

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-20-400
)
Plaintiff,) Flathead County District Court
)
-vs-) Montana Eleventh Judicial District
)
ALAN ROGER CONNOR, JR.,)
) **DECISION**
Defendant.)
)
_____)

On May 20, 2021, the Defendant was sentenced as follows: Count I: A commitment to the Montana State Prison for a period of ten (10) years, for the offense of Criminal Mischief, a felony, in violation of §§45-6-101(1)(a) and 45-6-101(3), MCA; and Count II: A commitment to the Montana State Prison for a period of ten (10) years, for the offense of Criminal Endangerment, a felony, in violation of §§45-5-207(1) and 45-5-207(2), MCA. The sentences in Counts I and II were ordered to run concurrently with each other and consecutive to Yellowstone County Cause No. DC-19-1512. The Defendant was given credit for 180 days served in custody pending final disposition in this matter and was ordered to pay restitution to Super I Foods in the amount of \$76,460.18.

On November 5, 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 and was represented by Sadie Busch, Defense Counsel. The State was not represented.

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.

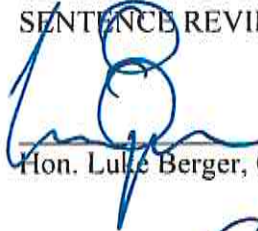
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 Felt, Member



Hon. Dan Wilson, Member

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

Clerk of District Court – *via email*
Alan Roger Connor, Jr. #29485, Defendant (2)
Hon. Robert B. Allison – *via email*
Sadie Busch, Defense Counsel – *via email*
Travis Ahner, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division