

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-20-154
)
Plaintiff,) Lake County District Court
)
-vs-) Montana Twentieth Judicial District
)
SHAWN CURTIS SHOURDS,) **DECISION**
)
Defendant.)

On November 18, 2020, the Defendant was sentenced to a commitment to the Department of Corrections for a period of five (5) years, with no time suspended, for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

The Court recommended the Defendant be screened for Nexus and mental health treatment. The Defendant was given 127 days credited for time served. The Defendant was ordered to pay \$6,530.66 in restitution. On November 24, 2020, Counts II and III were dismissed with prejudice.

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 not represented. 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 , 2021, to:

Clerk of District Court – *via email*
Shawn Curtis Shourds 3019526, Defendant (2)
Hon. James A. Manley – *via email*
Teal Mittlestadt, Defense Counsel – *via email*
James Lapotka, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division