

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-56-2022-0000552-IN
)	
)	Plaintiff,) Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
SETH JONATHAN WATSON,)	
)	DECISION
)	
<u>Defendant.</u>)	

On December 8, 2022, the Defendant was sentenced to a commitment to the Department of Corrections for five (5) years, with two (2) years suspended, for the offense of Count I: Theft, Obtain or Exerts Unauthorized Control Over Stolen Property, a Felony, in violation of §45-6-301(3), MCA. The sentence was ordered to run concurrently with DC-18-0112.

The Defendant was given credit for time spent in pre-trial incarceration as follows: May 8, 2022 through July 7, 2022, and October 30, 2022 through December 8, 2022. The Court ordered the Defendant to pay restitution in the amount of \$4,066.15 to Stockman Bank.

The Court further recommended that the Defendant be screened for Connections Corrections and the Pre-Release Program and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant shall be placed at a Department of Corrections facility at the discretion of the Department.

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 Billings Pre-Release Facility and was represented by Teal Mittelstadt, 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 9th day of February, 2024.


SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



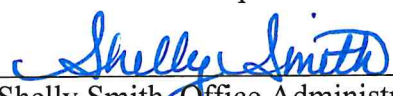
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

- Clerk of District Court – *via email*
- Seth Jonathan Watson #3023810, Defendant
- Hon. Rod Souza – *via email*
- Teal Mittelstadt, Defense Counsel – *via email*
- Margaret Gallagher, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division