

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-41-2022-0000006-IN
)
Plaintiff,) Ravalli County District Court
)
-vs-)
) Montana Twenty-First Judicial District
TIMOTHY JADE DURAN,)
) **DECISION**
)
Defendant.)

On March 22, 2023, the Court found the Defendant had violated the terms and conditions of his sentence imposed on June 29, 2022, revoked the deferred sentence, and sentenced him to five (5) years commitment to the Department of Corrections, none suspended, for the offense of Charge I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(3), MCA, to run concurrently with DC-21-189. The Defendant was given credit for one hundred and eighty-eight (188) days served. The Court recommended that the Defendant receive chemical dependency and mental health evaluations and all available treatments. The Court further recommended that the Department of Corrections consider placement in Pre-Release.

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 Butte Pre-Release Center and was represented by Jason Sillstrop, 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

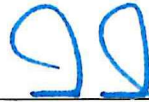
not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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.

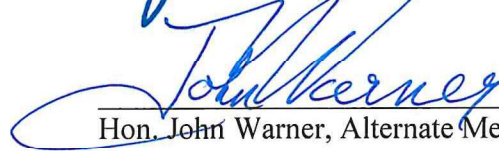
SENTENCE REVIEW DIVISION



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*
Timothy Jade Duran #3032448, Defendant
Hon. Howard Recht – *via email*
Jason Sillstrop, Defense Counsel – *via email*
William Fulbright, County Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division