

Sentence Review Division
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FILED
04/15/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-32-2017-0000734
)	
Plaintiff,)	Missoula County District Court
)	
-vs-)	Montana Fourth Judicial District
)	
STACEY ALYSE EMERY,)	DECISION
)	
Defendant.)	

On May 6, 2024, the Court found the Defendant in violation of the conditions of the August 2, 2023 Judgment, revoked the sentence, and sentenced the Defendant to a commitment of five (5) years to the Department of Corrections, with two (2) years suspended, for the offense of Count I: Criminal Possession of Dangerous Drugs, Anabolic Steroid, 1st Offense, a Felony, in violation of §45-9-102(3), MCA. The Court recommended the Defendant be screened for appropriate substance use treatment, followed by placement in sober living or pre-release. The Department of Corrections was ordered to re-evaluate the Defendant's dental and medical needs and facilitate appropriate treatment.

The Defendant was given credit for time served in the amount of 184 days and additional credit for street time in the amount of seven (7) days. The terms and conditions of the Judgment were the same as those contained in the Judgment filed with the Court on February 3, 2020.

On April 4, 2025, 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 Passages Pre-Release Center and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. Janel Kane, Legal Guardian of the Defendant's daughter, was present in support of the Defendant, but did not provide a statement. 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 she understood this and stated that she wished to proceed.

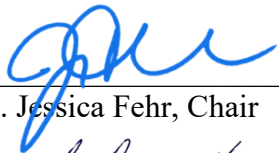
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 15th day of April, 2025.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair




Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member

Copies mailed or emailed this 15th day of April, 2025, to:

Clerk of District Court – *via email*
Stacey Alyse Emery #3027224, Defendant
Hon. Leslie Halligan – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
State Office of the Public Defender
Buddy Dean, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division