

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

**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-20-175  
)  
Plaintiff, ) Gallatin County District Court  
)  
-vs- ) Montana Eighteenth Judicial District  
)  
MITCHELL SCOTT PATTERSON, ) **DECISION**  
)  
Defendant. )

On August 3, 2021, the Defendant was sentenced to the Montana State Prison for a period of twenty (20) years, with ten (10) years suspended, for the offense of Count I: Sexual Intercourse Without Consent, a felony, in violation of §45-5-503, MCA. The Defendant was ordered to register as a Level II sex offender. The Defendant was ordered to attend and successfully complete Phases I and II of the Sex Offender Treatment Program at the Montana State Prison prior to being eligible for parole. The Defendant was given credit of 450 days of 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 Gallatin County Detention Center and was represented by Tyler Duggar, 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. 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.

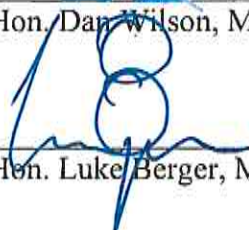
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*
- Mitchell Scott Patterson #3013622, Defendant (2)
- Hon. Peter B. Ohman – *via email*
- Tyler Duggar, Defense Counsel – *via email*
- Bjorn E. Boyer, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division