

FILED

FEB 12 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-56-2009-0000206-IN
	)	
Plaintiff,	)	Yellowstone County District Court
	)	
-vs-	)	Montana Thirteenth Judicial District
	)	
CLETUS LYLE KEISER,	)	<b>DECISION</b>
	)	
Defendant.	)	

On September 19, 2023, the Court found the Defendant violated the terms and conditions of his sentence, revoked the sentence, and re-sentenced him to the Montana State Prison to Four (4) years, One Hundred Eighty-One (181) days, with One (1) year and Seventy-Four (74) days suspended, for the offense of Count I: Sexual Assault, a Felony, in violation of §§45-5-502 and 45-2-101(67), MCA. In all other respects, the previous Orders, conditions, and reasons of the Court entered on December 2, 2009, remain unchanged and were imposed.

The Defendant was entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA, as follows: February 8, 2022 through March 21, 2022; and March 24, 2022 through February 17, 2023. The Defendant was entitled to receive credit for pre-trial incarceration/detention time served as follows: June 13, 2023 through September 19, 2023.

On February 1, 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 State Prison 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 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 9th day of February, 2024.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Luke Berger, Chair

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
\_\_\_\_\_  
Hon. Matthew Cuffe, Member

Copies mailed or emailed this 12th day of February, 2024, to:

Clerk of District Court – *via email*  
Cletus Lyle Keiser #3004189, 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, Office Administrator  
Sentence Review Division