

Sentence Review Division
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FILED

JUN 07 2021

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC 19-279
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
KELLY DEAN GROVE,)	DECISION
)	
Defendant.)	

On November 17, 2020, the Defendant was sentenced as follows: Count I: A commitment to the Montana State Prison for twenty (20) years, with four (4) years suspended, for the offense of Sexual Intercourse Without Consent (Common Scheme), a Felony, in violation of §§ 45-5-503(1) and 45-2-101(8), MCA, involving victim T.B; and Count V: A commitment to the Montana State Prison for twenty (20) years, with four (4) years suspended, for the offense of Sexual Intercourse Without Consent, a Felony, in violation of § 45-5-503(1), MCA, involving victim S.M. The sentences were ordered to run consecutively with each other. The Defendant was ordered to register as a Level 2 Sexual Offender and ordered to pay restitution to S.M. in the amount of \$27,672.82 plus a 10% administrative fee for the Department of Corrections for a total of \$30,444.50.

On May 20, 2021, 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 Montana State Prison and was represented by Brent Flowers, Defense Counsel. The State was represented by Leo Gallagher. Victim S.M. appeared and gave a statement. Victim T.B. was present but did not give a statement. The Defendant provided 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 increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he 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 7th day of ~~May~~ ^{June}, 2021.


SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson



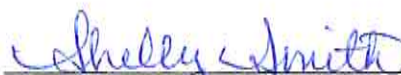
Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 17th day of June, 2021, to:

Clerk of District Court – *via email*
Kelly Dean Grove #3029440, Defendant (2)
Hon. Michael F. McMahon – *via email*
Brent Flowers, Defense Counsel – *via email*
Leo Gallagher, Esq. – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division