

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-13-372B
)	
Plaintiff,)	Flathead County District Court
)	
-vs-)	Montana Eleventh Judicial District
)	
CHRISTOPHER SCOTT HOGARD,)	DECISION
)	
Defendant.)	

On October 5, 2021, the Defendant was sentenced to the Montana State Prison for a period of five (5) years, with no time suspended, for the offense of Count II: Theft of Property Exceeding \$5,000 or Common Scheme, a Felony, in violation of §45-6-301, MCA. The Court ordered the Sentence on Count II to run consecutively to the sentences in Cause Nos. DC-15-264(B) and DC-13-372(B). The Court dismissed Count I. The Defendant was given credit for time served in the amount of 201 days. The Court found the Defendant a Persistent Felony Offender as additional factors in mitigation or aggravation of the sentence.

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 Montana State Prison and was represented by Melanie D'Isidoro, 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.

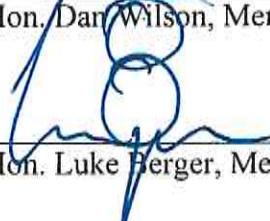
SENTENCE REVIEW DIVISION



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*
Christopher Scott Hogard #3013897, Defendant
Hon. Robert Allison – *via email*
Melanie D’Isidoro, Defense Counsel – *via email*
John Donovan, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division