

Sentence Review Division
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FILED
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SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-17-222
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
DORISSA ANGEL JULE GARZA,) **DECISION**
)
Defendant.)

On March 19, 2020, the Defendant's deferred sentence was revoked for violation of the conditions. The Court sentenced the Defendant to a commitment to the Montana Women's Prison for a term of five (5) years for the offense of **Count I: Theft, a Felony, in violation of §45-6-301(1)(4), MCA**. The Court recommended the Defendant be placed in the Elkhorn Treatment Center and upon successful completion of that program there be no parole restrictions. The Court further ordered that should the Defendant return to Missoula County she will participate in Family Treatment Court if she has custody of her children. The Defendant was given credit for 96 days credit for time served.

On October 2, 2020, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video from the Montana Women's Prison and was represented by David Maldonado of Maldonado Law, PLLC, who appeared by video from Missoula, MT. The State was not represented.

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 she understood this and stated that she 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).

It is the unanimous finding of the Division that the sentence imposed is clearly excessive.

The Judgment is AMENDED from a 5-year commitment to the Montana Women's Prison to a 3-year commitment to the Montana Women's Prison, with none of the time suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(1)(4), MCA. In all other respects, the Judgment of the District Court dated March 25, 2020, as amended by the Order also dated March 25, 2020, is affirmed.

Done in open Court this 2nd day of October, 2020.

DATED this 6th day of October, 2020.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chairperson



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 6th day of October, 2020, to:

Clerk of District Court – *via email*
Dorissa Angel Jule Garza #3024482, Defendant (2)
Hon. John Larson – *via email*
David Maldonado, Defense Counsel – *via email*
Matt Jennings, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division