

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-21-1213
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
RAINI JUNE ROGERS,) **DECISION**
)
Defendant.)

On January 9, 2023, the Court found the Defendant violated the terms and conditions of the sentence imposed on June 13, 2022, revoked the sentence, and sentenced her to a commitment to the Department of Corrections for four (4) years, with two (2) years suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(1)(b), MCA. The Court recommended that the Defendant be screened for any and all treatment programs and placement at Passages Pre-Release Center and, upon acceptance, follow all requirements and provisions. If not accepted, 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 the Court entered on June 13, 2022, remained unchanged and were reimposed.

The Defendant was *not* entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA. Denial of credit for elapsed time was based on Defendant's failure to comply with the terms and conditions of the sentence while under supervision. The Court further found the Defendant was entitled to receive credit for pre-trial incarceration/detention time served as follows: October 25, 2022 through January 9, 2023.

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 Yellowstone County Jail and was represented by David Merchant, Defense Counsel. The State was not represented. The Defendant did not give a statement.

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.

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.

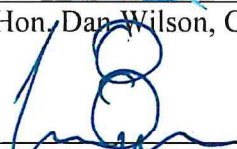
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 24th day of April, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



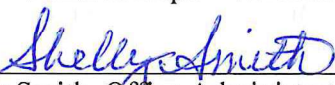
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

- Clerk of District Court – *via email*
- Raini June Rogers #3027565
- Hon. Brett Linneweber – *via email*
- David Merchant, Defense Counsel – *via email*
- Victoria White Callender, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division