

FILED

MAY 31 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-56-2019-0001296-IN
)	
)	Plaintiff,
)	Yellowstone County District Court
-vs-)	
)	Montana Thirteenth Judicial District
CHRISTOPHER NEAL FRENZEL,)	
)	DECISION
)	
Defendant.)	

On July 20, 2023, the Court found the Defendant violated the terms and conditions of his sentence, revoked the sentence, and sentenced him to a commitment to the Department of Corrections for a term of Two (2) years for the offense of Count I: Criminal Possession of Dangerous Drugs, a Felony, in violation of §45-9-102, MCA, to run consecutively to DC-18-0921.

The Court recommended the Defendant be screened for any and all treatment programs and the Pre-Release Program, and upon acceptance, follow all requirements and provisions. If not accepted, Defendant would be placed at a Department of Corrections facility at the discretion of the Department.

The Court found that the Defendant was *not* entitled to receive credit for elapsed time while not incarcerated pursuant to §46-18-203(7)(b), MCA. Denial of credit for elapsed time was based on Defendant’s failure to comply with the terms and conditions of his sentence while under supervision. The Defendant *was* entitled to receive credit for pre-trial incarceration/detention time served as follows: December 18, 2022 through July 20, 2023. In all other respects, the previous Orders, conditions, and reasons of the Court entered on June 25, 2020, remain unchanged and were recommended.

On May 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 Montana State Prison 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 31st day of May, 2024.

SENTENCE REVIEW DIVISION



Hon. Luke Berger, Chair




Hon. Jessica Fehr, Member



Hon. Matthew Cuffe, Member

Copies mailed or emailed this 31st day of May, 2024, to:

- Clerk of District Court – *via email*
- Christopher Neal Frenzel #3026642, Defendant
- Hon. Rod Souza – *via email*
- Teal Mittelstadt, Defense Counsel – *via email*
- Margaret Gallagher, Deputy Co. Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division