

Sentence Review Division  
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**FILED**

**MAR 02 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-18-738  
)  
Plaintiff, ) Missoula County District Court  
) Montana Fourth Judicial District  
-vs- )  
) **ORDER TO DISMISS WITHOUT**  
JOHN THURLOW MOSBY, ) **PREJUDICE**  
)  
Defendant. )

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On April 22, 2019, the Defendant was sentenced to the Montana State Prison for ten (10) years, to run concurrently with the sentence in DC-05-403, for the offense of Count I: Assault on a Peace Officer/Judicial Officer – Bodily Injury. Counts II and III were dismissed by the Court. The Defendant was given credit for time served of 219 days.

On February 21, 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 David Maldonado, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant's counsel made an oral motion to dismiss the Defendant's Application for Review of Sentence without prejudice. Mr. Maldonado stated that the Defendant filed an appeal of the sentence in DC-05-403 with the Montana Supreme Court and requested that the sentence review hearing in this matter be continued to afford time for the appeal as the plea agreement in this matter is parallel with DC-05-403.

The Defendant's motion to dismiss his Application for Review of Sentence without prejudice is granted. The Defendant will have sixty (60) days from the date of the Supreme Court's decision to file his Application for Review of Sentence with the Missoula County Clerk of District Court.

Done in open Court this 21<sup>st</sup> day of February, 2020.

DATED this 27 day of February, 2020.

SENTENCE REVIEW DIVISION

By:

  
\_\_\_\_\_  
Hon. Dan Wilson, Chairperson

Copies mailed this 2<sup>nd</sup> day of March, 2020, to:

Clerk of District Court (Original)  
John Thurlow Mosby #3026413, Defendant (2)  
Hon. Robert Deschamps  
David Maldonado, Defense Counsel  
Jordan Kilby, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division