

Sentence Review Division
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FILED

DEC 07 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-56-2022-0001492-IN
)	
)	Plaintiff,
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
SEAN LEE MARCEAU,)	
)	DECISION
)	
)	Defendant.

On June 1, 2023, the Defendant was sentenced to five (5) years commitment to the Department of Corrections under §46-18-201, MCA, for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA. The sentence was ordered to run consecutively to Missoula County District Court Case No. DC-14-607. The Court ordered the Defendant to pay a fine of One Thousand Dollars (\$1,000.00) to be credited to the Billings Police Department Drug Forfeiture Fund, to also run consecutively to Missoula County District Court Case No. DC-14-607.

The Defendant was given credit for time spent in pre-trial incarceration as follows: November 29, 2022 through June 1, 2023. The Court recommended that the Defendant be screened for treatment with Nexus Treatment Center followed by the Pre-Release Program and upon acceptance, follow all requirements and provisions. If not accepted, Defendant will be placed at a Department of Corrections facility at the discretion of the Department.

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 Crossroads Correctional Center 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 30 day of November, 2023.

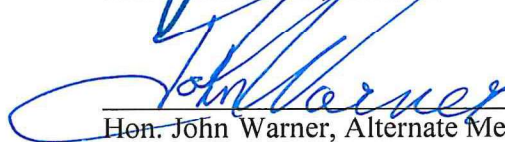
SENTENCE REVIEW DIVISION



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 Lee Marceau #2106238, Defendant
Hon. Colette B. Davies – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
Ingrid Rosenquist, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division