

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

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-56-2022-0000278-IN
)	
Plaintiff,)	Yellowstone County District Court
)	
-vs-)	Montana Thirteenth Judicial District
)	
JOSHUA LEO HALFORD,)	DECISION
)	
Defendant.)	

On September 12, 2022, the Court granted the State’s oral motion to dismiss Count III: Criminal Possession of Drug Paraphernalia (misdemeanor), and sentenced the Defendant as follows: Count I: Five (5) years to the Montana State Prison for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(1), MCA, and ordered to pay \$2,000.00 to the Yellowstone County Sheriff’s Drug Forfeiture Fund; Count II: One (1) year to the Yellowstone County Detention Facility for the offense of Theft, Obtain Control Over Stolen Property, 3rd or Subsequent Offense, a Misdemeanor, in violation of §45-6-301(3)(a), MCA, to run concurrently with Count I; and Count IV: Six (6) months to the Yellowstone County Detention Facility for the offense of Obstructing Peace Officer or Other Public Servant, a Misdemeanor, in violation of §45-7-302, MCA, to run concurrently with Counts I and II.

The Court ordered that the Defendant be given credit for time spent in pre-trial incarceration as follows: March 6, 2022 through September 12, 2022.

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 Montana State Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Victoria Callender, Deputy County Attorney.

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 gave 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.

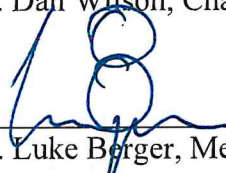
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*
- Joshua Leo Halford #3010166, Defendant
- Hon. Mary Jane Knisely – *via email*
- Teal Mittelstadt, Defense Counsel – *via email*
- Office of the Public Defender – *via email*
- Victoria Callender, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division