

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-21-120
)	
Plaintiff,)	Gallatin County District Court
-vs-)	
)	Montana Eighteenth Judicial District
JAMES DEVION PHILLIPS,)	
)	DECISION
)	
Defendant.)	

On October 18, 2021, the Defendant was sentenced to the Department of Corrections for a term of thirty (30) years with twenty-five (25) years suspended for the offense of Count I: Aggravated Burglary, a Felony, in violation of §45-6-204(2), MCA. The sentence was ordered to run concurrently with the sentence in DJ-20-037.

The Court recommended the Defendant be placed in the Pine Hills Correctional Facility and attend and complete a sexual offender program by a licensed provider that includes a group therapy component. The Defendant received credit for 208 days previously served.

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 Pine Hills Correctional Facility and was represented by Dan Biddulph, Defense Counsel. The State was not represented. The Defendant provided a statement. Mike and Christy Phillips, parents of the Defendant, were present 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.

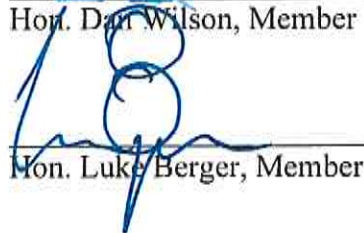
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



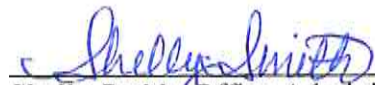
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

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

Clerk of District Court – *via email*
James Devion Phillips #3031363, Defendant
Hon. Rienne H. McElyea – *via email*
Dan Biddulph, Defense Counsel – *via email*
Jayden D. Johnson, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division