

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-15-046
)	
Plaintiff,)	Sanders County District Court
-vs-)	
)	Montana Twentieth Judicial District
)	
JEFFREY WAYNE BALL,)	DECISION
)	
Defendant.)	

On July 6, 2021, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on March 1, 2016, revoked the suspended sentence, and sentenced the Defendant to a commitment to the Department of Corrections for a term of five (5) years for the offense of Count I: Driving Under the Influence of Alcohol or Drugs, a Fourth or Subsequent Offense, a felony, in violation of §61-8-401(d), MCA. The Defendant was given credit of fifty-two (52) days for time served while incarcerated on this matter toward his sentence.

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 Missoula Pre-Release and was represented by Mark Epperson, 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.

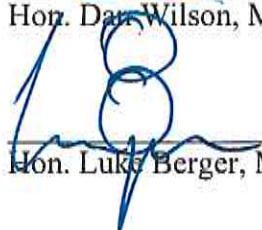
SENTENCE REVIEW DIVISION



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*
Jeffrey Wayne Ball #3018223, Defendant (2)
Hon. Deborah Kim Christopher – *via email*
Mark Epperson, Defense Counsel – *via email*
Naomi R. Leisz, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division