

Sentence Review Division  
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**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-19-148  
)  
Plaintiff, ) Lincoln County District Court  
)  
-vs- ) Montana Nineteenth Judicial District  
)  
ALVIN MCKENZIE SAVAGE, III, ) **DECISION**  
)  
Defendant. )

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On April 6, 2020, the Defendant was sentenced to a commitment to the Montana State Prison for a period of ten (10) years, with five (5) years suspended, for the offense of Assault on a Peace Officer, a Felony, in violation of §45-5-210(1)(a), MCA. The Defendant was given 136 days credit for time served prior to sentencing.

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 Dan Biddulph, 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.

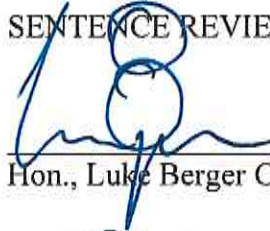
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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*  
Alvin McKenzie Savage, III #3028563, Defendant (2)  
Hon. Matt Cuffe – *via email*  
Dan Biddulph, Defense Counsel – *via email*  
Marcia Boris, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division