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-16-271
-vs-	)	
	)	DECISION
ANDREW JAMES HOHN,	)	
	)	
Defendant.	)	

On July 19, 2017, the District Court sentenced the Defendant to the Montana State Prison for one hundred (100) years, with a parole restriction of twenty-five (25) years, for the offense of Count I: Sexual Intercourse Without Consent. For Count II: Sexual Intercourse Without Consent, the District Court sentenced the Defendant to the Montana State Prison for one hundred (100) years, with a parole restriction of twenty-five (25) years. For Count III: Aggravated Kidnapping, the Defendant was sentenced to the Montana State Prison for ten (10) years. All sentences were ordered to run concurrently with each other. The Defendant was designated a Level II sexual offender. The Court recommended the Defendant complete Phase I and II of Sex Offender Treatment prior to parole eligibility. The Defendant was granted credit for time served from June 29, 2016 – July 19, 2017. The Defendant was ordered to pay restitution of up to $25,000 for the victim's counseling if the services were utilized, plus an administrative handling fee of $2,500.

On February 22, 2018, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by videoconferencing from Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further advised that there is no appeal from a decision of the Division. 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 22nd day of February, 2018.

DATED this 9th day of March, 2018.

SENTENCE REVIEW DIVISION

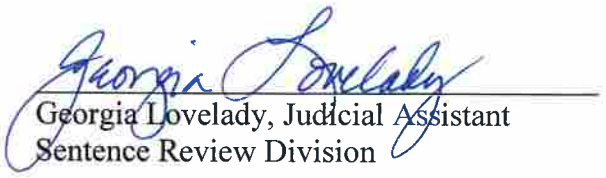
Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Dan Wilson, Member

Copies mailed this 13th day of March, 2018, to:

Clerk of District Court (Original)
Andrew James Hohn #3021698, Defendant (2)
Hon. Mike Menahan
Brent Getty, Defense Counsel
Melissa Broch, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division