FILED 7.18.24
PEG L. ALLISON
Clerk of District Court
By RF
Deputy Clerk

MONTANA 11TH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

State of Montana,	)	Dept. No. D
Plaintiff	)	Cause No. DC-15-2018-0000172-IN
v.	)	
Andrew James Corless,	)	**NOTICE OF RIGHT TO APPLY**
Defendant	)	**FOR REVIEW OF SENTENCE**

To: The above-named Defendant and Defendant's Counsel of Record:

TAKE NOTICE

You are hereby notified that you may, within Sixty (60) days from the date of this Notice, apply to the Sentence Review Division of the Supreme Court of Montana for review of the sentence imposed upon you in the above-entitled case.

You are advised that if you do apply for such review, your sentence may be increased, decreased, affirmed without change, or otherwise modified by the Sentence Review Division.

Enclosed with this Notice are two copies of the Application for Review of Sentence. If you decide to file such Application, mail the original to the Clerk of District Court at the address below and retain a copy for your records.

DATED this 18th day of July, 2024.

ELEVENTH JUDICIAL DISTRICT COURT FLATHEAD COUNTY SEAL MONTANA

Peg L. Allison, Clerk of Court
Clerk of District Court
By: _____
Deputy Clerk

The undersigned does hereby certify that on the date written above, a true copy of this Notice was _____ **personally served** *OR* __XX___ **served by Email** upon the Defendant and Defendant's Counsel of Record as provided in Section 46-18-903, MCA.

ELEVENTH JUDICIAL DISTRICT COURT FLATHEAD COUNTY SEAL MONTANA

Peg L. Allison, Clerk of Court
Clerk of District Court
By: _____
Deputy Clerk

The completed Application for Review of Sentence must be returned to the address below:

CLERK OF DISTRICT COURT, FLATHEAD COUNTY
920 SOUTH MAIN STREET, STE 300
KALISPELL, MONTANA, 59901

MONTANA 11TH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

State of Montana, Plaintiff	)	
	)	Dept. No. D
v.	)	Cause No. DC-15-2018-0000172-IN
Andrew James Corless, Defendant	)	**APPLICATION FOR REVIEW OF SENTENCE**

TO: The Clerk of the above-captioned Court:

The above-named Defendant states:

(1) That on the _____ day of _____, 20____, I was sentenced in the above-captioned case to serve:_____
_____;

(2) I request that the Sentence Review Division of the Supreme Court of Montana to review my sentence;

(3) I understand I have a right to representation by counsel in both deciding whether to file an Application and in appearing and presenting a case to the Sentence Review Division [**Please Select One]:**

_____ I understand that I am entitled to continued representation from the Montana Office of Public Defender throughout the sentence review process. I request Montana Office of Public Defender to designate an attorney to represent me.

_____ I understand that my retained counsel has an obligation to continue to represent me through the sentence review process. My counsel of record is _____.

_____ I hereby waive my right to representation by the Montana Office of Public Defender. I will either represent myself or hire legal counsel at my own expense.

(4) I consent and agree that by making this Application for Review of Sentence, my sentence may be increased, decreased, affirmed without change, or otherwise modified, and that there is no appeal from the decision by the Sentence Review Division;

(5) I have carefully read and understand the following statements regarding my Application and the Sentence Review process:

- The Sentence Review Division shall further review the sentence, with a view to removing dangerous and habitual offenders from society and providing corrective treatments for such long terms as needed.

- The sentence imposed by the District Court is presumed correct, and the sentence will not be reduced or increased unless it is deemed clearly inadequate or excessive.

- The Sentence Review Division will not consider any matter or development subsequent to the imposition of the sentence by the District Court.

- The Sentence Review Division will hold an individual responsible and accountable for his/her actions and shall ensure the persons convicted of crime are dealt with in accordance with their individual characteristics, circumstance, needs and potentialities.

- All appeals must be completed prior to appearing before the Sentence Review Division. Post-conviction relief issues are not relevant.

- A review of the sentence is not a retrial; your guilt is the law of the case and not at issue.

- Credit for time served is not an issue; this should be addressed to the original sentencing court.

- Your conduct since sentencing is not relevant. Programs you have completed in prison are not relevant.

(6) I have carefully read and understand the foregoing and wish to proceed with filing my Application for Review of Sentence.

DATED this _____ day of _____, 20____.

