

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

**FILED**  
11/29/2021  
Sentence Review Division  
of the Montana Supreme Court

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA, ) Cause No. DC-21-039  
)  
Plaintiff, ) Lincoln County District Court  
)  
-vs- ) Montana Nineteenth Judicial District  
)  
JEREMIAH ROBERT KENDALL, ) **DECISION**  
)  
Defendant. )

On May 24, 2021, the Defendant was sentenced to the Montana State Prison for a period of ten (10) years for the offense of Count I: Escape, a Felony, in violation of §45-7-306, MCA. The Court ordered the Defendant ineligible for parole for the term of the sentence. The sentence was ordered to run consecutive to the sentence in DC-19-126. The Defendant received credit for 38 days for time served prior to incarceration.

On November 4, 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 Montana State Prison and was represented by Sadie Busch, Defense Counsel. 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 he understood this and stated that he wished to proceed.

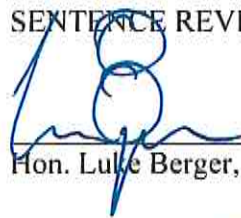
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division concluded that the sentence imposed by the District Court is clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence shall be **MODIFIED** to remove the parole restriction of ten (10) years. The sentence, terms and conditions imposed in the Judgment of May 24, 2021 are not clearly excessive and are affirmed.

DATED this 22 day of November, 2021.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 29<sup>th</sup> day of November 2021, to:

Clerk of District Court – *via email*  
Jeremiah Robert Kendall #3020256, Defendant (2)  
Hon. Matt Cuffe – *via email*  
Sadie Busch, Defense Counsel – *via email*  
Marcia Boris, Esq. – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
Shelly Smith, Office Administrator  
Sentence Review Division