

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-47-2018-0000201-IN
)
Plaintiff,) Silver Bow County District Court
)
-vs-) Montana Second Judicial District
)
MICHAEL DUNNE,)
) **DECISION**
)
Defendant.)

On September 22, 2021, the Defendant was sentenced to the Montana State Prison for a period of fifteen (15) years, with five (5) suspended, for the offense of Count I: Burglary, a Felony, in violation of §45-6-204(1)(a), MCA. The sentence was ordered to run consecutive to the sentence imposed in Gallatin County Cause No. DC-20-116C and concurrent with the sentence imposed in Jefferson County Cause No. DC-20-007. The Defendant was given credit of 726 days for pre-trial time served.

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, under supervision of Helena Probation and Parole, appeared and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. Victim and ex-wife, Misty Stoetzner, was present and gave a statement. The Defendant did not give 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.

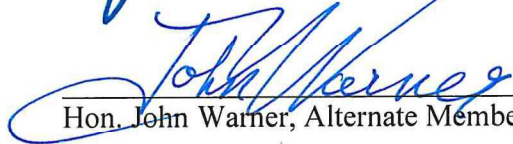
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



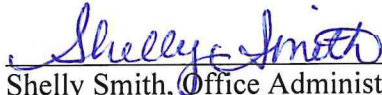
Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

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

Clerk of District Court – *via email*
Michael Dunne #3011783, Defendant
Hon. Robert Whelan – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Ann M. Shea, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division