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JENNIFER BRANDON

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MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

- - - - -

STATE OF MONTANA,)	
)	
Plaintiff,)	Cause No. DC 08-31B
)	
vs.)	
)	
MARK A. BOONE,)	REASONS FOR SENTENCE
)	
Defendant.)	
_____)	

The Court is required to state the reasons for the sentence that the Court will impose. Montana's Correctional Policy requires the Court to consider punishment commensurate with the nature and degree of harm caused by the offense, to protect the public safety by incarcerating serious and repeat violent offenders, by requiring offenders to pay restitution and reparation to victims, and by providing opportunities for offenders to engage in self-improvement and rehabilitation.

The Defendant pled guilty to six counts of insurance fraud theft. He is 43 years old. He is married. He has four children. He does work full-time. He works in Belgrade, but he lives in Anaconda, and drives back and forth for his job.

He has a prior deferred imposition of sentence which disqualifies him for a second deferred imposition of sentence. When he was on probation before he successfully completed his term of supervision and was granted an early release. He said that he committed these frauds because of his young son's medical expenses. That is no excuse for his criminal behavior. He knows better. The restitution here is \$16,824.20. He has the ability to make restitution.

Although there are no alcohol or drug issues involved as noted in the Pre-Sentence Investigation Report, the parties have agreed that the restriction concerning alcohol would be imposed here apparently to provide him with more funds with which to make the restitution. There is no mental health concerns. He called this a big mistake, although he attributed it to his financial problems. Again, that is no excuse, but he has accepted responsibility for his conduct.

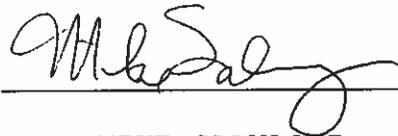
The agreement provides for ten years to the Montana Department of Corrections, all of which would be suspended. That amount of time would give him the opportunity to be under the supervision of the State and to pay restitution. It also provides for a recommendation of 30 days in jail. That appears under these circumstances to be a sufficient consequence. The Court trusts that he will not lose his job

over this, but it is important for him to maintain employment,
and to make his restitution and also provide for his family.

So the Court finds that the recommendation for a sentence
is appropriate.

Done in open court the 6th day of October, 2008.

Signed this 31st day of October, 2008.



HON. MIKE SALVAGNI
District Court Judge

11/6/08
Cc: Gallatin County Attorney *Michael Winsor*
 Attorney for Defendant - *Public Defender - via email*