

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

STATE OF MONTANA,)	Cause No. DC-47-2022-0000182-IN
)	
)	Silver Bow County District Court
-vs-)	
)	Montana Second Judicial District
JOSHUA JAMES HENRY,)	
)	DECISION
)	
_____)	
Defendant.)	

On October 19, 2022, the Defendant was sentenced to Fifteen (15) years to the Montana State Prison for the offense of Count I: Criminal Possession with Intent to Distribute, a Felony, in violation of §45-9-103, MCA 2021. The sentence was ordered to run concurrent with DC-19-007. The Court ordered that the Defendant be given credit for 147 days of pretrial 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 Montana State Prison and was represented by Teal Mittelstadt, 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



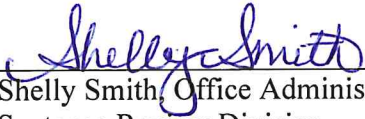
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Joshua James Henry #2107853, Defendant
Hon. Robert Whelan – *via email*
Teal Mittelstadt, 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