

Sentence Review Division
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FILED

FEB 08 2021

**SENTENCE REVIEW DIVISION
OF THE SUPREME COURT
STATE OF MONTANA**

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-19-349
)	
Plaintiff,)	Lewis & Clark County District Court
)	
-vs-)	Montana First Judicial District
)	
ZANE RICHARD FRISBIE,)	DECISION
)	
Defendant.)	

On May 22, 2020, the Defendant was sentenced to the Montana State Prison for sixty (60) years for the offense of Count I: Aggravated Sexual Intercourse Without Consent, a Felony, in violation of §45-5-508, MCA. The Defendant was given credit for time served prior to sentencing from the date of his arrest on July 13, 2019 up and to and including his sentencing on May 22, 2020.

On February 4, 2021, 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 Crossroads Correctional Center and was represented by Dan Biddulph, 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.

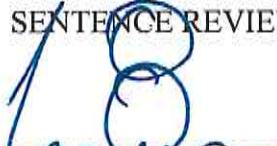
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 8th day of February, 2021.

SENTENCE REVIEW DIVISION



Hon., Luke Berger Chairperson




Hon. Jessica Fehr, Member



Hon. Dan Wilson, Member

Copies mailed or emailed this 9th day of February, 2021, to:

- Clerk of District Court – *via email*
- Zane Richard Frisbie #3028621, Defendant (2)
- Hon. Michael McMahon – *via email*
- Dan Biddulph, Defense Counsel – *via email*
- Leo Gallagher, Esq. – *via email*
- Board of Pardons and Parole – *via email*
- MSP - Records Dept. – *via email*



Shelly Smith, Office Administrator
Sentence Review Division