

Sentence Review Division
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FILED

MAY 30 2023

**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-56-2021-0001596-IN
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
TIMOTHY LLOYD CHESTERMAN,) **DECISION**
)
Defendant.)

On August 30, 2022, the Court found the Defendant in violation of the terms and conditions of the Release Order dated July 12, 2022 and deemed it sufficient grounds for the State to withdraw from the Plea Agreement. The Court therefore sentenced the Defendant as follows:

Count I: Ten (10) years commitment to the Department of Corrections, with five (5) years suspended, for the offense of Intimidation, a Felony, in violation of §45-5-203(2), MCA;

Count II: Ten (10) years commitment to the Department of Corrections, with five (5) years suspended, for the offense of Intimidation, a Felony, in violation of §45-5-203(2), MCA;

Count III: Ten (10) years commitment to the Department of Corrections, with five (5) years suspended, for the offense of Intimidation, a Felony, in violation of §45-5-203(1)(a), MCA;

Count IV: Ten (10) years commitment to the Department of Corrections, with five (5) years suspended, for the offense of Intimidation, a Felony, in violation of §45-5-203(1)(a), MCA;

Counts I, II, III, and IV were ordered to run concurrently with each other.

The Defendant was ordered to complete Cognitive Principles and Restructuring (CP&R) or similar cognitive and behavioral modification program as well as complete an Anger Management Program.

The Court ordered the Defendant be given credit for time spent in pre-trial incarceration as follows: December 16, 2021 through July 12, 2022, and July 15, 2022 through August 30, 2022.

The Defendant was further order to pay restitution to Peter Yegan Jr. Inc. in the amount of \$7,945.74.

On May 4, 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 START Facility 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.

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.

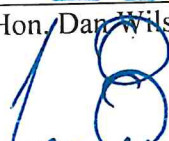
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 26 day of May, 2023.

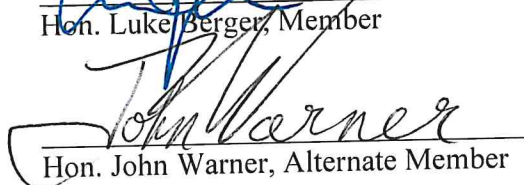
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



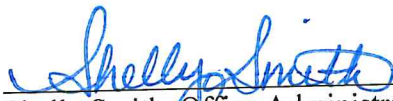
Hon. Luke Berger, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 30th day of May, 2023, to:

Clerk of District Court – *via email*
Timothy Lloyd Chesterman #3021945, Defendant
Hon. Jessica Fehr – *via email*
Penelope Strong, Defense Counsel – *via email*
Margaret Gallagher, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division