

Sentence Review Division
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FILED

APR 27 2022

SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,

Plaintiff,

-vs-

LANEA LYNN SELAGE HODGES,

Defendant.

) Cause No. DC-12-015
)
) Rosebud County District Court
)
) Montana Sixteenth Judicial District
) **DECISION**
)
)

On November 8, 2021, the Court found the Defendant in violation of the conditions of the sentence imposed on June 3, 2013, revoked the sentence, and sentenced the Defendant to a commitment to the custody of the Montana Department of Corrections for a term of two (2) years, with none suspended, for the offense of Count I: Violation of Order of Protection, Third or Subsequent Offense, a Felony, in violation of §45-5-626, MCA.

The Court ordered that Defendant shall be screened for placement at a facility within the Department of Corrections that can best combine both chemical dependency and mental health treatment to fit the Defendant's needs. Thereafter, the Defendant should receive at least six (6) months of supervised pre-release in order to receive further mental health assistance through a program such as New Day Inc. The Defendant was granted 126 days of jail time credit.

On April 8, 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 Women's Prison and was represented by Teal Mittelstadt, 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 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 26th day of April, 2022.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed or emailed this 27th day of April, 2022, to:

- Clerk of District Court – *via email*
- Lanea Lynn Selage Hodges #3010038, Defendant (2)
- Hon. Nickolas C. Murnion – *via email*
- Teal Mittelstadt, Esq. – *via email*
- Hanna Schantz, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division