

Sentence Review Division  
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**FILED**  
**10/18/2023**  
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-56-2015-0000143-IN  
)  
Plaintiff, ) Yellowstone County District Court  
)  
-vs- ) Montana Thirteenth Judicial District  
)  
JUDITH EVE WHITEMAN, )  
) **DECISION**  
)  
Defendant. )

On April 4, 2023, the Court found the Defendant violated the terms and conditions of her sentence, revoked the sentence, and resentenced her to three (3) years commitment to the Department of Corrections for the offense of Count I: Fraudulently Obtaining Dangerous Drugs, a Felony, in violation of §50-32-224(1)(a)(xii), MCA. The Court ordered that the Defendant must complete a new chemical dependency evaluation and follow recommendations and treatment. In all other respects, the previous Orders, conditions, and reasons of the Court entered on January 26, 2016, remain unchanged and were recommended.

The Defendant was given credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA, as follows: February 21, 2019 through November 15, 2019. The Court further found the Defendant was entitled to receive credit for pre-trial incarceration/detention time served as follows:

- February 7, 2020 through March 4, 2020
- February 13, 2022 through June 28, 2022
- March 23, 2023 through April 4, 2023

On September 29, 2023, 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 Women's Prison and was represented by Tyler Dugger, Defense Counsel. The State was not represented.

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. The Defendant gave a statement.

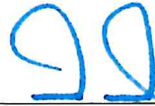
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 16th day of October, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 16th day of October, 2021, to:

Clerk of District Court – *via email*  
Judith Eve Whiteman #3017883, Defendant (2)  
Hon. Thomas Pardy – *via email*  
Tyler Dugger, Defense Counsel – *via email*  
Jacob Yerger, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator  
Sentence Review Division