

**FILED**

**MAY 01 2024**

SENTENCE REVIEW DIVISION  
OF THE SUPREME COURT  
STATE OF MONTANA

Sentence Review Division  
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-7-2019-0000171-IN
	)	
Plaintiff,	)	Cascade County District Court
	)	
-vs-	)	Montana Eighth Judicial District
	)	
KAYLA LUCILLE HAWLEY,	)	<b>DECISION</b>
	)	
Defendant.	)	

On January 24, 2024, the Court found the Defendant violated the terms of her sentence, revoked the previous sentence, and sentenced the Defendant to two (2) years to the Department of Corrections for the offense of Count I: Aggravated Kidnapping, Accountability, a Felony in violation of §§45-5-303(1)(c) and 45-2-302(3), MCA. The Court recommended placement at a secure Department of Corrections treatment facility, to be followed by pre-release. The Defendant was given credit for 57 days for time already served and 68 days for street time. As the sentence was a straight Department of Corrections sentence, the Court did not impose conditions of probation.

On April 5, 2024, 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 Yellowstone County Jail and was represented by Tyler Dugger. 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 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 30th day of April, 2024.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Luke Berger, Chair

  
\_\_\_\_\_  
Hon. Matthew Cuffe, Member

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

Copies mailed or emailed this 1st day of May, 2024, to:

Clerk of District Court – *via email*  
Kayla Lucille Hawley #3027635, Defendant  
Teal Mittelstadt, Defense Counsel – *via email*  
State Office of the Public Defender - *via email*  
Kory V. Larsen, Deputy Co. Attorney – *via email*  
Hon. David Grubich – *via email*  
Board of Pardons and Parole – *via email*  
MWP - Records Dept. – *via email*

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