

Sentence Review Division  
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**FILED**

**MAR 11 2020**

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

STATE OF MONTANA, ) Cause No. ADC-19-286  
)  
Plaintiff, ) Cascade County District Court  
) Montana Eighth Judicial District  
)  
-vs- ) **DECISION**  
)  
JUAN RODRIGUEZ, )  
)  
Defendant. )

On August 21, 2019, the Court sentenced the Defendant to the Montana State Prison for a period of ten (10) years, for the offense of Amended Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Court imposed a parole restriction for the entirety of his sentence under §46-18-202, MCA. The Defendant was given 120 days credit for time served.

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 was present and was represented by Laura Reed, Defense Counsel. The State was not represented. The Defendant's wife, Tara Rodriguez, attended the hearing by teleconference.

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 ten (10) years. In all other respects, the judgment and 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.

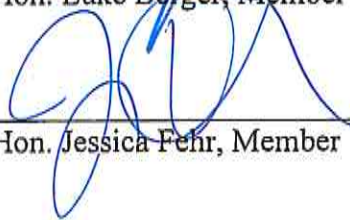
SENTENCE REVIEW DIVISION



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)  
Juan Rodriguez, Defendant (2)  
Hon. Gregory Pinski  
Laura Reed, Defense Counsel  
Jennifer Quick, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Shelly Smith, Office Administrator  
Sentence Review Division