

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

STATE OF MONTANA,)	Cause No. DC-56-2022-0000939-IN
)	
Plaintiff,)	Yellowstone County District Court
)	
-vs-)	Montana Thirteenth Judicial District
)	
ANIEVA RAE JORGENSON,)	DECISION
)	
<u>Defendant.</u>)	

On September 27, 2023, the Defendant was sentenced to a commitment of five (5) years 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, to run *consecutively* to the sentence in Yellowstone County Cause No. DC-22-765. The Court further ordered the Defendant be given credit for time spent in pre-trial incarceration as follows: August 4, 2022 through August 20, 2022; January 19, 2023 through May 19, 2023; and May 31, 2023 through September 27, 2023.

The Court recommended the Defendant be screened for treatment with Elkhorn Treatment Center, and upon acceptance, follow all requirements and provisions. If not accepted, the Defendant would be placed at a Department of Corrections facility at the discretion of the Department.

On September 27, 2024, 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 Penelope Strong, 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 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).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive. The Division's decision is to **AMEND the Judgment to run the sentence concurrently with the sentence in DC-22-765, as opposed to the previous consecutive designation.**

The remaining sentence, terms and conditions imposed in the Judgment of September 27, 2023, are not clearly excessive and are affirmed.

Pursuant to §46-18-904(3), MCA, the District Court shall resentence the Defendant in accordance with the Sentence Review Division's Decision and file an Amended Judgment.

DATED this 21st day of October, 2024.


SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chairperson



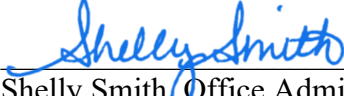
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 22nd day of October, 2024, to:

Clerk of District Court – *via email*
Anieva Rae Jorgenson #3035295, Defendant
Hon. Ashley Harada – *via email*
Penelope Strong, Defense Counsel – *via email*
Yellowstone County Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division