

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](mailto:shellysmith@mt.gov)

**FILED**  
**FEB 12 2024**  
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-25-2023-0000065  
)  
Plaintiff, ) Lewis & Clark County District Court  
)  
-vs- ) Montana First Judicial District  
)  
KYLER DAVID DAVIS, )  
) **DECISION**  
)  
Defendant. )

On August 17, 2023, pursuant to a plea agreement between the Defendant and the State, the Court accepted the plea and sentenced the Defendant to a commitment to the to the Department of Corrections for a period of three (3) years, with one (1) year suspended, for the offense of Count I: Theft, a Felony, in violation of §45-6-301(1), MCA. The Court dismissed Count II.

The Court recommended that the Defendant be screened for placement in appropriate chemical dependency treatment, followed by Pre-Release in Missoula. The Defendant was given credit for time served from January 31, 2023 – August 17, 2023. The sentence was ordered to run consecutively to any sentence the Defendant was currently serving.

On February 1, 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 NEXUS facility and was represented by Teal Mittelstadt, 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 unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 9th day of February, 2024.

SENTENCE REVIEW DIVISION



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Hon. Luke Berger, Chair



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Hon. Jessica Fehr, Member




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Hon. Matthew Cuffe, Member

Copies mailed or emailed this 12th day of February, 2024, to:

Clerk of District Court – *via efile*  
Kyler David Davis #3030391, Defendant  
Hon. Kathy Seeley – *via email*  
Teal Mittelstadt, Defense Counsel – *via email*  
Rune Vander Wey, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*



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Shelly Smith, Office Administrator  
Sentence Review Division