

**Opinion No. 220**

**District Court—Sentences, Suspension of.**

**HELD:** That when a defendant's sentence has been suspended by a district court, and he complies with the rules

and regulations of the State Board of Prison Commissioners governing persons released and placed on probation by order of the district court, nothing can be done in the future to restrain his liberty.

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May 24, 1933.

You have asked us whether or not, in our opinion, anything can now be done by the State Board of Prison Commissioners in the case of Tony Tirogalas who was recently given a suspended sentence of three years, on a plea of guilty to the crime of manslaughter, by the District Court of the Tenth Judicial District.

Our answer is in the negative. The district court was vested with plenary power in the matter. Furthermore, so long as Tirogalas complies with the rules and regulations of said board governing persons released and placed upon probation by order of the district court, nothing can be done in the future to restrain him or his liberty. But should he violate such rules and regulations at any time before the expiration of the period of probation he subjects himself to arrest without warrant and must be conveyed to and confined in the State Prison to serve out his sentence. (Sections 12078-12085, Revised Codes 1921; *Foot v. District Court*, 72 Mont. 374; *Bottomly v. District Court*, 73 Mont. 541).