

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

FILED

MAY 17 2022

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-21-014
)
) Plaintiff,) Toole County District Court
)
) -vs-) Montana Ninth Judicial District
)
) JEROME KYLE BELLYMULE,)
) **DECISION**
)
)
) Defendant.)

On November 19, 2021, the Defendant was sentenced as follows: Count I: One (1) year commitment to a State prison to be selected by the Department of Corrections, to run consecutively to any underlying sentence, for the offense of Assault with Bodily Fluid, a misdemeanor, in violation of §45-5-214, MCA; and Count II: One (1) year commitment to a State prison to be selected by the Department of Corrections, to run consecutively to any underlying sentence but concurrently with Count I, for the offense of Assault with Bodily Fluid, a misdemeanor, in violation of §45-5-214, MCA. The Defendant did not receive any credit for time served as he was incarcerated and serving time on an underlying sentence the entire time this case was pending.

On May 6, 2022, 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 Montana State Prison and was represented by Nicholas Hyde, Defense Counsel. The State was not represented. The Defendant did not provide 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 increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he 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 17th day of May, 2022.

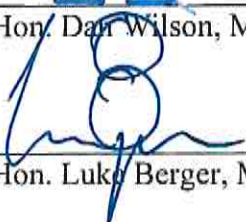
SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 18th day of May, 2022, to:

- Clerk of District Court – *via email*
- Jerome Kyle Bellymule #3024132, Defendant
- Hon. Robert Olson – *via email*
- Nicholas Hyde, Defense Counsel – *via email*
- Patrick Moody, Assistant Attorney General – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division