

Sentence Review Division
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FILED
AUG 28 2023
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-29-2022-0000010-IN
)
Plaintiff,) Madison County District Court
)
-vs-) Montana Fifth Judicial District
)
JAMES RAY CASEY,)
) **DECISION**
)
Defendant.)

On December 5, 2022, the Defendant was sentenced to One Hundred (100) years commitment to the Montana State Prison, with fifty (50) years suspended, for the offense of Incest, a Felony, in violation of §45-5-507(1), MCA. The Defendant would not be eligible for parole during the first twenty-five (25) years of imprisonment, no circumstances exist to allow for a deviation from the twenty-five (25) year parole restriction as allowed by statute.

The Defendant was given credit for 182 days of jail time previously served.

The Court ordered the Defendant to register as a Level II Sexual Offender and must complete Phases I and II of Sex Offender Treatment prior to release.

The Court granted the State's move to dismiss Counts II, III, IV, V, and VI.

On August 3, 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 Rufus Peace, Defense Counsel. The State was represented by David Buchler. The Defendant gave a statement.

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.

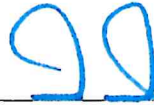
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 24 day of August, 2023.

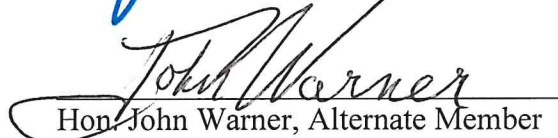
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 28th day of August, 2023, to:

Clerk of District Court – *via email*
James Ray Casey #3033506, Defendant
Hon. Luke Berger – *via email*
Rufus Peace, Defense Counsel – *via email*
David Buchler, County Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division