

Sentence Review Division
301 S. Park Ave., Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-15-568
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
JEANETTE BROOKE RENEE,) **DECISION**
)
Defendant.)

On August 12, 2022, the Court found the Defendant in violation of the terms and conditions of the Sentence that was imposed on November 22, 2019, revoked the sentenced and resentenced the Defendant to Two (2) years and Two Hundred Ten (210) days commitment to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court further recommended that the Defendant be screened for the Missoula Assessment Sanction Center (MASC) and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant shall be placed at a Department of Corrections facility at the discretion of the department. In all other respects, the previous Orders, conditions, and reasons of this Court entered on June 19, 2018, remain unchanged and recommended. The Court found that the Defendant was *not* entitled to receive credit for elapsed time while not incarcerated based on Defendant's failure to comply with the terms and conditions of the sentence while under supervision. The Defendant was given credit for pre-trial incarceration/detention time served as follows: June 19, 2022 through August 12, 2022.

On April 7, 2023, the Defendant's Application for review of that sentence came on for hearing by Zoom videoconference before the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared from the Butte Pre-Release Center and was represented by David Merchant, Defense Counsel. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also to increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed. The Defendant gave a statement.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

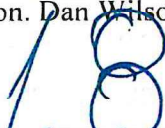
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 24th day of April, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



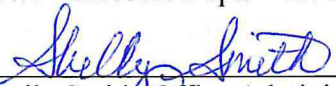
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 24th day of April, 2023, to:

- Clerk of District Court – *via email*
- Jeanette Brooke Renee #3023924
- Hon. Brett Linneweber – *via email*
- David Merchant, Defense Counsel – *via email*
- Haile Bishop and Patrick Moody – Counsel for the State – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division