

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

STATE OF MONTANA,	)	Cause No. DC-7-2001-0000083-IN
	)	
	)	Cascade County District Court
	)	
-vs-	)	Montana Eighth Judicial District
MICHAEL LEE PATRICK DECELLES,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On June 22, 2022, the Court found the Defendant violated the terms of his suspended sentence, revoked the suspended sentence, and resentenced him as follows:

Count IV: Five (5) year commitment to the Department of Corrections for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA (1999). The Defendant was given credit for 326 days for street time.

Count V: Five (5) year commitment to the Department of Corrections for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA (1999).

Count VI: Five (5) year commitment to the Department of Corrections for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA (1999).

The Court recommended the Defendant be screened for chemical dependency treatment in a structured program and mental health treatment. Counts IV, V, and VI were ordered to run consecutive to each other. The Defendant was given credit for 121 days. The Court did not impose any conditions of probation as this was a straight Department of Corrections sentence.

On May 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 Warren Correctional Institution in Lebanon, Ohio, and was represented by Tyler Dugger, 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 31st day of May, 2024.

SENTENCE REVIEW DIVISION

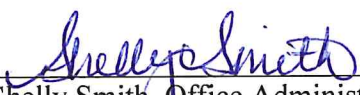
  
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Hon. Luke Berger, Chair

  
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Hon. Jessica Fehr, Member

  
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Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31st day of May, 2024, to:

Clerk of District Court – *via email*  
Michael Lee Patrick Decelles #2015590, Defendant  
Hon. David Grubich – *via email*  
Tyler Dugger, Defense Counsel – *via email*  
Joshua Racki, Cascade County 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