

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 22-0681

STATE OF MONTANA,

Plaintiff and Appellee,

v.

O R D E R

ANDREW DAVID SHEROD,

Defendant and Appellant.

Appellant Andrew David Sherod appeals from the Judgment of the Thirteenth Judicial District Court, Yellowstone County, in its Cause No. DC-20-0054. Sherod argues the District Court erred by illegally imposing a sentencing condition that requires him to register as a violent offender.

The State has filed a Notice of Concession that this matter should be remanded to the District Court for the purpose of entering an amended sentence and judgment. The State agrees that in this case sentencing condition 29, which requires Sherod to register as a violent offender for his negligent homicide conviction, should be stricken.

Based on Sherod's opening brief and the State's concession, and good cause appearing, IT IS HEREBY ORDERED that this case is REMANDED to the Thirteenth Judicial District Court, Yellowstone County, with instructions for the District Court to amend its Sentencing Order and Judgment to STRIKE Condition 29 as noted above.

IT IS FURTHER ORDERED that the remainder of this appeal is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that REMITTITUR shall issue IMMEDIATELY UPON REMAND.

The Clerk is directed to provide copies of this Order to all counsel of record and to presiding judge Honorable Mary Jane Knisely.

Electronically signed by:
Mike McGrath
Chief Justice, Montana Supreme Court
February 6 2024