

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

| | | |
|-------------------|---|----------------------------------|
| STATE OF MONTANA, |) | Cause No. DC-21-429 |
| |) | |
| Plaintiff, |) | Missoula County District Court |
| |) | |
| -vs- |) | Montana Fourth Judicial District |
| |) | |
| BRITTANY HUBBARD, |) | DECISION |
| |) | |
| Defendant. |) | |

On January 11, 2023, the Court found the Defendant in violation of the conditions of the Judgment imposed on December 15, 2021, revoked the sentence, and sentenced her to thirty (30) months commitment to the Department of Corrections for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The Court recommended that the Department of Corrections place the Defendant in Passages or the Elkhorn Program. The Defendant was given credit for time served in the amount of 117 days. The Court further recommended that the terms and conditions contained in the Judgment filed on January 7, 2022, be imposed.

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 Elkhorn Treatment Center and was represented by Tyler Duggar, Defense Counsel. The State was not represented. The Defendant did not give 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.

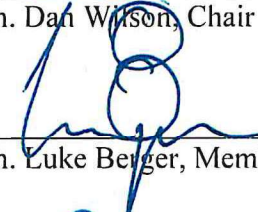
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 24th day of April, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



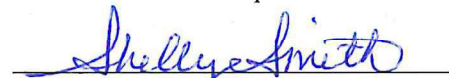
Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

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

Clerk of District Court – *via email*
Brittany Hubbard #3031817
Hon. Leslie Halligan – *via email*
Tyler Duggar, Defense Counsel – *via email*
Mac W. Bloom, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division