

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,)	Cause No. DC-18-1487
)	
Plaintiff,)	Yellowstone County District Court
)	
-vs-)	Montana Thirteenth Judicial District
)	
SARAH LEANN PFAFF,)	
)	DECISION
)	
Defendant.)	

On November 18, 2021, the Court found the Defendant in violation of the terms and conditions of her sentence, revoked the June 20, 2019 suspended sentence, and sentenced the Defendant to a commitment to the Department of Corrections for two (2) years, for the offense of Count I: Criminal Possession of Dangerous Drugs, a felony, in violation of §45-9-102(1), MCA.

The Defendant was granted credit for elapsed time while not incarcerated pursuant to 46-18-203(7)(b), MCA as follows: June 20, 2019 through November 13, 2019. The Defendant was granted credit for pre-trial incarceration/detention time served as follows: February 28, 2020 through April 23, 2020 and October 12, 2021 through November 18, 2021.

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 Nicholas Hyde, 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.

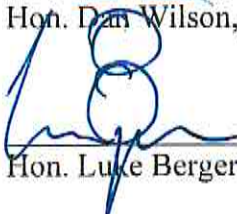
SENTENCE REVIEW DIVISION



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*
- Sarah Leann Pfaff #3027045, Defendant (2)
- Hon. Colette B. Davies – *via email*
- Nicholas Hyde, Esq. – *via email*
- Christopher A. Morris, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division