

Sentence Review Division
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FILED
OCT 06 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-16-554
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
KIMBERLY ELVERA FEIGERT,)	DECISION
)	
Defendant.)	

On May 5, 2020, the Defendant was sentenced to the Montana Women’s Prison for a period of 100 years for the offense of **Count I: Accountability (Sexual Intercourse Without Consent), a Felony, in violation of §§45-2-303(3), 45-5-503(1) and (4)(a), MCA**. Pursuant to §45-5-503(4), MCA, the Court ordered the Defendant ineligible for parole for the first 25 years of the term of imprisonment and recommended the Defendant complete Phases 1 and 2 of the Sex Offender Treatment before being eligible for parole. Pursuant to §46-23-509, MCA, the Defendant was designated a Tier 1 Sexual Offender. The Defendant was granted credit for time served prior to sentencing from December 14, 2016 – March 21, 2017 (98 days); June 7, 2018 – April 28, 2020 (691 days) for a total of 789 days.

On September 24, 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 Women’s Prison and was represented by David Maldonado of Maldonado Law, PLLC. The State was represented by Melissa Broch. The Defendant’s grandmother, Nancy Grewatz, attended by teleconference, and did not give a statement. 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 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 6th day of October, 2021.

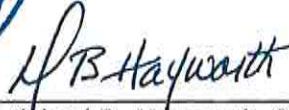
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Acting Chair



Hon. Jessica Fehr, Member



Hon. Michael B. Hayworth, Substitute Member

Copies mailed or emailed this 6th day of October, 2021, to:

Clerk of District Court – *via email*
Kimberly Elvera Feigert #2147588, Defendant
Hon. Kathy Seeley – *via email*
David Maldonado, Defense Counsel – *via email*
Melissa Broch, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division