

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-18-011
)	
Plaintiff,)	Lewis & Clark County District Court
)	Montana First Judicial District
-vs-)	
)	DECISION
RAINBOW CLOUD PETERS,)	
)	
Defendant.)	

On July 3, 2019, the Court sentenced the Defendant to the Montana State Prison for sixty (60) years, with twenty (20) years suspended, for the offense of Count I: Attempt (Deliberate Homicide), a Felony, in violation of §§45-4-103 and 45-5-102(1)(a), MCA. The Defendant was ordered to pay restitution in the amount of \$33,414.28 plus a 10% administration fee. The Court granted credit for time served from December 18, 2017 – July 3, 2019.

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 represented by Stephanie DeBoer, Defense Counsel. The State was represented by Lewis and Clark County Attorney, Leo Gallagher.

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 21st day of February, 2020.

DATED this 11th day of March, 2020.

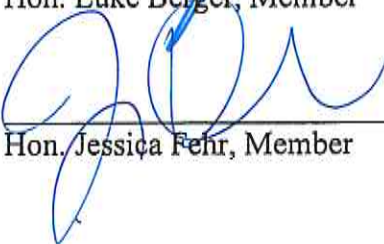
SENTENCE REVIEW DIVISION



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)
Rainbow Cloud Peters #3012415, Defendant (2)
Hon. Michael McMahon
Stephanie DeBoer, Defense Counsel
Leo Gallagher, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division