

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

STATE OF MONTANA,)	Cause No. DC-11-006
)	
Plaintiff,)	Valley County District Court
)	
-vs-)	Montana Seventeenth Judicial District
)	
MALACHAI DEAN STOPS,)	DECISION
)	
Defendant.)	

On September 21, 2022, the District Court found the Defendant in violation of the terms and conditions of the suspended sentence imposed on December 5, 2011, revoked the sentence, and sentenced the Defendant to twenty (20) years commitment to the Montana State Prison, with no time suspended, for the offense of Count I: Aggravated Assault, a Felony, in violation of §45-5-202(1), MCA. The Defendant was given credit for ten (10) years served, as well as 65 days credit street time, and 195 days jail time. The Court ordered the Defendant subjected to a five (5) year parole restriction. The Court recommended the Defendant complete the ITU, or similar programming while incarcerated, including CP&R classes, or similar programming, if they are offered. The Court further recommended that the Defendant, if released, be placed in a pre-release center. The Sentence was ordered to run concurrently with the Defendant’s sentence in Yellowstone County District Court, DC-21-1114 on July 11, 2022 (filed August 3, 2022). The Defendant was ordered to register as a Violent Offender. The terms and conditions of the Judgment issued December 5, 2011, were ordered to remain in full force and effect.

On February 2, 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 David Merchant, 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.

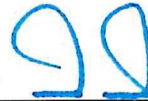
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 13 day of February, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 14th day of February, 2023, to:

- Clerk of District Court – *via email*
- Malachai Dean Stops #3008697, Defendant (2)
- Hon. Yvonne Laird – *via email*
- David Merchant, Defense Counsel – *via email*
- Dylan Jensen, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division