

Sentence Review Division
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FILED

DEC 05 2024

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-38-2023-0000480-IN
)
Plaintiff,) Powder River County District Court
-vs-)
) Montana Sixteenth Judicial District
CURTIS RUSSELL TURNER,)
) **DECISION**
)
Defendant.)

On May 31, 2024, the Defendant was sentenced to eight (8) years commitment to the Department of Corrections, with three (3) years suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(1)(a), MCA. The Court recommended screening for completion of an intensive chemical dependency treatment program followed by the one (1) year extended Pre-Release Program available at the Great Falls Pre-Release Center. The sentence was ordered to run concurrent with the sentences imposed for Custer County District Court Cause No. DC-9-2018-0000003 and DC-9-2019-00000026.

The Defendant was fined the amount of One Thousand Dollars (\$1,000.00) and ordered to pay restitution to Scott and Cindy Carter of Volborg, Montana, in the amount of \$7,205.00. The Defendant was given credit for two hundred twelve (212) days of incarceration prior to sentencing on May 31, 2024. No credit was granted against the financial obligations of the sentence, pursuant to §46-18-403(2), MCA.

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 Great Falls Transition Center and was represented by Rufus Peace, 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.

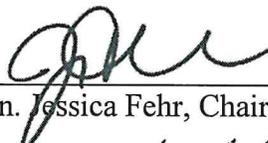
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 27 day of November, 2024.

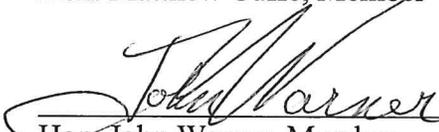
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



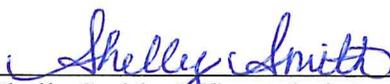
Hon. Matthew Cuffe, Member



Hon. John Warner, Member

Copies mailed or emailed this 5th day of December, 2024, to:

Clerk of District Court – *via email*
Curtis Russell Turner #3024333, Defendant
Hon. Michael B. Hayworth – *via email*
Rufus Peace, Defense Counsel – *via email*
Jeffrey A. Noble, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division