

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

STATE OF MONTANA,)	Cause No. DC-39-2019-0000026-IN
)	
Plaintiff,)	Powell County District Court
)	
-vs-)	Montana Third Judicial District
)	
RAY ELLIS WEATHERHOLT,)	DECISION
)	
Defendant.)	

On December 10, 2019, the Defendant was sentenced to Thirty (30) years to a State prison to be selected by the Department of Corrections, for the offense of Count I: Attempted Deliberate Homicide, a Felony, in violation of §§45-4-103 & 45-5-102 (2013), MCA. The sentence was ordered to run consecutively to any underlying sentence The Defendant was not given any credit for time served as he was incarcerated and serving time on an underlying sentence the entire time the case was pending.

The Court further ordered that the Defendant be barred from parole for the first fifteen (15) years of his sentence. It was also recommended by the Court that the Defendant be permitted to serve his sentences through an Interstate Compact Agreement to another state should the Montana Department of Corrections find such an arrangement suitable. The Court dismissed the remaining counts.

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 Jessica Polan, Defense Counsel. The State was represented by Assistant Attorney General, Daniel Guzynski. 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.

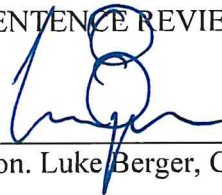
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 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*
Ray Ellis Weatherholt #2100378, Defendant
Hon. Ray Dayton – *via email*
Jessica Polan, Defense Counsel – *via email*
Patrick Moody, Assistant Attorney General – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division