

Sentence Review Division  
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**FILED**  
**08/14/2025**  
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-56-2021-0001332  
)  
Plaintiff, ) Yellowstone County District Court  
-vs- )  
) Montana Thirteenth Judicial District  
DUSTIN FREY, )  
) **DECISION**  
)  
Defendant. )

On February 7, 20205, the Defendant was sentenced as follows:

Count I: Five (5) years to the Montana State Prison, under §46-18-201, MCA, for the offense of Sexual Abuse of Children – Possession of Material, a Felony, in violation of §45-5-625(1)(e), MCA.

Count II: Five (5) years to the Montana State Prison, under §46-18-201, MCA, all suspended, for the offense of Sexual Abuse of Children – Possession of Material, a Felony, in violation of §45-5-625(1)(e), MCA, to run consecutively to Count I.

Count III: Five (5) years to the Montana State Prison, under §46-18-201, MCA, all suspended, for the offense of Sexual Abuse of Children – Possession of Material, a Felony, in violation of §45-5-625(1)(e), MCA, to run consecutively to Counts I and II.

Count IV: Five (5) years to the Montana State Prison, under §46-18-201, MCA, all suspended, for the offense of Sexual Abuse of Children – Possession of Material, a Felony, in violation of §45-5-625(1)(e), MCA, to run consecutively to Counts I, II, and III.

The Court ordered the Defendant designated as a Level I Sexual Offender under §46-23-509(3)(b), MCA, and that he participate in a Sex Offender Treatment Program (SOTP) at the institution to the extent recommended by the SOTP Clinical Director.

On August 7, 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 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 he understood this and stated that he wished to proceed.

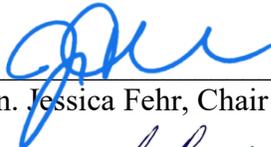
Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

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 14th day of August, 2025.

SENTENCE REVIEW DIVISION

  
\_\_\_\_\_  
Hon. Jessica Fehr, Chair

  
\_\_\_\_\_  
Hon. Matthew Cuffe, Member

  
\_\_\_\_\_  
Hon. Christopher Abbott, Member

Copies mailed or emailed this 14th day of August, 2025, to:

Clerk of District Court – *via email*  
Dustin Kane Frey #3037941, Defendant  
Hon. Brett Linneweber – *via email*  
Sarah Kottke, Defense Counsel – *via email*  
Arielle Dean, Deputy Co. Attorney – *via email*  
Board of Pardons and Parole – *via email*  
MSP - Records Dept. – *via email*

  
\_\_\_\_\_  
Dia C. Lang, Office Administrator  
Sentence Review Division