

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-32-2016-0000017-IN
)	
Plaintiff,)	Missoula County District Court
-vs-)	
)	Montana Fourth Judicial District
EMMANUEL F. GOMEZ,)	
)	DECISION
)	
Defendant.)	

On May 4, 2017, the Defendant was sentenced as follows:

Count I: Life sentence to the Montana State Prison for the offense of Deliberate Homicide, a Felony, in violation of §45-5-102[1], MCA.

Count II: One (1) year commitment to the Missoula County Detention Center for the offense of Partner or Family Member Assault, 1st Offense, a Misdemeanor, in violation of §45-5-206(1)(a)[1st], MCA. The sentenced was ordered to run consecutive to Count I.

As to Count I, the Defendant was committed to the Department of Corrections for placement at the Montana State Prison, or another prison designed by the Department of Corrections, for the remainder of the Defendant’s life without the possibility of parole. The Defendant was given credit for time served in the amount of four hundred ninety-eight (498) days.

On November 14, 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 Crossroads Correctional Center and was represented by Rufus Peace, Defense Counsel. The State was represented by Katrina Thorness. The victim’s mother, Crystal Wyrick, was present.

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. The Defendant gave a statement. Ms. Wyrick gave a statement.

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 26th day of November, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



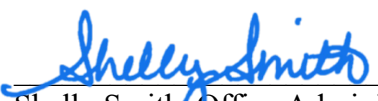
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 26th day of November, 2024, to:

Clerk of District Court – *via email*
Emmanuel F. Gomez #3021024, Defendant
Hon. Karen S. Townsend – *via email*
Rufus Peace, Defense Counsel – *via email*
Katrina Thorness, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division