

Sentence Review Division
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FILED
02/25/2025
SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
OF THE STATE OF MONTANA

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,) Cause No. DC-56-2024-0000177
)
Plaintiff,) Yellowstone County District Court
)
-vs-) Montana Thirteenth Judicial District
)
DEKOTA JAMES MCCLURE,) **DECISION**
)
Defendant.)

On November 1, 2024, the Defendant was sentenced fifteen (15) years to the Montana State Prison under §46-18-201, MCA, for the offense of Count II: Sexual Abuse of Children 16 Years or Younger, a Felony, in violation of §45-5-625(1)(h), MCA.

The Court ordered the Defendant designated as a Level II Sexual Offender under §46-23-509(3)(b), MCA. The Defendant was ordered to enter into and complete the Sex Offender Treatment Program (SOTP) at the institution to the extent recommended by the SOTP Clinical Director. The Defendant was given credit for time spent in pre-trial incarceration as follows: February 8, 2024 – November 1, 2024. The State’s oral motion to dismiss Count I was granted by the Court.

On February 6, 2025, 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 Sarah Kottke, Defense Counsel. The State was represented by Emily Roark. 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 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 25th day of February, 2025.


SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair




Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member

Copies mailed or emailed this 25th day of February, 2025, to:

Clerk of District Court – *via email*
Dekota James McClure #3037019, Defendant
Hon. Colette B. Davies – *via email*
Sarah Kottke, Defense Counsel – *via email*
Emily Roark, Deputy Co. Attorney – *via email*
Arielle Dean, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division