

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

FILED
08/14/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

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STATE OF MONTANA,)	Cause No. DC-51-2021-0000046
)	
Plaintiff,)	Toole County District Court
)	
-vs-)	Montana Ninth Judicial District
)	
LANDIN JOHN GWYNN,)	
)	DECISION
)	
Defendant.)	

On October 13, 2023, the Defendant was sentenced to life in a State prison to be selected by the Department of Corrections for the offense of Count I: Aggravated Assault, a Felony, in violation of §45-5-202, MCA (2019), with sentence enhancements under §§46-23-217 and 46-18-220. The sentence was ordered to run consecutively to any underlying sentence. The Defendant was not given any credit for times served as he was incarcerated and serving time on an underlying sentence the entire time the case was pending.

The State moved to dismiss Count I, Assault on a Peace Officer or Judicial Officer, which was granted by the Court. There was an apparent clerical error in the judgment which ordered a sentence for “Count ***I***,” instead of Count II.

HABEAS CORPUS GRANTED / JUDGMENT: On February 7, 2025, a Habeas Corpus hearing was held as a result of the Defendant’s Petition for Writ of Habeas Corpus. The Court vacated the sentence imposed on October 13, 2023, and took notice of the prior testimony and evidence from that hearing.

The Court re-sentenced the Defendant to twenty (20) years in a State prison to be selected by the Department of Corrections with a parole restriction for ten (10) years for the offense of Count II: Aggravated Assault, a Felony, in violation of §45-5-202, MCA (2019), and the sentence enhancement under §§46-23-217. The sentence was ordered to run consecutively to any underlying sentence. The Defendant was given credit for time served from the date of his discharge from his underlying sentence in Hill County Cause DC-15-140, on October 18, 2023, to the date of re-sentencing. The Defendant was not entitled to credit for time served prior to that date as he was incarcerated and serving time on an underlying sentence the entire time the case was pending with no strictions on his liberty.

On August 7, 2025, 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 David Merchant, Defense Counsel. The State was represented by Patrick Moody. The Defendant did not give 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 14th day of August, 2025.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member

Copies mailed or emailed this 14th day of August, 2025, to:

Clerk of District Court – *via email*

Landin John Gwynn #2126458, Defendant

Hon. Gregory Bonilla – *via email*

David Merchant, Defense Counsel – *via email*

Patrick Moody, Esq. – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division