

MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

MINUTE ENTRY

Date: 12/07/2021 01:30 PM

Hearing Type: Sentencing

Case Number: DC-32-2020-0000272-IN

Presiding Judge: Leslie Halligan

State of Montana vs. Joshua Michael Paniagua
Courtroom: 1

Department: 1

Charge(s):

Assault With Weapon

Appearances: Presiding Judicial Officer: Leslie Halligan, Judge. State's Attorney, Brittany Williams. Attorney Jeff Wilson appears with Defendant, Joshua Michael Paniagua. The Defendant appeared by video from the Galen facility. Also attending: L.D. Court Clerk.

A verbatim record was created by FTR monitoring from 1:30 p.m. in courtroom 5. Both pending causes, DC-20-12 and DC-20-272, were addressed together.

Upon inquiry by the Court, the Defendant stated he has been advised that the Court will not be following the plea agreement, he understands his rights, he is clear headed today and prepared to proceed. The Defendant stated he is maintaining his pleas of Guilty. The State then advised the Court of the reason for the recommendation made in the plea agreement and the Court noted the Notice of Filing of the Attorney General letter dated August 6, 2020.

The Court having received and considered a pre-sentence investigation report and the evaluations completed, having heard the recommendation of counsel, and no sufficient cause appearing or being shown to the Court why sentence should not be pronounced against the Defendant, the Court rendered its judgment. The Defendant having been duly convicted in this Court,

In cause no. DC-20-272, IT IS ORDERED, ADJUDGED and DECREED that the Defendant is sentenced to fifteen (15) years with the Department of Public Health and Human Services (DPHHS), with five (5) years suspended. The Defendant is given credit for 549 days served.

In cause no. DC-20-12, IT IS ORDERED, ADJUDGED and DECREED that on count I, the Defendant is committed to the Department of Corrections for a period of ten (10) years, all time suspended. Count I shall run consecutive to cause no. DC-20-272; on count II, the Defendant is committed to the Department of Corrections for a period of five (5) years. Count II shall run concurrent to the suspended portion of cause no. DC-20-272 but shall run consecutive to count I and to the active portion of the DPHHS sentence in cause no. DC-20-272. The Defendant is given credit for 578 days served. On count III, the Defendant is sentenced to the Missoula County Detention Center for a period of six (6) months. Count III shall run concurrent to counts I and II but consecutive to cause no. DC-20-272.

IT IS FURTHER ORDERED that all of the conditions of the pre-sentence investigation report are imposed as well as any DPHHS treatment recommendations. The Court requests the Department screen the Defendant for any substance use treatment programs available. The Court imposed public defender fees of \$400.00, a \$50.00 PSI fee, a \$75.00 county attorney surcharge, \$200.00 for the cost of prosecution, a \$10.00 IT surcharge, a \$200.00 victim witness surcharge and Pretrial Supervision fees of \$200.00.

The Court stated the reasons for the sentence are that it takes into consideration the nature of the offenses, Defendant's age, Defendant's criminal history, the evaluations completed at the state hospital, the recommendation in the pre-sentence investigation report and risk level. The Court will add additional reasons in the written judgment.

c: counsel