

Sentence Review Division  
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**FILED**  
**JUN 07 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-09-452  
 )  
 ) Plaintiff, ) Yellowstone County District Court  
 )  
-vs- ) Montana Thirteenth Judicial District  
 )  
JEREMY IAN FLATMOUTH, ) **DECISION**  
 )  
 ) Defendant. )

On May 5, 2020, for violation of the terms and conditions, the Court revoked the Defendant's suspended sentence and sentenced him as follows: Count I: A commitment to the Montana State Prison for fifteen (15) years with ten (10) years suspended for the offense of Vehicular Homicide While Under the Influence, a Felony; and Count II: A commitment to the Montana State Prison for fifteen (15) years with ten (10) years suspended for the offense of Negligent Vehicular Assault, a Felony, to run concurrently with Count I. In all other respects, the previous Orders, conditions and reasons of the Court entered on September 2, 2010 remain unchanged and were imposed. The Court found that the Defendant was not entitled to receive credit for time while not incarcerated. Denial of credit for elapsed time was based on the Defendant's failure to comply with the terms and conditions of the sentence while under supervision.

On May 21, 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 Dawson County Correctional Facility in Glendive, Montana, and was represented by Penelope Strong, Defense Counsel. The State was represented by Victoria Callender. The Defendant gave 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 7<sup>th</sup> day of ~~May~~ <sup>June</sup>, 2021.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon., Luke Berger Chairperson

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

Copies mailed or emailed this 7<sup>th</sup> day of June, 2021, to:

Clerk of District Court – *via email*  
Jeremy Ian Flatmouth #3005316, Defendant (2)  
Hon. Gregory Todd – *via email*  
Penelope Strong, Defense Counsel – *via email*  
Victoria White Callender, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division