

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED
FEB 08 2021
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-16-002
)
Plaintiff,) Blaine County District Court
)
-vs-) Montana Seventeenth Judicial District
)
DAVID ALLEN DONEY,) **DECISION**
)
Defendant.)

On September 15, 2020, for violations of the conditions of a suspended sentence, the Defendant was sentenced to the Montana State Prison for a period of two (2) years for the offense of Count I: Partner Member Family Assault, a Felony, in violation of §45-5-206, MCA. The sentence was ordered to run concurrent with the sentence in DC-2016-15. Defendant was given credit for 31 days served in jail pending adjudication and an additional 130 days of street time credit while on community service. The term of Defendant’s sentence, after accounting for credit applied, will be one (1) year and 204 days.

On February 4, 2021, 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 Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant gave 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 8th day of February, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



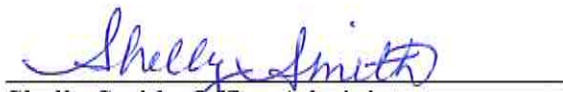
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 9th day of February, 2021, to:

Clerk of District Court – *via email*
David Allen Doney #3005914, Defendant (2)
Hon. Yvonne Laird – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Eric Owens, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division