

Sentence Review Division  
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**FILED**

**MAR 11 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-14-462  
)  
Plaintiff, ) Cascade County District Court  
) Montana Eighth Judicial District  
)  
-vs- ) **DECISION**  
)  
JOSEPH JOHN MARTINEZ, )  
)  
Defendant. )

On August 2, 2017, the Defendant was sentenced to sixty (60) years in the Montana State Prison, with ten (10) years suspended, for the offense of Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503, MCA. The Defendant was given 152 days credit for time served. The Court ordered the Defendant complete the cognitive and behavior phase of the prison's sex offender treatment program before being eligible for parole. The Court designated the Defendant a Tier II sex offender.

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 Crossroads Correctional Center 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).

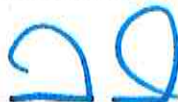
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

Done in open Court this 20<sup>th</sup> day of February, 2020.

DATED this 11<sup>th</sup> day of March, 2020.

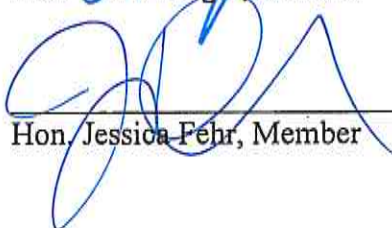
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed this 11<sup>th</sup> day of March, 2020, to:

Clerk of District Court (Original)  
Joseph John Martinez #3021314, Defendant (2)  
Hon. Gregory Pinski  
John Ferguson, Defense Counsel  
Kory V. Larsen, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division