

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-12-2022-0000090-IN
)
Plaintiff,) Deer Lodge County District Court
)
-vs-)
) Montana Third Judicial District
EARL DOLIN RICHARDSON,)
) **DECISION**
)
Defendant.)

On June 12, 2023, the Defendant was sentenced as follows: Count I: Four (4) years commitment to the Department of Corrections for placement in an appropriate correctional facility or program for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA (2021). The Defendant was given credit for one hundred and twenty-six (126) days for jail time served; Count II: Six (6) months to the County Jail for the offense of Driving Under the Influence, a Misdemeanor, in violation of §61-8-1002, MCA (2021), to run concurrently with Count I; and Count III: Fine in the amount of \$500 for the offense of Criminal Possession of Drug Paraphernalia, a Misdemeanor, in violation of §45-10-103, MCA (2021).

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 START facility and was represented by Rufus Peace, Defense Counsel. The State was not represented. 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 7th day of December, 2023, to:

Clerk of District Court – *via email*
Earl Dolin Richardson #3003824, Defendant
Hon. Ray Dayton – *via email*
Rufus Peace, Defense Counsel – *via email*
Office of the Public Defender – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division