

Sentence Review Division
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FILED
2/25/2026
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-42-2024-0000078
)
Plaintiff,) Richland County District Court
-vs-)
) Montana Seventh Judicial District
JAVEN ELIAS FISHER,)
) **DECISION**
)
Defendant.)

On May 14, 2025, the Defendant was sentenced as follows: Count I: Five (5) years commitment to the Department of Corrections, with two (2) years suspended, for the offense of Criminal Possession of Dangerous Drugs, Methamphetamine, a Felony, in violation of §45-5-102, MCA with the recommendation to be screened for placement at Nexus, followed by prerelease. Count II: Six (6) months to the Richland County Jail, all suspended, for the offense of Obstructing a Peace Officer, a Misdemeanor, in violation of §45-7-302, MCA, to run concurrently with Count I and Richland County Cause No. DC-25-012. The Defendant was given credit for 37 days for jail time served.

On February 5, 2026, 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 Billings Prerelease and was represented by Tyler Dugger, Defense Counsel. The State was represented by Charity McLarty. 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 25th day of February 2026.

SENTENCE REVIEW DIVISION



Hon. Matthew Cuffe, Chair



Hon. Christopher Abbott, Member



Hon. Jeffrey Dahood, Member

Copies mailed or emailed this 25th day of February 2026, to:

Clerk of District Court – *via email*
Javen Elias Fisher #3039046, Defendant
Hon. Scott Herring – *via email*
Tyler Dugger, Defense Counsel – *via email*
Charity McLarty, County Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division