

Sentence Review Division
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FILED
08/12/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-9-2020-0000024
)
Plaintiff,) Custer County District Court
-vs-)
) Montana Sixteenth Judicial District
JOHN DAVID HODGES,)
) **DECISION**
)
Defendant.)

On March 19, 2025, the Court found the Defendant violated the terms of his suspended sentence, revoked the suspended sentence, and sentenced him as follows:

Count I: Five (5) years commitment to the Department of Corrections, none suspended, for the offense of Operation of Non-Commercial Vehicle by a Person with Alcohol Concentration of 0.08 or More (4th or Subsequent Offense), a Felony, in violation of §61-8-406, MCA. The Court recommended that the Defendant be screened at the START program for programming and placement. Defendant was assessed a fine in the amount of \$5,000.00, none suspended.

The Defendant was given credit with incarceration served [since the five (5) year suspended term began March 1, 2022] with 43 days of incarceration from February 5, 2025 through March 19, 2025. Regarding the interim since March 1, 2022, the Defendant was credited with satisfactory intervening supervision between March 1, 2022 and November 8, 2022 (absconding violation 11/09/2022). The Court recommended that the Defendant be subject to the terms, conditions, and requirements set forth in the May 7, 2021 Sentencing Order.

On August 8, 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 START facility and was represented by Tyler Dugger, Defense Counsel. The State was represented by Shawn Quinlan. 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.

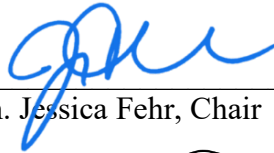
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 12th day of August, 2025.

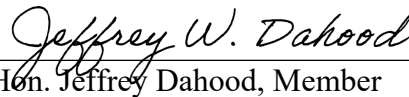
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Christopher Abbott, Member



Hon. Jeffrey Dahood, Member

Copies mailed or emailed this 12th day of August, 2025, to:

Clerk of District Court – *via email*
John David Hodges #3014631, Defendant
Hon. Michael B. Hayworth – *via email*
Tyler Dugger, Defense Counsel – *via email*
Shawn Quinlan, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division