

Sentence Review Division
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FILED

JUN 07 2021

**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-17-065
)	
Plaintiff,)	Powell County District Court
)	
-vs-)	Montana Third Judicial District
)	
MARK WILLIAM COLLINS,)	DECISION
)	
Defendant.)	

On October 5, 2018, the Defendant was sentenced as follows: Count I: A commitment to the Department of Corrections for placement in a Montana State Prison for a period of ten (10) years, with five (5) years suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA; Count II: A commitment to the Department of Corrections for placement in a Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Attempted Assault with a Weapon, a Felony, in violation of §45-5-213, MCA; Count III: A commitment to the Department of Corrections for placement in a Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Assault with a Weapon, a Felony, in violation of §45-5-213, MCA; Count IV: A commitment to the Department of Corrections for placement in a Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Attempted Assault with a Weapon, a Felony, in violation of § 45-5-213 MCA; and Count V: A commitment to the Department of Corrections for placement in a Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Attempted Aggravated Assault, a Felony, in violation of §§45-5-102 and 45-4-103, MCA. The sentences were ordered to run consecutively. The Defendant was given four hundred and seventy-two (472) days of credit for time served in the Powell County Jail.

On May 20, 2021, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Montana State Prison and was represented by Dan Biddulph, Defense Counsel. The State was represented by Kathryn McEnergy. The Defendant gave a statement.

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.

DATED this 7th day of ~~May~~ ^{June}, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



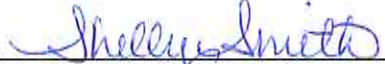
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 7th day of June, 2021, to:

Clerk of District Court – *via email*
Mark William Collins #3024937, Defendant (2)
Hon. Ray Dayton – *via email*
Teal Mittlestadt, Defense Counsel – *via email*
Patrick Moody, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division