

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-11-321  
)  
Plaintiff, ) Yellowstone County District Court  
) Montana Thirteenth Judicial District  
)  
-vs- ) **DECISION**  
)  
BENJAMIN QUINN MCCHESENEY, )  
)  
Defendant. )

On April 25, 2014, the Defendant was sentenced to a commitment to the Montana State Prison for five (5) years, to run consecutively to Federal Cause Number CR-12-66-BLG-WFN-01, for the offense of Bail Jumping, a Felony, in violation of §45-7-308, MCA. The Defendant was given credit for time spent in pre-trial incarceration from November 7, 2013 to April 25, 2014.

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 teleconference from the Beaumont USP Federal Prison and was represented by Shena Roath, Defense Counsel. The State was represented by Deputy County Attorney, Victoria Callender.

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



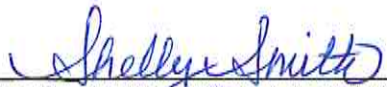
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

Clerk of District Court (Original)  
Benjamin Quinn McChesney, Defendant (2)  
Hon. Mary Jane Knisely  
Shena Roath, Defense Counsel  
Julie Pierce, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division