

Sentence Review Division
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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-18-313
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
MICHAEL BRUCE SHRADER,) **DECISION**
)
Defendant.)

On February 19, 2021, for violation of the terms and conditions, the Defendant's suspended sentence was revoked, and the Defendant was sentenced to a commitment to the Department of Corrections for a period of four (4) years two hundred thirty-seven days (237), with one (1) year suspended, for the offense of **Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102(6), MCA**. The Defendant was not given credit for elapsed time while not incarcerated based on his 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: November 7, 2019 through December 13, 2019 and January 20, 2021 through February 19, 2021.

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 Billings Pre-Release Facility and was represented by Teal Mittelstadt, 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 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. The Defendant provided 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

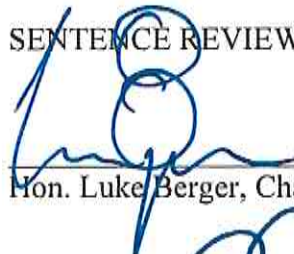
not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 20 day of August, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chairperson



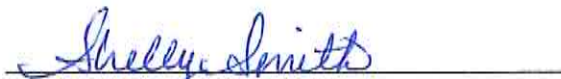
Hon. Jessica Fehl, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 23rd day of August, 2021, to:

- Clerk of District Court – *via email*
- Michael Bruce Shrader #3026290, Defendant (2)
- Hon. Donald Harris – *via email*
- Teal Mittelstadt, Defense Counsel – *via email*
- Julie Patten, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division