

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-25-2023-0000368
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
KAYCIE LYNN KISTER-ROBERTS,)	DECISION
)	
Defendant.)	

On June 21, 2024, the Defendant was sentenced as follows:

Count II: A commitment to the Department of Corrections for Ten (10) years, with Five (5) years suspended, for the offense of Theft in the Alternative, a Felony, in violation of §45-6-301(3)(1)(b), MCA. The Court recommended placement in the appropriate treatment facility for chemical dependency and mental health treatment and that it include cognitive therapy and / or moral recognition therapy.

Count III: A commitment to the Department of Corrections for Five (5) years, with all time suspended, for the offense of Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA.

Count IV: Six (6) months to the Lewis & Clark County Jail, all time suspended, for the offense of Criminal Possession of Drug Paraphernalia, a Misdemeanor, in violation of §45-10-103, MCA.

The Defendant was given credit for time served for the following date ranges: July 28, 2023 – September 28, 2023; and March 31, 2024 – June 21, 2024. The sentences imposed for Counts III and IV were ordered to run concurrently with each other, and consecutively to Count II. The sentences herein were to run consecutive to any other sentence the Defendant was serving.

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 Assessment and Sanction Center and was represented by Teal Mittelstadt, Defense Counsel. The State was represented by Fallon Stanton. 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.

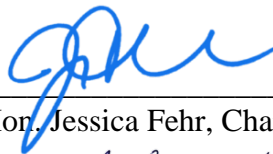
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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*
Kaycie Lynn Kister - Roberts #3019172, Defendant
Hon. Mike McMahon – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
State Office of the Public Defender
Fallon Stanton, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division