defendant shall serve a term of five (5) years in prison designated by the Department of Corrections, with all five (5) years suspended. The Court further imposes a fine of one thousand ($1,000.00) dollars and a surcharge of seventy-five ($75.00). COUNT II: A six (6) month term to the Yellowstone County Detention Facility, with all of that time suspended, for the offense of Resisting Arrest, a Misdemeanor, in violation of §45-7-301, MCA. Defendant is to pay a five hundred ($500.00) fine and the appropriate surcharge. The fine is hereby suspended. Count II is to run concurrent to Count I. COUNT III: A six (6) month term to the Yellowstone County Detention Facility, with all of that time suspended, for the offense of Obstructing a Peace Officer, a Misdemeanor, in violation of §45-4-302, MCA. Defendant is to pay a five hundred ($500.00) fine and the appropriate surcharge. The fine is hereby suspended. Count III is to run concurrent to Count II. However, all surcharges shall run consecutively.

On May 8, 2015, 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 not present. Defense counsel, Peter Ohman of the Montana Office of Public Defender was present and appeared on behalf of the Defendant. The State was not represented. Mr. Ohman informed the Division that Philip Napoli contacted him and stated that he wanted to waive his right to a review of his sentence in this case. Mr. Ohman agreed to supplement the record with a signed waiver from the Defendant.

Therefore, it is the unanimous decision of the Division that the Defendant's request to waive his right to a review of his sentence is GRANTED and the Division will take no further action on his Application in this matter.

Done in open Court this 8 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Philip Allen Napoli #3014746, Defendant (2)
Hon. Blair Jones
Peter Ohmann, Defense Counsel
Carbon County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
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-14-287 |
| -vs- | ) | |
| | ) | DECISION |
| JOSEPH DARRELL NELSON, | ) | |
| | ) | |
| Defendant. | ) | |

On March 11, 2015, the Defendant was sentenced as follows: Count I: A commitment to the Department of Corrections for a term of three (3) years, with recommended screening for placement at Connections Corrections followed by pre-release, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207(1), MCA; and Count II: A commitment to the Flathead County Detention Center for a *concurrent* term of six (6) months, suspended, for the offense of Partner or Family Member Assault, a Misdemeanor, in violation of §45-5-206 (1) (a), MCA. The Defendant is to be given credit for ninety-nine (99) days served in custody pending final disposition in this matter (11/20/14 – 2/26/15).

On May 7, 2015, 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 via videoconference and was represented by Jennifer Streano, 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 waive his right to a review of his sentence.

Therefore, it is the unanimous decision of the Division that the application for review of sentence shall be WAIVED and the Division will take no further action in this matter.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Joseph Darrell Nelson #3013925, Defendant (2)
Hon. Ted O. Lympus
Jennifer Streano, Defense Counsel
Flathead County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-039 |
| -vs- | ) | |
| | ) | DECISION |
| JONATHAN ARTHUR PAULEY, | ) | |
| | ) | |
| Defendant. | ) | |

On January 28, 2015, Defendant was sentenced to the Montana Department of Corrections for a period of six (6) years with two (2) of those years suspended for the offense of Count I: Issuing Insufficient Funds Check, a Felony, in violation of Sec. 45-6-316, M.C.A. Defendant shall pay restitution in the amount of $5,749.51 plus 10% interest on that amount per annum accruing since January 28, 2015 to HKT Motors of Glendive, Montana.

On May 8, 2015, 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 via video conference and was represented by Peter Ohman, 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).

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 shall be AFFIRMED.

Done in open Court this 6 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jonathan Arthur Pauley #3000155, Defendant (2)
Hon. Richard A. Simonton
Peter Ohmann, Defense Counsel
Dawson County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
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-06-238 |
| -vs- | ) | |
| | ) | DECISION |
| FLOYD BRANDON PIEDALUE, | ) | |
| | ) | |
| Defendant. | ) | |

On December 18, 2014, the Defendant's suspended sentence was revoked and was sentenced to a commitment to the Department of Corrections for a period of five (5) years, for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Court recommends to the Department that the Defendant be screened for the NEXUS program followed by a pre-release program. The Defendant is granted 101 days credit for time served.

On May 8, 2015, 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 via videoconference and was represented by Peter Ohman, 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).

