

Sentence Review Division
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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-20-179
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
ANDY LOREN FISHER,)
) **DECISION**
Defendant.)

On November 16, 2021, the Defendant was sentenced to a commitment to the Department of Corrections for Ten (10) years, with five (5) years suspended, for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-6-207, MCA. The Court dismissed Counts II and III. The Defendant was given credit against his sentence for time served in the amount of one hundred forty-eight (148) days. The Defendant was ordered to pay restitution in the amount of three hundred sixty dollars (\$360.00). The Court recommended the Defendant be placed at Pine Hills followed by Pre-Release.

On May 5, 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 Missoula Assessment and Sanction Center and was represented by Nicholas Hyde, Defense Counsel. The State was not represented. The Defendant 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.

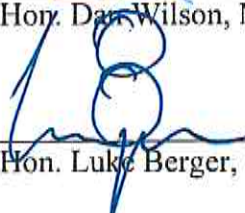
SENTENCE REVIEW DIVISION



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*
- Andy Loren Fisher #3017882, Defendant
- Hon. Jason Marks – *via email*
- Nicholas Hyde, Defense Counsel – *via email*
- Matt Jennings, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division