

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

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|-------------------|---|----------------------------------|
| STATE OF MONTANA, |) | Cause No. DC-7-2022-0000088-IN |
| |) | |
| Plaintiff, |) | Cascade County District Court |
| |) | |
| -vs- |) | Montana Eighth Judicial District |
| |) | |
| RANDEE RAE DURAN, |) | DECISION |
| |) | |
| Defendant. |) | |

On January 25, 2023, the Court sentenced the Defendant to a five (5) year commitment to the Department of Corrections, with three (3) years suspended, for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended placement at a secure Department of Corrections chemical dependency treatment facility, to be followed by pre-release. The Defendant was given credit for 172 days for time already served. The sentence was ordered to run concurrent with any other sentence the Defendant was currently serving.

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 Yellowstone County Jail and was represented by Tyler Dugger. The State was not represented. Hon. David Grubich was present and gave a statement. 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 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. Matthew Cuffe, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 1st day of May, 2024, to:

Clerk of District Court – *via email*
Ranee Rae Duran #3009984, Defendant
Teal Mittelstadt, Defense Counsel – *via email*
State Office of the Public Defender - *via email*
Ryan Ball, Deputy Co. Attorney – *via email*
Hon. David Grubich – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division