

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-12-2020-0000063-IN  
)  
Plaintiff, ) Deer Lodge County District Court  
)  
-vs- )  
) Montana Third Judicial District  
WILLIAM EDWARD JOHNSON, )  
) **DECISION**  
)  
Defendant. )

On June 21, 2023, the Court found the Defendant violated the conditions of his suspended sentence, revoked the sentence, and re-sentenced him to four (4) years to the Department of Corrections, with none suspended, for the offense of Count I: Tampering with a Witness and Informants, a Felony, in violation of §45-7-206, MCA (2019). The Court ordered that the Defendant be given credit for any street time in the amount of 308 days and given credit for 142 days of jail time previously served. The Court further ordered that the conditions of release in the Defendant's previous judgment reincorporated by reference herein.

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 Butte Pre-Release 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. 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*  
William Edward Johnson #3016665, Defendant  
Hon. Ray Dayton – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Matt Enrooth, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

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