

Sentence Review Division
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FILED

NOV 15 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-39-2011-0000068-IN
)	
)	Plaintiff,
)	Powell County District Court
-vs-)	Montana Third Judicial District
)	
)	ORDER TO CONTINUE SENTENCE
CODY JOSEPH FLESCH,)	REVIEW HEARING
)	
_____)	
Defendant.)	

On November 2, 2023, the Defendant's Application for review of sentence was scheduled to be heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division") by Zoom videoconference. The Defendant was not present. David Merchant, Defense Counsel, was present. The State was not represented.

Mr. Merchant informed the Division that he met with the Defendant prior to the hearing and asked on behalf of his client that the sentence review hearing be continued to the next available set of hearings so the Defendant may resolve the matters in his three ongoing or active Yellowstone County District Court prior to proceeding with a sentence review hearing in this matter.

IT IS ORDERED that the Defendant's sentence review hearing is **CONTINUED** to the next available hearings on the Division's **February 1 - 2, 2024** calendar. Notice to the interested parties will be sent at least thirty (30) days prior to hearing giving the actual date and time of hearing.

DATED this 15th day of November, 2023.



Hon. Dan Wilson, Chair
SENTENCE REVIEW DIVISION

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true copy of the forgoing Order to Vacate and Continue Sentence Review Hearing by depositing the same in the U.S. Mail, postage prepaid, or via electronic service this 15th day of November, 2023, to the following:

Clerk of District Court
Powell County
409 Missouri Avenue,
Ste 302
Deer Lodge, MT 59722– *via email*

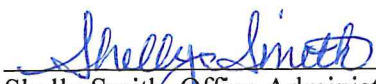
Kathryn McEnery, County Attorney
Powell County Attorney's Office
409 Missouri Avenue, Room 301
Deer Lodge, MT 59722 – *via email*

David A. Merchant, II
Attorney at Law
P.O. Box 50336
Billings, MT 59105– *via email*

Office of State Public Defender
502 S. 19th Ave., Ste 211
Bozeman, MT 59718 – *via email*

Cody Joseph Flesch #3004653
Montana State Prison
400 Conley Lake Road
Deer Lodge, MT 59722

Hon. Ray Dayton
3rd Judicial District
409 Missouri Avenue, Ste 302
Deer Lodge, MT 59722 – *via email*



Shelly Smith, Office Administrator
SENTENCE REVIEW DIVISION