

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-15-2019-0000121-IN
)
Plaintiff,) Flathead County District Court
)
-vs-) Montana Eleventh Judicial District
)
RONALD ALAN HUMMEL,)
) **DECISION**
)
Defendant.)

On November 21, 2019, the Defendant was sentenced to the Montana State Prison for a term of twenty-five (25) years for the offense of Count I: Driving Under the Influence and/or Driving with Excessive Blood Alcohol Concentration, 4th or Subsequent Offense, a Felony, in violation of §61-8-401(1), MCA. The Court ordered the Defendant designated as a Persistent Felony Offender and was given credit for 228 days for time served in custody. The sentence was ordered to run consecutively to the DC-06-154 sentence.

On July 21, 2022, An Order Amending Judgment and Sentence was made pursuant to the opinion of the Supreme Court in their cause number DA-20-064 issued on June 28, 2022 and Remittitur, the Court made the following amendments to the Judgment and Sentence issued on December 4, 2019:

- At line 6 of page 2 of the Judgment and Sentence, in referring to the conditions the Court stated, “As conditions of probation/parole, Defendant must comply with the following:” and then listed the conditions numbered 1 through 27. That line was amended to read: “The Court recommends that the Department of Corrections require the following conditions of the Defendant for any community release portion of this sentence.”
- That Condition 15 be stricken in its entirety.

Except as specifically required by the amendments stated, all requirements, conditions and impositions of the original Judgment and Sentence dated December 4, 2019, were ordered to remain in full force and effect.

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 Crossroads Correctional Center and was represented by Teal Mittelstadt, 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.

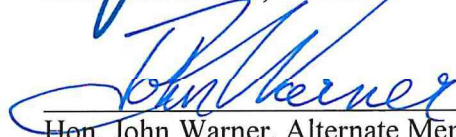
SENTENCE REVIEW DIVISION



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*
Ronald Alan Hummel #16013, Defendant
Hon. Robert B. Allison – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
John Donovan, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division