

MONTANA SUPREME COURT, SENTENCE REVIEW DIVISION

State v. Warren

377 Mont. 101 (2014) · Decided September 8, 2014

SUMMARY

The Montana Supreme Court Sentence Review Division reviewed the defendant’s sentences for multiple drug-related and misdemeanor offenses. The Division unanimously affirmed the district court’s sentence, concluding that the grounds for modification did not establish that the sentence was clearly inadequate or clearly excessive.

CASE DETAILS

COURT	Montana Supreme Court, Sentence Review Division
WRITING FOR THE COURT	Per Curiam; Brad Newman; Kathy Seeley; Brenda Gilbert
JURISDICTION	Montana
DECIDED	September 8, 2014
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant applied to the Montana Supreme Court Sentence Review Division for review and modification of a criminal sentence imposed by the district court.
STANDARD OF REVIEW	The district court sentence is presumed correct and may be reduced or increased only if it is clearly inadequate or clearly excessive.
PRECEDENTIAL VALUE	Published opinion

TOPICS

- sentencing
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing

QUESTIONS PRESENTED

- Whether Warren's criminal sentence was clearly inadequate or clearly excessive such that the Sentence Review Division should modify it.

HOLDINGS

1. The sentence was not clearly inadequate or clearly excessive, so the Sentence Review Division affirmed it.

KEY QUOTATIONS

“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.” (377 Mont. at 102)

FACTUAL BACKGROUND

Warren was sentenced for drug possession with intent to distribute, possession of property subject to criminal forfeiture, possession of drug paraphernalia, resisting arrest, and driving without a valid driver's license. The sentences resulted in a total commitment period of twenty-seven years, with five years suspended, and were ordered to run consecutively or concurrently as specified in the judgment. Warren sought review and modification of the sentence before the Montana Supreme Court Sentence Review Division.

PROCEDURAL HISTORY

The district court sentenced Warren on multiple felony and misdemeanor charges, imposing an aggregate commitment period of twenty-seven years with five years suspended. After an amended judgment was filed, the Sentence Review Division heard Warren's application for review on August 7, 2014. The Division affirmed the sentence.

DISPOSITION

affirmed