

Sentence Review Division 301 S. Park Ave., Suite 328 P.O. Box 203005 Helena, MT 59620-3005

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## SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,		) Cause No. DC-56-2018-0001010-IN
	Plaintiff,	) Yellowstone County District Court
-VS-		) Montana Thirteenth Judicial District
RICHARD JAMES SORIA,		) ) DECISION
	Defendant.	)

On July 1, 2020, the Court sentenced the Defendant as follows: <u>Count I:</u> Twenty (20) year commitment to the Montana State Prison, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503(1), MCA; <u>Count II:</u> Forty (40) year commitment to the Montana State Prison, for the offense of Aggravated Burglary, a Felony, in violation of §45-6-204(2), MCA; and <u>Count III:</u> One (1) year commitment to the Yellowstone County Detention Facility for the offense of Partner Family Member Assault 2<sup>nd</sup> Offense, a Misdemeanor, in violation of §45-5-206(1)(c), MCA. The Counts were ordered to run concurrently with each other. It was further ordered that the Defendant pay restitution in the amount of \$1,083.08.

The Defendant was given credit for time served from July 29, 2018 through July 1, 2020. The Defendant was designated as a Level 3 Sexual Offender.

The Defendant was ordered to successfully complete sex offender treatment with a clinical provider who is in good standing with the MSOTA or its equivalent and shall follow all rules and recommendations of the provider. It was further Ordered that Defendant must complete Phase 1 and Phase 2 of Sex Offender Treatment while incarcerated at Montana State Prison before becoming eligible for parole.

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 Crossroads Correctional Center and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Jacob Yerger, 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 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. essica Fehr, Member

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

Clerk of District Court – via email

Richard James Soria #3028596, Defendant

Hon. Gregory  $Todd - via\ email$ 

Layla Turman, Defense Counsel – via email

Office of the Public Defender – via email

Jacob Yerger, Deputy Co. Attorney —  $via\ email$ 

Board of Pardons and Parole – *via email* 

MSP - Records Dept. - via email

Shelly Smith, Office Administrator

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