

FILED

MAY 31 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-25-2020-0000357-IN
)	
)	Lewis & Clark County District Court
-vs-)	
)	Montana First Judicial District
CLARENCE HENRY SARGENT,)	
)	DECISION
)	
Defendant.)	

On December 14, 2023, the Court found the Defendant failed to abide by the conditions of his sentence, revoked the suspended sentence, and sentenced him to a commitment to the Department of Corrections for a term of five (5) years for the offense of Count II: Failure to Register as Sexual or Violent Offender, a Felony, in violation of §46-23-507, MCA. The Court recommended he be screened for appropriate treatment followed by pre-release.

The Defendant was given credit for time served for the following date ranges: May 30, 2023 to December 14, 2023; May 4, 2023 to May 5, 2023; and June 24, 2020 to September 8, 2020.

The Defendant was also given credit for street time from September 20, 2020 to March 1, 2021.

On May 3, 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"). Hon. Luke Berger chaired the hearing but informed the parties that he would abstain from participation in the deliberations and decision out of abundance of caution as he may have been a prosecutor in previous charges against the Defendant.

The Defendant appeared from the Montana State Prison and was represented by Tyler Dugger, Defense Counsel. The State was represented by Fallon Stanton, Deputy County Attorney. 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 majority decision of the Division that the sentence is AFFIRMED.

DATED this 31st day of May, 2024.

SENTENCE REVIEW DIVISION




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*
Clarence Henry Sargent #36939, Defendant
Hon. Kathy Seeley – *via email*
Tyler Dugger, Defense Counsel – *via email*
Ann Penner, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division