

Sentence Review Division  
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-47-2022-0000037-IN
	)	
Plaintiff,	)	Silver Bow County District Court
-vs-	)	
	)	Montana Second Judicial District
SEAN MICHAEL KELLEDDY,	)	
	)	<b>DECISION</b>
	)	
Defendant.	)	

On January 26, 2023, the Defendant was sentenced to ten (10) years to the Montana State Prison, for the offense of Count III: Tampering With or Fabricating Physical Evidence, a Felony, in violation of §45-7-207, MCA 2021. The sentence was ordered to run consecutively to any other sentence the Defendant was currently serving. The Defendant was given credit for three hundred sixty-two (362) days of jail time served, as of January 26, 2023. The Court further ordered Counts I, II, and IV dismissed. If the Defendant was released into the community, he would be subject to parole conditions as outlined on Pages 9 through 12 of the Pre-Sentence Investigation Report, numbered 1 through 37.

On November 2, 2023, 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 State Prison and was represented by Teal Mittelstadt, 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-

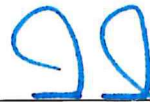
904(3), MCA).

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 30 day of November, 2023.

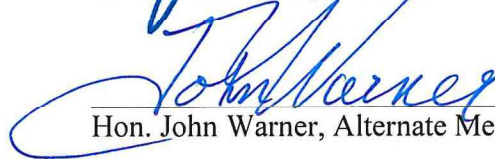
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



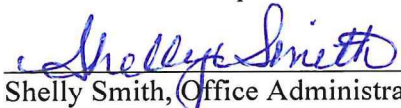
Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 7<sup>th</sup> day of December, 2023, to:

Clerk of District Court – *via email*  
Sean Michael Kelledy #41424, Defendant  
Hon. Kurt Krueger – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Ann Shea, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division