

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-19-045
)
Plaintiff,) Gallatin County District Court
)
-vs-) Montana Eighteenth Judicial District
)
JASON PEARSON,)
) **DECISION**
)
Defendant.)

On April 29, 2022, the Court found the Defendant in violation of the conditions of the sentence that was imposed on March 30, 2020, revoked the suspended sentence, and sentenced the Defendant to a commitment to the Department of Corrections for a period of two (2) years for the offense of Count I: Driving Under the Influence of Alcohol 4th or Subsequent Offense, a Felony, in violation of §61-8-401, MCA. The Defendant was given 185 days credit for street time served and 115 days credit for incarceration time served.

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 Penelope Strong, 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.

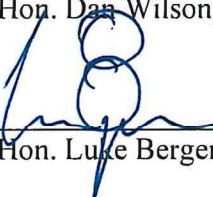
SENTENCE REVIEW DIVISION



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*
- Jason Pearson #3028664, Defendant
- Hon. Rienne H. McElyea – *via email*
- Penelope Strong, Defense Counsel – *via email*
- Eric Kitzmiller, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division