

Sentence Review Division
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FILED
2/26/2026
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-9-2022-0000054
)
Plaintiff,) Custer County District Court
-vs-)
) Montana Sixteenth Judicial District
DAVID ALAN WARREN,)
) **DECISION**
)
Defendant.)

On August 14, 2023, the Defendant was sentenced as follows: Count I: Twenty (20) years to Montana State Prison, with five (5) years suspended, for the offense of Aggravated Burglary, a Felony in violation of §45-6-204(2)(a)(i)(b)(i), MCA. The sentence was ordered to run consecutive to Count II, and concurrent with the sentence from District Court Cases in Richland and Treasure County’s, and a recommendation that when paroled, the Defendant be screened for parole to participate in NEXUS followed by prerelease. The Defendant was assessed a fine in the amount of \$1,500.00, which was suspended. If later imposed, the fine could be satisfied through an equivalent donation to the Custer County Community Table Miles City Soup Kitchen.

Count II: Six (6) months to the Custer County Jail, none suspended, for the offense of Obstructing a Peace Officer, a Misdemeanor, in violation of §45-7-302(1), MCA. The Defendant was given credit for time served since December 13, 2022, to run consecutively to Counts I and III, and concurrent with District Court Cases in Richland and Treasure County’s.

Count III: Ten (10) years to Montana State Prison, none suspended, for the offense of Tampering with Witnesses and Informants, a Felony, in violation of §45-7-206(1)(a), MCA. The sentence was ordered to run consecutive to Count II, and concurrent with Count I and District Court Cases in Richland and Treasure County’s, and a recommendation that when paroled, the Defendant be screened for parole to participate in NEXUS followed by prerelease.

The Office of Public Defender (OPD) provided the court a written statement of the hours spent on trial for the case and the costs and expenses incurred for the trial, namely one hundred twenty-three and one-half (123.5) hours. At \$71.00 per hour the cost of appointed counsel, the OPD fees, costs, and expenses totaled \$8,768.50.

The Defendant was granted credit against the sentence for 245 days of pre-sentence/pre-

conviction incarceration served through August 14, 2023, §46-18-403(1), MCA. No credit was granted against the financial obligations of sentence, §46-18-403(2), MCA. The Court ordered Count IV dismissed with prejudice based on the jury verdict.

The Defendant filed an appeal to the Supreme Court on October 13, 2023, which was withdrawn by his counsel. He was granted time to file a response but did not do so. The Supreme Court dismissed the appeal on June 3, 2025.

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 Montana State Prison and was represented by Sarah Kottke, Defense Counsel. The State was not represented. The Defendant did 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 26th day of February 2026.

SENTENCE REVIEW DIVISION



Hon. Matthew Cuffe, Chair



Hon. Christopher Abbott, Member



Hon. Jeffrey Dahood, Member

Copies mailed or emailed this 26th day of February 2026, to:

Clerk of District Court – *via email*

David Alan Warren #3009649, Defendant

Hon. Michael Hayworth – *via email*

Sarah Kottke, Defense Counsel – *via email*

Wyatt A. Glade, Deputy County Attorney – *via email*

Board of Pardons and Parole – *via email*

MSP - Records Dept. – *via email*



Dia C. Lang, Office Administrator
Sentence Review Division