

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

STATE OF MONTANA,) Cause No. DC-20-001
)
Plaintiff,) Jefferson County District Court
)
-vs-) Montana Fifth Judicial District
)
BAILEY K. MELOY,) **DECISION**
Defendant.)
_____)

On December 15, 2022, the Court found the Defendant violated the terms and conditions of the sentence imposed on June 1, 2022, revoked the sentence, and re-sentenced the Defendant to a three (3) year term to the Department of Corrections for the offense of Count I: Criminal Endangerment, a Felony, in violation of §45-5-207, MCA. The Court ordered the Defendant complete the Passages Program, recommended a pre-release center, and granted 117 days of credit for jail time served. All conditions of the previous judgment on February 10, 2021, were re-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 Passages Assessment and Sanction Center and was represented by Teal Mittelstadt, 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 28 day of April, 2023.

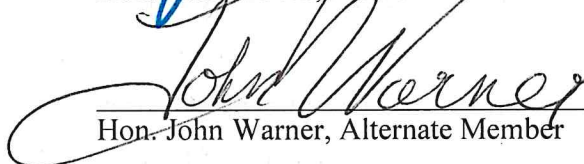
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair




Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 1st day of ~~April~~ ^{May} 2023, to:

Clerk of District Court – *via email*
Bailey K. Meloy #3030292, Defendant (2)
Hon. Luke Berger – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Andrew W. Paul, Chief Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division