

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-56-2021-0000922-IN
)	
-vs-)	Yellowstone County District Court
)	
ROSS HARRISON MARTIN,)	Montana Thirteenth Judicial District
)	
)	DECISION
)	
Defendant.)	

On March 05, 2024, The Defendant was sentenced to thirty (30) years to the Montana State Prison for the offense of Count I: Sexual Assault, a Felony, in violation of §§45-5-502(1) and (3), MCA. The Court ordered the Defendant designated as a Level I Sexual Offender under §46-23-509(3)(b), MCA. The Defendant was given credit for time spent in pre-trial incarceration as follows: July 13, 2021 through July 14, 2021.

On August 1, 2024, 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 Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant did not give 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 13th day of August, 2024.


SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair




Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 13th day of August, 2024, to:

Clerk of District Court – *via email*
Ross Harrison Martin #3035788, Defendant
Hon. Brett Linneweber – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
John Ryan, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division