

FILED

FEB 12 2024

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

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

STATE OF MONTANA,)	Cause No. DC-41-2022-0000157-IN
)	
Plaintiff,)	Ravalli County District Court
-vs-)	
)	Montana Twenty-First Judicial District
RODNEY DALE GRAHAM,)	
)	DECISION
)	
Defendant.)	

On August 17, 2023, the Defendant was sentenced as follows:

Charge I: A commitment of Ten (10) years, with five (5) years suspended, at a state prison designated by the Department of Corrections, for the offense of Driving Under the Influence of Alcohol and/or Drugs, 4th or Subsequent Offense, a Felony, in violation of §61-8-1002, MCA. The Defendant was given credit for three (3) days served.

Charge II: Six (6) months to the Ravalli County Detention Center, all suspended, for the offense of Resisting Arrest, a Misdemeanor, in violation of §45-7-301, MCA. The sentence was ordered to run concurrently with Charge I. The Defendant was given credit for three (3) days 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 Riverside Special Needs Unit and was represented by Mathew Stevenson, Defense Counsel. Jason Sillstrop, Defense Counsel, was present but did not provide a statement. The State was represented by Sean Peterson. Sandy Wolstad, sister of the Defendant, was present but did not give a statement. 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 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*
- Rodney Dale Graham #39805, Defendant
- Hon. Jennifer Lint – *via email*
- Mathew Stevenson, Defense Counsel – *via email*
- Sean Peterson, Deputy County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division