

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 -17-031  
)  
Plaintiff, ) Rosebud County District Court  
)  
-vs- ) Montana Sixteenth Judicial District  
)  
JUSTIN QUINLAN, ) **DECISION**  
)  
Defendant. )

On November 29, 2018, the Defendant was sentenced to a commitment to the Montana State Prison for a term of one hundred (100) years, with seventy-five (75) years suspended, for the offense of Count I: Incest, a felony, in violation of §45-5-507, MCA. The Court ordered the Defendant ineligible for parole until fifteen (15) years have elapsed and the Defendant has successfully completed Phases I and II of sex offender treatment. The Defendant was designated a Level II sex offender. The Defendant was granted credit for jail time served in the amount of 114 days.

On May 21, 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 Crossroads Correctional Center in Shelby, Montana, and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Assistant Attorney General, Chris McConnell. 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 7<sup>th</sup> day of ~~May~~ <sup>June</sup>, 2021.

SENTENCE REVIEW DIVISION


  
\_\_\_\_\_  
Hon., Luke Berger Chairperson

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

Copies mailed or emailed this 7<sup>th</sup> day of June, 2021, to:

Clerk of District Court – *via email*  
Justin Quinlan #3025464, Defendant (2)  
Hon. Nickolas C. Murnion – *via email*  
Teal Mittlestadt, Defense Counsel – *via email*  
Chris McConnell, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

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