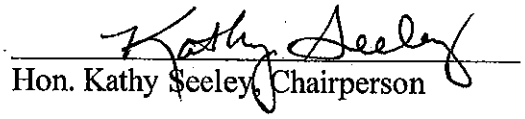
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

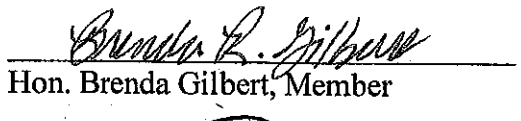
Done in open Court this 6 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson

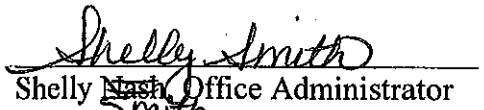


Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 27th day of May, 2015, to:

Clerk of District Court (Original)
Floyd Brandon Piedalue #2116183, Defendant (2)
Hon. Robert L Deschamps III
Peter Ohmann, Defense Counsel
Missoula County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Twenty Second Judicial District Court, County of Carbon

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-16 |
| -vs- | ) | |
| | ) | DECISION |
| JASON ERNEST SCHLEINING, | ) | |
| | ) | |
| Defendant. | ) | |

On December 3, 2014, the Defendant was sentenced to the following: Count II: A commitment to the Department of Corrections of the State of Montana for a period of fifteen (15) years, with ten (10) years suspended, for the offense of Assault with a Weapon, a Felony, in violation of §45-5-213(a)(b), MCA. The Defendant is to pay a surcharge of eighty ($80.00) dollars.
Count III: A commitment to the Yellowstone County Detention Facility for a term of one (1) year, with all but twenty-four (24) hours suspended, for the offense of Aggravated DUI, a misdemeanor, in violation of §61-8-465, MCA. The Defendant is to pay a fine of one thousand ($1,000.00) dollars and surcharge of seventy-five ($75.00) dollars. This sentence shall run concurrent to the sentence in Count II.

On May 8, 2015, 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 via teleconference and was represented by Peter Ohman, Montana Office of Public Defender. The State was represented by Alex Nixon.

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 did not wish to proceed.

Therefore, it is the unanimous decision of the Division that the application for review of sentence shall be WAIVED and the Division will take no further action on this matter.

Done in open Court this 8 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Jason Ernest Schleining #3014812, Defendant (2)
Hon. Blair Jones
Peter Ohmann, Defense Counsel
Carbon County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
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-13-133 |
| -vs- | ) | |
| | ) | DECISION |
| ANTHONY WAYNE SHULL, | ) | |
| | ) | |
| Defendant. | ) | |

On March 5, 2015, the Defendant was sentenced as follows: Count II: Ten (10) years to the Montana State Prison, for the offense of Burglary, a Felony, in violation of §45-6-204(1), MCA; Count V: Ten (10) years in the Montana State Prison, with eight (8) years suspended, for the offense of Burglary, a Felony, in violation of §45-6-204(1), MCA, to run consecutive to the sentence for Count II; and Count VI: Five (5) years to the Montana State Prison, all suspended, for the offense of Theft, a Felony, in violation of §45-6-301, MCA. These sentences are to run concurrent to the sentence in DC-13-440A and subject to the conditions contained in the pre-sentence investigation report dated April 23, 2014 on pages nine through eleven, as amended. Defendant shall receive credit for 716 days served in incarceration.

On May 7, 2015, 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, Montana Office of Public Defender. The State was represented by Travis Ahner.

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. Defense Counsel, Jennifer Streano, informed the Division that the defendant wishes to pursue an appeal one of his cases or some other form of relief prior to having his sentence reviewed before the sentence review division.

Therefore, it is the unanimous decision of the Division that the Defendant's Application in this case is DISMISSED, WITHOUT PREJUDICE. The Defendant may re-file his Application with

the Flathead County Clerk of District Court within 60 days of the date of the decision, in accordance with Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Anthony Wayne Shull #3014029, Defendant (2)
Hon. David Ortley
Jennifer Streano, Defense Counsel
Flathead County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
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-13-440 |
| -vs- | ) | |
| | ) | DECISION |
| ANTHONY WAYNE SHULL, | ) | |
| | ) | |
| Defendant. | ) | |

On March 5, 2015, the Defendant was sentenced to fifteen (15) years in the Montana State Prison, with five (5) years suspended, for the offense of Burglary, a Felony, in violation of §45-6-204(1), MCA. The Defendant is to be given credit for four hundred twenty four (424) days served in custody pending final disposition in this matter (11/25/13 to 01/22/15).

On May 7, 2015, 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, Montana Office of Public Defender. The State was represented by Travis Ahner.

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. Defense Counsel, Jennifer Streano, informed the Division that the defendant wishes to pursue an appeal one of his cases or some other form of relief prior to having his sentence reviewed before the sentence review division.

