

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-19-863
)	
Plaintiff,)	Yellowstone County District Court
)	
-vs-)	Montana Thirteenth Judicial District
)	
FREDDIE LAWRENCE COLVIN, JR.,)	DECISION
)	
Defendant.)	

On May 4, 2020, the Defendant was sentenced to a commitment to the Montana State Prison for a period of five (5) years, with three (3) years suspended, for the offense of Failure to Register as a Violent Offender, a Felony, in violation of § 46-23-504(5), MCA. The Defendant received credit for time spent in pre-trial incarceration from March 19, 2020 to May 4, 2020.

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 Dawson County Correctional Facility by teleconference 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.

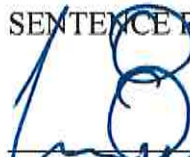
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive. The Division's decision is to amend the Judgment to **DECREASE the sentence to** a commitment to the Montana State Prison for a period of five (5) years, with four (4) years suspended, for the offense of Failure to Register as a Violent Offender, a Felony, in violation of § 46-23-504(5), MCA.

In all other aspects, the Judgment of the District Court dated June 22, 2020 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*
Freddie Lawrence Colvin, Jr. #2124558, Defendant (2)
Hon. Gregory Todd – *via email*
Dan Biddulph, Defense Counsel – *via email*
Thomas L. English, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division