

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-18-071
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
CORY ROBERT FRANKLIN,)	DECISION
)	
Defendant.)	

On October 18, 2018, the Defendant was sentenced to a commitment of twenty (20) years to the Montana State Prison for the offense of Count I: Burglary, a Felony, in violation of §45-6-204, MCA, to run consecutively to his current sentence. Defendant was granted credit for time served from January 10, 2018 – October 18, 2018. Defendant was ordered to pay restitution in the amount of \$11,071.

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. Witnesses appearing but not providing statements were: Krissy Franklin, wife of the Defendant, the Defendant's children, and his mother. 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 of **twenty (20) years to the Montana State Prison, with ten (10) years suspended**, for the offense of Count I: Burglary, a Felony, in violation of §45-6-204, MCA.

In all other aspects, the Judgment of the District Court dated November 1, 2018, 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*
Cory Robert Franklin #2019732, Defendant (2)
Hon. James Reynolds – *via email*
Dan Biddulph, Defense Counsel – *via email*
Leo Gallagher, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division