

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-25-2021-0000538-IN
	)	
	)	Plaintiff,
	)	Lewis & Clark County District Court
-vs-	)	
	)	Montana First Judicial District
GARRETT LEE HAMILTON,	)	
	)	<b>DECISION</b>
	)	
_____	)	Defendant.

On March 22, 2023, the Defendant was sentenced to twenty (20) years to the Montana State Prison, with five (5) years suspended, for the offense of Count I: Aggravated Assault, a Felony, in violation of §45-5-202, MCA. The sentence was ordered to run concurrently with the sentence imposed in Cause No. DDC-21-373, Lewis and Clark County District Court.

The Defendant was given credit for time served for the following date ranges: November 18, 2021 through March 22, 2023. Pursuant to §46-23-501, *et. seq.*, MCA, the Defendant was ordered to register as a Violent Offender. The Defendant was further ordered to pay restitution in the amount of \$489.60, plus a 10% administrative fee for a total of \$538.56.

On November 1, 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 Dawson County Correctional Facility and was represented by Rufus Peace, Defense Counsel. The State was not represented. Joe Cartwright was present but did not provide 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).

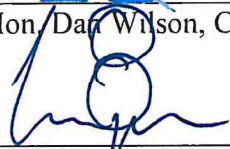
The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

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. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 7<sup>th</sup> day of December, 2023, to:

- Clerk of District Court – *via email*
- Garrett Lee Hamilton #3025835, Defendant
- Hon. Michael McMahon – *via email*
- Rufus Peace, Defense Counsel – *via email*
- Mary Barry, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division