

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-19-118
)
Plaintiff,) Flathead County District Court
) Montana Eleventh Judicial District
)
-vs-) **DECISION**
)
MICHAEL ALBERT WEMPLE,)
)
Defendant.)

On August 29, 2019, the Court sentenced the Defendant to the Montana State Prison for a period of five (5) years for the offense of Count I: Partner or Family Member Assault, a Felony, in violation of §45-5-206(1)(c), MCA. The Defendant was given 10 days credit for time served. The Court ordered the sentence to run concurrent with the sentence imposed in DC-19-003.

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 video conferencing from Crossroads Correctional Center and was represented by John Ferguson, Defense Counsel. The State was not represented.

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 20th 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)
Michael Albert Wemple #2108467, Defendant (2)
Hon. Amy Eddy
John Ferguson, Defense Counsel
Stacy Boman, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Shelly Smith, Office Administrator
Sentence Review Division