

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-11-2023-0000011-IN
)	
-vs-)	Plaintiff,
)	Dawson County District Court
)	Montana Seventh Judicial District
DANA VERN MULLIGAN,)	
)	DECISION
)	
Defendant.)	

On July 9, 2024, the Court found the Defendant violated the conditions of his sentence, revoked the suspended sentence, and sentenced him to two (2) years commitment to the Department of Corrections for the offense of Count I: Violation of Order of Protection, 3rd or Subsequent Offense, a Felony, in violation of §45-5-626, MCA. The Court recommended that the Defendant be screened for placement at a facility able to meet the Defendant’s mental health needs.

The Defendant was given credit for one hundred ninety-nine (199) days served in jail prior to conviction. He was also given credit for one hundred twelve (112) additional days served in jail his arrest on March 20, 2024. Pursuant to §46-18-203(7)(b), MCA, the Defendant was given credit of two hundred nineteen (219) days of elapsed time from the date of his sentence on August 15, 2023 to the date of his arrest on March 20, 2024. The Court further recommended that the previously imposed conditions contained in the original Judgment pronounced on August 15, 2023, be considered during the time the Defendant may be eligible for any parole.

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 Dawson County Jail and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented.

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.

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*
Dana Vern Mulligan # 3035158, Defendant
Hon. Olivia Rieger – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Cody Lensing, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division