

Sentence Review Division
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FILED

OCT 06 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-13-158
)	
Plaintiff,)	Lewis & Clark County District Court
-vs-)	
)	Montana First Judicial District
)	
SAMANTHA LEE FORSMAN,)	DECISION
)	
Defendant.)	

On January 28, 2021, for violation of the conditions, the Court revoked the Defendant's suspended sentence and sentenced the Defendant as follows: **Count I**: A commitment to the Department of Corrections for a period of nine (9) years and six (6) months, none suspended, for the offense of **Criminal Distribution of Dangerous Drugs, a Felony, in violation of §§ 45-9-101(1) and 50-32-224(3)(c) MCA**; and **Count II**: A commitment to the Department of Corrections for a period of nine (9) years and six (6) months, none suspended, for the offense of **Criminal Distribution of Dangerous Drugs, a Felony, in violation of §§ 45-9-101(1) and 50-32-224(3)(c) MCA**. Counts I and II were ordered to run concurrently.

The Court recommended placement in Elkhorn followed by pre-release, with a further recommendation of placement in Passages followed by pre-release if Elkhorn is not an option. The Defendant was given credit for one thousand seven hundred seventy-six (1,776) days of street time.

On September 24, 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 Elkhorn Treatment Center and was represented by Daniel Biddulph. The State was not represented. 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 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 6th day of October, 2021.

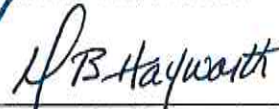
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Acting Chair



Hon. Jessica Fehr, Member



Hon. Michael B. Hayworth, Substitute Member

Copies mailed or emailed this 6th day of October, 2021, to:

Clerk of District Court – *via email*
Samantha Lee Forsman #2063065, Defendant
Hon. Christopher David Abbott – *via email*
Daniel Biddulph, Defense Counsel – *via email*
Melissa Broch, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division