

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-21-224
)
Plaintiff,) Lake County District Court
-vs-)
) Montana Twentieth Judicial District
KAILEE MARIE SALTER - LINDQUIST,)
) **DECISION**
)
Defendant.)

On January 20, 2022, the Defendant was sentenced as follows: Count I: A commitment to the Department of Corrections for a period of five (5) years, with none of that time suspended, for the offense of Assault on a Minor, a Felony, in violation of §45-5-212, MCA; and Count II: A commitment to the Department of Corrections for a period of five (5) years, with five (5) years suspended, for the offense of Strangulation of Partner or Family Member, a Felony, in violation of §45-5-215, MCA. The sentence in Counts I and II shall run consecutively to each other and consecutively to any other sentence the Defendant is currently on, including but not limited to, Lake County District Court cause number DC-21-330 and Sanders County District Court cause number DC-13-048.

The Defendant was given credit for 121 days served. Pursuant to the stipulation and agreement of the parties, Defendant is not eligible for a conditional discharge under §46-23-1011, MCA during the entire 10-year term of the sentence imposed. The Court recommended the Defendant be screened for appropriate chemical dependency and mental health treatment and placed in treatment programs as deemed appropriate by the Department of Corrections

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 Choteau County Jail 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 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*
- Kailee Marie Salter - Lindquist #3013443, Defendant (2)
- Hon. Deborah Kim Christopher – *via email*
- Sadie Busch, Esq. – *via email*
- Benjamin Anciaux, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division