

Sentence Review Division
301 S. Park Ave., Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED

MAY 25 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-22-2020-0000007-IN
)
Plaintiff,) Jefferson County District Court
)
-vs-) Montana Fifth Judicial District
)
MICHAEL DUNNE,) **DECISION**
)
Defendant.)

On January 6, 2021, the Defendant was sentenced as follows: Count I: A commitment of five (5) years to the Department of Corrections, with credit for sixty-two (62) days for jail time served, for the offense of Criminal Endangerment, a Felony in violation of §45-5-207 MCA; Count III: A commitment to the Jefferson County Jail for six (6) months, all suspended, with credit for sixty-two (62) days for jail time served, for the offense Criminal Mischief, a Misdemeanor, in violation of §45-6-101 MCA; and Count IV: A commitment to the Jefferson County Jail for six (6) months, all suspended, with credit for sixty-two (62) days for jail time served, for the offense Criminal Mischief, a Misdemeanor, in violation of §45-6-101 MCA.

The Defendant was also ordered to pay restitution to the State of Montana Department of Transportation in the amount of \$1,423.04. The sentences were ordered to run concurrently with each other but consecutively to Gallatin County Cause No. DC-20-116c.

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 Helena Pre-Release Center and was represented by Penelope Strong, Defense Counsel. The State was not represented. Mitzi Stoetzner was present but did not provide 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 19 day of May, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 25th day of May, 2023, to:

Clerk of District Court – *via email*
Michael Dunne #3011783, Defendant
Hon. Luke Berger – *via email*
Penelope Strong, Defense Counsel – *via email*
Office of the Public Defender – *via email*
Steven C. Haddon, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division