

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-7-2021-0000765-IN
)
Plaintiff,) Cascade County District Court
-vs-)
) Montana Eighth Judicial District
DAVID ALLEN ROMERO,)
) **DECISION**
)
Defendant.)

On August 15, 2023, the Defendant was sentenced as follows:

Count II: A commitment to the Department of Corrections for placement in an appropriate facility or program for Five (5) years, with no time suspended, for the offense of Tampering with or Fabricating Physical Evidence, a Felony, in violation of §45-7-207(1)(a), MCA.

Count III: A commitment to the Department of Corrections for placement in an appropriate facility or program for Five (5) years, with no time suspended, for the offense of Strangulation of a Partner or Family Member, a Felony, in violation of §45-5-215(1)(b), MCA.

Count IV: A commitment to the Department of Corrections for placement in an appropriate facility or program for Five (5) years, with no time suspended, for the offense of Parental Interference, a Felony, in violation of §45-6-634(1)(b), MCA.

Count VIII: A commitment to the Cascade County Detention Center for Six (6) months, with no time suspended, for the offense of Violation of Order of Protection (1st Offense), a Misdemeanor, in violation of §45-5-626, MCA.

Count X: Six (6) month commitment, with no time suspended, to the Cascade County Detention Center for the offense of Violation of Order of Protection (1st Offense), a Misdemeanor, in violation of §45-5-626, MCA.

The sentences in Counts II, III, IV, and VIII were ordered to run consecutively to each other.

The Defendant was given credit for 677 days of 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 Cascade County Detention Facility and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. Shiela Archambault, the Defendant's Mother, was present by telephone but did not make a statement. 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*

Darryl Allen Romero #2077710, Defendant

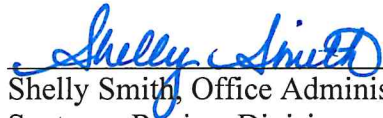
Hon. John Kutzman – *via email*

Teal Mittelstadt, Defense Counsel – *via email*

Michele Levine, Deputy Co. Attorney – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division