

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-15-236
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
BRANDI RAE SHIPP,) **DECISION**
)
Defendant.)

On June 21, 2021, for violation of the terms and conditions, the Defendant's suspended sentence was revoked, and the Court sentenced Defendant to the Montana Department of Corrections for a period of one (1) year and three hundred twelve (312) days, for the offense of **Count I: Criminal Possession of Dangerous Drugs, a felony, in violation of § 45-9-102 MCA.** The sentence was ordered to run concurrently with the sentences in DC-14-765 and DC-15-0078.

The Court recommended the Defendant be screened for any and all treatment programs and upon acceptance, follow all requirements and provisions. If not accepted, Defendant will be placed at a Department of Corrections facility at the discretion of the Department. The Defendant was given credit for time served as follows: February 25, 2021 through March 4, 2021, and March 15, 2021 through June 21, 2021.

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 pro se from the Montana Women's Prison. Acting Chair, Hon. Dan Wilson, informed the Defendant of her right to be represented by counsel for her hearing. The Defendant acknowledged that she understood her rights and waived representation. 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 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.

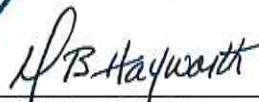
SENTENCE REVIEW DIVISION



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*
Brandi Rae Shipp #3015794, Defendant
Hon. Mary Jane Knisely – *via email*
Ann Marie McKittrick, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division