

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-20-016  
)  
Plaintiff, ) Musselshell County District Court  
-vs- )  
) Montana Fourteenth Judicial District  
MATTHEW JASON WELCH, )  
) **DECISION**  
)  
Defendant. )

On December 10, 2021, the Defendant was sentenced as follows: Count I: Ten (10) years in the Montana State Prison, with no time suspended, for the offense of Theft, a felony, in violation of §45-6-301, MCA; and Count II: Ten (10) years in the Montana State Prison, with no time suspended, for the offense of Deceptive Practices, a Felony, in violation of §45-6-317, MCA. The sentences for counts I and II were ordered to run concurrently with one another and consecutive to Stillwater County cause DC-20-018.

The Defendant was ordered to pay restitution in the stipulated amount of \$13,170.00, and assessed a 10% administration fee, for a total of \$14,487.00 for remittance to the victim(s).

The Court dismissed Count III: Exploitation of Older Person, Incapacitated Person or Person with Developmental Disability, a felony, in violation of §45-6-333, MCA.

The Defendant was given credit for time served awaiting disposition in the amount of twenty-two (22) days. (Musselshell County 9/17/2020 to 10/20/2020, and 11/22/2021 to 11/23/2021. Yellowstone County 10/21/2021 to 10/29/2021.)

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 Dan Biddulph, Defense Counsel. The State was not represented. The Defendant gave a statement. Jessi Anderson, sister of the Defendant, was 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.

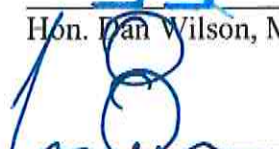
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 17<sup>th</sup> day of May, 2022.

SENTENCE REVIEW DIVISION


  
\_\_\_\_\_  
Hon. Jessica Fehr, Chair

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed or emailed this 18<sup>th</sup> day of May, 2022, to:

- Clerk of District Court – *via email*
- Matthew Jason Welch #3007624, Defendant
- Hon. Randal I. Spaulding – *via email*
- Dan Biddulph, Defense Counsel – *via email*
- Kevin R. Peterson, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division