

Sentence Review Division
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FILED
04/15/2025
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-44-2023-0000041
)
Plaintiff,) Rosebud County District Court
)
-vs-) Montana Sixteenth Judicial District
)
MARNIE LEE CINCLAIR,) **DECISION**
)
Defendant.)

On July 29, 2024, the Court found the Defendant violated the terms and conditions of her deferred sentence, revoked the sentence, and sentenced her to three (3) years commitment to the Department of Corrections, with no time suspended, for the offense of Count I: Criminal Child Endangerment, a Felony, in violation of §45-5-628, MCA.

The Defendant was given credit for jail time served in the amount of 73 days from 05/28/2024 to 07/29/2024, and 11 days credit for street time from 05/13/2024 to 05/24/2024. The Court recommended that the Defendant be placed in an inpatient treatment program such as Elkhorn and six (6) months of supervised pre-release prior to release into the community. The Court reimposed all terms and conditions of the previous sentence including financial obligations.

On April 4, 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 Passages Assessment and Sanction Center and was represented by Teal Mittelstadt, Defense Counsel. The State was not represented. 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 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 15th day of April, 2025.

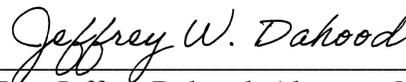
SENTENCE REVIEW DIVISION



Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member



Hon. Jeffrey Dahood, Alternate Member

Copies mailed or emailed this 15th day of April, 2025, to:

Clerk of District Court – *via email*
Marnie Lee Cinclair #3036700, Defendant
Hon. Nickolas C. Murnion – *via email*
Teal Mittelstadt, Defense Counsel – *via email*
State Office of the Public Defender
C. Kristine White, Esq. – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division