

Sentence Review Division  
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**FILED**

**NOV 16 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-19-189
	)	
Plaintiff,	)	Lake County District Court
-vs-	)	
	)	Montana Twentieth Judicial District
BRANDON JAMES LEWIS TOLLIE,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On March 5, 2020, the Defendant was sentenced as follows: COUNT I: Ten (10) years to the Montana State Prison, with five (5) years suspended, for the offense of Burglary, a felony, in violation of §45-5-204, MCA; Count II: A \$1500 fine suspended, for the offense of Theft, a Misdemeanor, in violation of §45-6-301, MCA; Count III: Ten (10) years Montana State Prison, with Five (5) years suspended, for the offense of Burglary, a Felony, in violation of §45-6-204, MCA; and Count IV: A \$1500 fine for the offense of Theft, a Misdemeanor, in violation of §45-6-301, MCA. The sentences in Count I and Count III shall run consecutive to each other and consecutive to the sentence in Sanders County Cause DC-18-33. The Defendant received credit for time served of 88 days. The Defendant was ordered to pay restitution in the amount of \$15,289.90 to be paid jointly and severally with all Co-Defendants. The Defendant was ordered to attend self-help meetings and participate in the 24/7 Sobriety and Drug Monitoring Program, or any program specifically designed to monitor the Defendant’s use of intoxicants.

On November 3, 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 Crossroads Correctional Center and was represented by Penelope Strong, Defense Counsel. The State was not represented. The Defendant gave 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 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 15th day of November, 2022.

SENTENCE REVIEW DIVISION

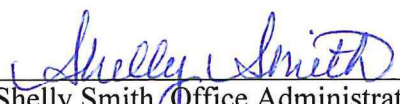
  
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Hon. Jessica Fehr, Chair

  
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Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed or emailed this 16<sup>th</sup> day of November, 2022, to:

Clerk of District Court – *via email*  
Brandon James Lewis Tollie #3026472, Defendant  
Hon. Deborah Kim Christopher – *via email*  
Penelope Strong, Defense Counsel – *via email*  
Benjamin Anciaux, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division