Therefore, it is the unanimous decision of the Division that the Defendant's Application in this case is DISMISSED, WITHOUT PREJUDICE. The Defendant may re-file his Application with the Flathead County Clerk of District Court within 60 days of the date of the decision, in accordance

with Rule 2, Rules of the Sentence Review Division of the Montana Supreme Court.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day
of May, 2015, to:

Clerk of District Court (Original)
Anthony Wayne Shull #3014029, Defendant (2)
Hon. Ted O. Lympus
Jennifer Streano, Defense Counsel
Flathead County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

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| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-39 |
| -vs- | ) | |
| | ) | DECISION |
| CHADWICK THOMAS TREE, | ) | |
| | ) | |
| Defendant. | ) | |

On November 18, 2014, the Defendant was sentenced as follows: CHARGE I: A commitment to a prison designated by the Montana Department of Corrections for the balance of his natural life, for the offense of SEXUAL ABUSE OF CHILDREN, a Felony, in violation of §45-5-625(c), MCA; CHARGE II: A commitment to a prison designated by the Montana Department of Corrections for the balance of his natural life, for the offense of SEXUAL ASSAULT (COMMON SCHEME), a Felony, in violation of §§45-5-5012(1)(3) & 45-2-101(8), MCA, to run consecutively to the sentence in Charge I; and CHARGE III: A commitment to the Ravalli County Detention Center for a period of six (6) months, for the offense of OBSCENITY, a Misdemeanor, in violation of §45-8-201(1)(c), MCA, to run concurrently with the sentence in Charge I. The Defendant shall not be considered for parole or conditional release until he has completed phases I and II of sex offender treatment. *Due to the fact that there is no suspended time on the Defendant's sentences, there will be no conditions of probation.* The Defendant shall receive credit for two hundred ninety-eight (298) days for time served in detention prior to sentencing.

On May 7, 2015, 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 videoconference and was represented by Jennifer Streano, 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).

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 shall be AFFIRMED.

Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Chadwick Thomas Tree #3014796, Defendant (2)
Hon. Jeffrey H. Langton
Jennifer Streano, Defense Counsel
Ravalli County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

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|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-091 |
| -vs- | ) | |
| | ) | DECISION |
| JOHNATHON KEY TUCKER, | ) | |
| | ) | |
| Defendant. | ) | |

On December 10, 2014, the Defendant was sentenced as follows: Count I: A commitment to the Lewis and Clark County Jail for a period of six (6) months, for the offense of Surreptitious Visual Observation, a Misdemeanor, in violation of §45-5-223(1)(b), MCA;
Count II: A commitment to the Lewis and Clark County Jail for a period of six (6) months, for the offense of Surreptitious Visual Observation, a Misdemeanor, in violation of §45-5-223(1)(b), MCA;
Count III: Five (5) years to the Montana State Prison, all suspended, for the offense of Surreptitious Visual Observation, a Felony, in violation of §45-5-223(1)(b), MCA;
Count IV: Five (5) years to the Montana State Prison, all suspended, for the offense of Surreptitious Visual Observation, a Felony, in violation of §45-5-223(1)(b), MCA;
Count VIII: A commitment to the Lewis and Clark County Jail for a period of six (6) months, for the offense of Surreptitious Visual Observation, a Misdemeanor, in violation of §45-5-223(1)(b), MCA;
Count IX: A commitment to the Lewis and Clark County Jail for a period of six (6) months, for the offense of Surreptitious Visual Observation, a Misdemeanor, in violation of §45-5-223(1)(b), MCA;
Count XI: A commitment to the Lewis and Clark County Jail for a period of six (6) months, for the offense of Surreptitious Visual Observation, a Misdemeanor, in violation of §45-5-223(1)(b), MCA;
and Count XIII: Ten (10) years to the Montana State Prison, with five (5) years suspended, for the offense of Sexual Abuse of Children, a Felony, in violation of §45-5-625(1)(e), MCA.

The defendant is granted credit for time served prior to sentencing for the time period of February 24, 2014 – December 4, 2014.

The sentences imposed for Counts I, II, VIII, IX, and XI shall run concurrently with each other and concurrently with the sentence imposed for Count III. The sentence imposed for Count IV shall run consecutively to the sentence imposed for Count III. The sentence imposed for Count XIII shall run consecutively to the sentences imposed for Counts III and IV.

The Court designated the defendant as a Level I sexual offender based upon the psychosexual evaluation and other pertinent documentation.

The Court recommends the defendant complete Phase I of Sex Offender Treatment prior to consideration for community supervision.

On May 7, 2015, 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, 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).

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 shall be AFFIRMED.

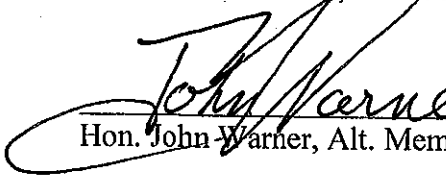
Done in open Court this 7th day of May, 2015.

DATED this 29th day of May, 2015.

