

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

FILED
11/29/2021
Sentence Review Division
of the Montana Supreme Court

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-20-353
)	
)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
KRISTEN KANE KELLER,)	
)	DECISION
)	
Defendant.)	
)	

On June 15, 2021, the Defendant was sentenced per the plea agreement to a commitment of five (5) years to the Department of Corrections, for the offense of Count I: Driving or in Actual Physical Control of a Motor Vehicle While Under the Influence of Alcohol – (4th or Subsequent Offence), a felony, in violation of § 61-8-401(1)(a) MCA. The Court recommended placement in the WATCH program.

The Defendant was given credit for the following date ranges: May 31, 2020 through June 1, 2020; July 15, 2020 through July 31, 2020; and February 25, 2021 through June 9, 2021. (123 days total – 67 towards the \$5,000 fine and 56 days credit toward the sentence per agreement).

On November 5, 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 START Facility and was represented by Sadie Busch, Defense Counsel. The State was not represented. 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 concluded 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 22 day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Vohl, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 29th day of November, 2021, to:

Clerk of District Court – *via email*
Kristen Kane Keller #2145644, Defendant (2)
Hon. Michael F. McMahon – *via email*
Sadie Busch, 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