

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](mailto:shellysmith@mt.gov)

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-24-2018-0000286-IN
	)	
Plaintiff,	)	Lake County District Court
	)	
-vs-	)	Montana Twentieth Judicial District
	)	
JONATHAN AUSTIN GREEN,	)	<b>DECISION</b>
	)	
Defendant.	)	

---

On November 30, 2022, the Court found the Defendant had violated the terms and conditions of his sentence imposed on July 3, 2019, revoked the suspended sentence, and sentenced the Defendant to a period of two (2) years, with zero (0) years suspended, to the Department of Corrections for the offense of Count I: Theft, a Felony, in violation of §45-6-301, MCA. If the Defendant successfully completes the NEXUS program, followed by pre-release, he shall be committed to the Department of Corrections for a period of two (2) years, with two (2) years suspended. The Defendant was given credit of 21 days for time served, and 30 days street time credit. The sentence was ordered to run consecutively to the sentence in Lake County District Court DC-18-326.

On December 5, 2022, the State filed an Amended Judgment to correct that “The sentence shall run consecutively to the sentence in Lake County District Court **DC-19-081** (rather than DC-18-326).”

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 Tyler Duggar, 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 give 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).

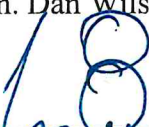
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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

DATED this 16 day of May, 2023.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Dan Wilson, Chair

  
\_\_\_\_\_  
Hon. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 17th day of May, 2023, to:

- Clerk of District Court – *via email*
- Jonathan Austin Green #3002988, Defendant
- Hon. Molly Owen – *via email*
- Tyler Duggar, Defense Counsel – *via email*
- Office of the Public Defender – *via email*
- James Lapotka, County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division