

Sentence Review Division
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FILED

FEB 22 2022

**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-18-004
)	
Plaintiff,)	Richland County District Court
)	
-vs-)	Montana Seventh Judicial District
)	
DAVID JON KINDT,)	
)	DECISION
)	
Defendant.)	

On December 2, 2019, the Defendant was sentenced as follows: Count I: Twenty (20) years to the Montana State Prison, with all but ten (10) years suspended, for the offense of Aggravated Assault, a felony, in violation of §45-5-202, MCA; and Count II: One (1) year to the Richland County Jail, with all but 24 hours suspended, for the offense of Partner or Family Member Assault, a misdemeanor, in violation of §45-5-206, MCA.

The Defendant was ordered to pay restitution in the amount of \$6,967.78 to the Crime Victim Compensation Program and to Pamela Johnson in the amount of \$1,875.00. The sentences were ordered to run concurrently with each other and with the sentences imposed in DC-18-115 and DC-19-019. The Defendant was granted 89 days of credit for time served.

On February 10, 2022, 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 Graham Cobb, third year law student, working under the supervision of Abigail Rogers. 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. The Defendant gave a statement.

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 21st day of February, 2022.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 22nd day of February, 2022, to:

- Clerk of District Court – *via email*
- David Jon Kindt #3026641, Defendant (2)
- Hon. Katherine Bidegaray – *via email*
- Abigail Rogers, Esq. – *via email*
- Graham Cobb – *via email*
- Charity McLarty, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division