_____
DEFENDANT'S SIGNATURE

Instructions to the Defendant:
Mail the completed original Application to the Clerk of District Court in the County in which you were sentenced.
Do not mail to the Sentence Review Division.

Clerk of District Court
920 South Main Street, Ste 300
Kalispell, MT 59901

FILED
07/22/2024
Peg L. Allison
CLERK
Flathead County District Court
STATE OF MONTANA
By: Rachel Faber
DC-15-2018-0000172-IN
Wilson, Dan
44.00

Hon. Dan Wilson
District Court Judge, Dept. D
Flathead County Justice Center
920 South Main Street, Suite 310
Kalispell, MT 59901
Phone: (406) 758-5906

MONTANA ELEVENTH JUDICIAL DISTRICT COURT, FLATHEAD COUNTY

State of Montana, Plaintiff, vs. Andrew James Corless, Defendant.	Cause No. DC-15-2018-0000172-IN ORDER OF REVOCATION AND DISPOSITION

On 07/18/2024 the above-named Defendant appeared with counsel for a hearing in aggravation and mitigation of disposition following revocation of Defendant's 10-YEAR SUSPENDED COMMITMENT TO THE MONTANA STATE PRISON upon conviction for Count 2: Sexual Abuse Of Children, a Felony, in violation of Mont. Code Ann. § 45-5-625. The Court having considered the record now enters the following.

1) **Disposition**.

- ☐ The imposition of sentence is **Deferred** for a period of _____ year(s).
- ☐ The Defendant is committed to the **Department of Corrections** for a period of _____ year(s), with _____ years suspended.
- ☒ The Defendant is sentenced to a **State Prison** designated by the Department for a period of 10 year(s), with 0 year(s) suspended.
- ☐ The Defendant is sentenced to the Flathead County Jail for a period of _____, with _____ suspended.

2) **Credit for Time Served.** Defendant is given credit for 163 days served in custody. Defendant was previously granted credit for 24 days' time served in custody in the Judgment and Sentence filed 12/26/2018.

3) **Credit for Elapsed Time on Probation**. Pursuant to § 46-18-203(7), MCA, and considering the records and recollection of the probation and parole officer, Defendant is allowed credit against the probationary sentence for elapsed time as follows:

☐ Defendant is allowed credit for all time elapsed since the commencement of the probationary sentence;

☒ Defendant is allowed credit for 60 months of elapsed time since the commencement of the probationary sentence; or

☐ Defendant is allowed credit for none of the elapsed time since the commencement of the probationary sentence.

Reasons: Defendant had 60 months clear conduct while on probation.

4) **Conditions.** During any deferral period or suspended portion of any sentence or commitment imposed by this judgment and sentence Defendant shall be subject to the conditions contained in the prior Judgment and Sentence of this Court. During any period of community supervision or parole, the Court recommends the Defendant be subject to conditions imposed by any prior sentencing or dispositional orders entered in this matter.

5) **Reasons for Sentence**. In determining the sentence the Court has been guided by the sentencing policy of the State of Montana described at § 46-18-101, MCA. The policy provides that in fashioning a sentence a court is to impose a punishment commensurate with the nature and degree of harm caused by the offense and to hold an offender accountable; to protect the public, reduce crime, and increase the public sense of safety by incarcerating violent offenders and serious repeat offenders; to provide restitution, reparation, and restoration to the victim of the offense; and to encourage and provide opportunities for the offender's self-improvement to provide rehabilitation and reintegration of offenders back into the community. In keeping with this policy the Court finds the following:

☒ The sentence is both consistent with the parties' plea agreement and commensurate with the punishment imposed on other persons committing the same or similar offense conduct.

☐ The sentence is consistent with the recommendation of Adult Probation and Parole.

☐ The sentence takes into account the impact of Defendant's offense conduct upon the victim(s).

☒ The sentence provides punishment commensurate with the seriousness of the offense conduct.

☒ The sentence serves to increase public safety and protect the public by imposing incarceration for Defendant's violent offense conduct and/or Defendant's serious and repeated criminal conduct.

☐ If applicable, the sentence provides for restitution, reparation, and restoration to the victim of Defendant's offense conduct.

☐ The sentence encourages and provides opportunities for Defendant's self-improvement and provides for Defendant's rehabilitation and reintegration back into the community.

The Court finds the following, additional factors in mitigation or aggravation of sentence: _____

_____ .

6) **Bail**. Any bond or bail posted is exonerated.

