

Sentence Review Division
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FILED
11/29/2021
Sentence Review Division
of the Montana Supreme Court

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-20-025
)
Plaintiff,) Powell County District Court
-vs-)
) Montana Third Judicial District
RYAN PATRICK BOOHER-SMITH,)
) **DECISION**
Defendant.)
)

On June 22, 2021, the Court found the Defendant in violation of the terms and conditions of his sentence, revoked the suspended sentence, and sentenced the Defendant to a commitment to the Montana Department of Corrections for a period of five (5) years, for placement in an appropriate facility or program, with two (2) years suspended, for the offense of Count 1: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Defendant was awarded 6 days of jail credit from June 17 to June 22, 2021, and no “street time” credit.

On November 4, 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 START Facility and was represented by Abigail Rogers, Defense Counsel. The State was represented by Kathryn McEnery, County Attorney. The Defendant provided 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 concluded 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 22 day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



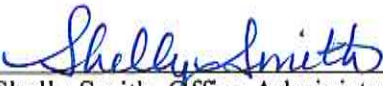
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 29th day of November, 2021, to:

Clerk of District Court – *via email*
Ryan Patrick Booher-Smith #3029960, Defendant (2)
Hon. Ray Dayton – *via email*
Abigail Rogers, Defense Counsel – *via email*
Kathryn McEnery, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division