

Sentence Review Division 301 S. Park Ave., Suite 328 P.O. Box 203005 Helena, MT 59620-3005

Phone: (406) 841-2976 Email: shellysmith@mt.gov

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-47-2021-0000293-IN
	Plaintiff,)	Silver Bow County District Court
-vs- CORY DUANE GUSTAFSON,)	Montana Second Judicial District
on some of the sound of the sou)	DECISION
	Defendant.)	

On December 7, 2023, the Defendant was sentenced as follows:

<u>Count I</u>: Five (5) years to the Montana State Prison for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA.

<u>Count II</u>: Five (5) years to the Montana State Prison for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA.

<u>Count III</u>: Five (5) years to the Montana State Prison for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA.

The sentences imposed in Counts I, II, and III were ordered to run consecutively to one another. The Court further ordered that the sentence imposed in the matter to run concurrently with DC-21-270 and any other sentence imposed prior to the sentencing date of December 7, 2023. The Defendant was given credit for 193 days for time served in the matter.

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 Dawson County Correctional Facility and was represented by Jessica Polan, 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

Hon. Luke Berger, Chair

Hon. Jessica Fehr, Member

Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31st day of 71ath, 2024, to:

Clerk of District Court - via email

Cory Duane Gustafson #2010426, Defendant

Hon. Kurt Krueger - via email

Jessica Polan, Defense Counsel - via email

Ann Shea, Deputy Co. Attorney - via email

Board of Pardons and Parole – via email

MSP - Records Dept. - via email

Shelly Smith, Office Administrator

Sentence Review Division