

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-25-2022-0000092-IN  
)  
Plaintiff, ) Lewis & Clark County District Court  
-vs- )  
) Montana First Judicial District  
KENT ALLEN TICHENOR, )  
) **DECISION**  
)  
Defendant. )

On April 12, 2023, the Defendant was sentenced to five (5) years to the Montana State Prison for the offense of Count I: Stalking, 2<sup>nd</sup> or Subsequent Offense, a Felony, in violation of §§45-5-220(1)(a) and (1)(b), MCA. The Defendant was given credit for the following date ranges: December 22, 2022 through April 12, 2023. Pursuant to §46-18-502, MCA, the Court found the Defendant to be a Persistent Felony Offender.

On May 31, 2023, the State filed an Amended Judgment to correct the title from Judgment to Judgment and Commitment, and on Page 4, removed Line 8 that “The Defendant shall pay restitution and the Pre-Sentence Investigation fee” to “The Defendant shall pay probation/parole supervisory fee,” due to an inadvertent typographical error in the original judgment on file.

On November 1, 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 Rufus Peace, 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 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 majority decision of the Division that the sentence is AFFIRMED.

DATED this 30 day of November, 2023.

SENTENCE REVIEW DIVISION



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



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Hon. Jessica Fehr, Member

Copies mailed or emailed this 7<sup>th</sup> day of December, 2023, to:

Clerk of District Court – *via email*  
Kent Allen Tichenor #22557, Defendant  
Hon. Mike Menahan – *via email*  
Rufus Peace, Defense Counsel – *via email*  
Mary Barry, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

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