

Sentence Review Division  
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-19-215
	)	
Plaintiff,	)	Cascade County District Court
	)	
-vs-	)	Montana Eighth Judicial District
	)	
CHEYENE LEILANI-AMBER ZIELIE,	)	<b>DECISION</b>
	)	
Defendant.	)	

On January 4, 2023, the Court found the Defendant violated the conditions of her probation, revoked the prior sentence imposed on September 11, 2019, and resentenced her to three (3) years commitment to the Department of Corrections for the offense of Count 1: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended placement at a secure Department of Corrections treatment program, specifically Elkhorn Treatment Center, to be followed by pre-release. The Defendant was given 137 days credit for time served and 546 days credit for street time. The sentence was ordered to run concurrently with any other sentence the Defendant is currently serving.

On April 7, 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 Cascade County Detention Facility and was represented by Tyler Duggar, Defense Counsel. The State was not represented. Hon. David Grubich was present and gave 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 to 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.

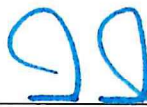
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 24th day of April, 2023.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Dan Wilson, Chair

  
\_\_\_\_\_  
Hon. Luke Berger, Member

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

Copies mailed or emailed this 24th day of April, 2023, to:

Clerk of District Court – *via email*  
Cheyene Leilani-Amber Zielie #3015639  
Hon. David Grubich – *via email*  
Tyler Duggar, Defense Counsel – *via email*  
Ryan Ball, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MWP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division