

Sentence Review Division
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FILED

AUG 17 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-32-2022-0000315-IN
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
JASON MICHAEL MCCALLUM,)
) **DECISION**
)
Defendant.)

On October 4, 2022, the Defendant was sentenced as follows: Count II: Twenty (20) years to the Montana State Prison with twelve (12) years suspended, for the offense of Assault on a Minor, a Felony, in violation of §45-5-212, MCA; and Count III: One (1) year M.C.D.F., all suspended (except 24 hours), for the offense of Partner or Family Member Assault – 1st Offense, a Misdemeanor, in violation of §45-5-206[1st], MCA. Counts II and III were ordered to run concurrently with each other and with the sentences imposed in cause nos. DC-18-309, DC-21-496, and DC-22-186. The Defendant was given credit for time served in the amount of 130 days. The Court ordered the Defendant pay restitution in the amount of \$3,793.31.

On August 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 Layla Turman, Defense Counsel. The State was not represented. 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.

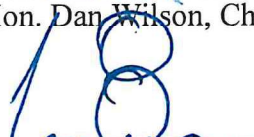
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 17th day of August, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

- Clerk of District Court – *via email*
- Jason Michael McCallum #3026482, Defendant
- Hon. Leslie Halligan – *via email*
- Layla Turman, Defense Counsel – *via email*
- Brian Lowney, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division