

Sentence Review Division
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FILED
11/20/2025
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-48-2023-0000030
)	
Plaintiff,)	Stillwater County District Court
)	
-vs-)	Montana Twenty-Second Judicial District
)	
MICHAEL J. BURKETT,)	
)	DECISION
)	
Defendant.)	

On April 17, 2025, the Defendant was sentenced as follows. Count I: Twenty (20) years to a prison designated by the Department of Corrections, with five (5) years suspended, for the offense of Assault with Weapon, a Felony, in violation of §45-5-213(1)(b), MCA (2021). The Defendant was ordered to pay the appropriate surcharge to the Clerk of District Court in Columbus, Stillwater County, Montana. The Defendant was further ordered to register as a violent offender pursuant to §46-23-502(13), MCA. Count III: Five (5) years to a prison designated by the Department of Corrections, none suspended, for the offense of Strangulation of Partner or Family Member, a Felony, in violation of §45-5-215(1)(a), MCA (2021). The Defendant was ordered to pay the appropriate surcharge to the Clerk of District Court in Columbus, Stillwater County, Montana. The Defendant was further ordered to register as a violent offender pursuant to §46-23-502(13), MCA. Count III was ordered to run concurrently with Count I, except the surcharge imposed in Count III was to run consecutively to the surcharge imposed in Count I. The Defendant was given credit for two-hundred-fifty-three (253) days of pre-trial incarceration against the time imposed. Further, the Defendant was not to knowingly have any contact, oral, written, electronic or through a third party with D.M., the victim, and/or the victim's immediate family. The State filed an unopposed Motion to Dismiss Count II, with prejudice, which the Court granted. NUNC PRO TUNC ORDER: The State filed a Motion for a Nunc Pro Tunc Order to modify the amount of pre-trial incarceration credit, which the Court granted. The Court ordered modification as follows: pre-trial incarceration credit from Two-Hundred Fifty-Three (253) days to Two-Hundred Eighty-Eight (288).

On November 6, 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 Crossroads Correctional Center and was represented by David Merchant, Defense Counsel. The State was represented by Nancy Rohde. 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.

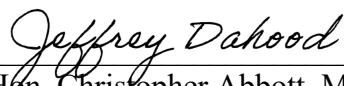
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 19 day of November, 2025.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair

Hon. Matthew Cuffe, Member

Hon. Christopher Abbott, Member

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Copies mailed or emailed this 20th day of November, 2025, to:

Clerk of District Court – *via email*

Michael J. Burkett #3038521, Defendant

Hon. Matthew Wald – *via email*

David Merchant, Defense Counsel – *via email*

Nancy L. Rhoades, Esq. – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division