

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-18-021
)	
Plaintiff,)	Valley County District Court
)	
-vs-)	Montana Seventeenth Judicial District
)	
ERICA LYNN WALKING EAGLE,)	DECISION
)	
Defendant.)	

On December 5, 2022, the Court found the Defendant to have violated the conditions of the sentence imposed on September 4, 2018, revoked the deferred sentence and resentenced her to a commitment of two (2) years 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(1)(e), MCA. The Defendant received credit for 237 days of jail time previously served. The sentence was ordered to run concurrently with DC-22-020. The Court further recommended that the Defendant be screened for placement in a treatment program, specifically, Passages.

On April 7, 2023, 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 David Merchant, Defense Counsel. The State was not represented.

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 to 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).

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.

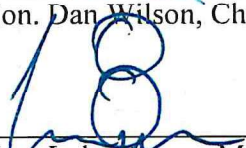
Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

DATED this 24th day of April, 2023.

SENTENCE REVIEW DIVISION



Hon. Dan Wilson, Chair



Hon. Luke Berger, Member



Hon. Jessica Fehr, Member

Copies mailed or emailed this 24th day of April, 2023, to:

- Clerk of District Court – *via email*
- Erica Lynn Walking Eagle #3024961
- Hon. Yvonne Laird – *via email*
- David Merchant, Defense Counsel – *via email*
- Dylan Jensen, County Attorney – *via email*
- Board of Pardons and Parole – *via email*
- MWP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division