

Sentence Review Division  
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-32-2022-0000508-IN
	)	
Plaintiff,	)	Missoula County District Court
-vs-	)	
	)	Montana Fourth Judicial District
VIRINIDER SINGH BRAR,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On September 19, 2023, pursuant to a plea agreement between the Defendant and the State, the Court accepted the plea and sentenced the Defendant to a commitment of three (3) years to the Department of Corrections for the offense of Count I: Burglary, a Felony in violation of §45-6-204(1), MCA, and was ordered to run concurrently with DC-22-696. Count II was missed.

The Defendant was given credit for time served in the amount of three hundred eighteen (318) days. The Court deferred to the Department of Corrections regarding the conditions of the Defendant’s release and recommended the Defendant’s placement in pre-release.

On February 2, 2024, 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 Missoula Assessment and Sanction Center and was represented by Rufus Peace, 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 9th day of February, 2024.

SENTENCE REVIEW DIVISION

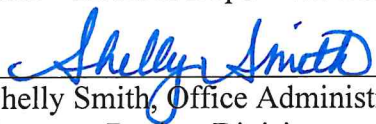
  
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Hon. Luke Berger, Chair

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

  
\_\_\_\_\_  
Hon. Matthew Cuffe, Member

Copies mailed or emailed this 12th day of February, 2024, to:

Clerk of District Court – *via email*  
Virinder Singh Brar #3035234, Defendant  
Hon. Jason Marks – *via email*  
Rufus Peace, Defense Counsel – *via email*  
Mac Bloom, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
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Shelly Smith, Office Administrator  
Sentence Review Division