

Sentence Review Division
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FILED

MAR 11 2020

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

SENTENCE REVIEW DIVISION
 OF THE SUPREME COURT
 STATE OF MONTANA

STATE OF MONTANA,)	Cause No. DC-17-166
)	
Plaintiff,)	Cascade County District Court
)	
-vs-)	Montana Eighth Judicial District
)	
TYRON DUANE LAFOUNTAIN,)	DECISION
)	
Defendant.)	
)	

On October 9, 2019, for violations of the terms and conditions of the prior sentence imposed March 1, 2019, the Court revoked the Defendant's suspended sentence and sentenced the Defendant to fifteen (15) years to the Montana State Prison, with eight (8) years suspended, for the offense of Count I: Assault with a Weapon, a Felony, in violation of §45-5-213(1)(a), MCA.

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 was present and was represented by Teal Mittlestadt, 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 sentence imposed by the District Court is clearly excessive.

Therefore, it is the unanimous decision of the Division to amend the Judgment to **DECREASE** the sentence to six (6) years to the Montana State Prison, with no time suspended, for the offense of Count I: Assault with a Weapon, a felony. In all other respects, the judgment and sentence is **AFFIRMED**.

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

DATED this 11th day of March, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed this 11th day of March, 2020, to:

Clerk of District Court (Original)
Tyron Duane LaFountain #3022340, Defendant (2)
Hon. Gregory Pinski
Teal Mittlestadt, Defense Counsel
Jennifer Quick, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division