7) **Objection(s) to Written Judgment**. If either party believes this written disposition does not conform to the oral pronouncement of sentence made in open court, the party must file a written request to modify this order within 120 days after it has been filed. Failure to file a timely request to modify the written order will result in waiver of the right to request modification.

SO ORDERED.

DONE IN OPEN COURT on 07/18/2024.

SIGNED by electronic signature as indicated below.

/s/ Dan Wilson

Hon. Dan Wilson
District Court Judge

Electronically Signed By:
Hon. Judge Dan Wilson
Mon, Jul 22 2024 04:42:11 PM

MONTANA DISTRICT COURT
FLATHEAD COUNTY

MINUTE ENTRY

Date: 07/18/2024 09:00 AM

Hearing Type: Petition to Revoke - Sentence

Case Number: DC-15-2018-0000172-IN

Presiding Judge: Dan Wilson

State of Montana vs. Andrew James Corless

Department: D

Courtroom: CRT RM 3

Charge(s):
Sexual Abuse Of Children
Sexual Abuse Of Children

Appearances: Presiding Judicial Officer: Dan Wilson, Judge. Prosecution appears by Prosecution Attorney, Travis R Ahner. Public Defender Attorney William L Managhan appears with Defendant, Andrew James Corless. Also attending: R.F. Court Clerk.

A verbatim record was created by FTR monitoring at 11:37 a.m.

The Defendant's full name is stated as Andrew James Corless. The Defendant entered Admissions.

The Defendant was sworn and testified.

The Court found the Defendant in violation of probation and the prior sentence was revoked.

Counsel present recommendations, and the Court proceeds to Disposition.

IT IS THE JUDGMENT, SENTENCE AND ORDER that the Defendant is sentenced to the Montana State Prison for a term of ten (10) years. The Defendant is to be given credit for 163 days actual time served, 60 months credit street time, and was previously granted credit for 24 days actual time served in the original Judgment and Sentence. Conditions in the previous Judgment and Sentence are recommended to be re-imposed for any community placement portion of the sentence.

The Defendant is remanded to the custody of the Sheriff.

MONTANA DISTRICT COURT
FLATHEAD COUNTY

MINUTE ENTRY

Date: 06/20/2024 09:00 AM

Hearing Type: Petition to Revoke - Sentence

Case Number: DC-15-2018-0000172-IN

Presiding Judge: Dan Wilson

State of Montana vs. Andrew James Corless

Department: D

Courtroom: CRT RM 3

Charge(s):
Sexual Abuse Of Children
Sexual Abuse Of Children

Appearances: Presiding Judicial Officer: Dan Wilson, Judge. Prosecution appears by Prosecution Attorney, Larissa Malloy. Public Defender Attorney William L Managhan appears with Defendant, Andrew James Corless. Also attending: Merannda Button Court Reporter; R.F. Court Clerk.

Deputy County Attorney Larissa Malloy is present on behalf of County Attorney Travis Ahner.

There is open court discussion regarding the Defendant entering admissions by way of Alford Plea.

Andrew James Corless is duly sworn and testified.

The Court hereby continues the Adjudicatory Hearing for July 18, 2024 at 9:00 a.m.

The Defendant is remanded to the custody of the Sheriff.

CLERK OF DISTRICT COURT
2024 AUG -7 AM 8:26
FILED
BY _____ DEPUTY RF

MONTANA DEPARTMENT OF
CORRECTIONS

Greg Gianforte, Governor | Brian M. Gootkin, Director

08/06/2024

TO: **Honorable Judge Wilson**
Flathead - 11th Judicial District
920 South Main Suite 300 Kalispell, MT 59901
Phone: 406-758-5870, Fax: 406-758-5857
Email: flatheadclerkofcourt@flathead.mt.gov

SUBJECT: **DELIVERY OF DEFENDANT – NOTICE TO COURT**
Corless, Andrew James
MT DOC ID: 3025564
Cause #: DC-18-172D

Please be advised that the above named defendant was not delivered to the Department of Corrections within 10 days of the receipt of sentencing documents for the following reason(s):

No available bed space at placement.

Please feel free to contact me at the email or phone number given below.

DOC Staff	Reistad, Renee	**Title:**	Compliance Specialist 2
Email:	Renee.Reistad@mt.gov	**Phone:**	(406)415-6571

45

5 South Last Chance Gulch
PO Box 201301
Helena, MT 59620-1301

Phone: (406)444-3930
Fax: (406)444-4920
www.cor.mt.gov