SENTENCE REVIEW DIVISION

Hon. Brad Newman, Chairperson

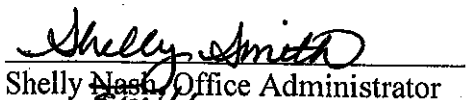
Hon. Brenda Gilbert, Member



Hon. John Warner, Alt. Member

Copies mailed this 1st day of ~~May~~ June, 2015, to:

Clerk of District Court (Original)
Johnathan Key Tucker #3015219, Defendant (2)
Hon. Kathy Seeley
Jennifer Streano, Defense Counsel
Lewis & Clark County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

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

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-14-024 |
| -vs- | ) | |
| | ) | DECISION |
| EDWARD EARL WERNER, | ) | |
| | ) | |
| Defendant. | ) | |

On January 20, 2015, the Defendant was sentenced as follows: Count I: Five (5) years in the Montana State Prison, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102; and Count III: One (1) year in the Sanders County Jail, with all time suspended, for the offense of Negligent Endangerment, a Misdemeanor, in violation of §45-5-208, MCA. Counts I and III shall run concurrently. The Defendant shall receive credit for time served in the Sanders County Jail from June 19, 2014 through September 4, 2014 for a total of seventy-eight (78) days.

On May 7, 2015, 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 via videoconference and was represented by Jennifer Streano, 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).

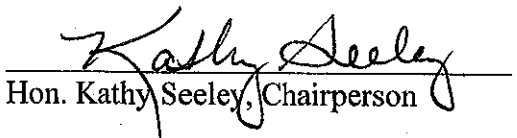
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

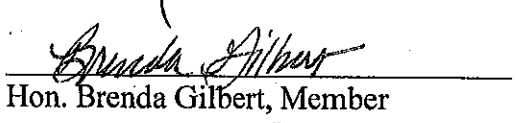
Done in open Court this 7 day of May, 2015.

DATED this 27 day of May, 2015.

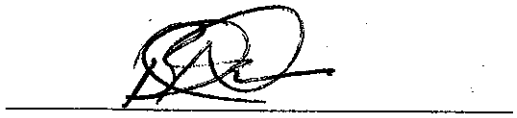
SENTENCE REVIEW DIVISION



Hon. Kathy Seeley, Chairperson



Hon. Brenda Gilbert, Member



Hon. Brad Newman, Member

Copies mailed this 29th day of May, 2015, to:

Clerk of District Court (Original)
Edward Earl Werner #3015431, Defendant (2)
Hon. Deborah K. Christopher
Jennifer Streano, Defense Counsel
Sanders County Attorney
Board of Pardons and Parole
MSP - Records Dept.

Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

| | | |
|---|---|---|
| STATE OF MONTANA, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | CAUSE NO. DC-09-113 |
| -vs- | ) | |
| | ) | DECISION |
| JOSHUA DANIEL WILSON, | ) | |
| | ) | |
| Defendant. | ) | |

On December 11, 2014, the Defendant's suspended sentence was revoked as was sentenced to a commitment to the Montana Department of Corrections for a period of fifteen (15) years, for the offense of Operation of Unlawful Clandestine Laboratory, a Felony, in violation of Sections 45-4-102 and 45-9-132, MCA. Said sentence shall run concurrently with that imposed upon the defendant in Cause No. CDC-2014-434 of the above entitled Court. The Defendant is granted credit for time served prior to sentencing for the following: September 19, 2014 – October 28, 2014; and November 2, 2014 – December 11, 2014.

On May 7, 2015, 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, 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).

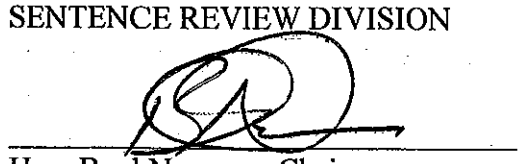
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

Done in open Court this 7th day of May, 2015.

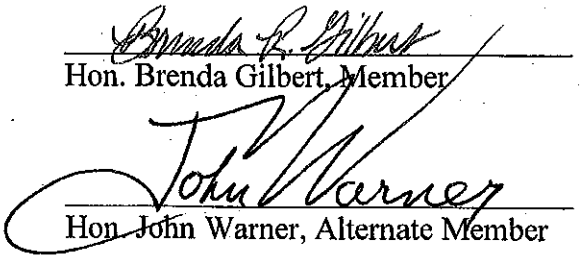
DATED this 29th day of May, 2015.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson

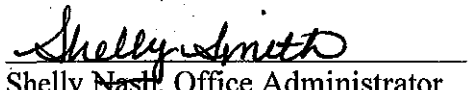
Hon. Brenda Gilbert, Member



Hon. John Warner, Alternate Member

Copies mailed this 1st day of ~~May~~ June, 2015, to:

Clerk of District Court (Original)
Joshua Daniel Wilson #39386, Defendant (2)
Hon. Jeffrey M. Sherlock
Hon. Kathy Seeley
Jennifer Streano, Defense Counsel
Lewis & Clark County Attorney
Board of Pardons and Parole
MSP - Records Dept.



Shelly ~~Nash~~ Smith, Office Administrator
Sentence Review Division