

Sentence Review Division
301 S. Park Ave., Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED

MAY 17 2022

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-05-382
)	
Plaintiff,)	Missoula County District Court
)	
-vs-)	Montana Fourth Judicial District
)	
DANNY LEE FAULKNER,)	
)	DECISION
)	
Defendant.)	

On August 6, 2021, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on March 15, 2011, revoked the suspended sentence, and sentenced the Defendant to the Montana State Prison for a period of twenty (20) years, with five (5) years suspended, for the offense of Count I: Sexual Assault, a felony, in violation of §45-5-502(1)[2], MCA. The Defendant was given credit for time served in the amount of 1,795 days.

On May 6, 2022, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Montana State Prison and was represented by Sadie Busch, Defense Counsel. The State was not represented. The Defendant clarified the time imposed on his original judgment but did not provide a statement.

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.

DATED this 17th day of May, 2022.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 18th day of May, 2022, to:

- Clerk of District Court – *via email*
- Danny Lee Faulkner #2111495, Defendant
- Hon. John W. Larson – *via email*
- Sadie Busch, Defense Counsel – *via email*
- Kirsten H. LaCroix, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division