

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-20-238
)	
Plaintiff,)	Flathead County District Court
)	
-vs-)	Montana Eleventh Judicial District
)	
DENNIS CLARK PAINTER,)	DECISION
)	
Defendant.)	

On August 18, 2022, the Defendant was sentenced as follows: Count I: Five (5) years commitment to the Montana State Prison for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA; Count II: Ten (10) years commitment to the Montana State Prison for the offense of Assault on Peace Officer/Judicial Officer – Bodily Injury, a Felony, in violation of §45-5-210, MCA; Count III: Five (5) years commitment to the Montana State Prison for the offense of Theft of Property Exceeding \$5,000 or Common Scheme, a Felony, in violation of §45-6-301 [FEL], MCA; Count IV: Five (5) years commitment to the Montana State Prison for the offense of Theft of Property Exceeding \$5,000 or Common Scheme, a Felony, in violation of §45-6-301 [FEL], MCA. The Court ordered the Sentences on Counts I, II, and III to run consecutively, and the Sentence for Count IV to run consecutively to the Sentences on Counts I and II, and concurrently with Count III.

The Defendant was given credit for 415 days for time served in custody. The Court further ordered that the Defendant pay restitution as follows: Bergeson RV - \$17,259.00, Michael Howard - \$1,170.00, Kelley L. Rischke - \$1,000.00, and The State of Montana - \$1,505.00, for a total restitution amount of \$20,934.00.

On February 3, 2023, 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.

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 did not provide 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.

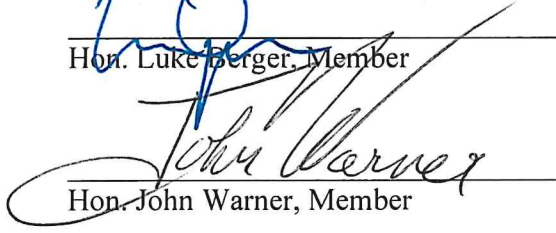
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 23 day of February, 2023.

SENTENCE REVIEW DIVISION




Hon. Jessica Fehr, Vice Chair

Hon. Luke Berger, Member

Hon. John Warner, Member

Copies mailed or emailed this 27th day of February, 2023, to:

Clerk of District Court – *via email*
Dennis Clark Painter #3032844, Defendant (2)
Hon. Dan Wilson – *via email*
Penelope Strong, Defense Counsel – *via email*
John Donovan, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division