

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-13-077
	)	
Plaintiff,	)	Lincoln County District Court
	)	Montana Nineteenth Judicial District
-vs-	)	
	)	<b>DECISION</b>
JOSHUA JUNIOR PETERSON,	)	
	)	
Defendant.	)	

On May 19, 2014, the Court sentenced the Defendant to a term of thirty (30) years to the Montana State Prison, for the offense of Count II: Aggravated Assault with a Weapon, a Felony, in violation of §§45-5-202; 46-1-401(1)(a), MCA. The Court ordered the Defendant ineligible for parole as provided by §46-18-221, MCA. The Court ordered the Defendant to pay restitution in the amount of Four Hundred Four Thousand Two Hundred Seventy-Seven Dollars and Seventy-eight Cents (\$404,277.78). The Defendant was given 26 days credit for time served.

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. Also present for the hearing were the following family members of the Defendant: Arlene Peterson, mother; Jeremy Peterson, cousin; Judy Pattie, aunt; Dylan Peterson, son; Sadie Peterson, daughter; Lucas Peterson, son; Hailey Baker, daughter, and her husband, Andrew Baker; and the grandparents and guardians of the Defendant's children, Edward Hanson and Patricia Hanson. Also present was the Defendant's ex-wife and victim, Tracee Peterson. Edward Hanson and Tracee Peterson provided statements.

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 that the sentence is **MODIFIED** to remove the parole restriction of thirty (30) years. In all other respects, the judgment and sentence is **AFFIRMED**.

Done in open Court this 21<sup>st</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:

Lincoln Co. Clerk of District Court (Original)  
Joshua Junior Peterson #3014142, Defendant (2)  
Hon. James B. Wheelis  
David Maldonado, Defense Counsel  
Bernard Cassidy, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

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