

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

**FILED**

**NOV 16 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-10-127  
)  
Plaintiff, ) Flathead County District Court  
)  
-vs- ) Montana Eleventh Judicial District  
)  
JOSEPH GORDON LEIGH, )  
) **DECISION**  
)  
Defendant. )

On December 9, 2021, the Court found the Defendant in violation of the conditions of the sentence imposed on December 9, 2010, revoked the suspended sentence, and sentenced the defendant as follows: Count I: Five (5) years to the Montana State Prison, with no time suspended, for the offense of Kidnapping, a Felony, in violation of §45-5-302, MCA; and Count II: Five (5) years to the Montana State Prison, with no time suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. Counts I and II were ordered to run concurrently with each other and consecutively to the sentence in Cause No. DC-21-404(B). The Defendant was granted 42 days of credit for time served in custody on this case only.

On November 3, 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 Montana State Prison and was represented by Glen Neier, Defense Counsel. The State was not represented. The Defendant gave 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 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.

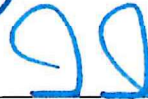
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 15th day of November, 2022.

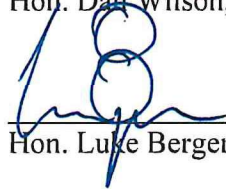
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 16<sup>th</sup> day of November, 2022, to:

Clerk of District Court – *via email*  
Joseph Gordon Leigh #3006390, Defendant  
Hon. Robert B. Allison – *via email*  
Glen Neier, Defense Counsel – *via email*  
Alison Elaine Howard, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
Shelly Smith, Office Administrator  
Sentence Review Division