

Sentence Review Division
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FILED
04/16/2025
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-47-2023-0000191
)
Plaintiff,) Silver Bow County District Court
)
-vs-) Montana Second Judicial District
)
NICOLE M. HOLMES,) **DECISION**
)
Defendant.)

On July 18, 2024, the Defendant was sentenced to ten (10) years to the Montana Women’s Prison for the offense of Count I: Escape, a Felony, in violation of §45-7-306, MCA (2021). The sentence was ordered to run concurrent with any matter the Defendant was currently serving. The Defendant was given credit for twenty (20) days for time served.

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 Montana Women’s Prison and was represented by Tyler Dugger, Defense Counsel. The State was represented by Kaitlyn Lamb.

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. The Defendant gave a statement.

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).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive. Neither the written judgment and sentence nor the record provided to the Sentence Review Division provides an explanation for a maximum prison commitment. The Division's decision is to amend the Judgment to **DECREASE the sentence to a (3) year Montana Women's Prison commitment to run concurrent with her other existing sentences, with a recommendation for placement at a Pre-Release and upon acceptance, follow all requirements and provisions.**

The remaining sentence, terms and conditions imposed in the Judgment of July 18, 2024 are not clearly excessive and are affirmed.

Pursuant to §46-18-904(3), MCA, the District Court shall resentence the Defendant in accordance with the Sentence Review Division's Decision and file an Amended Judgment.

DATED this 15th day of April, 2025.

SENTENCE REVIEW DIVISION



Hon. Jessica Fehr, Chair



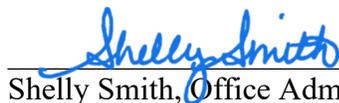
Hon. Matthew Cuffe, Member



Hon. Christopher Abbott, Member

Copies mailed or emailed this 16th day of April, 2025, to:

Clerk of District Court – *via email*
Nicole M. Holmes #3016417, Defendant
Hon. Kurt Krueger – *via email*
Tyler Dugger, Defense Counsel – *via email*
State Office of the Public Defender
Kaitlyn Lamb, Deputy Co. Attorney – *via email*
Board of Pardons and Parole – *via email*
MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division