

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-17-420
)	
Plaintiff,)	Powder River County District Court
)	
-vs-)	Montana Sixteenth Judicial District
)	
WILLIAM ELIJAH, II,)	DECISION
)	
Defendant.)	

On November 4, 2020, for violation of the conditions, the Court revoked the Defendant's suspended sentence and sentenced him as follows: Count II: A commitment to the Department of Corrections for a term of two (2) years, none suspended. The Defendant was ordered to pay \$560.00 in surcharges, and a fine of five thousand dollars (\$5,000.00), with four thousand (\$4,000.00) suspended on the condition that the Defendant comply with the terms and conditions of his sentence.

The Defendant was ordered to pay restitution as follows: \$5,729.04 to State Farm for truck damages and towing of vehicle, plus \$250 for insurance deductible, paid by Katie Romine of Casper, WY.

The Defendant was granted credit for 61 days of incarceration served through revocation proceedings on November 4, 2020. Regarding the interim since January 4, 2020, based upon review of the testimony and Report of Violation, the Defendant was granted 38 days credit for satisfactory intervening supervision.

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 Pine Hills Correctional Facility in Miles City, Montana, and was represented by Dan Biddulph, 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.

June
DATED this 7th day of May, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



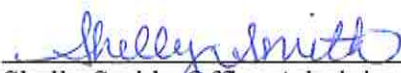
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

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

Clerk of District Court – *via email*
William Elijah II #3021622, Defendant (2)
Hon. Michael Hayworth – *via email*
Dan Biddulph, Defense Counsel – *via email*
Jeffrey A. Noble, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division