SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-14-1012
-vs-	)	
	)	DECISION
KAREN FRANCIS MEDICINE HORSE,	)	
	)	
Defendant.	)	

On July 6, 2018, the District Court revoked Defendant's suspended sentence for Count I: Criminal Possession of Dangerous Drugs. The Court resentenced Defendant to the Department of Corrections for four years, to run concurrently with DC 15-1209. Defendant was given credit for elapsed time while not incarcerated from December 8, 2016 through February 24, 2017. Defendant received credit for detention time from June 14, 2018 through July 6, 2018.

On October 5, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present from Passages and was represented by Brent Getty of the Office of the State Public Defender. 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.

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.

Done in open Court this 5th day of October, 2018.

DATED this 19 day of OCTOBER, 2018.

SENTENCE REVIEW DIVISION

Hon. Kathy Seeley, Chairperson

Hon. Brenda Gilbert, Member

Hon. Dan Wilson, Member

Copies mailed this 7th day of November, 2018, to:

Clerk of District Court (Original)
Karen Francis Medicine Horse #3016545, Defendant (2)
Hon. Donald Harris
Brent Getty, Defense Counsel
Paul Chaon, Esq.
Board of Pardons and Parole
MWP - Records Dept.

Georgia Lovelady, Judicial Assistant
Sentence Review Division