

Sentence Review Division
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FILED

FEB 12 2024

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-14-2016-0000012-IN
)
Plaintiff,) Fergus County District Court
-vs-)
) Montana Tenth Judicial District
GILBERT VICTOR CROUSE, III,)
) **DECISION**
)
Defendant.)

On July 21, 2023, the Court found the Defendant violated the terms of his previous suspended sentence, revoked the sentence, and re-sentenced him to the Montana State Prison for ten (10) years, with no time suspended, for the offense in Count I: Sexual Intercourse Without Consent, a Felony, in violation of §45-5-503, MCA, to run concurrently with Defendant's sentences in DC-14-059.

The Court reimposed Defendant's fine of five-thousand-dollars (\$5,000), with the entire amount suspended on successful sentence completion. The Court further ordered that the Defendant register as a Level II Sex Offender. The Defendant was given credit of two-hundred-forty-two (242) days jail time served, and twenty-eight (28) days of street time served.

On February 1, 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 Dawson County Correctional Facility 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 9th day of February, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



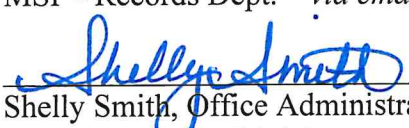
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Gilbert Victor Crouse, III #3016894, Defendant
Hon. Heather Perry – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Kent Sipe, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division