

Sentence Review Division
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FILED

MAR 16 2020

**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-16-283
)	
Plaintiff,)	Yellowstone County District Court
)	Montana Thirteenth Judicial District
-vs-)	
)	DECISION
CESAR PAYAN AMARO,)	
)	
Defendant.)	

On September 17, 2019, for violations of the terms and conditions of the prior sentence imposed September 16, 2016, the Court revoked the Defendant's suspended sentence and sentenced the Defendant to the Department of Corrections for a term of four (4) years and two hundred thirty-two (232) days, with two hundred thirty-two (232) days suspended, for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

The Court recommended that the defendant be screened for any and all alcohol treatment programs and Pre-Release Program and upon acceptance, follow all requirements and provisions. If not accepted, the defendant would be placed at a Department of Corrections facility at the discretion of the department.

The Defendant received credit for time served from June 11, 2018 through September 17, 2019. No street time credit was granted based on the defendant's failure to comply with the terms and conditions of the sentence while under supervision.

On February 20, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Billings Pre-Release facility and was represented by John Ferguson, Defense Counsel. The State was not represented.

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**.

Done in open Court this 20th day of February, 2020.

DATED this 14 day of March, 2020.

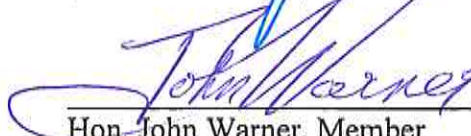
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



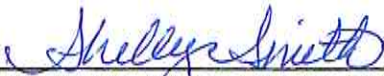
Hon. Luke Berger, Member



Hon. John Warner, Member

Copies mailed this 16th day
of March, 2020, to:

Yellowstone Co. Clerk of District Court (Original)
Cesar Payan Amaro #3019428, Defendant (2)
Hon. Jessica Fehr
John J. Ferguson, Defense Counsel
Paul D. Vestal, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator