

Sentence Review Division  
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**FILED**

**AUG 17 2023**

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-25-2020-0000216-IN  
)  
Plaintiff, ) Lewis & Clark County District Court  
-vs- )  
) Montana First Judicial District  
CIMMARON STEVEN DRENNAN, )  
) **DECISION**  
)  
Defendant. )

On June 1, 2021, the Defendant was sentenced as follows: Count I: Seventy (70) years to the Montana State Prison for the offense of Sexual Assault, a felony, in violation of §§ 45-5-502(1) & 45-5-502(3), MCA; and Count II: Seventy (70) years to the Montana State Prison, for the offense of Sexual Assault, a felony, in violation of §§ 45-5-502(1) & 45-5-502(3), MCA. The sentences were ordered to run concurrently with each other.

Pursuant to §46-18-202, MCA, the Court ordered the Defendant ineligible for parole and participation in the supervised release program while serving the term of imprisonment for thirty-five (35) years. The Defendant was given credit for time served from March 18, 2020 through June 1, 2021. The Defendant was ordered to register as a Level II Sexual Offender.

On December 22, 2022, the District Court amended the Judgment as directed by the Montana Supreme Court to strike the surcharges to conform with the oral pronouncement of sentencing. The Judgment otherwise remained the same as ordered on June 1, 2021.

On August 3, 2023, 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 David Merchant, Defense Counsel. The State was not represented. The Defendant did not give 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 in its imposition of the parole restriction that would require completion of Phases I and II or other phases of a sex offender treatment that is no longer offered by the Department of Corrections.

Therefore, it is the unanimous decision of the Division that the sentence shall be **AMENDED** to remove the parole restriction in the underlying judgment. The sentence and judgment instead shall provide that the Defendant shall complete all sex offender programming as recommended by an MSOTA Clinical Member or with a licensed professional with demonstrated equivalencies. The remaining provisions, terms, and conditions imposed in the Judgment of June 1, 2023, are not clearly excessive and are affirmed.

DATED this 17<sup>th</sup> day of August, 2023.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Dan Wilson, Chair

  
\_\_\_\_\_  
Hon. Luke Berger, Member

  
\_\_\_\_\_  
Hon. Jessica Fehr, Member

Copies mailed or emailed this 17<sup>th</sup> day of August, 2023, to:

Clerk of District Court – *via email*  
Cimmaron Steven Drennan #46187, Defendant  
Hon. Michael McMahon – *via email*  
David Merchant, Defense Counsel – *via email*  
Kevin Downs, County Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Shelly Smith, Office Administrator  
Sentence Review Division