

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

STATE OF MONTANA,	)	Cause No. DC-41-2021-0000108-IN
	)	
Plaintiff,	)	Ravalli County District Court
	)	
-vs-	)	Montana Twenty-First Judicial District
	)	
AARON GABRIAL NIXON,	)	<b>DECISION</b>
	)	
Defendant.	)	

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On November 3, 2022, the Court found the Defendant violated the terms and conditions of the sentence imposed on April 7, 2022, revoked the deferred sentence, and sentenced him to three (3) years commitment to the Department of Corrections for the offense of Charge I: Burglary, a Felony, in violation of §45-6-204, MCA. The Defendant was given credit for time served in jail prior to the sentencing (53 days under the original Judgment and 60 days under the revocation, for a total of 133 days) and was *not* given credit for street time.

On May 5, 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 Butte Pre-Release Center 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 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

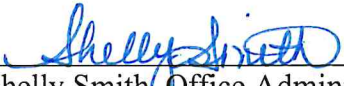
  
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Hon. Dan Wilson, Chair

  
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Hon. Luke Berger, Member

  
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Hon. Jessica Fehr, Member

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

- Clerk of District Court – *via email*
- Aaron Gabriel Nixon #3032421, Defendant
- Hon. Jennifer Lint – *via email*
- David Merchant, Defense Counsel – *via email*
- Office of the Public Defender – *via email*
- David Lakin, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division