

Sentence Review Division  
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FILED

DEC 07 2023

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-56-2018-0000440-IN  
                          )  
                          )  
Plaintiff, ) Yellowstone County District Court  
                          )  
                          )  
-vs-                  ) Montana Thirteenth Judicial District  
                          )  
                          )  
JERRY LEE LANTIS, )  
                          )  
                          )  
                          )  
                          )  
                          )  
Defendant. )  
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On February 7, 2023, the Court found the Defendant violated the terms and conditions of his Sentence, revoked the sentence, and resentenced him as follows:

Count I: Four (4) years One Hundred Forty-Nine (149) days commitment to the Department of Corrections, with one (1) year One Hundred Forty-Nine (149) days suspended, for the offense of Criminal Endangerment, a Felony, in violation of §45-5-207, MCA.

Count II: Four (4) years One Hundred Forty-Nine (149) days commitment to the Department of Corrections, with one (1) year One Hundred Forty-Nine (149) days suspended, for the offense of Criminal Insurance Fraud, a Felony, in violation of §33-1-504, MCA, to run concurrently with Count I.

The Defendant was given credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA, as follows: November 20, 2021 through June 7, 2022. The Defendant was further given credit for pre-trial incarceration/detention time served as follows: August 3, 2022 through August 5, 2022; and December 27, 2022 through February 7, 2023.

In all other aspects, the previous Orders, conditions, and reasons of this Court entered on November 20, 2018, remain unchanged and were imposed.

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 Pine Hills Facility and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant did not give 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).

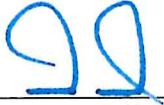
The Division notes that it lacks authority or jurisdiction to review determinations of credit for time served. The appropriate method for requesting a determination of time served, if it is alleged to be inappropriate, is to petition the court for a Writ of Habeas Corpus.

Accordingly, 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.

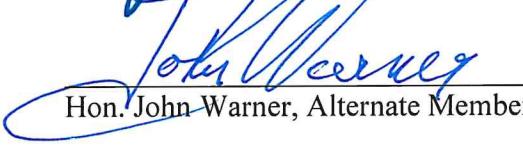
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

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*  
Jerry Lee Lantis #40252, Defendant  
Hon. Thomas Pardy – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Ingrid Rosenquist, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

Shelly Smith  
Shelly Smith, Office Administrator  
Sentence Review Division