

Sentence Review Division
301 S. Park, Suite 328
P.O. Box 203005
Helena, MT 59620-3005
Phone: (406) 841-2976
Email: shellysmith@mt.gov

FILED

APR 19 2021

**SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA**

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-17-231
)
Plaintiff,) Lewis & Clark County District Court
)
-vs-) Montana First Judicial District
)
SHALIMAR LYNN GENOVESE,) **DECISION**
)
Defendant.)

On December 9, 2020, the Defendant was sentenced to the Montana Department of Corrections for five (5) years, none suspended, for the offense of Count II: Bail Jumping, a Felony, in violation of §45-7-308, MCA. The Court recommended screening and placement at an appropriate Treatment Facility. The Defendant received credit for time served from May 22, 2017 to May 23, 2017; September 6, 2017 to September 7, 2017; October 17, 2017 to October 19, 2017; December 7, 2017 to December 15, 2017; September 16, 2019 to October 10, 2019; December 5, 2019 to April 9, 2020; and August 3, 2020 to December 3, 2020. The Defendant was ordered to pay a total of \$1,030.00 in fees, surcharges, and attorney fees.

On April 16, 2021, 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 Beaverhead County Detention Center and was represented by David Maldonado, Defense Counsel. The State was represented by Deputy County Attorney, Josh Nemeth.

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.

DATED this 16th day of April, 2021.

SENTENCE REVIEW DIVISION



Luke Berger, Chairperson



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 19th day of April, 2021, to:

Clerk of District Court – *via email*
Shalimar Lynn Genovese #3029835, Defendant (2)
Hon. Kathy Seeley – *via email*
David Maldonado, Defense Counsel – *via email*
Fallon Stanton, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division