

 ORIGINAL

FILED

01/22/2025

Bowen Greenwood  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: DA 23-0445

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 23-0445

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STATE OF MONTANA,

Plaintiff and Appellee,

v.

DUSTIN WADE SORLIE,

Defendant and Appellant.

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ORDER

FILED

JAN 22 2025

Bowen Greenwood  
Clerk of Supreme Court  
State of Montana

Appellant Dustin Wade Sorlie appeals from the June 21, 2023 Order of Revocation and Imposition of Sentence of the Thirteenth Judicial District Court, Yellowstone County, in its Cause No. DC-21-257. Sorlie argues the court erred by imposing a sentence longer than that permitted by statute. The State has filed a Notice of Concession agreeing with Sorlie and conceding that this matter should be remanded for the purpose of amending the sentence imposed.

The State advises this Court that the District Court accepted a guilty plea from Sorlie on October 21, 2021, and sentenced him to ten years in prison with seven suspended on February 14, 2022. Sorlie was paroled, while still on the incarceration portion of his sentence, on August 18, 2022. His parole was rescinded and he was reincarcerated on December 15, 2022, after two violations.

The State petitioned to revoke the suspended portion of Sorlie's sentence on March 29, 2023. On June 21, 2023, the District Court granted the State's petition and sentenced Sorlie to ten years in prison with three suspended. Section 46-18-203(7)(a)(iii), MCA, limits a sentence on revocation to "either the sentence imposed or any sentence that could have been imposed that does not include a longer imprisonment or commitment term than the original sentence." The District Court's ten-year sentence is illegal because it imposes

a longer imprisonment term than contained in the original suspended sentence. *State v. Toulouse*, 2024 MT 184, ¶ 15, 418 Mont. 1, 554 P.3d 706. The State therefore concedes that this Court should remand this matter to the District Court with instructions for that court to impose a sentence that complies with the limits set forth in § 46-18-203(7)(a)(iii), MCA, and dismiss with prejudice the remainder of this appeal.

Therefore, and with 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 June 21, 2023 Order of Revocation and Imposition of Sentence in Cause No. DC-21-257 to impose a sentence that complies with the limits set forth in § 46-18-203(7)(a)(iii), MCA.

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

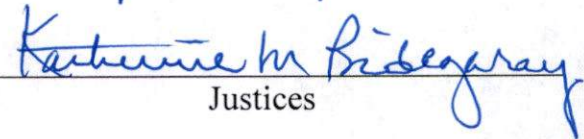
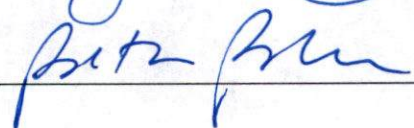
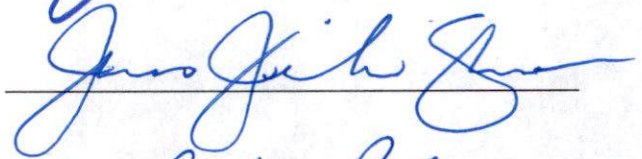
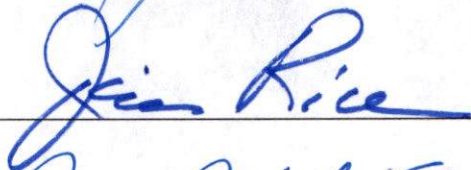
IT IS FURTHER ORDERED that REMITTITUR shall issue IMMEDIATELY UPON REMAND.

The Clerk is directed to provide copies of this Order to all counsel of record and to presiding judge Honorable Colette B. Davies.

Dated this 22<sup>nd</sup> day of January, 2025.



Chief Justice



Justices