

Sentence Review Division
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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-32-2023-0000328-IN
)
Plaintiff,) Missoula County District Court
)
-vs-) Montana Fourth Judicial District
)
KENNETH WAYNE GRABLE,)
) **DECISION**
)
Defendant.)

On October 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 for the offense of Count I: Burglary, a Felony, in violation of §45-6-204(1), MCA. The Defendant was given credit against the sentence for time served in the amount of one hundred forty-eight (148) days.

On February 2, 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 Crossroads Correctional Center and was represented by Rufus Peace, Defense Counsel. The State was represented by Lauren Sandau, Deputy County Attorney. 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 9th day of February, 2024.


SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair



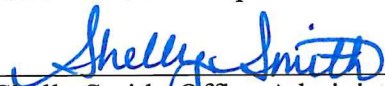
Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

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

Clerk of District Court – *via email*
Kenneth Wayne Grable #3035423, Defendant
Hon. Jason Marks – *via email*
Rufus Peace, Defense Counsel – *via email*
Lauren Sandau, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division