

Sentence Review Division
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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-21-404
)	
)	Plaintiff,
)	Flathead County District Court
-vs-)	
)	Montana Eleventh Judicial District
JOSEPH GORDON LEIGH,)	
)	DECISION
)	
Defendant.)	

On December 9, 2021, the Defendant was sentenced as follows: COUNT I: Three (3) years to the Montana State Prison, with no time suspended, for the offense of Failure to Register as a Sexual or Violent Offender, a Felony, in violation of §46-23-504, MCA. The Defendant received for 17 days credit for time served in custody. The sentences on Case No. DC-21-404(B) and Cause No. DC-10-027(B) shall run consecutively to each other. DC-21-398B and DC-21-400B were dismissed.

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.

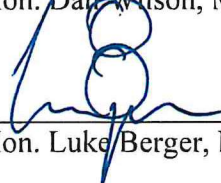
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair




Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 16th 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