

ORIGINAL

FILED

03/05/2019

IN THE SUPREME COURT OF THE STATE OF MONTANA

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

DA 17-0065

Case Number: DA 17-0065

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

DAVID ALLEN CRAMER,

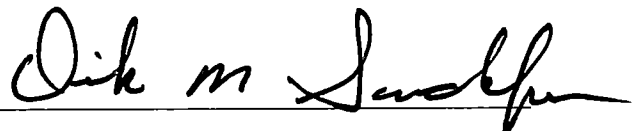
Defendant and Appellant.

Appellant David Allan Cramer (Cramer) appeals his judgment of conviction and sentence (fourth or subsequent operation of motor vehicle with BAC concentration of at least .08% in violation of §§ 61-8-406 and -731, MCA) in the underlying matter (*State v. Cramer*, Cause No. DC-15-62, Montana Nineteenth Jud. District Court, Lincoln County) on the asserted ground that the District Court erroneously imposed an illegal sentence by sentencing him under the 2015 version of the governing statute rather than the 2013 version of the statute in effect at the time of the underlying offense on June 30, 2015. By notice filed February 27, 2019, the State of Montana concedes and requests that this Court remand this matter to the District Court for resentencing under the correct version of the governing statute.

Therefore, pursuant to the State's concession, we hereby order that this matter is hereby remanded to the District Court for resentencing under the correct version of the governing statute.

The Clerk of this Court is hereby respectfully ordered to serve copies of this order to the Honorable Matthew J. Cuffe, Nineteenth Judicial District Court; to Tricia Brooks, Clerk of District Court, Lincoln County, under Cause No. DC-15-62; to counsel of record, Montana Department of Corrections, and to David Allen Cramer personally.

DATED this 5<sup>th</sup> day of March, 2019.



Donie N. H. H.

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Jim Rice

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James H. H.

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Angus H. H.

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Justices