

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

STATE OF MONTANA,)	Cause No. DC-47-2022-0000172-IN
)	
Plaintiff,)	Silver Bow County District Court
)	
-vs-)	Montana Second Judicial District
)	
ASHLEY ANN LEARY,)	DECISION
)	
Defendant.)	

On May 31, 2023, the Defendant was sentenced as follows:

Amended Count I: Five (5) years to the Montana Department of Corrections for the offense of Criminal Possession of Dangerous Drugs (Fentanyl), a Felony, in violation of §45-9-102, MCA (2021).

Amended Count II: Five (5) years to the Montana Department of Corrections for the offense of Criminal Possession of Dangerous Drugs (Methamphetamine), a Felony, in violation of §45-9-102, MCA (2021). The sentenced imposed in Count II was ordered suspended.

The Court ordered Count II to run consecutively to Count I, for a net sentence of ten (10) years, with five (5) years suspended. The Court further ordered the Defendant placed in a Department of Corrections residential treatment facility such as Elkhorn and/or Passages. The Defendant was given 314 days credit for time served in the matter and the Court would recommend a drug treatment facility.

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 Montana Women's Prison and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. The Defendant provided 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



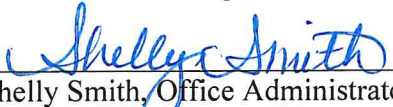
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Ashley Ann Leary #3034652, Defendant
Hon. Robert Whelan – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
State Office of the Public Defender – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division