

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

**FILED**  
**AUG 23 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-20-246  
 )  
Plaintiff, ) Silver Bow County District Court  
 )  
-vs- ) Montana Second Judicial District  
 )  
BRYCE WAYNE BALTEZAR, ) **DECISION**  
 )  
Defendant. )

On April 22, 2021, the Defendant was sentenced to the Montana State Prison for five (5) years for the offense of **Count 1: Stalking, a Felony, in violation of §45-5-220, MCA**. The sentence was ordered to run consecutive to any sentence imposed prior to the April 22, 2021 sentencing date. The Defendant was given credit for time served in the amount of one hundred sixty-two (162) days.

On August 12, 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 Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant gave 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 20 day of August, 2021.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Luke Berger, Chairperson

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

Copies mailed or emailed this 23<sup>rd</sup> day of August, 2021, to:

Clerk of District Court – *via email*  
Bryce Wayne Baltezar, Defendant (2)  
Hon. Kurt Krueger – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Ann Shea, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division