

FILED

MAY 01 2024

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

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

STATE OF MONTANA,)	Cause No. DC-41-2021-0000196-IN
)	
Plaintiff,)	Ravalli County District Court
)	
-vs-)	Montana Twenty-First Judicial District
)	
BRANDI ALICE CLARKE,)	DECISION
)	
Defendant.)	

On July 21, 2022, the Defendant was sentenced as follows:

Charge I: Twenty (20) years to a State Prison designated by the Department of Corrections with fifteen (15) years suspended, for the offense of Accountability for Burglary, a Felony, in violation of §§45-6-204 and 45-2-301, MCA. The Defendant shall pay a fine of \$1,000.00 with \$500.00 suspended.

Charge II: Ten (10) years to a State Prison designated by the Department of Corrections, with five (5) years suspended, for the offense of Theft (Exceeding \$5,000), a Felony, in violation of §45-6-301(3), MCA, to run concurrent with Charge I.

Charge III: Twenty (20) years to a State Prison designated by the Department of Corrections, with fifteen (15) years suspended, for the offense of Money Laundering, a Felony, in violation of §45-6-341, MCA, to run concurrent with Charges I and II.

Charge IV: Twenty (20) years to a State Prison designated by the Department of Corrections, with fifteen (15) years suspended, for the offense of Money Laundering, a Felony, in violation of §45-6-341, MCA, to run concurrent with Charges I, II, and III.

Charge V: Six (6) months commitment to the Ravalli County Detention Center, all suspended, for the offense of Criminal Trespass to Property, a Misdemeanor, in violation of §45-6-203, MCA, to run concurrent with Charges I, II, III, and IV.

The Defendant should receive credit for 282 days served to run concurrent with Charges I – V. The Court ordered a five (5) year parole restriction in Charges I – IV. The Defendant was ordered to pay restitution in the total amount of \$120,000.00 according to a schedule set by the Adult Probation and Parole Officer, for damages incurred by Gene Huckstadt, plus a 10% restitution supervision as allowed by law.

On April 5, 2024, 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 Teal Mittelstadt, 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 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 30th day of April, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair




Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 13th day of May, 2024, to:

Clerk of District Court – *via email*
Brandi Alice Clarke #3030394, Defendant
Penelope Strong, Defense Counsel – *via email*
State Office of the Public Defender – *via email*
Angela Wetzsteon, Esq. – *via email*
Hon. Howard Recht – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division