

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

STATE OF MONTANA,)	Cause No. DC-56-2021-0001506-IN
)	
Plaintiff,)	Yellowstone County District Court
)	
-vs-)	Montana Thirteenth Judicial District
)	
CLEVE ERNEST SPANG,)	DECISION
)	
Defendant.)	

On December 9, 2022, the Court sentenced the Defendant to a term of thirteen (13) months commitment to the Department of Corrections for the offense of Count I: Driving a Motor Vehicle Under the Influence of Alcohol or Drugs, a Felony, in violation of §61-8-401, MCA. Upon successful completion of a residential alcohol treatment program operated or approved by the Department of Corrections, the remainder of the thirteen (13) months sentence must be served on probation. The Court further ordered the Defendant sentenced to the Department of Corrections for an additional five (5) years, all of which was suspended, and to run consecutively to the term imposed above. The Defendant was ordered to pay a fine of \$5,000.00 to be credited to the General Fund. It was recommended that the Defendant be considered for placement at the Warm Springs Addictions Treatment and Change Program (WATCh).

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 WATCh Facility and was represented by Layla Turman, 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 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.

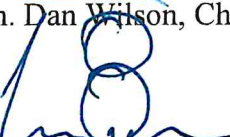
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*
- Cleve Ernest Spang #2052073, Defendant
- Hon. Donald Harris – *via email*
- Layla Turman, Defense Counsel – *via email*
- Office of the Public Defender – *via email*
- Holley Metzger, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division