

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

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-47-2020-0000031-IN
)
Plaintiff,) Silver Bow County District Court
-vs-)
) Montana Second Judicial District
SEAN MICHAEL KELLEDY,)
) **DECISION**
)
Defendant.)

On May 4, 2022, the Court found the Defendant in violation of the terms and conditions of the sentence imposed on May 8, 2020, revoked the suspended sentence, and sentenced the Defendant as follows:

Count I: Ten (10) years to the Montana State Prison, for the offense of Theft by Deception (Common Scheme), a Felony, in violation of §45-6-301(2)(a), MCA 2019.

Count II: Three (3) years to the Montana State Prison, for the offense of Forgery, a Felony, in violation of §45-6-325, MCA 2019.

Count III: Ten (10) years to the Montana State Prison, for the offense of Exploitation of Older Person, a Felony, in violation of §45-6-333(1)(b)(ii), MCA 2019.

Counts I, II and III were ordered to run consecutive to one another. The Defendant was given credit for 268 days for time served with no street time. The sentence in DC-20-31 was ordered to run concurrently with DC-15-155.

On November 2, 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 Teal Mittelstadt, 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.

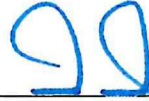
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division 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 30th day of November, 2023.

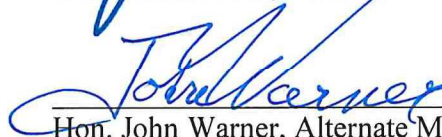
SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Jessica Fehr, Member



Hon. John Warner, Alternate Member

Copies mailed or emailed this 7th day of December, 2023, to:

Clerk of District Court – *via email*
Sean Michael Kelledy #41424, Defendant
Hon. Robert Whelan – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Ann M. Shea, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*


Shelly Smith, Office Administrator
Sentence Review Division