

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-32-2023-0000266
	)	
Plaintiff,	)	Missoula County District Court
	)	
-vs-	)	Montana Fourth Judicial District
	)	
JUSTINA SHEIGH MAIER,	)	<b>DECISION</b>
	)	
Defendant.	)	

On June 18, 2024, the Defendant was sentenced as follows:

Count I: A commitment to the Department of Corrections for a term of Ten (10) years, with Five (5) years suspended, for the offense of Attempted Theft – Over \$5,000, a Felony, in violation of §45-4-103(1) and §45-6-301(1), MCA.

Count III: A commitment to the Department of Corrections for a term of Five (5) years, with all but Eighty-Three (83) days suspended, for the offense of Theft – 2<sup>nd</sup> Offense, a Felony, in violation of §45-6-301(1)[2<sup>nd</sup>], MCA.

Count IV: A commitment to the Department of Corrections for a term of Five (5) years, with Three (3) years suspended, for the offense of Theft – 3<sup>rd</sup> Offense, a Felony, in violation of §45-6-301(1)[3<sup>rd</sup>], MCA.

Counts I, III, and IV were ordered to run concurrently with each other. The Defendant was given credit for time served in the amount of eighty-three (83) days. The Court recommended the Defendant be placed in pre-release and screened for Passages, and if placed in Passages, then followed by pre-release.

The Court imposed restitution in the amount of one thousand six hundred ninety-four dollars and ninety-seven cents (\$1,694.97) payable to Jacqueline and Scott Sellers; and two thousand five hundred forty-one dollars and nine cents (\$2,541.09) payable to Scheel's. The Court imposed a 10% administration fee and further indicated priority of repaying restitution to

Jacqueline and Scott Sellers over Scheel's. The Defendant was ordered not to knowingly have any contact with the victim(s) and/or their immediate family. The Court dismissed Counts II, V, and VI.

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 Great Falls Transition Center and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. 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 15<sup>th</sup> day of April, 2025, to:

Clerk of District Court – *via email*

Justina Sheigh Maier #3023496, Defendant

Hon. Jason Marks – *via email*

Teal Mittelstadt, Defense Counsel – *via email*

State Office of the Public Defender

Justin Ekwall, Deputy Co. Attorney – *via email*

Board of Pardons and Parole – *via email*

MWP - Records Dept. – *via email*



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Shelly Smith, Office Administrator  
Sentence Review Division