

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-19-035
)
Plaintiff,) Custer County District Court
) Montana Sixteenth Judicial District
)
-vs-)
) **DECISION**
)
AUGUST LEE WHITE,)
)
Defendant.)

On November 18, 2019, the Defendant was sentenced to the Montana State Prison for five (5) years, no time suspended, for the offense of Count I: Failure to Keep Violent Offender Registration Current. No fine was imposed. The Defendant was given credit for time served of 89 days.

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 Stephanie DeBoer, 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 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)
August Lee White #16468, Defendant (2)
Hon. Michael B. Hayworth
Stephanie DeBoer, Defense Counsel
Shawn Quinlan, Esq.
Board of Pardons and Parole
MSP - Records Dept.


Shelly Smith, Office Administrator
Sentence Review Division