

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

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-15-457
)	
Plaintiff,)	Missoula County District Court
-vs-)	
)	Montana Fourth Judicial District
CURTIS FOSTER,)	
)	DECISION
Defendant.)	
)	

On January 24, 2017, the Defendant was sentenced to twenty (20) years to the Montana State Prison, for the offense of Count II: Aggravated Assault, a Felony, in violation of §45-5-202, MCA. The Court ordered a parole restriction for a period of ten (10) years. The sentence was ordered to run consecutively to Defendant's sentence in Flathead County. Defendant was given 560 days credit for time served. Defendant was ordered to pay \$25,000 in restitution.

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 Montana State Prison and was represented by Abigail Rogers, Defense Counsel. The State was not represented. Hon. John Larson appeared and provided a statement. Melissa Weis and Aiden and Fawn McFadden were present but did not provide a statement. 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 Fehl, Member



Hon. Dan Wilson, Member

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

Clerk of District Court – *via email*
Curtis Foster #44211, Defendant (2)
Hon. John W. Larson – *via email*
Abigail Rogers, Defense Counsel – *via email*
Brian Lowney, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division