

Sentence Review Division
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FILED

DEC 07 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-18-2008-0000051-IN
)
Plaintiff,) Glacier County District Court
-vs-)
) Montana Ninth Judicial District
MICHAEL BRADLEY BURTON,)
) **DECISION**
)
Defendant.)

On May 18, 2022, the Court found the Defendant in violation of the conditions of the sentence imposed on February 18, 2009, revoked the suspended sentence, and sentenced as follows:

Count I: Nine (9) years and Two Hundred Fifty-Nine (259) days to the Montana State Prison, for the offense of Burglary, a Felony, in violation of §45-7-204, MCA.

Count III: Nine (9) years and Two Hundred Fifty-Nine (259) days to the Montana State Prison, for the offense of Burglary, a Felony, in violation of §45-7-204, MCA.

Count V: Nine (9) years and Two Hundred Fifty-Nine (259) days to the Montana State Prison, for the offense of Theft, a Felony, in violation of §45-6-301(1)(a), MCA.

Count VII: Nine (9) years and Two Hundred Fifty-Nine (259) days to the Montana State Prison, for the offense of Theft, a Felony, in violation of §45-6-301(1)(a), MCA.

Counts I, III, V, and VII were ordered to run concurrently with each other.

On November 21, 2022, the Court amended the Judgment to include credit for time served in the amount of sixty-four (64) days. The Sentence otherwise remained unchanged.

On November 2, 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 Sadie Busch, 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 30 day of November, 2023.

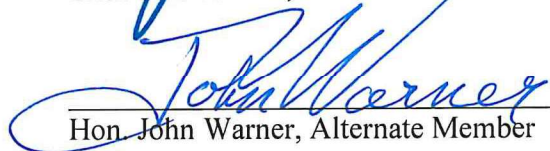
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 7th day of December, 2023, to:

Clerk of District Court – *via email*
Michael Bradley Burton #3001694, Defendant
Hon. Gregory Bonilla – *via email*
Sadie Busch, Defense Counsel – *via email*
Jennifer Stutz, Special Deputy Co. Attorney - *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division