

Sentence Review Division
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FILED

APR 27 2022

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-20-205
)	
Plaintiff,)	Lake County District Court
-vs-)	
)	Montana Twentieth Judicial District
STACY LEANN MARKUS,)	
)	DECISION
)	
Defendant.)	

On July 8, 2021, the Defendant was sentenced to the Montana State Prison for a term of ten (10) years, with three (3) years suspended, for the offense of Count I: Negligent Vehicular Assault – Serious Bodily Injury, a felony, in violation of §45-5-205, MCA. The Court imposed a parole restriction of five (5) years.

The Defendant received credit for time served on this offense of 113 days. The Court recommended the Defendant be screened for and placed in treatment programs as deemed appropriate by the Department of Corrections. The Defendant should be screened for WATCH, and for RIMROCK programs as well as other programs deemed appropriate by the Department. The Court ordered the Defendant pay restitution in the amount of \$98,374.16.

On April 8, 2022, 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 Jordan Kilby, 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 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 sentence imposed by the District Court is clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence shall be **MODIFIED** to strike the parole restriction of five (5) years. The remaining provisions of the Judgment of July 8, 2021 are not clearly excessive and so are affirmed.

DATED this 26th day of April, 2022.

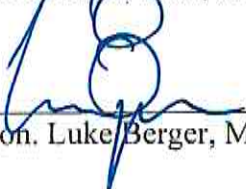
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 27th day of April, 2022, to:

Clerk of District Court – *via email*
Stacy LeAnn Markus #3030659, Defendant (2)
Hon. Deborah K. Christopher – *via email*
Jordan Kilby, Defense Counsel – *via email*
Steven Eschenbacher, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division