SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Nineteenth Judicial District Court, County of Lincoln

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-18-006
	)	
	)	DECISION
JOHN BOOTHMAN, JR.,	)	
	)	
Defendant.	)	

On September 17, 2018, Defendant was sentenced to the Department of Corrections for five (5) years, for Partner Family Member Assault, 3rd or Subsequent Offense. He received credit for 52 days of time served. The sentence was ordered to run consecutively to Cause No. DC-18-004, and concurrently with DC -18-005 and DC-18-031.

On February 22, 2019, 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 video conferencing from Pine Hills Correctional Facility 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, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION

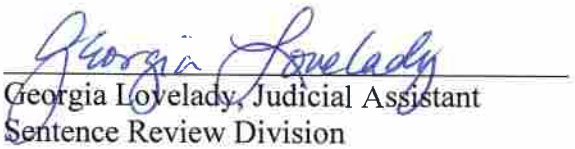
Hon. Brenda Gilbert, Chairperson

Hon. Dan Wilson, Member

Hon. Luke Berger, Member

Copies mailed this 25th day of March, 2019, to:

Clerk of District Court (Original)
John Boothman, Jr. #3000762, Defendant (2)
Hon. Matt Cuffe
Brent Getty, Defense Counsel
Marcia Boris, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division